

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

**LCB FILE NO. R144-15
Commission General Regulation 458**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 503.

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

This regulation is needed to address ethical hunting by eliminating the waste of edible game meat and protecting our constituents from hunting accidents by eliminating the use of an electronic and/or computerized trigger for a hunting rifle. This regulation will prohibit sportsmen from “auto setting” a gun to fire when the computer determines it has a good shot. It also limits extreme long range shooting capabilities.

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:

Public comment was solicited through several workshops which involved the County Advisory Boards to Manage Wildlife (CABMW), the Nevada Board of Wildlife Commissioners, and the public. The workshops were held January 29, 2016; March 25, 2016; and June 25, 2016 and the adoption hearing was held on September 24, 2016. A Summary of public response can be found in the meeting minutes from the meetings. A video recording and meeting minutes are available at: http://www.ndow.org/Public_Meetings/Commission/Archive/

The regulation in question consisted ultimately of four parts.

The first part consisted of allowing smokeless powder for muzzle loader rifle hunts. There was little significant public comment on this topic and it generated little if any concerns that were not addressed.

The second part addressed removing some of the restrictions on handgun usage for hunting. There was some opposition to this, but overwhelmingly this change was supported by the majority of public comment.

The third part dealt with the restriction on usage of computer assisted sighting systems and electronically controlled firing mechanisms. A majority of public opinion supported this change once it was clarified that it would have no demonstrable impact on a majority of disabled hunters, as there are multiple alternatives available. Some opposition to this decision still existed in public comment by the minority who still argued that it would have an adverse impact on the disabled and new technology should be embraced.

The last part concerned the restriction on allowable cartridge size and would restrict such cartridges as the .50 BMG from being used to hunt big game. This change to the regulation generated the most opposition from the public and several groups including the National Rifle Association. The discussion over whether or not it was an unsuitable cartridge for ethical fair chase hunting or excessive destruction of meat was debated at length. Also the Second Amendment concerns were voiced by a significant number of concerned public and groups. It was established that the change did not violate the Second Amendment and was within the purview of the Nevada Board of Wildlife Commissioners to establish limits by regulation. Chief Game Warden Tyler Turnipseed also acknowledged that there was no current issue per se, but that this was largely a proactive measure to restrict cartridges greater than a certain size. Also, an issue over safely using extremely high powered cartridges was discussed as well.

3. The number of persons who:

(a) Attended each hearing: 20 attendees on January 29, 2016; 31 attendees on March 25, 2016; 28 attendees on June 24, 2016; 12 attendees on September 24, 2016.

(b) Testified at each hearing: 12 people testified at the hearing on January 29, 2016; 11 people testified at the hearing on March 25, 2016; 7 people testified at the hearing on June 24, 2016; 10 people testified at the hearing on September 24, 2016.

(c) Submitted written comments: 381 written comments were submitted.

4. For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name: Jim Cooney
- (b) Telephone number: 775-397-2504
- (c) Business address: 191 Kimberly Ln., Elko, NV 89801
- (d) Business telephone number: 775-397-2504
- (e) Electronic mail address: jcooney4@gmail.com
- (f) Name of entity or organization represented: Elko CABMW

- (a) Name: Glenn Bunch
- (b) Telephone number: (775) 945-2289
- (c) Business address: PO BX 984, Hawthorne 89415
- (d) Business telephone number: (775) 945-2289
- (e) Electronic mail address: glen-mar@thebunch.hawthorne.nv.us
- (f) Name of entity or organization represented: Mineral CABMW

- (a) Name: Douglas Martin
- (b) Telephone number: (775) 901-0453
- (c) Business address: 5000 Gentry Lane, Carson City 89701
- (d) Business telephone number: (775) 901-0453
- (e) Electronic mail address: douglas.j.martin@att.net
- (f) Name of entity or organization represented: Carson City CABMW

- (a) Name: Tom Cassinelli
- (b) Telephone number: 775-578-3342
- (c) Business address: PO BX 17, Paradise Valley 89426
- (d) Business telephone number: 775-578-3342
- (e) Electronic mail address: t5ranch@hotmail.com
- (f) Name of entity or organization represented: Humboldt CABMW

