

**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. R082-23 – Commission General Regulation 512

The Nevada Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m. on **January 27, 2024** at the Sparks Legislative Building 745 Fourth St. Sparks, NV 89436. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 488 and 503 of the Nevada Administrative Code. A Zoom link is provided below for those individuals that are unable to attend in person.

If you wish to make public comment, please use this link for Friday, January 26, 2024:

<https://us02web.zoom.us/j/86749955371?pwd=dnN3Wm55MnhRc0k0UnljMmxVM3VoUT09>
Passcode: 142089

If you wish to make public comment, please use this link for Saturday, January 27, 2024:

<https://us02web.zoom.us/j/86096552018?pwd=TmZlaEtUZzBjSFpReHFvc3ZmTys0dz09>
Passcode: 859244

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:
NAC 488.455- 488.470**

The Department is proposing an amendment to NAC 488.455- 488.470 to change the motor restrictions on Knott Creek Reservoir in Humboldt County. The current regulation restricts the speed at which one can operate their vessel on Knott Creek Reservoir, however, it does not restrict the type of motor that can be used. If approved, this change would allow only vessels without motors and vessels which are powered by electric motors on Knott Creek Reservoir. The Department is proposing this amendment based on numerous requests over the past several years from anglers who recreate at Knott Creek Reservoir. Knott Creek Reservoir is a remote, scenic high elevation lake in the Pine Forest Range in Humboldt County which sits on the edge of a Wilderness Area. Recreationists who visit this reservoir expect a peaceful experience in a beautiful place; the constant noise from two-stroke motors trolling on the lake all day is not what most people want to experience. Knott Creek Reservoir is a fairly small lake (216 acres), so an electric motor is sufficient to allow anglers troll around the reservoir.

At the September 2023 Nevada Board of Wildlife Commissioners (NBWC) meeting, a petition was received through the Eureka County Game Board to Manage Wildlife to also change the motor restrictions on Tonkin Reservoir (Eureka County) to allow only vessels without motors and vessels which are powered by electric motors on Tonkin Reservoir. The need for this regulation change is the same reasoning as was given for Knott Creek

Reservoir above. Tonkin Reservoir is a small reservoir, so an electric motor is sufficient to allow anglers to troll around the reservoir. This proposal was accepted by the NBWC and added to the CGR.

NAC 503.504 – 503.506

The Department is proposing tackle restriction changes to lakes and reservoirs in the Western and Eastern regions. These changes are described below:

Hobart Reservoir: The Department is proposing to amend the tackle restriction in place at Hobart Reservoir (Washoe County, Western Region) from “artificial lures with single barbless hooks” to “artificial lures”. Eliminating the restrictive tackle regulation will reduce the barriers to entry for those trying to fish Hobart Reservoir and increase success rates for catching and keeping fish. Currently the single barbless restriction can be intimidating for anglers that do not fish frequently and can prevent them from fishing Hobart Reservoir. Brook Trout are the dominant species and have overpopulated the reservoir resulting in good catch rates, however, the fish tend to be small. This regulation may help reduce Brook Trout numbers by increasing the catch rate and could potentially result in larger fish. It may also increase the number of anglers that fish Hobart Reservoir in any given year by eliminating this tackle restriction that has no biological justification for being in place.

Smith Creek Reservoir: The Department is proposing to remove the tackle restriction in place for Smith Creek Ranch (Lander County, Eastern Region) and manage it under Eastern Region general regulations. Under NAC 503.506, only artificial lures with single barbless hooks may be used on Smith Creek Reservoir. The majority of Smith Creek Reservoir is situated on private land, although a small portion of the reservoir is on BLM land which is accessible to the public. In 2009, the owner of the Smith Creek Ranch approached NDOW Fisheries staff to request more restrictive regulations on the reservoir. At that time, the Ranch was actively managing the trout fishery in the reservoir and regularly stocking the reservoir with trout. The more restrictive regulations, including tackle restrictions, were requested to limit the number of fish taken by the public and manage for the reservoir’s potential to produce trophy trout. In 2009, the NBWC approved the proposal by the Department to adopt a season that runs from April 1 through November 15, any hour of the day or night, and artificial lures only with single barbless hooks. Since that time, the ranch has changed hands and the fishery is no longer actively managed by the Smith Creek Ranch. The current fishery does not warrant special regulations and should be managed under general regulations.

Snake Range High Lakes: The Department is proposing to amend NAC 503.506 to require artificial lures with single barbless hooks for the Snake Range High Lakes. In September 2021, the NBWC approved CR21-15 which modified the harvest limit for the Snake Range High Lakes from 10 trout to zero (0) trout which was intended to protect adult Bonneville Cutthroat Trout in these lakes during the period in which self-sustaining trout populations are becoming established as a result of reintroduction efforts by NDOW and the National Park Service. At the same time, the Department was recommending a change in tackle restrictions to require artificial lures with single barbless hooks, however, an oversight occurred

and a CGR was not submitted so that change did not occur. The Department is proposing to correct that error with this proposal.

The justification submitted in 2021 when the original proposal was considered is as follows:

The Snake Range in White Pine County is home to a number of high mountain lakes. However, only two of these lakes (Johnson Lake and Baker Lake) are capable of sustaining trout populations. All previous introductions of trout into the remaining lakes in the Snake Range within Great Basin National Park have proven unsuccessful.

Great Basin National Park in cooperation with the Nevada Department of Wildlife is conducting a project to introduce native Bonneville Cutthroat Trout (BCT) to Baker and Johnson lakes. Since there is no brood stock or hatchery source for BCT in the state of Nevada, only a relatively small number of BCT can be captured in the nearby streams and released into the lakes on a periodic basis. While these populations are in their early stages of establishment, the Department, in cooperation with Great Basin National Park, proposes the institution of special fishing regulations to protect them from overharvest and hooking mortality. The Park would still promote angling in both water bodies but would prefer that catch and release as well as artificial lures with single barbless hooks regulations be instituted. The catch and release regulation would eliminate mature fish being removed from the population via harvest. The artificial lures with single barbless hooks regulation is expected to decrease hooking mortality due to fish swallowing the hook, decrease overall hooking injuries when fish are hooked in the mouth, and decrease handling time necessary to remove the hook making catch and release fishing easier and more effective. Once viable populations of BCT become established in both lakes, Great Basin National Park would be in favor of lifting one, or both, of the special regulations.

NAC 503.075

The Department is proposing an amendment to 503.075 to update the classification of the Dixie Valley Toad to “endangered”. On December 1, 2022, the US Fish and Wildlife Service (USFWS) announced that the Dixie Valley Toad will be listed as endangered under the Endangered Species Act. The Dixie Valley Toad is the smallest of the western toads and is endemic to Nevada. Its range is restricted to a 760-acre wetland complex, fed by hot springs in the remote Dixie Valley northeast of Fallon, Nevada (Churchill County). In their listing determination, the USFWS listed the primary threats to the Dixie Valley Toad include geothermal development, disease, predation by other non-native frog species, groundwater pumping for human and agricultural use, and climate change.

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 is designed to update fishing regulations across the State of Nevada as described in Question 1.
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 21, 2023

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

LCB File No. R082-23

November 16, 2023

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

AUTHORITY: §§ 1 and 2, NRS 488.045, 488.059, 501.181 and 501.243; § 3, NRS 501.105, 501.110 and 501.181; §§ 4 and 5, NRS 501.105, 501.181, 503.300 and 503.310.

A REGULATION relating to wildlife; revising provisions relating to the operation of vessels on certain waters in this State; classifying the Dixie Valley toad as endangered; revising the type of fishing lures that may be used in certain waters in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies to promote the safety of persons using vessels on the waters of this State. (NRS 501.181) Existing regulations establish the maximum speed at which a vessel may be operated on certain waters in this State. (NAC 488.455) Existing regulations also require that only a vessel without a motor or powered by an electric motor is allowed to be operated on certain waters in this State. (NAC 488.470) **Section 1** of this regulation removes the maximum speed at which a vessel may be operated on the waters of the Knott Creek Reservoir in Humboldt County and, instead, **section 2** of this regulation provides that only a vessel without a motor or powered by an electric motor is allowed to be operated on the waters of the Knott Creek Reservoir. **Section 2** also establishes that only a vessel without a motor or powered by an electric motor is allowed to be operated on the waters of the Tonkin Springs Reservoir in Eureka County.

Existing law requires the Commission to adopt regulations to classify wildlife and authorizes the Commission to change the classification of a species of wildlife when doing so is in the public interest. Existing law requires the Commission to classify amphibians as game amphibians, protected amphibians or unprotected amphibians. Existing law authorizes the Commission to further classify protected amphibians as sensitive, threatened or endangered. (NRS 501.110) Effective December 2, 2022, the United States Fish and Wildlife Service of the Department of Interior listed the Dixie Valley toad as an endangered species under the federal Endangered Species Act of 1973, as amended, which had the effect of continuing the designation of the Dixie Valley toad as endangered under a temporary emergency rule issued by the United States Fish and Wildlife Service on April 7, 2022. (87 Fed. Reg. 73971 (Dec. 2, 2022)) Existing regulations classify the Dixie Valley toad as protected under state law, and **section 3** of this regulation further classifies the Dixie Valley toad as endangered under state law. (NAC 503.075)

Existing law authorizes the Commission to establish by regulation the types of bait and methods by which bait may be used in any designated water. (NRS 503.300) **Section 4** of this regulation revises the types of fishing lures authorized to be used in the Hobart Reservoir. **Section 5** of this regulation revises the types of fishing lures authorized to be used in the Smith Creek Reservoir and on the Snake Range High Lakes.

