

**ADOPTED REGULATION OF THE ADMINISTRATOR OF THE
DIVISION OF STATE PARKS OF THE STATE DEPARTMENT
OF CONSERVATION AND NATURAL RESOURCES**

LCB File No. R153-03

Effective January 16, 2004

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

AUTHORITY: §§1-18, NRS 407.0475 and 407.065.

Section 1. Chapter 407 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Off-highway vehicle” means a motorized vehicle used off the roads or highways of this state.*

Sec. 3. 1. *If the Administrator deems the use of off-highway vehicles to be appropriate in a park, the Administrator may designate areas in the park for the use of off-highway vehicles.*

2. A person may drive or operate an off-highway vehicle in a park if:

(a) The person obtains a permit to operate an off-highway vehicle in the park;

(b) The person is 14 years of age or older;

(c) The person and any passengers in the off-highway vehicle each wear a helmet that meets or exceeds the standards regarding impact and retention set forth in 49 C.F.R. § 571.218; and

(d) The person operates the off-highway vehicle:

(1) In an area designated by the Administrator pursuant to subsection 1;

(2) At a rate of speed that is reasonable and proper, having due regard to the conditions of the driving surface, the weather and other conditions;

(3) In any event, at a speed that is not greater than 20 miles per hour; and

(4) In a safe manner.

Sec. 4. NAC 407.005 is hereby amended to read as follows:

407.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 407.006 to 407.0097, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 407.0062 is hereby amended to read as follows:

407.0062 “Annual permit” means:

1. For any park except Cathedral Gorge State Park, Echo Canyon State Park, Spring Valley State Park, Kershaw-Ryan State Park, Beaver Dam State Park, Cave Lake State Park or Ward Charcoal Ovens State Historic Park, a permit which, for ~~[a calendar year,]~~ *12 months*, authorizes the holder to enter the park and use the facilities of the park without paying the entrance fee imposed pursuant to NAC 407.055.

2. For Cathedral Gorge State Park, Echo Canyon State Park, Spring Valley State Park, Kershaw-Ryan State Park, ~~[or]~~ Beaver Dam State Park, *Cave Lake State Park or Ward Charcoal Ovens State Historic Park*, a permit which, for ~~[a calendar year,]~~ *12 months*, authorizes the holder to enter each one of those parks and use the facilities of that park without paying the entrance fee imposed pursuant to NAC 407.055.

~~[3.— For Cave Lake State Park or Ward Charcoal Ovens State Historic Park, a permit which, for a calendar year, authorizes the holder to enter each one of those parks and use the facilities of that park without paying the entrance fee imposed pursuant to NAC 407.055.]~~

Sec. 6. NAC 407.0093 is hereby amended to read as follows:

407.0093 “Passport permit” means a permit that, for ~~[a calendar year,]~~ *12 months*, authorizes the holder to enter all parks and, except as otherwise provided in NAC 407.054, use the facilities of the parks without paying the entrance fees imposed pursuant to NAC 407.055.

Sec. 7. NAC 407.010 is hereby amended to read as follows:

407.010 1. The provisions of NAC 407.050 to 407.150, inclusive, *and section 3 of this regulation* apply to all lands owned by or administered by the Division.

2. The prohibitions and restrictions of this chapter do not apply to employees of the Division while carrying out the duties of their employment.

Sec. 8. NAC 407.050 is hereby amended to read as follows:

407.050 1. The Division will issue a permit for senior citizens to a resident of Nevada who applies for such a permit if the resident:

(a) Is 65 years of age or older;

(b) Has continuously resided in this state for the 5 years immediately preceding the date on which the resident submits the application;

(c) Pays a ~~[\$10]~~ *\$15* administrative fee; and

(d) Provides proof of his age and residence in Nevada to the Division.

↪ A permit for senior citizens authorizes the holder to enter, camp in and boat in all parks ~~[.]~~ *for 12 months after the date the permit for senior citizens is issued.*

2. The Division will charge and collect the following fees:

(a) For scheduled tours at Berlin-

Ichthyosaur State Park and *Old Las Vegas*

Mormon ~~[Station State Historic Park]~~ *Fort ...* ~~[\$2]~~ *\$3* for adults and ~~[\$1]~~ *\$2* for children between

the ages of 6 and 12.

