

**STATE OF NEVADA
NEVADA DEPARTMENT OF WILDLIFE
NEVADA BOARD OF WILDLIFE COMMISSION**

**NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED
REGULATIONS**

The Nevada Department of Wildlife is proposing the adoption of regulations pertaining to Chapter 502 and 503 of the Nevada Administrative Code. A workshop will be held during the Board of Wildlife Commissioners Meeting at the Washoe County Administrative Building A, Commission Chambers, 1001 E. Ninth Street, Reno, NV 89512, on November 4th, 2022, at 8:00 am. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

Commission General Regulation 500, Subdivision Map Review, LCB File No. R162-22

The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 502 to provide for the Department review of tentative subdivision map(s) and inclusion of recommendations for methods to avoid or minimize impacts to wildlife, mitigation measures, best management practices or required design features, and provide for collection of associated fees to the Department for carrying out such reviews.

Commission General Regulation 502, Junior Hunt and Turkey Program, LCB File No. R051-21

The Commission will hold a second workshop to consider amending Nevada Administrative Code (NAC) 502 to limit the number of successfully awarded tags in the junior hunt program. The regulation also removes hard close dates for submitting a turkey harvest return card and allows for junior turkey bonus points to convert to the adult point category once a junior is ineligible to participate in the junior hunt turkey program.

Commission General Regulation 506, Possession of Golden Eagles Under Certain Circumstances, LCB File No. 160-22

The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 503 to allow for possession of a golden eagle under certain circumstances.

Commission General Regulation 509, License and Vessel Product Refunds

The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 502 and 488 to allow the Department authority to provide refunds on licenses and vessel products.

Commission General Regulation 510, FCFS Exchange to Obtain a Tag

The Commission will hold a workshop to consider a temporary regulation amending Nevada Administrative Code (NAC) 502 that would include any money, goods, or services exchanged for procurement of a tag through the FCFS program as grounds for suspension from the program.

The regulation language is subject to change following the discussions and deliberations of the Commission.

Public comment will be taken on each action item following Commission discussion and before any action is taken. The content of written comments should be consistent with the three (3) minute public comment period allowed during normally conducted meetings.

If a comment is excessively lengthy, the Commission reserves the right to review only that portion that is consistent with this policy. Persons are invited to submit written comments to wildlifecommission@ndow.org 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.

This Notice of Workshop and support material will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Persons wishing to request a copy of this notice and the mentioned regulations may contact Meghan Beyer at meghan.beyer@ndow.org.

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/>

http://www.ndow.org/Public_Meetings/Public_Notices/

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

10/18/2022

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

LCB File No. R160-22

September 12, 2022

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

AUTHORITY: §§ 1, 2, 4, 6-12 and 14-20, NRS 501.105, 501.181, 503.582, 503.583 and 503.610; §§ 3, 5 and 13, NRS 501.105, 501.181, 503.582, 503.583, 503.597 and 503.610.

A REGULATION relating to wildlife; setting forth the requirements for possessing a golden eagle in this State, obtaining an eagle permit and using a golden eagle in the practice of falconry; establishing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a person who is licensed as a master falconer and who meets certain federal conditions to possess a golden eagle that is obtained from the wild if the golden eagle: (1) is obtained for rehabilitation purposes; (2) is legally obtained in another state; (3) is legally possessed by a master falconer in another state and that master falconer moves to this State; or (4) is transferred to the master falconer from another falconer in a manner authorized by regulations adopted by the Board of Wildlife Commissioners. Existing law authorizes the Commission to adopt regulations that authorize such a person to transport, transfer, possess or use a golden eagle in falconry. If such transportation, transfer, possession or use in falconry is authorized, existing law further requires a person who possesses a golden eagle to obtain an eagle permit. An eagle permit: (1) is deemed to be a permit to possess a golden eagle for the purposes of certain provisions of federal law; and (2) authorizes the holder to lawfully transport, transfer, possess or use a golden eagle in falconry in the manner set forth in the eagle permit. (50 C.F.R. § 22.70, NRS 503.610)

Section 3 of this regulation prohibits, with certain exceptions, a person from possessing a golden eagle that is obtained from the wild or using a golden eagle in falconry unless the person: (1) has a valid master falconry license and an eagle permit; and (2) if the person rehabilitates a golden eagle, has a valid permit to do so. **Section 3** further: (1) authorizes, under certain circumstances, a person who is not a resident of this State to use a golden eagle in the practice of falconry in this State; and (2) requires certain persons who move to this State with the intent to make this State their permanent residence to obtain a master falconry license and an eagle permit not later than 60 days after becoming a resident.

Section 13 of this regulation makes a conforming change to create an exception to the requirement that a person who moves to this State obtain a falconry license from the Department of Wildlife not more than 30 days after becoming a resident.

