

## Nevada Board of Wildlife Commissioners' Meeting Agenda

### Meeting Location

Washoe County Administrative Building A  
Commission Chambers  
1001 E. Ninth Street  
Reno, NV 89512

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

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

**If you wish to make public comment, please use this link for Friday, November 4, 2022.**

<https://us02web.zoom.us/j/87363790379?pwd=eUQ5VmVxWnF4SWJuM0N1QUpyUVBZQT09>

Passcode: 372743

**If you wish to make public comment, please use this link for Saturday, November 5, 2022**

<https://us02web.zoom.us/j/82382329330?pwd=RTNUZE4yREdaRIITYWJVOWq1a0V3UT09>

Passcode: 907889

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

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

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

### **Friday, November 4, 2022 – 8:00 a.m.**

***If you wish to make public comment via Zoom, please use this link:***

<https://us02web.zoom.us/j/87363790379?pwd=eUQ5VmVxWnF4SWJuM0N1QUpyUVBZQT09>

1. **Call to Order, Pledge of Allegiance, Roll Call of Commission Members and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Caviglia**
2. **Approval of Agenda – Chairman Caviglia– 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 – Chairman Caviglia – For Possible Action**  
Commission minutes may be approved from the September 23 and 24, 2022 meeting.
4. **Member Items/Announcements and Correspondence – Chairman Caviglia – 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. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
6. **Reports – Informational**
  - A. **Department Activity Report – Secretary Wasley and Division Administrators**  
A report will be provided on Nevada Department of Wildlife activities.
  - B.\* **Litigation Report – Deputy Attorney General Craig Burkett**  
A report will be provided on Nevada Department of Wildlife litigation.
  - C. **Predation Management Fiscal Year 2022 Report – Wildlife Staff Specialist Pat Jackson**  
The Game Division will present the 2022 Predation Report per Commission Policy 23, the Department shall prepare an annual Predation Management Status Report (Status Report) detailing results of the previous fiscal year’s projects. This status report shall be presented at the last Commission meeting of each calendar year.
  - D. **Tag Allocation and Application Hunt Committee (TAAHC) Report – Committee Chairman Tommy Caviglia,**  
A report will be provided on the recent TAAHC meeting.
  - E. **Mule Deer Enhancement Oversight Committee – Chairman Kiel, Game Division Administrator Mike Scott, Habitat Division Administrator Alan Jenne**  
A report will be provided on the Mule Deer Enhancement Program.
7. **Administrative Procedures, Regulations and Policy (APRP) Committee – Committee Chairman McNinch**  
A report will be provided on the recent APRP Committee Meeting.
  - A.\* **Commission Policy 11- Heritage Grants – First Reading – APRP Committee Chairman David McNinch – For Possible Action**  
The Commission will review Commission Policy 11 and may make any necessary changes and may decide to move it to a second reading.

- B.\* Commission Policy 23 – Predation Management – First Reading – APRP Committee Chairman David McNinch – For Possible Action**  
The Commission will review Commission Policy 23 and may make any necessary changes and may decide to move it to a second reading.
- C.\* Commission Policy 24 – Hunting Opportunities Among Various Weapons Classes and Hunter Groups – Third Reading – APRP Committee Chairman David McNinch – For Possible Action**  
The Commission will have a third reading of Commission Policy 24, Hunting Opportunities Among Various Weapons Classes and Hunter Groups, and may decide to repeal, revise, or adopt the policy.
- D.\* Commission Policy 60 – Water Application Guidelines – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**  
The Commission will have a second reading of Commission Policy 60, Water Application Guidelines, and may make any necessary changes and may decide to repeal, revise, or adopt the policy.
- E.\* Commission Policy 61 – Water Rights – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**  
The Commission will have a second reading of Commission Policy 61, Water Rights, and may make any necessary changes and may decide to repeal, revise, or adopt the policy.
- F.\* Commission Policy 62 - Mitigation Policy- First Reading – APRP Committee Chairman David McNinch – For Possible Action**  
The Commission will review Commission Policy 62 and may make any necessary changes and may decide to move it to a second reading.
- G.\* Commission Policy 66 – Management and Use of Wildlife Management Areas – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**  
The Commission will have a second reading of Commission Policy 66, Management and Use of Wildlife Management Areas, and may make any necessary changes and may decide to repeal, revise, or adopt the policy.

**8. Commission General Regulations – Workshop - Public Comment Allowed**

- A.\* Commission General Regulation 500, Subdivision Map Review – Wildlife Staff Specialist Jasmine Kleiber – For Possible Action**  
The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 502 to provide for the Department review of tentative subdivision map(s) and inclusion of recommendations for methods to avoid or minimize impacts to wildlife, mitigation measures, best management practices or required design features, and provide for collection of associated fees to the Department for carrying out such reviews.
- B.\* Commission General Regulation 502, Junior Hunt and Turkey Program – Management Analyst Megan Manfredi – For Possible Action**  
The Commission will hold a second workshop to consider amending Nevada Administrative Code (NAC) 502 to limit the number of successfully awarded tags in the junior hunt program. The regulation also removes hard close dates for submitting a turkey

harvest return card and allows for junior turkey bonus points to convert to the adult point category once a junior is ineligible to participate in the junior hunt turkey program.

**C.\* Commission General Regulation 510, FCFS Exchange to Obtain a Tag– Management Analyst Megan Manfredi – For Possible Action.**

The Commission will hold a workshop to consider a temporary regulation amending Nevada Administrative Code (NAC) 502 that would include any money, goods, or services exchanged for procurement of a tag through the FCFS program as grounds for suspension from the program.

**D.\* Commission General Regulation 506, Possession of Golden Eagles Under Certain Circumstances – Wildlife Diversity Administrator Jennifer Newmark – For Possible Action**

The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 503 to allow for possession of a golden eagle under certain circumstances.

**E.\* Commission General Regulation 509, License and Vessel Product Refunds – Program Officer Alejandra Medina – For Possible Action**

The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 502 and 488 to allow the Department authority to provide refunds on licenses and vessel products.

**9. Public Comment Period**

Public comment will be limited to three minutes. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda.

**Friday, November 4, 2022 – Tour will begin at the close of Agenda Item #9**

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

**Saturday, November 5, 2022 – 9:00 a.m.**

***If you wish to make public comment via Zoom, please use this link:***

<https://us02web.zoom.us/j/82382329330?pwd=RTNUZE4yREdaRIITYWJVOWg1a0V3UT09>

**10. Call to Order, Pledge of Allegiance, Roll Call of Commission Members and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Caviglia**

**11. Approval of Agenda – Chairman Caviglia– For Possible Action**

The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.

**12. Member Items/Announcements and Correspondence – Chairman Caviglia – Informational**

Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Wasley may also be discussed.

13. **County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational**  
CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
14. **Commission Regulation – For Possible Action/Adoption – Public Comment Allowed**
- A.\* **Commission Regulation 23-02, Taking of Raptors for Falconry for 2023-2024 – Wildlife Diversity Administrator Jennifer Newmark – For Possible Action**  
The Commission will consider and may take action to approve the 2023-2024 season dates, species, quotas, limits, closed areas, application procedures and deadlines, and take of raptors for falconry.
- B.\* **Commission Regulation 23-03, Noncommercial Collection of Reptiles and Amphibians for 2023-2024 – Wildlife Diversity Administrator Jennifer Newmark – For Possible Action**  
The Commission will consider and may take action to approve 2023-2024 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians
- C.\* **Commission Regulation 22-12 Amendment #1, Upland and Furbearer Seasons – Management Analyst Megan Manfredi – For Possible Action.**  
The Commission will consider and may take action to approve the proposed changes amending the spring turkey application period and draw dates for the 2023 season.
15. **Commission General Regulation – For Possible Action/Adoption – Public Comment Allowed**
- A.\* **Commission General Regulation 508, Antler Points and Spike Elk Defined – Wildlife Staff Specialist Cody McKee**  
The Commission will consider adopting NAC 502 that would clarify definitions pertaining to “antler point” and “spike elk” for certain big game mammals and reduce the potential occurrence of inadvertent infractions.
- B.\* **Commission General Regulation 510, FCFS Exchange to Obtain a Tag – Management Analyst Megan Manfredi – For Possible Action.**  
The Commission will hold an adoption hearing to consider a temporary regulation amending Nevada Administrative Code (NAC) 502 that would include any money, goods, or services exchanged for procurement of a tag through the FCFS program as grounds for suspension from the program.
16. **Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairman Caviglia – For Possible Action**  
The next Commission meeting is scheduled for November 4 and 5, 2022. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the date, time, and meeting location at this time. The chairman may designate and adjust committee assignments and add or dissolve committees, as necessary at this time. Any anticipated committee meetings that may occur prior to the next Commission meeting may be discussed.
17. **Public Comment Period**

Public comment will be limited to three minutes. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda.

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

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

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MEMORANDUM

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

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

**Date:** October 19, 2022

**Subject:** Litigation Update

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1. *United States, et al. v. Truckee-Carson Irrigation District, et al.* (9th Circuit, San Francisco). An appeal of a judgment against the TCID for excess diversions of water. NDOW appealed to protect its water rights and interests. The 9<sup>th</sup> 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 9<sup>th</sup> Circuit ruled that the “Tribe is entitled to recoup a total of 8,300 acre-feet of water for the years 1985 and 1986.” *U.S. v. Truckee-Carson Irrigation Dist.*, 708 Fed.Appx. 898, 902 (9th Cir. Sept. 13, 2017). TCID recently filed a Motion for Reconsideration based on *Kokesh v. Securities and Exchange Commission*, 137 S.Ct.1635 (2017). Argument on the Motion was heard February 4, 2019 and TCID’s Motion was denied. Since then, the parties have begun debating the calculations for satisfaction of the prior judgment. The parties submitted briefs explaining their view of the respective calculations and had a hearing on September 29, 2020 before Judge Miranda Du.

On February 22, 2022, Anthony Walsh substituted in as counsel in place of Tori Sundheim.

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

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

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

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

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

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

On September 21, 2021 Plaintiffs' motion for summary judgment (ECF No. [2638]) was granted. Plaintiffs are entitled to judgment as a matter of law in their favor as to Defendants' Third, Seventh, Twelfth, and Fourteenth Affirmative Defenses. Nevertheless, Principal Defendants retain all other affirmative defenses and litigation remains ongoing.

Principal Defendants have filed status reports regarding the status of access to tribal archives for discovery purposes. These archives remain closed due to the pandemic.

Discovery remains ongoing.

The parties are exploring settlement options. NDOW and DWR have met with WRID April 20, 2022 to clarify settlement concepts.



Settlement discussions remain ongoing and the case has been stayed until November.

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

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

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

On September 18, 2020, the Nevada Supreme Court rendered its Decision answering the Ninth Circuit Court of Appeals Certified Questions. The Nevada Supreme Court held that: (1) the public trust doctrine applies to rights

already adjudicated and settled under the doctrine of prior appropriation; (2) the public trust doctrine applies to all waters within the state; and (3) the public trust doctrine does not permit reallocating water rights already adjudicated and settled under the doctrine of prior appropriation. Because the Court held the public trust doctrine does not allow for a reallocation of rights, there was no need to answer the second question.

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

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

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

On April 21, 2021, the Department of Wildlife and other Principal Defendants filed a Joint Status Report submitted pursuant to the court's Minute Order of March 23, 2021. The Status Conference took place on April 28, 2021. *Mineral County v. Lyon County*, 136 Nev. Adv. Op. 58 (2020)

On June 30, 2021, Mineral County filed its Second Amended Complaint. Mineral county asserted that by permitting excessive and unreasonable upstream consumptive uses to reduce average annual inflows to Walker Lake to the detriment of the Lake's public trust values, the Decree Court and State of Nevada have violated this continuing duty under the public trust doctrine to maintain Walker Lake in a reasonable state of environmental health.

On October 28, 2021, the Principal Defendants filed a Motion to Dismiss Mineral County's Second Amended Complaint. The main arguments for dismissal are as follows: Paragraph XIV of the Walker River Decree does not give the Court subject matter jurisdiction to grant Declaratory Relief as to Nevada's, or the Court's purported obligation to Walker Lake; Mineral County's public trust claim is also inconsistent with the public trust doctrine as interpreted by the above Nevada supreme court opinion.

Plaintiff's response to the Motion to Dismiss was originally scheduled to be due on April 30, 2022. However, due to Plaintiff's Counsel's ongoing and difficult recovery from COVID-19, the parties have stipulated to extend the response time by one month.

Defendants' Motion to Dismiss was denied on August 5, 2022. Subsequently, NDOW answered the Second Amended Complaint on August 19, 2022.

The parties held a Rule 26(f) conference on September 23, 2022. Plaintiff's are to provide a stipulated scheduling order on November 22, 2022.

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

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

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

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

3. *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.

A week long trial was completed beginning February 8, and concluding February 14. The trial Judge dismissed multiple claims and Defendants after conclusion of the Plaintiff's case. A single claim was submitted to the jury as to whether the Nevada Department of Wildlife defamed the Plaintiff in libel. The jury returned a defense verdict on the remaining claim.

An additional claim (styled a Petition for Writ of Mandamus) has been submitted directly to the Judge. That claim originally sought public records related to the Plaintiff's removal from the NDOW Facebook page in 2012. In his Petition, Plaintiff instead argued he was entitled to attorney's fees for the Defendants' failure to produce documents in response to a records request he filed in 2017 related to the alleged defamation claims. The Defendants filed a motion to strike that brief on the basis it was not properly before the court, and also filed an opposition arguing there was no entitlement to the fees.

The Court heard oral argument on the Petition on August 1 and ruled in favor of the Defendants, finding that there had been no violation of the Public Records Act.

*The Court has issued a formal judgment in favor of the Defendants as to all causes of action. In addition, The Defendants filed a cost memorandum in the amount of roughly \$12,000, which was not opposed. The Defendants have also filed a motion seeking the Plaintiffs pay attorney's fees in the amount of*

*\$79,000. That motion has been submitted to the Judge and awaits decision. In addition, the Plaintiffs have filed an appeal of the case to the Nevada Supreme Court.. A settlement conference required by the Nevada Rules of Appellate Procedure is scheduled for December 15.*

4. A Petition for Judicial Review of the Wildlife Commission’s decision to uphold a three year revocation of a license held by Ben Collard has been filed in the 8<sup>th</sup> Judicial District Court, Clark County, Nevada. *The Petitioner has completed service on the Defendants and the Record on Appeal has been filed with the Court. The Petitioner will next file his memorandum of points and authorities, which will be due in early October. The Defendants will then have 30 days to file a reply.*

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

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



**STATE OF NEVADA  
DEPARTMENT OF WILDLIFE**

**Director's Office**

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

**MEMORANDUM**

**October 1, 2022**

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

**From:** Kailey Musso, Management Analyst 3, Director's Office

**Title:** **Commission Policies**

**Purpose:** The Administrative Policies, Regulations and Procedures (APRP) Committee will be reviewing all Commission Policies throughout the next year. They will be forwarded to the Commission for approval after Committee review.

**Summary**

The policies to be reviewed and amended include Commission Policy 11, 23, 24, 60, 61, 62, and 66.

**Brief Explanation of Proposed Policies**

\*The formatting of every policy will be updated, as they are passed, so that it is consistent in each policy.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 11 in June and will have reviewed it again at their November Committee Meeting. The policy was updated to reflect the selection for Heritage Grants. This policy will now be considered for a first reading by the Commission.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 23 at their March 2022 and November 2022 meetings. The policy was simplified and removed repetitive language. One meeting of the year was removed, taking the number of Predator Plan Readings from eight meetings per year to seven. The policy will now be considered for a first reading by the Commission. Both the clean version of the new policy and the clean version of the old policy were noticed to avoid too much confusion with tracked changes.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 24 at their May committee meeting after the TAAHC Committee reviewed the policy. The Committees made various changes to sections 2 and 3 regarding junior mule deer hunts. The Commission made various changes regarding FCFS and Party Hunts. The Commission will hear the policy for the third time.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 60 at their April 2022 meeting. The Commission heard the policy for the first time at the August 2022 meeting. The policy was simplified and removed repetitive language. The policy will now be considered for a second reading by the Commission.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 61 at their April 2022 meeting. The Commission heard the policy for the first time at the August 2022 meeting. The policy was simplified and removed repetitive language. The policy will now be considered for a second reading by the Commission.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 62 at their November 2022 meeting. The Commission heard the policy for the first time at their November 2022 meeting. The policy was simplified and removed repetitive language. The policy will also be considered for a first reading by the Commission.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 66 at their April 2022 meeting. The Commission heard the policy for the first time at the August 2022 meeting. The policy was simplified and removed repetitive language. The policy will now be considered for a second reading by the Commission.

### **Recommendation**

#### **Adopt**

Commission Policy 24  
Commission Policy 60  
Commission Policy 61  
Commission Policy 66

#### **Move to Second Reading**

Commission Policy 11  
Commission Policy 23  
Commission Policy 62

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 11**

**Number:** P-11

**Title:** Wildlife Heritage Grants

**References:** NRS 502.3575, NAC 501.300-340

**Effective Date:** July 1, 2012

**Amended Date:** September 23, 2016

**PURPOSE**

To inform the public and guide the Nevada Department of Wildlife (Department) in actions relating to the Board of Wildlife Commissioners' (the Commission) review and approval of expenditures from the Wildlife Heritage Account in accordance with NRS 501.3575.

**POLICY**

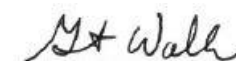
It is the policy of the Board of Wildlife Commissioners (Commission) to make awards from the Wildlife Heritage Account to project proposals in conformance with NAC 501.300-340. Furthermore, all awards shall be made in the form of grant awards as prescribed by the Department's Heritage Program Grant Manual. The Department will rank and score project proposals based on project viability and resource enhancement potential. As a condition for accepting any award, project proponents must agree to the terms and conditions of the Heritage Program Grant Manual.

**PROCEDURE**

The Department shall administer the Heritage Program Grant Manual and ensure its compliance with all applicable state rules and regulations. Furthermore, the Manual shall be posted on the Department's website as part of the Wildlife Heritage Program and shall otherwise be made available for public inspection.

This policy shall remain in effect until amended, repealed, or superseded by the Commission.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, September 23, 2016.



Grant Wallace, Chairman  
Board of Wildlife Commissioners



**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 23**

**Number:** P-23  
**Title:** Predation Management  
**Reference:** NRS 501.100, 501.105,  
501.181, 502.253  
**Effective Date:** December 7, 2013  
**Amended Date:** May 13, 2016

**PURPOSE**

The purpose of this policy is to inform the public and guide the Nevada Department of Wildlife (Department) in actions relating to Predation Management. This policy specifically seeks to establish an informed Predation Management Program, primarily governed by the Predator Management Plan, which complies with NRS 502.253 and other applicable laws and incorporates the tools of habitat restoration for protection of nonpredatory game animals and sensitive wildlife species, research necessary to determine successful techniques for managing and controlling predatory wildlife, and the use of proven and emerging, science-based techniques of predator population management and control.

**DEFINITION OF “PREDATION MANAGEMENT”**

Predation Management is herein defined as selective reduction (i.e., limited lethal removal) and/or management (i.e., nonlethal actions) of predator or corvid (common raven, American crow and black-billed magpie) populations when and where predation is identified by the Department as a limiting factor negatively affecting another wildlife population. This includes monitoring and modeling of select predator populations, maintaining and/or managing viable predator populations, and studying select predator-prey relationships to better understand ecosystem function. It may also include the enhancement of various wildlife habitats according to the best available science as it relates directly to predator-prey relationships.

**AUTHORITY FOR PREDATION MANAGEMENT**

Pursuant to Nevada Revised Statutes (NRS) 501.100 the Legislature has declared “wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada. The preservation, protection, management and restoration of wildlife within the State contribute immeasurably to the aesthetic, recreational, and economic aspects of these natural resources.”

In accordance with NRS 501.105 and 501.181, the Board of Wildlife Commissioners (Commission) shall establish policies necessary to the preservation, protection, propagation, restoration, transplanting, introduction, and management of wildlife and its habitat in this state.

Pursuant to NRS 502.253(1) a fee of \$3 is charged for processing each application for a game tag to be used by the Department for costs related to:

- (a) Developing and implementing an annual program for the management and control of predatory wildlife;
- (b) Wildlife management activities relating to the protection of non-predatory game animals and sensitive wildlife species; and
- (c) Conducting research necessary to determine successful techniques for managing and controlling predatory wildlife.

Pursuant to NRS 502.253(2) the Department is hereby authorized to expend a portion of the money collected pursuant to subsection 1 of NRS 502.253 to enable the State Department of Agriculture to develop and carry out programs described in subsection 1 of NRS 502.253.

Pursuant to NRS 502.253(3) any program developed or wildlife management activity or research so conducted must be developed or conducted under the guidance of the Commission pursuant to NRS 501.181(2). Pursuant to NRS 501.181(2) the Commission shall guide the Department in its administration and enforcement of provisions of Title 45, Wildlife (Chapters 501–506) of NRS by establishment of broad policies for the protection, propagation, restoration, transplanting, introduction, and management of wildlife in this State.

Pursuant to NRS 502.253(1) the revenue from the \$3 fee must be accounted for separately and deposited in the Wildlife Fund Account, of which 80% of the revenues from the most recent fiscal year for which the Department has complete information must be spent for lethal management and control of predatory wildlife in accordance with NRS 502.253(4)(b).

Pursuant to NRS 502.253(4)(a), the Department will first consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee (PARC) before adopting any program for the management and control of predatory wildlife.

## **PREDATION MANAGEMENT POLICIES**

### **A. POLICY FOR PROGRAMS FOR THE MANAGEMENT AND CONTROL OF PREDATORY WILDLIFE**

1. Conduct projects in the most efficient and cost-effective manner possible, with clear goals, objectives, and timelines defined at the onset, and with an emphasis on identifying and refining prescriptive measures of Predation Management for use in the future. Lethal and/or nonlethal predator control efforts will be undertaken in a targeted fashion to reduce specific wildlife-related losses to wildlife populations without endangering long-term health, vigor and/or ecological services provided by balanced and viable predator and/or corvid wildlife populations.
2. Geographical locations for project areas will be determined based on an objective analysis and on the needs of wildlife populations in the area. Priority will be given to act in areas where other efforts are completed, underway, or planned that will also benefit wildlife populations to provide the best data

possible.

3. Control activities will be conducted where game and sensitive wildlife populations are at risk of being disproportionately affected by predation.
4. If needed to assess project viability, statewide and project area estimates of predator and corvid populations or densities will be based on an objective analysis.
5. Statewide and regional projects that allow the Department to engage in predator management programs as needed to protect game and sensitive wildlife populations.
6. The Commission recognizes the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (Wildlife Services) as a cooperating agency in lethal predatory wildlife control. The Commission also recognizes qualified contractors and cooperators may be available for predator population management, predator-prey research, and predator population monitoring efforts.
7. In terms of lethal control, Wildlife Services personnel or other contractors shall salvage (when practicable) and give the hide and skull of any mountain lion, black bear, and bobcat removed under authority of a contract with the Department within 96 hours of the removal.

#### B. POLICY FOR WILDLIFE MANAGEMENT ACTIVITIES FOR THE PROTECTION OF NONPREDATORY GAME ANIMALS AND SENSITIVE WILDLIFE SPECIES

1. Wildlife management activities will be undertaken in a targeted fashion to reduce specific wildlife losses including, but not limited to, enhancing habitat conditions to better provide adequate forage, water, or cover or remove naturally occurring habitat or corvid and raptor perches that increases the susceptibility to predation. Such wildlife management activities will be conducted in accordance with existing land use agreements.
2. Geographical locations for project areas will be determined based on an objective analysis and on the needs of wildlife populations in the area. Priority will be given to act in areas where other efforts are completed, under way, or planned that will also benefit wildlife populations to provide the best data possible.
3. Wildlife management activities will be conducted in the most efficient and cost-effective manner possible with clear goals, objectives, and timelines defined at the onset, with an emphasis on improving wildlife populations and their habitats.
4. Statewide and regional projects that allow the Department to engage in wildlife management activities as needed to protect game and sensitive wildlife populations.
5. If needed to assess project viability, statewide and project area estimates of predator and corvid populations or densities will be based on an objective analysis.