Section 1. NAC 488.455 is hereby amended to read as follows:

488.455 1. On the following waters, a vessel must be operated at a speed that leaves a flat wake, but in no case may a vessel be operated at a speed in excess of 5 nautical miles per hour:

<u>Waters</u>	<u>County</u>
(a) Bassett Lake	White Pine
(b) Cave Lake	White Pine
(c) Knott Creek Reservoir	Humboldt
(d) Jakes Creek Reservoir	Elko
(e) (d) Onion Valley Reservoir	Humboldt
(f) (e) Wayne E. Kirch Wildlife Management Area	Nye
(g) (f) The lagoon south of Laughlin within sec. 33, T. 32 S., R. 66 E., M.D.E & M., as marked with signs or buoys, or both	Clark
(h) (g) Likes Lake	Churchill
(i) (h) The Pitt Taylor Arm of Rye Patch Reservoir	Pershing
(j) (i) Illipah Reservoir	White Pine
(k) (j) Mason Valley Wildlife Management Area	Lyon
(l) (k) Upper Wall Canyon Reservoir	Washoe
(m) (l) Echo Canyon Reservoir	Lincoln

- ~~[(m)]~~ (m) Silver Creek Reservoir White Pine
- ~~[(n)]~~ (n) Key Pittman Wildlife Management Area.....Lincoln
- ~~[(o)]~~ (o) Colorado River, the backwater south of Big Bend of the Colorado State Recreation Area within sec. 5, T. 33 S., R. 66 E., M.D.B. & M., as marked with signs or buoys, or both Clark
- ~~[(p)]~~ (p) Jiggs ReservoirElko

2. All boat harbors and other areas designated by buoys on any of the following waters are zones in which a vessel must be operated at a speed that leaves a flat wake, but in no case may a vessel be operated at a speed in excess of 5 nautical miles per hour:

<u>Waters</u>	<u>County</u>
(a) Lake Mead National Recreation Area.....	Clark
(b) South Fork Reservoir.....	Elko
(c) Wildhorse Reservoir	Elko
(d) Lake Tahoe, Zephyr Cove	Douglas
Cave Rock.....	Douglas
Glenbrook Bay.....	Douglas
Round Hill Pines Beach.....	Douglas
Sand Harbor	Washoe
Incline Village General Improvement District Boat Ramp	Washoe
Crystal Shores West.....	Washoe
(e) Washoe Lake State Park	Washoe

County Boat Ramp	Washoe
(f) Walker Lake State Recreation Area	Mineral
Sportsmen's Beach	Mineral
(g) Lahontan Reservoir, Churchill Beach	Churchill
North Shore Marina	Churchill
Silver Springs Beach.....	Lyon
(h) Rye Patch Reservoir, Rye Patch Dam Access	Pershing
(i) Topaz Lake, Boat Ramps	Douglas
(j) Colorado River, adjacent to Harrah's Casino in Laughlin	Clark
(k) Big Bend of the Colorado State Recreation Area, the lagoon used for launching boats	Clark

Sec. 2. NAC 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 3, only vessels without motors are permitted on the following waters:

<u>Waters</u>	<u>County</u>
(a) Angel Lake	Elko
(b) Blue Lake	Humboldt
(c) Marlette Lake.....	Washoe

(d) Truckee River from the California-Nevada state line to the point where the river enters the Pyramid Lake Indian Reservation..... Storey and Washoe

2. Except as otherwise provided in subsection 3, only vessels without motors and vessels which are powered by electric motors are permitted on the following waters:

<u>Waters</u>	<u>County</u>
(a) Groves Lake	Lander
(b) Sparks Marina Park	Washoe
(c) The lagoon south of Laughlin within section 33, T. 32 S., R. 66 E., M.D.B. & M., as marked with signs or buoys, or both.....	Clark
(d) Spooner Lake.....	Douglas
(e) <i>Knott Creek Reservoir</i>	<i>Humboldt</i>
(f) <i>Tonkin Springs Reservoir</i>	<i>Eureka</i>

3. The provisions of this section do not apply to a vessel that is:

- (a) Owned, operated and used for official purposes by a federal, state or local governmental entity which has jurisdiction over the body of water on which the vessel is operated; or
- (b) Operating pursuant to a permit for a marine event that is requested by a federal, state or local governmental entity which has jurisdiction over the body of water on which the vessel is operated and issued pursuant to NRS 488.305 and NAC 488.490 to 488.510, inclusive.

Sec. 3. NAC 503.075 is hereby amended to read as follows:

503.075 1. Amphibians are classified as game, protected, threatened, sensitive, endangered or unprotected amphibians.

2. The following amphibians are classified as protected:

	Common Name	Scientific Name
(a) Frog	Northern leopard	Lithobates pipiens
	Relict leopard	Lithobates onca
	Columbia Spotted.....	Rana luteiventris
(b) Toad	Amargosa	Bufo nelsoni
	Dixie Valley	Anaxyrus williamsi
	Hot Creek	Anaxyrus monfontanus
	Railroad Valley	Anaxyrus nevadensis

3. *The following species of protected amphibians are further classified as endangered:*

	<u><i>Common Name</i></u>	<u><i>Scientific Name</i></u>
<i>Toad</i>	<i>Dixie Valley</i>	<i>Anaxyrus williamsi</i>

4. Unprotected amphibians are all species of amphibians which are not classified as game, protected, threatened, sensitive or endangered amphibians.

Sec. 4. NAC 503.504 is hereby amended to read as follows:

503.504 1. The Western Region consists of all waters within Carson City and Churchill, Douglas, Humboldt, Lyon, Mineral, Storey, Pershing and Washoe Counties.

2. In the Western Region:

(a) Live bait fish may be used only in the river basin from which it is taken and only in the following waters:

(1) The Carson River Basin.

(2) The Humboldt River downstream from Stall Diversion Dam located near Golconda in Humboldt County, including Rye Patch Reservoir, Pitt-Taylor Reservoir, all waters in the Lovelock Valley, Chimney Reservoir and the Little Humboldt River downstream from Chimney Reservoir.

(3) The portion of the Lake Tahoe Basin located in Carson City and Douglas and Washoe Counties.

(4) Except as otherwise provided in subsection 3, the Truckee River Basin.

(5) The Walker River from the railroad bridge near Wabuska downstream to and including Walker Lake, except waters on the Walker River Paiute Reservation.

(b) Other forms of aquatic and animal life, including, but not limited to, grasshoppers, earthworms, crayfish, any unprotected species of freshwater bait fish or parts thereof which are prepared and preserved commercially, and preserved salmon eggs may be used as bait.

3. The following provisions apply to all other waters in the Western Region:

(a) The capture, possession while fishing or the use of fish as bait, whether dead or alive, or parts thereof is prohibited.

(b) Only artificial lures with single barbless hooks may be used in:

(1) Catnip Reservoir;

(2) ~~Hobart Reservoir;~~

~~(3)~~ Knott Creek Reservoir including inlet and outlet streams;

~~(4)~~ (3) Marlette Lake, including tributaries and outlet streams;

~~(5)~~ (4) The portion of the East Walker River which is from one-quarter of a mile above the confluence of the East Walker River and Sweetwater Creek downstream to one-half of a mile below the confluence of the East Walker River and Red Wash Creek; and

~~(6)~~ (5) The portion of the Truckee River from the bridge on east Mustang Road downstream to the boundary of the Pyramid Lake Paiute Reservation.

(c) Only artificial lures may be used in :

(1) Hinkson Slough on the Mason Valley Wildlife Management Area ~~H~~; and

(2) *Hobart Reservoir.*

Sec. 5. NAC 503.506 is hereby amended to read as follows:

503.506 1. The Eastern Region consists of all waters in Elko, Eureka, Lander and White Pine Counties.

2. Within this region:

(a) The possession while fishing or use of fish as bait, whether dead or alive, or parts thereof, or any unprotected species of freshwater bait fish or parts thereof which are prepared and preserved commercially except preserved salmon eggs, is prohibited.

(b) Aquatic bait may be used only in the water from which it is taken.

3. Only artificial lures may be used in the Tonkin Springs Reservoir and the collection ditch of the Ruby Lake National Wildlife Refuge.

4. Only artificial lures with single barbless hooks may be used ~~in the Smith-Creek Reservoir~~ *on the Snake Range High Lakes* and on the south fork of the Humboldt River from

the access causeway for the Lucky Nugget subdivision upstream to Lee. Only one single barbless hook may be attached to each hook eye or ring of the lure.

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

Commission General Regulation 512 Fishing Regulation Updates

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:

The agency concludes there would be no small business impact and it was not necessary to develop a small business impact statement.

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:

b.) Both direct and indirect effects:

ANSWER:

There will be no adverse or beneficial direct or indirect economic effects from the proposed regulation on small businesses because it does not regulate the operations of small businesses.

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 agency concludes that this regulation does not regulate small businesses, therefore, no methods are considered to reduce the impacts because there are no impacts.

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 costs to the agency above the current 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:

This regulation does not propose new fees 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 duplicate or become more stringent than other existing standards regulating the same activity.

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

ANSWER:

There is no impact on small businesses because this regulation is associated with individuals angling at Smith Creek Reservoir.

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.



Alan Jenne, Director
Nevada Department of Wildlife

**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. R053-23 – Commission General Regulation 513

The Nevada Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m. on January 27, 2024 at the Sparks Legislative Building 745 Fourth St. Sparks, NV 89436. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 502 of the Nevada Administrative Code. A Zoom link is provided below for those individuals that are unable to attend in person.

If you wish to make public comment, please use this link for Friday, January 26, 2024:
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Passcode: 859244

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 anticipated impact is to provide more concise regulations to the public.

