

**NEVADA DEPARTMENT OF WILDLIFE
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the Adoption of Regulations of the
Nevada Board of Wildlife Commissioners**

**LCB File No. R006-21
Commission General Regulation 497**

The Nevada Board of Wildlife Commissioners will hold a hearing at 9:00 a.m. on January 28 and 29, 2021, via Zoom. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 504 of the Nevada Administrative Code.

Zoom Link: <https://us02web.zoom.us/j/83726373199?pwd=S1RLN3B4SXRySnpHQ3hDcHVDdElzUT09>

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and the purpose of the proposed regulation or amendment:**
The proposed regulation is necessary for review pursuant to NRS 2338.050. The regulation will modernize language, simplify wording, improve clarity and interpretability throughout NAC 504.
2. **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**
This regulation updates and simplifies various provisions in Nevada Administrative Code 504.
3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**
 - (a) **Both adverse and beneficial effects on businesses; and**
The regulation will not have any significant adverse or beneficial economic effects on businesses.
 - (b) **Both immediate and long-term effects on businesses:**
There will be no immediate or long-term economic effects from the proposed regulation on small businesses because it does not regulate the operation of any small business.
 - (c) **Both adverse and beneficial effects on the public; and**
This regulation does not have an anticipated beneficial or adverse economic effect on the public.
 - (d) **Both immediate and long-term effects on the public:**
This regulation does not have an anticipated immediate or long-term economic effect

on the public.

4. **The estimated cost to the agency for enforcement of the proposed regulation:**
There will be no increased costs to enforce the proposed regulation.
5. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:**
This regulation does not overlap or duplicate any other state, local, or federal laws or regulations.
6. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**
This regulation is not required pursuant to federal law.
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:**
This regulation does not include provisions that are more stringent than federal regulations.
8. **Whether the proposed regulation establishes a new fee or increases an existing fee:**
This regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Nevada 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 Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511 attention Director's Office. Written submissions must be received by the Nevada Department of Wildlife 5 weekdays before the meeting. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street; Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Department of Wildlife Director's Office, 6980 Sierra Center Parkway, Suite 120; Reno, Nevada 89511, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is 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 of this notice and the proposed regulation 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, will 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 following Nevada Department of Wildlife offices:

1100 Valley Road; Reno, Nevada 89512 (775) 688-1506
380 W. B Street; Fallon, Nevada 89406 (775) 423-3171
60 Youth Center Road; Elko, Nevada 89801 (775) 777-2300
3373 Pepper Lane; Las Vegas, Nevada 89120 (702) 486-5127

These regulations will also be available at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/>
<https://notice.nv.gov/>
<http://www.leg.state.nv.us/register/>
<https://nvboardofwildlife.org/>

A copy of all materials relating to the proposed regulation may be obtained at the hearing or by contacting the Director's Office at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120; Reno, Nevada 89511 or (775) 688-1597. A reasonable fee may be charged for copies if it is deemed necessary.

December 20, 2021

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

LCB File No. R006-21

October 9, 2021

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

AUTHORITY: § 1, NRS 501.105, 501.181 and 504.143; § 2, NRS 501.105, 501.181, 504.140 and 504.143; §§ 3 and 29, NRS 501.105 and 501.181; §§ 4-7, NRS 504.165; §§ 8, 9, 11, 13, 17 and 21-24, NRS 501.105, 501.181 and 504.295; §§ 10, 12 and 14-16, NRS 501.105, 501.181, 503.597 and 504.295; §§ 18-20, NRS 501.105, 501.181, 503.590 and 504.295; §§ 25-28, NRS 501.105, 501.181 and 504.390.

A REGULATION relating to wildlife; prohibiting certain actions on certain described and posted portions of certain wildlife management areas during certain periods of time; revising provisions relating to trapping on wildlife management areas; updating certain provisions relating to the Fort Churchill Cooling Pond Cooperative Wildlife Management Area; repealing provisions that create the Crittenden-Dake Reservoir Cooperative Wildlife Management Area; requiring certain notices for the prevention and mitigation of damage caused by certain game mammals to be provided in writing within 5 business days of the discovery of the damage; requiring certain persons to maintain detailed records of ongoing damage caused by certain game mammals; requiring an application for a commercial or noncommercial license to possess wildlife to include certain information; revising provisions related to the possession and propagation of certain species of fish; revising provisions governing the collection of unprotected reptiles and amphibians; revising provisions related to the importation of live wildlife into this State; requiring certain persons to disclose to the Department of Wildlife the location of certain animals before such animals are imported into this State; clarifying that certain persons importing ungulates into this State must comply with certain provisions of existing law relating to chronic wasting disease; requiring additional enclosure requirements and additional testing of certain animals that are susceptible to chronic wasting disease; requiring a person to be issued a permit before exporting unprotected reptiles or amphibians from this State; requiring certain persons to tag and mark certain animals in a manner acceptable to the Department; removing the requirement that certain persons comply with certain requirements regarding cages if the person holds or is issued certain licenses or permits on or after February 28, 1994; reducing the period of time certain persons can operate without a license or permit issued by the Department from 90 days to 45 days; authorizing certain persons to possess live animals and their progeny without a license for such possession if the progeny is born before January 1, 2022; prohibiting the issuance of a rehabilitation permit for certain animals; requiring an application for a permit to rehabilitate wildlife to include certain information; revising certain information related to a license as a

master guide; requiring master guides and subguides to keep certain contracts readily available in the field; requiring certain guides to keep certain client records in the primary

method of transportation used by the guide during certain periods when with the client; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. (NRS 501.105) Existing law further requires the Commission to establish regulations that are necessary to carry out the provisions of existing law governing wildlife. (NRS 504.181)

Existing law authorizes the Commission to, by regulation, establish certain policies concerning state-owned wildlife management areas and other cooperative wildlife management areas created and by maintained by the Commission in cooperation with the United States Fish and Wildlife Service, the Department of the Interior and other federal agencies to effectuate a coordinated and balanced program resulting in the maximum revival of wildlife in the State and in the maximum recreational advantages to the people of the State. (NRS 504.143) Existing regulations prohibit certain persons from entering, occupying, using or being upon certain described portions of certain wildlife management areas during certain periods of time. (NAC 504.120) **Section 1** of this regulation prohibits such actions upon certain described and posted portions of such areas during such periods of time.

Existing regulations prohibits a person from trapping on certain wildlife management areas, including the Railroad Valley Wildlife Management Area, unless the person has a permit to do so. Existing regulations provide that the Commission will issue permits to trap on certain wildlife management areas through a drawing process. (NAC 504.170) **Section 2** of this regulation removes the Railroad Valley Wildlife Management Area from the list of wildlife management areas on which a person may trap. **Section 2** additionally provides that the Commission will issue permits to trap on wildlife management areas on a first-come, first-served basis.

Existing regulations establish, in cooperation with the Sierra Pacific Power Company, the Fort Churchill Cooling Pond as a wildlife management area. Except for employees of the Sierra Pacific Power Company in the performance of their official duties, persons are prohibited from performing certain actions in this wildlife management area. (NAC 504.310) The Sierra Pacific Power Company merged with Nevada Power and Sierra Pacific Resources in 1999 and began doing business as NV Energy in 2008. (*Company History*, NV ENERGY, <https://www.nvenergy.com/about-nvenergy/our-company/history> (last visited June 7, 2021)) **Section 3** of this regulation makes a conforming change by replacing references to "Sierra Pacific Power Company" with "NV Energy."

Existing regulations create the Crittenden-Dake Reservoir Cooperative Wildlife Management Area. This Area includes the Crittenden and Dake Reservoirs and an area 100 feet wide surrounding these reservoirs. Certain activities are prohibited in this Area. (NAC 504.320) **Section 29** of this regulation repeals these regulations and, as a result, the Crittenden and Dake Reservoirs and an area 100 feet wide surrounding these reservoirs are no longer the Crittenden-Dake Reservoir Cooperative Wildlife Management Area.

Existing law requires the Commission to adopt regulations governing the disbursement of money to prevent or mitigate damage caused by elk or game mammals not native to this State. (NRS 504.165) For a person to receive such money, existing regulations require the claimant to notify the Department of Wildlife in writing of any damage within 5 days after he or she discovers it. Existing regulations require such a notice to contain certain information. (NAC 504.365) Existing regulations authorize the Department to accept a late claim that is filed more than 5 days after the claimant discovers the damage if the claimant gives verbal notice of the damage to the Department within the 5 days after he or she discovers the damage and if certain other conditions are satisfied. (NAC 504.370) **Sections 4 and 5** of this regulation require such notices to be filed within 5 business days after the claimant discovers the damage. **Section 5** additionally authorizes the Department to accept a late claim if the claimant gives written notice of the damage to the Department within the 5 business days after he or she discovers the damage and if certain other conditions are satisfied.