#### C. POLICY FOR CONDUCTING RESEARCH FOR MANAGING AND CONTROLLING PREDATORY WILDLIFE

1. Wildlife research activities will be undertaken in a targeted fashion to address

questions regarding predator-prey or predator community relationships including improved control techniques, predator-prey responses to habitat restoration activities, and influences of large and medium-sized predators on ecosystems.

2. Geographical locations for project areas will be determined based on an objective analysis and on the needs of wildlife populations and habitats in the area, as well as the need for objective science on subjects related to Predation Management. Priority will be given to act in areas where other efforts are completed, underway, or planned that will also benefit wildlife populations to provide the best data possible.
3. Wildlife research efforts will be promoted that: a) provide wildlife managers with objective scientific analysis for making sound decisions regarding future wildlife population and habitat management; and b) provide insights into the role predators play in maintaining vigorous and healthy ecosystems.
4. If needed to assess project viability, statewide and project area estimates of predator and corvid populations or densities will be based on an objective analysis.
5. Statewide and regional projects that allow the Department to engage in wildlife research efforts as needed to identify better techniques for predator control and management.

### **PREDATION MANAGEMENT PLAN**

Pursuant to the above Commission policies, the Department, in coordination with and under the guidance of the Wildlife Damage Management Committee (WDMC), shall prepare a Predation Management Plan. The Predation Management Plan shall identify and implement (a) programs for the management and control of predatory wildlife for the benefit of other species of wildlife (“Control Program”), (b) wildlife management activities for the protection of non-predatory animals and related wildlife habitat (“Management Activity”), and (c) research relating to predatory wildlife and research to determine successful techniques and effective programs for managing and/or controlling predatory wildlife and related habitats (“Research Program”), all to be conducted for the fiscal period beginning July 1 and ending June 30 of each year (Fiscal Year).

Whenever possible, Control Programs, Management Activities, and Research Programs should be integrated on the landscape to provide the best possible outcome in terms of healthy functioning ecosystems and the furthering of wildlife management science.

The Predation Management Plan shall be developed each Fiscal Year according to the following procedure:

1. The Department shall prepare a Draft Predation Management Plan (Draft Plan) outlining proposed actions needed for the protection, preservation, management, and restoration of wildlife populations and their habitats. Descriptions of Control Programs, Management Activities, and Research Programs, collectively referred to as “project(s),” shall include specific project goals, a detailed description of anticipated results, predator and prey wildlife species that may be affected,

whether or not the project will span more than one Fiscal Year, and if the project is for a Control Program, a statement of why the Department believes that the predatory wildlife is a limiting factor in the growth and or maintenance of a target prey population. A description of the project area should be provided, including a map, an assessment of the habitat conditions, and identification if such habitat is a migratory corridor, summer range, winter range, fawning, calving, nesting or brood-rearing habitat, or a combination of any of the above. Regarding all projects proposed to be continued from the prior Fiscal Year, the Draft Plan shall address the Department's comments from the prior Fiscal Year's Status Report.

2. A Draft Plan shall be submitted to the Commission during its first meeting of the calendar year (typically February). In so doing, the Draft Plan will be made available to all "Stakeholders," including but not limited to contractors (including Wildlife Services), County Advisory Boards to Manage Wildlife (CABMWs), PARC, conservation organizations, and the general public. This Draft Plan shall serve as a vehicle to elicit suggestions for changes, adjustments, new ideas, and input from all Stakeholders.
3. The Department shall attend a meeting of the PARC between the Commission's first meeting of the year and the Commission's March meeting to present and discuss the Draft Plan.
4. The WDMC shall set a meeting in conjunction with the March meeting of the Commission to review all comments received on the Draft Plan. After consideration of findings and recommendations of the Department, and with respect to lethal control projects, recommendations of Wildlife Services and other contractors, PARC, as well as all comments and recommendations received, the Chairman of the WDMC shall make a preliminary report to the Commission on which projects should be funded in the subsequent Fiscal Year. At the March meeting, the Commission shall review the report of the WDMC and may vote to make a recommendation to the Department on the ranking of all projects. If the Commission determines that more projects are proposed than funding is available for the subsequent Fiscal Year, this will factor into their deliberations and recommendations to the Department.
5. The Department shall prepare a Final Draft Predation Management Plan (Final Draft Plan) and present it to the WDMC and/or Commission at their May Meeting. The Final Draft Plan shall be posted on the Department's website and made available to the public and distributed to CABMWs and PARC. The Commission shall review the Final Draft Plan and shall take further comments from the Department, Stakeholders, PARC, and with respect to lethal Control Programs, from Wildlife Services and other contractors. After consideration of such comments, the Commission shall make its final recommendations to the Department on the Final Draft Plan.
6. On or before June 30, after consideration of all comments, the Department shall finalize the Predation Management Plan for the next Fiscal Year. The Final Predation Management Plan shall be posted on the Department's website and

made available to the public and distributed to members of the Commission and CABMWs and to all contractors and cooperators.

7. If, at any other time of the year, the Department, in consultation with the WDMC and PARC, identifies additional or changing Predation Management needs and determines that money is available to fund additional projects, the Department may approve projects which are urgent in nature or which present unique opportunities.
8. Contracts or grants will be finalized and/or amended as soon as possible after the finalization of the Predation Management Plan.
9. Any time after June 30 but no later than August 1, each contractor or grantee of a project from the previous Fiscal Year shall submit a report to the Commission on a form prescribed by the Department and which has been developed in consultation with the WDMC. Such reports may include:
  - (a) For a Control Program, (1) all of the information set forth in Section 1, above; (2) for lethal Control Programs, required quarterly removal reports, (3) for lethal and nonlethal Control Programs, a detailed description of results may include: a) estimated predator and prey population and demographic indices before and after treatment in the Control Program area; b) estimated predator and prey population and demographic indices in treatment and other areas; c) any other data sets pertinent to the analysis and interpretation of the Control Program (e.g., sport harvest data, climate patterns, fire regime, nonnative floral and/or faunal influences on predator and prey populations and their habitats, or other related items); and (4) all itemized costs incurred during previous Fiscal Years;
  - (b) For a Management Activity, (1) all of the information set forth in Section 1, above; (2) a detailed description of results may include: a) a complete analysis of acreages treated and habitat enhancement responses to date; b) estimated predator and prey population and demographic indices before and after treatment in the Management Activity area; c) estimated predator and prey population and demographic indices in treatment and other areas; d) any other data sets pertinent to the analysis and interpretation of Management Activities (e.g., sport harvest data, climate patterns, fire regime, nonnative floral and/or faunal influences on predator and prey populations and their habitats, or other related items); and (4) all itemized costs incurred during previous Fiscal Years; and
  - (c) For a Research Program, (1) all of the information set forth in Section 1, above; (2) a detailed description of results may include: a) a complete analysis of research results and conclusions to date; b) estimated predator and prey population and demographic indices before and after treatment (if applicable) in the Research Program area; c) estimated predator and prey population and demographic indices in treatment and other areas within designated project areas (if applicable); d) any other data sets pertinent to the analysis and interpretation of the Research

Program (e.g., sport harvest data, climate patterns, fire regime, nonnative floral and/or faunal influences on predator and prey dynamics and their habitats, or other related items); and (4) all itemized costs incurred during previous Fiscal Years.

10. The Department shall prepare an annual Predation Management Status Report (Status Report) detailing results of the previous Fiscal Year's projects. This report will include a summary of all lethal removal reports, excluding any sensitive data, proprietary information, or time-sensitive locational information. This Status Report shall be presented at the last Commission meeting of each calendar year.

11. This Status Report will be used in Department and Commission deliberations in subsequent years and in future Predation Management planning efforts.

**This policy shall remain in effect until amended, repealed or superseded by the Commission.**

**BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS REGULAR SESSION,  
May 13, 2016.**

**Chairman Jeremy Drew  
Board of Wildlife Commissioners**

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 23**

**Number:** P-23

**Title:** Predation Management

**Reference:** NRS 501.100, 501.105,  
501.181, 502.253

**Effective Date:** December 7, 2013

**Amended Date:**

The Nevada Department of Wildlife (Department) and the Nevada Board of Wildlife Commissioners (Commission) recognize the need to effectively manage predators in Nevada. Predation Management actions are a viable and legitimate wildlife management tool that must be available to wildlife professionals when necessary. The Predation Management Program will incorporate the tools of predation management for the protection of nonpredatory game animals and sensitive wildlife species and conducting research necessary to determine successful techniques for managing and controlling predatory wildlife, including the use of proven and emerging science-based techniques of predator population management.

**PURPOSE**

The purpose of this policy is to inform the public and guide the Department in actions related to Predation Management. Should the Department make the decision to implement predation management actions, the management actions will be directed by the Predation Management Plan.

**NEED**

Where wildlife populations are failing to reach Department population management objectives, public expectations, or where evidence suggests that predation may be a significant factor inhibiting the ability of a prey population to reach expected population levels, the Department may consider implementing predation management actions. The Department will consider acting if declining population trends cannot be explained by habitat conditions, weather or climatic events, disease, or other factors. The Commission is aware of the diverse public opinions concerning predation issues and recognizes the need to increase public education to facilitate a better understanding of predation management, including the effects of not managing predators.

**AUTHORITY FOR PREDATION MANAGEMENT**

Pursuant to Nevada Revised Statutes (NRS) 501.100 the Legislature has declared "wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada. The preservation, protection, management, and restoration of wildlife within the State contribute immeasurably to the aesthetic, recreational, and economic aspects of these natural resources."



In accordance with NRS 501.105 and 501.181, the Board of Wildlife Commissioners (Commission) shall establish policies necessary to the preservation, protection, propagation, restoration, transplanting, introduction, and management of wildlife and its habitat in this state.

Pursuant to NRS 502.253(1) a fee of \$3 is charged for processing each application for a game tag to be used by the Department for costs related to:

- (a) Programs for the management and control of predatory wildlife.
- (b) Wildlife management activities relating to the protection of non-predatory game animals, sensitive wildlife species and related wildlife habitat.
- (c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to insure effective programs for the management and control of predatory wildlife; and
- (d) Programs for the education of the general public concerning the management and control of predatory wildlife.

Pursuant to NRS 502.253(2) the Department is hereby authorized to expend a portion of the money collected pursuant to subsection 1 of NRS 502.253 to enable the State Department of Agriculture to develop and carry out programs described in subsection 1 of NRS 502.253.

Pursuant to NRS 502.253(3) any program developed, or wildlife management activity or research so conducted must be developed or conducted under the guidance of the Commission pursuant to NRS 501.181(2). Pursuant to NRS 501.181(2) the Commission shall guide the Department in its administration and enforcement of provisions of Title 45, Wildlife (Chapters 501-506) of NRS by establishment of broad policies for the protection, propagation, restoration, transplanting, introduction, and management of wildlife in this State.

Pursuant to NRS 502.253(1) the revenue from the \$3 fee must be accounted for separately and deposited in the Wildlife Fund Account.

## **PREDATION MANAGEMENT POLICIES**

### **A. POLICY FOR THE MANAGEMENT AND CONTROL OF PREDATORY WILDLIFE**

1. Management decisions will be based on the best available scientific information.
2. Projects will be conducted in the most efficient and cost-effective manner possible. Clear goals, measurable objectives and limited timelines will be defined at the onset, with an emphasis of identifying and refining prescriptive measures of Predation Management for use in the future.
3. Lethal and/or nonlethal predator control efforts will be undertaken in a targeted fashion to minimize specific predator-caused losses to wildlife populations.
4. The U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (Wildlife Services), is the cooperating agency in lethal predatory

wildlife control. Contractors may be used for predator population management, habitat management, predator prey research, conservation education and carnivore population monitoring efforts.

5. Wildlife Services personnel and contractors shall salvage (when practical) the hide and skull of any mountain lion, black bear and bobcat removed under authority of the contract and present them to the Department within 96 hours of the removal.
6. Control activities will be conducted where game and sensitive wildlife populations are at risk of being disproportionately affected by predation.
7. Priority will be given to act in areas where other conservation efforts are completed, underway, or planned that will also benefit wildlife populations.
8. Geographic locations for Project areas will be determined based on an objective analysis and on the needs of wildlife populations in the area.
9. If needed, statewide and Project area estimates of terrestrial and avian predator populations or densities will be based on an objective analysis.

#### **B. POLICY FOR CONDUCTING RESEARCH FOR MANAGING AND CONTROLLING PREDATORY WILDLIFE**

1. Wildlife research activities will be undertaken in a targeted fashion to address questions regarding the effects of predator control on game populations, predator-prey relationships including improved control techniques, predator-prey responses to habitat restoration activities and specific influences of large and medium-sized carnivores on Nevada ecosystems.
2. Geographic locations for Project areas will be determined based on an objective analysis and on the needs of wildlife populations and habitats in the area, as well as the need for objective science on subjects related to Predation Management. Priority will be given in areas where other conservation efforts are being implemented.
3. Wildlife research efforts will be promoted that: a) provide wildlife managers with objective scientific analysis for making sound decisions regarding future wildlife population and habitat management; and b) provide insights into the role predators play in maintaining vigorous and healthy ecosystems.

#### **PREDATION MANAGEMENT PLAN AND REPORT PROCEDURES**

The Department shall prepare an annual Predation Management Plan. The Predation Management Plan shall identify, (a) projects for the management and control of predatory wildlife for the benefit of other species of wildlife, and (b) research projects related to predatory wildlife, successful techniques, and effective programs for managing and/or controlling predatory wildlife and related habitats.

If Habitat or Conservation Education projects are proposed, they should identify wildlife habitat management activities for the protection of non-predatory animals and programs for education of the public concerning the management and control of predatory wildlife and the role predators play in a well-functioning ecosystem.

Predation Management Plan Fiscal Year procedure and timeline:

1. The Department shall prepare a Draft Predation Management Plan (Draft Plan) outlining proposed actions needed for the protection, preservation, management, and restoration of wildlife populations. Descriptions of Control Projects, Research Projects, Habitat Management Activities and/or Education Programs shall include:
  - A. Project Number and Title.
  - B. Justification (detailed description of the proposed project, including a statement of why the Department believes that the predatory wildlife is a limiting factor in the growth and or maintenance of a target prey population).
  - C. Project Purpose (Wildlife Control, Research Project, Habitat Management, or Education).
  - D. Project Manager.
  - E. Project Type (Implementation, Experimental Management, or Experimentation).
  - F. Monitoring Level (Standard, Intermediate, or Rigorous).
  - G. Potentially Affected Species.
  - H. Duration.
  - I. Project Area (Unit(s), County, or Statewide).
  - J. Limiting Factor Statement, including why potential non-lethal methods would not be effective.
  - K. Response Variable (further actions to be taken depending on project success or type).
  - L. Project Goals and measurable objectives, including the criteria to determine when the project will be discontinued due to either success or failure.
  - M. Habitat Conditions (whether such habitat is a migratory corridor, summer range, winter range, fawning, calving, nesting or brood-rearing habitat or a combination of any of the above).
  - N. Comments From Previous Year's Predator Report.
  - O. Methods and Timing.
  - P. Prey Population Estimate (if a specific population objective is desired).
  - Q. Anticipated Results.
  - R. Staff Comment.
  - S. Project Direction (Department Recommendation).
  - T. Project Budget (\$3 Predator Fee, Pittman Robertson monies, private donations, etc.).
  - U. A status update of the previous year's Plan
2. The Draft Plan shall be submitted to the Commission prior to the January Commission meeting. The Draft Plan will be made available to all Stakeholders, including Wildlife Services, contractors, County Advisory Boards to Manage Wildlife (CABMWs), conservation organizations, and interested publics and shall serve as a vehicle to elicit suggestions for changes, adjustments, new ideas and input from all Stakeholders.
3. The Predatory Animal and Rodent Committee (PARC) and Wildlife Damage Management Committee (WDMC) shall set meetings in conjunction with the March Commission Meeting to review all comments received on the Draft Plan. After

consideration of findings and recommendations of the Department, and with respect to lethal Control Programs, recommendations of Wildlife Services and other contractors, as well as all comments and recommendations received, the Chairman of the WDMC Committee shall make a preliminary report to the Commission on which Projects should be funded in the subsequent Fiscal Year.

4. The Department shall prepare a Final Draft Predation Management Plan and present it to the WDMC and the Commission prior to the May meeting. The Final Draft Plan shall be posted on the Department's website and made available to the public and distributed to CABMWs. After consideration of all comments, the Commission shall make final recommendations to the Department on the Final Draft Plan.
5. On or before June 30, the Final Predation Management Plan shall be posted on the Department's website.
6. If, at any other time of the year, the Department, in consultation with the Committee, identifies additional or changing Predation Management needs and determines that money is available to fund additional Projects, the Department may approve Projects which are urgent in nature or which present unique opportunities.
7. In July of each year, contractors, or grantees of Projects from the previous Fiscal Year shall submit a report to the Department which should include a summary of work completed, including predators removed, habitat work conducted (if applicable), and viability of the project moving forward.
8. The Department shall prepare an annual Predation Management Status Report detailing results of the previous Fiscal Year's Projects. This report will include a summary of all lethal removal reports, excluding any sensitive data, proprietary information, or time-sensitive locational information. This Status Report shall be presented at the last Commission meeting of each calendar year.
9. This Status Report will be used in Department and Commission deliberations in subsequent years and in future Predation Management planning efforts. A summary of the status report will be included in the following years' Draft Predation Management Plan to make deliberations easier for the Committees and Commission.

**This policy shall remain in effect until amended, repealed, or superseded by the Commission.**

**BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS REGULAR SESSION,.**



**Chairman  
Board of Wildlife Commissioners**

## **DEFINITIONS**

**Experimental Management:** The primary objectives are management of predators through lethal or non-lethal means and to learn the effects of a novel management technique. NDOW will collaborate with USDA Wildlife Services, private contractors, and other wildlife professionals to conduct lethal or non-lethal management of predators and will put forethought into project design. Response variables will be identified, and data will be collected to determine project effectiveness. Expected outcomes will include project effectiveness, agency reports, and possible peer-reviewed publications.

**Experimentation:** The primary objective is for increasing knowledge of predators in Nevada. NDOW may collaborate with other wildlife professionals to study and learn about predators of Nevada. Expected outcomes will include agency reports, peer-reviewed publications, and information on how to better manage Nevada's predators.

**Implementation:** The primary objective is to implement management of predators through lethal or non-lethal means. NDOW will collaborate with USDA Wildlife Services and private contractors to conduct lethal and non-lethal management of predators. Identifying and monitoring a response variable is not a primary objective for implementation.

**Intermediate Monitoring:** The primary objective of intermediate monitoring is to apply a specific monitoring plan designed to evaluate the response of game species or sensitive wildlife to lethal or non-lethal management of predators. NDOW may collaborate with other wildlife professionals to identify reference and treatment areas or evaluate productivity of game species or sensitive wildlife before, during, and after implementation to determine effectiveness of predator management. Composition surveys may be modified to thoroughly evaluate productivity in the reference and treatment areas and to better accommodate annual variation in survey conditions. Expected outcomes will include an indication of project effectiveness, agency reports, and possible peer-reviewed publications.

**Nonpredatory Game Animals:** For the purposes of this policy includes mule deer, pronghorn antelope, bighorn sheep, Rocky Mountain elk, mountain goat, moose, upland game birds, upland game mammals, and migratory game birds.

**Predation:** The act of an individual animal or group of animals killing another live animal.

**Predation Management:** Selective reduction and/or management of terrestrial, avian, or aquatic predator populations when and where predation is identified by the Department as a limiting factor negatively affecting another wildlife population.

**Predator:** Any wild animal species subsisting, wholly or in part, on other living animals captured through its own efforts.

**Predator Removal:** The physical removal of an animal from an area where its presence is undesirable for wildlife management purposes, generally requiring lethal actions.

**Prey:** Any animal hunted or killed as food by a predator.

**Rigorous Monitoring:** The primary objective of rigorous monitoring is to evaluate several response variables known to affect productivity of game species or sensitive wildlife and to determine the relative influence of those variables when measuring the response to lethal or non-lethal management of predators. NDOW may collaborate with other wildlife professionals to identify the requirements of rigorous monitoring and to further evaluate factors influencing productivity of game species or sensitive wildlife such as survival of juveniles, body condition of adults, or habitat productivity. Rigorous monitoring efforts will help to disentangle biotic and abiotic conditions that may influence productivity of game species or sensitive wildlife from the effects of lethal or non-lethal management of predators. Expected outcomes will include agency reports, peer-reviewed publications, and information on how to better manage Nevada's wildlife.

**Sensitive Wildlife Species:** For the purposes of this policy includes nonpredatory reptiles, mammals, birds, fish, and amphibians.

**Standard Monitoring:** The primary objective of standard monitoring is to use existing survey protocols to evaluate the response of game species or sensitive wildlife to lethal or non-lethal management of predators. NDOW conducts annual and biannual surveys to evaluate trend and composition of game species or sensitive wildlife and to inform the season and quota-setting process. Composition surveys will yield response variables such as recruitment of juveniles into the adult population and will be compared to published benchmarks of productivity in the management area of interest, to neighboring areas not receiving predator management, or in the same area before treatment began. Standard

monitoring represents no change to existing monitoring efforts. Expected outcomes include an indication of project effectiveness and agency reports.

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 24**

**Title :** Hunting Opportunities Among Various Weapon Classes and Hunter Groups

**Reference:** NRS 501.105, 501.181

**Effective Date:** May 13, 2006

**Amended Date:**

**PURPOSE**

To establish hunting opportunities for the various weapon classes and hunter groups.

**POLICY**

It is the policy of the Board of Wildlife Commissioners to approve the harvest levels for big game species based on the various weapon classes and hunter groups relative demand for hunting opportunity and hunter success rates.

**FINDINGS**

After due deliberation and consideration of the relevant information presented, the Commission makes the following findings:

1. The Commission has a duty to provide hunting opportunity in Nevada.
2. Hunting in Nevada is an important activity for its citizens for many reasons, including but not limited to the following values that hunting provides:
  - A lean, healthy source of protein.
  - Family and other social interaction.
  - A link to Nevada's outdoor history, culture, and traditions.
  - A source of physical exercise important for maintaining health and fitness.
  - Appreciation for the natural habitat and scenic landscape, which is a major component of Nevada's quality of life.
  - Public support for Nevada's wildlife management programs.
  - One of the principal sources of wildlife management funding in Nevada.
3. The Commission takes administrative notice of Nevada's wildlife-limiting climatic and habitat conditions. These include precipitation averages that make Nevada the driest state in the nation, and Great Basin and Mojave Desert vegetation and geography types that provide limited forage and cover. These limiting conditions prevent Nevada's wildlife populations from reaching numbers comparable to those of other states, including other western states.

4. Due to Nevada's relatively low wildlife numbers and its increasing human population, it is necessary to manage big game hunting opportunities in the State.
5. Nevada's already-limited resident hunting opportunities would be significantly lowered if nonresidents competed equally with residents for big game tags or were given a greater advantage. Such a change would be against the public interest.
6. Given the geographic and climatic constraints of Nevada's natural environment, the Commission — with the support of both resident and nonresident hunters — has elected to emphasize a sustained quality hunting experience rather than attempt to match the quantity of hunting opportunities available in other states. To do so, the Commission has consistently applied a conservative strategy that, compared to other states, maintains a high male to female ratio among big game populations.

### **TERMS AND DEFINITIONS**

**Antelope With Horns Shorter Than Ears:** In accordance with NAC 502.003, any pronghorn antelope without horns or with both horns that are shorter than its ears. Generally considered to be a doe (female), fawn, or young male antelope.

**Antelope With Horns Longer Than Ears:** In accordance with NAC 502.002, "antelope with horns longer than its ears," any pronghorn antelope having at least one horn that is longer than either ear of the antelope. Generally considered to be a mature male antelope.

