

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

LCB File No. R087-14

Effective April 4, 2016

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

AUTHORITY: §§1, 2 and 4, NRS 501.105 and 501.181; §3, NRS 501.105, 501.181 and 503.570.

A REGULATION relating to trapping; increasing the required frequency of visitation to certain traps, snares or similar devices used in the taking of wild mammals; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a person taking or causing to be taken a wild mammal by means of a trap, snare or similar device which does not, or is not designed to, cause immediate death to the mammal is required to visit or cause to be visited the trap, snare or similar device at a frequency specified in regulations adopted by the Board of Wildlife Commissioners. The regulations must require the person to visit the trap, snare or similar device at least once each 96 hours. (NRS 503.570) Existing regulations require a person who places a trap, snare or similar device which does not, or is not designed to, cause immediate death to the mammal to ensure that each trap, snare or similar device placed by the person is visited at least once each 96 hours: (1) by a person who is a holder of a trapping license issued by the Department of Wildlife; and (2) in a manner which ensures that any mammal caught in the trap, snare or similar device is removed from the trap, snare or similar device. (NAC 503.152) In addition to those requirements, **section 3** of this regulation requires a person who places a trap, snare or similar device in close proximity to one of the populated or heavily used areas which are set forth in existing regulations to visit that trap, snare or similar device at least once every other calendar day except: (1) if the trap, snare or similar device is located on private property; or (2) if a box or cage trap is used. **Section 1** of this regulation defines the term “box or cage trap” for the purposes of chapter 503 of NAC, including **section 3**.

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

“Box or cage trap” means a device that is designed to contain or confine an animal within a box or cage. The term does not include any device that is designed, built or made to close upon or hold fast any portion of an animal.

Sec. 2. NAC 503.0001 is hereby amended to read as follows:

503.0001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 503.0007 to 503.0045, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 503.152 is hereby amended to read as follows:

503.152 A person who is required pursuant to NRS 503.570 to visit or cause to be visited a trap, snare or similar device shall ensure that the trap, snare or similar device is visited ~~at least~~ :

1. At least once every other calendar day in the following units for wildlife, as designated in NAC 504.210, or portions of those units specified in this subsection other than any private property located within those units or if a box or cage trap is used:

(a) All of Unit 194;

(b) The following portions of Unit 195:

(1) West of Lagomarsino Canyon-Lousetown Road from its intersection with Interstate Highway No. 80 to its intersection with State Route No. 341; and

(2) West of State Route No. 341 from its intersection with Lousetown Road to its intersection with U.S. Highway No. 50;

(c) All of Unit 196; and

(d) The portion within the Clark County Illegal Firearms Discharge Area created by the Clark County Geographic Information Systems Management Office on September 11, 2013;

2. At least once each 96 hours †

~~1.1~~ *in all other units for wildlife, as designated in NAC 504.210, or portions of those units not specified in subsection 1, including any private property located within those units;*

3. *At least once each 96 hours if a box or cage trap is used;*

4. By a person who is a holder of a trapping license issued by the Department; and

~~12.1~~ 5. In a manner which ensures that any mammal caught in the trap, snare or similar device is removed from the trap, snare or similar device.

Sec. 4. NAC 503.165 is hereby amended to read as follows:

503.165 1. Except as otherwise provided in subsection 2, a person shall not trap, other than with a box or cage trap, within one-half mile of a residence, if the residence is located within a congested area of a county whose population is 100,000 or more.

2. The provisions of this section do not apply to:

(a) An officer, employee or agent of any state agency, the Federal Government or a local government acting in his or her official capacity for the purpose of animal control or control of depredating wildlife;

(b) A person acting under written authority from a state agency, the Federal Government or a local government for the purpose of animal control or control of depredating wildlife;

(c) A person trapping on private property; or

(d) A person trapping in a waterway that is not within an incorporated city.