Section 17 of this regulation makes a conforming change to make an exception to the prohibition on the taking, transportation, possession or use of golden eagles in the practice of falconry.

Section 2 of this regulation defines the term “eagle permit.”

Section 4 of this regulation sets forth the requirements for an application for and the renewal of an eagle permit.

Section 5 of this regulation sets forth the requirements for a person who is not a resident of this State to obtain authorization to use a golden eagle in the practice of falconry in this State.

Section 6 of this regulation requires a master falconry licensee with an eagle permit to ensure that any golden eagle in his or her possession is in good condition.

Existing regulations set forth various requirements for each facility that houses a raptor. (NAC 503.375-503.395) **Section 7** of this regulation: (1) provides that such requirements apply to a golden eagle; and (2) requires a master falconry licensee who has an eagle permit to ensure that each facility that houses a golden eagle be at least 12 feet long, 12 feet wide and 8 feet tall.

Section 12 of this regulation makes a conforming change to indicate the proper placement of **section 7** in the Nevada Administrative Code.

Section 8 of this regulation: (1) prohibits, with certain exceptions, a master falconry licensee from possessing a golden eagle for rehabilitation for more than 2 years after the date on which the master falconry licensee receives the golden eagle for rehabilitation; and (2) sets forth certain requirements for releasing a golden eagle from rehabilitation.

Section 9 of this regulation authorizes the Department to suspend, revoke or deny the issuance or renewal of an eagle permit under certain circumstances.

Section 10 of this regulation requires the Department to impose a civil penalty of \$1,000 against any person, firm, company, corporation or association who unlawfully kills, destroys, wounds, traps, injures, possesses dead or alive, or in any other manner catches, captures, takes or removes from the wild, or to pursue with such intent, the birds known as the bald eagle and the golden eagle, or takes or removes from the wild, injures, possesses or destroys the nests, eggs or newly hatched offspring of such birds.

Section 11 of this regulation amends the definition of the term “raptor” so that it includes a golden eagle and so that the various regulations relating to raptors apply to golden eagles.

Existing regulations set forth certain conditions for retaining raptor feathers that are molted or are from raptors held in captivity that die and provides that such feathers may be retained and exchanged for imping purposes only. (NAC 503.205) **Section 12** provides that a master falconry licensee who has an eagle permit may only possess primary wing feathers and not more than 12 tail feathers of a golden eagle for imping purposes.

Existing regulations authorize the Department to deny the issuance or renewal of any class of falconry license or permit if the applicant has been convicted of a violation of the provisions of the Nevada Administrative Code relating to raptors. (NAC 503.235) **Section 14** of this regulation clarifies that such provisions include **sections 2-10**.

Existing regulations prohibit a master falconry licensee from possessing more than five raptors. (NAC 503.250) **Section 15** of this regulation prohibits, with certain exceptions, a master falconry licensee from possessing more than two golden eagles.

Existing regulations require a person holding a falconry license to allow the Department's employees to enter his or her premises at any reasonable hour to conduct certain inspections related to raptors, including the facilities that house raptors. (NAC 503.260) **Section 16** of this regulation clarifies that this provision also applies to facilities that house golden eagles.

Section 18 of this regulation clarifies that the provisions of the Nevada Administrative Code that require each raptor to be housed in humane and healthful conditions also apply to golden eagles.

Existing regulations provide that the owner of a raptor that dies may: (1) keep or donate the feathers; (2) donate the body of the raptor to certain persons; (3) under certain circumstances, have the raptor mounted by a taxidermist; or (4) dispose of the body and feathers of the raptor. (NAC 503.460) **Section 19** of this regulation provides that if a golden eagle in the possession of a master falconry licensee dies, the licensee is required to surrender the body and feathers of the golden eagle to the Department not later than 5 business days after the discovery of the death.

Existing regulations provide that the provisions of the Nevada Administrative Code related to raptors must not be construed to exempt any person from the provisions of federal law relating to raptors or falconry. (NAC 503.470) **Section 20** of this regulation clarifies that this requirement also applies to the provisions of **sections 2-10**.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *As used in NRS 503.610 and NAC 503.200 to 503.470, inclusive, and sections 2 to 10, inclusive, of this regulation, "eagle permit" means a permit issued by the Department pursuant to NRS 503.610 authorizing a person who is a master falconry licensee to transport, transfer, possess or use a golden eagle in falconry.*

Sec. 3. 1. *Except as otherwise provided in this section, a person shall not possess a golden eagle that is obtained from the wild or use a golden eagle in falconry unless the person:*

(a) Has a valid master falconry license issued by the Department pursuant to NAC 503.240;

(b) Has a valid eagle permit issued pursuant to section 4 of this regulation;

(c) Has a current and valid hunting license issued pursuant to chapter 502 of NRS; and

(d) If the person rehabilitates a golden eagle, has a valid permit to rehabilitate raptors pursuant to NAC 503.315.