**Antlered Deer:** In accordance with NAC 502.007, "antlered deer," any deer having at least one antler that is visible above the hairline of the deer. Generally considered to be a buck (male) deer.

**Antlered Elk:** In accordance with NAC 502.0074, "antlered elk" means any elk having at least one antler that is visible above the hairline of the elk. Generally considered to be a bull (male) elk.

**Antlered Moose:** Any moose having at least one antler that is visible above the hairline of the moose. Generally considered to be a bull (male) moose.

**Antlerless Deer:** In accordance with NAC 502.008, "antlerless deer," any deer without antlers. Generally considered to be a doe (female) or fawn deer.

**Antlerless Elk:** In accordance with NAC 502.009, any elk without antlers. Generally considered to be a cow (female) or calf.

**Antlerless Moose:** Any moose without antlers. Generally considered to be a cow (female) or calf.

**Big Game:** For this policy, big game means all big game mammals except mountain



lion.

**Billy:** Any male mountain goat.

**Boar:** Any male black bear.

**Demand:** Demand is defined as the measure of interest that a particular hunter group has in attaining a big game tag based on applications from previous years for a given hunter group and unit group. Demand is defined as the First Choice of unsuccessful applicants combined with successful applicants for all choices.

**Ewe:** In accordance with NAC 502.345, 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.

**Expand:** Taking a projected number of harvested animals and dividing by the expected hunter success rate to generate a tag allocation.

**Hunter Groups:** Residents of Nevada, resident juniors, and people who are not residents of Nevada.

**Harvest Objectives:** The numbers of male and female big game animals that the Department has determined can be safely removed from a population through harvest without causing detrimental impacts to that population.

**Hunter Success:** Percentage of tag holders reporting they hunted and harvested a big game animal. Hunter success calculations omit those tag holders that did not hunt. Hunter success is a valuable metric for understanding the experience of hunters in the field.

**Junior Hunter:** In accordance with NAC 502.063, generally a person between 12 years and 18 years.

**Management Ram Hunt:** Ram hunts that seek to achieve a specific population management objective beyond a standard hunt and may vary for the type of ram targeted. These may include broken-horn hunts, young ram hunts, hunts in areas where rams are extremely difficult to locate, or hunts designed to remove rams due to disease or rams found in undesirable areas.

**Nanny:** Any female mountain goat.

**Nonresident:** Anyone who does not meet the requirements for residents set in NRS 502.015.

**Projected Male Harvest:** A projected number of males reported to be harvested that will result in a desired post-hunt male to female ratio objective.

**Projected Female** (*antlerless deer, antlerless elk, antelope with horns shorter than ears, or bighorn ewe*) **Harvest:** A projected number of females reported to be harvested to achieve various management objectives; maintaining population numbers in balance with habitat conditions, optimal levels for a given species, or below a level set in local management plans; optimum sustained yield during periods of average to exceptional environmental conditions; and/or providing for recreational opportunity.

**Ram:** Any male bighorn sheep.

**Resident:** In accordance with NRS 502.015, a person is a resident of the State of Nevada if they are a United States citizen who has maintained his or her principal and permanent residence in Nevada for six months next preceding the application and has not purchased or applied for any resident hunting, fishing, or trapping privileges in another state, country, or province.

**Sow:** Any female black bear.

**Spike Elk:** In accordance with NAC 502.104, spike-only elk hunts are intended to target young bulls (males).

**Tag Success:** Percentage of tag holders responding to their hunt questionnaire and subsequently harvesting a big game animal. Tag success calculations include those tag holders that did not hunt. Tag success, used in the Demand-Tag Success formula, will be primarily based on tag success rates from previous years for a given hunter group and unit group. A long-term or statewide average may be used to moderate erratic variations in tag success rates.

**Unit Groups:** A defined geographic area within Nevada where separate or conjoined population assessments, harvest objectives, and other management actions are applied.

**Weapons Groups:** Any legal weapon, muzzleloader, and archery.

### **GENERAL RULES — ALL SPECIES**

Population estimates of males and females (one year-old or older) for each unit group at the pre-hunt period (late summer) will be the basis for determining projected harvest levels for each species class.

The Commission approves the projected male and female harvest levels among those weapons and hunter groups that are identified for each unit group through the public scoping process involving the County Advisory Boards to Manage Wildlife and interested publics and approved by the Board of Wildlife Commissioners.

## **FIRST COME FIRST SERVED**

Any tag remaining after the big game draws, returned to the Department with no eligible alternate, or returned to the Department with less than 14 business days before the season opener may be offered for purchase to both residents and nonresidents in the First Come, First Served program. Returned resident tags will be designated for residents and returned nonresident tags will be designated for nonresidents beginning in 2023-2024.

## **DEMAND-TAG SUCCESS**

A Demand-Tag Success formula will be used to allocate tags to various weapon classes for deer, elk, and antelope.

Demand is defined as the measure of interest that a particular hunter group has in attaining a big game tag based on applications from previous years for a given hunter group and unit group. Demand is defined as the First Choice of unsuccessful applicants combined with successful applicants for all choices.

Tag Success is defined as the percentage of tag holders responding to their hunt questionnaire and subsequently harvesting a big game animal. Tag success calculations include those tag holders that did not hunt. Tag success, used in the Demand-Tag Success formula, will be primarily based on tag success rates from previous years for a given hunter group and unit group. A long-term or statewide average may be used to moderate erratic variations in tag success rates. Tag success must be used in the Demand-Tag Success Formula to achieve projected harvest while accommodating tag holders that do not hunt.

## **RESIDENT AND NONRESIDENT TAG ALLOCATION**

The Commission strives to allocate approximately 90 percent of available quota to resident hunters and 10 percent of available quota to nonresident hunters for males of each big game species in the Main Draw.

### **PARTY HUNT QUOTA MINIMUM**

For deer, antlerless elk, and horns shorter than ears antelope hunts, the minimum tag quota will be two to allow applicants who wish to apply as a party to apply and have a chance of drawing those tags.

## **SPECIFIC RULES — BY SPECIES**

### **MULE DEER**

#### **Allocation of Projected Harvest by Weapon Group**

The Demand-Tag Success process for determining antlered mule deer hunting quotas

will be as follows:

For Standard and Alternative Hunt Units (see Game Division Big Game Management Objectives)

1. Determine the desired animal harvest for each unit group based on the pre-hunt population estimate and desired male to female ratio (typically 30 bucks per 100 does).

2. Apportion the desired harvest into the various weapon classes based on demand from previous years for standard hunt units.

3. Apportion the desired harvest of 25% to Junior Hunters (Juniors).

a. Junior hunts may be divided into Any Legal Weapon class and Archery/Muzzleloader combination to allow for increased Junior participation.

b. Junior deer tags will be considered antlered deer tags except in areas that have open antlerless deer hunts, where they will be considered either-sex tags.

c. Juniors can apply for five years and be awarded a maximum of three junior tags before the age of 18.

4. For alternative and non-standard hunt units, the demand will be based on the number of first choice applicants for each weapon type from the previous years.

5. Determine final quota for each unit group and weapon type by dividing the desired harvest by the previous 3-year average tag success rate.

A long-term or statewide average may be used to moderate erratic variations in demand and tag success rates.

## **ELK**

### **Allocation of Projected Harvest by Weapon Group**

Modeled changes in population size, bull-cow ratios, and percent of main beams  $\geq$  50-inch reported by hunters from previous years will be assessed to determine desired elk harvest. Using calculated demand, the projected antlered, antlerless, and spike harvest will then be distributed among the various weapon groups identified for a given elk class and unit group. The projected harvest, once allocated among the weapon groups, will be divided by hunter success for the appropriate weapon group to determine the recommended tag quota.

## **ANTELOPE**

### **Allocation of Projected Harvest by Weapon Group**

The projected buck harvest will be divided among the various weapon groups identified for a given antelope class and unit group. The projected harvest, once divided among the weapon groups, will be expanded to hunting opportunities.

Horns shorter than ears harvest will be based on the tag success of previous years for a given hunter group and unit group hunter success. A long-term or statewide average may be used to moderate erratic variations in tag success rates.

### **BIGHORN SHEEP**

#### **Weapon, Hunter Groups, and Animal Classes**

Bighorn ram and ewe hunting opportunities will involve any legal weapon and archery weapon groups. Management ram hunts may be implemented in unit groups where broken-horned rams may exist, where reduced ram densities are desired, and where consistently low ram tag success occurs.

#### **Allocation of Projected Harvest by Hunter Group**

Tag success rates will not be used to expand either the projected ram or ewe harvest.

### **MOUNTAIN GOAT**

#### **Weapon, Hunter Groups, and Animal Classes**

Mountain goat hunting opportunities may consist of any mountain goat (male or female), or billy only. Hunts are any legal weapon only.

#### **Allocation of Projected Harvest by Hunter Group**

Tag success rates will not be used to expand the projected mountain goat harvest.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

*BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, **Date**.*

**Chairwoman Tiffany East  
Board of Wildlife Commissioners**

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 60**

Number: **P-60**  
Title: Water Application Guidelines  
Reference: NRS 501.105, 503.584,  
503.589  
Effective Date: March 28, 1980  
Amended Date: December 2, 1995  
Reviewed Date: 2002

**PURPOSE**

The Board of Wildlife Commissioners shall establish policies necessary for the preservation, protection, management and restoration of wildlife and its habitat and shall utilize its authority to carry out a program for conserving, protecting and propagating native fish, wildlife and other vertebrates and their habitats.

**POLICY**

The Board of Wildlife Commissioners does hereby establish the following policy to provide for the preservation, protection, management and restoration of wildlife and its habitat:

1. The Director, Department of Wildlife, to the maximum extent practical, shall review water applications submitted to the State Engineer for the appropriation of waters to determine the impact on wildlife and its habitat.
2. If it is determined by the Director that granting the application would threaten or cause significant impacts to wildlife or habitat resources, the Director shall, within 30 days from the date of last publication of notice of applications, file with the State Engineer a written protest against granting the application, setting forth with reasonable certainty the grounds of such protest.
3. The Director shall advise the State Engineer and the applicant that such protest will be withdrawn if, in his opinion, adequate safeguards are provided for wildlife or habitat.

The Board of Wildlife Commissioners recognizes the economic value and benefit of long-established agricultural development resulting, in part, from the use of drilled wells and free-flowing artesian wells. The Board will consider and review legislation that cause detrimental effects on wildlife and habitat resources.

This policy shall remain in effect until amended, repealed, or superseded by the Board

of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR  
SESSION, DECEMBER 2, 1995.

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B. Mahlon Brown, Chairman  
Board of Wildlife Commissioners



**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 61**

Number: **P-61**  
Title: Water Rights  
Reference: NRS 501.105, 503.584,  
503.589  
Effective Date: August 20, 1982  
Amended Date: December 2, 1995  
Reviewed Date: 2002

**PURPOSE**

The Board of Wildlife Commissioners shall establish policies necessary for the preservation, protection, management and restoration of wildlife and its habitat and shall utilize its land management authority to carry out a program for conserving, protecting and propagating wildlife and their habitats.

Water is essential for the existence and survival of fish and most species of wildlife, and in Nevada's arid climate, water is the key to the distribution and population abundance of the State's fish and wildlife resources.

The purpose of this policy is to guide the Department of Wildlife in securing water for the preservation, maintenance, restoration and enhancement of wildlife and their habitats. The provisions of this policy are in complete accord with Nevada water law, and will not impair any vested, permitted or certificated rights for the use of water.

**POLICY**

The Board of Wildlife Commissioners does hereby establish the following policy to provide for the preservation, protection, management and restoration of wildlife and its habitat:

1. Instream Flow:

It is the policy of the Commission to ~~achieve, through all available means,~~ ensure adequate instream flows to maintain existing fish life and aquatic ecosystems. Whenever waters with significant wildlife values is identified and a willing water seller ~~water~~ becomes available, the Department shall, subject to ~~a determination of need, and~~ available manpower and ~~funds~~money, apply for and/or purchase such waters for the benefit of fish and wildlife.

2. Minimum Reservoir Pools:

It is the policy of the Commission to achieve, ~~through all available means,~~ the maintenance of minimum reservoir pools necessary to support viable fish populations. The Department shall collaborate with private reservoir owners, whenever ~~possible the opportunity arises, enter into negotiations with private reservoir owners~~ to secure cooperative agreements for public ~~fisherman~~ access and minimum pools. The Department shall work through the federal land management agency's ~~permitting process~~ to ensure ~~permit stipulations for the maintenance of~~ public access and minimum pools is maintained on all ~~new~~ reservoirs constructed wholly or partially on public lands.

3. Wetlands:

It is the policy of the Commission to maintain, ~~restore and expand, through all available means, the maximum possible acreages of~~ viable wetland habitats in Nevada. Whenever waters possessing significant wildlife and wetland values are identified and a willing water seller becomes available~~water becomes available~~, the Department shall, subject to available manpower and ~~fundsmoney~~, apply for and/or purchase such waters as are necessary to maintain existing wetlands for the benefit of fish and wildlife. The Department shall work with landowners and managers to ensure the most efficient and effective collective water management processes.

4. Springs and Seeps:

It is the policy of the Commission to ensure, through all available means, that wildlife have access to the water from springs and seeps necessary to maintain existing and anticipated distributions and population levels. The Department shall, subject to available manpower and money:

- a. Where significant wildlife values are identified ~~f~~File applications for permits to appropriate the necessary water to support existing and anticipated wildlife populations on ~~all~~ springs and seeps ~~of significant value to wildlife and~~ where unappropriated water is available.
- b. File joint applications, where appropriate, to obtain the amount of water needed for maintenance of wildlife populations.
- c. Develop procedures to implement the provisions of Chapter 533 of NRS to ensure wildlife access to appropriated waters.

- d. Work cooperatively with private water right holders and public land management agencies to ensure that sufficient water from springs and seeps is available for wildlife. In addition, work to protect, conserve and enhance riparian areas, meadows, wetlands, and other habitats associated with water resources that provide valuable habitats for wildlife.
- e. File protests with the State Water Engineer on those applications for waters of significant value to wildlife and where the proposed use of the water will remove waters from the lands or deny wildlife access thereto, and where all other avenues of ensuring wildlife access to such waters have been exhausted.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, DECEMBER 2, 1995.

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B. Mahlon Brown, Chairman  
Board of Wildlife Commissioners

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 62**

Number:— **P-62**  
Title:— Mitigation Policy  
Reference:— NRS 501.105  
Effective Date:— January 23, 1987  
Amended Date:— December 1, 2001  
Reviewed Date 2002

**PURPOSE**

The purpose of this policy is to guide the Department of Wildlife in mitigation of activities which have the potential to adversely impact fish and wildlife resources in Nevada.

**BACKGROUND**

Anthropogenic activities associated with human population growth and economic development result in various demands on the State's natural resources. In some cases, these activities create The natural expansion of human populations in Nevada has resulted in increased demands on many of the natural resources of the state, which in numerous cases has had an adverse impacts on fish and wildlife and habitat resources and their habitats. The severity and scale of these impacts on wildlife and habitat resources is wide-ranging and can vary significantly based on the intensity and location of the activity.

~~Examples of these impacts include losses include One only needs to look at the continued loss of wetland habitat in the Truckee Meadows, impacts to Lahontan cutthroat trout from grazing practices, habitat degradation use by wild horse and burro, and mining operations, the loss of mule deer migration corridors and winter range from residential and mineral development, along the Sierra front, the historical decreases in numbers and distribution patterns of bighorn sheep and greater sage grouse habitat loss and fragmentation from various anthropogenic impacts, and loss of their habitats, or the large scale conversions of natural shrub and grasslands to significantly degraded conditions. As some of these losses may be considered acceptable as the price paid for improving the quality of life and insuring the stability of economic development and diversification, it is important that we not take wildlife for granted in assuming that this important natural resource will always receive appropriate consideration.~~

~~The real challenge in fish, wildlife and habitat protection stems from the fact that most of man's human activities affect these resource values in one way or another, either beneficially or detrimentally, directly, or indirectly. Addressing these The methods by which problems negative impacts is possible, but also complex, in Nevada due the high percentage of federally administered public land. Development of public land provides an opportunity for stakeholders to engage in the process, but is simultaneously complex because it can include different federal, state, and local government agencies with different rules, regulations, and policies for land and resource management. are addressed are further compounded complex in Nevada because due of the large number of federal, state and local government agencies responsible for land and resource use planning management and associated project development. Each of these agencies agency has their own set of rules, regulations and policies governing management individual actions activities and decisions across landscapes in Nevada or project proposals. An approach by our agency the Department aimed at avoiding or minimizing adverse impacts for a~~

specific ~~proposal~~ proposed project may be acceptable to one agency, but unrealistic or unacceptable for another.

~~The basis for the development of this mitigation policy (and the Department's Technical Review Program). The basis for the development of this program and procedure~~ lies in the Department's statutory charge that the protection of fish and wildlife ~~resources~~ values are in the public interest and that ~~proper land use planning~~ comprehensive participation in land use management decision-making, and National Environmental Policy Act (NEPA) processes, are rooted in robust science and professional expertise, including wildlife input and consideration, can result in positive protective measures.

For the purposes of this policy, "impacts" may include direct, indirect, and cumulative effects, may be short, medium, or long in duration, and may vary in significance. "Mitigation" will be defined as: Avoid, Minimize, Mitigate, and shall consist of:

1. Avoiding the impact(s) altogether by not taking a certain action or parts of an action, or through moving all or part of a proposed action to a less critical area.
2. Minimizing, reducing, or rectifying impacts by protective measures, or through limiting the degree or magnitude of the action and its implementation during the life of the action. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment may also minimize impacts and is often achieved through reclamation requirements.
3. Mitigating ~~for~~ the impact(s) by replacing or providing substitute resources or environments, or through compensation (also referred to as "compensatory mitigation"). This may occur near/adjacent to the proposed action(s), or off-site.

~~The overall objective of the Department and this policy is to guide or provide a that guides guidance for for use in the Department's role in land use, project, and conservation planning processes where avoidance, minimization, and/or mitigation~~ compensatory measures may be necessary to offset for mitigate those activities which have the potential to adversely impact fish, ~~and wildlife, and habitat~~ resources in Nevada.

## **JUSTIFICATION**

The Department's basic responsibility as a conservation agency is derived by state law which gives the Commission the authority to "...establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat." (NRS 501.105). Numerous other state laws outside of Title 45 also provide for the consideration and protection of wildlife in the state. Some of the more prominent state statutes are as follows:

NAC 232.400-480 – "Sagebrush Ecosystem Council: Mitigation of Adverse Impact to Greater Sage-Grouse and Habitat", and the establishment and implementation of the Nevada Conservation Credit System to achieve mitigation.

NRS 278.020 – With respect to the improvement of land as regulated by cities and counties: "(2) Any such regulation, restriction and control shall take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment."

NRS 278.160 – As part of the master planning process, conservation plans are to be developed "For the conservation, development and utilization of natural resources, including water, ...fisheries, wildlife, ...and other natural resources."

NRS 278.337 – With respect to the Commission adoption of regulations for Department review of tentative subdivision maps for impacts to wildlife resources.

NRS 321.5977 – “The public lands of Nevada must be administered in such a manner as to conserve and preserve natural resources, wildlife habitat, ...and to permit the development of compatible public uses for recreation, agriculture, ranching, mining...”

~~NRS 278.160—As part of the master planning process, conservation plans are to be developed “For the conservation, development and utilization of natural resources, including water, ...fisheries, wildlife, ...and other natural resources.”~~

~~NRS 278.020—With respect to the improvement of land as regulated by cities and counties: “(2) Any such regulation, restriction and control shall take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment.”~~

NRS 445.132 – The legislature declares that it is the policy of this state and the purpose of NRS 445.131 to 445.354 inclusive:—“To maintain the quality of the waters of the state consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, ...”

NRS 445.244 – “The water quality standards must reflect water quality criteria which define the conditions necessary to support, protect and allow the propagation of fish, shellfish and other wildlife and to provide for recreation in and on the water if these objectives are reasonably attainable.”

NRS 528.053 – “No felling of trees, skidding, rigging or construction of tractor or truck lands or landings, or the operation of vehicles, may take place within 200 feet, measured on the slope, of the high water mark of any lake, reservoir, stream or other body of water unless a variance is first obtained from a committee composed of the state forester fire warden, the Director of the Department of Wildlife and the state engineer.”

NRS 533.367 – “Before a person may obtain a right to the use of water from a spring or water which has seeped to the surface of the ground, he must ensure that wildlife which customarily uses the water will have access to it.”

NRS 503.400 – “Every person who has erected, or who may hereafter erect, any dams, water weirs or other obstructions to the free passage of fish in the rivers, streams, lakes, or other waters of the State of Nevada shall construct and keep in repair to the satisfaction of the Department fishways or fish ladders at all such dams, water weirs or other obstructions so that at all seasons of the year fish may ascend above such dams, water weirs or other obstruction to deposit their spawn.”

NRS 701.610-640 - Notice of energy development project: Filing with Department of Wildlife; form; contents; regulations” and associated review and recommendations provided by the Department on behalf of energy development projects.

In an effort to recognize the importance of mitigation as a tool in minimizing wildlife losses, this policy ~~plan which was adopted by the Commission on December 9, 1983 and endorsed by the Governor on August 20, 1984 identified the following Department goals:~~guides the Department to:

- “Recommend alternative approaches in federal, state, or private projects to prevent avoid or minimize degradation or loss of fish and wildlife resources of fishery habitat or, where impacts are unavoidable seek mitigation.”

- Develop suitable Best Management Practices (BMP) and/or Design Features (DF) for avoiding and/or minimizing adverse impacts to fish and wildlife and habitat resources. These will incorporate BMPs and DFs already accepted by land and resource managers where appropriate, and may require development of new BMPs and/or DFs where none currently exist or are unsuitable.
- “Maintain close coordination and cooperation with user groups and land and resource managers, seeking the most favorable land use alternatives for ~~big game~~ all fish and wildlife and emphasizing mitigative measures to replace irrevocable losses.”

Since approximately 87% of ~~the land in~~ Nevada is public ~~domain~~ land administered by several ~~different agencies of the~~ federal land management government agencies, and ~~because~~ these lands include provide diverse habitats essential to types supporting a wide variation of wildlife species, it is important that federal law pertaining to state agency involvement and recommendations be reviewed. -These federal regulations also provide opportunities for state involvement in activities potential mitigation matters involving on federal lands or ~~the using of~~ federal funds which may or may not be applicable to private lands. -In addition to the public Public Trust doctrine-Doctrine, which is founded in common law, a few of the more important regulations pertaining to mitigation include the following:

- Fish and Wildlife Coordination Act (16 U.S.C. § 661-666) authorized ...state agencies responsible for fish and wildlife resources to investigate all proposed federal undertakings and nonfederal actions needing a federal permit or license which would impound, divert, deepen, or otherwise control or modify a stream or other body of water and to make mitigation and enhancement recommendations to the involved federal agency.
- National Environmental Policy Act (NEPA, 42 U.S.C. § 4321) gives all governmental agencies in addition to private citizens an opportunity for greater involvement for all federal projects and private projects involving federal funds or federal land. -One of the primary purposes of NEPA as listed in section 2 is “To promote efforts which will prevent or eliminate damage to the environment.”
- Federal Land Policy and Management Act (FLPMA, 43 U.S.C. § 1712): to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located.

## POLICIES

The approach of the Department relative to mitigation emphasizes the public need for healthy and sustainable fish and wildlife populations and habitats while recognizing other public needs or agency mandates (e.g. multiple use) may result in potential conflicts between resources. The program is further intended to provide recommendations which will help avoid and minimize adverse impacts.

