

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

**LCB FILE NO. R093-16
Commission General Regulation 463**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 488.

1. A clear and concise explanation of the need for the adopted regulation:

This regulation is needed to minimize the risk of accidental transportation and introduction of Aquatic Invasive Species (AIS) into waters of the State of Nevada on watercraft and other conveyances. The requirement to remove drain plugs prior to transport of vessels on public roadways will insure that water-containing areas of vessels are drained and will not have the potential to hold live AIS. Current regulations only require the removal of drain plugs when a vessel is removed from known AIS infested waters; this regulation will minimize the risk of transport of AIS from waters where infestations have not yet been detected or from AIS infested waters outside the State of Nevada.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary:

A workshop allowing public comment was held for this regulation at the Nevada Board of Wildlife Commissioners (Commission) meeting in Las Vegas on September 23, 2016. A live videoconference of that meeting was provided in Elko and Reno. No public comment was received at any of the workshop locations. Minutes of the Commission Meeting are available at:

http://www.ndow.org/Public_Meetings/Commission/Archive/

A hearing allowing public comment was held for this regulation at the Commission meeting in Carson City on November 19, 2016. A live videoconference of that meeting was provided in Las Vegas. No public comment was received at any of the hearing locations. The regulation was adopted by the Commission on November 19, 2016 following a public comment period and Commission discussion. Minutes of the Commission Meeting are available at:

http://www.ndow.org/Public_Meetings/Commission/Archive/

In September four County Advisory Boards (Clark, Douglas, Eureka, and White Pine counties) discussed or had a motion regarding this regulation. All supported the proposed regulation as submitted.

In November seven County Advisory Boards (Carson City, Clark, Douglas, Eureka, Lyon, Washoe and White Pine counties) discussed or had a motion regarding the regulation. All supported the proposed regulation as submitted.

3. The number of persons who:

(a) Attended each hearing: (date and number of attended for workshops and hearings): 35 attendees on September 23, 2016; 21 attendees on November 19, 2016.

(b) Testified at each hearing: (date and number of attended for workshops and hearings): No members of the public testified regarding this regulation at either Commission Meeting at any of the meeting locations.

(c) Submitted written comments: (date and number of attended for workshops and hearings): No written comments were submitted by the public at either Commission meeting at any of the meeting locations.

4. For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:

None.

5. 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:

This regulation amends NAC Chapter 488 to require the removal of all normal drain plugs during transport of vessels on public roadways. The removal of drain plugs is a personal action by individual watercraft users and a normal procedure when removing watercraft from a water body. We were unable to identify any impact to any type of business because of this regulation. As no business impacts of any kind, or related businesses that would be affected, could be identified it was not possible to solicit comment or input from businesses.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:

At the workshop in Las Vegas on September 23, 2016 language was added to the first paragraph of the proposed regulation at the recommendation of the Commission so that the first sentence of that paragraph now reads "The owner, operator or person in control of a vessel or conveyance that is launched on a body of water *or transported on public roads* in this State shall:" [emphasis added]. This change was made to insure that the regulation would apply to vessels entering the State of Nevada prior to launching on any state water body. This language change was included in materials provided for the November 19, 2016 Commission meeting. No other changes were suggested.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects on businesses; and

(b) Both immediate and long-term effects on businesses:

The proposed regulation does not regulate or affect the operations of any business. There will be no anticipated immediate or long-term adverse or beneficial economic effects on any business as there is no impact on business.

(a) Both adverse and beneficial effects on the public; and

(b) Both immediate and long-term effects on the public:

The proposed regulation would require the removal of drain plugs from watercraft when a watercraft is removed from a waterbody and transported. This is a normal and typical activity already done by most watercraft users prior to transport of a vessel. There is no cost associated with this activity. Thus there are no anticipated immediate or long-term adverse or beneficial economic effects on the public as a result of the proposed regulation.

8. The estimated cost to the agency for enforcement of the adopted regulation:

The enforcement of the regulation falls within current operations of the department; therefore, there will be no additional costs to the agency above the current legislatively approved budget.

9. 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. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

This regulation does not overlap or duplicate any local, state, or federal regulation. Multiple other states have the same or similar regulations requiring the removal of drain plugs during transport of watercraft but do not apply to jurisdictions in Nevada.

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

This regulation is not more stringent than federal regulation.

11. 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.

This regulation change does not propose new or increased fees.