(b) For the use of a facility for the dumping of sewage by a person not camping in the park The entrance fee for the park or ~~[\$5]~~ \$6 per vehicle, whichever is greater.

(c) For the use of the showers by a person not camping in the park..... The entrance fee for the park.

(d) For making a camping reservation for individual campsites in a park designated by the Administrator \$10 per reservation per campsite, in addition to the camping fee or permit fee.

(e) For the reservation of stage areas The fee established by agreement or a special use permit, or both.

(f) For a passport permit ~~[\$75.]~~ \$90.

~~—(g) [For entry to the Valley of Fire State Park primitive access area \$2 per vehicle.]~~

~~—(h)] To replace an annual permit, a passport permit or a permit for senior citizens \$10.~~

(h) For a permit to operate an off-highway vehicle in a designated area of a park.....\$2 per off-highway vehicle.

3. ~~The~~ *For commercial bus tours, the* Division will charge and collect the established entrance fee or \$1 per person, whichever is greater, or the fee established by a special use permit. A special use permit may provide for monthly billings.

4. Before a person may engage in commercial photography in a park, he must apply for and obtain a *commercial use permit for photography* from the Division that authorizes him to do so. Except as otherwise provided in subsection ~~5,~~ **6**, for each day or partial day that a person engages in commercial photography in a park, the Division will charge and collect the following fee according to the total number of vehicles or the total number of persons, whichever results in a higher fee:

Number of Vehicles or Persons	Fee Per Day
One vehicle with more than 1 occupant, or 2 to 5 persons	[\$40] \$50
2 to 5 vehicles or 6 to 25 persons.....	[150] 200
6 to 10 vehicles or 26 to 50 persons.....	[300] 350
11 to 15 vehicles or 51 to 75 persons.....	[400] 500
16 to 20 vehicles or 76 to 100 persons.....	[600] 800
21 to 50 vehicles or 101 to 400 persons.....	[2,000] 2,100
More than 50 vehicles or more than 400 persons	[3,000] 3,500

The Division will waive the entrance fee for the park upon payment of the fee for *a commercial use permit for* photography.

5. *A person who has obtained a commercial use permit for photography may request that the Division reserve a park for his use. Upon receipt of such a request, the Division will charge and collect a reservation fee of \$100. Such a reservation fee is in addition to any fee charged and collected pursuant to subsection 4.*

6. The Division will not charge a fee pursuant to this section for:

(a) Commercial photography engaged in by one person; or

(b) Photography engaged in for noncommercial, educational purposes, to promote the park or to report news in any form of media, including, without limitation, newspapers and television.

~~[6.]~~ 7. If a user of a park does not deposit the required fee in the available self-service devices, the Division will charge the user a fee of \$2 for collection service, in addition to other fees.

~~[7.]~~ 8. For each special use permit ~~[.]~~ *or commercial use permit*, the Division will charge a processing fee of \$25 in addition to any other fee charged for the permit.

~~[8.]~~ 9. The Division will reduce by \$1 any entrance fee established pursuant to this chapter charged to a person who holds a disability placard and presents it upon entrance to a park.

Sec. 9. NAC 407.052 is hereby amended to read as follows:

407.052 1. A person who applies for a multipurpose annual permit for Lahontan State Recreation Area will be issued such a permit upon payment of a fee of ~~[\$150.]~~ *\$175*. The permit authorizes the holder to enter, camp in and boat in the area without paying the entrance, camping and boating fees imposed by NAC 407.055.

2. A person who applies for a multipurpose annual boating permit for the use of:

(a) Lake Tahoe Nevada State Park will be issued such a permit upon payment of a fee of ~~[\$150.]~~ *\$175*.

