

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

LCB File No. R176-03

Effective April 8, 2004

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

AUTHORITY: §1, NRS 501.105, 501.181 and 501.1818; §§2-7, NRS 501.105 and 501.181.

A REGULATION relating to wildlife; authorizing the use of illuminated or powered sights on a firearm or longbow under certain circumstances; prohibiting the use of smokeless powder in a muzzle-loading firearm; revising provisions relating to hunting with a longbow; and providing other matters properly relating thereto.

Section 1. NAC 501.200 is hereby amended to read as follows:

501.200 1. A person who is convicted of a wildlife violation will be assessed demerit points pursuant to the following schedule:

HUNTING AND TAKING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Unlawfully shooting at a game mammal or game bird from an aircraft, helicopter or motor-driven vehicle			

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
or using such a vehicle to molest, rally, stir up or drive game mammals or game birds	503.010	-----	12
Spotting or locating game mammals or game birds from an aircraft or helicopter and communicating that information to a person on the ground for the purpose of hunting	503.010	-----	12
Unlawfully using a helicopter to transport game, hunters or hunting equipment.....	503.010	-----	12
Unlawfully killing or attempting to kill birds or animals from an aircraft	503.005	-----	12
Unlawfully using an aircraft, balloon or satellite to locate or observe big game for the purpose of hunting	501.385	503.148	12
Hunting or taking an endangered species without a special permit	503.585	503.093	12
Killing, destroying, wounding, trapping or injuring bald eagles or golden eagles.....	503.610	503.090	12
Unlawfully hunting bald eagles or golden eagles	503.620	503.090	12

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
Hunting or taking a threatened species	501.385	503.093	9
Hunting big game mammals during closed season.....	503.090	-----	6
Hunting fur-bearing mammals during closed season.....	501.015	-----	6
Hunting big game mammals in closed areas.....	501.385	504.340	6
Hunting fur-bearing mammals in closed areas	501.385	504.340	6
Unlawfully hunting in <i>a</i> privately owned wildlife			
management area	504.140	-----	6
Unlawfully hunting in <i>a</i> state-owned wildlife			
management area	504.143	-----	6
Hunting big game mammals during prohibited hours ...	503.140	-----	6
Unlawfully hunting game birds or game mammals			
with <i>the</i> aid of artificial light.....	503.150	-----	6
Hunting or taking a sensitive species.....	501.385	503.093	6
Hunting, trapping, possessing or selling birds of prey			
or raptors without a permit	503.582	503.205	6
Hunting alternative livestock	503.242	-----	6

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully possessing live wildlife that is classified as prohibited.....	504.295	503.110	12
Possessing twice the legal limit or more of big game mammals or fur-bearing mammals.....	501.385	-----	12
Unlawfully possessing big game mammals or fur-bearing mammals during closed season	503.030	-----	9
Possessing big game mammals or fur-bearing mammals in excess of the legal limit but less than twice the legal limit	501.385	-----	9
Possessing twice the legal limit or more of game birds or game mammals, other than big game.....	501.385	-----	9
Possessing twice the legal limit or more of game fish...	501.385	-----	9
Possessing game birds or game mammals, other than big game, during closed season.....	503.030	-----	6
Possessing fish during closed season.....	503.030	-----	6
Possessing game birds or game mammals, other than big game, in excess of the legal limit but less than twice the legal limit.....	501.385	-----	6

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
Possessing game fish in excess of the legal limit but less than twice the legal limit	501.385	-----	6
Possessing a species that may not legally be possessed without a license or permit	501.385	-----	6
Possessing game mammal of a prohibited age or with prohibited physical characteristics	501.385	-----	6

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
Hunting big game or wild turkey without a tag	502.130	-----	9
Unlawfully transferring a tag, other than a swan tag, to another person	502.140	502.385	9
Possessing or using a tag, other than a swan tag, legally issued to another person	502.140	502.385	9

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
Obtaining tags, other than swan tags, in excess of <i>the</i> legal limit	502.140	502.331	9
Possessing used tags or tags, other than swan tags, in excess of <i>the</i> legal limit.....	502.150	-----	9
Unlawfully using a tag.....	502.200	-----	9
Hunting swan without a swan tag	501.385	502.380	6
Transferring a swan tag.....	502.140	502.380	6
Possessing or using a swan tag legally issued to another.....	502.140	502.380	6
Obtaining swan tags in excess of legal limit.....	502.140	-----	6
Possessing used swan tags or swan tags in excess of legal limit	502.150	-----	6
Using a tag in <i>an</i> improper area.....	502.160	502.385	6
Failure to punch a tag properly	502.160	502.390	6
Hunting by a Native American off a Native American reservation without a tag	502.280	-----	6
Possessing fur-bearing mammals, other than a bobcat, without a seal.....	501.385	-----	6

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
Possessing the pelt of a bobcat without a seal	501.385	502.347	6
Possessing the hide of a mountain lion without a seal...	501.385	502.370	6
Possessing the horns of a bighorn sheep without a seal or brand	501.385	502.345	6

