

LCB File No. R159-03

**PROPOSED REGULATION OF THE 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**

The Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m., on December 6, 2003 at the Nevada Department of Wildlife, 1100 Valley Road, Reno, Nevada 89512. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 319 (LCB File #R_____) pertaining to Chapter 503 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation or amendment: (Description of regulation)
Concerns have been expressed to and by the commission regarding destruction or degradation of wildlife habitat, harassment or spooking of game species during the hunting season, perceptions of unethical hunting practices, and disturbance of hunts due to the off-road use of off-road vehicles by hunters during big game and upland game seasons. The regulation would restrict the manner and means of hunting or trapping with the aid of off-road vehicles which are used off established roads in combination with weapons declared legal for the hunting of big game mammals and game birds, in management areas or units which have seasons in progress for the hunting of big game mammals or game birds.
2. The terms or the substance of the regulation to be adopted or a description of the subjects and issues involved: Attached.
- 3a. The estimated economic effect of the regulation on the business which it is to regulate:
 - (1) Adverse effect - NA
 - (2) Beneficial effect - NA
 - (3) Immediate effect - NA
 - (4) Long-term effect - NA
- 3b. The estimated economic effect of the regulation on the public which it is to regulate:
 - (1) Adverse effect – None.
 - (2) Beneficial effect - None.
 - (3) Immediate effect – None.
 - (4) Long-term effect – None.
4. Estimated cost to the Department of Wildlife for enforcement of the proposed regulation: It is anticipated that costs would be minimal to nonexistent due to the fact that game wardens are already in the field at that time of year enforcing existing hunting laws and regulations.

5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates: None. The duplication or overlapping is necessary because: Not applicable. If the proposed regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency is: Not applicable.
6. If the regulation is required pursuant to federal law, a citation and description of the federal law. Not applicable.
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: Not applicable.
8. The proposed regulation establishes a new fee or increases an existing fee: No Yes

Persons wishing to comment upon the proposed action of the 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 Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five (5) days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Department of Wildlife
1100 Valley Road
Reno, Nevada
(775) 688-1500

NDOW - Western Region
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

NDOW - Eastern Region
60 Youth Center Road
Elko, NV 89801
(775) 777-2300

NDOW - Southern Region
4747 Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies 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, shall 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 above locations.

Terry R. Crawforth, Secretary
Board of Wildlife Commissioners

LCB File No. R159-03

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

COMMISSION GENERAL REGULATION 319

Authority: NRS 501.105, 501.181, 503.150
Notice of Intent: November , 2003.
Workshop Date: December 5, 2003.
Commission Approval:

EXPLANATION: Establish a regulation which prohibits a hunter or trapper from carrying a weapon declared legal for the hunting of big game mammals or game birds in or on an off-road vehicle which is being driven more than 25 yards off an established road on public land in a management area or unit which has a hunting season open and in progress for the hunting of a big game or upland game birds.

NOTE: Matter in *italics* is new; matter within brackets **[]** is to be omitted.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows: *1. As used in this section:*

(a) "Established road" means:

(1) A road, built and/or maintained by equipment; or

(2) A dirt road located on public land which:

(I) Accommodates obvious travel by automobiles which are at least the width of a compact pickup or compact sport utility vehicle, evidenced by the presence of worn ruts made by automobile tires, and

(II) Shows use by automobiles prior to the hunting season for other purposes such as recreation, mining, or ranching and lacks evidence of being permanently and legally closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, locked gates, barricades or posted closures.

(b) "Off-road vehicle" means any self-propelled vehicle which is designed to travel on two or more wheels in contact with the ground and which is generally and commonly used to transport persons for recreational purposes. Off-road vehicle does not include an automobile having a base curb weight of 2000 pounds or more.

(c) "Playa" refers to the flat-floored bottom of an undrained desert basin that may become, at times, a shallow lake.

(d) "Public land" refers to land administered by this state and/or federal agencies, including but not limited to, Nevada Department of Wildlife, Nevada Division of State Parks, Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Service, and U.S. National Park Service.

(e) "Sandy wash" refers to the sandy dry bed of a stream.

2. In any management area or management unit which has a hunting season in progress for the hunting of any big game mammal or game bird, it is unlawful for a hunter or trapper or any

person assisting or accompanying a hunter or trapper, to carry any weapon declared legal for the taking of game mammals or game birds pursuant to NRS 503.150 or a regulation adopted by the commission, in or on an off-road vehicle which is being operated 25 yards or more away from the edge of an established road located on public land.

3. The provisions of subsection 2 do not apply to:

(a) A hunter who is in the process of retrieving a big game mammal which has been harvested, or

(b) The use of an off-road vehicle to transport a hunter or trapper across a playa or in a sandy wash.

4. The provisions of this section do not authorize off-road driving in violation of any applicable federal or state law, or regulation adopted pursuant thereto.

CURB WEIGHT: Shipping weight plus gasoline to capacity (vehicle & gas - ready to drive, no payload).

