

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

LCB File No. R054-02

Effective March 1, 2003

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

AUTHORITY: §1, NRS 488.045, 501.105, 501.181 and 501.243; §§2-17, NRS 501.105 and 501.181.

Section 1. NAC 488.467 is hereby amended to read as follows:

488.467 1. Except as otherwise provided in this section, use of vessels is restricted in the following wildlife management areas:

(a) In the Overton Wildlife Management Area, located in Clark County, vessels are prohibited on all ponds. Vessels are allowed on the portion of the area inundated by Lake Mead, except that on Overton Hunt Days, vessels may be used only by persons authorized to hunt waterfowl.

(b) In the ~~Stillwater Wildlife Management Area, located in Churchill County:~~

~~—(1) All vessels are prohibited on the ponds 5 days before the opening day of the waterfowl season.~~

~~—(2) Airboats are prohibited until 1 hour after the legal shooting time on the opening day of the waterfowl season.~~

~~—(c) In the Humboldt Toulon]~~ **Humboldt** Wildlife Management Area, located in Churchill and Pershing counties:

(1) All vessels are prohibited on the ponds in the Humboldt and Toulon Sink areas 5 days before the opening day of the waterfowl season.

(2) Airboats are prohibited on the Humboldt Sink until 1 hour after the legal shooting time on the opening day of the waterfowl season.

(3) Airboats are prohibited on the Toulon portion of the area during the waterfowl season.

~~(d)~~ (c) In the Mason Valley Wildlife Management Area, located in Lyon County, all vessels are prohibited from February 15 through ~~July 14~~ *August 15* of each year, except on:

- (1) Hinkson Slough;
- (2) Bass Pond;
- (3) Crappie Pond;
- (4) ~~Bluegill Pond;~~ *Beaver Slough;*
- (5) The Walker River; and
- (6) North Pond.

~~(e)~~ (d) In the Fort Churchill Cooling Pond Cooperative Wildlife Management Area, all vessels and floating devices, except for vessels used by employees of the Sierra Pacific Power Company in the performance of their official duties, are prohibited on the pond.

2. The provisions of subsection 1 do not apply to vessels owned, operated and used for official purposes by the division.

3. For the purposes of this section, a vessel is being used if the vessel:

- (a) Is upon the waters of this state, including, without limitation, if it is tied or fastened to a dock, mooring or shore; and
- (b) Is not aground on the shore.

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 this chapter, unless the context otherwise requires, the words and terms defined in NAC 503.001 and section 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 4. *“Nontoxic shot” means any shot that has been approved by the United States Fish and Wildlife Service pursuant to 50 C.F.R. § 20.134.*

Sec. 5. NAC 503.001 is hereby amended to read as follows:

503.001 ~~{As used in this chapter, unless the context otherwise requires, “division”}~~

“Division” means the division of wildlife of the state department of conservation and natural resources.

Sec. 6. NAC 503.170 is hereby amended to read as follows:

503.170 1. In the fenced or cultivated lands of the Smith and Mason Valleys, in the Mason Valley Wildlife Management Area and in the zones within the Fort Churchill State Historic Park and the Lahontan State Recreation Area that are designated for hunting by the administrator of the division of state parks of the state department of conservation and natural resources ~~{, deer}~~:

(a) Deer may be hunted only with:

~~{(a)}~~ *(I)* A shotgun no larger than 10 gauge and no smaller than 20 gauge, using ~~{rifled}~~:

(I) Rifled slugs; or

~~{(b)}~~ *(II) Shotgun rounds with sabots that contain rifled slugs of conventional design; or*

(2) A longbow and arrow.

(b) The use or possession of shotgun rounds with sabots that contain other than rifled slugs of conventional design is prohibited.

2. In the Mason Valley Wildlife Management Area:

(a) Deer may ~~not~~ be hunted *only on the following days* during the season set for the

~~general hunt for deer except on:~~ *hunting of deer:*

- (1) Saturdays, Sundays and Wednesdays;
- (2) ~~October 31,~~ Nevada Day ~~;~~, *as observed, pursuant to NRS 236.015;*
- (3) November 11, Veteran's Day; ~~and~~
- (4) Thanksgiving Day ~~;~~ *and*
- (5) Family Day, as declared pursuant to NRS 236.015.*

(b) Deer may be hunted *only* with longbow and arrow during the season set for the archery hunt for deer.

Sec. 7. NAC 503.183 is hereby amended to read as follows:

503.183 1. A hunter of ducks, mergansers, geese, swans, coots, gallinules or snipe shall use nontoxic shot in muzzleloaders or in shells for a shotgun when hunting in this state.

2. The possession of shells for a shotgun which contain other than nontoxic shot is prohibited while hunting any birds designated in subsection 1.

