

LCB File No. R054-02

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

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for The Amendment of Regulations of The
Nevada Board Of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing on June 21-22 at the Tahoe Justice Court, 175 U. S. Highway 50, Stateline, Nevada, 89449. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 302 (LCB File R054-02) pertaining to Chapter 488 and 501 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: (Description of regulation)
NAC 488.467- Stillwater Wildlife Management Area (WMA) is no longer administered by NDOW, so it is being removed from this regulation. The Humboldt WMA is the area's official name so the term "Toulon" is being removed from the regulation. The prohibition of the use of vessels on Mason Valley WMA is being extended to August 15 of each year to coincide with the restrictions on entry into the area (NAC 504.120). Bluegill Pond is being deleted from the regulation, as it no longer exists. Beaver Slough is being added to the regulation since it is an area that has recently been developed and can be used by vessels.

NAC 503.170- The use of sabot rounds containing other than a conventional rifled slug will be prohibited in order to prevent unsafe, excessive shooting distance. The language in the regulation is amended to clarify Nevada Day and Family Day as established by NRS. The word "only" is added to subsection 2 (b) of the regulation to clarify longbow and arrow are the only weapons allowed during the archery hunt for deer on Mason Valley WMA.

NAC 503.187- Nontoxic shot will be required to hunt turkeys on all wildlife management areas due to the concern of toxicity from lead shot ingested by wildlife on or near wetland areas.

NAC 503.620- Language in this regulation has been added to regulate formal, permitted field trials allowed only on Mason Valley and Overton WMAs during the periods listed. Language has also been added to regulate informal dog and raptor training on WMAs.

NAC 504.115- Unlicensed, motorized vehicles will be prohibited on WMAs to protect wildlife and habitat from potentially harmful recreational activities.

NAC 504.120- The restriction on entry into Scripps WMA will be extended until August 15 of each year to coincide with other restricted periods on WMAs in order to protect nesting waterfowl and other nesting wetland birds. The use of Honeybee and Center Ponds on Overton WMA will be restricted from March 1 through August 1 to protect nesting waterfowl and other nesting birds.

NAC 504.135- Any rifle or pistol operated by air, carbon dioxide or spring action will now be prohibited on listed WMAs to prevent taking of wildlife with these weapons. Stillwater WMA is no longer administered by NDOW, so it is being removed from this regulation. There is no need to restrict the use of rifles or pistols on Franklin Lake WMA since it is a remote, very lightly used area. Nontoxic shot will be required for all listed WMAs due to the toxicity concern from lead shot ingested by wildlife in and near wetland areas. Steptoe Valley, Franklin Lake, Alkali Lake, Humboldt, and Fernley WMAs are being added to subsection 4 of the regulation.

NAC 504.140- Stillwater WMA is no longer administered by NDOW, so it is being removed from this regulation. The Hot Creek campground at Kirch WMA was renamed the Dave Deacon campground several years ago so it is being changed in this regulation. The Overton WMA campground has been designated as the Rest and Trails area, so it is being changed in this regulation. The Humboldt WMA may have several campsites in the near future, so the language in the regulation is being amended to accommodate such a change.

NAC 504.145- Stillwater WMA is no longer administered by NDOW, so it is being removed from this regulation. The Hot Creek campground at Kirch WMA was renamed the Dave Deacon campground several years ago so it is being changed in this regulation. The Overton WMA campground has been designated as the Rest and Trails area, so it is being changed in this regulation. The Humboldt WMA may have several campsites in the near future, so the language in the regulation is being amended to accommodate such a change. By prohibiting the use of generators or playing loud music from 10 p.m. to 6:00 a.m., campers in fairly close quarters at the Mason Valley, Humboldt, Overton, and Kirch WMA campgrounds will have a quiet time for sleeping.

NAC 504.160- Blinds on Kirch and Steptoe Valley WMAs will now be required to be made of vegetation. The regulation adds a provision for the establishment of an Americans with Disabilities Act (ADA) accessible blind on WMAs to accommodate all users of the WMAs. Decoys will not be allowed to be left overnight on WMAs to improve the waterfowl hunting experience for all hunters.

NAC 504.170- Stillwater WMA is no longer administered by NDOW, so it is being removed from this regulation. Steptoe Valley WMA is being added to the regulation since it is a newly established area where trapping will be allowed by permit. Persons wishing to trap on Franklin Lake WMA will now need to have a permit for trapping like the other WMAs.

2. Text of the proposed regulation: See attached.
- 3A. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) Adverse effect - **None.**
 - (b) Beneficial effect - **None.**
 - (c) Immediate effect -**None.**
 - (d) Long-term effect - **None.**
- 3B. The estimated economic effect of the regulation on the public which it is to regulate:
 - (a) Adverse effect – **Nontoxic shot is slightly more expensive for sportsmen hunting on the wildlife management areas (several cents per round of ammunition).**
 - (b) Beneficial effect –**None.**
 - (c) Immediate effect – **See comment (a) above.**
 - (d) Long-term effect –**See comment (a) above.**
4. Estimated cost to the Division of Wildlife 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 WMA users not complying with the amended regulations.**
5. 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, the notice must include the name of the regulating federal agency: N/A.
6. If the regulation is required pursuant to federal law, a citation and description of the federal law: N/A.
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: N/A.
8. The proposed regulation establishes a new fee or increases an existing fee: X No ___ Yes

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
1100 Valley Road
Reno, Nevada
(775) 688-1500

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

Eastern Region
1375 Mt. City Highway
Elko, NV 89801
(775) 738-5332

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.