Existing regulations require a claimant to enter into a cooperative agreement with the Director of the Department to receive money or materials to prevent or mitigate damage caused by elk or game animals not native to this State. Existing regulations require such a cooperative agreement to state that the claimant agrees to notify the Department in writing of any damage within 5 days after he or she discovers it. (NAC 504.375) **Section 6** of this regulation requires that, while the claimant is subject to the cooperative agreement, this notice to be provided within 5 business days after he or she discovers any damage that is in addition to the original damage that was disclosed to the Department. Existing regulations also require the claimant to periodically inform the Department of the status of the damage if the damage is ongoing. The claimant is required to notify the Department in writing when the damage ends not later than 30 days after it ends. Such a notice must state: (1) the total extent of the damage; and (2) when the damage began and ended. (NAC 504.405) **Section 7** of this regulation removes this requirement and instead requires the claimant to maintain a record of when the damage began and ended. **Section 7** requires the claimant to: (1) keep this record for 1 year after the damage ends; and (2) during this one-year period, provide this record to the Department if the Department requests this record.

Existing law prohibits a person from: (1) possessing any live wildlife, unless the person is licensed by the Department to do so; (2) capturing live wildlife in this State to stock a commercial or noncommercial wildlife facility; and (3) possessing or releasing from confinement any mammal for the purpose of hunting. Existing law requires the Commission to adopt regulations for the possession of live wildlife. (NRS 504.295) Existing law further prohibits a person from introducing to this State or removing from any stream or body of water in this State to any other, or from one portion of this State to any other, aquatic life or wildlife unless the person has the written consent and approval of the Department. (NRS 503.597) Existing regulations establish how a person may apply for a commercial or noncommercial license to possess wildlife in this State and set forth certain items of information that a person must include with his or her application. (NAC 504.451, 504.452) **Sections 8 and 9** of this regulation additionally require an applicant to submit: (1) a cellular phone number or certain other telephone numbers; (2) an electronic mail address; and (3) an identification number from a driver's license, a driver authorization card or an instruction permit. **Section 8** additionally requires an applicant for a commercial license to submit: (1) a license issued by the United States Department of Agriculture in compliance with the Animal Welfare Act; and (2) any permit issued by the United States Fish and Wildlife Service concerning migratory birds or raptors.

Existing regulations provide that a person does not need to obtain a license to possess, propagate, breed or otherwise maintain certain species of privately planted live fish, including hybrids thereof, in certain ponds or lakes on private property. (NAC 504.4595) **Section 10** of this regulation

removes cutthroat trout and brook trout from the list of species and replaces black bullhead with bullhead catfish. Existing regulations prohibit these species from being transported, alive or dead, from the private property where the fish are being held unless the fish are accompanied by an itemized statement which lists certain information. (NAC 504.4595) **Section 10** additionally prohibits such transportation of live fish unless the Department has provided its written authorization.

Existing regulations provide that the Department may authorize only certain species of wildlife to be possessed and propagated under the authority of a commercial license, including: (1) fish, crustaceans and mollusks; (2) certain native and nonnative endemic species of fish; and (3) certain other species of wildlife if certain conditions are satisfied. (NAC 504.460) **Section 11** of this regulation revises and limits this authority.

Existing regulations authorize a person to collect an unprotected reptile or amphibian at any hour of the day or night through certain means, excluding by the use of any type of pit trap or can trap. (NAC 504.4615) **Section 13** of this regulation restricts the means through which a person may collect an unprotected reptile or amphibian by prohibiting a person from using any type of trap, including a pit trap or a can trap. **Section 13** additionally exempts employees of the Department who are carrying out the duties of their employment or who are acting in their official capacities from the requirement that a person has to use certain means to collect an unprotected reptile or amphibian.

Existing regulations authorize a person who holds a commercial or noncommercial license to import a shipment of live wildlife into this State if he or she complies with certain requirements, including, if the shipment comprises birds, fish or mammals, providing a certificate of health issued by a fish pathologist or veterinarian who meets certain criteria. (NAC 504.464) **Section 14** of this regulation requires such a certificate of health be provided with the shipment if the shipment is comprised of birds, fish, mammals, reptiles or amphibians. Existing regulations prohibit a person who holds a commercial or noncommercial license from importing ungulates into this State unless certain conditions are met. (NAC 504.466) **Sections 14 and 15** of this regulation require, at least 30 days before any live wildlife or ungulate is imported into this State, a person to disclose to the Department the location where the live wildlife or ungulate is held and any other location where the live wildlife or ungulate will be held during the 30 days before the live wildlife or ungulate is imported into this State.

To prevent the spread of chronic wasting disease in this State, existing law prohibits a person from knowingly bringing into this State certain live animals or the carcass or any part of the carcass of certain animals. (NRS 501.3845, 571.210) Existing regulations prohibit a person who holds a commercial or noncommercial license from importing ungulates into this State unless certain conditions, including requiring the animal to test negative for certain diseases, are met. (NAC 504.466) **Section 15** clarifies that a person who holds a commercial or noncommercial license and who imports ungulates into this State must comply with existing law regarding chronic wasting disease. **Section 19** of this regulation requires an enclosure for certain animals, including for ungulates that are of the family Cervidae, to have an additional perimeter fence around the enclosure for the animal. **Section 20** of this regulation requires a person who holds a commercial or noncommercial license to submit the carcass of an ungulate that is of the family Cervidae to the Department for a postmortem examination to test the ungulate for chronic wasting disease.

Existing regulations prohibit a person from shipping, transporting or exporting wildlife from this State unless the wildlife to be transported is an unprotected reptile or amphibian. (NAC 504.471) **Section 16** of this regulation prohibits a person from shipping, transporting or exporting wildlife from this State unless the wildlife to be transported is an unprotected reptile or amphibian and the person possesses a permit issued by the Department which specifically authorizes the export of the unprotected reptile or

amphibian. **Section 12** of this regulation makes a conforming change by adding an exception for when a person may transport unprotected reptiles and amphibians without a license or permit.

Existing regulations require a person who holds a commercial or noncommercial license for ungulates, bobcats, mountain lions or black bears or the progeny of these species to mark and tag the animals in a manner set forth in existing regulations. (NAC 504.472) **Section 17** of this regulation requires a person who holds a commercial or noncommercial license for an animal that is not an ungulate, bobcat, mountain lion or black bear or the progeny of those species to permanently tag and mark the animal in a manner acceptable to the Department.

Existing regulations require a person to maintain a cage or open-top enclosure for certain species that meets certain minimum requirements if the person, on or after February 28, 1994: (1) is granted an initial commercial or noncommercial license for bobcats, mountain lions or black bears; (2) is granted an initial commercial or noncommercial license for ungulates; or (3) holds any permit or license from the Department to possess a live ungulate. (NAC 504.476, 504.478) **Sections 18 and 19** of this regulation remove the reference to February 28, 1994, and, as a result, applies these minimum requirements to any person.

Existing regulations authorize a person who holds an exhibitor's license issued by the Animal and Plant Health Inspection Service of the United States Department of Agriculture to exhibit in this State wildlife listed in the exhibitor's license for not more than 90 days without obtaining a license or permit from the Department for the possession, transportation, importation or exportation of that wildlife. (NAC 504.486) **Section 21** of this regulation reduces the period of time a person can operate without a license or permit issued by the Department from 90 days to 45 days.

Existing regulations authorize a person who held any permit or license issued by the Department on February 28, 1994, to continue to possess his or her live animal and its progeny for the life of that animal and its progeny. (NAC 504.488) **Section 22** of this regulation authorizes such a person to continue to possess such progeny if it is born before January 1, 2022. If the progeny is born after January 1, 2022, the person must obtain a license to possess the live animal.

Existing regulations authorize the Department to issue a permit to rehabilitate wildlife. Existing regulations prohibit the Department from issuing a permit to rehabilitate wildlife for certain types of wildlife. (NAC 504.490) **Section 23** of this regulation prohibits the Department from issuing a permit to rehabilitate wildlife for the rehabilitation of any species of wildlife belonging to the family Cervidae.

Existing regulations establish how a person may apply for a permit to rehabilitate wildlife. Existing regulations set forth certain items of information that a person must include with his or her application for such a permit. (NAC 504.492) **Section 24** of this regulation revises this list so that an applicant must submit: (1) a cellular phone number or certain other telephone numbers; (2) an electronic mail address; and (3) an identification number from a driver's license, a driver authorization card or an instruction permit.