2. A person who is not a resident of this State, holds a valid master falconry license issued by the appropriate agency of the jurisdiction in which the person resides and otherwise legally possesses a golden eagle in that jurisdiction may use the golden eagle in the practice of falconry in this State if the person:

(a) Possesses a valid nonresident hunting license issued pursuant to chapter 502 of NRS; and

(b) Obtains written authorization from the Department pursuant to section 5 of this regulation.

3. If a person moves to this State with the intent to make this State his or her permanent residence and lawfully brings a golden eagle into this State, the person must obtain a master falconry license pursuant to NAC 503.240 and an eagle permit pursuant to section 4 of this regulation not later than 60 days after becoming a resident of this State.

Sec. 4. 1. An applicant for an eagle permit must include on his or her application for the eagle permit:

(a) The name of the applicant.

(b) The physical and mailing address of the applicant's residence.

(c) The telephone number of the applicant's residence.

(d) The date of birth of the applicant.

(e) The driver's license number of the applicant, if he or she has been issued a driver's license.

(f) The social security number of the applicant.

(g) A copy of the applicant's current and valid master falconry license.

(h) A copy of the applicant's current and valid hunting license issued pursuant to chapter 502 of NRS.

(i) If the applicant is a raptor rehabilitator, a copy of the applicant's permit to rehabilitate raptors issued pursuant to NAC 503.315.

(j) Two letters of reference from persons who hold master falconry licenses in this State or another state and who lawfully possess a golden eagle in the United States. Each letter must:

(1) Assess the applicant's ability to care for golden eagles and fly golden eagles in falconry.

(2) Contain a concise history of the author's experience with golden eagles, including, without limitation, whether the author has experience in handling golden eagles in zoos, rehabilitating golden eagles or scientifically studying golden eagles.

(k) A narrative explanation of the applicant's direct experience with golden eagles or other large raptors. The narrative explanation must include, without limitation, information about the species of raptor with which the applicant has direct experience and the type and duration of activity in which the applicant acquired such direct experience.

(l) Proof that the facility in which the applicant currently houses raptors conforms to the applicable requirements of NAC 503.375 to 503.395, inclusive, and section 7 of this regulation.

(m) Proof that the facility in which the applicant will house a golden eagle conforms to the requirements of NAC 503.375 to 503.395, inclusive, and section 7 of this regulation.

(n) Any other information that the Department determines is necessary and related to whether the applicant will safely and humanely house, care for and possess a golden eagle.

2. *An eagle permit is valid for 1 year.*

3. *A master falconry licensee with an eagle permit may apply to renew the eagle permit by submitting an application that meets the requirements set forth in subsection 1.*

Sec. 5. 1. *A person who is not a resident of this State, is licensed as a master falconer in another state, legally possesses a golden eagle in that state and wishes to use that golden eagle in the practice of falconry in this State pursuant to section 3 of this regulation shall submit to the Department a form prescribed by the Department that includes, without limitation, the date or dates on which the person wants to use the golden eagle in the practice of falconry in this State. Upon confirmation that the person meets the requirements set forth in section 3 of this regulation to use the golden eagle in the practice of falconry in this State, a representative of the Department must sign and return the form to the person.*

2. *Any person who is not a resident of this State who uses a golden eagle in the practice of falconry in this State shall have in his or her possession during the hunt and have ready for inspection by a game warden or representative of the Department:*

(a) *His or her master falconry license issued by his or her state of residence and any other documents from his or her state of residence that prove that he or she legally possesses the golden eagle;*

(b) *A nonresident hunting license issued pursuant to chapter 502 of NRS; and*

(c) *The form that is obtained and signed pursuant to subsection 1.*

Sec. 6. 1. *A master falconry licensee with an eagle permit must ensure that any golden eagle in his or her possession is in good condition.*

2. *Except as otherwise provided in this section, a golden eagle is not in good condition if:*

(a) *More than five primary flight feathers are broken;*

(b) More than four tail feathers are broken;

(c) The body weight of the golden eagle indicates malnourishment, as determined by the Department; or

(d) The golden eagle has an excessive parasite load, as determined by the Department.

3. If the Department determines that a golden eagle that is in the possession of a master falconry licensee is not in good condition, the Department may:

(a) Remove the golden eagle from the possession of the master falconry licensee; or

(b) Provide the master falconry licensee with an opportunity to improve the condition of the golden eagle for a period not to exceed 6 months. If the Department provides a master falconry licensee such an opportunity, the master falconry licensee must, before the end of the period, provide the Department with written confirmation from a qualified veterinarian that the golden eagle is in good condition or the Department may remove the golden eagle from the possession of the master falconry licensee.