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:**
The regulation is the product of Executive Order 2023-003. The Nevada Board of Wildlife Commissioners and Nevada Department of Wildlife conducted a comprehensive review of the regulations subject to its enforcement that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. The regulations identified for Section 1 of Executive Order 2023-03 are in the attached language.

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

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.

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December 15, 2023

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

LCB File No. R053-23

October 12, 2023

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

AUTHORITY: §§ 1 and 2, NRS 501.3575; §§ 3 and 25, NRS 501.105 and 501.181; § 4, NRS 501.105, 501.119, 501.181 and 502.160; §§ 5-7, NRS 501.105, 501.181, 502.160 and 502.175; § 8, NRS 501.105, 501.181 and 503.597; § 9, NRS 501.105, 501.181 and 503.650; § 10, NRS 501.105, 501.181 and 503.380; § 11, NRS 501.105, 501.181, 503.597, 503.650 and 504.295; § 12, NRS 501.105, 501.181 and 503.150; §§ 13-23, NRS 501.105, 501.181, 503.582 and 503.583; § 24, NRS 501.105, 501.181 and 503.300.

A REGULATION relating to wildlife; revising provisions relating to the Wildlife Heritage Account; revising provisions relating to the submission of a questionnaire issued as part of a tag to hunt wild turkey; revising provisions relating to the awarding of bonus points for certain applicants for a tag to hunt wild turkey or moose; revising provisions relating to certain licenses or permits issued by the Department of Wildlife; revising provisions relating to the hunting, trapping, possession, sale or training of certain birds of prey; revising provisions relating to the practice of falconry; removing the prohibition against chumming in the Crittenden Reservoir; repealing certain obsolete provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Wildlife Heritage Account in the State General Fund and authorizes the Board of Wildlife Commissioners to adopt regulations related to the Account. (NRS 501.3575) Existing regulations authorize certain persons and governmental entities to apply for a grant of money from the Account to fund a conservation project. (NAC 501.300) Upon receipt of an application, existing regulations require the Department of Wildlife to review the application, complete certain portions of the application and send the application to the Wildlife Heritage Committee of the Commission and each county advisory board to manage wildlife before April 15 of each year. (NAC 501.310) **Section 1** of this regulation: (1) removes the requirement that the Department complete portions of an application; and (2) requires the Department to send applications to the Commission and advisory boards on or before April 15 of each year.

Existing regulations require the Secretary of the Commission to provide certain information relating to the Account to the Commission on or before the first meeting of the Commission held after January 31 of each year. (NAC 501.330) **Section 2** of this regulation

instead requires the Secretary to provide such information to the Commission at the first meeting of the Commission of each calendar year.

Existing law authorizes the Department to obtain necessary data from hunters, trappers and anglers relative to their activities and success through the use of reports or questionnaires. If a report or questionnaire is not returned within the period specified by regulation of the Commission, existing law authorizes the Commission to deny the person the right to acquire certain licenses for a period of 1 year and levy an administrative fine against the person. (NRS 501.119) **Section 4** of this regulation revises requirements related to a questionnaire issued as part of a tag to hunt wild turkey by requiring that such a questionnaire be received by the Department not later than the deadline established in an annual regulation of the Commission. (NAC 502.407) **Section 5** of this regulation revises provisions related to the awarding of bonus points to certain applicants for a tag to hunt wild turkey by replacing a requirement that such applicants be awarded bonus points for the hunt number of the species for which an applicant applied with a requirement that the applicant be awarded a bonus point for the category of the species for which he or she applied. (NAC 502.4187) **Sections 3 and 6** of this regulation make conforming changes relating to the manner in which bonus points may be awarded by the Department for a tag to hunt wild turkey. **Section 6** also specifies that bonus points awarded by the Department pursuant to the bonus point program for moose apply to antlered and antlerless moose.

Existing regulations prescribe requirements governing the eligibility of a person to apply to engage in a junior hunt (NAC 502.063, 502.333) **Section 7** of this regulation: (1) revises provisions related to the transfer of unused bonus points for persons who become ineligible to apply for a junior hunt for deer; and (2) provides for the transfer of unused bonus points for persons who become ineligible to apply for a junior hunt for turkey.

With limited exception, existing law prohibits a person from introducing any aquatic life or wildlife into this State or removing any aquatic life or wildlife from one body of water in this State to any other, or from one portion of the State to any other, without the written consent and approval of the Department. (NRS 503.597) Existing regulations: (1) authorize the Department to issue a special permit to allow a person to handle, move or temporarily possess certain wildlife for the purpose of reducing or eliminating the risk of harm to the wildlife that may result from any lawful activity conducted on land where the wildlife is located; and (2) set forth the information that must be included in an application for such a permit. (NAC 503.0935) **Section 8** of this regulation removes the requirement that an applicant for a special permit must include on the application certain information related to the driver's license of the applicant, if the applicant holds a driver's license.

Existing law provides for the issuance by the Department of a written permit to collect wildlife for scientific or educational purposes. (NRS 503.650) Existing regulations set forth the information that must be included in an application for such a permit. (NAC 503.094) **Section 9** of this regulation removes the requirement that an applicant for a written permit to collect wildlife for scientific or educational purposes must include on the application the driver's license number of the applicant, if the applicant has been issued a driver's license.

Under existing law, the Department is authorized to allow the commercial taking of unprotected wildlife in any manner approved by the Commission. (NRS 503.380) Existing regulations make it unlawful for a person to collect unprotected wildlife for commercial purposes without a permit. Existing regulations also: (1) provide for the issuance by the Department of a permit authorizing a person to collect unprotected wildlife; and (2) set forth the information that

must be included on an application for such a permit. (NAC 503.095) **Section 10** of this regulation removes the requirement that an applicant for a such a permit must include on the application certain information related to the driver's license of the applicant, if the applicant has been issued a driver's license.

Existing law authorizes the Commission to prohibit the importation, transportation or possession of any species of wildlife that the Commission deems detrimental to the wildlife or habitat of the wildlife in this State. (NRS 503.597) Existing regulations prohibit a person from importing, transporting or possessing certain species of live wildlife unless the person holds: (1) an exhibitor's license issued by the Animal and Plant Health Inspection Service of the United States Department of Agriculture; or (2) a permit or license issued by the Department. (NAC 503.110, 504.486) **Sections 11 and 25** of this regulation eliminate provisions authorizing a person who holds an exhibitor's license to exhibit wildlife listed in that license without obtaining a license or permit issued the Department. **Section 11** also removes provisions authorizing the Department to issue a commercial license for the possession of live wildlife to certain persons who display, exhibit or use certain species of live wildlife for entertainment or commercial photography.

Existing law requires a person who hunts wildlife in this State to obtain a license or permit to do so and provides for the issuance of a such a license or permit by the Department. (Chapters 502 and 503 of NRS) Existing regulations: (1) authorize the Department to issue an archery disability permit to a person with a permanent disability; and (2) provide that an archery disability permit does not expire. (NAC 503.1465) **Section 12** of this regulation instead: (1) authorizes the Department to issue an archery disability permit to a person with a disability; and (2) provides that an archery disability permit expires 1 year after the date on which the permit is issued.

With limited exception, existing law requires any person who practices falconry or trains birds of prey, including raptors, to obtain a falconry license from the Department. (NRS 503.583) **Section 18** of this regulation revises the information that must be included in an application for a falconry license. Existing regulations authorize certain falconry licensees to possess a hybrid raptor and impose certain requirements on the release of hybrid raptors by such licensees. Existing regulations also require an owner of a hybrid raptor to meet certain requirements before allowing the raptor to fly free. (NAC 503.230, 503.250, 503.440 503.465) **Section 13** of this regulation revises the definition of the term "hybrid raptor" for purposes of these requirements. **Sections 14 and 15** of this regulation revise provisions related to the banding or other identification of falconry raptors. Under existing regulations, a person authorized to possess a raptor may transfer or acquire by transfer a raptor which was originally taken from the wild. (NAC 503.225) **Section 16** of this regulation removes this authorization. **Section 19** of this regulation makes nonsubstantive revisions concerning the taking of raptors by a person other than the holder of a permit to take raptors.

Existing regulations: (1) require the housing of raptors in humane and healthful conditions; and (2) impose certain requirements on a facility that houses raptors. (NAC 503.375) **Section 20** of this regulation eliminates a duplicative requirement that a facility that houses raptors must provide a healthy environment for each raptor housed within the facility.

Existing regulations authorize a falconry licensee who is not the owner of a raptor to provide care for the raptor. Under existing regulations, any such care must be provided in accordance with a statement that: (1) is signed by the owner of the raptor and the falconry licensee; and (2) indicates whether the falconry licensee may practice falconry with the raptor.

(NAC 503.405) **Section 21** of this regulation removes language authorizing a falconry licensee who is providing care for a raptor to practice falconry with the raptor if so indicated in the statement.

Existing regulations: (1) authorize the use of falconry raptors in a conservation education program; and (2) require a conservation education program to include certain information. Under existing regulations, a falconry licensee is prohibited from presenting a conservation education program that does not include information on falconry and conservation education. (NAC 503.445) **Section 22** of this regulation removes this prohibition. **Section 23** of this regulation makes nonsubstantive revisions concerning the use of falconry raptors for certain abatement activities.

Existing law authorizes the Commission to adopt regulations governing the practice of chumming. (NRS 503.300) Existing regulations prohibit chumming in certain public waters, including the Crittenden Reservoir. (NAC 503.593) **Section 24** of this regulation removes the prohibition against chumming in Crittenden Reservoir.

Section 25 repeals obsolete provisions relating to: (1) batch reports by license agents; and (2) the removal by the Department of certain personal information from any list sold by the Department.