Existing law requires each person who provides guide services for compensation or who provides guide services as an incidental service to customers of any commercial enterprise to obtain a master guide license from the Department. Existing law authorizes the Commission to adopt regulations covering the conduct and operation of a guide service. (NRS 504.390) Existing regulations provide the general requirements a person must comply with to be issued a license as a master guide, including a requirement to provide proof of his or her United States Coast Guard license, if applicable. Existing regulations provide that, if a boat will be used to provide a service to a client and a United States Coast Guard license is not required, the applicant must provide proof that he or she has obtained a minimum

score on the boating safety examination in *Boat Nevada*. Existing regulations provide that *Boat Nevada* may be obtained free of charge from the Department and list the address of the Department. (NAC 504.600) **Section 25** of this regulation removes the listing of the Department's address.

Existing regulations require a licensed master guide to furnish the client with a contract that contains certain information and require the master guide, if requested, to provide any contracts to an agent of the Department authorized to enforce existing regulations governing master guides and subguides. (NAC 504.685) **Section 26** of this regulation requires a master guide or a subguide, at all times while transporting, providing a service to or otherwise in the company of a client, to carry on his or her person or to otherwise have readily available in the field a copy of the contract. If the master guide or subguide is not transporting, providing a service to or otherwise in the company of a client, **section 26** requires the master guide, if requested, to provide within 24 hours of receiving the request any contracts to an agent of the Department authorized to enforce existing regulations governing master guides and subguides. Existing regulations require that, whenever guiding in this State, a nonresident master guide must keep copies of all contracts for clients guided in the State during the current calendar year readily available for inspection by any agent of the Department. (NAC 504.685) **Section 26** requires a nonresident master guide or nonresident subguide, at all times while transporting, providing a service to or otherwise in the company of a client in this State, to carry on his or her person or to otherwise have readily available in the field a copy of the contract.

Existing regulations require licensed master guides and subguides to keep and have available complete, current and accurate records regarding their clients that contain certain information. (NAC 504.688) **Section 27** of this regulation requires a guide to keep such records in the primary method of transportation used by the guide at all times while transporting, providing a service to or otherwise in the company of a client. **Section 27** further requires the master guide or subguide to, upon request, present the client's records to an agent of the Department while the master guide or subguide is transporting, providing a service to or otherwise in the company of a client.

Existing regulations require a master guide or subguide, at all times while transporting, providing a service to or otherwise in the company of a client, to carry on his or her person or otherwise have readily available certain licenses, special use permits and annual letters of authorization. (NAC 504.693) **Section 28** of this regulation makes a conforming change by referencing how a master guide or subguide, while transporting, providing a service to or otherwise in the company of a client, must carry on his or her person or otherwise have readily available the contracts and records discussed in **sections 26 and 27**.

Section 1. NAC 504.120 is hereby amended to read as follows:

504.120 1. Except as otherwise provided in subsection ~~{6.}~~ **3**, a person shall not enter, occupy, use or be upon the following described ~~{portion}~~ **and posted portions** of the ~~{Scripps}~~ **following** Wildlife Management ~~{Area}~~ **Areas** from February 15 through August 15:

(a) Scripps Wildlife Management Area:

~~—That portion of the Scripps Wildlife Management Area which lies south of Little Washoe Lake, as posted, and further described as including all or portions of Sections 1 and 2, T. 16 N., R. 19 E., M.D.B. & M. and Sections 25, 26, 35 and 36, T. 17 N., R. 19 E., M.D.B. & M.~~

(b) Key Pittman Wildlife Management Area:

The portion of Nesbitt Lake north of the old fence line.

(c) Wayne E. Kirch Wildlife Management Area:

The upper portion of Adams-McGill, Cold Springs, Dacey and Haymeadow Reservoirs, and all of the Tule Reservoir.

(d) Mason Valley Wildlife Management Area:

The eastern portion of the main developed pond area, ~~as posted.~~

2. ~~[Except as otherwise provided in subsection 6, a person shall not enter, occupy, use or be upon the following described portion of the Key Pittman Wildlife Management Area from February 15 through August 15:~~

~~—The portion of Nesbitt Lake north of the old fence line.~~

3. ~~Except as otherwise provided in subsection 6, a person shall not enter, occupy, use or be upon the following described portion of the Wayne E. Kirch Wildlife Management Area from February 15 through August 15:~~

~~—The upper portion of Adams-McGill, Cold Springs, Dacey and Haymeadow Reservoirs, as posted, and all of the Tule Reservoir.~~

4. ~~Except as otherwise provided in subsection 6, a person shall not enter, occupy, use or be upon the following described portion of the Mason Valley Wildlife Management Area from February 15 through August 15:~~

~~—The eastern portion of the main developed pond area, as posted.~~

~~5.]~~ Except as otherwise provided in subsection ~~[6.]~~ **3**, a person shall not enter, occupy, use or be upon the following described **and posted** portion of the Overton Wildlife Management Area from March 1 through August 1:

The Honey Bee Pond and the Center Pond.

~~[6.]~~ **3**. The provisions of subsections 1 ~~[to 5, inclusive,]~~ **and 2** do not apply to authorized personnel in the performance of their official duties.

Sec. 2. NAC 504.170 is hereby amended to read as follows:

504.170 1. Except as otherwise provided in subsection 2, a person shall not trap on a wildlife management area.

2. Persons having permits to do so may trap on the Overton, Key Pittman, Wayne E. Kirch, ~~[Railroad Valley,]~~ Humboldt, Fernley, Scripps, Mason Valley, Steptoe Valley, Franklin Lake and Alkali Lake Wildlife Management Areas.

3. Permits to trap on wildlife management areas will be issued ~~[through]~~ **on** a ~~[drawing process]~~ **first-come, first-served basis** and may contain designations of specific trapping areas, dates or other restrictions to ensure compatibility with other public activities.

Sec. 3. NAC 504.310 is hereby amended to read as follows:

504.310 1. The Fort Churchill Cooling Pond is a wildlife management area established in cooperation with ~~[Sierra Pacific Power Company.]~~ **NV Energy.**

2. Except as otherwise provided in subsection 3, a person shall not:

- (a) Trespass in or upon the waters of the Pond.
- (b) Camp overnight or have a campfire in the Wildlife Management Area.
- (c) Park in the Wildlife Management Area except that a person may park in the portion of the Wildlife Management Area designated for parking.
- (d) Discharge any firearm in the Wildlife Management Area.

3. The provisions of subsection 2 do not apply to employees of ~~[the Sierra Pacific Power Company.]~~ **NV Energy** in the performance of their official duties.

Sec. 4. NAC 504.365 is hereby amended to read as follows:

504.365 Except as otherwise provided in NAC 504.370, to receive money or materials from the Department pursuant to the provisions of NAC 504.350 to 504.440, inclusive, a claimant must notify the Department in writing of any damage within 5 **business** days after he or she discovers it. The notice must include the:

- 1. Dates on which the damage occurred or an estimate of the dates;
- 2. Estimated number of elk or game animals not native to this State that are causing the damage;

3. Type of damage;
4. Date on which the damage was discovered;
5. Estimated extent of the damage; and
6. Location of the damage.

Sec. 5. NAC 504.370 is hereby amended to read as follows:

504.370 The Department may accept a claim that is filed more than 5 **business** days after the claimant discovers the damage if:

1. The claimant gives ~~[verbal]~~ **written** notice of the damage to the Department within the 5 **business** days; and
2. The claimant shows that his or her failure to give timely notice was:
 - (a) For good cause;
 - (b) Not caused by his or her lack of diligence; or
 - (c) Caused by the Department.

Sec. 6. NAC 504.375 is hereby amended to read as follows:

504.375 1. To receive money or materials from the Department pursuant to the provisions of NAC 504.350 to 504.440, inclusive, a claimant must enter into a cooperative agreement with the Director of the Department.

2. The cooperative agreement must state that:

- (a) If the Department and the claimant agree that the hunting of elk is necessary to control damage, the parties agree to negotiate the circumstances under which access to the land of the claimant will be allowed.
- (b) The Department agrees to:
 - (1) Act expeditiously when it receives a complaint.
 - (2) Assess the problem and recommend a course of action to the claimant.
 - (3) Carry out an orderly progression of action to alleviate the damage as agreed to by both parties.
 - (4) Compensate the claimant for damage if a preponderance of the evidence proves that the loss was caused solely by elk or game animals not native to this State.
- (c) The claimant agrees to:
 - (1) Consult with the Department and consider its technical advice regarding:
 - (I) Damage which occurs because of the placement of stored crops; and
 - (II) The relocation of stored crops and development of new agricultural fields.

(2) Allow the Department to enter his or her property to:

(I) Remove elk or game animals not native to this State when the Department so requests ~~[-]; and~~

(II) Prevent further damage by any method necessary, including, but not limited to, hazing, hunting, shooting and scaring.

