

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

LCB File No. R112-14

COMMISSION GENERAL REGULATION 452

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.181 and 503.595.

A REGULATION relating to trapping; specifying the minimum period during which a person must visit or cause to be visited certain traps, snares or similar devices.

Section 1. NAC 504.340 is hereby amended to read as follows:

NAC 504.340 Areas closed to hunting and trapping.

1. Except as otherwise provided in this section:

(a) The following areas are closed to all hunting and trapping:

(1) Those portions of the Lake Mead National Recreation Area which are within:

(I) A 1-mile radius of Overton Landing, Willow Beach, Rogers Spring, the area for cabins at Stewart's Point, Echo Bay, Eldorado Canyon, Cottonwood Cove and the petroglyphs of Grapevine Canyon.

(II) The Lower or Boulder Basin, including all of the area from Hoover Dam to a line running north and south near the peninsula between Hamblin Bay and Rotary Cove. The townships or portions of them located within the Lake Mead National Recreation Area and included within this closed area are: T. 20 S., R. 63 E., R. 64 E., R. 65 E.; Sections 6, 7 and 18 of T. 21 S., R. 66 E.; T. 21 S., R. 63 E., R. 63 1/2 E., R. 64 E., R. 65 E. and T. 22 S., R. 64 E. and R. 65 E., M.D.B. & M.

(III) A 1/2-mile strip parallel to the west shoreline of Lake Mohave from Hoover Dam south to a point 2 miles south of the campground at Willow Beach.

(IV) The area of land extending 1/2 mile west of the water elevation of Lake Mohave and the Colorado River between the southern boundary of the Lake Mead National Recreation Area and the crossing of those cables of the power line located approximately 5 1/4 miles north of Davis Dam and all waters between that cable and the southern boundary.

(2) All portions of the Stillwater National Wildlife Refuge in Churchill County south of Division Road, except that trapping is allowed to the extent authorized pursuant to 50 C.F.R. §§ 31.14 and 31.16.

(3) All portions of the Ruby Lake National Wildlife Refuge, except that:

(I) Hunting is allowed pursuant to 50 C.F.R. § 32.47 on designated areas of the refuge in Elko and White Pine Counties and to the extent authorized by the Board of Wildlife Commissioners in regulations governing seasons, hours and bag limits adopted pursuant to NRS 501.118 and

(II) Trapping is allowed to the extent authorized pursuant to 50 C.F.R. §§ 31.14 and 31.16 and by the Board of Wildlife Commissioners in regulations governing seasons, hours and bag limits adopted pursuant to NRS 501.118.

(4) All portions of the Death Valley National Park.

(5) All portions of the Sheldon National Wildlife Refuge, except that hunting is authorized on designated areas of the refuge pursuant to 50 C.F.R. § 32.47, to the extent permitted by the Board of Wildlife Commissioners in regulations governing seasons, hours and bag limits adopted pursuant to NRS 501.118.

(6) All portions of Clark, Lincoln and Nye Counties within the boundaries of the Nevada Test and Training Range, the Nevada National Security Site and the Desert National Wildlife Refuge, except that the hunting of bighorn sheep is authorized in certain described portions of the Desert National Wildlife Refuge pursuant to 50 C.F.R. § 32.47 and the Nevada Test and Training Range, to the extent authorized by the Board of Wildlife Commissioners in regulations governing seasons, hours and bag limits adopted pursuant to NRS 501.118.

(7) All portions of Clark, Lincoln and Nye Counties within the boundaries of the Nevada Test and Training Range, the Nevada National Security Site and the Desert National Wildlife Refuge, except that certain described portions of the Desert National Wildlife Refuge, not within the Nevada Test and Training Range, will be opened for the hunting of deer pursuant to 50 C.F.R. § 32.47, to the extent authorized by the Board of Wildlife Commissioners in regulations governing seasons, hours and bag limits adopted pursuant to NRS 501.118.

