

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

LCB File No. R138-09

Effective April 20, 2010

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

AUTHORITY: §§1 and 3, NRS 501.105, 501.181 and 503.150; §2, NRS 501.105 and 501.181.

A REGULATION relating to hunting; authorizing the Department of Wildlife to issue a scope permit to a person with a visual disability under certain circumstances; and providing other matters properly relating thereto.

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

1. The Department may issue a scope permit to a person with a visual disability. The scope permit authorizes a person with a visual disability to hunt, during a type of hunt that is restricted to muzzle-loading firearms, using a 1x magnification rifle scope that is mounted on a muzzle-loading rifle. A person using such a permit shall present the permit upon the request of a law enforcement officer.

2. An application for a scope permit must:

(a) Be submitted to the Department on a form provided by the Department;

(b) Include a certificate issued by a licensed physician certifying that the applicant has a visual disability; and

(c) Include any other information required by the Department to issue the permit.

3. A scope permit issued pursuant to this section is valid for 1 year after the date it is issued.

4. As used in this section, “visual disability” means a visual impairment which substantially limits a major life activity and is not correctable by glasses or contact lenses.

Sec. 2. NAC 503.141 is hereby amended to read as follows:

503.141 As used in NAC 503.141 to 503.195, inclusive, *and section 1 of this regulation*, “longbow” includes any recurved bow or compound bow.

Sec. 3. 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 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 that uses a primer or percussion cap;

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

(c) ~~Open~~ *Except as otherwise provided in section 1 of this regulation, 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 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.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

MEMORANDUM

To: Legislative Counsel Bureau

Date: February 16, 2010

From: **Kenneth E. Mayer, Director**, Board of Wildlife Commissioners

Subject: Informational statement relating to Commission General Regulation No. 377 (LCB File No. (R138-09) – as required by Chapter 233B.066.

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.

The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife, and other interested persons; presented at a public workshop and at the board of Wildlife Commissioners' public meeting. A summary is available by contacting the Department of Wildlife. In general, response was supportive because it would preserve federal funding, but uncomfortable that the USFWS was requiring it. The application process through Law Enforcement should be thorough and ensure safety.

2. The number of persons who:

(a) Attended each hearing: 5-20 Workshop/ 15-20 Hearing

(b) Testified at each hearing: 5

(c) Submitted written comments: 0

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. A summary is available by contacting the Department of Wildlife. No business was specifically affected. Copies can be obtained from the Nevada Department of Wildlife. Made presentations to Muzzleloader Clubs across the State, County Advisory Boards, and public noticing.

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 regulation on the business which it is to regulate and on the public. N/A

(a) Estimated economic effect on the businesses which they are to regulate.

(1) Adverse – None

(2) Beneficial – None

(3) Immediate – None

(4) Long-term – None

(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: N/A

7. 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.

8. If the regulation includes provisions that are more stringent than a federal regulation that 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**