(3) Allow hunters to whom the Department has issued a wildlife depredation tag, to hunt on his or her property if the hunters will not constitute an undue safety hazard to persons or property.

(4) ~~[-Notify]~~ *While he or she is subject to the cooperative agreement, notify* the Department in writing of any damage *that is in addition to the damage disclosed to the Department pursuant to NAC 504.365 or 504.370* within 5 *business* days after he or she discovers it. The notice must include the information and documentation required by the provisions of NAC 504.365.

Sec. 7. NAC 504.405 is hereby amended to read as follows:

504.405 1. If damage is ongoing, the claimant shall periodically inform the Department of the status of the damage.

2. The claimant shall ~~[-notify the Department in writing when the damage ends not later than 30 days after it ends. The notice must state:~~

~~[-(a) The total extent of the damage; and~~

~~[-(b) When]~~ *maintain a record of when* the damage began and ended. *The claimant shall:*

(a) Keep this record for 1 year after the damage ends; and

(b) During the period described in paragraph (a), provide this record to the Department upon request.

3. For the purposes of subsection 1, ongoing means not more than 20 days have passed since the property of the complainant was damaged.

Sec. 8. NAC 504.451 is hereby amended to read as follows:

504.451 1. An application for a commercial license may be obtained from:

(a) The headquarters of the Department; or

(b) The regional offices of the Department in Fallon, Elko or Las Vegas.

2. The applicant must include on the application for a commercial license:

(a) The name of the applicant;

(b) The physical and mailing addresses of the applicant's residence and place of employment;

(c) The *cellular phone number of the applicant, if any, or the* telephone numbers of the applicant's residence and place of employment;

- (d) *The electronic mail address of the applicant, if any;*
- (e) The driver's license number , *driver authorization card number or instruction permit number* of the applicant, *as applicable*, if he or she has been issued a driver's license ~~;~~
~~(e)~~ *or obtained a driver authorization card or an instruction permit in accordance with NRS 483.291;*
- (f) The date of birth of the applicant;
- ~~[(f)]~~ (g) The name, address and telephone number of the company or institution which the applicant is representing, if any;
- ~~[(g)]~~ (h) A description of the purpose for which the wildlife is to be held;
- ~~[(h)]~~ (i) The common and scientific name and the number of each species of wildlife:
- (1) To be obtained; and
 - (2) Presently being held by the applicant, if the application is for the renewal of a license,
- for which the applicant is requesting the commercial license;
- ~~[(i)]~~ (j) If the applicant is applying for the license for the first time, the name, address and *cellular phone number, if any, or other* telephone number of the person from whom the wildlife will be obtained;
- ~~[(j)]~~ (k) If the applicant resides in this State, the location at which the wildlife will be permanently maintained;
- ~~[(k)]~~ (l) If the applicant is not a resident of this State and he or she will be importing and displaying or exhibiting the wildlife in this State, a description of each location at which the wildlife will be displayed or exhibited and the approximate length of time that the wildlife will be displayed or exhibited at each location;
- ~~[(l)]~~ (m) A complete description, including a diagram, of the holding facilities, cages or aquaria, as appropriate, that will be used to hold or confine the wildlife;
- ~~[(m)]~~ (n) If the applicant has been convicted of violating the laws or regulations of any state or the United States Fish and Wildlife Service relating to the commercialization of wildlife within the 5 years immediately preceding the date of the application, a description of each violation, a description of the penalty imposed for each violation and the name of the state in which each conviction occurred;
~~{and~~
- ~~—(n)]~~ (o) *A copy of the applicant's license issued pursuant to 7 U.S.C. §§ 2131 et. seq.;*
- (p)A copy of the applicant's permit issued pursuant to 50 C.F.R. §§ 21.1 et. seq., if any;*
and
- (q)The applicant's signature and the date on which the application is signed.

3. In addition to the requirements of subsection 2, an application for a commercial license for a species of wildlife which is listed in NAC 503.110 must ~~{contain}~~ :

(a) Include on the application:

(1) Evidence that the applicant is an accredited institutional member of the Zoological Association of America or the Association of Zoos and Aquariums, or a successor organization; or

(2) Evidence that the person is engaged in commercial aquaculture and in compliance with paragraph (e) of subsection 3 of NAC 503.110; and

(b) Contain a description of:

~~[(a)]~~ **(1)** The measures that will be used to prevent the wildlife from escaping; and

~~[(b)]~~ **(2)** The methods and equipment that will be used to recapture or destroy the wildlife if it does escape.

Sec. 9. NAC 504.452 is hereby amended to read as follows:

504.452 1. An application for a noncommercial license may be obtained from:

(a) The headquarters of the Department; or

(b) The regional offices of the Department in Fallon, Elko or Las Vegas.

2. An applicant for a noncommercial license must include on the application:

(a) The name of the applicant;

(b) The physical and mailing addresses of the applicant's place of employment and residence;

(c) The **cellular phone number of the applicant, if any, or the** telephone numbers of the applicant's place of employment and residence;

(d) **The electronic mail address of the applicant, if any;**

(e) The driver's license number , **driver authorization card number or instruction permit number** of the applicant, **as applicable**, if he or she has been issued a driver's license ~~or~~ **or obtained a driver authorization card or an instruction permit in accordance with NRS 483.291;**

(f) The date of birth of the applicant;

~~[(f)]~~ **(g)** A description of the purpose for which the wildlife is to be held;

~~[(g)]~~ **(h)** The common and scientific name and number of:

(1) Each species of wildlife to be obtained; and

(2) If the application is for the renewal of a license, each species presently in captivity,

↳ for which the applicant is requesting a license;

~~[(h)]~~ (i) If the application is an initial application, the name, address and *cellular phone number, if any, or other* telephone number of the source where the wildlife will be obtained;

~~[(i)]~~ (j) The locations at which the wildlife will be permanently maintained;

~~[(j)]~~ (k) A complete description, including a diagram, of the holding facilities, cages or aquaria that will be used to confine the wildlife;

~~[(k)]~~ (l) If the applicant has been convicted of violating the laws or regulations of any state or the United States Fish and Wildlife Service relating to the possession of live wildlife within the 5 years immediately preceding the date of the application, a description of each violation, a description of the penalty imposed for each violation and the name of the state in which each conviction occurred; and

~~[(l)]~~ (m) The signature of the applicant and the date of the application.

Sec. 10. NAC 504.4595 is hereby amended to read as follows:

504.4595 1. A person does not need to obtain a license to possess, propagate, breed or otherwise maintain the following species of privately planted live fish, including hybrids thereof, in a pond or lake which is not connected to a state water system by means of a natural water course and which is located wholly on private property:

(a) Rainbow trout;

(b) Brown trout;

(c) ~~Cutthroat trout;~~

~~—(d) Brook trout;~~

~~—(e) Largemouth bass;~~

~~[(f)]~~ (d) Smallmouth bass;

~~[(g)]~~ (e) Bluegill sunfish;

~~[(h)]~~ (f) Redear sunfish;

~~[(i)]~~ (g) Channel catfish;

~~[(j) Black bullhead;]~~ (h) Bullhead catfish; or

~~[(k)]~~ (i) Crappie.

2. Species of fish, and any parts and progeny thereof, authorized to be held pursuant to subsection 1 must not be:

(a) Sold, bartered or traded;

(b) Released into the waters of this State which are not located on the same private property, unless the other water is located wholly on private property and is not part of or connected to the state water system by means of a natural water course;

(c) Captured or removed from the wild to stock the water on the private property;

(d) Imported into this State, except upon the written authorization of the Department; or

(e) Placed on public display or maintained as a part or as an adjunct to a commercial establishment.

3. A person who possesses fish in accordance with this section may not charge another person a fee for the privilege of fishing for or otherwise capturing those fish.

4. A species of fish authorized to be possessed pursuant to this section may not be transported ~~if~~ **alive** :

(a) Alive, from the private property where the fish are being held without the written authorization of the Department; and

(b) Alive or dead, from the private property where the fish are being held, unless the fish are accompanied by an itemized statement which lists:

~~[(a)]~~ **(1)** The species and number of each fish to be transported;

~~[(b)]~~ **(2)** The date on which the fish to be transported were acquired by the person possessing the fish pursuant to this section;

~~[(c)]~~ **(3)** The name and address of the person transporting the fish and the name and address of the person who will receive the fish, if different from the transporter;

~~[(d)]~~ **(4)** The name and address of the person who owns or controls the property from which the fish are being transported; and

~~[(e)]~~ **(5)** The signature of the person who owns or controls the property where the fish were being held, or of the person's designee.

