

**ADOPTED REGULATION OF THE BOARD
OF WILDLIFE COMMISSIONERS**

LCB File No. R138-03

§§1, 3, 4, 6, 8, 9, 10, 12, 13 and 14 effective January 20, 2004
§§2, 5, 7 and 11 effective March 1, 2004

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

AUTHORITY: §§1, 3, 8-10, 13 and 14, NRS 501.105 and 501.181; §§2, 4-7, 11 and 12, NRS 501.105, 501.181 and 504.295.

Section 1. NAC 503.001 is hereby amended to read as follows:

503.001 ~~["Division" means the Division of Wildlife of the State Department of Conservation and Natural Resources.]~~ *"Department" means the Department of Wildlife.*

Sec. 2. NAC 503.095 is hereby amended to read as follows:

503.095 1. It is unlawful for a person to collect unprotected wildlife for commercial purposes without a permit.

2. Except as otherwise provided in NAC 503.513 and 503.545, the ~~[Division]~~ *Department* will issue a permit authorizing a natural person to collect unprotected wildlife for commercial purposes with a seine, net, noose, trap or other device if, after an investigation is conducted, it is proved to the ~~[Division]~~ *Department* that the collecting will not be detrimental to wildlife or the habitat of the wildlife. The annual fee for a permit issued pursuant to this section is ~~[\$100.]~~ *\$250.*

3. An application for a permit issued pursuant to this section must be submitted on a form furnished by the ~~[Division]~~ *Department* or a facsimile of the form.

4. An applicant for a permit issued pursuant to this section must include on the application:

(a) The name of the applicant;

- (b) The physical and mailing addresses of the applicant's residence and place of employment;
- (c) The telephone numbers of the applicant's residence and place of employment;
- (d) The driver's license number of the applicant, if he has been issued a driver's license;
- (e) The date of birth of the applicant;
- (f) The methods and equipment to be used in the collection of the wildlife;
- (g) The location, by county or region, where the wildlife is to be collected;
- (h) The address of the location where the wildlife will be held while it is in the possession of the applicant;
- (i) If the applicant has been convicted of violating the laws or regulations of any state or the United States Fish and Wildlife Service relating to the commercialization of wildlife within the 5 years immediately preceding the date of the application, a description of each violation, a description of the penalty imposed for each violation and the name of the state in which each conviction occurred; and
- (j) The applicant's signature and the date on which the application is signed.

5. Such a permit is not transferable and may be cancelled by the ~~[Division]~~ *Department* for a violation of its conditions or if operation of the permit is found to be detrimental to wildlife.

6. Within 30 days after the expiration of a permit for the collection of unprotected wildlife, the ~~[Division]~~ *Department* may require the person to whom it was issued to report to the ~~[Division]~~ *Department* the number and disposition of the unprotected species he has taken. Any failure to submit the report is a cause for denial of a future application for a similar permit.

Sec. 3. NAC 503.335 is hereby amended to read as follows:

503.335 1. An application for taking raptors for falconry must be submitted to the ~~[Division of Wildlife, Post Office Box 10678, Reno, Nevada 89520,]~~ *Department at an address*

specified on the application by the deadline for the submission of such applications as established by the Commission.

2. The applicant must include on the application:

(a) The name of the applicant;

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

(c) The date of birth of the applicant;

(d) The telephone number of the applicant's residence;

(e) The driver's license number of the applicant, if he has been issued a driver's license;

(f) The number of the applicant's falconry license, the class of the license and the name of the state which issued the license;

(g) A description of each raptor, by species:

(1) In the applicant's possession as of the date of the application, specifying those raptors which the applicant acquired during the 12 months immediately preceding the date of the application; and

(2) Which the applicant acquired during the 12 months immediately preceding the date of the application but which is no longer in the applicant's possession;

(h) The age, sex and band number of each such raptor;

(i) The date that each raptor was acquired;

(j) If applicable, the date on which each raptor acquired by the applicant during the 12 months immediately preceding the date of the application was transferred, released, lost or died;

(k) Whether each raptor in the possession of the applicant was caught in the wild or bred in captivity; and

(l) The applicant's signature and the date on which the application was signed.

↪ An incomplete application will be returned without action.

3. An applicant must possess a valid falconry license from this state or another state at the time that he applies for a permit to take raptors pursuant to this section. If the applicant does not possess such a license, the applicant must apply for a falconry license at the same time that he applies for the permit to take raptors for falconry pursuant to this section.

