

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

LCB File No. R148-12

COMMISSION GENERAL REGULATION 399

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

A REGULATION relating to wildlife and the establishment of a Special Purpose Permit for the movement, handling or temporary possession of protected wildlife prior to and during land development, use or maintenance activities. The permit is to be sold for \$200.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto the provisions set forth in Section 2 of this regulation.

Sec 2. *Special Purpose permit for the movement, handling or temporary possession of protected wildlife.*

1. The Department may issue a special purpose permit pursuant to NRS 503.597 and NAC 503.093 for strictly the purposes of movement out of harm's way prior to and during authorized land development, use or maintenance activities.

2. An applicant for a special purpose permit must include on his application:

- (a) The name and date of birth of the applicant;*
- (b) The name of the company or institution that the applicant is representing;*
- (c) The physical or 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, state that issued the driver's license and date the license was issued of the applicant, if he has been issued a driver's license;*
- (f) The institution or company the applicant is representing, if not themselves or their employer;*

(g) The name of each person or group of persons who will collect, handle or move protected wildlife under the authority of the special purpose permit and at the direction of the applicant; and

(1) If the species is endangered or threatened, the appropriate authorization from the U.S. Fish and Wildlife Service for each person listed on the application;

(h) The common and scientific name and the number of each species of protected wildlife, dead or alive, or nests or eggs thereof, to be handled, collected, moved or possessed;

(i) The manner and means by which each specimen of wildlife will be handled, collected, moved or possessed;

(j) The locations at which and the dates when the specimens of wildlife are to be collected, handled and/or moved;

(k) A brief synopsis, not to exceed five pages, of the purpose and justification for the handling, collection, movement or possession of the specimens of wildlife;

(l) The location where the specimens of wildlife will be transferred or held once collected; and

(m) The signature of the applicant and the date on which the application was signed.

3. A special purpose permit must be valid for not more than 1 year. Upon its evaluation of the application and the submission of a fee of \$200, the Department will issue the special purpose permit based on a calendar year.

4. Based on its evaluation of the application, the Department may make such stipulations and conditions on the use and scope of a special purpose permit as the Department determines appropriate. A violation of a stipulation or condition is cause for the cancellation of the permit.

5. Not later than 30 days after the date on which the permit expires, the holder of a special purpose permit shall submit to the Department a complete report which details the species of wildlife collected, handled or moved, the number of each species of wildlife collected at each location, the date on which each species of wildlife was collected and any other information which the Department requires.

6. A special purpose permit issued by the Department for the collection, handling, movement or possession of:

(a) A migratory bird that is protected by the Migratory Bird Treat Act, as amended, 16 U.S.C. §§ 703 et seq.; or

(b) A species of wildlife that is listed as threatened or endangered by the United States Fish and Wildlife Service,

↪ is not valid for the collection or possession of the migratory bird or the threatened or endangered species until the Department receives a copy of the federal permit or the biological opinion, applicable to the projects listed on the application, issued by the United States Fish and Wildlife Service to the applicant for the collection, handling, movement or possession of the migratory bird or threatened or endangered species.

References

NRS 503.597 Introduction or removal of aquatic life or wildlife: Approval required; investigation; regulations.

1. Except as otherwise provided in this section, it is unlawful, except by the written consent and approval of the Department, for any person at anytime to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.

2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the investigation prove that the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.

3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.

4. The Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.

5. The provisions of this section do not apply to alternative livestock and products made therefrom.

[Part 43:101:1947; A 1949, 292; 1951, 494]—(NRS A 1957, 175; 1969, 1358; 1993, 431, 1676; 1995, 514; 2003, 1552)

NAC 503.093 Appropriate license, permit or authorization required to hunt, take or possess protected wildlife; exceptions. (NRS 501.105, 501.181)

1. Except as otherwise provided in subsection 2, a person shall not hunt or take any wildlife which is classified as protected, or possess any part thereof, without first obtaining the appropriate license, permit or written authorization from the Department.

2. Such a license, permit or authorization is not required for:

(a) The possession of a desert tortoise which:

(1) Was held in captivity on or before August 4, 1989; or

(2) Is acquired through an adoption program approved by the United States Fish and Wildlife Service.

(b) The possession of any species of wildlife classified as protected in Nevada which is:

(1) Lawfully killed in another state and imported to Nevada; and

(2) Possessed under the authority of the other state's appropriate license, tag, permit or other authorization.

(c) The taking of a protected vector or a protected venomous reptile:

(1) Which is found in a residence, school or other building open to the public; or

(2) If the taking is necessary to protect the life of any person in imminent danger of being attacked or bitten by the protected vector or protected venomous reptile.

3. As used in this section:

(a) "Classified as protected" includes wildlife that is classified as sensitive, threatened or endangered.

(b) "Vector" means a living nonhuman animal capable of carrying infectious disease from one person or animal to another.