

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

LCB File No. R045-14

Effective June 23, 2014

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

AUTHORITY: §1, NRS 501.105 and 501.181.

A REGULATION relating to hunting; revising provisions relating to hunting a big game mammal with a muzzle-loading rifle or muzzle-loading musket; and providing other matters properly relating thereto.

Legislative Counsel’s Digest

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to establish the manner and means of taking wildlife. (NRS 501.105, 501.181) This regulation removes a reference to Pyrodex and Triple 7 as an example of black powder substitutes that may be used during a type of hunt that is restricted to muzzle-loading firearms. (NAC 503.142)

Section 1. 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) Except as otherwise provided in NAC 503.146, 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
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement**

**LCB File No. – R045-14
Commission General Regulation Number – 445**

Informational statement relating to Commission General Regulation No. 445
(LCB File No. R045-14) - as required by Chapter 233B.066.

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

The current regulation refers to two specific “name brand” black powder substitutes for big game hunts restricted to muzzleloaders. There are over 100 “name brand” black powder substitutes. Having only two specific “name brands” within the language is confusing to sportsmen because it implies all others are potentially illegal. Removing “name brand” black powder substitutes will reduce confusion on which type of powders are allowed during muzzleloader only big game hunts.

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.

A petition was received by the Nevada Board of Wildlife Commissioners (NBWC) to allow the use of additional black powder substitutes. Public comment was taken at the NBWC meeting in December 2013 in Reno, February 2014 in Las Vegas and May 2014 in Reno. The vast majority of comments received were in favor of allowing all brands of black powder substitute. At the May 2014 NBWC meeting, one County Advisory Board voiced opposition to the regulation on the grounds that it allowed for the continued “technological creep” of muzzleloader related equipment.

A video recording of all public comments from NBWC workshops and meetings is available at http://www.ndow.org/Public_Meetings/Commission/Archive/.

3. The number of persons who:

- (a) Attended each hearing: 26 Workshop 32 Hearing
- (b) Testified at each hearing: 4 Workshop 1 Hearing
- (c) Submitted written comments: 0 Public Comment 5 Total

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name; Brad Johnston
- (b) Telephone number; 18 Jacob Road, Yerington, NV 89447
- (c) Business address;
- (d) Business telephone number; (775) 316-1157
- (e) Electronic mail address; and
- (f) Name of entity or organization represented. Lyon County Advisory Board Chairman

- (a) Name; Kevin Strozzi
- (b) Telephone number; (775) 482-9185
- (c) Business address; PO Box 226, Tonopah, Nevada 89049
- (d) Business telephone number;
- (e) Electronic mail address; and kstrozzi@hotmail.com
- (f) Name of entity or organization represented. Nye County Advisory Board Chairman

- (a) Name; Gil Yanuck
- (b) Telephone number; (775) 841-3675
- (c) Business address; 4100 Lakeview Road, Carson City, Nevada 89703
- (d) Business telephone number;
- (e) Electronic mail address; and
- (f) Name of entity or organization represented - Self

- (a) Name; Rex Flowers
- (b) Telephone number; (775)-972-6250
- (c) Business address; 3280 Sun Cloud Court, Reno, Nevada 89506
- (d) Business telephone number;
- (e) Electronic mail address; and randbflowers@yahoo.com
- (f) Name of entity or organization represented. - Self

- (a) Name; Furn Winder
- (b) Telephone number;
- (c) Business address; 385 Buffside Court, Spring Creek, Nevada 89815
- (d) Business telephone number; (775) 299-1231
- (e) Electronic mail address; and furn7r@msn.com
- (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 of how other interested persons may obtain a copy of the summary.

Public comment, including comment from businesses potentially affected by the proposed regulation, was taken at the NBWC meeting in December 2013 in Reno, February 2014 in Las Vegas and May 2014 in Reno. During the lengthy and in depth NBWC meetings, there were no concerns voiced from any businesses. A video recording of all public comments from NBWC workshops and meetings is available at http://www.ndow.org/Public_Meetings/Commission/Archive/.

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.

The regulation was adopted without changing any part of the proposed regulation because no public comment or testimony was received by the NBWC recommending modification of the regulation as proposed.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**
 - (a) **Estimated economic effect on the businesses which they are to regulate.**

There is no adverse or beneficial economic effect anticipated on businesses as this regulation does not regulate business.
 - (b) **Estimated economic effect on the public which they are to regulate.**

There is no adverse or beneficial economic effect anticipated on the public. The regulation is simply removing specific black powder substitutes listed as examples within the current language.
8. **The estimated cost to the agency for enforcement of the proposed regulation:**

There is not an anticipated increase or decrease of costs associated with the Department of Wildlife for enforcement, because there is only a removal or specific “name brand” black powder substitutes from the current regulation.
9. **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.**

The regulation does not overlap or duplicate any other State or governmental agency regulation.
10. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

This regulation is not more stringent than a federal regulation and federal regulation does not regulate the same activity.
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 does not establish a new fee or does it increase an existing fee.