

LCB File No. R138-03

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

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for The (Adoption/Amendment/Repeal) of Regulations of The
Board Of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing December 5, 2003 at the 1100 Valley Road, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 315 (LCB File) pertaining to Chapter 503-504 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: (Description of regulation)

To increase fees for certain special permits and provides housekeeping for certain terminology and provisions as a result of the 2003 legislative session.

2. Text of the proposed regulation:

Please see attached.

- 3A. The estimated economic effect of the regulation on the business which it is to regulate:

- (a) Adverse effect - Increases certain fees.
- (b) Beneficial effect – Provides additional revenue to process and administer the permits.
- (c) Immediate effect – Provides additional revenue to process and administer the permits.
- (d) Long-term effect – Provides additional revenue to process and administer the permits.

- 3B. The estimated economic effect of the regulation on the public which it is to regulate:

- (a) Adverse effect – Increases certain fees.
- (b) Beneficial effect – Provides additional revenue to process and administer the permits.
- (c) Immediate effect – Provides additional revenue to process and administer the permits.

- (d) Long-term effect – Provides additional revenue to process and administer the permits.
4. Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:
Unknown.
5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates, None. The duplication or overlapping is necessary because N/A. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: N/A.
6. If the regulation is required pursuant to federal law, a citation and description of the federal law

N/A.
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:

N/A.
8. The proposed regulation establishes a new fee or increases an existing fee: ___No ___X
Yes

Persons wishing to comment upon the proposed action of the 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 Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Division of Wildlife
1100 Valley Road
Reno, Nevada
(775) 688-1500

Western Region
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

Eastern Region
1375 Mt. City Highway
Elko, NV 89801
(775) 738-5332

Southern Region
4747 Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies 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, shall 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 above locations.

Terry R. Crawford, Secretary
Board of Wildlife Commissioners

LCB File No. R138-03

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

COMMISSION GENERAL REGULATION 315

Authority: NRS 501.105, 501.181, 504.295

Notice of Intent:

Workshop Date: December 5, 2003

Adoption Date:

Explanation: Makes various changes to Chapter 503: Increases fees for certain special permits and provides housekeeping for certain terminology and provisions as a result of the 2003 legislative session.

Note: Matter in *italics* is new matter within **brackets** **[]** is to be omitted.

Section 1. Chapter 503.095 is hereby amended to read as follows:

NAC 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]~~ *\$350*.

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 canceled 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. 2. NAC 503.140 is hereby amended to read as follows:

503.140. 1. Except as otherwise provided in subsection 4 and NAC 503.500 to 503.535, inclusive, the following animals may be possessed, transported, imported and exported without a permit or license issued by the **[division] department**:

- (a) Canaries;

- (b) Toucans;
- (c) Lovebirds;
- (d) Nonindigenous house finches;
- (e) Parakeets;
- (f) Cockatiels;
- (g) Mynah birds;
- (h) Parrots;
- (i) Hamsters;
- (j) Domesticated races of rats and mice;
- (k) Gerbils;
- (l) Guinea pigs;
- (m) Monkeys and other primates;
- (n) Aquarium fish;
- (o) Marsupials;
- (p) Elephants;
- (q) All felines, except mountain lions and bobcats;
- (r) Wolves;
- (s) Camels (*Camelus* spp.);
- (t) European ferret (*Mustela putorius*);
- (u) Llamas (*Lama glama*);
- (v) American Bison;
- (w) Marine mammals;
- (x) Ostrich (*Struthio* spp.);

- (y) Emus (*Dromiceius* spp.);
- (z) Rheas (*Rhea* spp.);
- (aa) Nonvenomous, nonindigenous reptile species and subspecies;
- (bb) Albino forms of indigenous reptile species;
- (cc) Alpaca (*Lama pacos*);
- (dd) Guinea fowl (*Numida meleagris*);
- (ee) Old World species of pheasants, partridges, quails, francolin, peafowl and jungle fowl (nonendemic species of the subfamily *Phasianae*), except:
 - (1) Chukar partridge;
 - (2) Hungarian (gray) partridge;
 - (3) Snow cock; and
 - (4) Ring-necked and white, winged pheasant;
- (ff) Domesticated races of turkey (*Meleagris gallopavo*), distinguished morphologically from wild birds;
- (gg) Domesticated races of ducks and geese (*Anatidae*), distinguished morphologically from wild birds;
- (hh) Domesticated races of chinchillas;
- (ii) Domesticated races of mink;
- (jj) Waterfowl reared in captivity that are lawfully acquired pursuant to the regulations adopted by the United States Fish and Wildlife Service;
- (kk) Those species of ducks, geese and swans not listed as protected pursuant to the Migratory Bird Treaty Act, 16 U.S.C. §§ 703 et seq.;
- (ll) Yak (*Bos grunniens*);

(mm) Cassowary;

(nn) Coturnix quail (*Coturnix coturnix*);

(oo) Zebra (*Equus spp.*);

(pp) Salt water fish, crustaceans and mollusks;

(qq) Nonindigenous species of amphibians, except:

(1) Bullfrogs (*Rana catesbeiana*); and

(2) Species listed in NAC 503.110;

(rr) African pygmy hedgehogs (*Atelerix albiventris*); and

(ss) California kingsnakes (*Lampropeltis getulus californiae*) that do not have between their head and vent a continuous pattern of bands or rings regardless of whether the bands or rings are opened or closed.

