

LCB File No. R153-03

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

September 29, 2003

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

AUTHORITY: NRS 407.0475 AND 407.065; NRS 407.0475

Section 1. Chapter 407 of NAC is hereby amended by adding thereto the provisions set forth as sections _ to _ inclusive, of this regulation.

Section 2. *Off-Highway Vehicle (OHV)” defined. “OHV” means any motorized vehicle used for travel in areas normally considered inaccessible to conventional highway vehicles. OHVs generally include dirt motorcycles, dune buggies, jeeps, 4-wheel drive vehicles, snowmobiles and ATVs.*

Section 3. *All Terrain Vehicle (ATV)” defined. “ATV” means a small four wheeled motorized vehicle equipped with low-pressure pneumatic tires and intended for off-highway use only.*

Section 4. NAC 407.0062 is hereby amended to read as follows:

NAC 407.0062 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]~~ *is valid for 12 months ending the last day of the purchase month one year later and*, 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, *Cave Lake State Park, Ward Charcoal Ovens State Historic Park*, Kershaw-Ryan State Park or Beaver Dam State Park, a permit which, ~~[for a calendar year]~~ *is valid for 12 months ending the last day of the purchase month one year later and*, 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.]~~

Section 5. NAC 407.0093 is hereby amended to read as follows:

NAC 407.0093 “Passport permit” means a permit that, ~~[for a calendar year]~~ *is valid for 12 months ending the last day of the purchase month one year later and*, 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.

Section 6. NAC 407.050 is hereby amended to read as follows:

NAC 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.

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

(a) For scheduled tours at Berlin-Ichthyosaur State Park and Mormon Station State Historic Park ~~[\$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 citizen..... \$10.

(i) Off Highway Vehicles (OHVs) in any park where allowed will be charged..... \$2 per vehicle.

3. The division will charge and collect the established entrance fee or \$1 per person *for commercial bus tours*, 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 permit from the division that authorizes him to do so. Except as otherwise provided in subsection 5, 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

Note: A \$100 reservation fee will be assessed in advance to hold days for photography or filming under Class C permits and above.

The division will waive the entrance fee for the park upon payment of the fee for commercial photography.

5. 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. 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. For each special *or commercial* use permit, the division will charge a processing fee of \$25 in addition to any other fee charged for the permit.

8. 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.

Section 7. NAC 407.052 is hereby amended to read as follows:

NAC 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.

Section 8. NAC 407.055 is hereby amended to read as follows:

