

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

LCB File No. R087-14

July 9, 2014

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 the regulation 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) 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.