3. As used in this section:

(a) ~~“Box or cage trap” means a device that is designed to contain or confine an animal within a box or cage. The term does not include any device that is designed, built or made to close upon or hold fast any portion of an animal.~~

~~(b)~~ “Congested area of a county” means:

(1) An area of a county in which the discharge of firearms is prohibited by a county ordinance; or

(2) The area within the boundaries of an incorporated city in a county.

~~(e)~~ (b) “Residence” means any house, room, apartment, tenement or other building designed or intended for occupancy as a residence.

~~(d)~~ (c) “Waterway” means any river, stream, canal or channel that contains water, including, without limitation, the banks and bed of any such river, stream, canal or channel.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement**

**LCB File No. R087-14
CGR Number - 450**

Informational statement relating to Commission General Regulation No. 450
(LCB File No. R087-14) - as required by Chapter 233B.066.

1. A clear and concise explanation of the need for the adopted regulation.

The need for the adopted regulation is to minimize the perceived trapper-public conflict in and around congested use areas and to comply with requirements set forth in SB213, NRS 503.570. SB213 required the Board of Wildlife Commissioners to consider shorter visitation for a trap, snare or similar device that is placed in close proximity to a populated or heavily used area. Shortening visitation times in and around congested areas was presented as a potential means to decrease the duration a domestic animal or pet might spend in a trap should one be caught. Shortened visitation was also presented as potentially decreasing trapping activities in and around congested use areas by those trappers who would not be willing to meet the increased time commitments required to trap in congested areas.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

A copy of the proposed regulation was noticed and provided to Nevada's 17 County Advisory Boards to Manage Wildlife (CABMW) as part of the Nevada Board of Wildlife Commissioners (NBWC) agenda and support material for their August 15-16, 2014 workshop and meeting. Those CABMW's that held public meetings prior to the August 15-16, 2014 NBWC workshop and meeting provided opportunity for public comment at their individual meetings. Public comment was solicited at the NBWC workshop on August 15-16, 2014 in Fallon. Public response was received pertaining to the provisions of this regulation.

Those in favor of adopting the proposed regulation stated that the change was needed to reduce the amount of time trapped animals spent caught in traps. This was for both humane animal treatment reasons, and to free non-target species that may be caught such as pets near human populated areas. Some stated that the treatment of animals was more important than "trapper convenience". There was also testimony stating that the legislature had mandated the commission to change visitation with SB213.

Those opposed to adopting the proposed regulation stated that there was no scientific reason to shorten the visitation time near urban areas, and no specific problem identified that they were trying to solve. Some stated that this was just a continuation of attempts by anti-trapping activists to eliminate trapping in Nevada by taking away small increments of it at a time. There was also testimony that the legislature had only mandated that the commission examine trap visitation, not necessarily shorten it with SB213.

A summary is available by contacting the Nevada Department of Wildlife, Division of Law Enforcement, 1100 Valley Road, Reno, Nevada 89512, or call (775) 688-1549.

- 3. The number of persons who:**
 - (a) Attended each hearing: 34 Workshop 31 Hearing**
 - (b) Testified at each hearing: 10 Workshop 12 Hearing**
 - (c) Submitted written comments: 27 Public Comment 11**

- 4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
 - (a) Name; Sean Shea, Chairman
 - (b) Telephone number; (775) 323-9090
 - (c) Business address; 10760 Santa Fe Road, Reno, NV 89508
 - (d) Business telephone number;
 - (e) Electronic mail address; and sean@headmaster.com
 - (f) Name of entity or organization represented. Washoe CABMW
 - (a) Name; Brad Johnston, Chairman
 - (b) Telephone number;
 - (c) Business address; 18 Jacob Road, Yerington, NV 89477
 - (d) Business telephone number; (775) 316-1157
 - (e) Electronic mail address; and brad@periandsons.com
 - (f) Name of entity or organization represented. Lyon CABMW
 - (a) Name; Paul R. Dixon, Chairman
 - (b) Telephone number; (505) 699-1744
 - (c) Business address; 9445 Greenville Avenue, Las Vegas, NV 89134
 - (d) Business telephone number; (505) 665-4595
 - (e) Electronic mail address; and MLDPRD24@yahoo.com
 - (f) Name of entity or organization represented. Clark CABMW
 - (a) Name; Douglas Martin, Chairman
 - (b) Telephone number;
 - (c) Business address; 5000 Gentry Lane, Carson City, NV 89701
 - (d) Business telephone number; (775) 901-0453
 - (e) Electronic mail address; and douglas.j.martin@att.net
 - (f) Name of entity or organization represented. Clark CABMW
 - (a) Name; Cathy Smith
 - (b) Telephone number; (775) 384-1448
 - (c) Business address; 345 Piney Creek Road, Reno, NV 89511
 - (d) Business telephone number;
 - (e) Electronic mail address; and, cathymc@rocketmail.com
 - (f) Name of entity or organization represented. Self

