

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

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

**LCB File No. R038-18
Commission General Regulation 474**

The Nevada Board of Wildlife Commissioners will hold a public hearing at 9:00 a.m., on Friday, June 29, 2018 at the Dyer Community Center, Hwy 264 at Blue Bird Rd, Dyer, Nevada 89010. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 501 of the Nevada Administrative Code.

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

1. **The need for and the purpose of the proposed regulation or amendment:**
This regulation revises provisions relating to the registration of traps as mandated by Senate Bill 364 of the 79th Legislative Session.
2. **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**
This regulation provides a mechanism for the Department to implement SB 364 which mandates that trappers trapping on public land affix their name and address to their traps, or register their traps with the Department. The regulation also implements the \$5 per trap fee for every trap registered with the Department, as mandated by SB 364.
3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**
 - (a) **Both adverse and beneficial effects on businesses; and**
This proposed regulation will not have any significant adverse or beneficial economic effects on businesses.
 - (b) **Both immediate and long-term effects on businesses:**
There will be no immediate or long-term economic effects from the proposed regulation on small businesses because it does not regulate the operation of any small business.
 - (c) **Both adverse and beneficial effects on the public; and**
This proposed regulation does not have an anticipated beneficial or adverse economic effect on the public.

(d) Both immediate and long-term effects on the public:

This proposed regulation does not have an anticipated immediate or long-term economic effect on the public.

4. **The estimated cost to the agency for enforcement of the proposed regulation:**
Enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.
5. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:**
This regulation does not overlap or duplicate any other state, local, or federal laws or regulations.
6. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**
This regulation is not required pursuant to federal law.
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:**
This regulation does not include provisions that are more stringent than federal regulations.
8. **Whether the proposed regulation establishes a new fee or increases an existing fee:**
This regulation establishes a \$5 registration fee as mandated by Senate Bill 364 of the 79th Legislative Session. However, Senate Bill 364 created a method by which trappers may avoid the \$5 fee by stamping their traps with their name and address, so the fee is not mandatory.

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

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Department of Wildlife Director's Office, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This

notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

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

1100 Valley Road, Reno, Nevada 89512 (775) 688-1506
380 W. B Street, Fallon, Nevada 89406 (775) 423-3171
60 Youth Center Road, Elko, Nevada 89801 (775) 777-2300
4747 Vegas Drive, Las Vegas, Nevada 89109 (702) 486-5127

It has also been mailed to the following Nevada county public libraries in which an office of the agency is not maintained, for inspection and copying by members of the public during business hours:

Carson City Library, 900 North Roop Street, Carson City, Nevada 89701-3101
Douglas County Library, 1625 Library Lane, Minden, NV 89423
Esmeralda County Library, Corner of Crook & 4th Street, PO Box 430, Goldfield, NV 89013-0430
Eureka County Library, 10190 Monroe Street, Eureka, NV 89316
Humboldt County Library, 85 East 5th Street, Winnemucca, NV 89445-3095
Battle Mountain Branch Library (Lander County), 625 South Broad Street, Battle Mountain, NV 89820
Lincoln County Library, 63 Main Street, Pioche, NV 89043
Lyon County Library System, 20 Nevin Way, Yerington, NV 89447-2399
Mineral County Public Library, PO Box 1390, Hawthorne, NV 89415
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419
Storey County Clerk's Office, Drawer D, Virginia City, NV 89440
Tonopah Public Library (Nye County), PO Box 449, Tonopah, NV 89049
White Pine County Library, 950 Campton Street, Ely, NV 89301

These regulations will also be available at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/>
<https://notice.nv.gov/>
<http://www.leg.state.nv.us/register/>
http://www.ndow.org/Public_Meetings/Public_Notices/

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

May 25, 2018

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

LCB File No. R038-18

April 3, 2018

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

AUTHORITY: §1, NRS 501.105, 501.181 and 503.452.

A REGULATION relating to trapping; requiring certain persons who register a trap, snare or similar device to submit an application to the Department of Wildlife for the assignment of a registration number to the applicant; setting forth the information which must be included in the application; providing for the transferability of a registration number; requiring each trap, snare or similar device to display only the registration number of the person who owns the trap, snare or similar device; requiring the Department, upon payment of the fee to register a trap, snare or similar device, to issue a metallic seal to a person who registers a trap, snare or similar device; requiring the person to attach the metallic seal to the trap, snare or similar device; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations which are necessary: (1) to preserve, protect, manage and restore wildlife and its habitat; and (2) to carry out the provisions of title 45 of NRS governing wildlife, including the manner and means of taking wildlife. (NRS 501.105, 501.181) Existing law also requires: (1) the registration of each trap, snare or similar device that is used in the taking of wild mammals; and (2) each registered trap to bear a number assigned by the Department of Wildlife. The registration of a trap, snare or similar device remains valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred. For each trap, snare or similar device registered with the Department of Wildlife, the person registering the trap, snare or similar device must pay a registration fee of \$5. (NRS 453.452)

Existing regulations: (1) authorize a person to obtain an application form for registering a trap from any office of the Department of Wildlife; (2) require the Department to issue certain registration numbers which must be clearly stamped on the trap or on a metal tag that is attached to the trap; and (3) require the person registering a trap to enter the appropriate registration number on his or her trapping license. (NAC 503.150)

This regulation: (1) requires a person who is required to register a trap, snare or similar device to submit an application to the Department for the assignment of a registration number to the applicant; (2) requires the application to include the applicant's legal name, date of birth,

social security number, if any, and mailing address, unless that information already exists in the records maintained by the Department; (3) requires the Department to assign a registration number to the applicant upon approval of the application; (4) provides that each registration number is transferable upon the expiration of a certain period; and (5) requires each registration number to be clearly and legibly stamped on the trap, snare or similar device. This regulation also requires each trap, snare or similar device to display only the registration number of the person who owns the trap, snare or similar device and requires the removal of any other registration number from the trap, snare or similar device. Finally, this regulation: (1) requires the Department, upon payment of the fee to register a trap, to issue a metallic seal indicating the payment of the fee to the person registering the trap, snare or similar device; and (2) requires the person to attach the metallic seal to the trap, snare or similar device or to the anchoring chain, cable or wire for the trap, snare or similar device while the trap, snare or similar device is in use by the person.

