

PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R046-11

COMMISSION GENERAL REGULATION 397

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

AUTHORITY: (NRS 501.105, 501.181, 502.130, 502.140, 502.160, 503.582, 503.583, 504.295)

A REGULATION relating to wildlife to amend raptor capture regulations pursuant to federal register changes.

Section 1. *Chapter 503 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 10 of this regulation.*

Section 2 - NAC 503.300 is hereby amended to read as follows:

503.300 Permit to capture raptors: Quota for raptors; falconry license required.

1. Each year, the Commission may establish a resident and nonresident quota for raptors that may be taken from the wild under a permit. A holder of a permit may obtain from the wild only the number of raptors permitted but in no event, more than two raptors per year. Before obtaining a permit to capture raptors, a permittee must possess a valid falconry license issued by this State or, if he is not a resident of this State and does not possess a falconry license issued by this State, a valid falconry license issued by the state *or country* of which he is a resident.

2. A licensed falconer may not intentionally capture a raptor species that the classification as a falconer does not allow for possession for falconry in Nevada. If a bird is captured that the licensed falconer is not allowed to possess, it must be released immediately.

Section 3 - NAC 503.305 is hereby amended to read as follows:

503.305 Permit to capture raptors: Conditions. A holder of a permit to capture raptors is subject to the following conditions:

1. Eyasses may be taken only by a general or master falconer:

(a) During the period specified by the Commission; and

(b) No more than two eyasses may be taken by a *capture* permittee during that period.

(c) *At least one eyas must be left in the nest or aerie from which the nestling is taken and*

(d) *It is unlawful to alter the physical characteristics of the nest to capture a raptor.*

2. Passage birds may be taken only during the period specified by the Commission,

~~[3. Not more than 180 days during any calendar year will be specified for the taking of eyasses or passage birds];~~ but a *leg banded* ~~[marked]~~ raptor may be retrapped at any time.

3. ~~[4.]~~ The only raptors over 1 year of age which may be taken are the American kestrel (*Falco sparverius*) and the great horned owl (*Bubo virginianus*), except that under a depredation (special purpose) permit which was jointly authorized by the United States Fish and Wildlife Service and the Department, any raptor other than raptors of threatened or endangered species may be taken for falconry purposes by a general or master falconer.

4. ~~[5.]~~ Peregrine falcons may not be taken in Nevada *except as provided in subsection 15*. Such falcons legally obtained may be imported and possessed under the terms and conditions of a falconry license issued by the Department.

5. ~~[6.]~~ Birds of the following species may not be captured, transported, possessed or used in the practice of falconry:

(a) Bald eagle (*Haliaeetus leucocephalus*);

(b) Osprey;

(c) White-tailed kite;

(d) *Golden eagles, white tailed eagles, Stellar's eagles*, ; and

(e) ~~[(4)]~~ Any owl except the great horned owl.

(f) *Any threatened or endangered species.*

6. ~~[7.]~~ Permits to take raptors are not transferable.

7. *A permittee may have another person take a raptor for the permittee under the following conditions;*

a) *If the permittee is at the capture site and another person captures a raptor for the permittee, the permittee is responsible for reporting the take no later than 5 ~~[10]~~ days after the take.*

b) *If the permittee is not at the capture site where the bird is taken from the wild, the person who removes the bird from the wild must be a General or Master Falconer, and must report take of the bird. If that General or Master falconer then transfers the bird to the permittee, the permittee and the General or Master falconer must file 3-186A forms reporting the transaction no later than 5 ~~[10]~~ days after the transfer. The bird will count as one of the two raptors the General or Master falconer who took it from the wild is allowed to capture in any year. The bird will not count as a bird the permittee took from the wild. The General or Master falconer who takes the bird from the wild must report the take even if he or she promptly transfers the bird to permittee.*

c) *If the permittee has a long-term or permanent physical impairment that prevents attending the capture of a species the permittee can use for falconry, a General or Master Falconer may capture a bird for the permittee. The permittee is then responsible for filing a 3-*

186A form reporting take of the bird from the wild, and the bird will count against the take of wild raptors that permittee is allowed in any year.

8. If the capture permittee transfers a bird they take from the wild to another capture permittee in the same year in which it is captured, the bird will count as one of the raptors the capture permittee is allowed to take from the wild that year; it will not count as a capture by the recipient.

9. The permittee is responsible for reporting take of a raptor from the wild within 10 days after capture by entering the required information in the electronic database at the Internet address provided by the USFWS and by submitting a paper form 3-186A to the department as part of the validation requirement pursuant to NAC 503.320.

10. An Apprentice falconer may take raptors less than 1 year old, except eyas [nestlings], from the wild during any period or periods specified by the Commission. The Apprentice falconer may only take those raptor species from the wild that are allowed on the falconry license.

11. A General or Master falconer may take only raptors less than 1 year of age from the wild during any period or periods specified by the Commission.

12. A falconer may recapture a falconry bird at any time. A recapture of a wild bird is not considered a taking a bird from the wild.

(a) A recapture a raptor wearing falconry equipment or a captive-bred bird is authorized at any time even if you are not allowed to possess the species.

(i) The bird will not count against a possession limit, nor will the take from the wild count against the limit.

(ii) The falconer must report the recapture of the bird to the department no more than 5 working days after the recapture. A recaptured falconry bird must be returned to the person who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the department.

13. A permittee may take any raptor authorized to possess from the wild if the bird is banded with a Federal Bird Banding Laboratory aluminum band except that a permittee may not take a banded peregrine falcon from the wild.

