

LCB File No. R176-03

**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 320 (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)
The legal weapons regulations for firearms and archery equipment need revision because they have not keep pace with technological advances. The public, and sometimes agency personnel, aren't clear about what is or is not legal relative to legal weapons in terms of electronic or optical sights, types of powder, mechanical broadheads, devices which hold arrows at full draw, etc. The evidence of sex/cape & antler regulation also causes confusion with the public as well as agency employees, on occasion. The proposed language and intent will be more consistent with that of other western states and it should do a better job of the intended purpose
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

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PROPOSED REGULATION OF THE BOARD
OF WILDLIFE COMMISSIONERS

STATE OF NEVADA
REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 320

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

EXPLANATION:

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

Section 1. 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. *Only blackpowder, Pyrodex, Triple 7 or a similar blackpowder substitute may used as a propellant. The use of smokeless powder is prohibited.* 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]~~ *which* 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 *or a rifle-scope with a fixed magnification of one power. The use of a sight or sight device which 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. *Such a handgun is not legal for the hunting of big game.*

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.

7. Except as provided in subsection 1, a sight or sight device attached to a firearm which is used to hunt game mammals or game birds may be illuminated or powered by:

- (a) A battery contained within the sight or sight device,***
- (b) Light gathering fiber optics,***
- (c) Radioactive isotopes such as tritium, or***
- (d) Iridescent or flourescent paint.***

It is unlawful to hunt game mammals or game birds with any firearm having a sight or sight device attached that is capable of casting or projecting a beam of light to the animal.

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

503.144 1. 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]~~ ***be at least 24 inches long with fixed broadheads which are at least 7/8-inch wide at the widest point or expandable, mechanical broadheads which are at least 7/8-inch wide at the widest point when in the open position.***

2. It is unlawful for any person to :

- (a) [carry] Carry*** any firearm in the field while hunting under archery regulations.
- (b) Carry a longbow with an arrow nocked on the bowstring while in or on any motorized vehicle which is standing on or along, or is being driven on or along, any public highway or any other way open to the public. The provisions of this subsection do not apply to paraplegics, persons with one or both legs amputated or who have suffered a permanent paralysis of one or both legs which severely impedes walking so long as the motor vehicle is not moving.***
- (c) Hunt any game mammal or game bird with a longbow which utilizes any mechanical device that anchors a nocked arrow at full draw or partial draw.***
- (d) Hunt any wildlife with arrows with any chemicals, explosives or electronics attached.***

3. As used in this ~~[section]~~ ***chapter or a hunting season regulation adopted by the commission pursuant to NRS 233B.038, “longbow” includes any recurved bow or compound bow the bowstring of which must be moved and/or held at all points in the draw cycle entirely by muscle power of the shooter until release. The bowstring must be released as a direct and conscious action of the***

shooter either relaxing the tension of the fingers or triggering the release action of a hand-held release aid. A crossbow is not a longbow.

4. A sight, sight pin, reticle, or other sighting device attached to a longbow which is used to hunt game mammals or game birds may be illuminated or powered by:

- (a) A battery contained within the sight or device,*
- (b) Light gathering fiber optics,*
- (c) Radioactive isotopes such as tritium, or*
- (d) Iridescent or flourescent paint.*

It is unlawful to hunt a game mammal or game bird with a longbow which has a sight or sight device attached which is capable of casting or projecting a beam of light to the animal.

Sec. 3. NAC 503.173 is hereby amended to read as follows:

503.173. *1. 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 both the cape extending above the eyes and the ears and any antlers or horns. The cape 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.]~~ maintain evidence of sex together with the meat from the animal while in the field, in transit from the field and until the meat is delivered to:*

- (a) The residence of the tagholder,*
- (b) The final place of storage indicated on a transportation permit issued by the department or one of it's agents, or*
- (c) A commercial meat preservation facility for processing the meat into cut and wrapped packages or food products such as salami or sausage.*

2. Evidence of sex in the field and while in transit from the field means:

- (a) For male animals,*
 - (1) The head is left naturally attached to the carcass or to a front-quarter, with the antlers or horns still intact, or*
 - (2) The testicles, scrotum, or penis remain naturally attached to a hindquarter or to a major piece of meat which has been boned-out from a hindquarter, as well as both antlers or horns attached to the skull plate.*

- (b) For female animals,*
 - (1) The head is left naturally attached to the carcass or to a front-quarter, or*
 - (2) The vulva or udders remain naturally attached to a hindquarter or to a major piece of meat which has been boned-out from a hindquarter.*

3. If multiple trips are required to remove the meat or carcass of an animal from the location where it was killed to the tagholder's camp or means of transportation, evidence of sex must accompany the first load of meat or portion of the carcass being transported from the location of the kill.