

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

LCB File No. R148-12

August 1, 2012

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

AUTHORITY: §1, NRS 501.105, 501.181, 502.240 and 503.597.

A REGULATION relating to wildlife; authorizing the Department of Wildlife to issue a special permit to allow a person to handle, move or temporarily possess any wildlife which is classified as protected under certain circumstances; setting forth the information which must be included in an application for the special permit; specifying the maximum period of validity of the special permit; requiring a holder of the special permit to submit a report to the Department within a certain period after the special permit expires; and providing other matters properly relating thereto.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Department may issue a special permit pursuant to subsection 1 of NRS 503.597 to allow a person to handle, move or temporarily possess any wildlife which is classified as protected for the purpose reducing or eliminating the risk of harm to the wildlife that may result from any lawful activity conducted on land where the wildlife is located. The fee for such a special permit is \$200.

2. An applicant for a special permit specified in subsection 1 must include on the application:

- (a) The name and date of birth of the applicant;*
- (b) The physical or mailing address and telephone number of the applicant;*
- (c) The name, address and telephone number of the place of employment of the applicant;*

(d) The driver's license number, state that issued the driver's license and the date of issue of the driver's license of the applicant if the applicant holds a driver's license;

(e) The name of the company or other entity that the applicant is representing, if different from the employer of the applicant;

(f) The name of each person who, at the direction of the applicant, will handle, move or temporarily possess the wildlife under the authority of the special permit;

(g) The common and scientific name and the number of each species of wildlife, or nests or eggs thereof, to be handled, moved or temporarily possessed;

(h) The manner in which each specimen of wildlife will be handled, moved or temporarily possessed;

(i) The locations at which and the dates when the wildlife are to be handled, moved or temporarily possessed;

(j) The locations at which or to which the wildlife will be handled, moved or temporarily possessed, if any;

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

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

3. A special permit specified in subsection 1 must be valid for not more than 1 year. Upon its approval of the application and submission of the fee, the Department shall issue the special 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 the special permit as the Department deems

appropriate. A violation of a stipulation or condition is cause for the cancellation of the special permit.

5. Not later than 30 days after expiration of a special permit specified in subsection 1, the holder of the special permit shall submit to the Department a report which includes, without limitation:

(a) A list of each species of wildlife which is classified as protected that was handled, moved or temporarily possessed, and for each such species:

(1) The number of wildlife handled, moved or temporarily possessed at each location where the wildlife was handled, moved or temporarily possessed; and

(2) The date on which the wildlife was handled, moved or temporarily possessed; and

(b) Any other information which the Department requires.

6. A special permit specified in subsection 1 which is issued by the Department for the handling, movement or temporary possession of:

(a) A migratory bird that is protected by the Migratory Bird Treaty 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 handling, movement or temporary possession of the migratory bird or the threatened or endangered species until the Department receives a copy of the federal permit issued by the United States Fish and Wildlife Service to the applicant for the handling, movement or temporary possession of the bird or species.