

SENATE BILL NO. 125—SENATOR SETTELMAYER

FEBRUARY 17, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions related to falconry.
(BDR 45-158)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to wildlife; authorizing certain persons to possess a golden eagle; authorizing the Board of Wildlife Commissioners to adopt regulations that authorize certain persons to transport, transfer, possess or use a golden eagle in falconry; requiring certain persons to obtain a falconry license and an eagle permit before such persons are authorized to transport, transfer, possess or use golden eagles in falconry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Bald and Golden Eagle Protection Act is the federal law that provides for the protection of bald eagles and golden eagles. (16 U.S.C. §§ 668-668d) The Act prohibits a person from taking, possessing, selling, purchasing, bartering, offering to sell, purchase or barter, transporting, exporting or importing any bald eagle or golden eagle, alive or dead, including any part, nest or egg of such an eagle, unless the person is authorized to do so by permit. (16 U.S.C. § 668) The Act provides for the taking of golden eagles from the wild to be used in falconry. (16 U.S.C. § 668a; 50 C.F.R. § 21.29(a)(1)(ii)) Specifically, the Act provides that the Secretary of the Interior may permit the taking, possessing and transporting of golden eagles for the purposes of falconry if the golden eagles are taken because they are causing depredations on livestock or wildlife. (16 U.S.C. § 668a) Federal regulations adopted pursuant to the Act require a person who seeks to use a golden eagle for falconry to: (1) satisfy the conditions set forth in the federal regulations enacted pursuant to the Migratory Bird Treaty Act; and (2) have a permit to possess a golden eagle from his or her state. (50 C.F.R. § 22.24) The federal regulations enacted pursuant to the Migratory Bird Treaty Act provide that a master falconer may possess up to three eagles, including golden eagles, if he or she: (1) has documents proving his or her experience in handling large raptors; and (2) has at



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least two letters of reference from people with experience handling or flying large raptors. (50 C.F.R. §§ 21.29(c)(2)(iii)(B), 21.29(c)(2)(iv))

Existing law requires any person who practices falconry or trains birds of prey to obtain a falconry license from the Department of Wildlife. (NRS 503.583) Existing law provides that it is unlawful for any person to kill, destroy, wound, trap, injure, possess dead or alive, or in any other manner to catch or capture, or to pursue with such intent, bald eagles or golden eagles. However, existing law authorizes the Department to issue a permit to take bald eagles or golden eagles to mitigate depredations on wildlife, agriculture or other interests. (NRS 503.610) Existing regulations prohibit bald eagles and golden eagles from being taken, transported, possessed or used in the practice of falconry. (NAC 503.305) Existing law provides that every person who unlawfully kills or possesses an eagle is liable for a civil penalty. (NRS 501.3855)

Section 3 of this bill authorizes a person who is licensed as a master falconer and who meets certain federal conditions to possess a golden eagle that is obtained from the wild if the golden eagle: (1) is obtained for rehabilitation purposes; (2) is legally obtained in another state; (3) is legally possessed by a master falconer in another state and that master falconer moves to this state; or (4) is transferred to the master falconer from another falconer in a manner authorized by regulations adopted by the Board of Wildlife Commissioners. **Section 3** authorizes the Commission to adopt regulations that authorize such a person to transport, transfer, possess or use a golden eagle in falconry. If such transportation, transfer, possession or use in falconry is authorized, **section 3** further requires a person who possesses a golden eagle to obtain an eagle permit. If such transportation, transfer, possession or use in falconry is authorized, **section 3** requires the Commission to adopt regulations that establish: (1) the requirements a person must comply with to obtain an eagle permit; and (2) how the holder of an eagle permit may transport, transfer, possess or use a golden eagle. The eagle permit: (1) is deemed a permit to possess a golden eagle, as required by federal law; and (2) authorizes the holder to lawfully transport, transfer, possess or use a golden eagle in falconry.

Section 3 additionally requires the Commission to adopt regulations that impose civil penalties against a person who violates various prohibitions against tampering with bald eagles and golden eagles. **Section 1** of this bill makes a conforming change to provide an exception to account for this civil penalty.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.3855 is hereby amended to read as follows:

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who:

(a) Unlawfully kills or possesses a trophy big game mammal is liable for a civil penalty of not less than \$5,000 nor more than \$30,000; or

(b) Except as otherwise provided in paragraph (a) ~~or~~ **NRS 503.610**, unlawfully kills or possesses a big game mammal, moose, bobcat, swan or eagle is liable for a civil penalty of not less than \$250 but less than \$5,000.



