

**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**

The Nevada Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m., on Saturday, September 22, 2018, at the Clark County Government Center, Commission Chambers, 500 S. Grand Central Pkwy, Las Vegas, NV 89155 and live streaming with teleconference available at the Nevada Department of Wildlife, Western Region Office Conference Room, 1100 Valley Road, Reno, NV 89512. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 503 of the Nevada Administrative Code.

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

1. **The need for and the purpose of the proposed regulation or amendment:**
NAC 503.080 lists a species of Rosy Boa [*Lichanura trivirgata*] that is no longer recognized to occur in the State of Nevada, as taxonomists recently (Crother et al. 2017; Woods et al. 2008) split the Rosy Boa into two distinct species, 1) Three-lined Boa (*L. trivirgata*) and 2) Rosy Boa (*L. orcutti*). *Lichanura trivirgata*, currently listed as protected, does not occur within Nevada but rather in Baja California, Southern Arizona and Sonora Mexico. The species that should be protected is *Lichanura orcutti*, which does occur in Nevada and provides protection as originally intended within the regulation.

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 **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**
The scientific name of the rosy boa listed as protected under NAC 503.080 will be changed from *Lichanura trivirgata* to *Lichanura orcutti*.

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 business:**
The name change will positively impact businesses (i.e., pet shops) and hobbyists, which can now sell, possess, transport, import, and export (without permit) the Rosy Boa (*L. trivirgata*) which is no longer recognized as the species occurring in Nevada and is a common pet trade animal in the US market.

There are no anticipated negative impacts on businesses from the proposed name change. The regulation originally intended to protect the native species of Rosy Boa that occurs in Nevada. By updating the species name based on peer-reviewed and accepted scientific studies, the correct species will be listed that occurs in Nevada. Recognizing the taxonomic change will ensure the species presumed to occur in Nevada will remain protected, while allowing the species not occurring in Nevada to fall under NAC 503.140 "Species for which certain permits and licenses are not required", section "(aa) Non venomous, nonindigenous reptile species and subspecies".

 - (b) **Both adverse and beneficial effects on the public:**
The public will benefit by this regulation in that the correct native species that occurs in

Nevada will be protected as was intended by the original regulation. There are no known adverse effects on the public.

(c) Both immediate and long-term effects on business:

For businesses both in the immediate and in the long-term, the regulation will protect the correct native Nevada species as was intended within the original regulation.

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

For the public both in the immediate and in the long-term, the regulation will protect the correct native Nevada species as was intended within the original regulation.

4. **The estimated cost to the agency for enforcement of the proposed regulation:**
This will likely have no additional costs, but may reduce costs associated with enforcement and compliance. Currently many pet shops recognize the two species as different and have attempted to sell the non-native *L. trivirgata*, but this species is currently erroneously protected and prohibited to sell *as per* NAC 503.080.
5. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:**
This regulation does not overlap or duplicate any other state, local, or federal laws or regulations.
6. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**
This regulation is not required pursuant to federal law.
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:**
This regulation does not include provisions that are more stringent than federal regulations.
8. **Whether the proposed regulation establishes a new fee or increases an existing fee:**
This regulation does not establish new fees or increased fees.

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.

August 17, 2018

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

LCB File No. R152-18

July 9, 2018

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

AUTHORITY: §1, NRS 501.105, 501.110 and 501.181.

A REGULATION relating to wildlife; revising the scientific name of the rosy boa snake; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners to classify wildlife into various categories and further classify wildlife in such categories as protected and unprotected. (NRS 501.110) This regulation revises the scientific name of the rosy boa, which is classified as a protected reptile.

Section 1. NAC 503.080 is hereby amended to read as follows:

503.080 1. The following reptiles are classified as protected:

	Common Name	Scientific Name
Lizard	Gila Monster	<i>Heloderma suspectum</i>
	Sierra Alligator	<i>Elgaria coerulea palmeri</i>
	Shasta Alligator	<i>Elgaria coerulea shastaensis</i>
Snake	Rosy boa	<i>Lichanura trivirgata orcutti</i>
	Sonoran Mountain King	<i>Lampropeltis pyromelana</i>

2. The following protected reptile is further classified as threatened:

	Common Name	Scientific Name
Tortoise	Desert	<i>Gopherus agassizi</i>

3. All species of reptiles which are not classified as protected, sensitive, threatened or endangered are unprotected.

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

Re: Commission General Regulation 479 LCB File No. R152-18 Rosy Boa Reptile

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:

In total we surveyed ten pet shops specializing in reptiles, across Nevada, regarding the effect of this proposed regulation change. We solicited initial comments *in person* from eight Las Vegas area pet shops, specializing in reptiles on 21 February 2018. We followed up with an email survey to all eight (two companies are operated by same owner, effectively making seven shops) in Las Vegas and Henderson and additionally reached out to additional pet shops in Reno (1), Sparks (1), and Winnemucca (1) regarding the proposed changes and requested comment via email or phone. We have provided a table summarizing responses below. All interested parties can contact Jason L. Jones (jljones@ndow.org) to obtain a copy of the summary.

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

ANSWER:

Nine of the ten shops surveyed replied to the survey. We tallied answers from the nine shops via email; questions pertained to whether the proposed change would impact their business (*yes* or *no*), if *yes*, how (*negative* or *positive*), and to *explain* via comment. We evaluated the responses below. In total six of nine (67%) shops noted this *would* impact their business. All six shops noted the impact would be *positive* and would allow them to sell a popular and common species in the reptile pet trade. Of the four shops that answered the regulation *would not* impact their business, one shop noted it was likely to result in *positive* impacts in the future, given the species' popularity in the trade.

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:

Overall net *positive* economic effect, given that shops would be allowed to legally sell the species (*Lichanura trivirgata*) currently listed on the NAC as prohibited (NAC 503.080) but that *does not* occur in the state of Nevada, based on the most recent taxonomic review and species delineations (Crother et al 2017, Wood et al. 2008). The rosy boa has been recently acknowledged to be two distinct species: the three-lined boa (*L. trivirgata*) and the rosy boa (*L. orcutti*). The three-lined boa ranges from Sonora and Baja California, Mexico into the extreme south-central portion of Arizona. The rosy boa ranges from northern Baja California through southern California and into west-central Arizona. Now businesses will be allowed to legally sell the three-lined boa (*L. trivirgata*), which is acknowledged to *not* occur here, but the rosy boa (*L. orcutti*) that is reported to occur in Nevada will remain a protected species in Nevada.

b.) Both direct and indirect effects:

ANSWER:

Direct effects: local businesses have the potential for increased sales on a currently popular snake in the pet trade.

There will be no indirect economic effects.

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:

Given the six shop consensus from the survey results and in person discussions, the proposed regulation change does not appear to require a reduction in impact, as the consensus perceived is positive (e.g., increased small business sales).

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

ANSWER:

At this time no additional costs will be accrued to the agency for enforcement of the proposed regulation.

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:

The proposed regulation change does not require a new fee or increase to existing fees.

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:

The proposed regulation does not include provisions that are duplicate.

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

ANSWER:

The proposed regulation change maintains existing wildlife protections while providing a positive impact to the benefit of small business owners.

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