

LCB File No. R102-04

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

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for The Adoption and Amendment of Regulations of The
Nevada Board Of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m., on August 7, 2004 at the {TBA} , Hawthorne, NV. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 326 (LCB File R102-04) pertaining to Chapters 502 of the Nevada Administrative Code.

- 1. The need for and purpose of the proposed regulation:** The proposed regulation is result of a petition request submitted by the Nevada Guide's and Outfitters Association and accepted by the Board of Wildlife Commissioners. The proposed regulation establishes a restricted nonresident bobcat hunt, definitions, a fee for the bobcat tag, authority for the Commission to establish a season and annual harvest objective, requirements regarding acquisition and possession of a license and tag, inspection and validation requirements for a harvested bobcat, a provision that the nonresident bobcat hunter must be accompanied by a guide, and a provision for a new pelt seal to be used on harvested bobcats taken for personal, noncommercial purposes.
- 2. Text of the proposed regulation:** Attached.
- 3A. The estimated economic effect of the regulation on the business which it is to regulate:**
 - (a) Adverse effect – NA
 - (b) Beneficial effect – Could increase business opportunity and income for hunting guides.
 - (c) Immediate effect – Could increase business income for a few hunting guides, initially.
 - (d) Long-term effect – Could increase business opportunity and income for hunting guides.
- 3B. The estimated economic effect of the regulation on the public which it is to regulate:**
 - (a) Adverse effect – Nonresident hunters who choose to participate will be required to purchase a bobcat tag & nonresident trapping license, possibly a CITES pelt seal.
 - (b) Beneficial effect – None.
 - (c) Immediate effect – None.
 - (d) Long-term effect – Nonresident hunters who choose to participate will be required to pay fees for a bobcat tag and trapping license.

4. **Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:** Administration and enforcement costs will be off-set by license and tags sold to nonresident hunters.
5. **A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates.** None. **If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:** Not applicable.
6. **If the regulation is required pursuant to federal law, a citation and description of the federal law.** Not applicable.
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:** Not applicable.
8. **Does the proposed regulation establish a new fee or increase an existing fee?**
 No X Yes. A fee of \$300 is established for the nonresident bobcat tag.

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
 1100 Valley Road
 Reno, Nevada
 (775) 688-1500

Western Region Field Office
 1100 Valley Road
 Reno, NV 89512
 (775) 688-1500

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

LCB File No. R102-04

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

COMMISSION GENERAL REGULATION 326

Authority: NRS 501.105, 501.119, 501.181, 502.130, 502.150, 502.160, 502.200, 502.250

Notice of Intent: , 2004.

Workshop Date: August 6, 2004.

Commission Approval: , 2004.

EXPLANATION: The proposed regulations establish definitions for and pertaining to a restricted nonresident bobcat hunt, establish a fee for restricted nonresident bobcat tag, describe requirements and procedures for a nonresident to purchase a nonresident trapping license and restricted nonresident bobcat tag. The regulations authorize the Board of Wildlife Commissioners to establish a season for the hunting of bobcats by nonresidents and to adopt a harvest objective. The proposed regulations require that the nonresident bobcat hunter be accompanied at all times during the bobcat hunt by the master guide who signed his tag or one of his subguides. Additional provisions would provide for tag validation, as well as mandatory inspection and sealing of a bobcat harvested by the nonresident. A hunter-harvested bobcat seal would be created and a validation period established to address personal, noncommercial take of bobcats.

NOTE: Matter in *italics* is new; matter within brackets **[H]** is to be omitted.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation:

Sec. 2. *As used in sections 2 through 6, inclusive:*

1. *“Restricted nonresident bobcat hunt” means a bobcat hunt in which a restricted nonresident bobcat hunter must hunt with a master guide licensed by the department or his licensed subguide.*

2. *“Restricted nonresident bobcat hunter” means a person who is not a resident of this state and is issued a restricted nonresident bobcat tag.*

3. *“Restricted nonresident bobcat tag” means a tag that is issued to a nonresident for a restricted nonresident bobcat hunt.*

Sec. 3. 1. *A tag is required for a nonresident to hunt bobcat in the restricted nonresident bobcat hunt. The fee for the tag is \$300. A restricted nonresident bobcat tag may be purchased from department offices or license agents designated by the department. Any nonresident is eligible to obtain not more than one restricted nonresident bobcat tag for use in a restricted nonresident bobcat hunt. A nonresident who wishes to obtain a restricted nonresident bobcat tag must, at the time of purchase, provide the following information to the department representative or license agent: his name, street and mailing address, and nonresident trapping license number. The tag must be signed at the time of issuance by both the applicant and the master guide who will be responsible for conducting the restricted nonresident bobcat hunt. The master guide must provide his guide license number on the tag.*

2. A nonresident hunter must purchase a nonresident trapping license either before or at the time of purchasing a restricted nonresident bobcat tag.

3. The master guide who cosigns the restricted nonresident bobcat tag must be licensed by the department to provide guide services for the hunting of bobcats at the time the restricted nonresident bobcat tag is purchased by the nonresident.

Sec. 4. 1. *Unless otherwise specified by regulation of the commission or Title 45 of NRS, a restricted nonresident bobcat tag:*

(a) Except as provided by NAC 504.340, may be used statewide during the open season established pursuant to subsection 2; and

(b) Expires upon the termination of the open season established pursuant to subsection 2 for the year, or overlap of years, for which the tag is issued or when the harvest objective is reached, whichever occurs sooner.