4. The provisions of this section do not prohibit a master falconry licensee who has an eagle permit and is a raptor rehabilitator to rehabilitate a golden eagle that has one or more of the conditions described in subsection 2.

Sec. 7. In addition to the requirements of NAC 503.375 to 503.395, inclusive, a master falconry licensee who has an eagle permit must ensure that each facility that houses an individual golden eagle in his or her possession is at least 12 feet in length, 12 feet in width and 8 feet in height.

Sec. 8. 1. Except as otherwise provided in this section, a master falconry licensee shall not possess a golden eagle for purposes of rehabilitation for more than 2 years after the date on which the master falconry licensee receives the golden eagle for rehabilitation.

2. A master falconry licensee that possesses a golden eagle for purposes of rehabilitation shall not release the golden eagle into the wild until the golden eagle has been declared rehabilitated by the Department or a licensed veterinarian, raptor rehabilitator or wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service.

3. If a golden eagle is not rehabilitated within 2 years after being in the possession of the master falconry licensee, the master falconry licensee must notify the Department in the manner required by the Department. Such notification must be received by the Department not later than 30 days after the expiration of the 2-year period described in subsection 1. The Department may authorize the master falconry licensee to possess the golden eagle for more than 2 years.

4. A rehabilitated golden eagle must be released in a location that is as close as possible to where the golden eagle was captured, taken or removed from the wild.

Sec. 9. 1. *The Department may deny issuance or renewal of an eagle permit or may suspend or revoke an eagle permit if the applicant or holder of the eagle permit:*

(a) Made a material misstatement in or falsified any document required for an application for an eagle permit;

(b) Failed to provide or maintain the housing and care for a golden eagle that is required by NAC 503.375 to 503.395, inclusive, and section 7 of this regulation;

(c) Failed to ensure that a golden eagle was maintained in good condition, as described in section 6 of this regulation;

(d) Has been convicted of violating any provision of NAC 503.200 to 503.470, inclusive, and sections 2 to 10, inclusive, of this regulation; or

(e) Has been convicted of violating any law or regulation of any state or the federal government relating to animal welfare or wildlife.

2. A person whose eagle permit was denied, suspended or revoked by the Department may appeal to the Commission.

Sec. 10. *The Department shall impose a civil penalty of \$1,000 against any person, firm, company, corporation or association who violates subsection 1 of NRS 503.610.*

Sec. 11. NAC 503.200 is hereby amended to read as follows:

503.200 As used in NAC 503.200 to 503.470, inclusive, *and sections 2 to 10, inclusive, of this regulation*, unless the context otherwise requires:

1. “Abatement” means the training and use of a raptor to flush, haze or take wildlife for the purpose of mitigating depredation and nuisance problems, including, without limitation, threats to human health and safety.

2. “Bate” means to attempt to fly while tethered.

3. “Captive-bred” or “bred in captivity” means raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

4. “Captivity” means a live raptor that is held in a controlled environment which is intensively manipulated by humans for the purpose of producing raptors of selected species, and which has boundaries designed to prevent raptors, eggs or gametes of the selected species from entering or leaving the controlled environment.

5. “Eyas” means a nestling bird not yet capable of flight.

6. “Facility” means an indoor or outdoor facility used for housing a raptor.

7. “Falconry” means the sport of taking, or attempting to take, quarry by means of a trained raptor.

8. “Falconry licensee” means a person who holds an apprentice, general or master falconry license.

9. “Form 3-186A” means:

(a) Form 3-186A provided by the United States Fish and Wildlife Service; or

(b) If the United States Fish and Wildlife Service no longer provides Form 3-186A, any form provided by the Department for reporting the acquisition, transfer, release, loss, rebanding, implantation, death or theft of a raptor.

10. “Hack” means to train a raptor for falconry by temporarily releasing and subsequently taking the raptor.

11. “Hybrid raptor” means a raptor that is:

(a) The offspring of raptors listed as two or more distinct species in 50 C.F.R. § 10.13; or

(b) The offspring of raptors recognized by ornithological authorities as two or more distinct species listed in 50 C.F.R. § 10.13.

12. “Owner of a raptor” means a person who has reported the acquisition of a raptor to the Department on Form 3-186A and who has not subsequently reported the transfer, release, loss, death or theft of the raptor to the Department on Form 3-186A.

13. “Passage” means a bird that has fledged and is less than 1 year of age.

14. “Raptor” means a live migratory bird of the order *Accipitriformes*, *Falconiformes* or *Strigiformes*, other than the bald eagle (*Haliaeetus leucocephalus*), ~~for the golden eagle (*Aquila chrysaetos*)~~, regardless of whether the raptor was originally taken from the wild or is a captive-bred raptor, is a hybrid raptor, is protected under the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq., or is used in falconry.