Sec. 4. NAC 503.340 is hereby amended to read as follows:

503.340 Each application must be accompanied ~~with~~ **by** the following fee:

1. For each permit to take a raptor issued to a resident, ~~[\$10.]~~ **\$15.**
2. For each permit to take a raptor issued to a nonresident, ~~[\$100.]~~ **\$120.**
3. For acting upon each application, a nonrefundable fee of ~~[\$2.]~~ **\$5.**

Sec. 5. NAC 503.513 is hereby amended to read as follows:

503.513 1. Any person may obtain a commercial wildlife permit for the capture, sale, possession or transportation of live bait fish or live aquatic bait for commercial purposes upon application and payment to the ~~Division~~ **Department** of the annual permit fee of ~~[\$100.]~~ **\$150,** if:

(a) The location, plan and stocking of the facilities used by the permittee in the bait operation are approved by the ~~Division;~~ **Department;** and

(b) No stream or natural body of water is enclosed or impounded in connection therewith to the detriment of fish naturally indigenous or planted or propagated therein at public expense.

2. The products of such a facility, fish spawn, fry and fish, or aquatic bait, may be sold at any time of the year by the permittee or his vendees, after having first complied with the provisions of title 45 of NRS and NAC 503.500 to 503.575, inclusive.

3. The permit expires on December 31 of the year in which it was issued.

Sec. 6. NAC 503.535 is hereby amended to read as follows:

503.535 **1.** If inspection of a shipment is required, the ~~[Division]~~ **Department** shall notify the person of the time and place of inspection.

~~[H.]~~ **2.** At the conclusion of an inspection, the permittee or his representative will be issued a permit for the transportation of live fish or bait if the shipment of fish or bait is found to comply with the provisions of NAC 503.500 to 503.575, inclusive. If a shipment is determined by the ~~[Division]~~ **Department** inspector to be detrimental to the best interests of the State, such fish or bait must either be destroyed or the permittee or his representative must remove it from the State by the route of entry or a route designated by the inspector.

~~[2.— A \$10]~~

3. A **\$25** inspection fee shall be charged for each inspection, except if two or more shipments originate from one source and arrive at the same destination at the same time, only one ~~[\$10]~~ **\$25** inspection fee may be charged, such fee to be prorated equally among the importers involved.

Sec. 7. NAC 503.545 is hereby amended to read as follows:

503.545 Any person may obtain a permit to take unprotected fish commercially, *other than live bait fish*, from the waters of the State upon application and payment to the ~~[Division]~~ **Department** of an annual permit fee of ~~[\$100,]~~ **\$500**, if:

1. The location, time and manner of conducting the operation is approved by the ~~[Division;]~~ **Department;** and
2. The operation is not deleterious to fish or other wildlife naturally indigenous or planted or propagated therein at public expense.

Sec. 8. NAC 503.560 is hereby amended to read as follows:

503.560 1. A person who establishes, operates or controls a commercial fish hatchery, private noncommercial fishpond or other installation for the culture of fish within the State of Nevada shall, and a person who does so outside this state for the purpose of importing fish or aquatic life into this state may, make application to the ~~[Administrator, Division of Wildlife, Post Office Box 10678, Reno, Nevada 89520,]~~ *Department at an address specified on the application* for a letter of certification stating that such installation is free from fish diseases or pathogens that induce diseases, which the ~~[Division]~~ *Department* has determined to be deleterious to the fish or aquatic life of Nevada.

2. It is unlawful for a person:

(a) To operate any such installation in this state until it is certified by the ~~[Division;]~~ *Department;* or

(b) To import live fish or aquatic life from any installation outside this state which has not been certified by the ~~[Division.]~~ *Department.*

3. Any game warden authorized to enforce the provisions of title 45 of NRS may enter any such installation at any reasonable hour and inspect the premises and operation to determine that it is free from fish diseases.

Sec. 9. NAC 503.760 is hereby amended to read as follows:

503.760 1. The ~~[Division]~~ *Department* may issue a permit to the owner or tenant of any land or property, or to a governmental agency, to engage in the hunting, killing or nonlethal control of bobcats or coyotes from an aircraft for the purpose of protecting land, wildlife, livestock, domestic animals or human life. The ~~[Division]~~ *Department* may also issue a permit to the State Director of Animal Damage Control of the Animal and Plant Health Inspection Service

of the United States Department of Agriculture ~~[]~~ to engage in the hunting, killing or nonlethal control of ravens from an aircraft. Such permits will not be issued for hunting for sport.