1. 1. —It is the policy of the Commission that the Department will continue to emphasize a program of wildlife data collection and dissemination so that wildlife and habitat values can be disclosed and fully and accurately considered in the land use federal, state, and local decision-making decision-making processes. The Department will fulfill data requests and use a standard reporting process to describe In order to insure ensure that



~~wildlife resources are adequately considered in various planning processes at the local, state and federal levels, the Department will continue to provide all available data in a useable form. Emphasis in this arena will be toward the development of a standard report format describing resource values within or proximate to the location of the proposed activity when geographic areas of the state and will include economic considerations. These data will be made available for a reasonable fee, where appropriate to government agencies, private consultants, and others where it is determined that information is useful to inform needed in the land use planning and/or decision making decision-making processes and for individual project proposals on an as needed basis. More detailed and project-specific data may also be shared when appropriate.~~

~~1.~~

~~2.~~

~~2. 2.——It is the policy of the Commission that the Department will provide technical assistance to the permitting entity and applicants when reviewing proposed development actions. Department biologists may assist in identifying fish and wildlife species and habitats, identify the type, extent, and duration of potential impacts, and identify or recommend avoidance and minimization measures. When impacts are anticipated to occur after avoidance and/or minimization measures have been incorporated, the Department may recommend mitigation measures to achieve the goals and standards of the Policy to offset impacts to fish and wildlife resources. The Department will formally provide any recommendations to the permitting entity, as well as the and project developer.~~

~~3.——It is the policy of the Commission that the Department will provide recommendations for mitigation, enhancement and/or replacement as appropriate for individual project proposals where without such actions significant adverse impacts to the wildlife resources are expected to occur, recognizing that mitigation can not always equally replace loss. It is the policy of the Commission that the Department should coordinate closely with the Sagebrush Ecosystem Technical Team, who is charged with implementation of the Nevada Conservation Credit System for greater sage-grouse mitigation.~~

~~3.~~

~~4. It is the policy of the Commission that the Department should coordinate closely with any other governing body or entity with authority over a Department, State of Nevada, or federally approved mitigation program in Nevada.~~

~~4.~~

~~5. The approach of the Department relative to mitigation emphasizes the matters takes into account the public need for healthy and sustainable fish and wildlife populations and habitats habitat protection measures while at the same time recognizing other public needs or agency mandates (e.g. multiple use) may result in potential conflicts between resources. for sometimes conflicting activities. The program is further intended to provide recommendations or guidance for project development which will help avoid and to decrease or minimize adverse impacts, rather than being used as a tool to stop proposed projects.~~

~~6.~~

~~7. 3.——It is the policy of the Commission that costs associated with mitigation are all normal costs of land or water development projects, independent of state or federally~~



required reclamation, and therefore should be borne by the developers and/or beneficiaries of the project. Costs associated with mitigation for greater sage-grouse in Nevada will be accounted for through the Nevada Conservation Credit System, unless otherwise accounted for as approved through the Sagebrush Ecosystem Council.

5.           

8.           

6. 4.—It is the policy of the Commission that cash payments or donations may ~~only~~ be accepted:

a. 1) ~~†~~To support projects designed to directly offset potential resource losses related to the development of the project; or

b. 2) ~~f~~For deposit into a special ~~habitat~~ mitigation account. Monies from this account are to be administered by the Department and used for fish, wildlife, or habitat restoration, enhancement, ~~or~~ acquisition projects, or, under special circumstances, research related to the loss of such resource(s).

9. 7.            It is the policy of the Commission that any mitigation negotiated with the Department shall include as determined by the development establishment of a cooperative mitigation agreement between the project proponent and the ~~Nevada Department of Wildlife~~ Department, to be completed prior to initiation of ground disturbance for the development project. Any such agreement will describe party responsibilities and timelines for mitigation.

## **PROCEDURES**

The Department will implement the above listed policies in accordance with the definitions as described in the National Environmental Policy Act and ~~as promulgated in the~~ consistent with federal regulations under 40 CFR 1508.20. ~~Mitigation will include in order of priority implementation:~~

1. Avoiding the impact altogether by not taking a certain action or parts of an action.

The Department's ~~major program~~ emphasis will be directed toward providing ~~wildlife~~ input and ~~associated~~ recommendations which avoid ~~or divert~~ conflicting land uses with an overall objective of maintaining as much existing natural habitat as possible. ~~This approach is particularly important for projects conflicting with threatened or endangered species and in areas of critical environmental concern or key habitat types.~~ Emphasis on the preservation of wetlands, spring sites and associated vegetation, riparian habitat, and meadow systems, should also fall under this category ~~because of~~ due to the limited nature and importance of these habitat types in the Great Basin. ~~†~~ The Department shall provide sufficient supporting information to the decision makers as a means of justifying the need for avoidance measures. ~~Recommendations for avoidance measures should be for a "no action alternative"~~ or for relocation of the proposed action into a less sensitive area.

2. Minimizing impacts by limiting the degree or magnitude of the action or its implementation. This includes:

(a) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(a)(b) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

This ~~mitigative approach to habitat management is intended to directed at~~ reduce the duration, scope, or intensity of the adverse impacts and/or losses to wildlife and/or habitat resources making any ~~minimizing resources minimizing impacts less severe or to minimize the magnitude of the impact~~ and may require operation and/or maintenance obligations, ~~potential losses~~. ~~Minimizing~~ wildlife and habitat disruptions often may be achieved through permit stipulations, restrictions in timing of activities, repairing, rehabilitating, or restoring the affected environment, protective measures such as fences, and/or alterations in project design, Best Management Practices, and Required Design Features. The use of a fence to protect wildlife species from cyanide ponds used in mining operations, for example, not only needs to be designed to accomplish specified objectives but also needs to be maintained during the life of the project to insure continued protection. ~~Necessary a~~ For example, a Activities proposed within in the vicinity of a deer winter range, for example, might be less disruptive if confined to the summer months. ~~Although habitat and associated might be subject to some level of impact, thus by implementing the activity during stressed temporarily, this approach assumes that less critical timeframes will may result in fewer adverse impacts recovery will take place through natural processes within a reasonable time frame. The Department shall provide sufficient supporting information to the decision makers as a means of justifying the need for minimization measures.~~

3. ~~Rectifying the impact by repairing, rehabilitating, or restoring the affected environment~~

~~The primary objective of this measure is to restore the same functions in an affected area to pre-disturbance conditions. Since many proposed activities create temporary disruptions, it is often possible to mitigate adverse impacts by restoring or even improving conditions. Examples of such activities might include revegetation of temporary roads needed for exploratory purposes or streambank stabilization after completion of a bridge project. Although the Department recognizes there may be situations where complete rehabilitation is not possible or feasible, it should be a consideration in the review process and implementation of other mitigation (compensation) evaluated as an alternative to the loss of habitat.~~

4. ~~Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action~~

~~The primary objective of this measure is to offset potential losses by project design which may require operation and maintenance obligations. The use of a fence to protect wildlife species from cyanide ponds used in mining operations, for example, not only needs to be designed to accomplish specified objectives but also needs to be maintained during the life of the project to insure continued protection.~~

53. ~~Mitigating/Offsetting~~ Compensating for the impact(s) by compensating, replacing, or providing substitute resources or environments.

~~It should be noted that c~~ Compensation or replacement for habitat losses affecting wildlife resources under the normal multiple use concept of federal land management is not a requirement of the land managing agencies should be of last resort. ~~Requests for recommendations for this type of mitigation where significant or irrevocable damage is likely to occur, however, is an appropriate reasonable approach when impacts cannot be avoided and have been minimized to the greatest degree possible. Compensatory~~

~~mitigation and~~ may be used as a viable alternative to protect the public interest. Compensation must necessarily be addressed through negotiation negotiated between the project developer/project beneficiary, permitting entity, and the Department, and since all parties should be in agreement with the type and amount of compensation necessary for each proposed action. -This form of ~~mitigative action~~mitigation is the least desirable since it accepts the loss of natural habitat values ~~at the outset~~ and oftentimes cannot result in total ~~reparation-replacement~~ for ~~these losses~~lost values. Compensation is best applied to wildlife and habitat values that will be adversely impacted after all reasonable measures to avoid and minimize impacts have been implemented; it is not intended nor desirable to use compensation in place of avoidance and minimization strategies. -It can be a viable method of offsetting losses, however, for those actions which will occur regardless of other natural resource values. -Since ~~As~~ compensatory mitigation~~ion~~ may be a highly sensitive subject ~~and has the potential for considerable controversy~~, the following specific procedures will be in effect:

- a) The Department ~~may~~will accept monetary contributions or donations as mitigation which are tied to programs or activities designed to offset potential resource losses or for mitigation banking for habitat restoration, enhancement, ~~and/or~~ acquisition projects, ~~or, under special circumstances, research related to the loss of resource(s)~~, provided that an ~~appropriate and cooperatively developed~~cooperative mitigation agreement has been finalized between the project proponent and the ~~Nevada Department of Wildlife~~Department.
- b) Compensat~~ory~~ion ~~or replacement~~ mitigation should be oriented within or adjacent to the project area ~~in a suitable area as to be effective and~~ successful and ~~should be~~ designed to ~~rectify-compensate for~~ the same functions, habitat types and species being impacted wherever possible. -Off-site compensation should be considered when mitigative measures cannot be applied to adjacent areas or to benefit the same species that are impacted.
- c) All final actions associated with compensat~~ory~~ion mitigation will be approved by the Director ~~of the Department~~ to ~~insure~~ensure that agreements are consistent with Commission policy and program direction. -This measure is not intended to preclude ~~Bureau-land management or other resource management agencies~~personnel, under appropriate program and procedures, from negotiations, but it is directed at ~~e~~insuring a uniform statewide approach to ~~fish and~~ wildlife ~~resource~~ mitigation.

This policy shall remain in effect until amended, modified, or repealed by the Nevada Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,  
~~DECEMBER 1, 2004~~MONTH, DAY, YEAR.

John T. Moran, Jr. Tommy Caviglia, Chairman  
Board of Wildlife Commissioners

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 66**

**Number: P-66  
Title: Management and Use of  
Conservation Lands and Wildlife  
Management Areas  
Reference: NRS 501.105, 501.181  
Effective Date: March 28, 1980  
Amended Date: August 15, 1998 and  
January 26, 2018**

**PURPOSE**

The primary purpose of this document is to provide policy-level guidance to the Nevada Department of Wildlife in the development of site specific operational plans for NDOW owned conservation lands and individual wildlife management areas (WMAs) in the State of Nevada.

**JUSTIFICATION**

In accordance with the provisions of NRS 501.105, the Nevada Board of Wildlife Commissioners (the Commission) is responsible for establishing policies and adopting regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. These duties are further refined in NRS 501.181, which allows the Commission to establish policies for areas of interest including the acquisition of lands, water rights and easements and other property, including the entry, access to, and occupancy and use of such property, including leases of grazing rights, and sales or agricultural products.

**BACKGROUND**

Nevada not only has the distinction of being the driest state in the nation, but also continues to be one of the fastest growing from a human population perspective. The increased demands for the limited water resources has escalated the importance of maintaining viable and functioning wetlands, and other water-related habitats, upon which a variety of game, nongame, and sensitive species of fish and wildlife depend. It has been estimated that 85 percent of the historic wetlands in the western part of the State, and 52 percent of the wetlands statewide have been lost. The desire to acquire and maintain wetlands in public ownership was also identified as a priority initiative in the Nevada Department of Wildlife's recently adopted Strategic Plan.

Nevada also has an inherent obligation from a national and international perspective to participate in efforts to insure the future well being of migratory birds, a majority of which utilize the wetlands and other habitats of Nevada for only a part of their life cycle. The WMAs of this State are an extremely important component of the North American

Waterfowl Management Plan, the U.S. Shorebird Conservation Plan, the North American Waterbird Conservation Plan and the Partners in Flight Bird Conservation Plan, a plan which considers the needs of neotropical migratory birds.

The State of Nevada through the Department of Wildlife currently owns in fee title, and/or maintains long-term leases for over 150,000 acres of real property, including attendant water rights in some cases. A vast majority of this land was acquired for the primary purpose of protecting wetlands, inclusive of maintaining public shooting grounds. Opportunities continue to exist for acquiring and or protecting additional wetlands and other critical habitats for fish and wildlife through the Conserve Nevada Bond program, use of the Federal Aid in Sport Fish and Wildlife Restoration projects, and other funding initiatives.

Planning the future of Nevada's conservation lands and WMAs is essential due to the increased and sometimes conflicting demands being placed upon these limited resources. The adoption of broad policies and attendant long-range plans can therefore assist in meeting the present and future use demands, help maintain and enhance the resource, and resolve the problems of the conflicting resource uses.

## **POLICIES**

In order to address the current and future needs of the fish and wildlife resources, and the publics that utilize these resources, the Nevada Board of Wildlife Commissioners does hereby establish the following policies to provide for the preservation, protection, management and restoration of wildlife and its habitats on State owned or controlled lands and WMAs:

Priority Uses: The primary objectives governing the management and use of WMAs must necessarily be linked to the purposes for which the areas were purchased, particularly from a Federal Aid or other funding source perspective. Based upon this premise, priority management for the following listed WMAs will be directed toward wetland development and waterfowl activities, including the use of these areas as public shooting grounds, with all other uses being secondary: Argenta, Carson Lake, Mason Valley, Scripps, Fernley, Humboldt, Alkali Lake, Franklin Lake, Overton, Key Pittman, Steptoe Valley, and Wayne E. Kirch.

Using similar justification and rationale as described above, the following listed area will receive priority management for fisheries-related programs: Bruneau River. It is the intent of this policy to maximize available opportunities for all fish and wildlife uses within the WMA system, after consideration of the primary uses described above and within limits posed by provisions of the Endangered Species Act, Section 404 of the Clean Water Act, and other similar state and federal legislative mandates.

Multiple Uses: Because of the limited availability and subsequent high demand for wetland-related resources in Nevada, all WMAs purchased with Federal Aid in Wildlife Restoration funds shall be developed, maintained and managed primarily for wetland

values. In the same manner, all WMAs purchased with Federal Aid in Sport Fish Restoration funds shall be developed, maintained and managed primarily for fisheries-related values. The maximum recreational or other public use will be pursued whenever and wherever feasible, but with the limits posed by the above reference priorities, within habitat capabilities, and may be limited by budget constraints or regulations applicable to lands purchased using Federal Aid.

Hunters and anglers benefit from the fish and wildlife on the WMAs and conservation lands and as such, shall continue to be included in the future management and use of the properties. Properties are also available for educational, scientific, aesthetic and other uses such as bird watching, nature trails, educational pursuits, scientific endeavors and will be encouraged whenever and wherever possible. The scope of activities, number of visitors and/or visitor days, and conflicting uses will be managed or limited to protect the associated natural resources, to maintain an optimum recreational experience and to provide for public safety.

Water Rights: Whenever water becomes available, the Department shall, subject to available manpower and money, apply for and/or purchase such waters as deemed necessary to maintain existing wetlands and/or develop new wetlands necessary for the preservation, maintenance and enhancement of wildlife and their habitats on WMAs.

Land Acquisition: In concert with public input provided as part of the inventory portion of the Strategic planning process, objectives developed in the Strategic Plan, and in accordance with policies established under the Conserve Nevada Bond program, the Department will continue to pursue a land acquisition program that meets the needs and desires of the public, and provides for the preservation, protection, and restoration of wildlife and their habitats within the WMA system.

Easements: Acquisition of conservation or access easements from willing private property parties that support important wildlife habitat or access will be considered when opportunities are presented. Easements keep private lands in private ownership but provide opportunity to prioritize wildlife values or ensure access.

Wetlands Management: An overall goal of no net loss of wetlands and the enhancement of wetland quantity and quality are the long-term wetlands management objectives on WMAs purchased with Federal Aid in Wildlife Restoration funds. Comprehensive strategies for protecting and enhancing wetlands will be developed for each WMA using the Geographical Information System (GIS) natural resource inventory. The condition of present water delivery facilities will be reviewed, and improvement projects developed where needed on WMAs to increase efficiency of water delivery and promote water conservation.

Vegetation Management: Strategies to promote vegetation that is of maximum value to waterfowl and other migratory birds will be developed through water level manipulation, prescribed burning, grazing, herbicide applications and other means in an effort to meet plan-specific objectives on each WMA. Procedures will also be developed to control

and eradicate invasive and undesirable plants such as tamarisk and whitetop. Upland habitats on WMAs will be managed to maximize biodiversity, which may also require periodic vegetative manipulation.

Public Access: Appropriate road and trail systems will be established and maintained within each WMA to insure adequate public access to the resource, recognizing however, that some seasonal road closures may be necessary to protect the resource, and/or enhance the recreational experience. Roadways, parking areas and other vehicular control measures will be adequately signed to insure public compliance.

Camping: Although camping is recognized as an important part of the outdoor recreational experience, and that overnight and/or day-use facilities may be needed at some WMA locations, the Department of Wildlife is not in the camping business simply for the sake of camping. Facilities will therefore be provided only in those areas where there is an expressed demand by resource users, and only to specifically meet the identified needs of the users.

On those WMAs where improved camping facilities are deemed necessary to address the needs of the general public, and the development of such sites are compatible with fish and wildlife management objectives of the area, the Department of Wildlife shall work in cooperation with the Division of State Parks to provide upgraded camping facilities through the use of site-specific Memorandums of Agreement.

Boat Ramps: Recognizing that boating access is an important component associated with recreational opportunity at many of the WMAs, adequate boat ramp facilities will be provided for launching medium to small boats on reservoirs and ponds where appropriate.

Grazing Practices: It is recognized that livestock grazing frequently provides a viable and cost-effective management tool for enhancing habitat conditions for certain species of wildlife, and livestock grazing may therefore be utilized periodically on some WMAs or conservation lands to meet area-specific plan objectives.

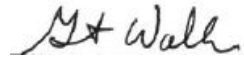
Farming Practices: It is recognized that agricultural production of farmland crops is an extremely beneficial asset to many species of wildlife, particularly some species of migratory birds, and that such practices add to the biodiversity of wildlife in Nevada. Although the major focus of the WMA program will be directed toward developing, enhancing and maintaining natural wetland systems, farming may be initiated on some areas to meet site-specific management area needs. Because of the high cost of farming for agricultural products, a cost benefit analysis will be one of the factors used in determining whether or not an area will be farmed.

Funding Sources: The ownership, maintenance and management of real property, particularly land and water, is an expensive program component of fish and wildlife management. The current WMA system provides both direct and indirect benefits to the general public through habitat and migratory bird protection. It is the intent of the

Commission to encourage the Department to explore broad and diverse funding opportunities to fund the WMAs for the benefit of all citizens.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, JANUARY 26, 2018.



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Grant Wallace, Chairman  
Nevada Board of Wildlife Commissioners





**STATE OF NEVADA  
DEPARTMENT OF WILDLIFE  
Habitat Division**

6980 Sierra Center Parkway, Ste. 120 · Reno, Nevada 89511  
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**MEMORANDUM:**

**OCTOBER 18, 2022**

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

**From:** Jasmine Kleiber, Wildlife Staff Specialist, Habitat Division

**Title:** **Commission General Regulation 500, Subdivision Map Review**

**Purpose:** The Commission will hold a workshop to consider new proposed draft language to NAC 278 on wildlife review of tentative subdivision maps.

**Summary**

This is draft language for a new regulation to be added to Nevada Administrative Code (NAC) Chapter 278. New draft language includes definitions for “Infill development,” “Substantially vacant,” and “Vacant” relative to subdivision development. Draft language also includes direction for the collection of fees for conducting review of tentative subdivision maps relative to wildlife and/or habitat resources with potential to be impacted, pursuant to Nevada Revised Statutes 278.337.

**Brief Explanation of the Proposed Regulation**

Existing law sets forth an approval process for a subdivision of land, requiring the subdivider of the land to submit a tentative map to the planning commission or governing body of a county or city, as applicable, and requires the tentative map to be forwarded to certain state agencies and local governments for review, including the Nevada Department of Wildlife (“Department”). Existing law also authorizes the Nevada Board of Wildlife Commissioners to establish reasonable fees and procedures for the review of a tentative map (NRS 278.335, 278.337). This regulation sets forth procedures and requirements for the review of a tentative map by the Department.

**Recommendation**

The Department recommends that the Commission review the proposed regulation and move forward for adoption.

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

**LCB File No. R162-22**

August 23, 2022

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

AUTHORITY: §§ 1-7, NRS 278.335; § 8, NRS 278.335 and 278.337.

A REGULATION relating to land use planning; defining certain terms relating to the review of a tentative map of a subdivision of land; interpreting certain terms for the purpose of the review of a tentative map by the Department of Wildlife; requiring that certain information be submitted to the Department for the review of a tentative map; providing that the Department will provide written comments on a tentative map; establishing certain fees for the review of a tentative map; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law sets forth an approval process for a subdivision of land that requires the subdivider of the land to submit a tentative map to the planning commission or governing body of a county or city, as applicable. (NRS 278.330) Existing law also: (1) requires the tentative map to be forwarded to certain state agencies and local governments for review, which includes, with certain exceptions, the Department of Wildlife; and (2) authorizes the Board of Wildlife Commissioners to establish reasonable fees for the review of a tentative map. (NRS 278.335, 278.337) This regulation sets forth certain procedures and requirements for the review of a tentative map by the Department.

**Sections 3 and 4** of this regulation define certain terms relating to the review of a tentative map.

Under existing law, a tentative map is not required to be forwarded to the Department if the proposed subdivision is infill development which is proposed on a vacant or substantially vacant tract of land that is surrounded by land that is already developed. (NRS 278.335) **Section 5** of this regulation sets forth the interpretation by the Department of the terms “infill development,” “substantially vacant” and “vacant” for the purposes of this exception.

**Section 6** of this regulation requires a developer to submit to the Department a tentative map, a review form and the fee required for the review of a tentative map. **Section 6** also sets forth the information that must be included on the review form submitted to the Department.

**Section 7** of this regulation provides that the Department will provide written comments on the tentative map and review form which may include methods to avoid or minimize impacts to wildlife, mitigation measures, best management practices or required design features.

**Section 8** of this regulation sets forth the fees charged by the Department for the review of a tentative map, which are: (1) \$250 for the initial review of the tentative map plus an additional \$5 for each acre shown on the map; and (2) \$5 per acre shown on the tentative map for any subsequent review of modifications to the map.