- (a) Name: Paul Dixon
- (b) Telephone number: 505-665-4595
- (c) Business address: 9445 Grenville Ave., Las Vegas 89134
- (d) Business telephone number: 505-665-4595
- (e) Electronic mail address: noxid1960@gmail.com
- (f) Name of entity or organization represented: Clark CABMW

- (a) Name: Walt Mandeville
- (b) Telephone number: (775) 463-4511
- (c) Business address: 3 North Bybee Lane, Yerington 89477
- (d) Business telephone number: (775) 463-4511
- (e) Electronic mail address: waltm@mail.com
- (f) Name of entity or organization represented: Lyon, CABMW

- (a) Name: Cory Lytle
- (b) Telephone number: (775) 962-8071
- (c) Business address: P.O. Box 329, Pioche 89043
- (d) Business telephone number: (775) 962-8071
- (e) Electronic mail address: clytle@lincolnnv.com
- (f) Name of entity or organization represented: Lincoln CABMW

- (a) Name: Bob Rittenhouse
- (b) Telephone number: (209) 483-2463
- (c) Business address: 1048 Frieda Lane, Minden 89423
- (d) Business telephone number: (209) 483-2463
- (e) Electronic mail address: bkritts@frontier.com
- (f) Name of entity or organization represented: Douglas, CABMW

- (a) Name: Larry Allen
- (b) Telephone number: (775) 304-9633
- (c) Business address: 3270 West Thomas Road, Winnemucca 89445
- (d) Business telephone number: (775) 304-9633
- (e) Electronic mail address: n/a
- (f) Name of entity or organization represented: Humboldt, CABMW

- (a) Name: Joe Crim
- (b) Telephone number: (775) 273-1203
- (c) Business address: 500 Fairview Road, Lovelock 89419
- (d) Business telephone number: (775) 273-1203

- (e) Electronic mail address: joewwtp@sbcglobal.net
 - (f) Name of entity or organization represented: Pershing, CABMW
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- (a) Name: Gilbert A. Yanuck
 - (b) Telephone number: (775) 841-3675
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 - (f) Name of entity or organization represented: Carson City, CABMW
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- (a) Name: Sean Shea
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 - (d) Business telephone number: (775) 323-9090
 - (e) Electronic mail address: sean@theheadmaster.com
 - (f) Name of entity or organization represented: Washoe, CABMW
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- (a) Name: William H Stanley
 - (b) Telephone number: (702) 538-4429
 - (c) Business address: 5340 North Campbell Road, Las Vegas 89149
 - (d) Business telephone number: (702) 538-4429
 - (e) Electronic mail address: William_St Stanley@cox.net
 - (f) Name of entity or organization represented: Clark, CABMW
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- (a) Name: John Hiatt
 - (b) Telephone number: 702-361-1171
 - (c) Business address: 8180 Placid Street, Las Vegas, NV 89123
 - (d) Business telephone number:
 - (e) Electronic mail address: hjhiatt@gmail.com
 - (f) Name of entity or organization represented: Clark CABMW
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- (a) Name: Rex Flowers
 - (b) Telephone number: 775-722-4506
 - (c) Business address: 3280 Sun Cloud Circle, Reno, NV 89506
 - (d) Business telephone number:
 - (e) Electronic mail address: randbflowers@yahoo.com
 - (f) Name of entity or organization represented: Self
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- (a) Name: Josh Vittori
 - (b) Telephone number: 775-323-1177
 - (c) Business address: PO Box 21393, Reno, NV 89151
 - (d) Business telephone number: 775-323-1177
 - (e) Electronic mail address: jvittori@jbrenv.com
 - (f) Name of entity or organization represented: Nevada Bighorns Unlimited
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- (a) Name: Henry Krenka

- (b) Telephone number: n/a
- (c) Business address: n/a
- (d) Business telephone number: n/a
- (e) Electronic mail address: hkrenka@gmail.com
- (f) Name of entity or organization represented: Nevada Outfitters and Guides

- (a) Name: Leland Schoff
- (b) Telephone number: n/a
- (c) Business address: 12 Valley View Dr, Fernley NV
- (d) Business telephone number: n/a
- (e) Electronic mail address: n/a
- (f) Name of entity or organization represented: Self

- (a) Name: Fred Voltz
- (b) Telephone number: n/a
- (c) Business address: 1805 N Carson St #231, Carson City, NV
- (d) Business telephone number:
- (e) Electronic mail address: n/a
- (f) Name of entity or organization represented: self