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully importing or transporting a prohibited species of wildlife without a permit or license.....	503.597	503.110	12
Collecting unprotected wildlife for commercial purposes without a permit	501.385	503.095	12
Collecting live bait fish or live aquatic bait for commercial purposes without a permit	501.385	503.513	12
Collecting unprotected fish for commercial purposes			


PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
without a permit	501.385	503.545	12
Selling live bait without a permit.....	501.379	503.513	6
Conducting a field trial without a permit.....	503.200	503.610	6
Conducting a dredging operation without a permit	503.425	503.810	6
Possessing a raptor without a permit	503.582	503.205	6
Furnishing false information to obtain a permit	502.060	-----	6

FISHING

Classification of Violations	NRS Section	NAC Section	Demerits
Fishing at a fish hatchery or other waters used for the purpose of rearing or growing fish.....	503.360	-----	6

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
Obstructing, hindering or otherwise interfering with an officer, employee or agent of the Department	501.385	-----	12
Unlawfully selling big game mammals	501.379	-----	12
Unlawfully selling an endangered species.....	501.379	-----	12
Needless waste of big game mammals	503.050	-----	12
Needless waste of game birds or game mammals, other than big game.....	503.050	-----	9
Unlawfully selling a threatened species.....	501.379	-----	9
Unlawfully selling game other than big game mammals	501.379	-----	6
Unlawfully selling a sensitive or protected species	501.379	-----	6
Unlawfully selling game fish.....	501.381	-----	6
Needless waste of game fish.....	503.050	-----	6
Unlawfully carrying a loaded rifle or shotgun in vehicle	503.165	-----	6
Unlawfully discharging a firearm.....	503.175	-----	6
Failing to retain the cape  <i>or scalp and any</i> antlers or horns of wildlife.....	501.385	503.173	6

MISCELLANEOUS FISH AND GAME

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Destroying or mutilating signs of the Department.....	501.383	-----	6
Polluting water	503.430	-----	6
Removing, altering or tampering with a tag placed on wildlife or on seized equipment	501.377	-----	6
Commercial taking of crayfish.....	501.385	503.540	6
Intentionally interfering with a person lawfully hunting or trapping.....	503.015	-----	6
Hunting or trapping on private property without permission	503.240	-----	6

CATEGORY E FELONIES AND
GROSS MISDEMEANORS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Killing or possessing certain big game mammals with			

CATEGORY E FELONIES AND
GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC Section	Demerits
an otherwise valid tag but when season is not open	501.376	-----	12
Killing or possessing certain big game mammals without a valid tag.....	501.376	-----	12
Killing or possessing certain big game mammals outside of the area specified on tag.....	501.376	-----	12
Killing or possessing certain big game mammals with a tag obtained by fraud.....	501.376	-----	12
Killing or possessing certain big game mammals with another person's tag	501.376	-----	12
Killing or possessing certain big game mammals outside of the hours set for lawful hunting	501.376	-----	12
Acting as a master guide or subguide without a license.....	504.395	-----	12
Furnishing false information to obtain a big game tag.....	502.060	-----	12

TRAPPING

Classification of Violations	NRS Section	NAC Section	Demerits
Trapping or killing fur-bearing mammals during			
closed season.....	503.440	-----	6
Trapping birds of prey or raptors without a permit or			
by unlawful means	503.582	503.205	6

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
Refusing to exhibit a license, wildlife, weapon,			
ammunition, device or apparatus	502.120	-----	12
Hunting without having procured a license	502.010	-----	6
Fishing without having procured a license	502.010	-----	6
Hunting without a license in possession	502.120	-----	6
Fishing without a license in possession	502.120	-----	6

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
Furnishing false information to obtain a license.....	502.060	-----	6
Furnishing of false information by <i>a</i> person serving in <i>the</i> Armed Forces of <i>the</i> United States to obtain a license.....	502.290	502.220	6
Unlawfully transferring a license to another person	502.100	-----	6
Unlawfully using a license of another person.....	502.100	-----	6
Obtaining more than one license of each class	502.110	-----	6
Altering a license	502.105	-----	6
Practicing falconry without a license.....	503.583	503.235	6
Operating as a fur dealer without a license.....	505.010	-----	6
Trapping without having procured a license.....	502.010	-----	6
Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit without having procured a license.....	503.454	-----	6
Trapping without a license in possession.....	502.120	-----	6
Operating a shooting preserve without a license	504.310	-----	6
Performing taxidermal services without a license	502.370	502.435	6
Obtaining a hunting license without obtaining			

LICENSES

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
certification as a responsible hunter.....	502.360	-----	6

2. A person who is convicted of committing a wildlife violation that does not appear in the schedule set forth in subsection 1 will be assessed 3 demerit points.

3. A person who is convicted of committing a wildlife violation within 60 months after a conviction for the same violation will be assessed double the amount of demerit points listed in the schedule set forth in subsection 1.