**Section 1.** Chapter 278 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 8, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Subdivision” has the meaning ascribed to it in NRS 278.320.*

**Sec. 4.** *“Tentative map” has the meaning ascribed to it in NRS 278.019.*

**Sec. 5.** *As used in NRS 278.335, the Department of Wildlife interprets the term:*

*1. “Infill development” to mean the process of developing vacant or underutilized tracts of land in areas that are already developed.*

*2. “Substantially vacant” to mean a subdivision of land in which not less than 75 percent of the land is vacant.*

*3. “Vacant” to mean a subdivision of land in which the land:*

*(a) Is not occupied or used;*

*(b) Has not been developed or disturbed; and*

*(c) Does not have any forage, cover, nesting habitat or any other value necessary for wildlife.*

**Sec. 6.** *1. Except as otherwise provided in paragraph (d) of subsection 1 of NRS 278.335, for each tentative map or a modification to a tentative map submitted pursuant to NRS 278.335, a developer shall submit to the Department of Wildlife for review in printed or electronic form:*

- (a) The tentative map;*
- (b) The review form prescribed by the Department of Wildlife; and*
- (c) The fee required pursuant to section 8 of this regulation.*

*2. The review form required pursuant to subsection 1 must include, without limitation:*

*(a) A map that shows:*

*(1) The topographic features of the subdivision, including, without limitation, the topographic features of the vicinity of the subdivision; and*

*(2) The location of the proposed subdivision relative to the nearest city, major highway, cross streets and any other easily identifiable landmarks;*

*(b) The expected timeline of the development of the subdivision;*

*(c) The size of the subdivision indicated in acres;*

*(d) A statement of the type of water system to be used in the subdivision and the water source, which may include, without limitation, private wells or a public water system;*

*(e) A map of the 100-year floodplain for the location of the subdivision, which must have been prepared using recognized methods of preparing a map by a governmental agency responsible for the areas subject to flooding;*

*(f) A description of the subdivision by 40-acre legal subdivisions within a designated section, township and range or any other legal description which provides a positive identification of the location of the subdivision;*

*(g) The names, addresses, phone numbers and any other contact information of all developers of the subdivision; and*

*(h) A master plan showing the location of future development and the intended use of all the land under the ownership or control of the developers in the vicinity of the subdivision.*

*3. All items and information required pursuant to subsections 1 and 2 must be submitted to the Department of Wildlife within 5 business days after the tentative map is submitted to the planning commission, or its designated representative, or the clerk of the governing body pursuant to NRS 278.330. If any item or information required pursuant to subsections 1 and 2 are missing, the Department of Wildlife will provide written notice to the developer which identifies the specific item or information that is missing.*

*4. A developer may submit a tentative map to the Department of Wildlife before submitting the tentative map to the planning commission or governing body to be prereviewed by the Department of Wildlife for any potential wildlife issues. If a developer submits a tentative map pursuant to this subsection, he or she must still submit the tentative map, information and fees required in accordance with subsection 3.*

*5. The Department of Wildlife will make the review form required pursuant to subsection 1 available on the Internet website of the Department of Wildlife.*

*6. A developer or other interested party may request wildlife information from the Department of Wildlife before submitting any information required by this section.*

*Sec. 7. The Department of Wildlife will provide written comments on a tentative map and review form submitted pursuant to section 6 of this regulation by the deadline set forth in subsection 5 of NRS 278.335. The comments provided by the Department of Wildlife may include, without limitation:*

- 1. Methods to avoid or minimize impacts to wildlife;*
- 2. Recommendations on mitigation measures; or*
- 3. Best management practices or required design features.*

**Sec. 8. 1.** *The Department of Wildlife will charge the following fees for the review of a tentative map:*

*(a) For the review of a tentative map, \$250 plus an additional fee of \$5 for each acre shown on the tentative map; and*

*(b) For the review of any modifications to a tentative map that was previously submitted to the Department of Wildlife, \$5 for each acre shown on the tentative map.*

*2. Any fee required pursuant to subsection 1 must be paid at the same time the developer submits the tentative map and review form to the Department of Wildlife pursuant to section 6 of this regulation.*



STATE OF NEVADA  
DEPARTMENT OF WILDLIFE  
Data and Technology Services Division

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(775) 688-1500 Fax (775) 688-1987

**MEMORANDUM:**

**OCTOBER 4, 2022**

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

**From:** Management Analyst Megan Manfredi, Data and Technology Services Division

**Title:** **Commission General Regulation 502, Junior and Turkey Hunt Programs**

**Purpose:** The Commission will hold a second workshop to consider draft language amending Nevada Administrative Code (NAC) chapter 502 to remove the Turkey harvest return card deadline from NAC to be included in the annual Commission Regulation and limit the number of successfully awarded tags in the junior hunt program.

**Summary**

This regulation will allow for junior turkey bonus point holders to roll over their accumulated points into the adult category once they are no longer eligible to participate in the junior turkey hunt program and limit the amount of successfully awarded tags through the junior hunt programs to three (3).

**Brief Explanation of the Proposed Regulation**

To keep consistency, the Department is proposing changes to the business rules regarding the turkey harvest return card and bonus point programs. The proposed changes would align with the business rules established for the big game species by allowing an applicant who failed to submit their turkey harvest return card by the established deadline to pay the \$50 associated fee and complete the survey during the following year’s turkey application period in order to lift the applied suspension and successfully submit an application. The changes would also allow for juniors participating in the junior turkey hunt program to roll their accumulated bonus points into the adult category once they are no longer eligible for participation as a junior turkey hunter.

Additionally, the Tag Allocation and Application Hunt Committee has proposed a limitation to participation in the junior hunt programs that would make an applicant ineligible for future participation in the junior hunt programs after three (3) successfully awarded junior tags. This limitation is specific to the species being applied for.

**Recommendation**

The Department recommends that the Commission review the proposed regulation and move forward for adoption.

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

**LCB File No. R051-21**

August 4, 2022

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

AUTHORITY: § 1, NRS 501.105 and 501.181; §§ 2 and 4-6, NRS 501.105, 501.181 and 502.160; §3, NRS 501.105, 501.119, 501.181 and 502.160.

A REGULATION relating to wildlife; revising provisions relating to eligibility to apply for a junior hunt; revising provisions relating to the submission of a questionnaire issued as part of a tag to hunt wild turkey; revising provisions relating to the awarding of bonus points for certain applicants for a tag to hunt wild turkey; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to carry out the provisions governing wildlife, including, without limitation, the manner and means of taking wildlife. (NRS 501.105, 501.181) Existing regulations prescribe requirements governing the eligibility of a person to apply to engage in a junior hunt. (NAC 502.063, 502.333) **Section 2** of this regulation revises provisions relating to the length of time during which an applicant may apply for a junior hunt by providing that a person who is otherwise eligible to apply for a junior hunt may apply for a junior hunt for not more than 5 years or the length of time required for the person to successfully obtain three tags for a junior hunt, whichever is sooner. **Section 6** of this regulation makes a conforming change relating to the transfer of unused bonus points for persons who become ineligible to apply for a junior hunt.

Existing law authorizes the Department of Wildlife to obtain necessary data from hunters, trappers and anglers relative to their activities and success through the use of reports or questionnaires. If a report or questionnaire is not returned within the period specified by regulation of the Commission, existing law authorizes the Commission to deny the person the right to acquire certain licenses for a period of 1 year and levy an administrative fine against the person. (NRS 501.119) **Section 3** of this regulation revises requirements relating to a questionnaire issued as part of a tag to hunt wild turkey by requiring that such a questionnaire be received by the Department not later than the deadline established in an annual regulation of the Commission. **Section 4** of this regulation revises provisions relating to the awarding of bonus points to certain applicants for a tag to hunt wild turkey by replacing a requirement that such applicants must be awarded bonus points for the hunt number of the species for which an applicant applied with a requirement that the applicant be awarded a bonus point for the category



of the species for which he or she applied. **Sections 1 and 5** of this regulation make conforming changes relating to the manner in which bonus points may be awarded by the Department for a tag to hunt wild turkey.

**Section 1.** NAC 502.105 is hereby amended to read as follows:

502.105 “Type of hunt” means a hunt authorized by a regulation of the Commission, for which tags are awarded pursuant to application, that differs from another hunt in one or more of the following ways:

1. The species to be hunted for any species other than a species that is included in a category of a species pursuant to subsection 2;
2. The category of the species, subspecies and gender to be hunted as described in ~~subsection 1 of~~ NAC 502.4188;
3. The weapons to be used;
4. The residency of applicants; and
5. The method of drawing applications for the award of tags.

**Sec. 2.** NAC 502.333 is hereby amended to read as follows:

502.333 A person who is otherwise eligible to apply for a junior hunt may apply for a junior hunt for not more than 5 years ~~or~~ *or the length of time required for the person to successfully obtain three tags for a junior hunt, whichever is sooner.*

**Sec. 3.** NAC 502.407 is hereby amended to read as follows:

502.407 1. Unless otherwise provided by an annual regulation of the Commission, the properly completed questionnaire issued as part of a turkey tag must be received by the Department not later than ~~11 p.m. on:~~

~~—(a) May 31, or the next business day if May 31 falls on a weekend or state holiday, following the close of the season for the spring hunt for turkey; or~~

~~—(b) November 30, or the next business day if November 30 falls on a weekend or state holiday, following the close of the season for the fall hunt for turkey.}~~ *the deadline established in an annual regulation of the Commission.*

2. ~~{A}~~ *Except as otherwise provided in subsection 3, a* person who fails to return the questionnaire or the information required by the questionnaire ~~{within}~~ *on or before* the ~~{period specified}~~ *deadline* or who submits incomplete or false information on the questionnaire is ineligible for all turkey tags for 1 year.

3. A person who is ineligible for a tag pursuant to subsection 2 may have those privileges reinstated if the person:

(a) Pays to the Department an administrative fine of \$50; and

(b) Submits to the Department the properly completed questionnaire issued as part of the turkey tag or the information required by the questionnaire.

~~{4. A person who seeks to have privileges reinstated pursuant to the provisions of subsection 3 must perform the actions specified in that subsection not later than 11 p.m. on:~~

~~—(a) June 30, or the next business day if June 30 falls on a weekend or state holiday, following the close of the spring hunt for turkey; or~~

~~—(b) December 31, or the next business day if December 31 falls on a weekend or state holiday, following the close of the fall hunt for turkey.}~~

**Sec. 4.** NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in NAC 502.417 to 502.4225, inclusive, an applicant to obtain a tag for a season who is unsuccessful, or an applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point, must be awarded a bonus point for ~~†~~:

~~—(a) The hunt number of the species for which the applicant applied if he or she applied for a:~~

~~—(1) Tag to hunt wild turkey; or~~

~~—(2) Bonus point for a tag described in subparagraph (1); or~~

~~—(b) The~~ *the* category of the species for which he or she applied if he or she applied for a tag to hunt deer, elk, mountain goat, antelope, black bear, moose, *wild turkey* or bighorn sheep, or for a bonus point for such a tag.

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

2. Except as otherwise provided in subsection 4, the bonus points awarded to a person for a species or category of species accumulate until the person loses his or her bonus points pursuant to this subsection. A person loses all of his or her bonus points for a species or category of a species:

(a) If the person is successful in drawing a tag for a season for that species or category of a species; or

(b) If the person does not apply for a tag or a bonus point for a season for 2 consecutive calendar years during which that type of hunt for a season is open.

3. Upon written request, the Department shall reinstate each bonus point a person lost pursuant to paragraph (b) of subsection 2 if:

(a) During the entirety of the respective 2 consecutive calendar years, the person was mobilized, deployed, training or stationed outside of the United States as an active member of the Armed Forces of the United States, as verified by a copy of his or her orders or other proof satisfactory to the Department; and

(b) The request is submitted to the Department not later than 1 year after the date the person returns to the United States.

4. Except as otherwise provided in NAC 502.4189, a person may not use any bonus points awarded to the person for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.

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

6. The Department shall not award bonus points for depredation hunts or management hunts.

7. As used in this section, “management hunt” means a hunt established to seek the harvest of additional wildlife within a population.

**Sec. 5.** NAC 502.4188 is hereby amended to read as follows:

502.4188 ~~1.—Except as otherwise provided in subsection 2, any~~ **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:

- ~~1(a)~~ **1.** Antlered mule deer;
- ~~1(b)~~ **2.** Antlerless mule deer;
- ~~1(c)~~ **3.** Mule deer, either antlered or antlerless;
- ~~1(d)~~ **4.** Antlered Rocky Mountain elk;
- ~~1(e)~~ **5.** Antlerless Rocky Mountain elk;
- ~~1(f)~~ **6.** Rocky Mountain elk, either antlered or antlerless;
- ~~1(g)~~ **7.** Spike Rocky Mountain elk;

~~{(h)}~~ 8. Pronghorn antelope whose horns are longer than their ears;

~~{(i)}~~ 9. Pronghorn antelope whose horns are shorter than their ears;

~~{(j)}~~ 10. Rams, from one of the following subspecies:

~~{(1)}~~ (a) Nelson bighorn sheep;

~~{(2)}~~ (b) California bighorn sheep; or

~~{(3)}~~ (c) Rocky Mountain bighorn sheep;

~~{(k)}~~ 11. Ewes, from one of the following subspecies:

~~{(1)}~~ (a) Nelson bighorn sheep;

~~{(2)}~~ (b) California bighorn sheep; or

~~{(3)}~~ (c) Rocky Mountain bighorn sheep;

~~{(l)}~~ 12. Mountain goats;

~~{(m)}~~ 13. Black bears; ~~or~~

~~—(n)—~~ 14. Moose ~~†~~

~~—2.— Bonus points awarded by the Department pursuant to the bonus point program for wild† ;~~

*or*

15. *Wild* turkey . ~~{hunts must be awarded by hunt number.†}~~

Sec. 6. NAC 502.4189 is hereby amended to read as follows:

502.4189 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 *apply for a junior hunt for deer pursuant to NAC 502.333 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.

*6. If a person becomes ineligible to apply for a junior hunt for wild turkey pursuant to NAC 502.333 or becomes ineligible to participate in a junior hunt for wild turkey because of*

*his or her age, each unused bonus point accumulated by that person for a junior hunt for wild turkey automatically transfers to the category for wild turkey.*



**STATE OF NEVADA**  
**DEPARTMENT OF WILDLIFE**  
**Data and Technology Services Division**  
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**MEMORANDUM**

**OCTOBER 4, 2022**

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

**From:** Management Analyst Megan Manfredi, Data and Technology Services Division

**Title:** **Commission General Regulation 510, First Come First Served (FCFS) Exchange to Obtain a Tag**

**Purpose:** The Commission will hold a workshop to consider a temporary regulation amending the Nevada Administrative Code (NAC) chapter 502 that would include the trade of money, goods or services in exchange for a tag procurement through the FCFS program as grounds for suspension.

**Summary**

This temporary regulation includes an additional provision that would qualify for a suspension from the FCFS program.

**Brief Explanation of the Proposed Regulation**

The proposed regulation change would include the trade of money, goods, or services in exchange for a tag procurement through the FCFS program as grounds for suspension. The proposed change is intended to keep a fair and equitable system for all participating parties.

**Recommendation**

The Department recommends that the Commission review the proposed regulation and move forward for adoption.



**PROPOSED REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS  
COMMISSION GENERAL REGULATION 510  
TEMPORARY REGULATION**

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

AUTHORITY: §§1 and 2, NRS 502.175

A REGULATION relating to licensing and the purchase of tags.....

**Section 1.** NAC 502.4215 is hereby amended to read as follows:

502.4215 1. The Department may provide all eligible hunters with an opportunity

to apply electronically for any tags that are:

(a) Remaining after tags have been issued for a season by using the computerized system

of drawing and alternate list; or

(b) Returned less than 14 calendar days before the opening day for that season.

↳ The Department shall act upon applications for such tags in the order received.

2. If an application for a tag described in subsection 1 is successfully drawn, the

Department shall collect from the applicant:

(a) The appropriate fee for the tag as provided in NRS 502.250; and

(b) The fee for a hunting license or combination hunting and fishing license, as provided

in NRS 502.240, if:

(1) The applicant has not obtained a hunting license and indicates on the

application that he or she wishes to purchase the hunting license or combination hunting and

fishing license only if his or her application is successfully drawn; or

(2) The hunting license or combination hunting and fishing license submitted with the

application for the tag or permit will expire before the opening day of the season for the

permit or tag.

3. If a tag is issued to a person pursuant to this section, the person will be treated as if he or she was successful in drawing a tag for a season for that species in respect to any applicable bonus points and waiting periods.

4. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the electronic system by attempting to create or by creating an unfair advantage in obtaining the tag, he or she, *and all involved parties*, shall be suspended by the Department from applying for any tags remaining for the applicable season. Activities that are cause for such suspension include, without limitation:

(a) The use of a technological program designed to carry out tasks that would otherwise be performed under human supervision;

(b) The use of technology designed to create an unfair advantage;

(c) Multiple logins into a single customer's account; ~~or~~

(d) Multiple browser sessions open at a single time; ~~or~~

*(e) Exchange of anything of value including, without limitation, money, goods and/or services, to obtain a tag;*

*(f) Offering to obtain a tag in exchange for anything of value including, without limitation, money barter, goods and/ or services.*

5. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the system by making continued and substantial efforts to create an unfair advantage, as described in subsection 4, he or she, *and all involved parties*, shall be suspended by the Department from using the electronic system to apply for remaining tags in any future hunting seasons.



**STATE OF NEVADA  
DEPARTMENT OF WILDLIFE  
Wildlife Diversity Division**

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**MEMORANDUM**

**October 5, 2022**

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

**From:** Jennifer Newmark, Administrator, Wildlife Diversity Division

**Title:** **Commission General Regulation 506, Possession of Golden Eagles Under Certain Circumstances**

**Purpose:** The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 503 to allow for possession of a golden eagle under certain conditions.

**Summary**

This regulation will determine certain conditions that would allow for possession of a golden eagle, amending NAC 503.200-503.470 and 503.610.

**Brief Explanation of Proposed Regulation**

This regulation was created after the passage of Senate Bill 125 of the 81<sup>st</sup> Legislative Session. It would authorize a person who is licensed as a master falconer and who meets certain federal conditions to possess a golden eagle that is obtained from the wild under a new eagle permit if the golden eagle is obtained for rehabilitation purposes, is legally obtained in another state, is legally possessed by a master falconer in another state and that master falconer moves to this State, and if a golden eagle is transferred to the master falconer from another falconer in a manner authorized by this regulation and upon Department approval.

**Recommendation**

The Department recommends that the Commission review the proposed regulation and move forward for adoption.

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

**LCB File No. R160-22**

September 12, 2022

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

AUTHORITY: §§ 1, 2, 4, 6-12 and 14-20, NRS 501.105, 501.181, 503.582, 503.583 and 503.610; §§ 3, 5 and 13, NRS 501.105, 501.181, 503.582, 503.583, 503.597 and 503.610.

A REGULATION relating to wildlife; setting forth the requirements for possessing a golden eagle in this State, obtaining an eagle permit and using a golden eagle in the practice of falconry; establishing a civil penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes a person who is licensed as a master falconer and who meets certain federal conditions to possess a golden eagle that is obtained from the wild if the golden eagle: (1) is obtained for rehabilitation purposes; (2) is legally obtained in another state; (3) is legally possessed by a master falconer in another state and that master falconer moves to this State; or (4) is transferred to the master falconer from another falconer in a manner authorized by regulations adopted by the Board of Wildlife Commissioners. Existing law authorizes the Commission to adopt regulations that authorize such a person to transport, transfer, possess or use a golden eagle in falconry. If such transportation, transfer, possession or use in falconry is authorized, existing law further requires a person who possesses a golden eagle to obtain an eagle permit. An eagle permit: (1) is deemed to be a permit to possess a golden eagle for the purposes of certain provisions of federal law; and (2) authorizes the holder to lawfully transport, transfer, possess or use a golden eagle in falconry in the manner set forth in the eagle permit. (50 C.F.R. § 22.70, NRS 503.610)

**Section 3** of this regulation prohibits, with certain exceptions, a person from possessing a golden eagle that is obtained from the wild or using a golden eagle in falconry unless the person: (1) has a valid master falconry license and an eagle permit; and (2) if the person rehabilitates a golden eagle, has a valid permit to do so. **Section 3** further: (1) authorizes, under certain circumstances, a person who is not a resident of this State to use a golden eagle in the practice of falconry in this State; and (2) requires certain persons who move to this State with the intent to make this State their permanent residence to obtain a master falconry license and an eagle permit not later than 60 days after becoming a resident.

**Section 13** of this regulation makes a conforming change to create an exception to the requirement that a person who moves to this State obtain a falconry license from the Department of Wildlife not more than 30 days after becoming a resident.

**Section 17** of this regulation makes a conforming change to make an exception to the prohibition on the taking, transportation, possession or use of golden eagles in the practice of falconry.

**Section 2** of this regulation defines the term “eagle permit.”

**Section 4** of this regulation sets forth the requirements for an application for and the renewal of an eagle permit.

**Section 5** of this regulation sets forth the requirements for a person who is not a resident of this State to obtain authorization to use a golden eagle in the practice of falconry in this State.

**Section 6** of this regulation requires a master falconry licensee with an eagle permit to ensure that any golden eagle in his or her possession is in good condition.

Existing regulations set forth various requirements for each facility that houses a raptor. (NAC 503.375-503.395) **Section 7** of this regulation: (1) provides that such requirements apply to a golden eagle; and (2) requires a master falconry licensee who has an eagle permit to ensure that each facility that houses a golden eagle be at least 12 feet long, 12 feet wide and 8 feet tall.

**Section 12** of this regulation makes a conforming change to indicate the proper placement of **section 7** in the Nevada Administrative Code.

**Section 8** of this regulation: (1) prohibits, with certain exceptions, a master falconry licensee from possessing a golden eagle for rehabilitation for more than 2 years after the date on which the master falconry licensee receives the golden eagle for rehabilitation; and (2) sets forth certain requirements for releasing a golden eagle from rehabilitation.

**Section 9** of this regulation authorizes the Department to suspend, revoke or deny the issuance or renewal of an eagle permit under certain circumstances.

**Section 10** of this regulation requires the Department to impose a civil penalty of \$1,000 against any person, firm, company, corporation or association who unlawfully kills, destroys, wounds, traps, injures, possesses dead or alive, or in any other manner catches, captures, takes or removes from the wild, or to pursue with such intent, the birds known as the bald eagle and the golden eagle, or takes or removes from the wild, injures, possesses or destroys the nests, eggs or newly hatched offspring of such birds.

**Section 11** of this regulation amends the definition of the term “raptor” so that it includes a golden eagle and so that the various regulations relating to raptors apply to golden eagles.

Existing regulations set forth certain conditions for retaining raptor feathers that are molted or are from raptors held in captivity that die and provides that such feathers may be retained and exchanged for imping purposes only. (NAC 503.205) **Section 12** provides that a master falconry licensee who has an eagle permit may only possess primary wing feathers and not more than 12 tail feathers of a golden eagle for imping purposes.

Existing regulations authorize the Department to deny the issuance or renewal of any class of falconry license or permit if the applicant has been convicted of a violation of the provisions of the Nevada Administrative Code relating to raptors. (NAC 503.235) **Section 14** of this regulation clarifies that such provisions include **sections 2-10**.

Existing regulations prohibit a master falconry licensee from possessing more than five raptors. (NAC 503.250) **Section 15** of this regulation prohibits, with certain exceptions, a master falconry licensee from possessing more than two golden eagles.

Existing regulations require a person holding a falconry license to allow the Department's employees to enter his or her premises at any reasonable hour to conduct certain inspections related to raptors, including the facilities that house raptors. (NAC 503.260) **Section 16** of this regulation clarifies that this provision also applies to facilities that house golden eagles.

**Section 18** of this regulation clarifies that the provisions of the Nevada Administrative Code that require each raptor to be housed in humane and healthful conditions also apply to golden eagles.

Existing regulations provide that the owner of a raptor that dies may: (1) keep or donate the feathers; (2) donate the body of the raptor to certain persons; (3) under certain circumstances, have the raptor mounted by a taxidermist; or (4) dispose of the body and feathers of the raptor. (NAC 503.460) **Section 19** of this regulation provides that if a golden eagle in the possession of a master falconry licensee dies, the licensee is required to surrender the body and feathers of the golden eagle to the Department not later than 5 business days after the discovery of the death.

Existing regulations provide that the provisions of the Nevada Administrative Code related to raptors must not be construed to exempt any person from the provisions of federal law relating to raptors or falconry. (NAC 503.470) **Section 20** of this regulation clarifies that this requirement also applies to the provisions of **sections 2-10**.