5. The owner, or if applicable, lessee, of a private pond or lake which is stocked with fish in accordance with this section, his or her family and guests may take fish from that pond or lake:

(a) At any time;

(b) In any manner which is not deleterious or dangerous to the residents, the wildlife other than the fish to be taken, and the habitat of the wildlife in this State; and

(c) Without regard for limits and required fishing licenses, permits or stamps.

➔ For the purposes of this subsection, manners of taking fish which are deleterious or dangerous to the residents, the wildlife other than the fish to be taken, and the habitat of the wildlife include, but are not limited to, the use of poisons and the use of explosives.

Sec. 11. NAC 504.460 is hereby amended to read as follows:

504.460 1. Except as otherwise provided in subsection 2 and NAC 504.459 and 504.461, the Department may authorize only the following species of wildlife to be possessed and propagated under the authority of a commercial license:

(a) Chukar.

(b) Hungarian (gray) partridge.

(c) California quail. (d) Gambel's quail.

- (e) Scaled quail.
- (f) Bobwhite quail.
- (g) Ring-necked and white-winged pheasant.
- (h) ~~Indigenous reptiles and amphibians.~~
- (i) Mountain quail.

2. Subject to the limitations set forth in NAC 503.110, the Department may authorize the possession and propagation of:

(a) Fish, *other than those species of fish possessed pursuant to NAC 504.4595*, crustaceans and mollusks under the authority of a commercial license.

(b) ~~{Native and nonnative endemic species of fish, other than those species of fish listed in NAC 504.4595, under the authority of a noncommercial license.~~

~~—(c)~~ Other species of wildlife under the authority of a commercial or noncommercial license, if the Department is satisfied, based upon an investigation conducted pursuant to NRS 503.597, that the importation and possession of that species will not be detrimental to the wildlife or the habitat of wildlife in this State.

Sec. 12. NAC 504.461 is hereby amended to read as follows:

504.461 1. ~~{A}~~ *Except as otherwise provided in NAC 504.471, a* natural person may without a license or permit issued by the Department capture, possess, transport and breed reptiles and amphibians which are classified by the Department as unprotected if:

(a) The capture, possession, transportation and breeding is for strictly personal and noncommercial purposes; and

(b) The number of reptiles and amphibians possessed by the person does not exceed the possession limits established by the Commission for each such reptile and amphibian.

2. If, while in the possession of a natural person pursuant to this section, an unprotected reptile or amphibian produces progeny and the number of the progeny exceeds the possession limits established by the Commission for that reptile or amphibian, the natural person may hold the excess number of progeny in captivity for not more than 45 days after the date on which the progeny hatched or was born. On or before the expiration of the 45-day period, such progeny must be given as a gift to another natural person or a scientific or educational institution located in this State, or disposed of as directed by the Department. Such progeny must not be released into the wild.

3. Except as otherwise provided in chapters 501 to 504, inclusive, of NAC, unprotected reptiles and amphibians, and any parts and progeny thereof, which are possessed in accordance with this section may not be:

- (a) Sold, bartered or traded;
- (b) Released into the wild if the reptile or amphibian has been removed from the site where it was captured; or

- (c) Maintained for public display or as a part of or adjunct to any commercial establishment.

4. This section does not authorize the possession, transportation or exportation of unprotected reptiles or amphibians in violation of any applicable federal, state, county or city law, regulation or ordinance.

Sec. 13. NAC 504.4615 is hereby amended to read as follows:

504.4615 1. A person may collect an unprotected reptile pursuant to NAC 504.461 at any hour of the day or night and only by hand or by use of a noose, set of tongs or snake hook.

2. A person may collect an unprotected amphibian pursuant to NAC 504.461 at any hour of the day or night only by hand or by the use of a dip net.

3. In collecting an unprotected reptile or amphibian in accordance with this section, a person shall not use:

(a) A crowbar, tire iron, jackhammer, winch, explosive device, chemical substance or any other method or means of collection that involves the removal or breaking apart of rocks, a natural shelter or the habitat in or around which the reptile or amphibian may be found; or

(b) Any type of ~~pit~~ trap ~~for~~, *including, without limitation, a pit trap or a* can trap.

4. The provisions of subsections 1 and 2 do not apply to employees of the Department while carrying out the duties of their employment or while acting in their official capacities.

Sec. 14. NAC 504.464 is hereby amended to read as follows:

504.464 1. Except as otherwise provided in subsection 2 and NAC 504.466, a person who holds a commercial or noncommercial license may import a shipment of live wildlife into this State if he or she complies with the following requirements:

(a) The person's license must authorize the possession of the species to be imported;

(b) The person must first obtain an importation permit from the Department unless his or her commercial or noncommercial license specifically authorizes the importation of the species; ~~and~~

(c) If the shipment is comprised of birds, fish, ~~or~~ mammals, *reptiles or amphibians*, it must be accompanied by a certificate of health issued by a fish pathologist approved by the Department or a veterinarian who is:

(1) Licensed to practice in the state in which the shipment originated; and

(2) Accredited by the Federal Government ~~is~~; *and*

(d) At least 30 days before the live wildlife is imported into this State, the person discloses to the Department the location where the live wildlife is held and any other location where the live wildlife will be held during the 30 days before the live wildlife is imported into this State.

2. A person who holds a commercial or noncommercial license may import live fish into this State if:

(a) The person's license authorizes the possession of the species to be imported; and

(b) The person complies with the provisions of NRS 503.597 and NAC 503.560.

Sec. 15. NAC 504.466 is hereby amended to read as follows:

504.466 1. A person who holds a commercial or noncommercial license must not import ungulates into this State unless:

- (a) The person's license authorizes the possession of the species to be imported;
- (b) The person first obtains:
 - (1) An importation permit from the Department; and
 - (2) An importation permit from the State Department of Agriculture; ~~and~~
- (c) ***At least 30 days before the ungulate is imported into this State, the person discloses to the Department of Wildlife the location where the ungulate is held and any other location where the ungulate will be held during the 30 days before the ungulate is imported into this State; and***
- (d) The person submits to the Department of Wildlife and the State Department of Agriculture a health certificate and certificate of examination of the ungulates issued by a licensed veterinarian who is accredited by the Federal Government. The certificate of examination must include:
 - (1) A statement that all animals in the shipment tested negative for tuberculosis, brucellosis and such other diseases as prescribed by the Department of Wildlife and the State Department of Agriculture; and
 - (2) The following statement signed by the veterinarian in the state, province or country where the ungulates originated:

To the best of my knowledge, animals listed in this certificate are not infected with paratuberculosis (Johne's Disease) and have not been exposed to animals infected with paratuberculosis. To the best of my knowledge, the premises of origin have not been the site of a significant outbreak of disease in the previous 24 months that was not contained and extirpated using recognized standards for the control of diseases.

2. ***A person who holds a commercial or noncommercial license and who imports ungulates into this State pursuant to subsection 1 must comply with NRS 501.3845 and 571.210 regarding chronic wasting disease.***

3. Additional examinations of the animals may be required by the Department of Wildlife or the State Department of Agriculture if:

- (a) Written notice is given to the licensee; and
- (b) There is reason to believe that other diseases, parasites or health risks are present.

~~3.~~ 4. Imported ungulates must be isolated from other animals, for at least 30 consecutive days after entry into the State, at the quarantine facility of the importing licensee which is approved pursuant to NAC 504.480.

Sec. 16. NAC 504.471 is hereby amended to read as follows:

- 504.471 A person shall not ship, transport or export wildlife from the State of Nevada unless:
1. The person first obtains an exportation permit from the Department;
 2. The person possesses a valid license or permit issued by the Department which specifically authorizes the export of the species listed on the license or permit;
 3. The person lawfully obtains the wildlife from a person authorized to possess and export live wildlife without an export permit and the shipment is accompanied by a receipt which includes:
 - (a) The species of wildlife and the number of each species being shipped or transported;
 - (b) The date that the wildlife is being shipped or transported; and
 - (c) The name, address and signature of the person from whom the wildlife was obtained;
 4. The person ships or transports species possessed pursuant to NAC 504.459, 504.4595 or 504.4597; or
 5. The wildlife to be transported is an unprotected reptile or amphibian possessed pursuant to NAC 504.461 ~~and~~ *and the person possesses a permit issued by the Department which specifically authorizes the export of the unprotected reptile or amphibian.*

Sec. 17. NAC 504.472 is hereby amended to read as follows:

- 504.472 1. A person who holds a commercial or noncommercial license for:
- (a) Ungulates shall cause any ungulates the person possesses under the authority of that license to be:
 - (1) Marked with an official eartag approved by the United States Department of Agriculture;
 - (2) Marked with an eartag supplied or approved by the Department; or
 - (3) Otherwise permanently marked in a manner acceptable to the Department.
 - (b) Bobcats, mountain lions or black bears shall cause any of those species the person possesses under the authority of that license to be:
 - (1) Tattooed in the left ear with a number assigned by the Department; or
 - (2) Otherwise permanently marked in a manner acceptable to the Department.
 - (c) Ungulates, bobcats, mountain lions or black bears shall cause any of the progeny of those species the person possesses under the authority of that license to be tagged or marked:
 - (1) By December 31 of its year of birth; or
 - (2) Before leaving the facility,
- ↳ whichever is earlier.