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

Terry R. Crawford, Secretary
Board of Wildlife Commissioners

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

COMMISSION GENERAL REGULATION NUMBER 302

Authority: NRS 501.105, 501.181, 488.045, and 501.243

Notice of Intent:

Workshop Date: June 21, 2002

Commission Approval: June 22, 2002

Note: Matter in *italics* is new; matter in brackets ~~[]~~ is to be omitted.

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]~~ 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.

~~(c)~~ (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.

~~(d)~~ (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. 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 may be hunted only with:

- (a) A shotgun no larger than 10 gauge and no smaller than 20 gauge, using rifled slugs; or
- (b) A longbow and arrow.

For purpose of paragraph (a), the possession or use of shotgun rounds with sabots containing other than rifled slugs of traditional design is prohibited.

2. In the Mason Valley Wildlife Management Area:

(a) Deer may ~~not~~ *only* be hunted *on the following days and dates* during the season set for ~~the general hunt for deer except on~~ *the hunting of deer in that management unit*:

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

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

Sec. 3. 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 may be used to hunt wild turkey.

2. On wildlife management areas, only nontoxic shot, not larger than standard-size T, may be used for hunting wild turkey.

Sec. 4. NAC 503.620 is hereby amended to read as follows:

503.620 1. 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. In any area which is determined by the division to be populated by upland game birds:

(a) Except as 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 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. On the following wildlife management areas, competitive field trials for hunting dogs or raptors will be permitted:

(a) On Mason Valley Wildlife Management Area from January 20 through February 15, and from August 16 through September 15 of each year.

(b) On Overton Wildlife Management Area from February 1 through February 28 of each year.

4. The training of hunting dogs and raptors will be allowed on wildlife management areas, pursuant to the provisions of NAC 504.120, except that on Mason Valley Wildlife Management Area, the training of hunting dogs or raptors will only be allowed during the time periods described in subsection 3 (a) above, during open gamebird seasons, or at any time provided it is conducted from the dike area (north end) of North Pond.

5. For the provisions of subsection 4, hunting dog and raptor training shall be characterized as training activity involving no more than two handlers and no more than two hunting dogs or raptors training at one time.

Sec. 5. 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. It is prohibited for any person to use or operate a motorized vehicle:

(a) Which is not currently registered with a department of motor vehicles;

(b) On any interior roads or trails which have been closed to vehicular travel; or

(c) Off an interior road or trail designated for vehicular travel

on any wildlife management area.

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

Sec. 6. NAC 504.120 is hereby amended to read as follows:

504.120 1. Except as otherwise provided in subsection 5, 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. ~~[5.]~~ The provisions of subsections 1 to ~~[4.]~~ 5, inclusive, do not apply to authorized personnel in the performance of their official duties.

Sec. 7. NAC 504.135 is hereby amended to read as follows:

504.135 1. Except as otherwise provided in subsection 5, the discharging of *any* ~~[a]~~ rifle or pistol, *including those operated by air, carbon dioxide or spring action*, 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 and rifled shotgun slugs. The possession or use of shotgun rounds with sabots containing other than rifled slugs of traditional design is prohibited.

3. The use of shotguns capable of holding more than three shells is prohibited on all wildlife management areas owned or managed by the 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 *other than nontoxic shot or nontoxic* ~~[containing]~~ shot 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 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.

Sec. 8. 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.~~ *within the Rest and Trails area.*

~~(g)~~ (f) Bruneau wildlife management area.

Sec. 9. 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.

(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.~~ *Rest and Trails area.*

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

~~(g)~~ 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, 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. *In the Dave Deacon Campground at Kirch Wildlife Management Area, the Rest and Trails area at Overton Wildlife Management Area, and the sites designated for camping in the Mason Valley and Humboldt wildlife management areas, between 10 p.m. and 6 a.m., a person shall not:*

(a) Use electronic equipment at a volume which can be heard beyond the immediate campsite; or

(b) Operate a generator.

Sec. 10. NAC 504.160 is hereby amended to read as follows:

504.160 1. Except as 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 provided in paragraph (c), be constructed of lumber, screen and vegetation; and

(c) In the ~~[Overton]~~ *Kirch, Steptoe Valley* and Mason Valley wildlife management areas, be constructed entirely of vegetation.

2. A group of persons may construct a blind only after the ~~[division project manager]~~ *area supervisor* 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 the construction of a hunting blind if it is detrimental to a wildlife management area or portion thereof.

7. The Division may designate an Americans with Disabilities Act (ADA) accessible hunting blind on wildlife management areas.

8. Decoys will not be left out over night on any wildlife management area.

Sec. 11. 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.~~

~~—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. Permits 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.

~~[2. Persons may trap on the Franklin Lake wildlife management area.]~~