**Section 1.** Chapter 503 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

**Sec. 2.** *As used in NRS 503.610 and NAC 503.200 to 503.470, inclusive, and sections 2 to 10, inclusive, of this regulation, "eagle permit" means a permit issued by the Department pursuant to NRS 503.610 authorizing a person who is a master falconry licensee to transport, transfer, possess or use a golden eagle in falconry.*

**Sec. 3. 1.** *Except as otherwise provided in this section, a person shall not possess a golden eagle that is obtained from the wild or use a golden eagle in falconry unless the person:*

*(a) Has a valid master falconry license issued by the Department pursuant to NAC 503.240;*

*(b) Has a valid eagle permit issued pursuant to section 4 of this regulation;*

*(c) Has a current and valid hunting license issued pursuant to chapter 502 of NRS; and*

*(d) If the person rehabilitates a golden eagle, has a valid permit to rehabilitate raptors pursuant to NAC 503.315.*

*2. A person who is not a resident of this State, holds a valid master falconry license issued by the appropriate agency of the jurisdiction in which the person resides and otherwise legally possesses a golden eagle in that jurisdiction may use the golden eagle in the practice of falconry in this State if the person:*

*(a) Possesses a valid nonresident hunting license issued pursuant to chapter 502 of NRS; and*

*(b) Obtains written authorization from the Department pursuant to section 5 of this regulation.*

*3. If a person moves to this State with the intent to make this State his or her permanent residence and lawfully brings a golden eagle into this State, the person must obtain a master falconry license pursuant to NAC 503.240 and an eagle permit pursuant to section 4 of this regulation not later than 60 days after becoming a resident of this State.*

*Sec. 4. 1. An applicant for an eagle permit must include on his or her application for the eagle permit:*

*(a) The name of the applicant.*

*(b) The physical and mailing address of the applicant's residence.*

*(c) The telephone number of the applicant's residence.*

*(d) The date of birth of the applicant.*

*(e) The driver's license number of the applicant, if he or she has been issued a driver's license.*

*(f) The social security number of the applicant.*

*(g) A copy of the applicant's current and valid master falconry license.*

*(h) A copy of the applicant's current and valid hunting license issued pursuant to chapter 502 of NRS.*

*(i) If the applicant is a raptor rehabilitator, a copy of the applicant's permit to rehabilitate raptors issued pursuant to NAC 503.315.*

*(j) Two letters of reference from persons who hold master falconry licenses in this State or another state and who lawfully possess a golden eagle in the United States. Each letter must:*

*(1) Assess the applicant's ability to care for golden eagles and fly golden eagles in falconry.*

*(2) Contain a concise history of the author's experience with golden eagles, including, without limitation, whether the author has experience in handling golden eagles in zoos, rehabilitating golden eagles or scientifically studying golden eagles.*

*(k) A narrative explanation of the applicant's direct experience with golden eagles or other large raptors. The narrative explanation must include, without limitation, information about the species of raptor with which the applicant has direct experience and the type and duration of activity in which the applicant acquired such direct experience.*

*(l) Proof that the facility in which the applicant currently houses raptors conforms to the applicable requirements of NAC 503.375 to 503.395, inclusive, and section 7 of this regulation.*

*(m) Proof that the facility in which the applicant will house a golden eagle conforms to the requirements of NAC 503.375 to 503.395, inclusive, and section 7 of this regulation.*

*(n) Any other information that the Department determines is necessary and related to whether the applicant will safely and humanely house, care for and possess a golden eagle.*



2. *An eagle permit is valid for 1 year.*

3. *A master falconry licensee with an eagle permit may apply to renew the eagle permit by submitting an application that meets the requirements set forth in subsection 1.*

**Sec. 5.** 1. *A person who is not a resident of this State, is licensed as a master falconer in another state, legally possesses a golden eagle in that state and wishes to use that golden eagle in the practice of falconry in this State pursuant to section 3 of this regulation shall submit to the Department a form prescribed by the Department that includes, without limitation, the date or dates on which the person wants to use the golden eagle in the practice of falconry in this State. Upon confirmation that the person meets the requirements set forth in section 3 of this regulation to use the golden eagle in the practice of falconry in this State, a representative of the Department must sign and return the form to the person.*

2. *Any person who is not a resident of this State who uses a golden eagle in the practice of falconry in this State shall have in his or her possession during the hunt and have ready for inspection by a game warden or representative of the Department:*

(a) *His or her master falconry license issued by his or her state of residence and any other documents from his or her state of residence that prove that he or she legally possesses the golden eagle;*

(b) *A nonresident hunting license issued pursuant to chapter 502 of NRS; and*

(c) *The form that is obtained and signed pursuant to subsection 1.*

**Sec. 6.** 1. *A master falconry licensee with an eagle permit must ensure that any golden eagle in his or her possession is in good condition.*

2. *Except as otherwise provided in this section, a golden eagle is not in good condition if:*

(a) *More than five primary flight feathers are broken;*

*(b) More than four tail feathers are broken;*

*(c) The body weight of the golden eagle indicates malnourishment, as determined by the Department; or*

*(d) The golden eagle has an excessive parasite load, as determined by the Department.*

*3. If the Department determines that a golden eagle that is in the possession of a master falconry licensee is not in good condition, the Department may:*

*(a) Remove the golden eagle from the possession of the master falconry licensee; or*

*(b) Provide the master falconry licensee with an opportunity to improve the condition of the golden eagle for a period not to exceed 6 months. If the Department provides a master falconry licensee such an opportunity, the master falconry licensee must, before the end of the period, provide the Department with written confirmation from a qualified veterinarian that the golden eagle is in good condition or the Department may remove the golden eagle from the possession of the master falconry licensee.*

*4. The provisions of this section do not prohibit a master falconry licensee who has an eagle permit and is a raptor rehabilitator to rehabilitate a golden eagle that has one or more of the conditions described in subsection 2.*

*Sec. 7. In addition to the requirements of NAC 503.375 to 503.395, inclusive, a master falconry licensee who has an eagle permit must ensure that each facility that houses an individual golden eagle in his or her possession is at least 12 feet in length, 12 feet in width and 8 feet in height.*

*Sec. 8. 1. Except as otherwise provided in this section, a master falconry licensee shall not possess a golden eagle for purposes of rehabilitation for more than 2 years after the date on which the master falconry licensee receives the golden eagle for rehabilitation.*

*2. A master falconry licensee that possesses a golden eagle for purposes of rehabilitation shall not release the golden eagle into the wild until the golden eagle has been declared rehabilitated by the Department or a licensed veterinarian, raptor rehabilitator or wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service.*

*3. If a golden eagle is not rehabilitated within 2 years after being in the possession of the master falconry licensee, the master falconry licensee must notify the Department in the manner required by the Department. Such notification must be received by the Department not later than 30 days after the expiration of the 2-year period described in subsection 1. The Department may authorize the master falconry licensee to possess the golden eagle for more than 2 years.*

*4. A rehabilitated golden eagle must be released in a location that is as close as possible to where the golden eagle was captured, taken or removed from the wild.*

**Sec. 9. 1.** *The Department may deny issuance or renewal of an eagle permit or may suspend or revoke an eagle permit if the applicant or holder of the eagle permit:*

*(a) Made a material misstatement in or falsified any document required for an application for an eagle permit;*

*(b) Failed to provide or maintain the housing and care for a golden eagle that is required by NAC 503.375 to 503.395, inclusive, and section 7 of this regulation;*

*(c) Failed to ensure that a golden eagle was maintained in good condition, as described in section 6 of this regulation;*

*(d) Has been convicted of violating any provision of NAC 503.200 to 503.470, inclusive, and sections 2 to 10, inclusive, of this regulation; or*

*(e) Has been convicted of violating any law or regulation of any state or the federal government relating to animal welfare or wildlife.*

*2. A person whose eagle permit was denied, suspended or revoked by the Department may appeal to the Commission.*

**Sec. 10.** *The Department shall impose a civil penalty of \$1,000 against any person, firm, company, corporation or association who violates subsection 1 of NRS 503.610.*

**Sec. 11.** NAC 503.200 is hereby amended to read as follows:

503.200 As used in NAC 503.200 to 503.470, inclusive, *and sections 2 to 10, inclusive, of this regulation*, unless the context otherwise requires:

1. “Abatement” means the training and use of a raptor to flush, haze or take wildlife for the purpose of mitigating depredation and nuisance problems, including, without limitation, threats to human health and safety.

2. “Bate” means to attempt to fly while tethered.

3. “Captive-bred” or “bred in captivity” means raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

4. “Captivity” means a live raptor that is held in a controlled environment which is intensively manipulated by humans for the purpose of producing raptors of selected species, and which has boundaries designed to prevent raptors, eggs or gametes of the selected species from entering or leaving the controlled environment.

5. “Eyas” means a nestling bird not yet capable of flight.

6. “Facility” means an indoor or outdoor facility used for housing a raptor.

7. “Falconry” means the sport of taking, or attempting to take, quarry by means of a trained raptor.

8. “Falconry licensee” means a person who holds an apprentice, general or master falconry license.

9. “Form 3-186A” means:

(a) Form 3-186A provided by the United States Fish and Wildlife Service; or

(b) If the United States Fish and Wildlife Service no longer provides Form 3-186A, any form provided by the Department for reporting the acquisition, transfer, release, loss, rebanding, implantation, death or theft of a raptor.

10. “Hack” means to train a raptor for falconry by temporarily releasing and subsequently taking the raptor.

11. “Hybrid raptor” means a raptor that is:

(a) The offspring of raptors listed as two or more distinct species in 50 C.F.R. § 10.13; or

(b) The offspring of raptors recognized by ornithological authorities as two or more distinct species listed in 50 C.F.R. § 10.13.

12. “Owner of a raptor” means a person who has reported the acquisition of a raptor to the Department on Form 3-186A and who has not subsequently reported the transfer, release, loss, death or theft of the raptor to the Department on Form 3-186A.

13. “Passage” means a bird that has fledged and is less than 1 year of age.

14. “Raptor” means a live migratory bird of the order *Accipitriformes*, *Falconiformes* or *Strigiformes*, other than the bald eagle (*Haliaeetus leucocephalus*), ~~for the golden eagle (*Aquila chrysaetos*)~~; regardless of whether the raptor was originally taken from the wild or is a captive-bred raptor, is a hybrid raptor, is protected under the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq., or is used in falconry.

15. “Raptor rehabilitator” means a person who has been issued a permit to rehabilitate raptors pursuant to NAC 503.315.

16. “Retake” means to take, by a falconry licensee who is not the person who originally identified the raptor as a falconry raptor, a raptor that has been marked with a leg band, transmitter or any other item identifying it as a falconry raptor.

17. “Take” means to trap or capture, or attempt to trap or capture, a raptor for the purpose of falconry.

**Sec. 12.** NAC 503.205 is hereby amended to read as follows:

503.205 1. Except as otherwise provided in subsection 4 and NAC 503.228, 503.405 and 503.415, it is unlawful for any person to hunt, trap, possess or sell any species of owl, hawk or other bird of prey, including any raptor or its parts, without first obtaining a license or permit from the headquarters of the Department.

2. The Department shall not issue a license or permit authorizing a person to possess a raptor unless the facility at which the raptor will be housed satisfies the requirements of NAC 503.375 to 503.395, inclusive ~~H~~, *and section 7 of this regulation.*

3. A person shall not transport, fly or otherwise work with a raptor outside of the facility at which the raptor is housed without having the license or permit required pursuant to subsection 1 in his or her immediate possession.

4. A falconry licensee who lawfully possesses a raptor may allow a person who is not a falconry licensee to hold or practice flying the raptor if the falconry licensee is present and supervising the person.

5. Raptor eggs may not be taken or possessed, except that raptor eggs laid by a bird in the possession of a person who holds a permit for captive propagation of raptors may be possessed if

the holder of the permit notifies the headquarters of the Department in writing within 5 business days after the first egg has been laid. Eggs laid by a raptor held under the authority of a falconry license must be reported by the falconry licensee to the Department within 5 business days after the first egg has been laid. The falconry licensee will dispose of the egg as directed by the Department.

6. Raptor feathers that are molted or are from raptors held in captivity that die, may be retained and exchanged by falconry licensees for imping purposes only and subject to the following conditions:

(a) Raptor feathers may not be purchased, sold or bartered.

(b) A falconry licensee may:

(1) Possess feathers for each species of raptor he or she lawfully possesses or has possessed ~~§ 21.12~~, *except that a master falconry licensee who has an eagle permit may only possess primary wing feathers and not more than 12 tail feathers of a golden eagle;*

(2) Receive feathers for each species of raptor he or she lawfully possesses or has possessed from any other falconry licensee, a propagator in the United States, a raptor rehabilitator or a wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service; and

(3) Donate feathers to a falconry licensee, a propagator in the United States, a raptor rehabilitator, a wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service, any person otherwise authorized by a license or permit to acquire and possess raptor feathers or any person or institution exempt from those license or permit requirements pursuant to 50 C.F.R. § 21.12.

(c) If a license or permit authorizing a person to possess raptor feathers expires or is revoked, any raptor feathers possessed by the person must be:

(1) Donated to a falconry licensee, a propagator in the United States, a raptor rehabilitator, a wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service, any person otherwise authorized by a license or permit to acquire and possess raptor feathers or any person or institution exempt from those license or permit requirements pursuant to 50 C.F.R. § 21.12; or

(2) Burned, buried or otherwise destroyed.

**Sec. 13.** NAC 503.220 is hereby amended to read as follows:

503.220 1. It is unlawful, except by the written consent and approval of the Department, for any person at any time to receive, bring, or have brought or shipped into the State of Nevada, or to remove from one portion of this State to any other portion or to any other state, any raptor or any eggs or young of any raptor.

2. Any falconry licensee whose license lists the raptors in his or her possession may bring into this State or remove to any other state any raptor listed on the license without having a permit for importation or exportation if a seamless leg band or a permanent, nonreusable and numbered leg band which is supplied by the United States Fish and Wildlife Service or the Department, as appropriate, is attached to the raptor.

3. A falconry licensee who:

(a) Is a resident of this State;

(b) Possesses a raptor pursuant to his or her license; and

(c) Moves to another state and brings the raptor to the other state pursuant to subsection 2,



↪ shall, not later than 30 days after the move, notify the Department of the move and provide to the Department his or her current residential address.

4. A person who is not a resident of this State and who holds a valid falconry license issued by the appropriate agency of the jurisdiction in which the person resides may bring into or remove from this State a raptor in his or her possession under the authority of that falconry license without having a permit for the importation or exportation of a raptor issued by the Department if a seamless leg band or a permanent, nonreusable and numbered leg band which is supplied by the United States Fish and Wildlife Service or the appropriate agency of the jurisdiction which issued the license if required, as appropriate, is attached to the raptor.

5. A person who:

(a) Moves to this State with the intent to make this State his or her permanent residence; and

(b) Brings a raptor into this State pursuant to subsection 4,

↪ may , *except as otherwise provided in section 3 of this regulation*, continue to possess the raptor for not more than 30 days after becoming a resident of this State pursuant to NRS 502.015 before he or she must obtain a falconry license from the Department.

6. A raptor taken from the wild in Nevada by a resident of this State may not be permanently removed from this State unless the:

(a) Resident holds a valid license issued by the Department pursuant to NRS 503.583 and leaves this State to establish his or her domicile in another state; or

(b) Raptor has been held for at least 1 year.

**Sec. 14.** NAC 503.235 is hereby amended to read as follows:

503.235 1. Except as otherwise provided in subsection 9 and NAC 503.415, a person who is a resident of the State of Nevada and who practices falconry or trains birds of prey must obtain

a falconry license of the proper class from the Department. An applicant for a falconry license must include on his or her application:

- (a) The name of the applicant;
- (b) The physical and mailing address of the applicant's residence;
- (c) The telephone number of the applicant's residence;
- (d) The date of birth of the applicant;
- (e) The driver's license number of the applicant, if he or she has been issued a driver's license;
- (f) The social security number of the applicant;
- (g) The number of raptors the applicant possesses and the species of each;
- (h) The age of each raptor, if known;
- (i) The sex of each raptor, if known;
- (j) The source and date of acquisition of each raptor;
- (k) The leg band number, if required, of each raptor;
- (l) Except as otherwise provided in paragraph (m), the applicant's signature and the date on which he or she signed the application;
- (m) For an applicant who is less than 18 years of age, the signature of a parent or legal guardian of the applicant; and
- (n) For an application for an apprentice falconry license, a certification statement in substantially the following form:

I certify that I have read and am familiar with the provisions of Part 13 of Title 50 of the Code of Federal Regulations and any other applicable sections of Subchapter B of Chapter

I of Title 50 of the Code of Federal Regulations and that the information I have submitted is complete and accurate to the best of my knowledge and belief. I understand that any intentionally false statement herein may subject me to criminal penalties under federal law, as set forth in 18 U.S.C. § 1001.

2. If the applicant has moved to this State with the intention of making this State his or her permanent residence and the applicant holds a falconry license issued by the state from which he or she is moving, the applicant may attach a copy of his or her falconry license to his or her application in lieu of taking the examination required by subsection 4. If the applicant fails to attach a copy of his or her falconry license issued by the applicant's previous state of residence, he or she will be required to take the examination required by subsection 4.

3. If the applicant has moved to this State with the intent to make this State his or her permanent residence and the applicant holds a falconry license issued by a country other than the United States, the applicant must attach a copy of his or her falconry license to his or her application and must take the examination required by subsection 4 before being issued a falconry license. If the applicant correctly answers 80 percent of the questions on the examination, the Department shall determine, based on the requirements of NAC 503.240 and any documentation of experience in falconry submitted by the applicant, which class of falconry license to issue to the applicant.

4. Except as otherwise provided in subsections 2 and 3, before the Department issues a falconry license pursuant to this section or reinstates a falconry license pursuant to paragraph (b) of subsection 5, the applicant must correctly answer at least 80 percent of the questions on a supervised examination approved by the United States Fish and Wildlife Service and

administered by the Department. The examination will test the applicant's knowledge of basic biology, the care and handling of raptors, and the literature, laws, and regulations, and other subjects relating to falconry. Failure of the examination will result in a 30-day waiting period after the date of the written examination before reexamination.

5. If the falconry license of an applicant has been expired:

(a) For less than 5 years, the Department may reinstate the license at the class previously held by the applicant if the applicant provides evidence satisfactory to the Department that the applicant previously held that class of license; or

(b) For 5 years or more, the Department may reinstate the license at the class previously held by the applicant if the applicant:

(1) Provides evidence satisfactory to the Department that the applicant previously held that class of license; and

(2) Correctly answers at least 80 percent of the questions on the examination required by subsection 4.

6. A person must possess a valid falconry license when practicing falconry. In addition, a person who releases a raptor at game birds or game mammals during the open season must possess a valid hunting license issued by the Department.

7. The Department may deny issuance or renewal of any class of falconry license or permit if the applicant has been convicted of a violation of any provision of NAC 503.200 to 503.470, inclusive ~~H~~, *and sections 2 to 10, inclusive, of this regulation*. An applicant whose license has been denied may appeal the denial to the Commission.

8. A person who is not a resident of the State of Nevada and who possesses a valid falconry license issued by the state or country of which he or she is a resident does not have to obtain a

falconry license of the proper class from the Department to practice falconry while visiting this State.

9. A person who possesses a raptor solely for commercial displays or exhibitions is not required to obtain a falconry license if:

(a) The species of raptor used or to be used in the commercial display or exhibition is not listed as a protected species by the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq.; and

(b) The raptor is not used for the sport of falconry.

**Sec. 15.** NAC 503.250 is hereby amended to read as follows:

503.250 1. An apprentice falconry licensee:

(a) Shall not possess more than one raptor nor obtain more than one raptor for replacement during any calendar year.

(b) May possess a raptor of any species of the order *Falconiformes* or *Strigiformes*, including, without limitation, wild, captive-bred or hybrid raptors, except a raptor of the following species:

(1) Bald eagle (*Haliaeetus leucocephalus*);

(2) Osprey (*Pandion haliaetus*);

(3) White-tailed kite (*Elanus leucurus*);

(4) Golden eagle (*Aquila chrysaetos*);

(5) White-tailed eagle (*Haliaeetus albicilla*);

(6) Steller's sea eagle (*Haliaeetus pelagicus*);

(7) Any owl except a great horned owl (*Bubo virginianus*); or

(8) Any species listed as endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 et seq.

(c) Except as otherwise provided in paragraphs (d) and (e), may possess a raptor which was originally taken from the wild.

(d) Shall not possess a raptor which was taken from the wild as a nestling.

(e) Shall not possess a raptor that is imprinted on humans.

2. A general falconry licensee:

(a) Shall not possess more than three raptors nor obtain more than two raptors for replacement during any calendar year.

(b) May possess a raptor of any species of the order *Falconiformes* or *Strigiformes*, including, without limitation, a wild, captive-bred or hybrid raptor, except a raptor of a species listed or described in paragraph (b) of subsection 1.

3. A master falconry licensee:

(a) Except as otherwise provided in paragraphs (b) ~~and (c)~~, **(c) and (d)**, shall not possess more than five raptors taken from the wild nor obtain more than two raptors taken from the wild for replacement during any calendar year.

(b) ~~May~~ **Except as otherwise provided in paragraph (d), may** possess a raptor of any species of the order *Falconiformes* or *Strigiformes*, including, without limitation, wild, captive-bred or hybrid raptors, except a raptor of a species listed or described in paragraph (b) of subsection 1.

(c) May possess any number of captive-bred raptors if the master falconry licensee is actively using the raptors for hunting or training the raptors in the pursuit of game birds or game mammals.

*(d) If the master falconry licensee has an eagle permit, except as otherwise provided in subsection 4, may not possess more than two golden eagles of the five raptors that are authorized pursuant to paragraph (a).*

*4. The Department may authorize a master falconry licensee who has an eagle permit to possess more than two golden eagles if the master falconry licensee is a raptor rehabilitator and is rehabilitating any additional golden eagle. Nothing in this subsection authorizes a master falconry licensee who has an eagle permit to possess more than five raptors.*

**Sec. 16.** NAC 503.260 is hereby amended to read as follows:

503.260 1. Any person holding a falconry license must allow the Department's employees to enter his or her premises at any reasonable hour:

(a) To inspect equipment, mews or other raptor housing facilities to ensure compliance with the provisions of NAC 503.375 to 503.395, inclusive ~~§~~, *and section 7 of this regulation;*

(b) To inspect raptors possessed by the falconry licensee; and

(c) To inspect, audit or copy any permit, book or record required to be kept by the provisions of NAC 503.200 to 503.470, inclusive, *and sections 2 to 10, inclusive, of this regulation* or federal regulations relating to falconry.

2. Refusal to allow inspection of raptors, facilities and equipment during reasonable hours will result in the denial of issuance or revocation of the raptor license or permit and seizure of any raptor in the falconry licensee's possession.

**Sec. 17.** NAC 503.305 is hereby amended to read as follows:

503.305 A holder of a permit to take raptors is subject to the following conditions:

1. Except as otherwise provided in subsection 5, a general or master falconry licensee may take only raptors less than 1 year of age and only during the period specified by the Commission.

No more than two eyasses may be taken by a holder of a permit to take raptors during that period.

2. At least one eyas must be left in each nest or aerie from which any eyas is taken.
3. The physical characteristics of a nest or aerie from which any eyas is taken may not be altered.
4. Except as otherwise provided in subsection 6, passage birds may be taken only during the period specified by the Commission.
5. The only raptors over 1 year of age which may be taken are the American kestrel (*Falco sparverius*) and the great horned owl (*Bubo virginianus*), except that under a depredation (special purpose) permit which was jointly authorized by the United States Fish and Wildlife Service and the Department, any raptor other than raptors of threatened or endangered species may be taken for falconry purposes by a general or master falconry licensee.
6. An apprentice falconry licensee may take only passage birds of the species specified on the falconry license of the apprentice falconry licensee.
7. Except as otherwise provided in NAC 503.370, peregrine falcons may not be taken in Nevada. A peregrine falcon that is legally obtained may be imported and possessed under the terms and conditions of a falconry license issued by the Department.
8. Birds of the following species may not be taken, transported, possessed or used in the practice of falconry:
  - (a) Bald eagle (*Haliaeetus leucocephalus*);
  - (b) Osprey (*Pandion haliaetus*);
  - (c) White-tailed kite (*Elanus leucurus*);



(d) ~~{Golden}~~ *Except as otherwise provided in sections 2 to 10, inclusive, of this regulation, golden* eagle (*Aquila chrysaetos*);

(e) White-tailed eagle (*Haliaeetus albicilla*);

(f) ~~{Stellar's}~~ *Steller's* sea eagle (*Haliaeetus pelagicus*);

(g) Any owl except the great horned owl (*Bubo virginianus*); and

(h) Any species listed as endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 et seq.

9. Except as otherwise provided in NAC 503.350 to 503.370, inclusive, if the holder takes a raptor that the holder is not authorized to possess, the holder shall release the raptor immediately.

10. Permits to take raptors are not transferable.

**Sec. 18.** NAC 503.375 is hereby amended to read as follows:

503.375 1. Each raptor possessed pursuant to NAC 503.200 to 503.470, inclusive, *and sections 2 to 10, inclusive, of this regulation* must be housed in humane and healthful conditions.