Section 1. NAC 501.310 is hereby amended to read as follows:

501.310 Upon receipt of an application, the Department shall review the application ~~and~~ ~~complete the portions of the application the Department is required to complete~~ and send the application to the Wildlife Heritage Committee of the Commission and to each county advisory board to manage wildlife for review and comment *on or* before April 15 of each year. The Wildlife Heritage Committee of the Commission shall prepare its recommendations for funding and present such recommendations for public comment and approval by the Commission at the first meeting of the Commission after April 30 of each year.

Sec. 2. NAC 501.330 is hereby amended to read as follows:

501.330 1. On or before November 1 of each year, the Secretary of the Commission shall make available to the public the application form described in NAC 501.300.

2. ~~On or before~~ *At* the first meeting of the Commission ~~after January 31~~ of each *calendar* year, the Secretary of the Commission shall provide to the Commission an accounting of:

(a) Seventy-five percent of the amount of money deposited in the Account during the previous calendar year; and

(b) All interest earned on the Account during that year.

Sec. 3. NAC 502.105 is hereby amended to read as follows:

502.105 “Type of hunt” means a hunt authorized by a regulation of the Commission, for which tags are awarded pursuant to application, that differs from another hunt in one or more of the following ways:

1. The species to be hunted for any species other than a species that is included in a category of a species pursuant to subsection 2;

2. The category of the species, subspecies and gender to be hunted as described in ~~subsection 1 of~~ NAC 502.4188;

3. The weapons to be used;

4. The residency of applicants; and

5. The method of drawing applications for the award of tags.

Sec. 4. NAC 502.407 is hereby amended to read as follows:

502.407 1. Unless otherwise provided by an annual regulation of the Commission, the properly completed questionnaire issued as part of a turkey tag must be received by the

Department not later than ~~11 p.m. on:~~

~~—(a) May 31, or the next business day if May 31 falls on a weekend or state holiday, following the close of the season for the spring hunt for turkey; or~~

~~—(b) November 30, or the next business day if November 30 falls on a weekend or state~~

~~holiday, following the close of the season for the fall hunt for turkey.]~~ *the deadline established in an annual regulation of the Commission.*

2. ~~[A]~~ *Except as otherwise provided in subsection 3, a person who fails to return the questionnaire or the information required by the questionnaire ~~[within] on or before the [period specified] deadline~~* or who submits incomplete or false information on the questionnaire is ineligible for all turkey tags for 1 year.

3. A person who is ineligible for a tag pursuant to subsection 2 may have those privileges reinstated if the person:

(a) Pays to the Department an administrative fine of \$50; and

(b) Submits to the Department the properly completed questionnaire issued as part of the turkey tag or the information required by the questionnaire.

~~[4. A person who seeks to have privileges reinstated pursuant to the provisions of subsection 3 must perform the actions specified in that subsection not later than 11 p.m. on:~~

~~—(a) June 30, or the next business day if June 30 falls on a weekend or state holiday, following the close of the spring hunt for turkey; or~~

~~—(b) December 31, or the next business day if December 31 falls on a weekend or state holiday, following the close of the fall hunt for turkey.]~~

Sec. 5. NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in NAC 502.417 to 502.4225, inclusive, an applicant to obtain a tag for a season who is unsuccessful, or an applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point, must be awarded a bonus point for ~~†~~:

~~—(a) The hunt number of the species for which the applicant applied if he or she applied for a:~~

~~—(1) Tag to hunt wild turkey; or~~

~~—(2) Bonus point for a tag described in subparagraph (1); or~~

~~(b) The~~ *the* category of the species for which he or she applied if he or she applied for a tag to hunt deer, elk, mountain goat, antelope, black bear, moose, *wild turkey* or bighorn sheep, or for a bonus point for such a tag.

➔ Regardless of the number of applications to obtain a tag or bonus point for a season submitted by a person, the Department shall not award the person more than one bonus point per season per hunting license for each species or category of a species for which the person applied.

2. Except as otherwise provided in subsection 4, the bonus points awarded to a person for a species or category of species accumulate until the person loses his or her bonus points pursuant to this subsection. A person loses all of his or her bonus points for a species or category of a species:

(a) If the person is successful in drawing a tag for a season for that species or category of a species; or

(b) If the person does not apply for a tag or a bonus point for a season for 2 consecutive calendar years during which that type of hunt for a season is open.

3. Upon written request, the Department shall reinstate each bonus point a person lost pursuant to paragraph (b) of subsection 2 if:

(a) During the entirety of the respective 2 consecutive calendar years, the person was mobilized, deployed, training or stationed outside of the United States as an active member of the Armed Forces of the United States, as verified by a copy of his or her orders or other proof satisfactory to the Department; and

(b) The request is submitted to the Department not later than 1 year after the date the person returns to the United States.

4. Except as otherwise provided in NAC 502.4189, a person may not use any bonus points awarded to the person for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.

5. If an applicant requests and receives a refund for the value of his or her hunting license, the Department shall not award the applicant a bonus point for any species or category of species applied for during the period that the applicant possessed the hunting license.

6. If an applicant is successful in obtaining a tag for a species or category of a species but transfers the tag to another person pursuant to section 1 of LCB File No. R022-19, the applicant and the new recipient of the tag lose all bonus points for that species or category of species.

7. The Department shall not award bonus points for depredation hunts or management hunts.

8. As used in this section, “management hunt” means a hunt established to seek the harvest of additional wildlife within a population.

Sec. 6. NAC 502.4188 is hereby amended to read as follows:

502.4188 ~~{1. —Except as otherwise provided in subsection 2, any}~~ **Any** bonus points awarded by the Department pursuant to the bonus point program must be awarded in one of the following categories of species, subspecies and gender:

- ~~{a)}~~ **1.** Antlered mule deer;
- ~~{b)}~~ **2.** Antlerless mule deer;
- ~~{c)}~~ **3.** Mule deer, either antlered or antlerless;
- ~~{d)}~~ **4.** Antlered Rocky Mountain elk;
- ~~{e)}~~ **5.** Antlerless Rocky Mountain elk;
- ~~{f)}~~ **6.** Rocky Mountain elk, either antlered or antlerless;

- ~~{(g)}~~ 7. Spike Rocky Mountain elk;
 - ~~{(h)}~~ 8. Pronghorn antelope whose horns are longer than their ears;
 - ~~{(i)}~~ 9. Pronghorn antelope whose horns are shorter than their ears;
 - ~~{(j)}~~ 10. Rams, from one of the following subspecies:
 - ~~{(1)}~~ (a) Nelson bighorn sheep;
 - ~~{(2)}~~ (b) California bighorn sheep; or
 - ~~{(3)}~~ (c) Rocky Mountain bighorn sheep;
 - ~~{(k)}~~ 11. Ewes, from one of the following subspecies:
 - ~~{(1)}~~ (a) Nelson bighorn sheep;
 - ~~{(2)}~~ (b) California bighorn sheep; or
 - ~~{(3)}~~ (c) Rocky Mountain bighorn sheep;
 - ~~{(l)}~~ 12. Mountain goats;
 - ~~{(m)}~~ 13. Black bears; ~~or~~
 - ~~{(n)}~~ 14. Moose ~~;~~
- ~~2. Bonus points awarded by the Department pursuant to the bonus point program for wild},~~
either antlered or antlerless; or
15. *Wild turkey .* ~~{hunts must be awarded by hunt number.}~~

Sec. 7. NAC 502.4189 is hereby amended to read as follows:

502.4189 1. Each applicant in a drawing for a tag for a season receives a number of additional draw numbers that is equal to the number of bonus points that he or she has accumulated squared, as expressed in the following equation:

$$n=b^2$$

where “n” is the number of additional draw numbers and “b” is the number of bonus points. The number of additional draw numbers determines the number of draw numbers for the species or category of the species for which the application was submitted. The applicant’s lowest randomly assigned draw number is the number used for the drawing.

2. Except as otherwise provided in subsection 5, bonus points accumulated by a person for a species or category of species cannot be transferred to any other person or any other species or category of species.

3. Any bonus points accumulated by an applicant automatically transfer with the applicant if the applicant changes his or her state of residence. Bonus points transferred pursuant to this subsection apply to the same species or category of species to which they applied before the transfer.

4. The number of bonus points applicable to applications submitted by a group pursuant to NAC 502.4185 for tags is the quotient of the total number of points held by the members of the group divided by the number of members in the group, rounded to the nearest whole number.

5. If a person ~~has applied for a junior hunt for deer for 5 years or~~ becomes ineligible *to apply for a junior hunt for deer pursuant to NAC 502.333 or becomes ineligible* to participate in a junior hunt for deer because of his or her age, each unused bonus point accumulated by that person for a junior hunt for deer automatically transfers to the category for antlered mule deer. The provisions of this subsection do not apply to a bonus point accumulated by the person for a junior hunt for deer in a year in which the person also accumulated a bonus point in the category for antlered mule deer.

6. If a person becomes ineligible to apply for a junior hunt for wild turkey pursuant to NAC 502.333 or becomes ineligible to participate in a junior hunt for wild turkey because of his or her age, each unused bonus point accumulated by that person for a junior hunt for wild turkey automatically transfers to the category for wild turkey.

Sec. 8. NAC 503.0935 is hereby amended to read as follows:

503.0935 1. The Department may issue a special permit pursuant to subsection 1 of NRS 503.597 to allow a person to handle, move or temporarily possess any wildlife which is classified as protected for the purpose of reducing or eliminating the risk of harm to the wildlife that may result from any lawful activity conducted on land where the wildlife is located. The fee for such a special permit is \$200.