15. “Raptor rehabilitator” means a person who has been issued a permit to rehabilitate raptors pursuant to NAC 503.315.

16. “Retake” means to take, by a falconry licensee who is not the person who originally identified the raptor as a falconry raptor, a raptor that has been marked with a leg band, transmitter or any other item identifying it as a falconry raptor.

17. “Take” means to trap or capture, or attempt to trap or capture, a raptor for the purpose of falconry.

Sec. 12. NAC 503.205 is hereby amended to read as follows:

503.205 1. Except as otherwise provided in subsection 4 and NAC 503.228, 503.405 and 503.415, it is unlawful for any person to hunt, trap, possess or sell any species of owl, hawk or other bird of prey, including any raptor or its parts, without first obtaining a license or permit from the headquarters of the Department.

2. The Department shall not issue a license or permit authorizing a person to possess a raptor unless the facility at which the raptor will be housed satisfies the requirements of NAC 503.375 to 503.395, inclusive ~~H~~, *and section 7 of this regulation.*

3. A person shall not transport, fly or otherwise work with a raptor outside of the facility at which the raptor is housed without having the license or permit required pursuant to subsection 1 in his or her immediate possession.

4. A falconry licensee who lawfully possesses a raptor may allow a person who is not a falconry licensee to hold or practice flying the raptor if the falconry licensee is present and supervising the person.

5. Raptor eggs may not be taken or possessed, except that raptor eggs laid by a bird in the possession of a person who holds a permit for captive propagation of raptors may be possessed if

the holder of the permit notifies the headquarters of the Department in writing within 5 business days after the first egg has been laid. Eggs laid by a raptor held under the authority of a falconry license must be reported by the falconry licensee to the Department within 5 business days after the first egg has been laid. The falconry licensee will dispose of the egg as directed by the Department.

6. Raptor feathers that are molted or are from raptors held in captivity that die, may be retained and exchanged by falconry licensees for imping purposes only and subject to the following conditions:

(a) Raptor feathers may not be purchased, sold or bartered.

(b) A falconry licensee may:

(1) Possess feathers for each species of raptor he or she lawfully possesses or has possessed ~~§ 21.12~~, *except that a master falconry licensee who has an eagle permit may only possess primary wing feathers and not more than 12 tail feathers of a golden eagle;*

(2) Receive feathers for each species of raptor he or she lawfully possesses or has possessed from any other falconry licensee, a propagator in the United States, a raptor rehabilitator or a wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service; and

(3) Donate feathers to a falconry licensee, a propagator in the United States, a raptor rehabilitator, a wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service, any person otherwise authorized by a license or permit to acquire and possess raptor feathers or any person or institution exempt from those license or permit requirements pursuant to 50 C.F.R. § 21.12.

(c) If a license or permit authorizing a person to possess raptor feathers expires or is revoked, any raptor feathers possessed by the person must be:

(1) Donated to a falconry licensee, a propagator in the United States, a raptor rehabilitator, a wildlife rehabilitator licensed or permitted by the Department or the United States Fish and Wildlife Service, any person otherwise authorized by a license or permit to acquire and possess raptor feathers or any person or institution exempt from those license or permit requirements pursuant to 50 C.F.R. § 21.12; or

(2) Burned, buried or otherwise destroyed.

Sec. 13. NAC 503.220 is hereby amended to read as follows:

503.220 1. It is unlawful, except by the written consent and approval of the Department, for any person at any time to receive, bring, or have brought or shipped into the State of Nevada, or to remove from one portion of this State to any other portion or to any other state, any raptor or any eggs or young of any raptor.

2. Any falconry licensee whose license lists the raptors in his or her possession may bring into this State or remove to any other state any raptor listed on the license without having a permit for importation or exportation if a seamless leg band or a permanent, nonreusable and numbered leg band which is supplied by the United States Fish and Wildlife Service or the Department, as appropriate, is attached to the raptor.

3. A falconry licensee who:

(a) Is a resident of this State;

(b) Possesses a raptor pursuant to his or her license; and

(c) Moves to another state and brings the raptor to the other state pursuant to subsection 2,

↪ shall, not later than 30 days after the move, notify the Department of the move and provide to the Department his or her current residential address.

4. A person who is not a resident of this State and who holds a valid falconry license issued by the appropriate agency of the jurisdiction in which the person resides may bring into or remove from this State a raptor in his or her possession under the authority of that falconry license without having a permit for the importation or exportation of a raptor issued by the Department if a seamless leg band or a permanent, nonreusable and numbered leg band which is supplied by the United States Fish and Wildlife Service or the appropriate agency of the jurisdiction which issued the license if required, as appropriate, is attached to the raptor.