(b) Big Bend of the Colorado State Recreation Area, Rye Patch State Recreation Area or Washoe Lake State Park will be issued such a permit upon payment of a fee of ~~[\$75.]~~ **\$90.**

(c) Wild Horse and South Fork State Recreation Areas will be issued such a permit upon payment of a fee of ~~[\$75.]~~ **\$90.**

3. A permit issued pursuant to subsection 2 authorizes the holder to enter and boat in the park or parks for which it is issued without paying the entrance and boating fees imposed by NAC 407.055.

Sec. 10. NAC 407.055 is hereby amended to read as follows:

407.055 1. Except as otherwise provided in NAC 407.050 and 407.052, or unless waived, the Division will charge and collect the following fees for the use of parks:

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee
Beaver Dam	[\$35] \$45	[\$3] \$4	\$6	\$2	\$15 plus [\$3] \$4 per vehicle	\$15 plus [\$9] \$10 per vehicle
Berlin-Ichthyosaur	[\$30] \$45	[\$3] \$4	\$8	N/A	\$15 plus [\$3] \$4 per vehicle	\$15 plus [\$11] \$12 per vehicle
Big Bend of the Colorado	[\$30] \$45	[\$3] \$4	\$6	\$5	N/A	N/A
Cathedral Gorge	[\$35]	[\$3] \$4	\$10	N/A	\$15 plus [\$3] \$4 per vehicle	\$15 plus [\$13] \$14 per vehicle

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee
Cave Lake	\$30 \$45	\$3 \$4	\$10	\$2	\$15 plus \$3 \$4 per vehicle	\$15 plus \$13 \$14 per vehicle
Dayton	\$30 \$45	\$2 \$3	\$10	N/A	<i>For 1 to 50 persons, \$30 plus \$1 per vehicle</i> <i>For 51 to 100 persons, \$50 per vehicle</i> <i>For 101 to 200 persons, \$100 per vehicle</i> <i>For 201 or more people, per special use permit</i>	N/A
Echo Canyon	\$35 \$45	\$3 \$4	\$6	\$2	\$15 plus \$3 \$4 per vehicle	\$15 plus \$9 \$10 per vehicle
Floyd R. Lamb	\$45	\$5 \$6	N/A	N/A	\$50 \$75 for 2 to 100	N/A

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee
State Park	\$60				<p>persons</p> <p>[\$100] \$150 for 101 to 200 persons</p> <p>[\$150] \$200 for 201 to 300 persons</p> <p>[\$250] \$350 for 301 to 400 persons</p> <p>\$500 for 401 to 500 persons</p> <p>Plus [\$100] \$200 for each additional 100 persons plus [\$5] \$6 per vehicle</p>	
Fort Churchill	[\$30] \$45	[\$3] \$4	\$8	N/A	\$25 plus [\$3] \$4 per vehicle	\$25 plus [\$11] \$12 per vehicle
Fort Churchill - Use of group campsite only	\$0	\$4	\$6	N/A	\$15 plus \$4 per vehicle	\$15 plus \$10 per vehicle

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee
Kershaw-Ryan	[\$35] \$45	[\$3] \$4	[\$6] \$10	N/A	\$15 plus [\$3] \$4 per vehicle	N/A
Lahontan	[\$35] \$60	[\$3] \$4	\$6	[\$2] \$4	\$15 plus [\$3] \$4 per vehicle	\$15 plus [\$9] \$10 per vehicle
Lake Tahoe: Cave Rock	\$75	[\$5] \$6 <i>from May 1 through September 30 \$2 from October 1 through April 30</i> \$2 for 15 min. photo stop	N/A	[\$5] \$6	N/A	N/A

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee
Sand Harbor	\$75	\$2 for launch and leave [\$6] \$8 from May 1 through September 30 [\$3] \$4 from October 1 through April 30 \$2 for launch and leave	N/A	\$7 from May 1 through September 1 \$6 from October 1 through April 30	\$100 weekdays \$200 weekends and holidays plus: [\$6] \$8 per vehicle from May 1 through September 30 \$4 per vehicle from October 1 through April 30	N/A
Spooner Lake	\$75	[\$5] \$6 \$2 per bike for vehicles with more than 4 bikes No entrance fee charged if the concession	N/A	N/A	N/A	N/A