2. An applicant for a special permit specified in subsection 1 must include on the application:

- (a) The name and date of birth of the applicant;
- (b) The physical or mailing address and telephone number of the applicant;
- (c) The name, address and telephone number of the place of employment of the applicant;
- (d) ~~{The driver's license number, the state that issued the driver's license and the date of issue of the driver's license of the applicant if the applicant holds a driver's license;~~
- ~~{(e)}~~ (e) The name of the company or other entity that the applicant is representing, if different from the employer of the applicant;
- ~~{(f)}~~ (e) The name of each person who, at the direction of the applicant, will handle, move or temporarily possess the wildlife under the authority of the special permit;
- ~~{(g)}~~ (f) The common and scientific name and the number of each species of wildlife, or nests or eggs thereof, to be handled, moved or temporarily possessed;

~~(h)~~ (g) The manner in which each specimen of wildlife will be handled, moved or temporarily possessed;

~~(i)~~ (h) The locations at which and the dates when the wildlife are to be handled, moved or temporarily possessed;

~~(j)~~ (i) The locations at which or to which the wildlife will be handled, moved or temporarily possessed, if any;

~~(k)~~ (j) A brief synopsis, not to exceed five pages, of the purpose and justification for the handling, moving or temporary possession of the wildlife; and

~~(l)~~ (k) The signature of the applicant and the date on which the applicant signed the application.

3. A special permit specified in subsection 1 must be valid for not more than 1 year. Upon its approval of the application and submission of the fee, the Department shall issue the special permit based on a calendar year.

4. Based on its evaluation of the application, the Department may make such stipulations and conditions on the use and scope of the special permit as the Department deems appropriate. A violation of a stipulation or condition is cause for the cancellation of the special permit.

5. Not later than 30 days after expiration of a special permit specified in subsection 1, the holder of the special permit shall submit to the Department a report which includes, without limitation:

(a) A list of each species of wildlife which is classified as protected that was handled, moved or temporarily possessed, and for each such species:

(1) The number of wildlife handled, moved or temporarily possessed at each location where the wildlife was handled, moved or temporarily possessed; and

(2) The date on which the wildlife was handled, moved or temporarily possessed; and

(b) Any other information which the Department requires.

6. A special permit specified in subsection 1 which is issued by the Department for the handling, movement or temporary possession of:

(a) A migratory bird that is protected by the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq.; or

(b) A species of wildlife that is listed as threatened or endangered by the United States Fish and Wildlife Service,

↪ is not valid for the handling, movement or temporary possession of the migratory bird or the threatened or endangered species until the Department receives a copy of the federal permit issued by the United States Fish and Wildlife Service to the applicant for the handling, movement or temporary possession of the bird or species.

Sec. 9. NAC 503.094 is hereby amended to read as follows:

503.094 1. The Department may issue a scientific permit pursuant to NRS 503.650 which authorizes the taking, killing, possessing or banding of any species of wildlife, or the collecting of the nest or eggs thereof, for strictly scientific or educational purposes.

2. An applicant for a scientific permit must include on his or her application:

(a) The name of the applicant;

(b) The name of the company or institution that the applicant is representing;

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

(d) The telephone numbers of the applicant's residence and place of employment;

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

~~license;~~

~~(f)~~ The name of each person or group of persons who will collect wildlife under the authority of the scientific permit and at the direction of the applicant;

~~(g)~~ (f) The common and scientific name and the number of each species of wildlife, or nests or eggs thereof, to be collected, possessed, marked or banded;

~~(h)~~ (g) The manner and means by which each specimen of wildlife will be collected or captured;

~~(i)~~ (h) The locations at which and the dates when the specimens of wildlife are to be collected;

~~(j)~~ (i) A brief synopsis, not to exceed five pages, of the purpose and justification for the collection and possession of the specimens of wildlife;

~~(k)~~ (j) The location where the specimens of wildlife will be transferred or held once collected; and

~~(l)~~ (k) The signature of the applicant and the date on which the application was signed.

3. A scientific permit must be valid for not more than 2 years. Upon its evaluation of the application, the Department will issue the scientific permit based on a calendar year or a fiscal year.

4. Not later than 30 days after the date on which the permit expires, the holder of a scientific permit shall submit to the Department a complete report which details the species of wildlife collected, the number of each species of wildlife collected at each location, the date on which each species of wildlife was collected and any other information which the Department requires.

5. Based on its evaluation of the application, the Department may make such stipulations and conditions on the use and scope of a scientific permit as the Department determines appropriate. A violation of a stipulation or condition is cause for the cancellation of the permit.

6. A scientific permit issued by the Department for the collection or possession of:

(a) A migratory bird that is protected by the Migratory Bird Treaty Act, as amended, 16

U.S.C. §§ 703 et seq.; or

(b) A species of wildlife that is listed as threatened or endangered by the United States Fish and Wildlife Service,

→ is not valid for the collection or possession of the migratory bird or the threatened or endangered species until the Department receives a copy of the federal permit issued by the United States Fish and Wildlife Service to the applicant for the collection or possession of the bird or species.

Sec. 10. NAC 503.095 is hereby amended to read as follows:

503.095 1. It is unlawful for a person to collect unprotected wildlife or any species of reptile for commercial purposes without a permit.

2. Except as otherwise provided in NAC 503.513 and 503.545, the Department will issue a permit authorizing a natural person to collect unprotected wildlife, with the exception of any reptile, for commercial purposes with a seine, net, noose, trap or other device if, after an investigation is conducted, it is proved to the Department that the collecting will not be detrimental to wildlife or the habitat of the wildlife. The annual fee for a permit issued pursuant to this section is \$250.

3. An application for a permit issued pursuant to this section must be submitted on a form furnished by the Department.

4. An applicant for a permit issued pursuant to this section must include on the application:

(a) The name of the applicant;

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

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

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

~~—(e)]~~ The social security number, or the tax identification number if the application is made under a business name, of the applicant;

~~[(f)]~~ (e) The date of birth of the applicant;

~~[(g)]~~ (f) The methods and equipment to be used in the collection of the wildlife;

~~[(h)]~~ (g) The location, by county or region, where the wildlife is to be collected;

~~[(i)]~~ (h) The address of the location where the wildlife will be held while it is in the possession of the applicant;

~~[(j)]~~ (i) 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

~~[(k)]~~ (j) The applicant's signature and the date on which the application is signed.

5. Such a permit is not transferable and may be cancelled by the Department for a violation of its conditions or if operation of the permit is found to be detrimental to wildlife.

6. Within 30 days after the expiration of a permit for the collection of unprotected wildlife, the person to whom it was issued shall submit a report to the Department with the number and

disposition of the unprotected species he or she has taken. Any failure to submit the report is a cause for denial of a future application for a similar permit.

Sec. 11. NAC 503.110 is hereby amended to read as follows:

503.110 1. Except as otherwise provided in this section, ~~and NAC 504.486,~~ the importation, transportation or possession of the following species of live wildlife or hybrids thereof, including viable embryos or gametes, is prohibited:

(a) Fish:

Common Name	Scientific Classification
(1) Lampreys	All species in the family Petromyzontidae
(2) Freshwater stingray.....	All species in the family Potamotrygonidae
(3) Freshwater shark.....	All species in the genus <i>Carcharhinus</i>
(4) Bowfin	<i>Amia calva</i>
(5) Gars.....	All species in the family Lepisosteidae
(6) Herring and shad, except threadfin shad and gizzard shad	All species in the family Clupeidae, except <i>Dorosoma petenense</i> and <i>Dorosoma cepedianum</i>
(7) European Whitefish	All species in the genus <i>Leuciscus</i>
(8) Mexican banded tetra.....	<i>Astyanax mexicanus</i>

Common Name	Scientific Classification
(9) Piranhas	All species in the genera <i>Serrasalmus</i> , <i>Serrasalmo</i> , <i>Pygocentrus</i> , <i>Pristobrycon</i> , <i>Hydrolycus</i> , <i>Rooseveltiella</i> and <i>Pygopristis</i>
(10) South American Parasitic Catfish.....	All species in the families Cetopsidae and Trichomycteridae
(11) White perch.....	<i>Morone americana</i>
(12) Freshwater drum.....	<i>Aplodinotus grunniens</i>
(13) Grass carp, except certified triploids as authorized by a special permit.....	<i>Ctenopharyngodon idella</i>
(14) Pike top minnow.....	<i>Belonesox belizanus</i>
(15) Snakehead.....	All species in the genera <i>Parachanna</i> and <i>Channa</i>
(16) Walking catfish.....	All species in the genera <i>Clarias</i> , <i>Heteropneustes</i> and <i>Dinotopterus</i>
(17) Tiger fish, Tigerfish and Wolf fish.....	All species in the genera <i>Hydrocynus</i> and <i>Hoplias</i>
(18) Sticklebacks	All species in the genera <i>Apeltes</i> , <i>Eucalia</i> , <i>Gasterosteus</i> and <i>Pungitius</i>

Common Name	Scientific Classification
(19) Tilapia.....	All species in the genera <i>Coelotilapia</i> , <i>Coptodom</i> , <i>Heterotilapia</i> , <i>Oreochromis</i> , <i>Pelmatolapia</i> , <i>Tilapia</i> and <i>Sarotherodon</i>
(20) Nile perch	All species in the genera <i>Lates</i> and <i>Luciolates</i>
(21) Goldeye.....	All species in the genus <i>Hiodon</i>
(22) Carp:	
(I) Bighead.....	<i>Hypophthalmichthys nobilis</i>
(II) Black	<i>Mylopharyngodon piceus</i>
(III) Crucian.....	<i>Carassius carassius</i>
(IV) Indian.....	<i>Catla catla</i> , <i>Cirrhina mrigala</i> and <i>Labeo</i> <i>rohita</i>
(V) Silver.....	<i>Hypophthalmichthys molitrix</i>
(23) Rudd.....	<i>Scardinius erythrophthalmus</i>
(24) Northern Pike.....	<i>Esox lucius</i>
(25) Swamp eel.....	All species in the genus <i>Monopterus</i>
(26) Round goby.....	<i>Neogobius melanostomus</i>
(27) Flathead catfish.....	<i>Pylodictis olivaris</i>
(28) Peacock bass.....	All species in the genus <i>Cichla</i>

