

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

LCB File No. R107-14

COMMISSION GENERAL REGULATION 435

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.181, 502.219, 502.222, 502.225

A REGULATION relating to hunting; changes definition of “longbow”; exceptions for using a crossbow during archery; clarifies standards for bow and arrow to be used to hunt; allows for a scope on a bow for visually impaired hunters.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto section 2 through 7, inclusive of this regulation, to read as follows.)

Sec. 2. *1. The Department may issue a archery disability permit to a person with a permanent physical disability as described in subsection 4. The permit authorizes a person with such a permanent physical disability to hunt, during a hunt that is restricted to archery*

a. with a crossbow

b. or a bow that uses a mechanical device that can anchor a nocked arrow at full draw or partial full draw that meets the requirements of NAC 503.144 subsection 2.

A person using such an archery disability permit shall present the permit upon the request of a law enforcement officer.

2. An application for a archery disability permit must:

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

(b) Include a physician certification issued by a licensed physician certifying that the applicant has a permanent physical disability as described in subsection 4; and

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

3. *An archery disability permit issued pursuant to this section is permanent after the date it is issued.*

4. *As used in this section, “permanent disability” means a person has a permanent disability of the upper torso or has had one or both arms, or a part thereof, amputated, and the permanent disability or amputation prevents the person from manually drawing and holding at full draw a bow that meets the requirements of NAC 503.144 subsection 2*

Sec. 3. NAC 503.141 is hereby amended to read as follows

503.141 ~~“Longbow”~~ *Bow* defined. As used in NAC 503.141 to 503.195, inclusive, ~~“Longbow”~~ *bow* includes any *longbow*, recurved bow or compound bow.

Sec. 4. NAC 503.143 is hereby amended to read as follows

503.143 1. A crossbow may be used to hunt a big game mammal in a type of hunt that allows the use of any legal weapon if the crossbow has:

(a) A minimum draw weight of 125 pounds;

(b) A minimum ~~draw length~~ *power stroke* of 14 inches from the front of the bow to the nocking point;

(c) A stock that is at least 18 inches long; and

(d) A positive mechanical safety mechanism.

2. Crossbow arrows or bolts used in hunting big game mammals must be at least 16 inches long *300 grains minimum weight* 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:

(a) Hunt a big game mammal with a crossbow during a type of hunt restricted to the use of archery, ~~for muzzle loading firearms~~ *except with an Archery Disability permit.*

↪ *Each person having the Archery Disability permit must have the permit in his or her possession while engaging in the activity regulated by the permit.*

(b) Hunt a big game mammal with a crossbow during a type of hunt restricted to the use of muzzle loading firearms.

~~[(b)]~~ (c) Except as otherwise provided in this paragraph, carry a cocked crossbow containing an arrow or a bolt 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 walking, if the motorized vehicle is not in motion.

~~[(c)]~~ (d) Hunt any wildlife with an arrow or bolt that has any chemical, explosive or electronic device attached.

Sec. 5. NAC 503.144 is hereby amended to read as follows

503.144 Hunting with ~~[(longbow)]~~ *Bow* and arrow.

1. Except as otherwise provided in paragraph (c) of subsection 4, the bowstring of a ~~[(longbow)]~~ *bow* 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)]~~ *bow* used in hunting a big game mammal must *have a minimum draw weight of 40 pounds and a maximum let-off of 80%.* ~~[(, 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 be at least 24 inches long, *300 grains minimum weight* 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. An arrow that is used in hunting any game mammal or game bird may be equipped with a nock that is illuminated electronically or chemically.

4. It is unlawful for any person to:

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

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

(c) Hunt any game mammal or game bird with a ~~longbow~~ *bow* 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~~ *Carries an Archery Disability permit*

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

(d) Hunt any wildlife with an arrow that has any explosive, electronic tracking device or poison attached. As used in this paragraph, “poison” means any substance that, upon contact with the species of wildlife that is hunted, is capable of causing injury, illness or death.

Sec. 6. NAC 503.145 is hereby amended to read as follows

503.145 Sight attached to firearm, ~~Hongbow~~ *bow* or crossbow.

The Commission 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 ~~Hongbow~~ *bow* that is used to hunt a game mammal or game bird, or a sight attached to a crossbow that is used to hunt a big game mammal, 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 big game mammal, 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. 7. NAC 503.146 is hereby amended to read as follows

503.146 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, *or bow* using a 1x magnification rifle scope that is mounted on a muzzle-loading rifle *or bow*. 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.