2. The commission will annually or biennially specify the number of bobcats it determines to be appropriate for harvesting in a restricted nonresident bobcat hunt. The open season for the hunting of bobcats by restricted nonresident bobcat hunters ends on:

(a) The last day of the season established for the taking of bobcats by residents; or

(b) The day the department determines that the number of bobcats harvested in the State by restricted nonresident bobcat hunters is equal to or greater than the number specified by the commission pursuant to this subsection,

←whichever occurs earlier. The department shall maintain and annually publish a toll-free telephone number for ascertaining whether the department has determined that the number of bobcats harvested within the State by restricted nonresident bobcat hunters is equal to or greater than the number specified by the commission pursuant to this subsection. The department is not required to provide any other notice of the termination of the open season for the restricted nonresident bobcat hunt within the State.

3. A restricted nonresident bobcat hunter who harvests a bobcat shall, within 72 hours after the date it was harvested, personally present its pelt for inspection by and give its lower jaw to a representative of the department pursuant to the requirements of NAC 502.347.

4. It is unlawful for any person to ship or transport the raw pelt of a bobcat from this state without either a U.S. CITES–Nevada bobcat seal or a Nevada hunter-harvest bobcat seal permanently affixed to the hide.

Sec. 5. 1. While hunting bobcat during a restricted nonresident bobcat hunt, a restricted nonresident bobcat hunter must have in his possession and issued to him, a valid:

- (a) Nonresident trapping license; and
- (b) Restricted nonresident bobcat tag

2. A restricted nonresident bobcat hunter must be accompanied at all times during the restricted nonresident bobcat hunt either by the master guide, licensed by the department, who cosigned the application or one of his licensed subguides.

3. A master guide who is hired to guide a restricted nonresident bobcat hunter for the restricted nonresident bobcat hunt must ensure that his client physically accompanies him or his subguide in the pursuit and taking of the bobcat.

4. It is unlawful to hunt, chase, pursue or kill a bobcat within 24 hours after it has been released from a trap or snare by the restricted nonresident bobcat hunter, his master guide or licensed subguide, or any associate thereof.

5. When a restricted nonresident bobcat hunter has killed a bobcat he shall validate and attach the tag in the manner required by NAC 502.390 and NAC 502.400.

6. It is unlawful for a person to use or possess a restricted nonresident bobcat tag issued to any other person, or transfer or give a tag issued to him to any other person.

Sec. 6. NAC 502.347 is hereby amended to read as follows:

502.347. 1. Any person *holding a valid resident trapping license*, who *traps or otherwise lawfully* kills a bobcat *for the purpose of sale, barter or trade of the pelt* shall, within 10 days after the close of the season, personally:

(a) Present its pelt for inspection by and give its lower jaw to a representative of the department;

(b) Have ~~[the department's]~~ *a U.S. CITES–Nevada bobcat* seal affixed to the pelt; and

(c) Complete a report of the killing in accordance with the department's instructions.

It is unlawful for a person to possess the raw pelt of a bobcat, killed pursuant to this subsection, 10 days or more after the close of the season unless a U.S. CITES–Nevada bobcat seal is affixed to the pelt.

2. ~~[A person shall not sell, offer for sale, barter, trade, purchase or transport from the state any pelt of a bobcat unless the department has affixed its seal to the pelt.]~~ *A resident of Nevada who holds a valid resident trapping license and lawfully kills a bobcat for strictly personnel use and not for the purpose of sale, barter or trade of the pelt shall, within 72 hours of the date of harvest, personally:*

(a) Present its pelt for inspection by and give its lower jaw to a representative of the department at an office location designated by the department;

(b) Have a Nevada hunter-harvest bobcat seal affixed to the pelt; and

(c) Complete a report of the killing in accordance with the department's instructions, and include his trapping license number.

It is unlawful for a person to possess the raw pelt of a bobcat, killed pursuant to this subsection, 72 hours or more after the date of harvest unless a Nevada hunter-harvest bobcat seal is affixed to the pelt.

3. ~~[A person shall not possess a raw pelt of a bobcat 10 days or more after the close of the season unless the seal is permanently attached to the pelt.]~~ *Except as otherwise provided in subsection 4, a restricted nonresident bobcat hunter who harvests a bobcat shall, within 72 hours after the date he killed the bobcat, personally:*

(a) Present its pelt for inspection by and give its lower jaw to a representative of the department at an office designated by the department;

(b) Have a Nevada hunter-harvest seal affixed to the pelt; and

(c) Complete a report of the killing in accordance with the department's instructions, and include his trapping license number and restricted nonresident bobcat tag number.

It is unlawful for any person to possess the raw pelt of a bobcat, killed pursuant to this subsection, 72 hours or more after the date when the bobcat was harvested unless a Nevada hunter-harvest bobcat seal is affixed to the pelt.

4. A restricted nonresident bobcat hunter may appear, with his harvested bobcat, before a representative of the department or one of its license agents to obtain a transportation permit that authorizes his master guide or one of his licensed subguides to lawfully possess and transport the bobcat for the following purposes:

(a) Complying with the requirements of subsection 3;

(b) Having the pelt sealed with a U.S. CITES-Nevada bobcat seal for purpose of export from the country; and

(c) Making arrangements to export the pelt from the country.

5. A Nevada hunter-harvest bobcat seal does not authorize the sale, barter or trade of a bobcat pelt nor the export of a bobcat pelt from the United States.

6. It is unlawful for any person to sell, offer for sale, barter, or trade the raw pelt of a bobcat without a U.S. CITES-Nevada bobcat seal permanently affixed to the pelt.

[4.] 7. A ~~[resident of Nevada]~~ person must pay the department \$5 for ~~[such]~~ a U.S. CITES – Nevada bobcat seal.

8. It is unlawful for any person to ship or transport the raw pelt of a bobcat from this state without a U.S. CITES-Nevada bobcat seal or a Nevada hunter-harvest seal permanently affixed to the pelt.