GVWR: Payload + Curb Weight. (includes weight of vehicle, passengers, cargo and equipment.)

<i>Model</i>	<i>Curb weight (lbs)</i>	<i>Tread Width</i>	<i>Tread - Center to center</i>
<i>Toyota Tacoma 2wd</i>	<i>2750</i>		
<i>Suzuki Samuri</i>	<i>2094</i>	<i>57.25"</i>	<i>52"</i>
<i>Geotracker</i>	<i>2866</i>	<i>57.5"</i>	
<i>Jeep Wrangler</i>	<i>3231</i>	<i>57.8 (rear)</i>	
<i>Suzuki Vitara</i>		<i>57.5</i>	
<i>Polaris Sportsman 700</i>	<i>720 lbs</i>	<i>width - 46"</i>	
<i>Yamaha Grizzly 660</i>	<i>600</i>	<i>width - 45.3"</i>	

2. It is unlawful for a hunter to carry in or on an off-road vehicle which is being operated off an established road, located on public land, a weapon designated as legal, pursuant to NRS 503.150 or a regulation adopted by the commission, for the taking of game mammals or game birds, in any management area or unit which has a season open for the hunting of any big game mammal or game bird.

1. As used in this section, "off-road vehicle" means any self-propelled vehicle which is designed to travel on two or more wheels in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-road vehicle" does not include the following:

- (a) Vehicles designed and used primarily for travel on, over, or in the water;*
- (b) Snowmobiles;*
- (c) Military vehicles;*
- (d) Golf carts;*
- (e) Vehicles designed and used to carry disabled persons; or*
- (f) Vehicles designed and used specifically for agricultural, logging, or mining purposes.*

(4) "Off-highway vehicle route" means any road, trail, or way owned or managed by the state or any agency or political subdivision thereof or the United States for off-highway vehicle travel.

2. Motorized vehicle use as an aid to hunting for wildlife is restricted to established roadways open to motorized vehicle traffic capable of travel by full-sized automobiles. A full sized automobile is defined as any motorized vehicle with a gross vehicle weight in excess of 1500 pounds.

3. This section does not prohibit the use of any motorized vehicle used to retrieve a downed big game mammal. (game bird, furbearer, game mammal?)

OR

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows: *1. As used in this section:*

(a) "Motorized vehicle" means any water, land or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power.

(b) "Established Road" means:

(1) A road, built and/or maintained by equipment, which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures;

(2) A two-track road completely void of vegetation in the tracks which shows use prior to hunting seasons for other purposes such as recreation, mining, logging, and ranching and shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures.

2. Except as provided in subsection 4., in a management area or unit which an open season established for the take of any game mammal or game bird, it is unlawful to drive or ride in a motor vehicle which is driven off an established road when the vehicle bears a licensed hunter, fisherman or trapper.

3. It is unlawful for a licensed hunter or trapper to drive on closed roads during seasons established by the commission for the taking of any game mammal, game bird or furbearing mammal.

4. The provisions of this section do not apply to the following:

(a) Snowmobiles;

(b) The retrieval of a lawfully taken big game mammal not in an area closed to vehicular traffic.

(c) All landowners, lessees or their employees, while on their owned or leased lands in connection with legitimate agricultural activities.

OR

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows: *1. As used in this section:*

(a) "Motorized vehicle" means any water, land or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power.

(b) "Established Road" means:

(1) A road, built and/or maintained by equipment, which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures;

(2) A two-track road completely void of vegetation in the tracks which shows use prior to hunting seasons for other purposes such as recreation, mining, logging, and ranching and shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures. It is unlawful for a licensed hunter or trapper to carry a rifle, muzzle-loading rifle or musket, longbow and arrow, or handgun authorized for the taking of big game, in or on an motorized vehicle which is being operated more than 50 yards from an established road in a management area or unit which has an open season for the hunting of game mammals, game birds or the take of furbearing mammals.

Big game or all game??

Public, state and private land??

1. As used in this section:

(a) "Off-road vehicle" means any self-propelled vehicle which is designed to travel on two or more wheels in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-road vehicle" does not include the following:

(1) Snowmobiles;

(2) Military vehicles;

(3) Golf carts;

(4) Vehicles designed and used to carry disabled persons;

(5) Vehicles designed and used specifically for agricultural, logging, or mining purposes;

or

(6) A full sized automobile with a gross vehicle weight in excess of 1500 pounds.

(b) "Established road" means:

(1) A road, built and/or maintained by equipment; or

(2) A two-track road which shows use prior to hunting seasons for other purposes such as recreation, mining, and ranching which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures.

2. It is unlawful for a hunter to carry a weapon, designated by statute or regulations adopted by the commission as legal for the taking of game mammals or game birds, in or on an off-road vehicle which is being operated off an established road which is located on public land, in any management area or unit which has a season open for the hunting of any big game mammal or game bird.