2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, a person is liable for a civil penalty of not less than \$25 nor more than \$1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, a person is liable for a civil penalty of not less than \$50 nor more than the amount of the fee for the license, tag or permit required for the activity in which the person engaged.

4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each mammal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

5. The Department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the Department may suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.

7. Each court that receives money pursuant to the provisions of this section shall forthwith remit the money to the Department which shall deposit the money with the State Treasurer for credit to the Wildlife Account in the State General Fund.

8. As used in this section, "trophy big game mammal" means a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, a mountain goat or a black bear. As used in this subsection:

(a) "Antler" means any bony growth originating from the pedicle portion of the skull of a big game mammal that is annually cast and regenerated as part of the annual life cycle of the big game mammal.

(b) "Antler point" means a projection which is at least 1 inch in length with the length exceeding the width of its base, excluding the first point on the main beam commonly known as the eye guard on mule deer.

(c) "Horn exceeding a half curl" means a horn tip that has grown at least through 180 degrees of a circle determined by establishing a parallel reference line from the base of the horn and measuring the horn tip to determine whether the horn tip has grown at least to the projection of the reference line.



(d) "Outside antler measurement" means the perpendicular measurement at right angles to the center line of the skull of a deer at the widest point between the main antler beams or the antler points off the main antler beams.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 503.610 is hereby amended to read as follows:

503.610 1. Except as otherwise provided in ~~subsection 2,~~ *this section*, it is unlawful for any person, firm, company, corporation or association to kill, destroy, wound, trap, injure, possess dead or alive, or in any other manner to catch, ~~for~~ capture, *take or remove from the wild*, or to pursue with such intent the birds known as the bald eagle and the golden eagle, or to take ~~for~~ *or remove from the wild*, injure, possess or destroy the nests, ~~for~~ eggs *or newly hatched offspring* of such birds.

2. The Department may issue permits to take bald eagles or golden eagles whenever it determines that they have become seriously injurious to wildlife or agricultural or other interests in any particular area of the State and the injury complained of is substantial and can only be abated by taking some or all of the offending birds. The issuance of such permits must be consistent with federal law.

3. The Department may authorize a person who is licensed as a master falconer by the Department pursuant to NRS 503.583 and who meets the conditions set forth in 50 C.F.R. § 21.29 to possess a golden eagle that is obtained from the wild if the golden eagle:

(a) Is obtained for the rehabilitation of the golden eagle in accordance with federal law;

(b) Is obtained in another state in accordance with federal law, including, without limitation, the federal depredation permit lottery system, and the laws of that state;

(c) Is legally possessed by a master falconer in another state and that master falconer moves to this State; or

(d) Is transferred to the master falconer from another falconer who is licensed in this State or another state. Such a transfer may only occur if it is authorized by the Department in the manner set forth in any regulations adopted by the Commission pursuant to subsection 6, if applicable.

4. If the Commission adopts regulations pursuant to paragraph (a) of subsection 6 and authorizes the transportation, transfer, possession or use of a golden eagle in falconry, the Department shall require a person who possesses a golden eagle pursuant to subsection 3 to obtain an eagle permit from the Department.

5. The eagle permit obtained pursuant to subsection 4:



1 (a) Is deemed to be a permit to possess a golden eagle for the
2 purposes of 50 C.F.R. § 22.24; and

3 (b) Authorizes the holder to lawfully transport, transfer,
4 possess or use a golden eagle in falconry in the manner set forth
5 in the eagle permit that is issued by the Department.

6 6. The Commission:

7 (a) May adopt regulations that authorize a person who
8 possesses a golden eagle pursuant to subsection 3 to transport,
9 transfer, possess or use the golden eagle in falconry; and

10 (b) Shall adopt regulations that establish:

11 (1) If the Commission adopts regulations pursuant to
12 paragraph (a):

13 (I) The requirements that a person who possesses a
14 golden eagle pursuant to subsection 3 must comply with to obtain
15 an eagle permit from the Department; and

16 (II) How the holder of an eagle permit may transport,
17 transfer, possess or use a golden eagle; and

18 (2) Civil penalties to be imposed against any person firm,
19 company, corporation or association who violates subsection 1.