4. A person who is convicted of committing any four wildlife violations within a 60-month period will be assessed an extra 12 demerit points.

Sec. 2. Chapter 503 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this regulation.

Sec. 3. *As used in NAC 503.142 to 503.195, inclusive, and sections 3 and 4 of this regulation, “longbow” includes any recurved bow or compound bow.*

Sec. 4. *The Board of Wildlife Commissioners hereby establishes the following exception to paragraph (f) of subsection 1 of NRS 503.150. Except as otherwise provided by paragraph (c) of subsection 1 of NAC 503.142, a sight attached to a firearm or longbow that is used to hunt a game mammal or game bird may be illuminated or powered by:*

1. A battery contained within the sight;

2. *Light-gathering fiber optics;*
3. *A radioactive isotope such as tritium; or*
4. *Iridescent or fluorescent paint.*

↪ *It is unlawful for a person to hunt a game mammal or a game bird with a weapon that is equipped with a sight that is capable of casting or projecting a beam of light from the sight to the animal.*

Sec. 5. NAC 503.142 is hereby amended to read as follows:

503.142 The Board of Wildlife Commissioners 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 semijacketed bullet or a metal alloy bullet that expands. *The use of smokeless powder is prohibited. Only black powder or a black powder substitute such as Pyrodex or Triple 7 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 ~~if the percussion system~~ *that* uses a primer or percussion cap ; ~~[that fits on the nipple;]~~
- (b) A single barrel of caliber .45 or larger; and
- (c) 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 longbow 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. *However, 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 semijacketed 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. Rifled slugs must be used when hunting deer.

Sec. 6. NAC 503.144 is hereby amended to read as follows:

503.144 1. ~~[A]~~ *Except as otherwise provided in paragraph (c) of subsection 3, the bowstring of a longbow 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 longbow used in hunting a big game mammal must, in the hands of the user, be capable of throwing a 400 grain arrow 150 yards over level terrain. Arrows used in hunting big game mammals must ~~have hunting tips at least 3/4 inch wide.~~
—2.] be at least 24 inches long 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. It is unlawful for any person to ~~carry~~:

(a) Carry any firearm in the field while hunting under archery regulations.

~~[3.—As used in this section, “longbow” includes any recurved bow or compound bow.]~~

(b) Except as otherwise provided in this paragraph, carry a longbow 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 walking, if the motorized vehicle is not in motion.

(c) Hunt any game mammal or game bird with a longbow that uses any mechanical device that can anchor a nocked arrow at full draw or partial draw unless the person:

(1) Carries written documentation, signed and dated by a licensed physician, stating that the person has a permanent disability in the upper torso; or

*(2) Has had one or both arms, or a part thereof, amputated,
↪ and the permanent disability or amputation prevents him from manually drawing and holding at full draw a longbow that meets the requirements of subsection 2.*

(d) Hunt any wildlife with an arrow that has any chemical, explosive or electronic device attached.

Sec. 7. 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, 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 ~~both~~ *at least that portion of* the cape ~~[extending above the eyes and]~~ *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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R176-03**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R176-03 which pertain to chapters 501 & 503 of the Nevada Administrative Code on December 6, 2003.

Notice date: 11/3/2003
Hearing date: 12/5/2003

Date of adoption by agency: 12/6/2003
Filing date: 4/8/2004

INFORMATIONAL STATEMENT

1. **Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.** In addition to the traditional mail out to the Board of Wildlife Commissioners, and the 17 county advisory boards to manage wildlife, the regulation was sent to archery and muzzleloader groups for comment. Public comment is solicited throughout the workshop and meeting to act upon the regulation. Interested persons can obtain a copy of the summary by contacting the NDOW Office at 688-1549.
2. **The number of persons who:**
 - (a) **Attended each hearing:** 65
 - (b) **Testified at each hearing:** 65
 - (c) **Submitted to the agency written statements:** 6
3. **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:** In addition to the traditional mail out to the Board of Wildlife Commissioners, and the 17 county advisory boards to manage wildlife, the regulation was sent to archery and muzzleloader groups for comment. Public comment is solicited throughout the workshop and meeting to act upon the regulation. Interested persons can obtain a copy of the summary by contacting the NDOW Office at 688-1549.
4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:** N/A
5. **The estimated economic effect of the regulations on the businesses they are to regulate and on the public.**
 - (a) **Estimated economic effect on the businesses which they are to regulate.**
 - (1) **Adverse** – Rifle scopes will not be allowed thus some loss of sales opportunity for scope manufacturers.
 - (2) **Beneficial** – N/A
 - (3) **Immediate** - N/A
 - (4) **Long term** - N/A

(b) Estimated economic effect on the public which they are to regulate.

- (1) Adverse – None**
- (2) Beneficial - None**
- (3) Immediate - None**
- (4) Long term - None**

6. The estimated cost to the agency for enforcement of the proposed regulation: \$800.00

7. 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: None

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions: N/A

9. 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: N/A