2. *A person who holds a commercial or noncommercial license for an animal not mentioned in subsection 1 shall cause the animal the person possesses under the authority of that license to be permanently tagged or marked in a manner acceptable to the Department.*

3. Any identification attached to or implanted in a captive ungulate, bobcat, mountain lion or black bear must not be removed or transferred to any other animal.

Sec. 18. NAC 504.476 is hereby amended to read as follows:

504.476 1. Any person who ~~[, on or after February 28, 1994,]~~ applies for and is granted an initial commercial or noncommercial license for bobcats, mountain lions or black bears shall maintain, on the premises where the species is most often kept, a cage or open-top enclosure for the species that meets or exceeds the minimum requirements set forth in this section.

2. Any cage for bobcats, mountain lions or black bears must have:

(a) Sides constructed of:

(1) Woven wire or chain link which is no smaller than 11 gauge for bobcats and 9 gauge for mountain lions or black bears; or

(2) A solid material that cannot be destroyed by the species contained therein;

(b) A top constructed of woven wire or chain link which is no smaller than 11 gauge;

(c) A floor:

(1) Constructed of cement or concrete at least 3 inches thick into which metal fence posts are permanently secured; or

(2) Made of dirt with buried chain link or a similar material that will preclude the species from digging through the floor and escaping; and

(d) Double doors constructed in such a manner that the exterior door must be closed before the interior door can be opened. Each door must be secured by a lock.

3. Any open-top enclosure for bobcats, mountain lions or black bears must comply with the following minimum requirements:

(a) The enclosure must have a perimeter fence which is: (1)

At least 8 feet high for its entire length;

(2) Constructed of:

(I) Woven wire or chain link which is no smaller than 11 gauge for bobcats and 9 gauge for mountain lions or black bears; or

(II) A solid material that cannot be destroyed by the species contained therein; and

(3) Supported by posts or stays located at intervals of not more than 10 feet.

(b) A double overhang (Y-cantilever) of barbed or electrified wire, or smooth wire which is no smaller than 9 gauge, must be installed at the top of the perimeter fence with one cantilever tilted in

at a 45-degree angle and the other tilted out at a 45-degree angle. The cantilevers must be not less than 12 inches in length.

(c) For:

(1) Bobcats and mountain lions, the bottom of the perimeter fence must be secured to the ground in such a manner as to prevent the ingress and egress of the species; and

(2) Black bears, buried mesh wire which is no smaller than 11 gauge must extend laterally 3 feet to the inside of the enclosure for the length of the perimeter fence in such a manner as to prevent the species from digging under the fence and escaping.

(d) Any trees or obstacles that would allow bobcats, mountain lions or black bears to exit or enter the enclosure must be removed.

(e) Any gate in the perimeter fence must be:

(1) Designed to close by itself; and

(2) Equipped with two locking devices.

4. Any cage or open-top enclosure for bobcats, mountain lions or black bears must be maintained in a condition that prevents the ingress and egress of the species. If any bobcats, mountain lions or black bears pass through, under or over the cage or open-top enclosure, the licensee shall immediately repair or alter the cage or open-top enclosure to prevent the continued passage.

Sec. 19. NAC 504.478 is hereby amended to read as follows:

504.478 1. Any person:

(a) Who ~~["on or after February 28, 1994,"]~~ applies for and is granted an initial commercial or noncommercial license for ungulates; or

(b) Who:

(1) ~~["On February 28, 1994, holds"]~~ **Holds** any permit or license issued by the Department which authorizes the possession of live ungulates; and

(2) Adds to or rebuilds any existing enclosures for ungulates on the premises where the ungulates are most often kept, except for the performance of necessary repairs or maintenance,

➤ shall maintain, on the premises where the ungulates are most often kept, an enclosure for those ungulates that meets or exceeds the minimum requirements set forth in this section.

2. The enclosure must have a conventional perimeter fence which is at least 8 feet high for its entire length. The lower 6 feet of the fence must be constructed of:

(a) Woven wire or chain link which is no smaller than 12 1/2 gauge; or

(b) High-tensile woven wire which is no smaller than 14 1/2 gauge,

➤ of a mesh that is no larger than 6 inches by 8 inches. If the roll of fencing material is less than 6 feet in height it must be overlapped to attain 6 feet, and securely fastened at every other vertical row or woven together with cable, in such a manner as to eliminate gaps. Any supplemental wire used on

the upper 2 feet of the fence to attain the height of 8 feet must be constructed of smooth, barbed or woven wire which is no smaller than 12 1/2 gauge with strands spaced not more than 6 inches apart.

3. *The enclosure for ungulates listed in NRS 501.3845 or for ungulates that are of the family Cervidae must have an additional perimeter fence that surrounds the conventional perimeter fence described in subsection 2. The distance between the two fences must at least 8 feet apart and not more than 16 feet apart. The additional perimeter fence must comply with the requirements set forth in subsection 2.*

4. The posts used in a perimeter fence must:

- (a) Extend at least 8 feet above and 2 1/2 feet below the surface of the ground.
- (b) Be spaced not more than 24 feet apart with stays or supports at intervals between the posts of not more than 8 feet, except that no stays or supports are required for properly stretched high-tensile fences.
- (c) For corner posts, be:
 - (1) Constructed of pressure-treated wood which is not less than 5 inches in diameter; and
 - (2) Braced with wood or a suitable metal properly set in concrete.
- (d) For line posts, be constructed of:
 - (1) Pressure-treated wood which is not less than 4 inches in diameter; or
 - (2) Metal "T" posts which weigh not less than 1 1/4 pounds per foot.

~~[4.]~~ 5. Any gate in a perimeter fence must be:

- (a) Designed to close by itself; and
- (b) Equipped with two locking devices.

~~[5.]~~ 6. There must be no gate in any portion of a perimeter fence shared in common with another enclosure for the same species which is maintained by another licensee.

~~[6.]~~ 7. Materials for an electrical fence may be used on a perimeter fence only as a supplement to the materials required by this section.

~~[7.]~~ 8. If a perimeter fence is on uneven terrain, any hollows must be filled with suitable materials such as rock, hard-packed soil or logs.

~~[8.]~~ 9. A perimeter fence must be maintained in a condition that prevents the ingress and egress of ungulates. If any ungulates pass through, under or over the perimeter fence, the licensee shall immediately repair or alter the fence to prevent the continued passage.

Sec. 20. NAC 504.480 is hereby amended to read as follows:

504.480 1. A person who holds a commercial or noncommercial license for ungulates shall:

~~[1.]~~ (a) Maintain, on the premises where the ungulates are most often kept, a quarantine facility which is approved by both the Department of Wildlife and the State Department of Agriculture.

~~{2-}~~ (b) Allow agents of the Department of Wildlife or the State Department of Agriculture to inspect at any time that quarantine facility and any animals contained therein.

~~{3-}~~ (c) If a quarantine is imposed, quarantine ungulates in that quarantine facility.

~~{4-}~~ (d) Immediately report to the Department of Wildlife the death of any ungulate the person possesses under the authority of that license. ~~{The}~~ **Except as otherwise provided in subsection 2, the** Department of Wildlife may require the licensee to submit the ungulate to:

~~{(a)}~~ (1) A laboratory approved by the Department of Wildlife; or

~~{(b)}~~ (2) A licensed veterinarian who is accredited by the Federal Government,

→ for a postmortem examination to determine the cause of death.

2. If a person who holds a commercial or noncommercial license for ungulates reports to the Department of Wildlife the death of an ungulate that is of the family Cervidae, the Department of Wildlife shall require the licensee to submit the carcass of the ungulate, not later than 60 days after the death of the ungulate, to:

(a) A laboratory approved by the Department of Wildlife; or

(b) A licensed veterinarian who is accredited by the Federal Government,

→ **for a postmortem examination to test for chronic wasting disease.**

Sec. 21. NAC 504.486 is hereby amended to read as follows:

504.486 A person who holds an exhibitor's license issued by the Animal and Plant Health Inspection Service of the United States Department of Agriculture may exhibit in this State wildlife listed in that license, for not more than ~~{90}~~ **45** days, without obtaining any license or permit issued by the Department for the possession, transportation, importation or exportation of that wildlife.