2. The owner of a raptor is responsible for the conditions in which the raptor is housed.

3. A facility that houses raptors must:

(a) Protect each raptor housed therein from wild and domesticated predators;

(b) Have available for each raptor housed therein a perch that is suitable for the raptor;

(c) Have at least one opening for sunlight; and

(d) Provide a healthy environment for each raptor housed therein.

4. Raptors that are not tethered while being housed may be housed in the same facility only if they are compatible with each other.

5. A raptor that is not tethered while being housed must be housed in a facility of sufficient size to allow the raptor to fly.

6. A raptor that is tethered while being housed must be tethered in a manner which allows the raptor to extend its wings fully or bate without damaging its wings or making contact with another raptor.

7. Each raptor must have continuous access to a pan of clean water unless weather conditions, the type of perch used or another circumstance makes continuous access to a pan of clean water unsafe for the raptor.

8. Subject to the provisions of this section, the owner of a raptor may house a raptor in a temporary facility for not more than 120 consecutive days.

**Sec. 19.** NAC 503.460 is hereby amended to read as follows:

503.460 1. ~~{An}~~ *Except as otherwise provided in subsection 2, an* owner of a raptor that dies may, without limitation:

(a) Keep or donate the feathers of the raptor pursuant to subsection 6 of NAC 503.205;

(b) Donate the body of the raptor to any person authorized by permit to acquire and possess the body of a raptor or to any person or institution exempt from that requirement pursuant to 50 C.F.R. § 21.12;

(c) If a leg band was attached to the raptor or the raptor had a microchip implanted in its body, have the raptor mounted by a taxidermist; or

(d) Dispose of the body and feathers of the raptor.

2. *If a golden eagle in the possession of a master falconry licensee dies, the master falconry licensee shall surrender the body and feathers of the golden eagle to the Department not later than 5 business days after the discovery of the death.*

3. If a taxidermist mounts the raptor:

- (a) The mount may be used in a conservation education program; and
- (b) The leg band must remain on the raptor or the microchip must remain in place.

~~13.1~~ 4. If a taxidermist does not keep, donate or mount the body and feathers of the raptor, they must be burned, buried or otherwise destroyed not later than 10 days after:

- (a) The final examination by a veterinarian to determine the cause of death; or
- (b) If such an examination is not conducted, the death of the raptor.

**Sec. 20.** NAC 503.470 is hereby amended to read as follows:

503.470 The provisions of NAC 503.200 to 503.470, inclusive, *and sections 2 to 10, inclusive, of this regulation* must not be construed to exempt any person from the provisions of any federal law relating to raptors or falconry.



**STATE OF NEVADA  
DEPARTMENT OF WILDLIFE  
Data and Technology Services Division**  
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(775) 688-1500 Fax (775) 688-1987

**MEMORANDUM:**

**OCTOBER 3, 2022**

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

**From:** Alejandra Medina, Program Officer I, Data and Technology Services

**Title:** **Commission General Regulation 509, License and Vessel Product Refunds**

**Purpose:** The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 502 and 488 to allow the Department authority to provide refunds on license and vessel products.

**Summary**

This is a temporary regulation allowing for the return of all, or a portion of fees collected on license, permit and vessel related products.

**Brief Explanation of Proposed Regulation**

The Licensing Division offers clients a variety of license, permit, and vessel related products. As currently written in regulation, tags and hunting licenses are the only refundable products. The proposed amendment would align business practices with regulation and offer clients a stronger customer service experience.

**Recommendation**

The Department recommends that the Commission review and move the proposed regulation and move forward for adoption.

NAC 502.199, NAC 488.100

**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 passport number issued to the applicant by that country. If the applicant 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](#).
4. *The Department may return all, or a portion of any fee collected from a person pursuant to the provisions of this section, in accordance with NRS 353.1465.*

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

**NAC 488.100 Application for certificate of number or certificate of ownership.** ([NRS 488.045](#), [488.075](#), [501.181](#))

1. Except as otherwise provided in subsection 2, each application for a certificate of number or certificate of ownership must contain:
  - (a) The name of the owner.
  - (b) The physical address and mailing address, including the zip codes, of the registered owner.
  - (c) The mailing address, including the zip code, of the lien holder, if any.
  - (d) Other identifying information for each registered owner, including, without limitation:
    - (1) The social security number, or the tax identification number or employer identification number if the application is made under a business name; and
    - (2) The date of birth and either the registered owner's driver's license number or another unique number from an identification document that is issued by a governmental authority.
  - (e) The state of principal operation of the vessel.
  - (f) The identification number previously issued for the vessel, if any.
  - (g) The reason for the application, including applying for a new identification number, renewal of the certificate of number or transfer of ownership.
  - (h) The manner in which the vessel is operated, including pleasure, livery, government, dealer or manufacturer, commercial carrying of passengers, commercial fishing, charter fishing or other operation.

- (i) The manufacturer, make and model of the vessel.
- (j) The model year of the vessel.
- (k) The hull number assigned to the vessel.
- (l) The length of the vessel.
- (m) The type of vessel, including open motorboat, cabin motorboat, houseboat, sail only, inflatable boat, personal watercraft, rowboat, airboat, auxiliary sail, paddlecraft, pontoon boat or other type of vessel.
- (n) The material from which the hull was made, including wood, steel, aluminum, fiberglass, plastic, rubber, vinyl, canvas or other material.
- (o) The type of propulsion used, including air thrust, water jet, sail only, manual, propeller or other type of propulsion.
- (p) The type of drive of the engine, including inboard, outboard, sterndrive, pod drive or other type of drive.
- (q) The type of fuel or power used, including gasoline, diesel, electric or other type of fuel or power.
- (r) The signature of the owner.

2. An application for a certificate of number for a vessel which is to be operated by a manufacturer or dealer for demonstration need not include the information described in paragraphs (i) to (r), inclusive, of subsection 1.

3. The following documents, when presented with an application for a certificate of number or certificate of ownership as evidence of proof of ownership of a vessel, will be attached to the application and may be used as evidence of information requested in the application:

- (a) A certificate of ownership to the vessel;
- (b) A manufacturer's statement of origin;
- (c) A Statement of Fact submitted pursuant to subsection 2 of [NAC 488.305](#);
- (d) A dealer's report of vessel sale;
- (e) A copy of a valid marine document issued by the United States Coast Guard for a documented vessel;
- (f) A certificate of inspection of the vessel completed by an employee of the Department;
- (g) Proof of payment of Nevada sales or use tax paid to the Department of Taxation or proof of exemption from those taxes as provided in [NRS 372.320](#);
- (h) Such other proof of ownership as may be requested by the Department; and
- (i) A statement signed by the owner indicating that:

***4. The Department may return all, or a portion of any fee collected from a person pursuant to the provisions of this section, in accordance with NRS 353.1465.***



**STATE OF NEVADA  
DEPARTMENT OF WILDLIFE  
Wildlife Diversity Division**

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**MEMORANDUM**

**OCTOBER 5, 2022**

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

**From:** Jennifer Newmark, Administrator, Wildlife Diversity Division

**Title:** **Commission Regulation 23-02, Taking of Raptors for Falconry for 2023-2024 – For Possible Action/Public Comment Allowed**

**Purpose:** The Commission will review, revise and adopt recommendations for 2023-2024 season dates, species, quotas, limits, closed areas, applications, procedures and deadlines, and take of raptors for falconry.

**Summary**

This regulation will set 2023-2024 season dates, species, quotas, limits, closed areas, applications, procedures and deadlines, and take of raptors for falconry.

**Brief Explanation of Proposed Regulation**

As in the past, the Department is recommending a limit of one raptor per permit of not more than one of any species (Exception: Under the authority of the second capture permit, a person may take another raptor of the same species to replace a bird, captured in the same year, which died or was lost).

Species open to falconry statewide continue to be Cooper’s hawk, sharp-shinned hawk, prairie falcon, merlin, American kestrel, red-tailed hawk, ferruginous hawk, and great-horned owl; and northern goshawk statewide except Elko County north of I-80, which is closed. It is recommended that seasons remain the same, with the eyas season March 1 through August 31 of each year, until a quota is met, and the Passage season from January 1 through December 31 of each year, until a quota is met.

Further, the Department is recommending the continued take restriction of one eyas must be left in every nest from which raptors are captured and no eyas may be removed prior to 10 days of age. Additionally, an aerie may not be entered when young are 28 days or more of age. These restrictions prevent the inadvertent forcing of fledglings or the abandonment of a nest.

The Department is recommending the following quota for the total number of a given species that are allowed to be removed each year:

- For Species of Greatest Conservation Need as designated in the 2022 Department's State Wildlife Action plan, the number of permits issued is unlimited, but the limit of birds removed from the wild is 15 in a year. This includes passage northern goshawk, American kestrel, and prairie falcon.
- For other allowable species, including Cooper's hawk, sharp-shinned hawk, merlin, red-tailed hawk, and great-horned owl, the number of permits issued remain unlimited, but the season will be closed if 50 individuals are taken in a given year for that species.
- Eya's northern goshawk and Ferruginous Hawk remain at current limits of 10 and 5 respectively.

### **Recommendation**

The Department recommends that the Commission review and adopt the proposed regulation as presented.



# STATE OF NEVADA

## BOARD OF WILDLIFE COMMISSIONERS

The Board of Wildlife Commissioners under the authority of Title 45 of the Nevada Revised Statutes, NAC 503.300, and NAC 503.305, does hereby adopt the following regulations for the management of raptors:

### Commission Regulation 23-02 2023 and 2024 SEASONS AND PERMIT QUOTAS FOR TAKING RAPTORS FOR FALCONRY

**LIMIT:** A person is allowed a single raptor per permit, with a maximum number of two permits issued to any one person per calendar year. NRS 503.583, NAC 503.300.

**SPECIES LIMITS:** Not more than one of any species.  
Exception: Under the authority of the second capture permit, a person may take another raptor of the same species to replace a bird, captured in the same year, which died or was lost. NAC 503.228

**TAKE RESTRICTION:** One Eyas must be left in every nest from which raptors are captured. An eyas may not be removed from its nest prior to 10 days of age. Nests may not be entered when young are 28 days or more of age. NAC 503.305

**HOURS:** Raptors may be taken any time of the day or night during the open season

**AREA:** Statewide for all authorized species except Northern Goshawks. The take of Northern Goshawk is closed in Elko County north of I-80.

**SEASON:** All seasons are open during the following specified period or until a species quota is met.

2023 season - Eyas season: March 1 through August 31, 2023

Passage season: January 1 through December 31, 2023

2024 season - Eyas season: March 1 through August 31, 2024

Passage season: January 1 through December 31, 2024.

### **Deadline for Acceptance of Application/Drawing**

Applications for permits to take raptors for falconry will become available the first weekday of December.

The deadline for the receipt of permit applications is 5:00 p.m. on the second Monday of January. Applications must be mailed through a postal service to the address listed on the application.

A drawing will be conducted by the Department if there is an over-subscription of applications for any raptor species for which a permit quota has been established. After the drawing, any quota remaining will be available by application. Applications after the drawing will be processed in the order of receipt until the quota is filled or the close of the season.

Resident applicants will apply for a species in accordance with the instructions on the application. Nonresident applicants may only apply for **one** (1) species per application.

The number of applications for residents is unlimited, however there is a quota for the number of birds that can be taken. Once the Department records that a species quota has been filled, permittees will be notified of the species closure.

**2023 and 2024 SEASONS AND PERMIT QUOTAS  
FOR TAKING RAPTORS FOR FALCONRY**

Species	Permit Quotas		Species Quotas
	Resident	Nonresident	
Northern Goshawk (Eyas – March 1- August 31)	10	3	10
Northern Goshawk (Passage January 1- December 31)	Unlimited	3	15
Cooper's Hawk	Unlimited	3	50
Sharp-shinned Hawk	Unlimited	3	50
Prairie Falcon	Unlimited	3	15
Merlin	Unlimited	3	50
American Kestrel	Unlimited	3	15
Red-tailed Hawk	Unlimited	3	50
Ferruginous Hawk	5	1	5
Great Horned Owl	Unlimited	3	50

**THE CAPTURE SEASON IS CLOSED FOR ALL RAPTOR SPECIES NOT LISTED.**



**STATE OF NEVADA  
DEPARTMENT OF WILDLIFE  
Wildlife Diversity Division**

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

**MEMORANDUM**

**OCTOBER 5, 2022**

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

**From:** Jennifer Newmark, Administrator, Wildlife Diversity Division

**Title:** **Commission Regulation 23-03, Noncommercial Collection of Reptiles and Amphibians for 2023-2024**

**Purpose:** The Commission will review, revise, and adopt recommendations for 2023-2024 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians.

**Summary**

This regulation will set 2022-2023 seasons and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians.

**Brief Explanation of the Proposed Regulation**

The Commission will consider adopting the 2023-2024 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians. The Department is proposing no changes in the two-year regulation from the prior two-year period. The Department is recommending the field collection season to remain from January 1 – December 31 of each year and recommends the same bag and possession limits for each species as the years prior. Species not specifically listed within the attached table are recommended to remain closed to collection.

**Recommendation**

The Department recommends that the Commission review and adopt the proposed regulation as presented.

**BOARD OF WILDLIFE COMMISSIONERS**  
**2023 & 2024 Noncommercial Collection Seasons & Limits for Live, Unprotected**  
**Reptiles & Amphibians Commission Regulation 23-03**

**Authority:** NRS 501.105, 501.181, 504.295; NAC 504.461.

**Field Collection Season:** January 1 - December 31, 2023; & January 1 - December 31, 2024

Species (The Field Collection Season is <u>Closed</u> For Species Not Listed Below)	Bag Limit	Possession Limit
<p><b><u>LIZARDS:</u></b>  Desert Banded Gecko <i>Coleonyx variegatus variegatus</i>  Utah Banded Gecko <i>Coleonyx v. utahensis</i>  N. Desert Iguana <i>Dipsosaurus dorsalis dorsalis</i>  Common Chuckwalla <i>Sauromalus ater</i>  Colorado River Tree <i>Urosaurus ornatus symmetricus</i>  Western Long-tailed Brush <i>Urosaurus graciosus graciosus</i>  N. Desert Horned <i>Phrynosoma platyrhinos platyrhinos</i>  S. Desert Horned <i>Phrynosoma p. calidarium</i>  Desert Night <i>Xantusia vigilis</i>  Long-nosed Leopard <i>Gambelia wislizenii</i>  Great Basin Collared <i>Crotaphytus bicinctores</i></p> <p><b><u>SNAKES:</u></b>  SW Thread <i>Leptotyphlops humilis humilis</i>  Valley Garter <i>Thamnophis sirtalis fitchi</i>  Sierra Garter <i>Thamnophis couchii</i>  Wandering Garter <i>Thamnophis elegans vagrans</i>  Mountain Garter <i>Thamnophis e. elegans</i>  N. Rubber Boa <i>Charina bottae</i>  Spotted Leaf-nosed <i>Phyllorhynchus decurtatus</i>  Nevada Shovel-nosed <i>Chionactis occipitalis talpina</i>  Mojave Shovel-nosed <i>Chionactis o. occipitalis</i>  Smith's Black-headed <i>Tantilla hobartsmithi</i>  W. Yellow-bellied racer <i>Coluber constrictor morman</i>  Red racer <i>Coluber flagellum piceus</i>  Desert Striped Whipsnake <i>Coluber taeniatus taeniatus</i>  Mojave Patch-nosed <i>Salvadora hexalepis mojavensis</i>  Great Basin Gopher <i>Pituophis catenifer deserticola</i>  Long-nosed <i>Rhinocheilus lecontei</i>  Variable Ground <i>Sonora semiannulata semiannulata</i>  N. Desert Night <i>Hypsiglena chlorophaea deserticola</i>  Desert Glossy Snake <i>Arizona elegans eburnata</i>  Mojave Glossy Snake <i>Arizona e. candida</i>  California Kingsnake <i>Lampropeltis getula californiae</i>  N. Mojave Rattlesnake <i>Crotalus scutulatus scutulatus</i>  Panamint Rattlesnake <i>Crotalus stephensi</i>  SW Speckled Rattlesnake <i>Crotalus mitchellii pyrrhus</i>  Great Basin Rattlesnake <i>Crotalus oreganus lutosus</i>  Mojave Desert Sidewinder <i>Crotalus cerastes cerastes</i></p>	2 of each per year	2 of each; no more than 24 snakes total
<p><b><u>LIZARDS:</u></b>  Skilton Skink <i>Plestiodon skiltonianus skiltonianus</i>  Great Basin Skink <i>Plestiodon s. utahensis</i>  Yellow-backed Spiny <i>Sceloporus uniformis</i>  N. Zebra-tailed <i>Callisaurus draconoides myurus</i>  Great Basin Fence <i>Sceloporus occidentalis longipes</i>  Northern Sagebrush <i>Sceloporus graciosus gracilis</i>  Great Basin Whiptail <i>Aspidoscelis tigris tigris</i></p>	5 of each per year	5 of each
<p><b>LIZARDS:</b> Nevada Side-blotched <i>Uta stansburiana nevadensis</i></p>	5 per week	5

<p><b>AMPHIBIANS:</b></p> <p>Great Basin Spadefoot Toad      <i>Spea intermontanus</i>  Western Toad      <i>Anaxyrus (=Bufo) boreas</i>  Woodhouse Toad      <i>Anaxyrus (=Bufo) woodhousii</i>  Great Plains Toad      <i>Anaxyrus (=Bufo) cognatus</i>  Red-spotted Toad      <i>Anaxyrus (=Bufo) punctatus</i>  Pacific Tree (=Chorus) Frog      <i>Hyla (=Pseudacris) regilla</i></p>	<p>4 of each per year</p>	<p>4 of each</p>
<p><b>Non-native Amphibians &amp; Reptiles:</b></p> <p>Tiger Salamander      <i>Ambystoma tigrinum</i>  Mediterranean Gecko      <i>Hemidactylus turcicus</i>  Spiny Softshell Turtle      <i>Trionyx spiniferus</i></p>	<p>Unlimited</p>	<p>Unlimited</p>



**STATE OF NEVADA  
DEPARTMENT OF WILDLIFE  
Data and Technology Services Division**  
6980 Sierra Center Parkway, Ste. 120 · Reno, Nevada 89511  
(775) 688-1500 Fax (775) 688-1987

**MEMORANDUM:**

**OCTOBER 3, 2022**

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

**From:** Megan Manfredi, Management Analyst Data and Technology Services

**Title:** **Commission Regulation 22-12 Amendment #1, 2022-2023 & 2023-2024 Upland and Furbearer Seasons**

**Purpose:** The Commission will review, revise, and adopt recommendations amending the 2023 spring turkey application and draw dates.

**Summary**

This regulation will amend the 2023 spring turkey application period and draw dates.

**Brief Explanation of the Proposed Regulation**

Annually the Department meets to schedule application periods and draw deadlines in preparation for the Application Deadlines Commission Regulation presented to the Commission every January. A major overlap was detected between the set 2023 Spring Turkey application period and the 2023 Non-resident Guided Hunt application period. The proposed regulation change will open and close the Spring Turkey application period earlier than originally adopted to limit overlap of the two application periods.

**Recommendation**

The Department recommends that the Commission review and adopt the proposed regulation change as presented.

# STATE OF NEVADA BOARD OF WILDLIFE COMMISSIONERS

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

## CR 22-12 Amendment #1

### 2022-2023 & 2023-2024

**SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR UPLAND GAME BIRDS, RABBITS, WILD TURKEY, FURBEARERS, AMERICAN CROW, MOURNING AND WHITE-WINGED DOVE, AND FALCONRY SEASONS FOR UPLAND GAME BIRDS AND RABBITS.**

### **UPLAND GAME**

*(Units referenced are Game Management Units)*

<b>YOUTH CHUKAR AND HUNGARIAN PARTRIDGE SEASON</b>	
OPEN AREAS:	<b>Statewide*</b>
SPECIES ALLOWED:	Chukar and Hungarian partridge.
SEASON DATES:	October 1 – October 9, 2022 September 30 – October 8, 2023
LIMITS:	Daily bag limit 6. Possession limit 18.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	Limit singly or in the aggregate.  Open to hunters 17 years of age or younger only. Youth must be accompanied by an adult who is at least 18 years old.  License requirements apply pursuant to NRS 502.010.

*\*except per NAC 504.340*

<b>YOUTH CALIFORNIA QUAIL SEASON</b>	
OPEN AREAS:	<b>Statewide*</b>
SPECIES ALLOWED:	California quail
SEASON DATES:	October 1 – October 9, 2022 September 30 – October 8, 2023
LIMITS:	Daily bag limit 10. Possession Limit 30.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	Limit singly or in the aggregate.  Open to hunters 17 years of age or younger only. Youth must be accompanied by an adult who is at least 18 years old.  License requirements apply pursuant to NRS 502.010.

*\*except per NAC 504.340*

<b>YOUTH GAMBEL'S QUAIL SEASON</b>	
OPEN AREAS:	<b>Statewide*</b>
SPECIES ALLOWED:	Gambel's quail
SEASON DATES:	October 1 – October 9, 2022 September 30 – October 8, 2023
LIMITS:	Daily bag limit 5. Possession Limit 15.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	Limit singly or in the aggregate.  Open to hunters 17 years of age or younger only. Youth must be accompanied by an adult who is at least 18 years old.  License requirements apply pursuant to NRS 502.010.

*\*except per NAC 504.340*

<b>YOUTH RABBIT SEASON</b>	
OPEN AREAS:	<b>Statewide*</b>
SPECIES ALLOWED:	Cottontail and white-tailed jackrabbits
SEASON DATES:	October 1 – October 9, 2022 September 30 – October 8, 2023
LIMITS:	Daily bag limit 5. Possession Limit 15.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	Limit singly or in the aggregate.  Open to hunters 17 years of age or younger only. Youth must be accompanied by an adult who is at least 18 years old.  License requirements apply pursuant to NRS 502.010.



<b>SAGE-GROUSE</b>	
OPEN AREAS:	<b>Hunt Units 062, 064, 067, 071, 072, 073 and 074 in Elko County</b>
SEASON DATES:	September 24 – October 2, 2022 September 23 – October 1, 2023
LIMITS:	Daily bag limit 2. Possession limit 2.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	<b>Closed to nonresidents.</b>

<b>SAGE-GROUSE</b>	
OPEN AREAS:	<b>Hunt Units, or those portions of Hunt Units, 161 and 162 in Eureka, Lander and Nye County</b>  <b>Hunt Units, or those portions of Hunt Units, 012 and 013 in Washoe County</b>  <b>Hunt Unit, or that portion of Hunt Unit 012 in Humboldt County</b>  <b>Hunt Units 031 and 051 in Humboldt County</b>
SEASON DATES:	September 24 – 25, 2022 September 23 – 24, 2023
LIMITS:	Daily bag limit 2. Possession limit 2.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	<b>Closed to nonresidents.</b>

<b>BLUE (DUSKY AND SOOTY) AND RUFFED GROUSE</b>	
OPEN AREAS:	<b>Carson City, Douglas, Elko, Eureka, Esmeralda, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Washoe, White Pine</b>
SEASON DATES:	September 1 – December 31
LIMITS:	Daily bag limit 3. Possession limit 9.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	<p>Limit singly or in the aggregate.</p> <p>Per NAC 503.185, the head or one fully feathered wing must be attached to all dusky, sooty and ruffed grouse until the carcass reaches the possessor's residence or a commercial facility for its preservation.</p> <p>Persons harvesting blue grouse (dusky or sooty) are requested to deposit one wing from each bird harvested at any Nevada Department of Wildlife office, check station, or with Department employees who contact you in the field.</p>

*\*except per NAC 504.340*

<b>SNOWCOCK</b>	
OPEN AREAS:	<b>Elko and White Pine Counties</b>
SEASON DATES:	September 1 - November 30
LIMITS:	Daily bag limit 2. Possession limit 2.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	<p>Prior to hunting Himalayan snowcock, persons must obtain a snowcock hunting <b>free-use permit</b> available online at <a href="http://www.ndowlicensing.com">www.ndowlicensing.com</a> after July 1<sup>st</sup> of each year.</p>

*\*except per NAC 504.340*

<b>CHUKAR AND HUNGARIAN PARTRIDGE</b>	
OPEN AREAS:	<b>Statewide*</b>
SEASON DATES:	October 15, 2022 – February 5, 2023 October 14, 2023 – February 4, 2024
LIMITS:	Daily bag limit 6. Possession limit 18.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	Limit singly or in the aggregate.