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee
Mormon Station	\$0	for cross-country skiing is in operation N/A	N/A	N/A	\$100 for 1 to 50 persons \$150 for 51 to 100 persons \$200 for 101 to 150 persons \$250 for 151 to 250 persons Limit 250 persons	N/A
Old Las Vegas	\$0	[\$2] \$3	N/A	N/A	N/A	N/A
Mormon Fort		per person Children 6-12 [\$1] \$2 Children 5 and under free				
Rye Patch	[\$30] \$45	[\$3] \$4	\$6	[\$2] \$4	[\$15] \$20 plus [\$3] \$4 per vehicle	[\$15] \$20 plus [\$9] \$10 per vehicle
South Fork	[\$35]	[\$3] \$4	\$6	[\$2] \$3	N/A	\$20 plus [\$9] \$10 per vehicle

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee
Spring Mountain Ranch	\$35 \$45 \$50	\$5 \$6	N/A	N/A	[\$50] <i>For use from 9 a.m. until 6 p.m.:</i> \$100 for 2 to 100 persons [\$100] \$200 for 101 to 200 persons [\$150] \$300 for 201 to 300 persons [\$250] \$400 for 301 to 400 persons \$500 for 401 to 500 persons [Plus \$100 for each additional 100 persons] \$600 for 501 to 600 persons \$700 for 601 to 700 persons \$800 for 701 to 800	N/A

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee
					<p><i>persons</i></p> <p><i>Per special use permit for 801 or more persons</i></p> <p>plus [\$5] \$6 per vehicle</p> <p><i>For use from 6:00 p.m. until 10:00 p.m.:</i></p> <p><i>\$300 for 2 to 100 persons</i></p> <p><i>\$600 for 101 to 200 persons</i></p> <p><i>\$900 for 201 to 300 persons</i></p> <p><i>plus \$6 per vehicle</i></p> <p><i>Limit 300 persons</i></p>	
Spring Valley	[\$35] \$45	[\$3] \$4	\$10	\$2	[\$15] \$20 plus [\$3] \$4 per vehicle	[\$15] \$20 plus [\$13] \$14 per vehicle

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee
Valley of Fire	[\$35] \$60	[\$5] \$6	\$8	N/A	[\$50] \$75 plus [\$5] \$6 per vehicle	[\$50] \$75 plus [\$5] \$6 per vehicle
Ward Charcoal Oven	[\$30] \$45	[\$3] \$4	\$6	N/A	N/A	[\$15] \$20 plus [\$9] \$10 per vehicle
Washoe Lake	[\$30] \$45	[\$3] \$4	\$8	\$2	Equestrian Group Use \$30 plus [\$3] \$4 per vehicle Main Group Use \$30 plus [\$3] \$4 per vehicle	Equestrian Group Use \$30 plus [\$8] \$9 per vehicle Main Group Use \$30 plus [\$11] \$12 per vehicle
Wild Horse	[\$30] \$45	[\$3] \$4	\$8	\$2	N/A	[\$20] \$25 plus [\$11] \$12 per vehicle

2. A person who pays an entrance fee pursuant to subsection 1 is not authorized to use the facilities of the park from 10 p.m. until 6 a.m. unless he also pays the boating or camping fee for the park.

3. Except as otherwise provided in this subsection, the Division will charge and collect from each person who rides a bicycle or horse or who walks into a park an entrance fee of \$1. The

Division will charge and collect from each person who rides a bicycle into Spooner Management Area an entrance fee of \$2.

4. Except as otherwise provided in this subsection, the Division will not charge a fee for any vehicle that is towed into a park ~~to~~ *to provide transportation within the park*. If a person tows more than one vehicle into a park, the Division will charge a fee for each additional vehicle towed into the park.

5. The Division will charge, in addition to any other fee imposed pursuant to this chapter, a fee of \$2 for each watercraft in excess of two that is transported into the park by a single vehicle and pursuant to a single boating permit.

6. The Division will charge, in addition to any other fee for a special use permit or commercial use permit, an administrative processing fee of:

(a) If the date the application for the permit is submitted to the Division is more than 30 days before the event, \$25.