Sec. 22. NAC 504.488 is hereby amended to read as follows:

504.488 A person who, on February 28, 1994, holds any permit or license issued by the Department that authorizes the possession of a live animal may, except as otherwise provided in the particular permit or license, continue to possess that animal and its progeny **that is born before January 1, 2022**, for the life of that animal and ~~{its}~~ **such** progeny ~~{-}~~ **without having to obtain a license pursuant to NAC 504.450 to 504.486, inclusive.** The animal and ~~{its}~~ **such** progeny:

1. Must not, if the animal is of a species listed in NAC 503.110, be released, sold, bartered, given away or traded within this State.

2. Must not, if the animal is not of a species listed in NAC 503.110, be:

(a) Released in this State without the prior written authorization of the Department; or

(b) Sold, bartered, given away or traded within this State except:

(1) Pursuant to the conditions set forth in the permit or license under which the animal and ~~{its}~~ **such** progeny are held; and

(2) To a person who holds a commercial or noncommercial license for the same species.

3. May be exported out of this State pursuant to applicable federal and state laws and any regulations adopted pursuant thereto.

Sec. 23. NAC 504.490 is hereby amended to read as follows:

504.490 1. The Department may issue a permit to rehabilitate wildlife.

2. Wildlife held pursuant to a permit to rehabilitate wildlife is the property of the people of the State of Nevada and must be turned over to the Department upon its request.
3. The name and telephone number of each facility used by a holder of a permit to rehabilitate wildlife is subject to public disclosure.
4. A permit to rehabilitate wildlife is valid only for the premises or locations described on the permit.
5. The Department will not issue a permit to rehabilitate wildlife for the rehabilitation of:
 - (a) Coyotes, foxes, skunks, raccoons, rats, mice, ground squirrels or bats;
 - (b) Any species of wildlife listed in NAC 503.110, whose possession is prohibited; ~~or~~
 - (c) *Any species of wildlife belonging to the family Cervidae; or*
 - (d) Any species of wildlife whose possession is prohibited by a county or city ordinance that applies to the premises or locations for which the permit is sought.

Sec. 24. NAC 504.492 is hereby amended to read as follows:

504.492 1. An application for a permit to rehabilitate wildlife may be obtained from:

- (a) The headquarters of the Department; or
- (b) The regional office of the Department in Fallon, Elko or Las Vegas.

2. The applicant must include on the application for a permit to rehabilitate wildlife:

- (a) The name of the applicant;
- (b) The physical and mailing addresses of the applicant's residence and place of employment;
- (c) The *cellular phone number of the applicant, if any, or* telephone number of the applicant's residence;
- (d) *The electronic mail address of the applicant, if any;*
- (e) The driver's license number , *driver authorization card number or instruction permit number* of the applicant, *if applicable*, if he or she has been issued a driver's license ~~or~~

~~(e)~~ *or obtained a driver authorization card or an instruction permit in accordance with NRS 483.291;*

- (f) The date of birth of the applicant;

~~(f)~~ *(g)* The street address or legal description of the premises or locations where the facilities to be used in rehabilitating the wildlife are or will be located;

~~[(g)]~~ (h) The name, business address and telephone number, and the signature of the practicing veterinarian licensed in this State who will examine, diagnose and perform veterinary services on and, if required, euthanize the injured, ill, orphaned or otherwise debilitated wildlife;

~~[(h)]~~ (i) The name, address and *cellular phone number, if any, or* telephone number of each person who will routinely:

- (1) Transport the wildlife to be rehabilitated; or
- (2) Assist the applicant at the facility where the wildlife will be rehabilitated;

~~[(i)]~~ (j) The specific species or taxa of wildlife to be rehabilitated,

including:

- (1) Amphibians;
- (2) Reptiles;
- (3) Passerine and nonpasserine birds, other than those birds in the order Falconiformes or Strigiformes;
- (4) Raptors and birds in the order Falconiformes or Strigiformes; and
- (5) Mammals;

~~[(j)]~~ (k) A detailed description of the experience which the applicant has in working with the species or taxa identified in the application, including, but not limited to:

- (1) Previous work, which can be verified, in rehabilitating wildlife;
- (2) Assistance to a person who holds a current license or permit to rehabilitate wildlife;
- and (3) Assistance to a licensed veterinarian who has routinely worked on wildlife;

~~[(k)]~~ (l) A complete description, including a diagram, of the holding facilities, cages or aquaria, as appropriate, that will be used to confine the wildlife during its rehabilitation;

~~[(l)]~~ (m) If the applicant currently holds or has previously held a similar license or permit in another state, the name of each state in which such a license or permit is held or has been held;

~~[(m)]~~ (n) If the applicant has been convicted of violating the laws or regulations relating to wildlife of any state or the United States Fish and Wildlife Service within the 5 years immediately preceding the date of the application, a description of each violation and the name of the state in which the conviction occurred;

~~[(n)]~~ (o) Whether, at the time of the application, the privileges granted to the applicant by another state or the United States Fish and Wildlife Service relating to the rehabilitation of wildlife are suspended or revoked; and

~~[(o)]~~ (p) The signature of the applicant and the date on which he or she signed the application.

3. The applicant must submit his or her application to the headquarters of the Department. If the applicant intends to rehabilitate wildlife for which he or she is required to obtain a special federal permit

from the United States Fish and Wildlife Service, the applicant must include with his or her application a copy of the permit or evidence satisfactory to the Department that approval for such a permit is pending. A permit to rehabilitate wildlife issued by the Department is not valid for the purposes of the rehabilitation of wildlife for which a federal permit is required until the Department receives a copy of the federal permit.

4. Before the Department will issue an initial permit to rehabilitate wildlife pursuant to this section, the applicant must provide to the Department:

- (a) Documentation which substantiates that the applicant has at least 2 years of practical experience working with a licensed rehabilitator of wildlife; or
- (b) A letter which is written by a licensed veterinarian who is experienced in the care of wildlife and which substantiates the qualifications of the applicant to rehabilitate wildlife.

5. If the applicant applies to rehabilitate bobcats, mountain lions or black bears, the applicant must comply with the standards for facilities established for those species in NAC 504.476.

Sec. 25. NAC 504.600 is hereby amended to read as follows:

504.600 1. An applicant for a license as a master guide must:

- (a) Be a competent person of good moral character.
- (b) Be 21 years of age or older.
- (c) Demonstrate knowledge of the wildlife laws and regulations of the State relevant to the license for which the applicant is applying by passing the examination required pursuant to NAC 504.608.
- (d) Submit proof with his or her application of current certification in:
 - (1) An American Red Cross course in standard first aid;
 - (2) An American Heart Association course in standard first aid; or
 - (3) An equivalent course in standard first aid. The applicant must submit proof with his or her application that this course meets or exceeds the requirements of the American Red Cross or the American Heart Association.
- (e) Provide proof of his or her United States Coast Guard license, if applicable. If a boat will be used to provide a service to a client and a United States Coast Guard license is not required, the applicant must provide proof that he or she has obtained a minimum score of 80 percent on the boating safety examination in *Boat Nevada*, a booklet which may be obtained free of charge from the Department . ~~of Wildlife, 1100 Valley Road, Reno, Nevada 89512.~~
- (f) If applying for a license for hunting services, provide proof that the applicant has successfully completed a course in the responsibilities of hunters approved by the Department.

2. Except as otherwise provided in subsection 6, in addition to the requirements of subsection 1, an applicant for a license as a master guide for hunting services or hunting and fishing services:

- (a) Must submit:

- (1) Proof that he or she possessed a valid subguide license in Nevada, or held an equivalent position in another state, Canadian province or foreign country, for at least 3 of the 5 years immediately preceding the date of the application;
- (2) Four letters of recommendation written by clients whom the applicant personally guided during the period described in subparagraph (1); and
- (3) Either:
 - (I) A letter of recommendation written by the master guide, registered guide, professional guide or outfitter who employed the applicant as a subguide, or an equivalent position, during the period described in subparagraph (1); or
 - (II) Proof that he or she spent a minimum of 15 days guiding clients in the field during the period described in subparagraph (1); or
- (b) Must submit proof that he or she held the position of, or was licensed in another state, Canadian province or foreign country as a master guide, registered guide, professional guide or outfitter and has at least 20 days of guiding experience for at least 2 of the 5 years immediately preceding the date of the application.
3. Except as otherwise provided in this subsection, an application for the issuance or renewal of a master guide license must be received by the Department on or before May 31 of the current year. An application for renewal received after May 31 but before July 1 will be processed and a warning letter will be issued for the first occurrence within 3 years. Any subsequent late application for renewal submitted within 3 years after the receipt of a late application will be denied. An application for renewal received on or after July 1 will not be processed, and all fees will be returned. The denial of or refusal to process an application for the issuance or renewal of a master guide license pursuant to this subsection does not preclude the submission of a timely application for the issuance or renewal of such a license in the next ensuing license year.
4. An applicant for a license as a subguide must:
 - (a) Satisfy the requirements outlined in paragraphs (a), (c), (d), (e) and (f) of subsection 1; and
 - (b) Be 18 years of age or older.
5. An application for the renewal of a license as a master guide or subguide must include proof of current certification in standard first aid, as described in paragraph (d) of subsection 1.
6. An applicant for a license as a master guide is not required to comply with the provisions of subsection 2 if:
 - (a) He or she is applying only to provide fishing services; and
 - (b) His or her license as a subguide or an equivalent position, as applicable, is not currently suspended or revoked.
7. As used in subsection 2, “proof” means a copy of an official record maintained by a state agency or board that issues a license to act as a guide or outfitter.