NAC 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] \$45	[\$3] \$4	\$10	N/A	\$15 plus [\$3] \$4 per vehicle	\$15 plus [\$13] \$14 per vehicle
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	\$30 plus [\$1] 1 to 50 persons per vehicle \$50 for 51 to 100 persons per vehicle \$100 for 101 to 200 persons per vehicle Limited to 200 people w/o Special Use Permit	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 State Park	[\$45] \$60	[\$5] \$6	N/A	N/A	[\$50] \$75 for 2 to 100 persons [\$100] \$150 for 101 to 200 persons [\$150] \$200 for 201 to	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
Fort Churchill	30 \$45	3 \$4 \$4	\$8 \$6	N/A <u>N/A</u>	300 persons 250 \$350 for 301 to 400 persons \$500 for 401 to 500 persons Plus 100 \$200 for each additional 100 persons plus 5 \$6 per vehicle \$25 plus 3 \$4 per vehicle <i>\$15 plus \$4 per vehicle</i>	\$25 plus 11 \$12 per vehicle <i>(Scout Camp Only) \$15 plus \$10 per vehicle</i>
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 from May 1 through September 30 \$2 from October 1 through April 30 \$2 for 15 min. photo stop \$2 for launch and leave	N/A	5 \$6	N/A	N/A
Sand Harbor	\$75	6 \$8 from May 1 through September 30 3 \$4 from October 1 through April 30 \$2 for launch and leave	N/A	6 \$7 from May 1 through Sep 30 \$6 from Oct 1 through Apr 30	\$100 weekdays \$200 weekends and holidays plus 6 \$8 daily entrance fee per vehicle from May 1 through September 30 \$4 daily entrance fee 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 for cross-country skiing is in	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	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 Mormon Fort	\$0	2 \$3 per person Children 6-12 1 \$2 Children 5 and under free	N/A	N/A	N/A	N/A
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 \$45	3 \$4	\$6	2 \$3	N/A	\$20 plus 9 \$10 per vehicle
Spring Mountain Ranch	35 \$50	5 \$6	N/A	N/A	<i>Day Group Use 9:00 a.m.-6:00 pm</i> 50 \$100 for 1 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 plus 5 \$6 per vehicle <i>Limited to 800 people w/o Special Use Permit</i> <i>Evening group use 6 p.m.-10 p.m.</i> \$300 for 1 to 100 persons \$600 for 101 to 200 persons \$900 for 201 to 300 persons plus \$6 per vehicle	N/A
Spring Valley	35 \$45	3 \$4	\$10	\$2	15 \$20 plus 3 \$4 per vehicle	15 \$20 plus 13 \$14 per vehicle
Valley of Fire	35 \$60	5 \$6	\$8	N/A	50 \$75 plus 5 \$6 per vehicle	50 \$75 plus 5 \$6 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
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~~ a vehicle that is towed into a park *to be used for transportation*. 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. In addition to the Special Use Permit or Commercial Permit fee, the Division will collect a non-refundable administrative processing fee based upon the time between the date of permit application and scheduled date of the activity as follows:

(a) Greater than 30 days prior to the event \$25.00;

(b) 14 to 30 days prior to the event \$50.00;

(c) Less than 14 days prior to the event \$100.00; and

(d) An additional administrative fee of \$25.00 may be assessed each time the permit application must be re-submitted due to errors made by the applicant or his agents.

7. Annual and Multi-Permits – At the time of initial purchase of annual permits or multi-permits, a second permit can be purchase for a second vehicle on a 50% discount for one vehicle only. Second car permit has to be a registered vehicle by the same owner and same residence.

Section 9. NAC 407.082 is hereby amended to read as follows:

NAC 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 of the region]~~ *regional manager*.

Section 10. NAC 407.088 is hereby amended to read as follows:

NAC 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 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.

Section 11. NAC 407.120 is hereby amended to read as follows:

NAC 407.120. Unless authorized by the supervisor of the park, no person may:

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. *A person shall not, without the approval of the park supervisor, park or leave any vehicle, trailer or other property overnight;*
4. *The Administrator may designate areas within a state park for the use of Off Highway Vehicles (OHVs) to include; snowmobiles, All Terrain Vehicles (ATVs, motorcycles, dune buggies, etc. In an area authorized for OHV use;*
 - (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;*
 - (5) *The operator is at least 14 years of age;*

(6) The operator and any passengers are wearing a helmet which complies with USDOT FMVSS-218 (impact and retention); or

~~5.~~ Except as otherwise provided in NAC 407.120.3, drive a snowmobile, all terrain vehicle, motorcycle or moped, or ride a bicycle or skateboard, *motorized 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.

Section 12. NAC 407.240 is hereby amended to read as follows:

NAC 407.240. Within the Dayton State Park, a person shall:

1. Not enter the water or stand in a canal or head gate; *or*
2. *Camp for a period longer than seven days in any 30-day period*

Section 13. NAC 407.285 is hereby amended to read as follows:

NAC 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 a period longer than seven days in a 30-day period.*

Section 14. NAC 407.302 is hereby amended to read as follows:

NAC 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;
 - (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*

(f) Bring unusual recreational equipment such as dunk tanks, climbing walls, trampolines, or floating devices into the park without prior approval of the park ranger.

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 before diving after the normal operating hours of the park.

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

Section 15. NAC 407.350 is hereby amended to read as follows:

NAC 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.]~~