- (a) Name: Kevin Crow
- (b) Telephone number: 775-901-6138
- (c) Business address: 2310 Juniper Rd. Gardnerville
- (d) Business telephone number: 775-901-6138
- (e) Electronic mail address: Sierrashooters@gmail.com
- (f) Name of entity or organization represented: President of Sierra Shooters and
Author of The Shooters and Reloaders Record Book

- (a) Name: Joel Blakeslee
- (b) Telephone number: n/a
- (c) Business address: 4905 Jackrabbit Rd., Reno
- (d) Business telephone number: n/a
- (e) Electronic mail address: n/a
- (f) Name of entity or organization represented: NV Trappers Association

- (a) Name: Robert Pogoda
- (b) Telephone number: n/a
- (c) Business address: 617 Western Hills, Spring Creek, NV
- (d) Business telephone number: n/a
- (e) Electronic mail address: n/a
- (f) Name of entity or organization represented: Shannon Scott, BHA

- (a) Name: John Ridgeway
- (b) Telephone number: n/a
- (c) Business address: 3519 One Nation Ave, Las Vegas, NV 89121
- (d) Business telephone number: n/a

- (e) Electronic mail address: jlr1827@gmail.com
 - (f) Name of entity or organization represented: Self
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- (a) Name: Vernon Brooks
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 - (d) Business telephone number: n/a
 - (e) Electronic mail address: n/a
 - (f) Name of entity or organization represented: self
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- (a) Name: Julius Fortuna
 - (b) Telephone number: n/a
 - (c) Business address: 7744 Villa Andrate Ave, Las Vegas, NV
 - (d) Business telephone number: n/a
 - (e) Electronic mail address: n/a
 - (f) Name of entity or organization represented: Nevada Firearms Coalition
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- (a) Name: James Muilenberg
 - (b) Telephone number: n/a
 - (c) Business address: 8220 Foxtail Way, Las Vegas, NV
 - (d) Business telephone number: n/a
 - (e) Electronic mail address: n/a
 - (f) Name of entity or organization represented: Self
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- (a) Name: William Wood
 - (b) Telephone number: 702-845-8182
 - (c) Business address: 8550 W Desert Inn Rd.
 - (d) Business telephone number: 702-845-8182
 - (e) Electronic mail address: billwood89117@gmail.com
 - (f) Name of entity or organization represented: Self
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- (a) Name: Jana Wright
 - (b) Telephone number: 702-816-0211
 - (c) Business address: n/a
 - (d) Business telephone number: n/a
 - (e) Electronic mail address: jliuin42day@aol.com
 - (f) Name of entity or organization represented: Self
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- (a) Name: Michael Keene
 - (b) Telephone number:
 - (c) Business address:
 - (d) Business telephone number:
 - (e) Electronic mail address:
 - (f) Name of entity or organization represented: Self
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- (a) Name: Leo Aguilar

- (b) Telephone number:
- (c) Business address:
- (d) Business telephone number:
- (e) Electronic mail address:
- (f) Name of entity or organization represented: Self

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

Comment was not solicited from affected businesses because this regulation does not affect the operations of any business, it contains guidelines for hunters.

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:

There were changes made to the original draft of this regulation. The Commission directed the Department to change “3.8 inches overall loaded length” to “3 inches case length”, change “.46 caliber” to “.50 caliber”, and remove references to minimum handgun cartridge length. Some members of the public objected to being restricted on their maximum cartridge length, but the Nevada Board of Wildlife Commissioners felt this was necessary to keep the fair chase ethic in the weapon used for hunting.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated effect on business:

1) Both adverse and beneficial effects:

There will be no adverse or beneficial economic effect on business because it does not regulate the operation of any business. This regulation contains guidelines for hunters.

2) Both immediate and long-term effects:

There will be no immediate and long-term economic effect on business because it does not regulate the operation of any business. This regulation contains guidelines for hunters.

(b) Estimated effect on the public:

1) Both adverse and beneficial effects: and

There will be no immediate and long-term economic effect on the public. This regulation contains guidelines for hunters.

2) Both immediate and long-term effects:

There will be no immediate and long-term economic effect on the public. The regulation contains guidelines for hunters.

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

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 legislatively approved budget.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the

duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

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

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

This regulation is not more stringent than federal regulation.

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.

This regulation change does not propose new or increased fees.