(b) Reptiles:

Common Name	Scientific Classification
(1) Alligators, crocodiles and gharials	All species in the order Crocodilia
(2) Bird snake	All species in the genus <i>Thelotornis</i>
(3) Boomslang	<i>Dispholidus typus</i>
(4) Keelbacks.....	All species in the genus <i>Rhabdophis</i>
(5) Burrowing Asps	All species in the family Atractaspidae
(6) Coral snakes, cobras, kraits, mambas, Australian elapids and sea snakes.....	All species in the family Elapidae
(7) Pit vipers and true vipers, except species indigenous to this State	All species in the family Viperidae, except species indigenous to this State
(8) Snapping Turtles.....	All species in the family Chelydridae
(9) Gila monsters and bearded lizards	All species in the family Helodermatidae

(c) Amphibians:

Common Name	Scientific Classification
(1) Clawed frogs.....	All species in the genus <i>Xenopus</i>
(2) Giant or marine toads	<i>Bufo horribilis</i> , <i>Bufo marinus</i> and <i>Bufo</i>

Common Name

Scientific Classification

paracnemis

(d) Mammals:

Common Name

Scientific Classification

- (1) Deer, elk, wapiti, moose and caribou All species in the family Cervidae
- (2) Wild Dogs or Dhole..... *Cuon alpinus*
- (3) Raccoon Dog *Nyctereutes procyonoides*
- (4) Mongooses and Meerkats All species in the genera *Atilax*, *Cynictis*,
Helogale, *Mungos*, *Suricate*,
Ichneumia and *Herpestes*
- (5) Wild European Rabbit *Oryctolagus cuniculus*
- (6) Multimammate Rat or Mouse All species in the genus *Mastomys*
(=*Praomys*)
- (7) Bats All species in the order Chiroptera
- (8) Nutria *Myocastor coypus*
- (9) Coyote..... *Canis latrans*
- (10) Foxes..... All species in the genera *Vulpes*,
Fennecus, *Urocyon*, *Alopex*, *Lycalopex*
and *Pseudalopex*

- (11) Raccoon *Procyon lotor*
- (12) Skunk All species in the genera *Spilogale*,
Mephitis and *Conepatus*
- (13) Wild pigs and hogs All species in the family Suidae, except
domestic breeds of *Sus scrofa*
- (14) Reedbucks..... All species in the genus *Redunca*
- (15) Oryx and Gemsbok..... All species in the genus *Oryx*
- (16) Addax..... *Addax nasomaculatus*
- (17) Blesbok, Topi and Bontebok All species in the genus *Damaliscus*
- (18) Hartebeests..... All species in the genera *Alcelaphus* and
Sigmoceros
- (19) Wildebeest and Gnus All species in the genus *Connochaetes*
- (20) Chamois *Rupicapra rupicapra* and *R. pyrenaica*
- (21) Tahr..... All species in the genus *Hemitragus*
- (22) Ibex, Wild Goats, Tur and Markhor All species in the genus *Capra*, except
domestic goats, *Capra hircus*
- (23) Barbary (Aoudad) Sheep *Ammotragus lervia*
- (24) Mouflon sheep, Urial, Bighorn and
Argali..... All species in the genus *Ovis*, except
domestic sheep, *Ovis aries*

(e) Birds:

Common Name	Scientific Classification
--------------------	----------------------------------

- | | |
|---------------------------------------|---------------------------|
| (1) Pink Starling or Rosy Pastor..... | <i>Sturnus roseus</i> |
| (2) Red-billed Dioch..... | <i>Quelea quelea</i> |
| (3) Red-whiskered Bulbul | <i>Pycnonotus jocosus</i> |

(f) Crustaceans:

Common Name	Scientific Classification
--------------------	----------------------------------

- | | |
|------------------------------|---|
| (1) Asiatic mitten crab..... | <i>Eriocheir sinensis</i> |
| (2) Crayfish | All species in the families Parastacidae,
Cambaridae and Astacidae, except
<i>Procambarus clarkii</i> , <i>Orconectes causeyi</i>
and indigenous species of the genus
<i>Pacifastacus</i> |

(g) Mollusks:

Common Name	Scientific Classification
--------------------	----------------------------------

- | | |
|-----------------------------------|---|
| (1) African giant snail | <i>Achatina fulica</i> |
| (2) Zebra and quagga mussels..... | All species in the genus <i>Dreissena</i> |

Common Name

Scientific Classification

- (3) New Zealand mud snail *Potamopyrgus antipodarum, P. jenkinsi*
- (4) Apple snails All species in the genus *Pomacea*
- (5) Golden mussel *Limnoperna fortunei*

2. The headquarters of the Department and each regional office of the Department will maintain a physical description and picture of each species listed in this section when reasonably available.

3. The Department may issue a scientific permit for the collection or possession of wildlife or a commercial license for the possession of live wildlife, whichever is applicable, for the importation, transportation or possession of a species listed in this section only to:

(a) A zoo or aquarium which is an accredited institutional member of the Zoological Association of America, the Association of Zoos and Aquariums or their successors.

(b) ~~[A person who displays, exhibits or uses the species for entertainment or commercial photography, including, without limitation, motion pictures, still photography or television, if the species:~~

~~—— (1) Is accompanied by evidence of lawful possession;~~

~~—— (2) Is not in this State for more than 90 days; and~~

~~—— (3) Is maintained under complete control and prohibited from coming into contact with members of the general public.~~

~~→ If the person is displaying, exhibiting or using mammals for commercial purposes other than for food or fiber, he or she must possess the appropriate license issued by the United States Department of Agriculture.~~

~~(e)~~ A college, university or governmental agency, for scientific or public health research.

~~(d)~~ (c) Any other scientific institution, as determined by the Department, for research or medical necessity.

~~(e)~~ (d) Any person engaged in commercial aquaculture, upon application and proof to the Department that the activity will not be detrimental to aquatic life, other wildlife or recreational uses. As a condition of the issuance to such a person of a commercial license for the possession of a species listed in this section, a bond may be required to provide for the removal of any species to which the license applies that may escape or be released from captivity for any reason. The amount of the bond will be determined by the Department after considering the degree of potential hazard to wildlife.

~~(e)~~ (e) A tax-exempt nonprofit organization that exhibits wildlife solely for educational or scientific purposes.

4. An interstate shipment of a species listed in this section may be transported through this State, without a permit or license issued by the Department, if:

(a) The shipper or transporter has evidence of lawful possession of the species issued by the state or country where the species originated;

(b) Mammals, birds or fish are accompanied by a health certificate issued by the state or country where the species originated that indicates the destination, origin and proof of ownership of the species being transported;

(c) The species is in this State for less than 48 hours; and

(d) The species is not unloaded or otherwise released while being transported through this State.

5. This section does not apply to the Department when it is conducting authorized introductions or transplantations of a native species of big game mammal listed in this section.

Sec. 12. NAC 503.1465 is hereby amended to read as follows:

503.1465 1. The Department may issue an archery disability permit to a person with a ~~permanent~~ disability. The permit authorizes a person with a ~~permanent~~ disability to hunt, during a hunt that is restricted to the use of archery, using a crossbow or a bow that uses a mechanical device that is capable of anchoring a nocked arrow at full draw or partial full draw and complies with the requirements of subsection 2 of NAC 503.144.

2. A person using an archery disability permit shall present the permit upon the request of a law enforcement officer.

3. An application for an archery disability permit must:

(a) Be submitted to the Department on a form provided by the Department;

(b) Include a certificate issued by a licensed physician certifying that the applicant has a ~~permanent~~ disability; and

(c) Include any other information required by the Department to issue the permit.

4. An archery disability permit issued pursuant to this section ~~does not expire.~~
expires 1 year after the date on which the permit is issued.

5. As used in this section, ~~“permanent”~~ “disability” means a disability which prohibits a person from manually drawing and holding at full draw a bow that complies with the provisions of subsection 2 of NAC 503.144.

Sec. 13. 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 LCB File No. R160-22, 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~~ 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*), 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. 14. NAC 503.212 is hereby amended to read as follows:

503.212 1. Except as otherwise provided in NAC 503.214 and 503.217, the owner of a raptor shall attach a leg band to the raptor pursuant to the provisions of this section.

2. For a raptor originally taken from the wild:

(a) For a goshawk (*Accipiter gentilis*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*) or gyrfalcon (*Falco rusticolus*):

(1) Unless the raptor is already so banded, the owner of the raptor shall attach to the raptor a permanent, nonreusable and numbered leg band which is supplied by the United States Fish and Wildlife Service ; ~~and provided by the Department;~~ and

(2) The owner of the raptor may implant in the raptor a 134.2-kilohertz microchip that complies with the standards established by the International Organization for Standardization or its successor; and

(b) For a raptor that is not of a species listed in paragraph (a), a person shall not attach to the raptor a nonreusable and numbered leg band which is supplied by the ~~Department;~~ *United States Fish and Wildlife Service.*

3. For a captive-bred raptor, unless the raptor is already banded, the owner of the raptor shall attach to the raptor a nonreusable and numbered leg band which is supplied by the United States Fish and Wildlife Service . ~~and provided by the Department.~~

Sec. 15. NAC 503.214 is hereby amended to read as follows:

503.214 1. If a leg band attached to a raptor pursuant to NAC 503.212 must be removed or is lost, the owner of the raptor shall, not later than 5 working days after the removal or after the loss is discovered, report the removal or loss to the United States Fish and Wildlife Service on its Internet website and shall:

(a) Request a replacement leg band from the Department and attach to the raptor the replacement leg band immediately after receiving the replacement leg band; or

(b) Purchase and immediately implant in the raptor a 134.2-kilohertz microchip that complies with the standards established by the International Organization for Standardization or its successor.