2. An applicant for such a permit must provide the following information:

(a) His name, address and telephone number;

(b) The purpose for which the permit is requested, specifying whether the permit is to protect land, wildlife, livestock, domestic animals or human life;

(c) A description of the area in which the ravens, bobcats or coyotes will be hunted, killed or controlled;

(d) The number of ravens, bobcats or coyotes intended to be taken;

(e) The registration number of the aircraft to be used, the name and address of the pilot and the location where the aircraft will be based during the operation; and

(f) Such other information as the ~~[Division]~~ *Department* may require.

3. A person granted a permit pursuant to this section shall comply with the terms, conditions and restrictions of the permit.

4. On or before January 10 after the calendar year in which the permit was issued, the permittee shall submit to the ~~[Division of Wildlife, Post Office Box 10678, Reno, Nevada 89520,]~~ *Department, at an address specified on the appropriate form,* a written report of the number of ravens, bobcats or coyotes taken during each month in which the permit was valid.

Sec. 10. NAC 504.001 is hereby amended to read as follows:

504.001 1. As used in this chapter, unless the context otherwise requires:

(a) ~~["Division" means the Division of Wildlife of the State Department of Conservation and Natural Resources.]~~ *"Department" means the Department of Wildlife.*

(b) “Sink box” means a low floating device in which a person may be concealed below the surface of a body of water.

2. As used in NAC 504.001 to 504.701, inclusive, unless the context otherwise requires:

(a) “Management area” means any area established by the ~~[Division]~~ *Department* for the management of big game.

(b) “Region” means any one of the three administrative regions established by the ~~[Division.]~~ *Department.*

(c) “Wildlife management area” means a wildlife management area:

(1) Established by the ~~[Division]~~ *Department* pursuant to NRS 504.140; or

(2) Created by the Commission pursuant to NRS 504.143.

Sec. 11. NAC 504.454 is hereby amended to read as follows:

504.454 A completed application for a commercial or noncommercial license must be submitted to the ~~[headquarters of the Division or to the regional offices of the Division in Fallon, Elko or Las Vegas.]~~ *Department at an address specified on the application* together with:

1. A fee:

(a) Of ~~[\$5]~~ *\$15* for a noncommercial license; or

(b) Of ~~[\$100]~~ *\$500* for a commercial license;

2. A copy of any federal permits required for the species to which the application pertains; and

3. If the application is for a species listed in NAC 503.110, a copy of any:

(a) Permit or license issued by a wildlife agency or regulatory agency in the state or country where the species originated that allows the possession of species specified therein, including viable embryos or gametes; or

(b) Other documentation establishing lawful possession of the species, including, but not limited to, a document issued by a wildlife agency or regulatory agency of the state or country where the species originated that indicates a permit or license is not required for the possession of the species specified therein.

Sec. 12. NAC 504.730 is hereby amended to read as follows:

504.730 1. An application for a permit to stock certified triploid grass carp must be made on a form provided by ~~and available from:~~

~~—(a) The headquarters of the Division; or~~

~~—(b) The regional offices of the Division located in Fallon, Elko or Las Vegas.~~

~~—2. An applicant] *the Department.*~~

2. An application for a permit to stock certified triploid grass carp must include : ~~on the application:]~~

(a) The name of the applicant;

(b) If the property where the certified triploid grass carp are to be stocked is owned by a person other than the applicant, the name of the person who owns that property;

(c) The physical and mailing addresses of the applicant's residence and place of employment;

(d) The telephone numbers of the applicant's residence and place of employment;

(e) The driver's license number of the applicant, if he has been issued a driver's license;

(f) The address and legal description of the closed aquatic system to be stocked;

(g) A description of the present use of the closed aquatic system;

(h) Whether the outflow of water from the closed aquatic system will enter any other body of water or aquatic system;

(i) The species of fish currently present in the closed aquatic system; ~~and]~~

(j) The applicant's signature and the date on which the applicant signed the application [redacted];

and

(k) *A fee of \$50 for the permit.*

3. The [redacted] *Department* will deny an application for a permit if the [redacted] *Department* determines that stocking the closed aquatic system with certified triploid grass carp may have a negative impact on the wildlife in this state.

4. Based on its evaluation of the application, the [redacted] *Department* may make such stipulations and conditions on the use and scope of a permit as the [redacted] *Department* determines appropriate. A violation of a stipulation or condition is cause for the revocation of the permit and the destruction or removal, or both, of all certified triploid grass carp from the aquatic system. The owner or lessee of the property where the aquatic system is located is liable for the cost of the removal or destruction, or both, of certified triploid grass carp pursuant to this section.