Sec. 26. NAC 504.685 is hereby amended to read as follows:

504.685 1. Before providing a service to a client, a licensed master guide must furnish the client with a contract:

(a) Stating:

- (1) The type of service to be provided, including, without limitation, food, lodging, transportation, caping, field dressing services and the packing out of harvested wildlife.
- (2) The dates on which guide services are to be provided.
- (3) The fee schedule for the guide's services.
- (4) The maximum number of clients which may accompany a guide on any one occasion.
- (5) The master guide's policy regarding the cancellation and amendment of a contract for guide services.
- (6) The master guide's policy regarding the return of a deposit if the contract is cancelled.
- (7) Whether the client can expect to be guided by a person other than the master guide.

(b) Signed by the master guide and the client.

2. A contract must be provided to every client whether or not the master guide does the actual guiding.

3. A master guide shall provide the client with a contract signed by the master guide within 30 days after receipt of a deposit for future guide services.

4. Only the master guide may enter into a contract with a client.

5. A subguide, with authorization from the master guide, may present a contract to a client for the purpose of obtaining the client's signature. If a subguide presents a contract to a client:

- (a) The contract must contain the original signature of the master guide;
- (b) The subguide shall not alter the provisions of the contract unless he or she receives authorization from the master guide; and
- (c) If applicable, the subguide shall initial and date any alterations made to the contract.

6. The master guide shall retain all original signed contracts for not less than 3 years.

7. ~~If requested, the~~ ***At all times while transporting, providing a service to or otherwise in the company of a client, the master guide or the subguide shall carry on his or her person or otherwise have readily available in the field a copy of the contract required by this section. If requested:***

(a) The resident master guide or resident or nonresident subguide shall provide the copy of the contract to an agent of the Department authorized to enforce the provisions of NAC 504.590 to 504.711, inclusive, while transporting, providing a service to or otherwise in the company of a client; and

(b) For all other times when the resident master guide or the resident or non resident subguide is not transporting, providing a service to or otherwise in the company of a client,

the master guide shall provide , *within 24 hours of receiving the request*, any contracts to an agent of the Department authorized to enforce the provisions of NAC 504.590 to 504.711, inclusive.

8. *At all times while transporting, providing a service to or otherwise in the company of a client in this State,*

a) a nonresident master guide or resident or nonresident subguide shall carry on his or her person or otherwise have readily available while transporting, providing a service to or otherwise in the company of a client a copy of the contract required by this section for inspection by any agent of the Department; and

b) Whenever guiding in this State, a nonresident master guide shall keep copies of all contracts for clients guided in the State during the current calendar year readily available for inspection by any agent of the Department.

Sec. 27. NAC 504.688 is hereby amended to read as follows:

504.688 1. Licensed master guides and subguides shall keep and have available complete, current and accurate records regarding their clients.

2. Records regarding clients must be written on forms furnished by the Department to all licensed master guides. These forms will include spaces for: (a) The client's name.

(b) The client's hunting or fishing license number, whichever is applicable.

(c) The client's tag or permit number, if a tag or permit is required by the Department.

(d) The dates, specifying the days, months and years, on which the client was guided.

(e) The date, specifying the day, month and year, on which each species of wildlife was harvested, the species harvested and the number of the species harvested.

(f) The point class of the animal harvested if the animal is a deer or elk.

(g) The management unit where each animal was harvested.

(h) The name of each of the guides who guided the client.

3. A guide shall:

(a) Make the initial entry in the records that are required pursuant to subsection 2 on the first day that he or she provides guide services to the client; **[and]**

(b) Make the final entry in the records required pursuant to subsection 2 on the final day guide services are provided to the client **[;]**; *and*

(c) *Keep the records in the primary method of transportation used by the guide at all times while transporting, providing a service to or otherwise in the company of a client.*

4. The master guide shall submit to the Department all original record forms for his or her clients for the immediately preceding license year, including the record forms of any subguides employed by the master guide, by certified mail, return receipt requested, not later than the last day of May of the year for which the guide is currently licensed. If:

(a) No clients were guided during the immediately preceding license year, the master guide shall submit one page from his or her client record book and one page from the client record book of each subguide employed by the master guide, with the notation “no clients” written on the page.

(b) A master guide fails to submit the record forms for his or her clients on or before the last day of May, the Department will give the master guide electronic or written notice of that fact. If the master guide fails to submit the required forms on or before June 30, the Department may deny the master guide’s application for renewal for the next ensuing license year.

(c) A master guide fails to submit the record forms for his or her clients on or before the last day of May two or more times within a 3-year period, the Department may deny the master guide’s application for renewal for the next ensuing license year.

5. The master guide and subguide shall present his or her clients’ records for inspection :

(a) Upon request to an agent of the Department authorized to enforce the provisions of NAC 504.590 to 504.711, inclusive, while the master guide or subguide is transporting, providing a service to or otherwise in the company of a client; and

(b) For all other times when the master guide or subguide is not transporting, providing a service to or otherwise in the company of a client, at any reasonable hour or place to any agent of the Department authorized to enforce the provisions of NAC 504.590 to 504.711, inclusive.

Sec. 28. NAC 504.693 is hereby amended to read as follows:

504.693 At all times while transporting, providing a service to or otherwise in the company of a client, a master guide or subguide shall carry on his or her person or otherwise have readily available:

1. His or her valid master guide or subguide license issued by the Department or a legible, unaltered copy of the license; ~~and~~

2. If applicable, the valid original or a legible, unaltered copy of the portion of the special use permit and annual letter of authorization issued to the master guide by the federal land management agency having jurisdiction within the wildlife management area or unit that contains the:

(a) Name of the master guide or the name of his or her guiding business; and

(b) Description of the wildlife management area or unit, or other geographic area where the master guide is authorized to guide pursuant to the special use permit ~~and~~;

3. The contract required by NAC 504.685 in the manner set forth in subsection 7 or 8 of NAC 504.685, as applicable; and

4. The records required by NAC 504.688 in the manner set forth in paragraph (c) of subsection 3 of NAC 504.688.

Sec. 29. NAC 504.320 is hereby repealed.

TEXT OF REPEALED SECTION

504.320 Crittenden-Dake Reservoir Cooperative Wildlife Management Area.

The Crittenden and Dake Reservoirs and an area 100 feet wide surrounding these reservoirs are the Crittenden-Dake Reservoir Cooperative Wildlife Management Area. The following activities are prohibited on these areas:

1. Towing a person on water skis, a surfboard, an inflatable device or any similar device.
 2. Overnight camping.
 3. Entering land posted as off-limits above the crossfence at the upper end of Crittenden Reservoir.
- Vehicles may be parked only in areas designated by the Department.

**STATE OF NEVADA
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B**

Commission General Regulation 497 LCB File No. RXXX-XX NAC 504 Simplification

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commissioners. Note: Small business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

ANSWER:

This regulation does not regulate any small businesses. Therefore, the Department concluded that there would be no small business impact.

2. Describe the manner in which the analysis was conducted:

ANSWER:

Analysis was not conducted because the Department concluded that there would be no impact to small businesses.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- a.) Both adverse and beneficial effects:
- b.) Both direct and indirect effects:

ANSWER:

There will be no economic effect on small businesses by the proposed regulation.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

ANSWER:

The Department concluded that there would be no impact to small businesses.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

ANSWER:

There will be no additional cost to the Department for the enforcement of this regulation.

6. If the proposed 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:

ANSWER:

This regulation will not propose new fees or increase fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

ANSWER:

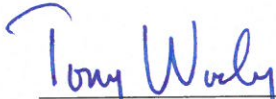
This regulation does not overlap or duplicate any local, state, or federal regulation.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

ANSWER:

This regulation does not regulate any small businesses. Therefore, the Department concluded that there would be no small business impact and no need for a small business impact statement.

I hereby certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.



Tony Wasley, Director
Nevada Department of Wildlife