2. Not later than 5 days after rebanding a captive-bred raptor pursuant to subsection 1, the owner of the raptor:

(a) Shall report the rebanding, and any other information required by the ~~{Department,}~~ *United States Fish and Wildlife Service* to the Department on Form 3-186A; and

(b) Shall report the rebanding, and any other information required by the United States Fish and Wildlife Service, to the United States Fish and Wildlife Service on its Internet website.

Sec. 16. NAC 503.225 is hereby amended to read as follows:

503.225 1. A falconry licensee may receive by transfer legally acquired raptors from other persons authorized to possess raptors and may transfer a raptor in his or her lawful possession to any other person authorized to possess a raptor.

2. ~~{A person authorized to possess a raptor may transfer or acquire by transfer a raptor which was originally taken from the wild.}~~

~~—3.}~~ A person shall not sell, trade, barter, purchase, acquire by trade or barter, or attempt to sell, trade, barter, purchase or acquire by trade or barter, a raptor which was originally taken from the wild.

~~{4.}~~ 3. A person authorized to possess a raptor may transfer, sell, trade, barter, purchase, acquire by trade or barter, or attempt to transfer, sell, trade, barter, purchase, or acquire by transfer, trade or barter, a captive-bred raptor only if the raptor is:

(a) Two weeks of age or more; and

(b) Except as otherwise provided in NAC 503.217, banded pursuant to NAC 503.212 or 503.214.

~~{5}~~ 4. If a person acquires a raptor pursuant to this section:

(a) Except as otherwise provided in paragraph (b), the raptor does not count toward the number of raptors the person may obtain from the wild pursuant to his or her permit, NRS 503.583 and NAC 503.300, regardless of whether the raptor was bred in captivity or was originally taken from the wild; and

(b) If the person acquired the raptor with the intent to keep the raptor, and if the raptor was acquired from a raptor rehabilitator and was originally taken from the wild, the raptor counts toward the number of raptors the person may obtain from the wild pursuant to his or her permit, NRS 503.583 and NAC 503.300.

Sec. 17. NAC 503.230 is hereby amended to read as follows:

503.230 1. The owner of a raptor of any species may release the raptor to the wild pursuant to the provisions of this section.

2. A falconry licensee shall not intentionally and permanently release to the wild a hybrid raptor or a raptor which is of a species not indigenous to this State.

3. A falconry licensee shall not intentionally and permanently release to the wild a captive-bred raptor that is of a species indigenous to this State unless ~~{~~

~~—(a) The~~ the falconry licensee:

~~{(1)}~~ (a) Temporarily releases and subsequently takes the raptor to allow the raptor to adjust to the wild; ~~{and~~

~~—(2)~~ (b) Receives written authorization from the Department to release the raptor to the wild permanently; and

~~{(b) The falconry licensee releases}~~

(c) *Releases* the raptor ~~[at an appropriate time during the year and at an appropriate location, as determined by the Department and included]~~ in *accordance with* the written authorization required ~~[pursuant to subparagraph (2) of]~~ by paragraph ~~{(a)}~~ (b).

4. A falconry licensee shall not intentionally and permanently release to the wild a raptor which was originally taken from the wild and which is of a species indigenous to this State unless the falconry licensee:

(a) Receives written authorization from the Department to release the raptor to the wild permanently; and

(b) Releases the raptor ~~[at an appropriate time during the year and at an appropriate location, as determined by the Department and included]~~ in *accordance with* the written authorization required ~~[pursuant to]~~ by paragraph (a).

5. *The written authorization required by subsection 3 or 4 must specify an appropriate time during the year and an appropriate location for releasing the raptor to the wild.*

6. Before releasing a raptor to the wild pursuant to this section, the falconry licensee shall remove the leg band, if any, from the raptor.

~~{6}~~ 7. Not later than 5 days after releasing a raptor to the wild pursuant to this section, the falconry licensee shall:

(a) Return the leg band, if any, removed pursuant to subsection ~~{5}~~ 6 to the Department; and

(b) Report the release to the Department on Form 3-186A.

Sec. 18. 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 , *including, without limitation, any offspring of such 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,

and sections 2 to 10, inclusive, of LCB File No. 160-22, inclusive. 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. 19. NAC 503.350 is hereby amended to read as follows:

503.350 1. A holder of a permit to take raptors may authorize another person to take a raptor for ~~the holder of the permit subject to the conditions specified in this section.~~

~~2. If the holder of the permit is at the site of the taking:~~

~~(a) The holder of the permit shall report the taking to the Department on Form 3-186A not later than 5 days after the taking; and~~

~~(b) The taken raptor counts toward the number of raptors the holder of the permit may obtain or possess pursuant to his or her permit, NRS 503.583 and NAC 503.250 and 503.300.~~

~~3. If the holder of the permit has a long-term or permanent physical impairment that prevents him or her from being at the site of the taking:~~

~~—(a) The~~ *him or her if the* holder of the permit ~~[shall report]~~ *reports* the taking to the Department on Form 3-186A not later than 5 days after the taking. ~~}; and~~

~~—(b) The~~

2. *Any raptor* taken ~~[raptor]~~ *for the holder of a permit pursuant to subsection 1* counts toward the number of raptors that the holder of the permit may obtain or possess pursuant to his or her permit, NRS 503.583 and NAC 503.250 and 503.300.

Sec. 20. 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 LCB File No. 160-22, 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; *and*

(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. 21. NAC 503.405 is hereby amended to read as follows:

503.405 1. A falconry licensee who is not the owner of a raptor may provide care for the raptor if the falconry licensee also possesses:

(a) A copy of the Form 3-186A that the owner of the raptor submitted to the Department when the owner obtained the raptor; and

(b) A statement that:

(1) Is signed by the owner of the raptor and the falconry licensee;

(2) Authorizes the falconry licensee to provide care for the raptor; and

(3) Indicates:

(I) The period during which the falconry licensee may provide care for the raptor; and

(II) Whether the falconry licensee may practice falconry with the raptor.

2. A falconry licensee providing care for a raptor pursuant to this section may do so only:

(a) At a facility owned or maintained by the owner of the raptor or the falconry licensee; and

(b) Except as otherwise provided in subsection 3, for not more than 120 days.

3. The Department may extend beyond 120 days the period during which a falconry licensee may provide care for a raptor if the owner of the raptor provides evidence satisfactory to the Department that any illness, military service, family emergency or other extenuating circumstance justifies the extension.

4. A raptor for which care is provided by a falconry licensee pursuant to this section:

(a) Counts toward the number of raptors that the owner of the raptor may possess pursuant to

NAC 503.250; and

(b) Does not count toward the number of raptors that the falconry licensee may possess pursuant to NAC 503.250.

~~{5. If indicated by a statement signed pursuant to paragraph (b) of subsection 1, a falconry licensee providing care for a raptor pursuant to this section may practice falconry with the raptor in accordance with this chapter and NRS 503.582 and 503.583.}~~

Sec. 22. NAC 503.445 is hereby amended to read as follows:

503.445 1. A general or master falconry licensee may, without obtaining any additional license or permit, use a raptor in his or her lawful possession in a conservation education program which is presented in a public venue.

2. An apprentice falconry licensee may use a raptor in his or her lawful possession in a conservation education program which is presented in a public venue if the presentation is supervised by a general or master falconry licensee.

3. A raptor used in a conservation education program pursuant to this section must otherwise be used primarily for falconry.

4. A conservation education program presented pursuant to this section must include information concerning the biology, ecological roles and conservation requirements of raptors and other migratory birds. Each of those topics is not required to be included in each presentation.

5. ~~In addition to the requirements of subsection 4, a falconry licensee shall not present a conservation education program pursuant to this section that does not include information on falconry and conservation education.~~

~~6.]~~ A falconry licensee presenting a conservation education program pursuant to this section:

(a) May accept a fee for the program which does not exceed the actual costs of presenting the program; and

(b) Is responsible for all liability associated with the program.

Sec. 23. NAC 503.455 is hereby amended to read as follows:

503.455 1. A master falconry licensee may conduct abatement activities using a raptor in his or her lawful possession if the falconry licensee possesses:

(a) A Federal Migratory Bird Abatement permit issued by the United States Fish and Wildlife Service *and has provided a copy of the permit to the Department*, or, if the United States Fish and Wildlife Service no longer issues those permits, *possesses* a permit to conduct abatement activities issued by the Department; and

(b) A permit to collect unprotected wildlife issued to the master falconry licensee by the Department pursuant to NRS 503.380 and NAC 503.095.

2. A general falconry licensee may conduct abatement activities using a raptor in his or her lawful possession under the supervision of a master falconry licensee who is authorized to conduct abatement activities pursuant to subsection 1.

3. Except as otherwise provided in subsection 4, a general or master falconry licensee may receive payment for conducting abatement activities against a species listed in 50 C.F.R. § ~~21.43~~ *21.150* only in accordance with the conditions of his or her Federal Migratory Bird

Abatement permit issued by the United States Fish and Wildlife Service or, if the United States Fish and Wildlife Service no longer issues those permits, his or her permit to conduct abatement activities issued by the Department.