3. The possession of shot for a muzzle-loading shotgun other than nontoxic shot is prohibited while hunting any birds designated in subsection 1.

~~[4.—As used in this section, “nontoxic shot” means any shot which has been approved by the United States Fish and Wildlife Service pursuant to 50 C.F.R. Part 20.134.]~~

Sec. 8. NAC 503.187 is hereby amended to read as follows:

503.187 *1.* No weapon other than a:

~~[1.]~~ *(a)* Shotgun which is no larger than 10 gauge nor smaller than 20 gauge and uses a shot size no larger than a number 2 pellet; or

~~[2.]~~ *(b)* Longbow and arrow,

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may be used to hunt wild turkey.

2. Shot used to hunt wild turkey on a wildlife management area must be:

(a) Nontoxic shot; and

(b) Not larger than standard-size T.

Sec. 9. NAC 503.620 is hereby amended to read as follows:

503.620 1. ~~[(h)]~~ ***Except as otherwise provided in subsections 3, 4 and 5, in*** any area which is determined by the division to be unpopulated by upland game birds:

(a) Competitive field trials for , or the training of , hunting dogs or raptors is permitted at any time.

(b) Legally acquired upland game birds may be released for shooting or taken by raptors.

2. ~~[(h)]~~ ***Except as otherwise provided in subsections 3, 4 and 5, in*** any area which is determined by the division to be populated by upland game birds:

(a) Except as ***otherwise*** provided in paragraph (b), competitive field trials for , or the training of , hunting dogs or raptors is permitted only during the ~~[open season of the species of birds hunted.~~

~~—(b) Field trials and]~~ ***season established by the commission for the hunting of the species of game bird used in the trials or training.***

(b) ***Competitive field trials for, or the*** training of , hunting dogs or raptors may be permitted at any time if upland game birds are released by the permittee and the division determines the activity is not detrimental to existing wildlife.

3. Competitive field trials for hunting dogs or raptors are permitted on:

(a) Mason Valley Wildlife Management Area from:

(1) February 1 through February 14; and

(2) August 16 through August 31; and

(b) Overton Wildlife Management Area from February 1 through February 28.

4. Except as otherwise provided in subsection 5 and NAC 504.120, the training of hunting dogs or raptors is permitted on wildlife management areas at any time.

5. The training of hunting dogs or raptors is permitted on Mason Valley Wildlife Management Area:

(a) From February 1 through February 14;

(b) From August 16 through August 31; and

(c) Except as otherwise provided in NAC 504.120, at any time, so long as the supervisor of the wildlife management area determines that the training is not detrimental to the wildlife management area.

Sec. 10. NAC 504.115 is hereby amended to read as follows:

504.115 *1.* Vehicular travel within a wildlife management area may be controlled for operation of the area, for public use and to benefit the public and wildlife resources. Such control may include specifying parking areas, closing interior roads or trails to vehicular travel and prohibiting travel beyond designated points.

2. Except as otherwise provided in subsection 3, it is prohibited, within a wildlife management area, to operate a motor vehicle:

(a) Off an interior road or trail that is designated for vehicular travel; or

(b) On an interior road or trail that is marked as closed to vehicular travel.

3. The provisions of subsections 1 and 2 do not apply to authorized personnel in the performance of their official duties.

Sec. 11. NAC 504.120 is hereby amended to read as follows:

504.120 1. Except as otherwise provided in subsection ~~5~~ 6, a person shall not enter, occupy, use or be upon the following described portion of the Scripps Wildlife Management Area from February 15 through ~~June~~ August 15:

That portion of the Scripps Wildlife Management Area which lies south of Little Washoe Lake, as posted, and further described as including all or portions of Sections 1 and 2, T. 16 N., R. 19 E., M.D.B. & M. and Sections 25, 26, 35 and 36, T. 17 N., R. 19 E., M.D.B. & M.

2. Except as otherwise provided in subsection ~~5~~ 6, a person shall not enter, occupy, use or be upon the following described portion of the Key Pittman Wildlife Management Area from February 15 through August 15:

The portion of Nesbitt Lake north of the old fence line.

3. Except as otherwise provided in subsection ~~5~~ 6, a person shall not enter, occupy, use or be upon the following described portion of the Wayne E. Kirch Wildlife Management Area from February 15 through August 15:

The upper portion of Adams-McGill, Cold Springs and Haymeadow reservoirs, as posted, and all of Dacey and Tule reservoirs.

4. Except as otherwise provided in subsection ~~[5,] 6~~, a person shall not enter, occupy, use or be upon the following described portion of the Mason Valley Wildlife Management Area from February 15 through August 15:

The eastern portion of the main developed pond area, as posted.

