

Chapter 503 of NAC

ADOPTED TEMPORARY REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS

LCB File No. T004-13

(Filed with the Secretary of State on April 4, 2013)

COMMISSION GENERAL REGULATION NUMBER 426

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

AUTHORITY: §§1-3, NRS 501.105 and 501.181.

A REGULATION relating to desert tortoises; prohibiting a person from possessing more than one desert tortoise under certain circumstances; and providing other matters properly relating thereto.

**Section 1.** NAC 503.093 is hereby amended to read as follows:

503.093 1. Except as otherwise provided in subsection 2, a person shall not hunt or take any wildlife which is classified as protected, or possess any part thereof, without first obtaining the appropriate license, permit or written authorization from the Department.

2. Such a license, permit or authorization is not required for:

(a) The possession of a desert tortoise which:

(1) Was held in captivity on or before August 4, 1989; or

(2) Is acquired through an adoption program *or another method* approved by the United States Fish and Wildlife Service.

(b) The possession of any species of wildlife classified as protected in Nevada which is:

(1) Lawfully killed in another state and imported to Nevada; and

(2) Possessed under the authority of the other state's appropriate license, tag, permit or other authorization.

(c) The taking of a protected vector or a protected venomous reptile:

(1) Which is found in a residence, school or other building open to the public; or

(2) If the taking is necessary to protect the life of any person in imminent danger of being attacked or bitten by the protected vector or protected venomous reptile.

3. *A person possessing a desert tortoise pursuant to subparagraph 2 of paragraph (a) of subsection 2 shall not possess more than one desert tortoise.*

4. As used in this section:

(a) "Classified as protected" includes wildlife that is classified as sensitive, threatened or endangered.

(b) "Vector" means a living nonhuman animal capable of carrying infectious disease from one person or animal to another.

**Sec. 2.** The amendatory provisions of section 1 of this regulation do not apply to a person who acquires a desert tortoise specified in subparagraph (2) of paragraph (a) of subsection 2 of that section before May 1, 2013.

**Sec. 3.** This regulation becomes effective on May 1, 2013.

**Informational statement relating to Commission General Regulation No. 426  
LCB File No. T004-13 - as required by Chapter 233B.066.**

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

The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife and other interested persons; presented at the Nevada Board of Wildlife Commissioners' (NBWC) meeting. A summary is available by contacting the Department of Wildlife.
2. **The number of persons who:**
  - (a) **Attended each hearing:** 25 Workshop/ 23 Hearing.
  - (b) **Testified at each hearing:** 1 Workshop/ 0 Hearing
  - (c) **Submitted to the agency written statements:** 0
3. **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:** The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife and other interested persons; presented at the Nevada Board of Wildlife Commissioners' (NBWC) meeting. A summary is available by contacting the Department of Wildlife.
4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:** This amended regulation was adopted by the Board of Wildlife Commissioners without changing any part of the regulation as drafted by the Legislative Counsel Bureau.
5. **The estimated economic effect of the regulations on the businesses they are to regulate and on the public.**
  - (a) **Estimated economic effect on the businesses which they are to regulate.**
    - (1) **Adverse** – No adverse economic effect to businesses is anticipated from this amended regulation as the desert tortoise is a threatened species and therefore cannot be commercially collected or marketed within the State. There are no new fees associated with this regulation.
    - (2) **Beneficial** – No beneficial economic effect to businesses is anticipated from this amended regulation as the desert tortoise is a threatened species and therefore cannot be commercially collected or marketed within the State.
    - (3) **Immediate** – No immediate economic effect to businesses is anticipated from this regulation.
    - (4) **Long term** – No long-term economic effect to businesses is anticipated from this regulation.

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

- (1) **Adverse** – No adverse economic effect on the public is anticipated from this amended regulation.
- (2) **Beneficial** – This amended regulation is anticipated to gradually diminish the over breeding and proliferation of unwanted pet desert tortoises in southern Nevada. This will decrease the need for public funding to pick up and care for unwanted pet tortoises. This amended regulation will not impact existing pet desert tortoise custodians.
- (3) **Immediate** – This amended regulation will allow possession of only one captive desert tortoise after May 1, 2013, which will reduce the over breeding and proliferation of unwanted pet desert tortoises in southern Nevada.
- (4) **Long term** – In the long-term, this amended regulation will diminish the over breeding and proliferation of unwanted pet desert tortoises in southern Nevada, and will decrease the need for public funding to pick up and care for unwanted pet tortoises.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** Enforcement and monitoring will be included in existing programs. There will be no additional costs to the Department for enforcement of the proposed regulations.

7. **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:** This regulation does not overlap or duplicate any state or local government regulation.

**If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:**

8. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:** This amended regulation will allow possession of only one captive desert tortoise after May 1, 2013. The language in the amended regulation is not required by federal law, but NDOW is cooperating closely with the U.S. Fish and Wildlife Service to implement this amended regulation to gradually diminish the over breeding and proliferation of unwanted pet desert tortoises in southern Nevada. This amended regulation will not impact existing pet desert tortoise custodians.

9. **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:** No new fee is associated with this regulation.