2. Species listed in this section must not be released into the wild, except as otherwise authorized by the ~~division~~ department in writing.

3. Except as otherwise provided in subsection 4, lawfully acquired species listed in this section may be sold in Nevada.

4. This section does not authorize the sale, possession, transportation, importation or exportation of animals in violation of any applicable federal or state law, county or city ordinance, or any regulation adopted pursuant thereto.

5. As used in this section, “aquarium fish” includes all the species of fish, except the species listed in NAC 503.110, which are listed in H. Axelrod and W. Vorderwinkler, *Encyclopedia of Tropical Fishes*, 29th ed., 1988. ~~[A copy of that publication may be obtained from T.F.H. Publications, Inc., One T.F.H. Plaza, Neptune City, New Jersey 07753, for a price of \$17.59.]~~

Sec. 3. NAC 503.180 is hereby amended to read as follows:

503.180. The commission adopts by reference the regulations of the United States Fish and Wildlife Service which are published in 50 C.F.R. 20.21, 20.25, 20.35, 20.36, 20.37, 20.38, 20.39, 20.40, 20.42, 20.43, 20.44, 20.61, 20.81, 20.82 and 20.83 as those regulations exist on October 1, 1990. Those regulations apply to all hunting of migratory game birds within the boundaries of the State of Nevada. ~~[Title 50 of C.F.R. may be purchased for \$20 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.]~~

Sec. 4. 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]~~ *department* ~~[of Wildlife, Post Office Box 10678, Reno, Nevada 89520,]~~ *at an address provided 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. 5. NAC 503.340 is hereby amended to read as follows:

503.340. Each application must be accompanied with 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. 6. 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. 7. NAC 503.525 is hereby amended to read as follows:

503.525. It is unlawful, except as authorized by an import eligibility permit issued by the ~~[division]~~ *department* for an annual fee of ~~[\$25]~~ **\$31**, 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.

Sec. 8. NAC 503.535 is hereby amended to read as follows:

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

1. 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]~~ \$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. 9. NAC 503.545 is hereby amended to read as follows:

503.545. Any person may obtain a permit to take unprotected fish commercially 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. 10. 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]~~ *department* ~~[of Wildlife, Post Office Box 10678, Reno, Nevada 89520,]~~ *at an address provided 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. 11. 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]~~ *department* ~~[of Wildlife, Post Office Box 10678, Reno, Nevada 89520,]~~ *at an address provided on the report form*, a written report of the number of ravens, bobcats or coyotes taken during each month in which the permit was valid.

Sec. 12. 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 provided 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. 13. NAC 504.600 is hereby amended to read as follows:

1. An applicant for a license as a master guide must:

(a) Be a competent person of good moral character.

(b) Be 21 years of age or older.

(c) Know the wildlife and boating laws and regulations of the state relevant to the license for which the applicant is applying.

(d) Have a minimum of three full seasons of experience in the use of equipment and livestock used by licensees of the particular class for which he has made application or have an employee so qualified in charge of all hunting and fishing parties. A season of experience must not be less than 3 months. The applicant must describe his experience in detail on the application.

(e) Provide proof of certification in a Red Cross Standard First Aid course or an equivalent course approved by the ~~[division]~~ *department* with his original application for a license.

(f) Provide proof of his United States Coast Guard license, if applicable. If a boat will be used to provide a service to a client and a United States Coast Guard license is not required, the applicant must provide proof that he has obtained a minimum score of 80 percent on the boating safety examination in Navigating Nevada, a booklet which may be obtained free of charge from the ~~[Division]~~ *department* ~~[of Wildlife, 1100 Valley Road, P.O. Box 10678, Reno, Nevada, 89520-0022].~~

(g) Provide proof that the requirements of NAC 504.663 have been satisfied.

2. An application for issuance or renewal of a master guide license received by the ~~[division]~~ *department* after June 1 of the current calendar year will not be processed and all fees will be returned.

3. An applicant for a license as a subguide must:

- (a) Satisfy the requirements outlined in paragraphs (a), (c), (e) and (f) of subsection 1; and
- (b) Be 18 years of age or older.

Sec. 14. 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.]~~ *the department.*

2. An applicant 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.

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

3. The **[division] department** will deny an application for a permit if the **[division] 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 **[division] department** may make such stipulations and conditions on the use and scope of a permit as the **[division] 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 division.

7. The issuance of a permit to stock certified triploid grass carp authorizes a representative of the **[division] 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.