

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

LCB File No. R049-12

Effective January 1, 2013

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

AUTHORITY: §§1 and 3-5, NRS 488.045; §2, NRS 488.045 and 488.536.

A REGULATION relating to aquatic species; establishing the amount of the aquatic invasive species fee required for certain vessels; specifying the manner in which an aquatic invasive species decal must be displayed on certain inflatable vessels; setting forth the required lettering, size and color of each aquatic invasive species decal; and providing other matters properly relating thereto.

Section 1. Chapter 488 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *The amount of the aquatic invasive species fee required pursuant to NRS 488.536 is:*

(a) For a motorboat which is owned or operated by a person who is a resident of this State, \$10;

(b) For a vessel, other than a motorboat, which is owned or operated by a person who is a resident of this State, \$5;

(c) For a motorboat which is owned or operated by a nonresident of this State, \$20; and

(d) For a vessel, other than a motorboat, which is owned or operated by a nonresident of this State, \$10.

2. *For the purpose of NRS 488.536, the Commission will interpret “resident of this State” to mean a person who, during the 6 months before the person’s application to the Department for an aquatic invasive species decal:*

(a) Maintained his or her principal and permanent residence in this State; and

(b) Was physically present in this State, except for temporary absences.

3. *As used in this section, “principal and permanent residence” means a place where a person is legally domiciled and maintains a permanent habitation in which the person lives and to which the person intends to return when he or she leaves this State. The term does not include merely owning a residence in this State.*

Sec. 3. 1. *The aquatic invasive species decal issued by the Department for an inflatable vessel with an inflatable transom may be attached to a removable plate that is securely attached to the port side transom of the vessel.*

2. *Each aquatic invasive species decal issued by the Department:*

(a) For a vessel which is owned and operated by a resident of this State must be designated with the letter “R” on the face of the decal;

(b) For a vessel which is owned and operated by a nonresident of this State must be designated with the letters “NR” on the face of the decal;

(c) Must be approximately 3 inches square; and

(d) On and after January 1, 2013, must be issued in an annual rotation of the colors blue, international orange, green and red.

Sec. 4. *The provisions of sections 2 and 3 of this regulation do not apply to a vessel which is not capable of retaining water.*

Sec. 5. This regulation becomes effective on January 1, 2013.

INFORMATIONAL STATEMENT

Relating to Commission General Regulation No. 409
LCB File No. R049-12 - as required by Chapter 233B.066.

1. 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.

The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife, master guides and other interested persons; presented at a public workshop and at the board of Wildlife Commissioners' public meeting. A summary is available by contacting the Department of Wildlife.

2. The number of persons who:

(a) **Attended each hearing:** 30 Workshop/ 17 Hearing

(b) **Testified at each hearing:** 1 Workshop/ 1 Hearing

(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: The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife, master guides and other interested persons; presented at a public workshop and at the board of Wildlife Commissioners' public meeting. A summary is available by contacting the Department of Wildlife.

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:

See attached changes on regulation – handwritten –

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 –**

All watercraft vessels that are launched in Nevada's waters and capable of retaining water will be required to purchase and display an annual aquatic invasive species decal ranging in value from \$5.00/in-state non-motorized vessels to \$20.00 for out-of-state motorized vessels. Businesses that will be affected include: watercraft rental industry; recreational and tour vessels; commercial fishing vessels; recreational fishing guide vessels; and vessels used for water system construction projects.

- (2) **Beneficial –**
The economic benefit of this regulation to business is a program to prevent the spread and degradation caused by aquatic invasive species. This may protect waters upon which they depend for their livelihood.
- (3) **Immediate –**
All watercraft vessels that are launched in Nevada’s waters and capable of retaining water will be required to purchase and display an annual aquatic invasive species decal beginning January 1, 2013.
- (4) **Long term –**
The long-term economic impact of this regulation to business’ that operate watercraft vessels on Nevada’s waters will be the purchase of an annual aquatic invasive species decal.

In addition, the long-term economic impact created through preventing the spread and introduction of aquatic invasive species in Nevada’s waters will benefit businesses by resulting in decreased watercraft vessel maintenance, decreased water supply maintenance, and provide healthier fisheries and increase recreational opportunities.

(b) **Estimated economic effect on the public which they are to regulate.**

- (1) **Adverse –**
All watercraft vessels that are launched in Nevada’s waters and capable of retaining water will be required to purchase and display an annual aquatic invasive species decal ranging in value from \$5.00/in-state non-motorized vessels to \$20.00 for out-of-state motorized vessels.
- (2) **Beneficial –**
The beneficial effects of this regulation to the public will be the implementation of an aquatic invasive species program to prevent the spread and introduction of aquatic species. A prevention program will reduce the number of Nevada’s waters negatively impacted through the invasion of aquatic invasive species. The positive economic benefit of preventing invasion will reduce infrastructure maintenance on public and agricultural water supply systems, reduce watercraft vessel maintenance, and provide a healthier fishery and ecosystem and increase recreational opportunities.
- (3) **Immediate –**
All watercraft vessels that are launched in Nevada’s waters and capable of retaining water will be required to purchase and display an annual aquatic invasive species decal beginning January 1, 2013.
- (4) **Long term –**

The long-term economic impact of this regulation to the public that operate watercraft vessels on Nevada's waters - that are capable of retaining water - will be required to purchase an annual aquatic invasive species decal.

In addition, the long-term economic impact created through preventing the spread and introduction of aquatic invasive species in Nevada's waters will benefit water-craft users and the general public by decreasing the potential negative economic impact of increasing infrastructure maintenance to public and agricultural water supply systems and provide a healthier fishery and increase recreational opportunities.

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

In fiscal year 2013, NDOW intends to spend \$75,900 on education and outreach for the program as an initial startup cost. This will be paid for with a combination of AIS decals and federal grants. NDOW has developed a proposed budget for the AIS program of \$1,057,256 in FY14 and \$1,034,739 in FY15 (based on agency request budget submission as of August 31, 2012). Of that total, approximately \$145,000 is allocated to existing game warden staff for AIS education and enforcement. Approximately \$330,000 of this allocation will be granted to agencies who manage boating facilities, such as State Parks, for inspection and washing stations. The remainder will be used by NDOW for inspection and washing stations, civilian inspectors and educational outreach.

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:

The Tahoe Regional Planning Agency (TRPA) implements an aquatic invasive species program (TRPA Code of Ordinance Section 79.3) whereby motorized watercraft that utilize any part of Lake Tahoe's waters are required to purchase and display an annual aquatic invasive species decal. The TRPA program ranges in price from \$30.00 to \$121.00 and is primarily dependent upon the size of the vessel and the watercraft users boating activity to other waterbodies.

NRS 488.536 specifies "A person shall not operate a vessel on the waters of this State unless the person has: (a) Paid to the Department the aquatic invasive species fee established pursuant to subsection 4; and (b) Attached the aquatic invasive species decal issues pursuant to subsection 2 to the port side transom of the vessel...".

Neither the TRPA ordinance nor the NRS provides exceptions for the requirement to purchase both a Tahoe decal and a Nevada aquatic invasive species decal when utilizing Lake Tahoe's waters.

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

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

There is currently no federal requirement or regulation to purchase an aquatic invasive species decal.

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:

Due to the unknown number of non-motorized and out-of-state boats operating in Nevada waters, a precise estimate of revenue cannot be determined. At least \$500,000 will be generated from motorized, in-state boats. Total annual revenue from the sale of AIS decals is estimated to be \$500,000 to \$750,000 per year (exclusive of federal grant funding).