

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

LCB File No. R128-23

January 31, 2024

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

AUTHORITY: §§ 1-3 and 5-8, NRS 501.105, 501.181, 504.140 and 504.143; § 4, NRS 501.105, 501.181, 503.150, 504.140 and 504.143.

A REGULATION relating to wildlife; establishing the Mountain Unit and Meadow Unit within the Steptoe Valley Wildlife Management Area; prohibiting certain acts within the Pole Canyon Cooperative Wildlife Management Area; revising restrictions on the use of certain weapons and ammunition in certain wildlife management areas; revising provisions governing campfires, camping and trapping in certain wildlife management areas; revising restrictions on the construction and use of blinds in wildlife management areas; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies and adopt regulations necessary to: (1) preserve, protect, manage and restore wildlife and its habitat; and (2) carry out the provisions of title 45 of NRS governing wildlife. (NRS 501.105, 501.181) Existing law also authorizes the Department of Wildlife, with the approval of the Commission, to enter into agreements with landowners to establish wildlife management areas and to enforce regulations necessary for the purpose of providing greater areas for the public to hunt or fish on private lands. (NRS 504.140) Existing law authorizes the Commission to prescribe by regulation, among other things, the manner and means of taking wildlife in state-owned wildlife management areas created and maintained by the Commission. (NRS 504.143)

Section 2 of this regulation provides that the Steptoe Valley Wildlife Management Area is comprised of the Meadow Unit and the Mountain Unit. **Section 2** provides that the: (1) Meadow Unit is comprised of that portion of the Steptoe Valley Wildlife Management Area that is located within Unit 111 or Unit 222 and is west of the boundary line of Cave Lake State Park; and (2) Mountain Unit is comprised of the remaining portion of the Steptoe Valley Wildlife Management Area.

Section 3 of this regulation: (1) establishes the Pole Canyon Cooperative Wildlife Management Area in cooperation with landowners in Pole Canyon; and (2) prohibits a person from engaging in certain activities within the Pole Canyon Cooperative Wildlife Management Area. **Section 3** also authorizes a person to operate a motor vehicle or bicycle, including a motor vehicle or bicycle that is electric or battery electric, to access the Pole Canyon Cooperative Wildlife Management Area.

Existing regulations prohibit: (1) the discharge of a rifle or pistol in certain wildlife management areas; (2) with certain exceptions, the use of shotguns capable of holding more than three shells on all wildlife management areas owned or managed by this State; and (3) the use or possession of shells for a shotgun containing shot that is toxic or larger than standard-size T on certain wildlife management areas. Existing regulations also authorize a person to hunt deer on the Mason Valley and Wayne E. Kirch Wildlife Management Areas using: (1) shotguns and rifled shotgun slugs or shotgun rounds with sabots that contain a single expanding projectile; and (2) bows and arrows. (NAC 504.135) **Section 4** of this regulation: (1) additionally prohibits the discharge of a rifle or pistol in the Argenta Wildlife Management Area; (2) eliminates the prohibition on the use of shotguns capable of holding more than three shells on all wildlife management areas owned or managed by this State; and (3) additionally prohibits the use or possession of shells for a shotgun containing shot that is toxic or larger than standard-size T on the Carson Lake and Argenta Wildlife Management Areas and the Meadow Unit of the Steptoe Valley Wildlife Management Area. **Section 4** also authorizes a person to hunt big game mammals on the Mason Valley, Wayne E. Kirch and Argenta Wildlife Management Areas using: (1) shotguns and rifled shotguns slugs or shotgun rounds with sabots that contain a single expanding projectile; (2) shotguns containing shot that is toxic or larger than standard-size T; and (3) bows and arrows.

Existing regulations: (1) prohibit campfires and bonfires in wildlife management areas; and (2) exempt certain wildlife management areas from such a prohibition by permitting campfires in certain wildlife management areas. (NAC 504.140) **Section 5** of this regulation expands such exempt wildlife management areas to include the Mountain Unit within the Steptoe Valley Wildlife Management Area. **Section 5** also provides that the exception is subject to any fire restriction order issued by this State or any federal agency.

Existing regulations: (1) prohibit camping in wildlife management areas; and (2) exempt certain wildlife management areas from such a prohibition. (NAC 504.145) **Section 6** of this regulation expands such exempt wildlife management areas to include, in the Steptoe Valley Wildlife Management Area: (1) any area within the Mountain Unit that is more than 0.5 mile from Success Summit Road; and (2) any site designated for camping that is 0.5 mile or less from Success Summit Road.

Existing regulations authorize a person to construct a hunting blind on any wildlife management area if, among other things, the blind is: (1) temporary and portable; and (2) based on the wildlife management area, constructed of certain material. Existing regulations also: (1) provide that a supervisor of a wildlife management area must approve the plans for a blind before a group of persons may construct the blind; (2) provide that sunken blinds, and barrels and boxes used as sunken blinds, must be covered when not in use; and (3) prohibit the use of a sink box. (NAC 504.160) **Section 7** of this regulation eliminates such restrictions on the use of blinds and instead provides that a blind must be: (1) temporary and constructed of material found on the wildlife management area; or (2) portable. **Section 7** also provides that a portable blind that is not used to hunt big game mammals must be removed daily from the wildlife management area.

Existing regulations: (1) prohibit trapping on wildlife management areas; and (2) create an exception to such prohibition by authorizing a person who has a permit to trap to do so on certain wildlife management areas. (NAC 504.170) **Section 8** of this regulation expands such exempt wildlife management areas to include the Bruneau River and Carson Lake Wildlife Management Areas. **Section 8** also prohibits trapping in any area that is 0.5 mile or less from any

site designated for camping within the Mountain Unit of the Steptoe Valley Wildlife Management Area.