5. A person who:

(a) Moves to this State with the intent to make this State his or her permanent residence; and

(b) Brings a raptor into this State pursuant to subsection 4,

↪ may , *except as otherwise provided in section 3 of this regulation*, continue to possess the raptor for not more than 30 days after becoming a resident of this State pursuant to NRS 502.015 before he or she must obtain a falconry license from the Department.

6. A raptor taken from the wild in Nevada by a resident of this State may not be permanently removed from this State unless the:

(a) Resident holds a valid license issued by the Department pursuant to NRS 503.583 and leaves this State to establish his or her domicile in another state; or

(b) Raptor has been held for at least 1 year.

Sec. 14. NAC 503.235 is hereby amended to read as follows:

503.235 1. Except as otherwise provided in subsection 9 and NAC 503.415, a person who is a resident of the State of Nevada and who practices falconry or trains birds of prey must obtain

a falconry license of the proper class from the Department. An applicant for a falconry license must include on his or her application:

- (a) The name of the applicant;
- (b) The physical and mailing address of the applicant's residence;
- (c) The telephone number of the applicant's residence;
- (d) The date of birth of the applicant;
- (e) The driver's license number of the applicant, if he or she has been issued a driver's license;
- (f) The social security number of the applicant;
- (g) The number of raptors the applicant possesses and the species of each;
- (h) The age of each raptor, if known;
- (i) The sex of each raptor, if known;
- (j) The source and date of acquisition of each raptor;
- (k) The leg band number, if required, of each raptor;
- (l) Except as otherwise provided in paragraph (m), the applicant's signature and the date on which he or she signed the application;
- (m) For an applicant who is less than 18 years of age, the signature of a parent or legal guardian of the applicant; and
- (n) For an application for an apprentice falconry license, a certification statement in substantially the following form:

I certify that I have read and am familiar with the provisions of Part 13 of Title 50 of the Code of Federal Regulations and any other applicable sections of Subchapter B of Chapter

I of Title 50 of the Code of Federal Regulations and that the information I have submitted is complete and accurate to the best of my knowledge and belief. I understand that any intentionally false statement herein may subject me to criminal penalties under federal law, as set forth in 18 U.S.C. § 1001.

2. If the applicant has moved to this State with the intention of making this State his or her permanent residence and the applicant holds a falconry license issued by the state from which he or she is moving, the applicant may attach a copy of his or her falconry license to his or her application in lieu of taking the examination required by subsection 4. If the applicant fails to attach a copy of his or her falconry license issued by the applicant's previous state of residence, he or she will be required to take the examination required by subsection 4.

3. If the applicant has moved to this State with the intent to make this State his or her permanent residence and the applicant holds a falconry license issued by a country other than the United States, the applicant must attach a copy of his or her falconry license to his or her application and must take the examination required by subsection 4 before being issued a falconry license. If the applicant correctly answers 80 percent of the questions on the examination, the Department shall determine, based on the requirements of NAC 503.240 and any documentation of experience in falconry submitted by the applicant, which class of falconry license to issue to the applicant.

4. Except as otherwise provided in subsections 2 and 3, before the Department issues a falconry license pursuant to this section or reinstates a falconry license pursuant to paragraph (b) of subsection 5, the applicant must correctly answer at least 80 percent of the questions on a supervised examination approved by the United States Fish and Wildlife Service and

administered by the Department. The examination will test the applicant's knowledge of basic biology, the care and handling of raptors, and the literature, laws, and regulations, and other subjects relating to falconry. Failure of the examination will result in a 30-day waiting period after the date of the written examination before reexamination.

5. If the falconry license of an applicant has been expired:

(a) For less than 5 years, the Department may reinstate the license at the class previously held by the applicant if the applicant provides evidence satisfactory to the Department that the applicant previously held that class of license; or

(b) For 5 years or more, the Department may reinstate the license at the class previously held by the applicant if the applicant:

(1) Provides evidence satisfactory to the Department that the applicant previously held that class of license; and

(2) Correctly answers at least 80 percent of the questions on the examination required by subsection 4.

6. A person must possess a valid falconry license when practicing falconry. In addition, a person who releases a raptor at game birds or game mammals during the open season must possess a valid hunting license issued by the Department.

7. The Department may deny issuance or renewal of any class of falconry license or permit if the applicant has been convicted of a violation of any provision of NAC 503.200 to 503.470, inclusive ~~H~~, *and sections 2 to 10, inclusive, of this regulation*. An applicant whose license has been denied may appeal the denial to the Commission.

8. A person who is not a resident of the State of Nevada and who possesses a valid falconry license issued by the state or country of which he or she is a resident does not have to obtain a

falconry license of the proper class from the Department to practice falconry while visiting this State.

9. A person who possesses a raptor solely for commercial displays or exhibitions is not required to obtain a falconry license if:

(a) The species of raptor used or to be used in the commercial display or exhibition is not listed as a protected species by the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq.; and

(b) The raptor is not used for the sport of falconry.