4. A falconry licensee may not receive payment for depredation control activities conducted against a species listed in 50 C.F.R. § ~~21.43~~.

~~5. A falconry licensee who receives a Federal Migratory Bird Abatement permit issued by the United States Fish and Wildlife Service shall provide a copy of the permit to the Department.] 21.150.~~

Sec. 24. NAC 503.593 is hereby amended to read as follows:

503.593 1. Chumming is prohibited in:

(a) Lake Tahoe.

(b) Topaz Lake.

(c) ~~Crittenden Reservoir~~.

~~(d)~~ The collection ditch of the Ruby Lake National Wildlife Refuge.

~~(e)~~ (d) Spooner Lake.

2. Fishing with a spear for unprotected fish is prohibited in:

(a) Lake Tahoe.

(b) Topaz Lake.

Sec. 25. NAC 502.015, 502.211 and 504.486 are hereby repealed.

/

TEXT OF REPEALED SECTIONS

502.015 “Batch report” defined. (NRS 501.105, 501.181) “Batch report” means a report of the documents issued by a license agent and submitted to the license office.

502.211 Removal of personal information from lists sold by Department. (NRS 501.181) Upon the request of a person who has applied for or obtained a license, permit, tag or other licensing document from the Department pursuant to title 45 of NRS, or any regulations adopted pursuant thereto, the name, address, phone number and other personal information of the person is confidential and the Department shall remove the name, address, phone number and other personal information from any list sold or distributed by the Department or a licensing vendor of the Department.

504.486 Exhibit of wildlife under authority of federal exhibitor’s license. (NRS 501.105, 501.181, 504.295) 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 45 days, without obtaining any license or permit issued by the Department for the possession, transportation, importation or exportation of that wildlife.

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

Commission General Regulation 513 LCB File No. R053-23 Executive Order 2023-003

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 economic 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 of impact reduction 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 not associated with regulating any small business functions 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.



Alan Jenne, Director
Nevada Department of Wildlife

**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. R122-23 – Commission General Regulation 514

The Nevada Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m. on January 27, 2024 at the Sparks Legislative Building 745 Fourth St. Sparks, NV 89436. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 502 of the Nevada Administrative Code. A Zoom link is provided below for those individuals that are unable to attend in person.

If you wish to make public comment, please use this link for Friday, January 26, 2024:

<https://us02web.zoom.us/j/86749955371?pwd=dnN3Wm55MnhRc0k0UnljMmxVM3VoUT09>

Passcode: 142089

If you wish to make public comment, please use this link for Saturday, January 27, 2024:

<https://us02web.zoom.us/j/86096552018?pwd=TmZlaEtUZzBjSFpReHFvc3ZmTys0dz09>

Passcode: 859244

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:**
This regulation is the foundation for allowing for a moose hunt.
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:**
There are definitions to clarify the types of moose and hunts allowed, who can obtain a tag and how often, fees for the tags, inspection of a harvested moose and retention of needed body parts to ensure proper type of harvest of said animal. Without these regulations, the Department would not have enforcement capabilities on sportspeople that hunt moose.
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 15, 2023

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

LCB File No. R122-23

December 14, 2023

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

AUTHORITY: §§ 1, 2 and 6, NRS 501.105, 501.181 and 503.120; § 3, NRS 501.105, 501.181 and 503.120; § 4, NRS 501.105, 501.181, 502.130, 502.140, 502.160 and 502.250; § 5, NRS 501.105, 501.181, 502.160 and 502.175.

A REGULATION relating to wildlife; defining certain terms relating to moose; establishing provisions relating to obtaining a tag to hunt moose; revising provisions relating to certain bonus points awarded by the Department of Wildlife; revising provisions relating to the possession of certain parts from certain animals; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to the preservation, protection, management and restoration of wildlife, as well as those necessary to carry out the provisions of title 45 of the Nevada Revised Statutes. (NRS 501.105, 501.181) Existing law authorizes the Commission to adopt regulations defining “antlerless” mammals. (NRS 503.120) **Sections 2 and 3** of this regulation define the terms “antlered moose” and “antlerless moose,” respectively.

Existing law requires tags to hunt certain species, including moose. (NRS 502.130) Existing law authorizes the Commission to adopt any regulations necessary relative to the manner of qualifying and applying for, using, completing, attaching, filling out, punching, inspecting, validating or reporting such tags. (NRS 502.160) **Section 4** of this regulation authorizes, with certain exceptions, a resident or nonresident of this State to apply for a tag to hunt antlered moose or antlerless moose. **Section 4** also provides that a person who obtains a tag or replacement tag for an antlered or antlerless moose is not eligible to apply for another tag to hunt that type of moose. Finally, **section 4** requires a person who harvests a moose to, within 5 days after harvesting it, personally present the skull and any antlers of the moose to a representative of the Department of Wildlife for inspection.

Existing law requires the Commission to establish fees for hunting certain big game species, which must not exceed the highest fee for a resident or nonresident tag established pursuant to the Nevada Revised Statutes. (NRS 502.130, 502.250) **Section 4** prescribes the following fees for moose tags: (1) \$120 for a resident antlered moose tag; (2) \$120 for a resident antlerless moose tag; (3) \$1,200 for a nonresident antlered moose tag; and (4) \$1,200 for a nonresident antlerless moose tag.

Existing regulations provide that any bonus points awarded by the Department pursuant to the bonus point program must be awarded in certain enumerated categories of species, subspecies and gender. (NAC 502.4188) **Section 5** of this regulation requires the Department to award bonus points for antlered moose, antlerless moose and moose, either antlered or antlerless.

Existing regulations require a person who kills a deer, elk, mountain goat, antelope or bighorn sheep to maintain possession of a certain portion of the cape or scalp of the animal, as well as any antlers or horns, until the carcass has been frozen, smoked, dried, consumed or accepted by a commercial processing plant for processing. (NAC 503.173) **Section 6** of this regulation adds moose to these requirements.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *“Antlered moose” means any moose having at least one antler that is visible above the hairline of the skull of the moose.*

Sec. 3. *“Antlerless moose” means any moose without antlers.*

Sec. 4. 1. *Except as otherwise provided in this subsection, unless his or her privilege is limited or revoked pursuant to law, any resident or nonresident of this State is eligible to apply in any year for an antlered moose tag. A person who obtains an antlered moose tag or a replacement tag for an antlered moose is not eligible to apply for another tag to hunt antlered moose only.*

2. Except as otherwise provided in this subsection, unless his or her privilege is limited or revoked pursuant to law, any resident or nonresident of this State is eligible to apply in any year for an antlerless moose tag. A person who obtains an antlerless moose tag or a replacement tag for an antlerless moose is not eligible to apply for another tag to hunt antlerless moose only.

3. The fee for:

(a) A resident antlered moose tag is \$120.

(b) A resident antlerless moose tag is \$120.

(c) A nonresident antlered moose tag is \$1,200.

(d) A nonresident antlerless moose tag is \$1,200.

4. A person who harvests a moose shall, within 5 days after harvesting it, personally present the skull and any antlers of the moose, if applicable, to a representative of the Department for inspection.

5. As used in this section:

(a) "Antlered moose only" means, in a designation of moose that may be taken during an open season, only an antlered moose.

(b) "Antlerless moose only" means, in a designation of moose that may be taken during an open season, only an antlerless moose.

Sec. 5. NAC 502.4188 is hereby amended to read as follows:

502.4188 1. Except as otherwise provided in subsection 2, any bonus points awarded by the Department pursuant to the bonus point program must be awarded in one of the following categories of species, subspecies and gender:

- (a) Antlered mule deer;
- (b) Antlerless mule deer;
- (c) Mule deer, either antlered or antlerless;
- (d) Antlered Rocky Mountain elk;
- (e) Antlerless Rocky Mountain elk;
- (f) Rocky Mountain elk, either antlered or antlerless;
- (g) Spike Rocky Mountain elk;
- (h) Pronghorn antelope whose horns are longer than their ears;
- (i) Pronghorn antelope whose horns are shorter than their ears;

(j) Rams, from one of the following subspecies:

- (1) Nelson bighorn sheep;
- (2) California bighorn sheep; or
- (3) Rocky Mountain bighorn sheep;

(k) Ewes, from one of the following subspecies:

- (1) Nelson bighorn sheep;
- (2) California bighorn sheep; or
- (3) Rocky Mountain bighorn sheep;

(l) Mountain goats;

(m) Black bears; ~~or~~

(n) *Antlered moose*;

(o) *Antlerless moose; or*

(p) Moose ~~H~~, *either antlered or antlerless.*

2. Bonus points awarded by the Department pursuant to the bonus point program for wild turkey hunts must be awarded by hunt number.

Sec. 6. NAC 503.173 is hereby amended to read as follows:

503.173 Except as otherwise provided in NAC 502.403, any person who kills a deer, elk, *moose*, mountain goat, antelope or bighorn sheep shall, until the carcass is frozen, smoked, dried, consumed or accepted by a commercial processing plant for processing, maintain possession of at least that portion of the cape or scalp that includes the ears to the base of the muzzle and any antlers or horns. The cape or scalp and any antlers or horns from the animal must be possessed in such a manner that they remain or are kept together with the carcass of the animal.

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

Commission General Regulation 514 LCB File No. R122-23 Antlered/Antlerless Moose defined; tags, fees, inspection; Maintenance of cape or scalp and antlers or horns with carcass.

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 economic 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 of impact reduction 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. NRS already establishes tag 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 not associated with regulating any small business functions 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.



Alan Jenne, Director
Nevada Department of Wildlife