Section 1. Chapter 504 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *The Steptoe Valley Wildlife Management Area is comprised of the Meadow Unit and the Mountain Unit. The:*

1. Meadow Unit is comprised of that portion of the Steptoe Valley Wildlife Management Area that is located within Unit 111 or Unit 222, as designated in NAC 504.210, and is west of the boundary line of Cave Lake State Park; and

2. Mountain Unit is comprised of the remaining portion of the Steptoe Valley Wildlife Management Area that is not within the Meadow Unit.

Sec. 3. *1. Pole Canyon is a wildlife management area established in cooperation with landowners in Pole Canyon. The following activities are prohibited on the Pole Canyon Cooperative Wildlife Management Area:*

(a) Overnight camping, including, without limitation, overnight camping in areas designated for parking;

(b) Except as otherwise provided in subsection 2, operating a:

(1) Motor vehicle, including, without limitation, an electric or battery electric vehicle; or

(2) Bicycle, including, without limitation, a bicycle that is electric or battery electric;

(c) Riding an animal other than a horse or mule;

(d) Providing a guide service pursuant to NRS 504.390;

(e) Hunting any predator;

(f) Trapping; and

(g) Building or having a campfire.

2. *A person may use a motor vehicle or bicycle, including, without limitation, an electric or battery electric motor vehicle or bicycle, in the parking area of the access point at the Franklin River or the 1,340 feet of dirt road comprising the access point in the Horse Canyon public right-of-way on Horse Creek Road to access the Pole Canyon Cooperative Wildlife Management Area.*

3. *As used in this section, “predator” means any fur-bearing mammal, mountain lion or coyote.*

Sec. 4. NAC 504.135 is hereby amended to read as follows:

504.135 1. Except as otherwise provided in subsection ~~6~~ 5, 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) Argenta in Lander County.

2. ~~{Deer}~~ *A person* may ~~{be hunted}~~ *hunt big game mammals* on the Mason Valley , ~~{and}~~ Wayne E. Kirch *and Argenta* Wildlife Management Areas ~~{only by persons}~~ using:

(a) Shotguns and rifled shotgun slugs or shotgun rounds with sabots that contain a single expanding projectile; ~~{or}~~

(b) *Shotguns containing shot that is toxic or larger than standard-size T; or*

(c) Bows and arrows.

↪ A shotgun that is used to hunt ~~{deer}~~ *big game mammals* pursuant to this subsection may be equipped with a smoothbore barrel or a barrel that is partially or fully rifled.

3. ~~{The use of shotguns capable of holding more than three shells is prohibited on all wildlife management areas owned or managed by 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}~~ *Except as otherwise provided in subsection 2, 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 *within the Meadow Unit* in White Pine County.
- (j) Franklin Lake in Elko County.
- (k) Carson Lake in Churchill County.*
- (l) Argenta in Lander County.*

~~15.1~~ 4. The use or possession of shotgun rounds with sabots that contain other than rifled slugs or a single expanding projectile is prohibited on all wildlife management areas owned or managed by this State.

~~16.1~~ 5. The provisions of subsection 1 do not apply to persons authorized by the Department to use rifles and pistols for the control of predatory animals and rodents.

~~17.1~~ 6. 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. 5. 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~~ *Subject to any fire restriction order issued by this State or any federal agency, campfires* are permitted in the:

- (a) Wayne E. Kirch Wildlife Management Area within the Dave Deacon Campground.
- (b) Humboldt Wildlife Management Area in those sites designated for camping.
- (c) Fernley Wildlife Management Area.
- (d) Mason Valley Wildlife Management Area in those sites designated for camping.
- (e) Overton Wildlife Management Area within the rest and trails area.
- (f) Bruneau Wildlife Management Area.
- (g) Mountain Unit within the Steptoe Valley Wildlife Management Area.*

Sec. 6. 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 in those sites designated for camping.
 - (b) Wayne E. Kirch Wildlife Management Area within the 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 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.

(g) Steptoe Valley Wildlife Management Area in:

(1) Any area within the Mountain Unit that is more than 0.5 mile from Success Summit Road; and

(2) Any site designated for camping that is 0.5 mile or less from Success Summit Road.

3. Camping facilities, including, 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. 7. NAC 504.160 is hereby amended to read as follows:

504.160 1. Except as otherwise provided in subsection ~~6.~~ 4, a person may construct a ~~hunting~~ *single* blind on any wildlife management area if the Department 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 ~~it~~ *be*:

(a) ~~Be temporary~~ *Temporary* and ~~portable;~~ *constructed of material found on the wildlife management area; or*

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

~~—(c) In the Kirch, Steptoe Valley and Mason Valley Wildlife Management Areas, be constructed 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 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.—~~ *Portable.*

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

3. *A portable blind that is not used to hunt big game mammals must be removed daily from the wildlife management area.*

~~6.~~ 4. The Department may:

(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 disabilities pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213, inclusive, and the regulations adopted pursuant thereto.

~~17.~~ 5. 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. 8. NAC 504.170 is hereby amended to read as follows:

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

2. ~~Persons~~ *Except as otherwise provided in subsection 4, persons* having permits to do so may trap on the Overton, Key Pittman, Wayne E. Kirch, Humboldt, Fernley, Scripps, Mason Valley, Steptoe Valley, Franklin Lake, *Bruneau River, Carson Lake* and Alkali Lake Wildlife Management Areas.

3. Permits to trap on wildlife management areas will be issued on a first-come, first-served basis and may contain designations of specific trapping areas, dates or other restrictions to ensure compatibility with other public activities.

4. *A person shall not trap in any area that is 0.5 mile or less from any site designated for camping within the Mountain Unit of the Steptoe Valley Wildlife Management Area.*