(b) If the date the application for the permit is submitted to the Division is 14 to 30 days before the event, \$50.

(c) If the date the application for the permit is submitted to the Division is less than 14 days before the event, \$100.

(d) If an application for the permit is submitted to the Division more than once as a result of errors made by the applicant in the application, \$25 each time the application is resubmitted.

7. If a person purchases an annual permit to a park for a vehicle, the person may purchase at the same time a second annual permit to the same park at a discounted price equal to one-half of the price of the annual permit. The annual permit purchased at a

discounted price must be for a vehicle registered to the same owner at the same residence as the owner of the vehicle for which the permit was purchased at regular price.

Sec. 11. NAC 407.082 is hereby amended to read as follows:

407.082 1. Unless the fee is waived pursuant to NAC 407.057, no person may:

(a) Enter, use or occupy any portion of a park for which an entrance fee has been established by the Administrator ~~[]~~ unless he has first paid the fee.

(b) Camp, occupy a cabin or moor a vessel in a portion of a park after the closing time or before the opening time for that portion of the park unless he has first paid the fee.

2. This section does not apply to persons exempted by the Administrator, the Chief of Operations and Maintenance, or the ~~[ranger in charge]~~ *regional manager* of the region ~~[]~~ *in which the park is located.*

Sec. 12. NAC 407.088 is hereby amended to read as follows:

407.088 1. In a park no person may:

(a) Without the approval of the Administrator, post or distribute a handbill, notice or advertisement.

(b) Without a concession *permit* or ~~[special]~~ *commercial use* permit granted by the Administrator:

(1) Sell or offer to sell any goods or services.

(2) Use a park for any other commercial purpose.

2. As used in this section, “commercial purpose” means any activity that is engaged in for financial gain, including, without limitation, the buying, selling or other exchange of commodities or the providing of services related to or connected with trade, traffic or commerce in general.

Sec. 13. NAC 407.120 is hereby amended to read as follows:

407.120 Unless authorized by the supervisor of the park, ~~{no person may:}~~ *a person shall*

not:

1. Park any vehicle or trailer in any area not designated as a parking area;
2. Park any vehicle or trailer in more than one parking space at a time; ~~{or}~~
3. *Park any vehicle or trailer overnight;*
4. *Leave any personal property in the park overnight; or*
5. Except as otherwise provided in ~~{NAC 407.350,}~~ *section 3 of this regulation,* drive a snowmobile, all terrain vehicle, motorcycle or moped, or ride a bicycle, *motorized skateboard* or skateboard, or drive or ride any other vehicle on a trail, or in any area which has not been specifically designated or developed for that use.

Sec. 14. NAC 407.240 is hereby amended to read as follows:

407.240 *1.* Within the Dayton State Park, a person shall not ~~{enter}~~ :

(a) Enter the water or stand in a canal or headgate ~~{;}~~ ; *or*

(b) Camp for more than 7 days in any 30-day period.

2. To use Dayton State Park, a group of 201 or more persons must obtain a special use permit from the Division.

Sec. 15. NAC 407.285 is hereby amended to read as follows:

407.285 Within Kershaw-Ryan State Park, a person shall not:

1. Pitch horseshoes on an area covered with grass;
2. Allow an animal to enter the pond; ~~{or}~~
3. If he is under 16 years of age, enter the pond without the supervision of an adult ~~{;}~~ ; *or*
4. *Camp for more than 7 days in any 30-day period.*

Sec. 16. NAC 407.302 is hereby amended to read as follows:

407.302 Within the Sand Harbor Management Area:

1. A person shall not:

(a) Tie a boat or other watercraft to the shoreline with more than 6 feet of line extending up to the beach;

(b) Bring a pet or other domestic animal into the ~~management area;~~ *Management Area;*

(c) Barbecue on any beachfront area;

(d) Operate a hard-bottom boat within any area marked with buoys or other distinguishing devices as closed to boats; ~~or~~

(e) Bring fuel used for the operation of a boat or other watercraft onto a beach, unless the fuel is contained in a spill-proof container and the area of water adjacent to the beach is designated for boating ~~or~~; *or*

(f) Without approval of the ranger in charge of the Management Area, bring recreational equipment of a nonpersonal nature into the Management Area, including, without limitation, dunk tanks, climbing walls, trampolines or floating devices.