5. A permit to stock certified triploid grass carp will be approved only if the aquatic vegetation of the closed aquatic system in which the carp will be stocked:

(a) Interferes with the recreational, domestic, municipal, agricultural or industrial use of the water in that system; or

(b) Impairs the quality of the water in that system.

6. A person who possesses certified triploid grass carp in accordance with a permit issued pursuant to this section and NAC 504.720 and 504.725 may not move those fish from the closed aquatic system in which the person was permitted to stock the fish or transferred the fish to any other water system without prior written authorization from the [redacted] *Department*.

7. The issuance of a permit to stock certified triploid grass carp authorizes a representative of the [redacted] *Department* to enter the property at any reasonable hour to evaluate the status

of the carp and containment structures possessed and maintained under the authority of that permit.

Sec. 13. NAC 503.120 and 503.525 are hereby repealed.

Sec. 14. 1. This section and sections 1, 3, 4, 6, 8, 9, 10, 12 and 13 of this regulation become effective upon filing with the Secretary of State.

2. Sections 2, 5, 7 and 11 of this regulation become effective on March 1, 2004, or upon filing with the Secretary of State, whichever occurs later.

TEXT OF REPEALED SECTIONS

503.120 Import eligibility permit: Issuance; use. A commercial dealer in pets, aquarium fish and other wildlife may apply to the Division for an annual import eligibility permit. If the application is approved, the dealer will be issued an import number which he shall affix to each shipment of pets, aquarium fish or wildlife he imports, in lieu of obtaining an individual importation permit.

503.525 Importation of live or aquatic bait: Import eligibility permit. It is unlawful, except as authorized by an import eligibility permit issued by the Division for an annual fee of \$25, for any person at any time to receive, bring or have brought or shipped into and destined for the State of Nevada any live fish for bait, live bait or aquatic bait.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R138-03**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R138-03 which pertain to chapters 503 and 504 of the Nevada Administrative Code on December 6, 2003.

Notice date: 11/3/2003
Hearing date: 12/6/2003

Date of adoption by agency: 12/6/2003
Filing date: 1/20/2004

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**
In addition to the traditional mail out to the Board of Wildlife Commissioners, and the 17 county advisory boards to manage wildlife, the regulation was sent to 73 licenses falconers and 33 commercial collection permittees. NDOW received three written responses. Public comment is solicited throughout the workshop and meeting to act upon the regulation. Interested persons can obtain a copy of the summary by contacting the NDOW License Office at 688-1510.
- 2. The number of persons who:**

(a) Attended each hearing:	75
(b) Testified at each hearing:	2
(c) Submitted to the agency written statements:	3
- 3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.**
The regulation was sent to all 73 falconry licensees and 33 commercial collection permittees. NDOW received 3 written responses. Interested persons can obtain a copy of the summary by contacting the NDOW License Office at 688-1510.
- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
The Board of Wildlife Commissioners approved the regulation with one change to a proposed fee increase.
- 5. The estimated economic effect of the regulations on the businesses they are to regulate and on the public.**

 - (a) Estimated Economic effect on the businesses which they are to regulate.**

(1) Adverse - Increased fees for certain special licenses and permits.
(2) Beneficial - Not applicable.
(3) Immediate - Not applicable.
(4) Long term - Not applicable.

(b) **Estimated economic effect on the public which they are to regulate.**

(1) **Adverse** - Increased fees for certain special licenses and permits.

(2) **Beneficial** - Not applicable.

(3) **Immediate** - Not applicable.

(4) **Long term** - Not applicable.

6. **The estimated cost to the agency for enforcement of the proposed regulation.**

Unknown.

A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. None.

7. **If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:** None.

8. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

None.

9. **If the 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.**

Fee increases may generate approximately \$5,325 in additional revenue with the following breakdown:

Commercial collection permits: 25 permittees x \$150 = \$3,750

Permits to take raptors 17 residents x \$5 = \$205

3 non residents x \$20 = \$60

20 nonrefundable application fees x \$3 = \$60

Commercial collection for bait: 6 permittees x \$50 = \$300

Commercial collection for rough fish: 2 permittees x \$400 = \$800

Inspection of live fish or bait: 0 inspections (in 2003) x \$15 = \$0

Triploid Grass Carp: 3 permittees x \$50 = \$150