

PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R045-14

COMMISSION GENERAL REGULATION 445

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

AUTHORITY: §§1, NRS 501.105, 501.181 and 503.150

A REGULATION relating to hunting; removing specific powder types for use in a muzzle-loader firearm during muzzle-loader only big game mammal hunts.

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.

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

LCB File No. R043-14

**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 _____ . The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation 445 (LCB File No. R043-14) pertaining to Chapter 503 of the Nevada Administrative Code.

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

The need for and purpose of the proposed regulation amendment is to remove confusion by our constituents as to the type of black powder substitutes that are allowed. The regulation currently has two specific “name brand” black powder substitutes listed in the language which leaves our constituents questioning the use of other “name brand” black powder substitutes.

- 2) Text of the proposed regulation:

The language of the proposed regulation amendment is attached.

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

By removing “name brand” black powder substitutes from the proposed regulation amendment, no direct or significant economic burden is anticipated for small businesses.

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

Amending this regulation should not directly restrict formation, operation or expansion of small businesses.

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

Conceptual language was discussed at the January 31, 2014 Board of Wildlife Commissioners’ meeting in Las Vegas, Nevada. No people or businesses came forward stating an economic impact was anticipated. Also, the Department of Wildlife determined there would be no adverse economic impact on small business because this regulation is specific to hunters and the types of black powder substitutes allowed to be used by a hunter. This regulation only removes specific “name brand” black powder

substitutes listed in the regulation that were used as examples of black powder substitutes.

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

- (i) Adverse effect – There is no adverse economic effect anticipated on businesses, by passage of this regulation. This regulation does not regulate a business.
- (ii) Beneficial effect – There is no beneficial economic effect anticipated on businesses, by passage of this regulation. This regulation does not regulate a business.

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

- (i) Adverse effect – There is no adverse economic effect anticipated on the public by passage of this regulation. This regulation is removing specific black powder substitutes listed as examples within the current language.
- (ii) Beneficial effect – There is no beneficial economic effect anticipated on the public by passage of this regulation. This regulation is removing specific black powder substitutes listed as examples within the current language.

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

Conceptual language was discussed at the January 31, 2014 Board of Wildlife Commissioners' meeting in Las Vegas, Nevada. No people or businesses came forward stating an economic impact was anticipated. Also, the Department of Wildlife determined there would be no adverse economic impact on small business because this regulation is specific to hunters and the types of black powder substitutes allowed to be used by a hunter. This regulation only removes specific "name brand" black powder substitutes listed in the regulation that were used as examples of black powder substitutes.

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

Chief Game Warden Robert Buonamici

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

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

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

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

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

This 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:

This regulation is not more stringent than a federal regulation.

12) The proposed regulation establishes a new fee or increases an existing fee: X No
Yes

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) 688-1500

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 Counsel 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.

/S/
Tony Wasley, Secretary
Board of Wildlife Commissioners