Sec. 15. NAC 503.250 is hereby amended to read as follows:

503.250 1. An apprentice falconry licensee:

(a) Shall not possess more than one raptor nor obtain more than one raptor for replacement during any calendar year.

(b) May possess a raptor of any species of the order *Falconiformes* or *Strigiformes*, including, without limitation, wild, captive-bred or hybrid raptors, except a raptor of the following species:

(1) Bald eagle (*Haliaeetus leucocephalus*);

(2) Osprey (*Pandion haliaetus*);

(3) White-tailed kite (*Elanus leucurus*);

(4) Golden eagle (*Aquila chrysaetos*);

(5) White-tailed eagle (*Haliaeetus albicilla*);

(6) Steller's sea eagle (*Haliaeetus pelagicus*);

(7) Any owl except a great horned owl (*Bubo virginianus*); or

(8) Any species listed as endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 et seq.

(c) Except as otherwise provided in paragraphs (d) and (e), may possess a raptor which was originally taken from the wild.

(d) Shall not possess a raptor which was taken from the wild as a nestling.

(e) Shall not possess a raptor that is imprinted on humans.

2. A general falconry licensee:

(a) Shall not possess more than three raptors nor obtain more than two raptors for replacement during any calendar year.

(b) May possess a raptor of any species of the order *Falconiformes* or *Strigiformes*, including, without limitation, a wild, captive-bred or hybrid raptor, except a raptor of a species listed or described in paragraph (b) of subsection 1.

3. A master falconry licensee:

(a) Except as otherwise provided in paragraphs (b) ~~and (c)~~, **(c) and (d)**, shall not possess more than five raptors taken from the wild nor obtain more than two raptors taken from the wild for replacement during any calendar year.

(b) ~~May~~ **Except as otherwise provided in paragraph (d), may** possess a raptor of any species of the order *Falconiformes* or *Strigiformes*, including, without limitation, wild, captive-bred or hybrid raptors, except a raptor of a species listed or described in paragraph (b) of subsection 1.

(c) May possess any number of captive-bred raptors if the master falconry licensee is actively using the raptors for hunting or training the raptors in the pursuit of game birds or game mammals.

(d) If the master falconry licensee has an eagle permit, except as otherwise provided in subsection 4, may not possess more than two golden eagles of the five raptors that are authorized pursuant to paragraph (a).

4. The Department may authorize a master falconry licensee who has an eagle permit to possess more than two golden eagles if the master falconry licensee is a raptor rehabilitator and is rehabilitating any additional golden eagle. Nothing in this subsection authorizes a master falconry licensee who has an eagle permit to possess more than five raptors.

Sec. 16. NAC 503.260 is hereby amended to read as follows:

503.260 1. Any person holding a falconry license must allow the Department's employees to enter his or her premises at any reasonable hour:

(a) To inspect equipment, mews or other raptor housing facilities to ensure compliance with the provisions of NAC 503.375 to 503.395, inclusive ~~§~~, *and section 7 of this regulation;*

(b) To inspect raptors possessed by the falconry licensee; and

(c) To inspect, audit or copy any permit, book or record required to be kept by the provisions of NAC 503.200 to 503.470, inclusive, *and sections 2 to 10, inclusive, of this regulation* or federal regulations relating to falconry.

2. Refusal to allow inspection of raptors, facilities and equipment during reasonable hours will result in the denial of issuance or revocation of the raptor license or permit and seizure of any raptor in the falconry licensee's possession.

Sec. 17. NAC 503.305 is hereby amended to read as follows:

503.305 A holder of a permit to take raptors is subject to the following conditions:

1. Except as otherwise provided in subsection 5, a general or master falconry licensee may take only raptors less than 1 year of age and only during the period specified by the Commission.

No more than two eyasses may be taken by a holder of a permit to take raptors during that period.

2. At least one eyas must be left in each nest or aerie from which any eyas is taken.
3. The physical characteristics of a nest or aerie from which any eyas is taken may not be altered.
4. Except as otherwise provided in subsection 6, passage birds may be taken only during the period specified by the Commission.
5. The only raptors over 1 year of age which may be taken are the American kestrel (*Falco sparverius*) and the great horned owl (*Bubo virginianus*), except that under a depredation (special purpose) permit which was jointly authorized by the United States Fish and Wildlife Service and the Department, any raptor other than raptors of threatened or endangered species may be taken for falconry purposes by a general or master falconry licensee.
6. An apprentice falconry licensee may take only passage birds of the species specified on the falconry license of the apprentice falconry licensee.
7. Except as otherwise provided in NAC 503.370, peregrine falcons may not be taken in Nevada. A peregrine falcon that is legally obtained may be imported and possessed under the terms and conditions of a falconry license issued by the Department.
8. Birds of the following species may not be taken, transported, possessed or used in the practice of falconry:
 - (a) Bald eagle (*Haliaeetus leucocephalus*);
 - (b) Osprey (*Pandion haliaetus*);
 - (c) White-tailed kite (*Elanus leucurus*);

(d) ~~{Golden}~~ *Except as otherwise provided in sections 2 to 10, inclusive, of this regulation,*
golden eagle (*Aquila chrysaetos*);

(e) White-tailed eagle (*Haliaeetus albicilla*);

(f) ~~{Stellar's}~~ *Steller's* sea eagle (*Haliaeetus pelagicus*);

(g) Any owl except the great horned owl (*Bubo virginianus*); and

(h) Any species listed as endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 et seq.

