

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

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

**LCB FILE NO. R152-18
Commission General Regulation 479**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 503.

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

This regulation updates NAC to list the proper species found in Nevada. Rosy Boa (*Lichanura trivirgata*) is no longer recognized to occur in the State of Nevada, as taxonomists recently (Crother et al. 2017; Woods et al. 2008) split the Rosy Boa into two distinct species, 1) Rosy Boa (*L. orcutti*) and 2) Three-lined Boa (*L. trivirgata*). The species *Lichanura trivirgata* that is currently listed as protected is now recognized as occurring in Baja California, Southern Arizona and Sonora Mexico, not in Nevada. The “Rosy Boa” (*L. orcutti*) should be the species listed, which occurs in Nevada and provides protection as originally intended within the regulation.

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:

Public comment was solicited through a workshop held by the Nevada Board of Wildlife Commissioners. The County Advisory Boards to Manage Wildlife (CABMW) and the public were involved. The regulation workshop occurred during the Commission’s August 10, 2018, meeting. There was no public comment at the workshop. The regulation was adopted at the Commission’s September 22, 2018 meeting and there was no public comment. A summary of public response and minutes of the Nevada Board of Wildlife Commissioners meetings are available at: http://www.ndow.org/Public_Meetings/Commission/Archive/

3. The number of persons who:

(a) Attended each hearing: (date and number of attended for workshops and hearings):

12 attendees on August 10, 2018
3 attendees on September 22, 2018

(b) Testified at each hearing: (date and number of attended for workshops and hearings):

0 attendees testified on August 10, 2018
0 attendees testified on September 22, 2018

(c) Submitted written comments: (date and number of attended for workshops and hearings):

No written comments were submitted.

4. For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:

None.

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

In total we surveyed ten pet shops specializing in reptiles, across Nevada, regarding the effect of this proposed regulation change. We solicited initial comments in person from eight Las Vegas area pet shops, specializing in reptiles on February 21, 2018. We followed up with an email survey to all eight (two companies are operated by same owner, effectively making seven shops) in Las Vegas and Henderson and additionally reached out to additional pet shops in Reno (1), Sparks (1), and Winnemucca (1) regarding the proposed changes and requested comment via email or phone.

Nine of the ten shops surveyed replied to the survey. We tallied answers from the nine shops via email; questions pertained to whether the proposed change would impact their business (yes or no), if yes, how (negative or positive), and to explain via comment. We evaluated the responses below. In total six of nine (67%) shops noted this would impact their business. All six shops noted the impact would be positive and would allow them to sell a popular and common species in the reptile pet trade. Of the four shops that answered the regulation would not impact their business, one shop noted it was likely to result in positive impacts in the future, given the species' popularity in the trade.

All interested parties can contact Jason L. Jones (jljones@ndow.org) to obtain a copy of the summary.

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 as proposed without further changes because there was not any public comment or concerns with the proposed language.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects on businesses; and

The name change will positively impact businesses (i.e., pet shops) and hobbyists, which can now sell, possess, transport, import, and export (without permit) the three-lined boa (*L. trivirgata*) which is no longer recognized as the species occurring in Nevada and is a common pet trade animal in the US market.

There are no anticipated negative impacts on businesses from the proposed name change. The regulation originally intended to protect the native species of Rosy Boa that occurs in Nevada. By updating the species name based on peer-reviewed and accepted scientific studies, the correct species will be listed that occurs in Nevada. Recognizing the taxonomic change will ensure the species presumed to occur in Nevada will remain protected, while allowing the species not occurring in Nevada to fall under NAC 503.140 "Species for which certain permits and licenses are not required", section "(aa) Non venomous, nonindigenous reptile species and subspecies".

(b) Both immediate and long-term effects on businesses:

For businesses both in the immediate and in the long-term, the regulation will protect the correct native Nevada species as was intended within the original regulation.

(c) Both adverse and beneficial effects on the public; and

The public will benefit by this regulation in that the correct native species that occurs in Nevada will be protected as was intended by the original regulation. There are no known adverse effects on the public.

(d) Both immediate and long-term effects on the public:

For the public both in the immediate and in the long-term, the regulation will protect the correct native Nevada species as was intended within the original regulation.

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

The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional costs to the agency above the current legislatively approved budget.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

This regulation does not overlap or duplicate any local, state, or federal regulation.

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

This regulation is not more stringent than federal regulation.

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.

The proposed regulation change does not require a new fee or increase to existing fees.