(8) All portions of the Pahrangat National Wildlife Refuge in Lincoln County, except that hunting is permitted on designated areas of the refuge pursuant to 50 C.F.R. § 32.47, to the

extent authorized by the Board of Wildlife Commissioners in regulations governing seasons, hours and bag limits adopted pursuant to NRS 501.118.

(9) All portions of the Great Basin National Park.

(10) All portions of the Ash Meadows National Wildlife Refuge, except that hunting is permitted on designated areas of the refuge pursuant to 50 C.F.R. § 32.47, to the extent authorized by the Board of Wildlife Commissioners in regulations governing seasons, hours and bag limits adopted pursuant to NRS 501.118.

(b) Trapping is prohibited within 1,000 feet of each side of the following designated hiking trails established within that portion of the Humboldt-Toiyabe National Forest that is located north of the Washoe County-Carson City line, west of U.S. Highway No. 395 and south of U.S. Interstate Highway No. 80:

- (1) Hunter Creek Trail, United States Forest Service Trail No. 21053;
- (2) Jones Creek-Whites Creek Trail, United States Forest Service Trail No. 21056;
- (3) Ophir Creek Trail, United States Forest Service Trail No. 21059;
- (4) Tahoe Rim Trail, United States Forest Service Trail No. 21055; and
- (5) Thomas Creek Trail, United States Forest Service Trail No. 21057.

(c) Trapping is prohibited, other than with a box or cage trap, within 1,000 feet of each side of the following designated hiking trails, campgrounds, picnic areas and recreation areas established within that portion of the Humboldt-Toiyabe National Forest that is located west of U.S. Highway No. 95 and north and east of State Route No. 160 in the Spring Mountains National Recreation Area:

- (1) Bristlecone Trail, United States Forest Service Trail No. 148;
- (2) Cathedral Rock Trail, United States Forest Service Trail No. 155;
- (3) Echo/Little Falls Trail, United States Forest Service Trail No. 141;
- (4) Fletcher Canyon Trail, United States Forest Service Trail No. 165;
- (5) Griffith Peak Trail, United States Forest Service Trail No. 140;
- (6) Mary Jane Falls Trail, United States Forest Service Trail No. 159;
- (7) Mummy Springs Trail, United States Forest Service Trail No. 161;
- (8) North Loop Trail, United States Forest Service Trail No. 146;
- (9) Robber's Roost Trail, United States Forest Service Trail No. 162;
- (10) Sawmill Loop Trail, United States Forest Service Trail No. 973;

- (11) South Loop Trail, United States Forest Service Trail No. 145;
- (12) Trail Canyon Trail, United States Forest Service Trail No. 147;
- (13) Dolomite Campground;
- (14) Fletcher View Campground;
- (15) Hilltop Campground;
- (16) Kyle Canyon Campground and Picnic Area;
- (17) Mahogany Grove Group Campground;
- (18) McWilliams Campground;
- (19) Cathedral Rock Picnic Area;
- (20) Cathedral Rock Group Picnic Area;
- (21) Deer Creek Picnic Area;
- (22) Foxtail Group Picnic Area;
- (23) Old Mill Picnic Area;
- (24) Sawmill Picnic Area; ~~land~~

(25) Blue Tree Dispersed Recreation Area, including United States Forest Service Trail Nos. 849, 850, 851 and 852~~H~~;

(26) Bonanza Trail, United States Forest Service Trail No. 151;

(27) Cold Creek Campground; and

(28) Willow Creek Campground.

(d) Trapping is prohibited, other than with a box or cage trap, within one-half mile of any residence in the Spring Mountains National Recreation Area, ***or within one-half mile of any residence located inside*** T. 19 S., R. 59 E., Sections 3, 7, 8, 9, 10 and 16.

(e) Trapping is prohibited, other than with a box or cage trap, within 200 feet of each side of the following designated multi-use routes:

- (1) Cardamine Road, United States Forest Service Road No. 001;
- (2) Champion Road, United States Forest Service Road No. 203;
- (3) Mack's Canyon Road, United States Forest Service Road Nos. 073, 073A and 073B;
- (4) Power Line Road, United States Forest Service Road Nos. 577, 577A, 577B, 872 and 873; and
- (5) Telephone Canyon Road, United States Forest Service Road Nos. 530 and 530A.