*\*except per NAC 504.340*

<b>CALIFORNIA QUAIL</b>	
OPEN AREAS:	<b>Statewide*</b>
SEASON DATES:	October 15, 2022 – February 5, 2023 October 14, 2023 – February 4, 2024
LIMITS:	Daily bag limit 10. Possession limit 30.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	Limit singly.

*\*except per NAC 504.340*

<b>GAMBEL'S QUAIL</b>	
OPEN AREAS:	<b>Statewide*</b>
SEASON DATES:	October 15, 2022 – February 5, 2023 October 14, 2023 – February 4, 2024
LIMITS:	Daily bag limit 5. Possession limit 15.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	Limit singly.

<b>MOUNTAIN QUAIL</b>	
OPEN AREAS:	<b>Statewide*</b>
SEASON DATES:	October 15, 2022 – February 5, 2023 October 14, 2023 – February 4, 2024
LIMITS:	Daily bag limit 2. Possession limit 6.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	Persons who harvest mountain quail are requested to report their harvest to the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120 Reno, NV 89511, phone (775) 688-1523.

<b>PHEASANT</b>	
OPEN AREAS:	<b>Statewide*</b>
SEASON DATES:	November 1 – November 30.
LIMITS:	Daily bag limit 2. Possession limit 6.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	Cocks only

*\*except per NAC 504.340*

<b>WHITE-TAILED JACKRABBITS AND COTTONTAIL RABBITS</b>	
OPEN AREAS:	<b>Statewide*</b>
SEASON DATES:	November 1 – last day in February.
LIMITS:	Daily bag limit 5. Possession limit 15.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	Limit singly or in the aggregate. Pygmy Rabbit season is closed.

*\*except per NAC 504.340*

## **WILD TURKEY**

### **2023 & 2024 SPRING TURKEY APPLICATION PROCEDURES FOR RESIDENT AND NONRESIDENT HUNTS:**

Unless his or her privilege is limited or revoked pursuant to law, an eligible person may apply once for a type of hunt for Wild Turkey during a draw period.

Only one person may apply on an application.

Except for those Wild Turkey hunts requiring the landowner to sign the application, Wild Turkey applications must be submitted online through [www.ndowlicensing.com](http://www.ndowlicensing.com). Hand delivered applications will not be accepted. Applications will be accepted until 11:00:00 p.m. on **Monday, January 30, 2023.** ~~the first Tuesday in February.~~ Applications for bonus points only will be accepted until 11:00:00 p.m. on **Monday, February 6, 2023.** ~~the second Tuesday in February.~~ The release date will be on or before ~~the first~~ Friday, in March **17, 2023.**

*Refer to CR 23-01 for 2024 application and draw dates.*

*Except as specified for the Junior Wild Turkey Hunts and Landowner Hunts, any remaining tags will be available on a first come, first serve basis through [www.ndowlicensing.com](http://www.ndowlicensing.com). Remaining tags will be sold until seven (7) weekdays prior to the close of the season.*

**Only one Wild Turkey tag can be awarded to an individual within a calendar year.**

### **JUNIOR WILD TURKEY 2023 & 2024 SPRING - HUNT 0138**

PHYSICAL CHARACTERISTICS:	Bearded Wild Turkey	
LIMIT:	1 by tag only.	
SHOOTING HOURS:	One half hour before sunrise to sunset daily	
SPECIAL REGULATIONS:	<p><b>Youth must be 12 prior to the opening of the hunt season indicated and not attain their 18<sup>th</sup> birthday until after the last day of the hunt season indicated, pursuant to NAC 502.063.</b></p> <p><b>Applications for these tags or bonus points will only be accepted during the draw application periods. Remaining tags will not be issued.</b></p> <p><b>Closed to nonresidents.</b></p>	
OPEN AREAS:	<b>Season Dates</b>	<b>Quota</b>
<b>Mason Valley Wildlife Management Area</b>	Last Saturday in March through first Sunday in May	3
<b>Moapa Valley of Clark County*</b>	Last Saturday in March through second Friday in April	3
<b>Hunt Units 102, 103 &amp; 065 within Elko County</b>	Last Saturday in March through first Sunday in May	3
<b>Hunt Unit 115 within White Pine County**</b>	Last Saturday in March through first Sunday in May	1
<b>Pershing County*</b>	Last Saturday in March through first Sunday in May	2
<b>Unit 152 of Lander County</b>	Last Saturday in March through first Sunday in May	2
<b>Unit 154 of Lander County*</b>	Last Saturday in March through first Sunday in May	1
<b>Lincoln County</b>	Last Saturday in March through first Sunday in May	5

*\* Applicants are advised that a significant portion of the turkey population occurs on private lands and*

*permission should be obtained from a landowner before applying for this hunt.  
 \*\* Applicants are advised that a significant portion of the turkey population occurs on Great Basin National Park lands. Hunting is not permitted within park boundaries.*

<b>WILD TURKEY 2023 &amp; 2024 SPRING – LIMITED ENTRY – HUNTS 0131 &amp; 0132</b>			
PHYSICAL CHARACTERISTICS:	Bearded Wild Turkey		
LIMIT:	1 by tag only		
SHOOTING HOURS:	One half hour before sunrise to sunset daily		
<b>UNIT 101 of ELKO COUNTY*</b>			
	Seasons	Tag Quota	
		Resident Hunt 0131	Nonresident Hunt 0132
Hunt Period:	Last Saturday in March – first Sunday in May	5	-
<b>UNITS 102 &amp; 065 of ELKO COUNTY*</b>			
	Seasons	Tag Quota	
		Resident Hunt 0131	Nonresident Hunt 0132
Hunt Period:	Last Saturday in March – first Sunday in May	10	1
<b>UNITS 151 and 152 of LANDER COUNTY</b>			
	Seasons	Tag Quota	
		Resident Hunt 0131	Nonresident Hunt 0132
Hunt Period:	Last Saturday in March – second Sunday in April	3	-
	Third Saturday in April – first Sunday in May	3	-
<b>UNIT 154 of LANDER COUNTY*</b>			
	Seasons	Tag Quota	
		Resident Hunt 0131	Nonresident Hunt 0132
Hunt Period:	Last Saturday in March – first Sunday in May	4	-
<b>LINCOLN COUNTY</b>			
	Seasons	Tag Quota	
		Resident Hunt 0131	Nonresident Hunt 0132
Hunt Period:	Last Saturday in March – first Sunday in May	15	1
<b>MASON VALLEY WILDLIFE MANAGEMENT AREA ONLY OF UNIT 203</b>			
	Seasons	Tag Quota	
		Resident Hunt 0131	Nonresident Hunt 0132
Hunt Periods:	April 1 – April 9, 2023	3	-
	April 15 – April 23, 2023	3	-
	April 29 – May 7, 2023	3	1
	March 30 – April 7, 2024	3	1
	April 13 – April 21, 2024	3	-
	April 27 – May 5, 2024	3	-

*\*Applicants are advised that a significant portion of the turkey population occurs on private lands and permission should be obtained from a landowner before applying for this hunt.*

<b>WILD TURKEY 2023 &amp; 2024 SPRING – LIMITED ENTRY – HUNTS 0131 &amp; 0132</b>			
PHYSICAL CHARACTERISTICS:	Bearded Wild Turkey		
LIMIT:	1 by tag only		
SHOOTING HOURS:	One half hour before sunrise to sunset daily		
<b>MOAPA VALLEY PORTION OF CLARK COUNTY*</b>			
	Seasons	Tag Quota	
		Resident Hunt 0131	Nonresident Hunt 0132
Hunt Period:	March 18 – March 24, 2023	4	-
	March 25 – March 31, 2023	4	1
	April 1 – April 7, 2023	4	-
	March 23 – March 29, 2024	4	-
	March 30 – April 5, 2024	4	-
	April 6 – April 12, 2024	4	1
<b>PERSHING COUNTY*</b>			
	Seasons	Tag Quota	
		Resident Hunt 0131	Nonresident Hunt 0132
Hunt Period:	Last Saturday in March through first Sunday in May	10	1
<b>UNIT 115 OF WHITE PINE COUNTY**</b>			
	Seasons	Tag Quota	
		Resident Hunt 0131	Nonresident Hunt 0132
Hunt Period:	Last Saturday in March through first Sunday in May	4	-
<p><i>*Applicants are advised that a significant portion of the turkey population occurs on private lands and permission should be obtained from a landowner before applying for this hunt.</i></p> <p><i>**Applicants are advised that a significant portion of the turkey population occurs on Great Basin National Park lands. Hunting is not permitted within park boundaries.</i></p>			

*Wild Turkey Continued on Next Page*

<b>WILD TURKEY 2023 &amp; 2024 SPRING HUNTS - 0135 &amp; 0137 PARADISE VALLEY OF HUMBOLDT COUNTY</b>		
PHYSICAL CHARACTERISTICS:	<b>Bearded Wild Turkey</b>	
LIMIT:	<b>1 by tag only.</b>	
SHOOTING HOURS:	<b>One half hour before sunrise to sunset daily.</b>	
SEASON DATES:	<b>Last Saturday in March – first Sunday in May</b>	
QUOTAS:	<b>Resident Hunt 0135</b>	<b>Nonresident Hunt 0137</b>
	Open	Open
SPECIAL REGULATIONS:		
<b>PARADISE VALLEY OF HUMBOLDT COUNTY APPLICATION REGULATIONS:</b>		
A Paradise Valley of Humboldt County Application Form is required. Hunters can obtain these forms from the participating landowners. A landowner must sign the application form. The form must be submitted through the mail or over the counter during business hours, M-F, 8 a.m. to 5 p.m. Contact NDOW at 775-688-1500 for more information. Tags will be available until the close of the season. Internet applications for the Paradise Valley of Humboldt County hunt will not be available.		
Unless his or her privilege is limited or revoked pursuant to law, an eligible person may apply once for a type of hunt for Wild Turkey during a draw period.		
Only one person may apply on an application.		
Only one Wild Turkey tag per calendar year.		

<b>WILD TURKEY 2022 &amp; 2023 FALL HUNTS - 0135 &amp; 0137 PARADISE VALLEY OF HUMBOLDT COUNTY</b>		
PHYSICAL CHARACTERISTICS:	<b>Either Sex Turkey</b>	
LIMIT:	<b>1 by tag only.</b>	
SHOOTING HOURS:	<b>One half hour before sunrise to sunset daily.</b>	
SEASON DATES:	<b>First Saturday in October through the last Sunday in October</b>	
QUOTAS:	<b>Resident Hunt 0135</b>	<b>Nonresident Hunt 0137</b>
	Open	Open
SPECIAL REGULATIONS:		



**PARADISE VALLEY OF HUMBOLDT COUNTY APPLICATION REGULATIONS:**

A Paradise Valley of Humboldt County Application Form is required. Hunters can obtain these forms from the participating landowners. A landowner must sign the application form. The form must be submitted through the mail or over the counter during business hours, M-F, 8 a.m. to 5 p.m. Contact NDOW at 775-688-1500 for more information. Tags will be available until the close of the season. Internet applications for the Paradise Valley of Humboldt County hunt will not be available.

Unless his or her privilege is limited or revoked pursuant to law, an eligible person may apply once for a type of hunt for Wild Turkey during a draw period.

Only one person may apply on an application.

Only one Wild Turkey tag per calendar year.

**FALCONRY SEASON**

<b>FALCONRY SEASONS FOR UPLAND GAME BIRDS &amp; RABBITS</b>	
OPEN AREAS:	Statewide*
SEASON DATES:	September 1 – Last day of February
LIMITS:	Daily bag limit 2. Possession limit 8.
SHOOTING HOURS:	Sunrise to sunset daily.
SPECIAL REGULATIONS:	All resident upland game birds except turkey and Columbian sharp-tailed grouse.  White-tailed jackrabbits and cottontail rabbits.  The taking of sage-grouse by falconry is only allowed in those units where there is an established open season. The daily and possession limit for sage-grouse is 2.  <b>Limits singly or in the aggregate.</b>

*\*except per NAC 504.340*

## **FURBEARING ANIMALS**

<b>BEAVER, MINK, AND MUSKRAT</b>	
OPEN AREAS:	Statewide
SEASON DATES:	October 1 – April 30

<b>OTTER</b>	
OPEN AREAS:	Elko, Eureka, Humboldt, Lander, and Pershing Counties
SEASON DATES:	October 1 – March 31
SPECIAL REGULATIONS:	<p>Carson City, Churchill, Clark, Douglas, Esmeralda, Lincoln, Lyon, Mineral, Nye, Storey, Washoe, and White Pine counties are closed to otter trapping.</p> <p>If an otter is accidentally trapped or killed in those counties which are closed or outside the prescribed season, the person trapping or killing it shall report the trapping or killing within 48 hours to a representative of the Department of Wildlife. The animal must be disposed of in accordance with the instructions of the representative.</p>

<b>KIT AND RED FOX</b>	
OPEN AREAS:	Statewide
SEASON DATES:	October 1 - Last Day of February

<b>BOBCAT SEASON</b>	
OPEN AREAS:	Statewide
SEASON DATES:	Second Saturday in November – Third Sunday in February
SPECIAL REGULATIONS:	<b>Closed to Nonresidents.</b>

<b>GRAY FOX SEASON</b>	
OPEN AREAS:	Statewide
SEASON DATES:	Second Saturday in November – Third Sunday in February
SPECIAL REGULATIONS:	<b>Closed to Nonresidents.</b>

### BOBCAT PELT SEALING DATES

Pelt sealing, other than a single exception for taxidermy sealings, will be done only on the dates and during the times specified. Sealing locations will be at Department offices unless otherwise noted.

<b>BOBCAT PELT SEALING DATES FOR THE 2022-2023 SEASON</b>			
<b>City</b>	<b>Date</b>	<b>Time</b>	<b>Location</b>
<b>Carson City</b>	January 17	10am – 2 p.m.	NDOW Warehouse Corner of south Carson at Colorado St.
<b>Elko</b>	January 17 February 21 March 1	9a.m. – 3 p.m.	NDOW Elko Office
<b>Ely</b>	January 19 February 22	8 a.m.– Noon 10 a.m. – 2 p.m.	NDOW Ely Office
<b>Eureka</b>	January 18	12 p.m.–4 p.m.	NDOW Eureka Office
<b>Fallon</b>	January 24	10 a.m.– 2 p.m.	NDOW Fallon Office
	Annually scheduled to coincide with the NTA Fur Sale.	7 a.m.–11 a.m.	Nevada Trappers Association Fallon Fur Sale
	March 1	10 a.m.- 2 p.m.	NDOW Fallon Office
<b>Las Vegas</b>	January 18 February 21	8 a.m.– 5 p.m.	NDOW Las Vegas Office
	March 1	1 p.m.– 5 p.m.	
<b>Panaca</b>	February 21 March 1	8 a.m.– 1 p.m.	Nevada State Parks - NDOW Office, Panaca
<b>Tonopah</b>	February 8	8 a.m.– 5 p.m.	NDOW Tonopah Office
	March 1	1 p.m.– 5 p.m.	
<b>Winnemucca</b>	January 25	8 a.m.– Noon	NDOW Winnemucca Office

**Taxidermy Pelt Sealing:** From the opening day of the bobcat season (Second Saturday in November) until the first regularly scheduled bobcat sealing date in January, any person who wishes to have a single bobcat (1 per person per season) sealed for the purpose of tanning or taxidermy may personally present the lawfully taken pelt to any Nevada Department of Wildlife Regional office (Elko, Las Vegas, Reno) and request to have the Departments seal affixed to the pelt. All requirements of NAC 502.347 apply.

Pelt sealing, other than a single exception for taxidermy sealings, will be done only on the dates and during the times specified. Sealing locations will be at Department offices unless otherwise noted.

<b>BOBCAT PELT SEALING DATES FOR THE 2023-2024 SEASON</b>			
<b>City</b>	<b>Date</b>	<b>Time</b>	<b>Location</b>
<b>Carson City</b>	January 16	10am – 2 p.m.	NDOW Warehouse Corner of south Carson at Colorado St.
<b>Elko</b>	January 16 February 20 February 28	9a.m. – 3 p.m.	NDOW Elko Office
<b>Ely</b>	January 18 February 21	8 a.m.– Noon 10 a.m.- 2 p.m.	NDOW Ely Office
<b>Eureka</b>	January 17	12 p.m.– 4 p.m.	NDOW Eureka Office
<b>Fallon</b>	January 23	10 a.m.– 2 p.m.	NDOW Fallon Office
	Annually scheduled to coincide with the NTA Fur Sale.	7 a.m.–11 a.m.	Nevada Trappers Association Fallon Fur Sale
	February 28	10 a.m.- 2 p.m.	NDOW Fallon Office
<b>Las Vegas</b>	January 17	8 a.m.– 5 p.m.	NDOW Las Vegas Office
	February 20		
	February 28	1 p.m.– 5 p.m.	
<b>Panaca</b>	February 20 February 28	8 a.m.– 1 p.m.	Nevada State Parks - NDOW Office, Panaca
<b>Tonopah</b>	February 7	8 a.m.– 5 p.m.	NDOW Tonopah Office
	February 28	1 p.m.– 5 p.m.	
<b>Winnemucca</b>	January 24	8 a.m.– Noon	NDOW Winnemucca Office

**Taxidermy Pelt Sealing:** From the opening day of the bobcat season (Second Saturday in November) until the first regularly scheduled bobcat sealing date in January, any person who wishes to have a single bobcat (1 per person per season) sealed for the purpose of tanning or taxidermy may personally present the lawfully taken pelt to any Nevada Department of Wildlife Regional office (Elko, Las Vegas, Reno) and request to have the Departments seal affixed to the pelt. All requirements of NAC 502.347 apply.



**STATE OF NEVADA  
DEPARTMENT OF WILDLIFE  
Game Division**

6980 Sierra Center Parkway, Ste. 120 · Reno, Nevada 89511  
(775) 688-1500 Fax (775) 688-1987

**MEMORANDUM**

**OCTOBER 11, 2022**

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

**From:** Wildlife Staff Specialist Cody McKee, Game Division

**Title:** **Commission General Regulation 508, Antler Points and Spike Elk Defined**

**Purpose:** The Commission will review, revise, and adopt recommendations to amend Nevada Administrative Code (NAC) chapter 502, defining “antler points” and “spike elk” for certain big game mammals.

**Summary**

This regulation will clarify definitions pertaining to “antler points” and “spike elk” for certain big game mammals and reduce the likelihood of inadvertent infractions.

**Brief Explanation of the Proposed Regulation**

The revised definitions will provide clarity to any hunter with a valid tag for pursuing certain big game mammals. This regulation change provides the public and law enforcement clear language needed to determine antler points on certain big game mammals and assess qualifying antler points during spike elk only hunts.

**Recommendation**

The Department recommends that the Commission review and adopt the proposed regulation as presented.

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

**LCB File No. R090-22**

July 11, 2022

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

AUTHORITY: §§ 1 and 2, NRS 501.105 and 501.181.

A REGULATION relating to wildlife; clarifying certain definitions relating to wildlife; revising certain definitions relating to spike elk; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Board of Wildlife Commissioners to: (1) establish policies and adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat; and (2) adopt regulations necessary to carry out the provisions of title 45 of NRS governing wildlife, including, without limitation, the manner and means of taking wildlife. (NRS 501.105, 501.181)

Existing law defines the term “antler point” to exclude the first antler point on the main beam, commonly known as the eye guard on mule deer. (NRS 501.3855) **Section 1** of this regulation clarifies that the exclusion of the first antler point on the main beam is limited to mule deer.

Existing regulations define the terms “spike elk” and “spike elk only” to mean antlered elk having not more than two antler points above the top of the ear on either antler. (NAC 502.104, 502.1045) **Sections 2 and 3** of this regulation revise these definitions to mean antlered elk having not more than three antler points on either antler.

**Section 1.** Chapter 502 of NAC is hereby amended by adding thereto a new section to read as follows:

*For the purposes of NRS 501.3855 and NAC 502.006, the Department interprets the exclusion of the first antler point on the main beam, as described in the definition of “antler point” in NRS 501.3855, to be limited to mule deer.*

**Sec. 2.** NAC 502.104 is hereby amended to read as follows:

502.104 “Spike elk” means any antlered elk having not more than ~~two~~ *three antler* points ~~above the top of the ear~~ on either antler.

**Sec. 3.** NAC 502.1045 is hereby amended to read as follows:

502.1045 “Spike elk only” means, in a designation of elk that may be taken during an open season, only antlered elk having not more than ~~two~~ *three antler* points ~~above the top of the ear~~ on either antler.



STATE OF NEVADA  
**DEPARTMENT OF WILDLIFE**  
Data and Technology Services Division  
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MEMORANDUM

OCTOBER 4, 2022

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

**From:** Management Analyst Megan Manfredi, Data and Technology Services Division

**Title:** **Commission General Regulation 510, First Come First Served (FCFS) Exchange to Obtain a Tag**

**Purpose:** The Commission will review, revise and adopt a temporary regulation amending the Nevada Administrative Code (NAC) chapter 502 that would include the trade of money, goods or services in exchange for a tag procurement through the FCFS program as grounds for suspension.

**Summary**

This temporary regulation includes an additional provision that would qualify for a suspension from the FCFS program.

**Brief Explanation of the Proposed Regulation**

The proposed regulation change would include the trade of money, goods, or services in exchange for a tag procurement through the FCFS program as grounds for suspension. The proposed change is intended to keep a fair and equitable system for all participating parties.

**Recommendation**

The Department recommends that the Commission review the proposed regulation and adopt as presented.



**PROPOSED REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS  
COMMISSION GENERAL REGULATION 510  
TEMPORARY REGULATION**

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

AUTHORITY: §§1 and 2, NRS 502.175

A REGULATION relating to licensing and the purchase of tags.....

**Section 1.** NAC 502.4215 is hereby amended to read as follows:

502.4215 1. The Department may provide all eligible hunters with an opportunity

to apply electronically for any tags that are:

(a) Remaining after tags have been issued for a season by using the computerized system

of drawing and alternate list; or

(b) Returned less than 14 calendar days before the opening day for that season.

↳ The Department shall act upon applications for such tags in the order received.

2. If an application for a tag described in subsection 1 is successfully drawn, the

Department shall collect from the applicant:

(a) The appropriate fee for the tag as provided in NRS 502.250; and

(b) The fee for a hunting license or combination hunting and fishing license, as provided

in NRS 502.240, if:

(1) The applicant has not obtained a hunting license and indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license only if his or her application is successfully drawn; or

(2) The hunting license or combination hunting and fishing license submitted with the application for the tag or permit will expire before the opening day of the season for the

permit or tag.

3. If a tag is issued to a person pursuant to this section, the person will be treated as if he or she was successful in drawing a tag for a season for that species in respect to any applicable bonus points and waiting periods.

4. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the electronic system by attempting to create or by creating an unfair advantage in obtaining the tag, he or she, *and all involved parties*, shall be suspended by the Department from applying for any tags remaining for the applicable season. Activities that are cause for such suspension include, without limitation:

(a) The use of a technological program designed to carry out tasks that would otherwise be performed under human supervision;

(b) The use of technology designed to create an unfair advantage;

(c) Multiple logins into a single customer's account; ~~or~~

(d) Multiple browser sessions open at a single time; ~~or~~

*(e) Exchange of anything of value including, without limitation, money, goods and/or services, to obtain a tag;*

*(f) Offering to obtain a tag in exchange for anything of value including, without limitation, money barter, goods and/ or services.*

5. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the system by making continued and substantial efforts to create an unfair advantage, as described in subsection 4, he or she, *and all involved parties*, shall be suspended by the Department from using the electronic system to apply for remaining tags in any future hunting seasons.