

**ADOPTED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R007-15

Effective October 27, 2015

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.181 and 503.150, as amended by section 3 of Assembly Bill No. 136, chapter 206, Statutes of Nevada 2015, at page 973.

A REGULATION relating to hunting; revising provisions relating to the carrying of a firearm in the field while hunting under archery regulations or during a type of hunt that is restricted to muzzle-loading firearms; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations make it unlawful for a person to carry certain firearms in the field while hunting under archery regulations or during a type of hunt that is restricted to muzzle-loading firearms. (NAC 503.142, 503.144) This regulation allows a person to carry certain handguns or other firearms in the field while hunting under those regulations or during that type of hunt.

Section 1. NAC 503.142 is hereby amended to read as follows:

503.142 The Commission hereby establishes the following exceptions to paragraph (b) of subsection 1 of NRS 503.150:

1. During a type of hunt that is restricted to muzzle-loading firearms, a person may hunt a big game mammal only with a muzzle-loading rifle or muzzle-loading musket, and may use only a lead ball, a lead bullet, a semi-jacketed bullet or a metal alloy bullet that expands. The use of smokeless powder is prohibited. Only black powder or a black powder substitute may be used as a propellant. A sabot round may be used. The muzzle-loading rifle or muzzle-loading musket must have the following characteristics:

(a) A wheel lock, matchlock or flintlock ignition system, or a percussion ignition system that uses a primer or percussion cap;

(b) A single barrel of caliber .45 or larger; and

(c) Except as otherwise provided in NAC 503.146, open sights or peep sights. The use of a sight that is operated or powered by a battery, electronics or a radioactive isotope such as tritium is prohibited.

↪ The muzzle-loading rifle or the muzzle-loading musket is deemed to be not loaded if the priming compound or element, such as the priming powder or the unfired primer or percussion cap, is removed.

2. During a type of hunt that is restricted to muzzle-loading firearms, it is unlawful for a person hunting under the authority of a tag for such a hunt to carry in the field a firearm or bow and arrow except for:

(a) A muzzle-loading rifle or a muzzle-loading musket with the characteristics set forth in subsection 1; or

(b) A ~~{flintlock or percussion}~~ handgun ~~{,}~~ *which has a barrel length of less than 8 inches and is not equipped with a telescopic sight*, except that it is unlawful to use such a handgun to hunt a big game mammal.

3. During a type of hunt in which the use of any legal weapon is authorized by a regulation of the Commission, a person may hunt a big game mammal with a muzzle-loading rifle or muzzle-loading musket only if:

(a) The muzzle-loading rifle or muzzle-loading musket has:

(1) A single barrel of caliber .45 or larger; and

(2) Open sights, peep sights or a rifle scope.

(b) The person uses a lead ball, a lead bullet, a semi-jacketed bullet or a metal alloy bullet that expands. A sabot round may be used.

↪ The muzzle-loading rifle or muzzle-loading musket is deemed to be not loaded if the priming compound or element, such as the priming powder or the unfired primer or percussion cap, is removed.

4. A person may hunt big game mammals with a rifle if the rifle uses a centerfire cartridge of caliber .22 or larger.

5. A person may hunt big game mammals with a handgun if the handgun uses a centerfire cartridge, has a barrel length of 4 inches or more and:

(a) Uses a cartridge of caliber .22 or larger with an overall loaded length of 2 inches or more; or

(b) Uses a cartridge of caliber .24 or larger with a case of length no less than the length of the case of a cartridge for a Remington magnum of caliber .44.

6. A person may hunt deer and mountain lion with a shotgun no larger than 10 gauge and no smaller than 20 gauge. Only rifled slugs or shotgun rounds with sabots that contain a single expanding projectile may be used when hunting deer. A shotgun that is used to hunt deer or mountain lion pursuant to this subsection may be equipped with a smoothbore barrel or a barrel that is partially or fully rifled.

Sec. 2. NAC 503.144 is hereby amended to read as follows:

503.144 1. Except as otherwise provided in paragraph (c) of subsection 4, the bowstring of a bow used in hunting any game mammal or game bird must be moved or held entirely by the muscle power of the shooter through all points of the draw cycle until release and may only be

released by direct and conscious action of the shooter, either by relaxing the tension of the fingers or by triggering the release action of a handheld release aid.

2. A bow used in hunting a big game mammal must have a peak draw weight of at least 40 pounds and, if the bow is a compound bow, a let-off of not more than 80 percent. Arrows used in hunting big game mammals must be at least 24 inches long, weigh at least 300 grains and have:

- (a) Fixed broadheads that are at least 7/8-inch wide at the widest point; or
- (b) Expandable, mechanical broadheads that are at least 7/8-inch wide at the widest point

when the broadhead is in the open position.

3. An arrow that is used in hunting any game mammal or game bird may be equipped with a nock that is illuminated electronically or chemically.

4. It is unlawful for any person to:

(a) Carry any ~~firearm~~ *rifle or musket or handgun equipped with a telescopic sight or with a barrel length of 8 inches or more* in the field while hunting under archery regulations.

(b) Except as otherwise provided in this paragraph, carry a bow with an arrow nocked on the bowstring while in or on any motorized vehicle while the vehicle is on a public highway or other public right-of-way. The provisions of this paragraph do not apply to a person who is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes his or her walking, if the motorized vehicle is not in motion.

(c) Hunt any game mammal or game bird with a bow that uses any mechanical device that is capable of anchoring a nocked arrow at full draw or partial draw unless the person:

(1) Is the holder of an archery disability permit issued pursuant to ~~section 1 of this regulation;~~ *NAC 503.1465*; and

(2) Ensures that the permit in his or her possession during any period in which he or she uses the bow to hunt any game mammal or game bird.