2. The provisions of paragraphs (b), (c) and (d) of subsection 1 do not prohibit the lawful placing or setting of a trap or snare inside a fence on private property that is located or partially located within 1,000 feet of a trail specified in paragraph (b) of that subsection or a road, trail, campground, picnic area, recreation area or residence specified in paragraphs (c) and (d) of that subsection.

3. A person who holds a permit issued pursuant to NAC 503.710 to 503.740, inclusive, may trap in any area specified in subsection 1 in accordance with that permit.

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

**NEVADA DEPARTMENT OF WILDLIFE
BOARD OF WILDLIFE COMMISSIONERS**

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the (Adoption/Amendment/Repeal) of Regulations
of the Nevada Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing on TBA. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of Commission General Regulation 452 (LCB File No. R -14) pertaining to Chapter 504 of the Nevada Administrative Code.

- 1) The need for and purpose of the proposed regulation:

The residents of Cold Creek and the general public requested the addition of campgrounds and trails to the hunting and trapping closure areas because of safety concerns due to the high volume of public recreation traffic. To address these concerns the Nevada Board of Wildlife Commissioners requested additional trails and campground closures in the Cold Creek area of the Spring Mountain Recreation Area to be added to NAC 504.340 at their June 21, 2014 meeting. The trapping area closures in the Spring Mountain Recreation Area, near the Cold Creek community, are needed to relieve the human/dog/trap interaction on popular hiking trails and campgrounds.

- 2) Text of the proposed regulation:

See attached regulation.

- 3) Will this regulation likely impose a direct and significant economic burden upon small business?

No. This regulation will not impose a direct and significant economic burden upon a small business due to this regulation not regulating businesses. The regulation regulates individual sportsmen.

- 4) Will this regulation directly restrict formation, operation or expansion of small business?

No. This regulation will not restrict formation, operation or expansion upon a small business because it does not regulate a business. It regulates individual sportsmen.

- 5) Describe how the concerted effort was made to determine the business impact:

This regulation does not regulate businesses; therefore, there will be no impact on small businesses.

6A. Describe the estimated economic effect of the regulation on the business which it is to regulate:

(i) Adverse effect – This regulation does not regulate businesses.

(ii) Beneficial effect – This regulation does not regulate businesses.

6B. Describe the estimated economic effect of the regulation on the public which it is to regulate:

(i) Adverse effect – No obvious adverse effect.

(ii) Beneficial effect – No obvious beneficial effect.

7) Describe the method used to calculate the financial impact (positive, negative, or none) on small businesses:

The proposed changes in this regulation only impact individual trapping sportsmen and do not impact small businesses.

8) The name of the person(s) conducting the analysis of the likely impact of the proposed regulation:

Kristy Knight, Captain Game Warden, Nevada Department of Wildlife

9) Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:

Game wardens are already enforcing trapping closure laws.

A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates _____, the duplication or overlapping is necessary because.

This does not apply in the case of this regulation.

If the proposed regulation overlaps or duplicates a federal regulation what is the name of the regulatory federal agency?

This regulation does not overlap or duplicate any federal regulations.

10) If the regulation is required pursuant to federal law provide, a citation and description of the federal law.

The regulation is not required by federal law.

- 11) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:

There is not a federal regulation that regulates this activity.

- 12) The proposed regulation establishes a new fee or increases an existing fee: X No

This statement shall be made available to the public at least 15 days before the public workshop.

Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Department of Wildlife offices:

Headquarters – Law Enforcement
1100 Valley Road
Reno, Nevada
(775) 688-1549

Western Region
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

Eastern Region
60 Youth Center Road
Elko, NV 89801
(775) 777-2300

Southern Region
4747 Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the

principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

It is our belief that a concerted effort has been made by NDOW to determine the impact of the proposed regulation on small businesses and the information contained in this statement is accurate.

This notice of hearing has been posted at the above locations.

Tony Wasley, Secretary
Board of Wildlife Commissioners

TW:jt