14. If a raptor captured is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird, the capture of the bird must be reported to the department no more than 5 working days after the capture. A recaptured falconry bird must be returned to the person who lost it. If that person cannot possess the bird or does not wish to possess it, the permittee may keep it by submitting a paper form 3-186A to the department. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the department. While in possession of a bird for return to the person who lost it, the bird will not count against a possession limit or a limit on take of raptors from the wild if the permittee has reported possessing the bird to the department.

15. If a permittee unintentionally captures a peregrine falcon that has a research band or a research marking attached to it, the permittee must immediately release the bird. Except that if the falcon has a transmitter attached to it, the permittee must;

- a) Contact with Department within 5 working days to notify them of possession and;*
- b) Is authorized to possess the bird up to 30 working days and*
- c) Contact the researcher to determine if they need to replace the transmitter or its batteries.*

If the researcher needs to replace the transmitter or batteries, or to have the transmitter removed, the researcher or designee can make the change or allow the permittee to do so before the release of the bird.

16. If a raptor captured has any other band, research marking, or transmitter attached to it, the permittee must promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory [~~at 1-800-327-2263~~] and to the department.

(a) The permittee may contact the researcher and determine if they need to replace a transmitter attached to a bird captured. If the researcher wants to replace the transmitter the permittee is authorized to possess the bird up to 30 days until the researcher or their designee replaces the transmitter or until the permittee can replace the transmitter.

Disposition of the bird will be at the discretion of the researcher and the department.

(i) If you possess such a bird temporarily, it will not count against a possession limit for falconry raptors.

17. If a raptor is injured due to capture efforts.

(a) Regardless of final disposition, the capture permittee is responsible for the costs of care and rehabilitation of the bird.

(b) The permittee must take the bird to licensed Nevada veterinarian or rehabilitator for treatment.

(c) The bird must be banded and the permittee must report the take of the bird by entering the required information in the electronic database at the Internet address provided by the USFWS and by submitting a paper form 3-186A to the department no more than 5 [~~10~~] days after capture of the bird.

(d) The permittee may put the bird on their falconry license if the license allows for possession and it will count against their possession limit. If successfully rehabilitated the bird may be removed from the state. Or the bird may be transferred directly to a veterinarian, a licensed wildlife rehabilitator, or the department. If turned over to a veterinarian or licensed rehabilitator it will not count against the allowed take.

Section 4 -NAC 503.310 is hereby amended to read as follows:

503.310 Use of traps or bird nets to take raptors.

1. A raptor may be taken by a trap or bird net which is humane in its operation and use. ~~[Snare type]~~ All traps must be attended at all times. ~~[All other traps must be identified with the name and address of the licensee and checked at least once every 24 hours].~~ Raptors may not be captured by means of a steel-jawed trap or jump-trap. Apprentice licensees may use only bal-chatri, harness or bow net traps in acquiring raptors.

2. As used in subsection 1:

(a) “Bal-chatri” means a hemispherical cage on which many nooses are tied baited with a bird or mammal and placed in view of a wild raptor to serve as a trap in which neither raptor nor bait is injured.

(b) “Harness” means a light leather or cloth saddle covered with nooses which is placed on tethered bait.

(c) “Bow net” means a circular hoop hinged in the middle and covered with netting. It is usually attached to the ground so one side can swing freely.

Section 5 - NAC 503.320 is hereby amended to read as follows:

503.320 Taking of raptors for falconry: Attachment of raptor *leg* band; validation of permit; transportation of raptor from State. A holder of a permit who is successful in taking a raptor

shall immediately attach the raptor *leg* band *pursuant to NAC 503.215*~~[provided by the Department]~~ to a leg of the raptor and personally present the raptor to a representative of the Department for validation of the permit no later than 72 hours after the raptor is taken. No raptor may be transported from this State until the *leg* band is attached and the person transporting it has had the permit validated by the Department.

Section 6 - NAC 503.325 is hereby amended to read as follows:

503.325 Taking of raptors for falconry: Return of unused permit and raptor *leg* band.

A holder of a permit who has not taken a raptor for each permit shall return the unused permit and *leg* band to the Department for cancellation within 5 days after the close of the season.

Section 7 - NAC 503.330 is hereby amended to read as follows:

503.330 Taking of raptors for falconry: Grounds for denial of permit; reinstatement of privilege; administrative fine.

1. If a holder of a permit has submitted any false statement on his application for the permit or fails to return the permit and raptor *leg* band for cancellation or validation within the period specified, the Department will deny him a raptor permit for the following year.

2. Any person who has been denied a raptor permit pursuant to the provisions of this section may have the privilege reinstated if he pays to the Department an administrative fine of \$50.

Section 8 - NAC 503.335 is hereby amended to read as follows:

503.335 Taking of raptors for falconry: Application for permit; falconry license required.

1. An application for taking raptors for falconry must be submitted to the 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 *leg* 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.

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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.

503.340 Taking of raptors for falconry: Fees.

Each application must be accompanied by the following fee:

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

503.345 Taking of raptors for falconry: Filling of quotas for permits.

1. If a quota is not filled from applications received on or before the latest date for acceptance, the Department will accept applications received after that date and award permits in the order of receipt of the applications until the quota is filled.

2. An applicant who does not draw a permit may reapply for any species of raptor whose quota is not filled after the drawing. The Department will award permits for the unfilled quota in the order of receipt of the applications.