2. Watercraft operated in an area controlled by the Division must:

(a) Be attended;

(b) Be anchored at least 50 feet from the shore from 9 p.m. until 7 a.m.;

(c) Be removed from the water before fueling; and

(d) Not be located in the area for more than 3 nights in a 14-day period.

3. Each person who scuba dives shall:

(a) Obtain prior approval from the Supervisor of the ~~Park;~~ *Management Area* before diving after the normal operating hours of the ~~Park;~~ *Management Area*.

(b) Not dive in an area unless it is an area designated for diving.

Sec. 17. NAC 407.320 is hereby amended to read as follows:

407.320 *1.* Within Spring Mountain Ranch State Park, no person may:

~~{1.}~~ (a) Leave a vehicle or equipment overnight in an area restricted to use during the day;

~~{2.}~~ (b) Operate a public address system, loud speaker or amplifier without the approval of the ~~{supervisor}~~ *Supervisor* of the ~~{park;}~~ *Park*; or

~~{3.}~~ (c) Play baseball, softball, or golf or pitch horseshoes on the grass.

2. To use Spring Mountain Ranch State Park between the hours of 9 a.m. and 6 p.m., a group of 801 or more persons must obtain a special use permit from the Division.

Sec. 18. NAC 407.350 is hereby amended to read as follows:

407.350 ~~{1.}~~ Within the Valley of Fire State Park, a person shall not use any pitons, chocks, or other such climbing devices or any magnesium carbonate chalk in climbing the formations, except for rescue operations.

~~{2. Within the primitive access area of the Valley of Fire State Park:~~

~~—(a) A person may drive or operate any motorized vehicle so long as the vehicle is not driven or operated:~~

~~——(1) Off a designated route;~~

~~——(2) At a rate of speed that is greater than is reasonable or proper, having due regard to the condition of the driving surface, the weather and other conditions;~~

~~——(3) In any event, at a rate of speed that is greater than 20 miles per hour; or~~

~~——(4) In an unsafe manner.~~

~~—(b) A person shall not, without the approval of the park supervisor, park or leave any vehicle, trailer or other property overnight.]~~

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R153-03**

The Nevada Division of State Parks, adopted regulations assigned LCB File No. R153-03, which pertain to Chapter 407 of the Nevada Administrative Code on December 4, 2003.

Notice dates: 11/12/2003, 11/13/2003, 11/15/2003, 11/16/2003, 11/19/2003,
11/20/2003, 11/24/2003, 11/26/2003, 11/28/2003
Hearing date: 12/1/2003
Date of adoption by agency: 9/12/2003
Filing date: 1/16/2004

INFORMATIONAL STATEMENT

1. A 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.

LCB File R153-03 was noticed six (6) times in Reno Gazette Journal newspaper (November 12, 13, 19, 20, 26, and 28th), the Nevada Appeal newspaper (November 12, 13, 15, 16, 24, 25th) and statewide in each of the four regions (Carson/Tahoe, Fallon, Panaca, Las Vegas) as a permanent regulation. One state public hearing was held December 1, 2003 from 4:00 pm-6:00 pm, at the Division of State Parks conference room, 1300 S. Curry Street. Notice of Workshop and hearing was also posted to the State Parks web site. Four workshops were held around the state during the month of September to solicit initial input. Notice of public workshops was posted in each of the four region's local newspapers. We had one person attend one of the workshops and one person attended the public hearing in Carson City. Written comments were solicited for the public hearing until December 3rd, with copies of the proposed regulation changes available at all Nevada State Park Regional offices and parks, the State Library, and all county libraries where State Park offices are not maintained.