- (a) Name; Bob Brunner
 - (b) Telephone number; 775-722-7294
 - (c) Business address;
 - (d) Business telephone number;
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented. Self
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- (a) Name; Fred Voltz
 - (b) Telephone number;
 - (c) Business address;
 - (d) Business telephone number;
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented. Self/Recreationalist
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- a) Name; Dr. Donald Molde
 - (b) Telephone number;
 - (c) Business address; P.O. Box 7238, Reno, NV 89510
 - (d) Business telephone number;
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented. Self
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- (a) Name; Joel Blakeslee, President
 - (b) Telephone number; 775-742-1308
 - (c) Business address; 3700 Lakeside Dr., Reno, NV 89509
 - (d) Business telephone number;
 - (e) Electronic mail address; and lobonevada@gmail.com
 - (f) Name of entity or organization represented. Nevada Trappers Association
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- (a) Name; John Sullivan, Vice President
 - (b) Telephone number;
 - (c) Business address; 12835 W. Windmill Lane, Las Vegas, NV 89161
 - (d) Business telephone number;
 - (e) Electronic mail address; and johnsull4@aol.com
 - (f) Name of entity or organization represented. Nevada Trappers Association/Self
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- (a) Name; Michelle Spencer
 - (b) Telephone number; 895 Promedio Court, Sparks, NV 89436
 - (c) Business address;
 - (d) Business telephone number; (775) 6260704
 - (e) Electronic mail address; and mich.spencer@yahoo.com
 - (f) Name of entity or organization represented. Washoe CABMW

- (a) Name; Mel Belding
- (b) Telephone number; (775) 847-4511
- (c) Business address; 4780 Sinelio Drive, Reno, NV 89502
- (d) Business telephone number;
- (e) Electronic mail address; and
- (f) Name of entity or organization represented. Self

- (a) Name; Mike Reese
- (b) Telephone number;
- (c) Business address;
- (d) Business telephone number;
- (e) Electronic mail address; and
- (f) Name of entity or organization represented. Southern Nevada Coalition of Nevada

- (a) Name; Trish Swain, Co-ordinator
- (b) Telephone number; (775) 425-0403
- (c) Business address; 1285 Baring Blvd. #260, Sparks, NV 89434
- (d) Business telephone number;
- (e) Electronic mail address; and info@trailsafe.org
- (f) Name of entity or organization represented. TrailSafe NV

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

Comment was not solicited from businesses because this regulation does not affect the operations of any business.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted with amendments as follows:

Section 3, Subsection 1, (b) (2) add “west of” before State Route No. 341

Section 3, Subsection 1, (d) (5) change mammal to animal.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Estimated economic effect on the businesses which they are to regulate.

The Nevada Department of Wildlife determined that the proposed regulation does not impose a direct or significant economic burden on small businesses or restrict the formation, operation, or expansion of a small business, because this regulation does not regulate businesses.

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

The Nevada Department of Wildlife suspects a possible increase in cost to the trapping public who traps close to Reno or Las Vegas due to increased frequency of visitation in said areas.

8. The estimated cost to the agency for enforcement of the proposed regulation:

There will be no additional cost for the agency to enforce this regulation as game wardens are currently enforcing trap visitation requirements.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other overlapping local, state, or federal government regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal regulations that regulate this same activity.

11. 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.

There is no new fee.