5. *Except as otherwise provided in subsection 6, a person shall not enter, occupy, use or be upon the following described portion of the Overton Wildlife Management Area from March 1 through August 1:*

The Honey Bee Pond and the Center Pond.

6. The provisions of subsections 1 to ~~[4,] 5~~, inclusive, do not apply to authorized personnel in the performance of their official duties.

Sec. 12. NAC 504.135 is hereby amended to read as follows:

504.135 1. Except as otherwise provided in subsection ~~[5,] 6~~, the discharging of a rifle or pistol is prohibited on the following wildlife management areas:

- (a) Overton in Clark County.
- (b) Key Pittman in Lincoln County.
- (c) Wayne E. Kirch in Nye County.
- (d) Scripps in Washoe County.
- (e) Mason Valley in Lyon County.

~~[(f) Stillwater in Churchill County, in the main marsh area as posted by the division, during the season for waterfowl.~~

~~—(g) Franklin Lake in Elko County during the season for waterfowl.]~~

2. Deer may be hunted on the Mason Valley and Wayne E. Kirch Wildlife Management Areas only by persons using ~~[shotguns]~~ :

(a) *Shotguns* and rifled shotgun slugs ~~[.]~~ ; or

(b) *Longbows and arrows.*

3. The use of shotguns capable of holding more than three shells is prohibited on all wildlife management areas owned or managed by ~~[the]~~ *this* state unless the shotgun is plugged with a one-piece filler, incapable of removal without disassembling the gun, so that the total capacity of the shotgun does not exceed three shells.

4. The use or possession of shells for a shotgun containing shot *that is toxic or* larger than standard-size T is prohibited on the following wildlife management areas:

(a) Overton in Clark County.

(b) Key Pittman in Lincoln County.

(c) Wayne E. Kirch in Nye County.

(d) Scripps in Washoe County.

(e) Mason Valley in Lyon County.

(f) *Fernley in Lyon County.*

(g) *Alkali Lake in Lyon County.*

(h) *Humboldt in Churchill and Pershing Counties.*

(i) *Steptoe Valley in White Pine County.*

(j) *Franklin Lake in Elko County.*

5. *The use or possession of shotgun rounds with sabots that contain other than rifled slugs of conventional design is prohibited on all wildlife management areas owned or managed by this state.*

6. The provisions of subsection 1 do not apply to persons authorized by the division to use rifles and pistols for the control of predatory animals and rodents.

7. *For the purposes of this section, all shot shall be deemed toxic unless it has been approved as nontoxic by the United States Fish and Wildlife Service pursuant to 50 C.F.R. § 20.134.*

Sec. 13. NAC 504.140 is hereby amended to read as follows:

504.140 1. Except as otherwise provided in subsection 2, campfires and bonfires are prohibited in wildlife management areas.

2. Campfires are permitted in the:

- (a) Wayne E. Kirch wildlife management area within the ~~Hot Creek~~ *Dave Deacon* Campground.
- (b) Humboldt wildlife management area ~~within the Quilici Landing Campground.~~ *in those sites designated for camping.*
- (c) Fernley wildlife management area.
- (d) ~~Stillwater wildlife management area.~~
- ~~(e)~~ Mason Valley wildlife management area in those sites designated for camping.
- ~~(f)~~ (e) Overton wildlife management area ~~in those sites designated for camping.~~
- ~~(g)~~ *within the rest and trails area.*
- (f) Bruneau wildlife management area.

Sec. 14. NAC 504.145 is hereby amended to read as follows:

504.145 1. Except as otherwise provided in subsection 2, camping is prohibited in wildlife management areas.

2. Camping is permitted in the:

(a) Mason Valley wildlife management area ~~[at sites designated by the division.]~~ *in those sites designated for camping.*

(b) Wayne E. Kirch wildlife management area within the ~~[Hot Creek]~~ *Dave Deacon* Campground.

(c) Humboldt wildlife management area ~~[.]~~ *in those sites designated for camping.*

(d) Fernley wildlife management area.

(e) Overton wildlife management area within the ~~[sites designated for camping.~~

~~—(f) Stillwater wildlife management area.~~

~~—(g)] rest and trails area.~~

(f) Bruneau wildlife management area, except that camping is not permitted in any building or other structure located within that wildlife management area.

3. Camping facilities, including ~~[house trailers,]~~ *without limitation, house trailers*, must not be stored, parked or maintained in a wildlife management area for more than 8 days, or left in a wildlife management area for occasional occupancy by a person or group of persons associated with the facility.

4. The erection, fabrication or maintenance of a permanent dwelling or building in a wildlife management area is prohibited.

5. A person camping in a site, campground or area within a wildlife management area designated for camping pursuant to subsection 2 shall not operate a television, radio or any

other device, including, without limitation, a generator, between the hours of 10 p.m. and 5 a.m. if the device produces sound that is audible beyond the campsite in which it is operated.