2. The number of persons who:

- a) **Attended each hearing and workshop:** 2
- b) **Testified at each hearing:** 1
- c) **Submitted to the agency written comments:** Received one by telephone

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 general public workshop and hearing comment process was open to any business that felt they may be impacted by the regulation changes. Comments were solicited from affected businesses by the notice in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the State Park's mailing list. One public comment for the workshop was received by phone, Mr. Steve Bower had requested that out of state residents be charged more than in-state residents. The State of Nevada is a tourism state. We do not want to be punitive to out-of-state residents and wish to treat all visitors to State Parks equally. The Division works

with Tourism to encourage use of all state parks and especially encourage statewide tourism efforts to promote use of parks. Mr. Bud Wolf from the Good Sam Club testified at the workshop in Carson City. He was concerned with the additional increase of \$5.00 for the senior permits (increasing from \$10 to \$15). We discussed the cost to administer senior programs and impact of not collecting revenues required. The rate increase is necessary to collect sufficient fees to meet fee requirements necessary for administration of the senior permit program. The cost of the permit value is equal to three visits (entrances) to State Parks. Mr. Ed Vogel, Las Vegas Review-Journal, Capital Bureau, attended the hearing in Carson City. He was there to develop and write an article for the Review Journal. He did not solicit any comments for public record. He was primarily interested in rate changes for Southern Nevada entrance fees.

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

The permanent regulation was adopted at the Division of State Parks hearing on December 1st with changes to proposed amendments to clarify text language for issuing senior citizens permits 12 months from the date issued.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

- a. **Adverse and beneficial effects:** No appreciable effects.
- b. **Immediate and long term effects:** No immediate or long term effects are perceived on the public or businesses.

6. Estimated cost to the agency:

There is no additional cost to the agency for the enforcement of these regulations.

7. A description of any regulations of other state or government agencies which 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.

There are no other state or federal government regulations, which the proposed amendments duplicate.

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

These proposed regulations do not correspond to any federal regulations.

9. If the regulation provides a new or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.

The Division of State Parks anticipates that an additional \$209,840 will be generated with the recommended fee changes. The increased revenue will continue to support the required collection in the amount of \$2,157,224 to support the operating budget as our contribution to the General Fund. If in fact we are able to maintain revenue increases and keep our collection requirement the same, we will be able to place fee overages into our Maintenance Account (Cat. 06) for continued support of statewide-under funded maintenance repairs.

The increase in entrance fees statewide at \$1.00 per permit will generate \$194,000. All parks did adjust the surcharge by \$.50 to support repairs and maintenance to utility systems, with the net affect being that an actual increase of funds going to general fund will be approximately \$97,000 based on average statewide collections for entrance fees in 2002. Increases in-group use fees will generate approximately \$6,150 annually, and commercial photography if the filming industry remains constant \$9680.

The Division will also continue to provide discounts for disabled citizens, which will minimal impact on total revenue collections. The parks are extremely weather dependent, especially at our Reservoir Parks where the drought has impacted visitation and fee collection. We also anticipate that at least one reservoir park will be closed for 2004/or 05 season when the Dam is reconstructed; this will cause significant reductions in revenues for that park. Fiscal Year 04 also marked the beginning of expenditures for Question 1 funds statewide. We do anticipate, as projects are began with work progressing normally during the peak use period when construction can be performed, that an expected revenue reduction during construction periods will occur. Question 1 is a ten-year construction and maintenance program for the parks. The next impact with the construction, surcharge changes, and weather dependency for visitation and revenue generation is that we expect actual revenue gains to be flat due to the many variables.

The Division is also concerned with future revenue collection expectations to meet our general fund obligations. It is critical that collection requirements remain the same and not increase so that we can contribute where possible to the Category 6 funds to support maintenance programs statewide. Category 6 funding has been very beneficial, and has reduced our need to go to the Interim finance committee to solve emergency problems due to infrastructure failures in the parks.

We would also like to work to develop additional funding opportunities to create work incentives in the parks to generate additional revenue and not be penalized for generation of funds. We would hope to be allowed to use extra funds for operation and maintenance programs to reduce future dependence on the general fund. Establishment of an avenue for the Division to be progressive and innovative will also allow the agency to “weather” the lean years where directed fiscal reductions have impacted the agencies ability to operate the parks with existing funding during down-turns in the economy. It is critical that the agency be able to carry out and maintenance preventive maintenance and operational programs statewide.