9. Except as otherwise provided in NAC 503.350 to 503.370, inclusive, if the holder takes a raptor that the holder is not authorized to possess, the holder shall release the raptor immediately.

10. Permits to take raptors are not transferable.

Sec. 18. NAC 503.375 is hereby amended to read as follows:

503.375 1. Each raptor possessed pursuant to NAC 503.200 to 503.470, inclusive, *and sections 2 to 10, inclusive, of this regulation* must be housed in humane and healthful conditions.

2. The owner of a raptor is responsible for the conditions in which the raptor is housed.

3. A facility that houses raptors must:

(a) Protect each raptor housed therein from wild and domesticated predators;

(b) Have available for each raptor housed therein a perch that is suitable for the raptor;

(c) Have at least one opening for sunlight; and

(d) Provide a healthy environment for each raptor housed therein.

4. Raptors that are not tethered while being housed may be housed in the same facility only if they are compatible with each other.

5. A raptor that is not tethered while being housed must be housed in a facility of sufficient size to allow the raptor to fly.

6. A raptor that is tethered while being housed must be tethered in a manner which allows the raptor to extend its wings fully or bate without damaging its wings or making contact with another raptor.

7. Each raptor must have continuous access to a pan of clean water unless weather conditions, the type of perch used or another circumstance makes continuous access to a pan of clean water unsafe for the raptor.

8. Subject to the provisions of this section, the owner of a raptor may house a raptor in a temporary facility for not more than 120 consecutive days.

Sec. 19. NAC 503.460 is hereby amended to read as follows:

503.460 1. ~~{An}~~ *Except as otherwise provided in subsection 2, an* owner of a raptor that dies may, without limitation:

(a) Keep or donate the feathers of the raptor pursuant to subsection 6 of NAC 503.205;

(b) Donate the body of the raptor to any person authorized by permit to acquire and possess the body of a raptor or to any person or institution exempt from that requirement pursuant to 50 C.F.R. § 21.12;

(c) If a leg band was attached to the raptor or the raptor had a microchip implanted in its body, have the raptor mounted by a taxidermist; or

(d) Dispose of the body and feathers of the raptor.

2. *If a golden eagle in the possession of a master falconry licensee dies, the master falconry licensee shall surrender the body and feathers of the golden eagle to the Department not later than 5 business days after the discovery of the death.*

3. If a taxidermist mounts the raptor:

- (a) The mount may be used in a conservation education program; and
- (b) The leg band must remain on the raptor or the microchip must remain in place.

~~13.1~~ 4. If a taxidermist does not keep, donate or mount the body and feathers of the raptor, they must be burned, buried or otherwise destroyed not later than 10 days after:

- (a) The final examination by a veterinarian to determine the cause of death; or
- (b) If such an examination is not conducted, the death of the raptor.

Sec. 20. NAC 503.470 is hereby amended to read as follows:

503.470 The provisions of NAC 503.200 to 503.470, inclusive, *and sections 2 to 10, inclusive, of this regulation* must not be construed to exempt any person from the provisions of any federal law relating to raptors or falconry.

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

Commission General Regulation 506 LCB File No. R160-22 Golden Eagle Possession

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:

Comment was not solicited from small businesses. This regulation does not affect small businesses as the changes are associated with a program administered by the Nevada Department of Wildlife.

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

ANSWER:

Agency personnel concluded that there would be no small businesses impacted and, therefore, no need for a small business impact analysis.

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:

ANSWER:

There will be no adverse or beneficial effects from the proposed regulation on small business because it does not regulate the operation of any small business.

- b.) Both direct and indirect effects:

ANSWER:

There will be no direct or indirect economic effects from the proposed regulation on small business because it does not regulate the operation of any small business.

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:

There will be no impact from the proposed regulation on small businesses, therefore no methods were considered or taken by the agency.

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

ANSWER:

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

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:

The proposed regulation does not provide new or increased 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 include provisions that duplicate or are more stringent than federal, state, or local standards.

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

ANSWER:

The agency concluded that this regulation does not impact small businesses because the changes are associated with a program administered by the Nevada Department of Wildlife.

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