

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

**LCB File No. R080-04**

Effective August 25, 2004

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

AUTHORITY: §§1-4, NRS 501.181 and 504.370; §5, NRS 501.105, 501.181 and 504.295.

A REGULATION relating to wildlife; requiring a licensee of a commercial or private shooting preserve to obtain authorization from the Department of Wildlife for the number of each species of upland game bird that may be hunted on the preserve; requiring that upland game birds be a certain age and winged before hunted on a shooting preserve; prescribing the hunting season for upland game birds on shooting preserves; requiring hunters to obtain and carry permits for hunting upland game birds on shooting preserves; authorizing licensees to sell or transfer live upland game birds during a certain period; making various other changes regarding the management of wildlife in this State; and providing other matters properly relating thereto.

**Section 1.** Chapter 504 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

**Sec. 2.** *As used in this section and sections 3 and 4 of this regulation, unless the context otherwise requires, “licensee” means a person who is the holder of a commercial or private shooting preserve license issued by the Department pursuant to NRS 504.310.*

**Sec. 3.** *1. Before any hunting may be done on a commercial or private shooting preserve, the licensee must advise the Department, in writing, of the number of each species of upland game bird reared, purchased or acquired for liberation, and request, and receive in writing, a hunting authorization that states the number of each species which may be hunted.*

*2. Birds must be at least 8 weeks of age, full-winged and in a condition to go wild before liberation.*

3. *From August 1 to April 30, inclusive, the licensee, or with his written permit, the holder thereof, may take an upland game bird from a licensed preserve only by means of a shotgun, a longbow and arrow, or falconry.*

4. *Permits to hunt on a licensed preserve may be used only during the period specified on such permits, and the hunter must carry a valid permit on his person at all times while on the area and while in possession of birds taken on the area.*

**Sec. 4.** 1. *From April 1 to June 30, inclusive, a licensee may sell or transfer any surplus upland game birds possessed under the authority of his license to a person who possesses a:*

(a) *License pursuant to NRS 504.310 that authorizes him to possess the species of upland game birds to be sold or transferred; or*

(b) *Permit pursuant to NRS 503.200 that authorizes him to train dogs or falcons and to possess the species of upland game birds to be sold or transferred.*

2. *A licensee who sells or transfers any upland game birds pursuant to subsection 1 shall:*

(a) *Provide a receipt to each person to whom a sale or transfer is made. The receipt must include:*

(1) *The name of the licensee;*

(2) *The number of the license;*

(3) *The date of the sale or transfer; and*

(4) *The number of upland game birds, by species, being sold or transferred.*

(b) *Immediately record the sale or transfer of upland game birds on a form provided by the Department. The licensee shall retain the form for 2 years after the date of sale or transfer and make it available to an agent of the Department for inspection at any reasonable hour.*

**Sec. 5.** NAC 504.451 is hereby amended to read as follows:

504.451 1. An application for a commercial license may be obtained from:

- (a) The headquarters of the ~~[Division;]~~ *Department*; or
- (b) The regional offices of the ~~[Division]~~ *Department* in Fallon, Elko or Las Vegas.

2. The applicant must include on the application for a commercial license:

- (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 name, address and telephone number of the company or institution which the applicant is representing, if any;
  - (g) A description of the purpose for which the wildlife is to be held;
  - (h) The common and scientific name and the number of each species of wildlife:
    - (1) To be obtained; and
    - (2) ~~[[~~ *Presently being held by the applicant, if* the application is for the renewal of a license, ~~[each species presently being held by the applicant,]~~
- ↪ for which the applicant is requesting the commercial license;
- (i) If the applicant is applying for the license for the first time, the name, address and telephone number of the person from whom the wildlife will be obtained;
  - (j) If the applicant resides in this state, the location at which the wildlife will be permanently maintained;
  - (k) If the applicant is not a resident of this State and he will be importing and displaying or exhibiting the wildlife in this State, a description of each location at which the wildlife will be

displayed or exhibited and the approximate length of time that the wildlife will be displayed or exhibited at each location;

(l) A complete description, including a diagram, of the holding facilities, cages or aquaria, as appropriate, that will be used to hold or confine the wildlife;

(m) 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

(n) The applicant's signature and the date on which the application is signed.

3. In addition to the requirements of subsection 2, an application for a commercial license for a species of wildlife which is listed in NAC 503.110 must contain a description of:

(a) The measures that will be used to prevent the wildlife from escaping; and

(b) The methods and equipment that will be used to recapture or destroy the wildlife if it does escape.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R080-04**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R080-04 which pertain to chapters 504 of the Nevada Administrative Code on June 26, 2004.

**Notice date:** 5/21/2004  
**Hearing date:** 6/26/2004

**Date of adoption by agency:** 6/26/2004  
**Filing date:** 8/25/2004

**INFORMATIONAL STATEMENT**

1. **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 all licensed shooting preserves for comment. Public comments is solicited throughout the workshop and meeting to act upon the regulation.
2. **The number of persons who:**
  - (a) **Attended each hearing: 30**
  - (b) **Testified at each hearing: 2**
  - (c) **Submitted to the agency written statements: 0**
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 licensed shooting preserves for comment and review. There was no comment.
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:** Minor changes were made based on public testimony.
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** – N/A
    - (2) **Beneficial** – Licenses may recover some costs because they may now sell surplus birds.
    - (3) **Immediate** - N/A
    - (4) **Long term** - Licenses may recover some costs because they may now sell surplus birds.

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

- (1) Adverse – N/A**
- (2) Beneficial - N/A**
- (3) Immediate - N/A**
- (4) Long term - N/A**

- 6. The estimated cost to the agency for enforcement of the proposed regulation: No change, created regulations to replace repealed legislation.**
- 7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary: N/A**

**If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:**

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