Section 1. NAC 503.150 is hereby amended to read as follows:

Pursuant to NRS 503.452, does not affix his or her name and address to a trap, snare, or similar device being used on public
503.150 1. *A* A person ~~may obtain~~ *who is required to register a trap, snare or similar* ~~and~~ *the*
device pursuant to NRS 503.452 shall submit an application ~~form for registering a trap from~~
~~any office of~~ *to the Department* ~~[-The forms must be completed in accordance with the~~
~~instructions thereon.]~~ *for the assignment of a registration number to the applicant. Unless the*
information already exists in the records maintained by the Department, each application
submitted pursuant to this subsection must include the applicant's:

- (a) Legal name;*
- (b) Date of birth;*
- (c) Social security number, if any; and*
- (d) Mailing address.*

2. ~~[The]~~ *Upon approval of the application, the* Department shall ~~issue~~ *assign a*
registration ~~numbers beginning with NV 0001. The~~ number ~~must~~ *to the applicant for use on*
each trap, snare or similar device registered pursuant to this section. Each registration
number:

- May be transferred*
- (a) ~~Is transferable by the Department upon the expiration of the period during which the registration of the trap, snare or similar device is valid pursuant to NRS 503.452; and~~
- (b) Must be clearly *and legibly* stamped ~~on~~ :
- (1) *On the trap , snare or similar device; or* ~~on~~
- (2) *On a metal tag that is attached to the trap* ~~+~~ *, snare or similar device or secured to the anchoring chain, cable or wire for the trap, snare or similar device.*
3. ~~{The person shall enter the appropriate}~~ *Each trap, snare or similar device must display only the registration number* ~~{on his or her trapping license.}~~ *of the person who owns the trap, snare or similar device. Any other registration number must be stricken, obliterated or otherwise removed from the trap, snare or similar device.*
4. *Upon payment of the fee required by NRS 503.452 for registering a trap, snare or similar device, the Department shall issue to the person registering the trap, snare or similar device a metallic seal indicating the payment of the fee for the trap, snare or similar device. The person shall attach the metallic seal to the trap, snare or similar device or to the anchoring chain, cable or wire for the trap, snare or similar device while the trap, snare or similar device is in use by the person.*

**STATE OF NEVADA
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B**

Re: Commission General Regulation 474 LCB File No. TBD – Trap Registration

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commissioners. Note: Small business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

ANSWER:

Although sportsmen can organize into special interest groups, they are licensed as individuals and are not bound by any laws that regulate small businesses. The proposed regulation change only applies to individuals who are trapping. This regulation change would establish a system for registering traps, snares, and similar devices as mandated by Senate Bill 364 of the 2017 session of the Nevada Legislature. Therefore, Nevada Department of Wildlife (NDOW) has determined there will be no impact, either positive or negative to small businesses.

2. Describe the manner in which the analysis was conducted:

ANSWER:

Because there are no businesses directly associated with trapping and trap registration, Chief Game Warden Tyler Turnipseed concluded that this proposed regulation does not impose an economic burden upon, nor restrict the formation, operation, or expansion of any small business.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- a.) Both adverse and beneficial effects:

ANSWER:

There will be neither adverse, nor beneficial economic effects of this proposed regulation on small businesses.

- b.) Both direct and indirect effects:

ANSWER:

There will be neither direct, nor indirect economic effects of this proposed regulation on small businesses.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

ANSWER:

This regulation will not adversely affect small businesses; therefore, no methods were considered to reduce its impact.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

ANSWER:

The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

ANSWER:

This regulation proposes a fee of \$5 per trap registered as mandated by Senate Bill 364 of the 2017 session of the Nevada Legislature. However, Senate Bill 364 created a method by which trappers may avoid the \$5 fee by stamping their traps with their name and address, so the fee is not mandatory. Because of this, revenue generated by the regulation is difficult to forecast. That being said, the last three years have seen an average of approximately 16,000 traps used by trappers statewide. Therefore, if 50% of traps are registered under this option, \$40,000 will be generated in the first year, with potential for a very small amount in future years as this is a one-time fee for each trap.

Revenue generated from trap registration goes into the Wildlife Fund Account which also includes revenue from licenses, tags, and stamps. This account funds a wide variety of NDOW functions including Law Enforcement patrol, wildlife projects, and general operating expenses for much of NDOW. Depending on which projects are funded with Wildlife Fund Account money, there is potential for 3 to 1 match with federal money, which effectively quadruples this revenue.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

ANSWER:

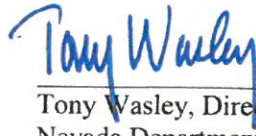
This regulation does not overlap or duplicate any federal, state, or local regulation, nor strengthen others.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

ANSWER:

Trappers are individuals and are not bound by any laws that regulate small businesses. The proposed regulation changes only apply to individual trappers. Therefore, Nevada Department of Wildlife (NDOW) has determined there will be no impact either positive or negative to small businesses.

I hereby certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.



Tony Wasley, Director
Nevada Department of Wildlife