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the (Adoption/Amendment/Repeal) of Regulations of the Nevada Board of Wildlife Commissioners

The Board of Wildlife Commissioners will hold a public hearing on to be determined. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation 435 (LCB File No. R107-14) pertaining to Chapter 503 of the Nevada Administrative Code.

1) The need for and purpose of the proposed regulation:

To provide permanently disabled hunters' accommodations with weapon choices during archery seasons. Requests from disabled archers, legislators and the results from a Federal Civil Rights audit prompted NDOW to review existing archery regulations and propose adding crossbows for certain disabled hunters during archery only seasons. Individuals with permanent and severe disabilities to the torso, arms or upper body have increased as our nation has been engaged in warfare for over a decade. These individuals are unable to hold at full draw a bow currently allowed under the regulation. Therefore, they can't hunt in archery only seasons. NDOW has received many requests from the disabled community for the use of crossbows in archery seasons.

In addition, the existing archery regulations pertaining to equipment legal for general archery seasons is vague and difficult for the public to understand. The legality of this equipment cannot be determined in the field by game wardens and is therefore unenforceable. This part of the regulation change would make it easy for archery hunters to understand what equipment is legal and make it possible for field enforcement by game wardens.

2) Text of the proposed regulation:

See attached draft language.

3) Will this regulation likely impose a direct and significant economic burden upon small business?

This regulation will impose no direct or significant economic burden upon small business because this proposal has no regulatory impact on business.

4) Will this regulation directly restrict formation, operation or expansion of small business?

This regulation does not impact business in any way including the restriction of formation, operation or expansion.

5) Describe how the concerted effort was made to determine the business impact:

There are no business impacts as this regulation only pertains to individual archery hunters. However, NDOW staff presented an item to the Nevada Board of Wildlife Commissioners to explain the proposed regulation change which allowed for the item to be heard by all of the County Advisory Boards to Manage Wildlife (CABs).

These meetings are open public meetings where businesses, sportsmen, archers and individual members of the public were invited to provide testimony and input. There was wide support for the regulation change from all groups.

6A. Describe the estimated economic effect of the regulation on the business which it is to regulate:

- (i) Adverse effect – No adverse economic effect is expected as the regulation does not regulate business only individual archery hunters.
- (ii) Beneficial effect – No direct beneficial effect, however the regulation may increase sales of archery equipment if simplifying the regulation attracts more archery hunters.

6B. Describe the estimated economic effect of the regulation on the public which it is to regulate:

- (i) Adverse effect – No adverse economic effect on the public which it is to regulate as no additional fees or costs are associated with the regulations.
- (ii) Beneficial effect – No beneficial economic effect on the public which it regulates, however since the proposed regulation makes it easier to determine if bow hunters are within the guidelines, it may have a beneficial time impact since archers may spend less time trying to interpret the regulation.

7) Describe the method used to calculate the financial impact (positive, negative, or none) on small businesses:

As this regulation has no impact on small business it was unnecessary to calculate financial impacts. This regulation only pertains to individual archery hunters.

8) The name of the person(s) conducting the analysis of the likely impact of the proposed regulation:

Timmy Thomas, Conservation Educator, Nevada Department of Wildlife

9) Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:

There will be no additional cost to enforce this is regulation. The clean up language makes it easier for wardens already in the field to enforce archery regulations.

A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates ____, the duplication or overlapping is necessary because _____.

There is no duplication or overlap of other state, local or federal government regulations.

If the proposed regulation overlaps or duplicates a federal regulation what is the name of the regulatory federal agency?

The proposed regulation does not overlap or duplicate a federal regulation, therefore there is no federal agency name to include.

- 10) If the regulation is required pursuant to federal law provide, a citation and description of the federal law.

The regulation is not required pursuant to federal law.

- 11) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:

The regulation does not overlap a federal law and therefore does not include provisions which are more stringent than federal regulations.

- 12) The proposed regulation establishes a new fee or increases an existing fee:

No, this regulation does not establish a new fee nor does it increase an existing fee.

This statement shall be made available to the public at least 15 days before the public workshop.

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 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 Division of Wildlife
Law Enforcement
1100 Valley Road
Reno, Nevada
(775) 688-1549

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

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

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.

It is our belief that a concerted effort has been made by NDOW to determine the impact of the proposed regulation on small businesses and the information contained in this statement is accurate.

This notice of hearing has been posted at the above locations.

Tony Wasley, Secretary
Board of Wildlife Commissioners

TW:jt