(d) Hunt any wildlife with an arrow that has any explosive, electronic tracking device or poison attached. As used in this paragraph, “poison” means any substance that, upon contact with the species of wildlife that is hunted, is capable of causing injury, illness or death.

5. As used in this section, “let off” means the amount of decrease in the draw weight of a compound bow from the peak draw weight to the holding draw weight after the bow has reached full draw.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement**

**LCB File No. R007-15
Commission General Regulation 454:
Firearm Carry During Muzzleloader and Archery Seasons**

Informational statement relating to Commission General Regulation 454 (LCB File No. R007-15)
as required by Chapter 233B.066.

1. A clear and concise explanation of the need for the adopted regulation:

This regulation was proposed at the request of Nevada sportsmen. It allows personal protection firearm carry in the field while hunting under muzzleloader and archery regulations. Some sportsmen voiced concern that their personal safety was at risk when archery hunting because firearm carry was prohibited while hunting under muzzleloader and archery regulations.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary:

A copy of the proposed regulation was noticed and provided to Nevada's 17 County Advisory Boards to Manage Wildlife (CABs) as part of the Nevada Board of Wildlife Commissioners (NBWC) agenda and support material for the workshops held August 7, 2015 and September 25, 2015, plus the adoption hearing on September 26, 2015. CABs that held public meetings prior to the August and September NBWC meetings provided opportunity for public comment at their individual meetings. Public comment was solicited at the NBWC workshop on August 7, 2015 in Fallon and September 25, 2015 in Las Vegas. The NBWC approved adoption on September 26, 2015 at their meeting in Las Vegas. There was no opposition to this regulation and all testimony received was in favor. The regulation passed unanimously with no changes.

A video recording and minutes from the meetings are available at:
http://www.ndow.org/Public_Meetings/Commission/Archive/

3. The number of persons who attended:

Workshop Hearing - August 7, 2015 (Fallon) and September 25, 2015 (Las Vegas)

- (a) Attended: Workshop – August 7, 2015 – 14; September 25, 2015 - 12
- (b) Testified: Workshop – August 7, 2015 – 2; September 25, 2015 - 3
- (c) Submitted written comments: – There were no written comments submitted.

Adoption Hearing – September 26, 2015 (Las Vegas)

- (a) Attended: 10
- (b) Testified: 0
- (c) Submitted written comments: There were no written comments submitted.

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name; Paul Dixon, Chairman
- (b) Telephone number; (505) 699-1744
- (c) Business address; 9445 Greenville Avenue, Las Vegas, NV 89134
- (d) Business telephone number; (505) 665-4595
- (e) Electronic mail address; noxid1960@gmail.com
- (f) Name of entity or organization represented; Clark County Advisory Board

- (a) Name; Brad Block
- (b) Telephone number;
- (c) Business address; P.O. Box 1073, McGill, NV 89318
- (d) Business telephone number;
- (e) Electronic mail address; frustratedEarl@yahoo.com
- (f) Name of entity or organization represented; White Pine County CABMW

- (a) Name; Miles Humphreys, Jr., Vice Chairman
- (b) Telephone number; (775) 772-8019
- (c) Business address; 1380 Bufflehead Drive, Sparks, NV 89441
- (d) Business telephone number;
- (e) Electronic mail address; miles Humphres@att.net
- (f) Name of entity or organization represented; Washoe County CABMW

- (a) Name; Gilbert A. Yanuck
- (b) Telephone number; (775) 841-3675
- (c) Business address; 4100 Lakeview Road, Carson City, NV 89703
- (d) Business telephone number;
- (e) Electronic mail address; gilcalif@att.net
- (f) Name of entity or organization represented; Carson City County CABMW

- (a) Name; Eric Clifford, Chairman
- (b) Telephone number; (775) 530-4916
- (c) Business address; 595 Hunter Park Way, Fallon, NV 89406
- (d) Business telephone number;
- (e) Electronic mail address; ericclifford@live.com
- (f) Name of entity or organization represented; Churchill County CABMW

- (a) Name; Ralph Willits
- (b) Telephone number;
- (c) Business address; P.O. Box 34059, Las Vegas, NV 89133
- (d) Business telephone number;
- (e) Electronic mail address;
- (f) Name of entity or organization represented; General Public

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary:**

Comment was not solicited from businesses because this regulation does not affect the operations of any business. A video recording and minutes from the meetings held on August 7, 2015 and September 25 and 26, 2015 are available at:

http://www.ndow.org/Public_Meetings/Commission/Archive/

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:**

The permanent regulation was adopted on September 26, 2015 and included the changes suggested at the workshop meeting held November 14, 2014 through the temporary regulation process. Therefore the permanent regulation was workshopped on August 7, 2015 and September 25, 2015 and adopted without any changes requested.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public:**

(a) Both adverse and beneficial effects:

Nevada Department of Wildlife (NDOW), Chief Game Warden Tyler Turnipseed determined that the proposed regulation will not impose an economic burden on small businesses or the public because this regulation does not regulate a business.

(b) Both immediate and long-term effects:

NDOW Chief Game Warden Tyler Turnipseed determined there would be no economic effect on the public because this regulation simply allows sportsmen to carry a firearm during muzzleloader and archery only seasons.

8. **The estimated cost to the agency for enforcement of the proposed regulation:**

There will be no additional cost to the agency to enforce this regulation as game wardens are currently enforcing current wildlife laws.

9. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:**

This proposed regulation does not duplicate or overlap local, state, or federal government agencies.

10. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:**

There are no federal regulations that regulate this activity.

11. **If the 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:**

There is no new fee or change in an existing fee associated with this regulation.