Sec. 15. NAC 504.160 is hereby amended to read as follows:

504.160 1. Except as *otherwise* provided in subsection 6, a person may construct a hunting blind on any wildlife management area if the division has no obligation to protect a privately constructed blind or to arbitrate the use or priority of use of such a blind. A blind to be constructed must:

(a) Be temporary and portable;

(b) Except as *otherwise* provided in paragraph (c), be constructed of lumber, screen ~~[and]~~, *fabric, synthetic material or native* vegetation; and

(c) In the ~~[Overton and the]~~ *Kirch, Steptoe Valley and* Mason Valley wildlife management areas, be constructed ~~[entirely of vegetation.]~~ *of native vegetation, removable fabric, or a synthetic material that is of a temporary nature.*

2. A group of persons may construct a blind only after the ~~[division project manager]~~ *supervisor of the wildlife management area* has approved the plans for the blind.

3. Sunken blinds, and barrels and boxes used as sunken blinds, must be covered when not in use to prevent the entrapment of animals.

4. The use of a sink box is prohibited.

5. A blind may not be locked or reserved for the use of a particular person or group of persons.

6. The division may ~~[prohibit]~~ :

(a) *Prohibit* the construction of a hunting blind if it is detrimental to a wildlife management area or portion thereof.

(b) Designate a hunting blind on a wildlife management area as intended for the use of persons with physical handicaps pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213, inclusive, and the regulations adopted pursuant thereto.

7. A person may use decoys on a wildlife management area so long as the decoys are not left set up in the field between the hours of 9 p.m. and 3 a.m.

Sec. 16. NAC 504.170 is hereby amended to read as follows:

504.170 ~~{Trapping on specific wildlife management areas is allowed only as follows:~~

~~—1. Persons may trap on the Stillwater wildlife management area, subject to any applicable federal regulations.}~~

1. Except as otherwise provided in subsection 2, a person shall not trap on a wildlife management area.

2. Persons having permits to do so may trap on the Overton, Key Pittman, Wayne E. Kirch, Railroad Valley, Humboldt, Fernley, Scripps, Mason Valley , *Steptoe Valley, Franklin Lake* and Alkali Lake wildlife management areas.

3. Permits *to trap on wildlife management areas* will be issued through a drawing process and may contain designations of specific trapping areas, dates or other restrictions to ensure compatibility with other public activities.

~~{3. Persons may trap on the Franklin Lake wildlife management area.}~~

Sec. 17. This regulation becomes effective on March 1, 2003.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R054-02**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R054-02 which pertain to chapters 488, 503 and 504 of the Nevada Administrative Code on September 28, 2002.

Notice date: 8/21/2002
Hearing date: 9/28/2002

Date of adoption by agency: 9/28/2002
Filing date: 11/19/2002

INFORMATIONAL STATEMENT

1. A 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.

A mailing of the draft regulation was sent to the County Advisory Boards to Manage Wildlife and was distributed as support material to the Board of Wildlife Commissioners prior to a workshop on the regulation on August 9, 2002. Several minor modifications in the regulation were made following the workshop based on public comment. Proposed changes included modifying the dog training requirement, modifying the motor vehicle requirement, removing the prohibition of using a rifle or pistol operated by air, adding the provision that the regulation will become effective March 1, 2003, and several wording clarifications.

The regulation with proposed modifications was mailed to the County Advisory Boards to Manage Wildlife and was distributed as support material to the Board of Wildlife Commissioners prior to the Commission meeting of Sept 28, 2002. Division staff attended County Advisory Boards to Manage Wildlife meetings to discuss the proposed modifications in the regulation. The majority of County Advisory Boards to Manage Wildlife that responded supported the regulation as amended. The Board of Wildlife Commissioners approved the regulation as amended during the September 28, 2002 Commission Meeting.

2. The number of persons who:

- (a) **Attended each hearing:** 25
- (b) **Testified at each hearing:** 3
- (c) **Submitted to the agency written statements:** 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. No businesses were affected.

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.

Several minor changes were made in the regulation based on public comment during the August 9, 2002 workshop. The Board of Wildlife Commissioners approved the regulation with changes on September 28, 2002.

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** - 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** - Non toxic shot is slightly more expensive for sportsmen hunting on the wildlife management areas (several cents per round of ammunition..

(2) **Beneficial** - none

(3) **Immediate** - See comment 5 (a) above

(4) **Long term** - See comment 5 (a) above

6. **The estimated cost to the agency for enforcement of the proposed regulation.**

Minimal - enforcement of amended regulations will be incidental to contacts currently being made by law enforcement officers. Officers may occasionally be required to cite Wildlife Management Area users not complying with the amended regulations.

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.** N/A

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 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