

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

LCB File No. R048-12

Effective November 1, 2012

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

AUTHORITY: §1, NRS 488.035 and 488.045.

A REGULATION relating to aquatic species; providing requirements for decontamination of certain vessels and conveyances; and providing other matters properly relating thereto.

Section 1. Chapter 488 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person required to decontaminate a vessel or conveyance pursuant to paragraph (c) of subsection 1 of NRS 488.530 shall:

(a) Inspect all exposed surfaces on the vessel or conveyance;

(b) Remove and kill all aquatic invasive species that are visible on the vessel or conveyance;

(c) Remove all aquatic plant material and any other debris visible on the vessel or conveyance;

(d) Inspect, clean and dry each item on the vessel or conveyance, including, without limitation, each life jacket, water ski, anchor, rope and piece of equipment for fishing;

(e) At or reasonably near the site at which the vessel or conveyance is taken out of the impaired body of water, drain all water from the vessel or conveyance and from any equipment

on the vessel or conveyance, including, without limitation, any water held in a ballast tank, motor cooling system, bilge, live well, motor or lower outboard unit;

(f) Wash the vessel and any portion of the conveyance that was in contact with the impaired body of water with high-pressure hot water; and

(g) Allow the vessel or conveyance to dry for not less than the period recommended by the Drying Time Estimator of the 100th Meridian Initiative, which is available at its website, <http://www.100thmeridian.org/>.

2. In lieu of complying with the provisions of subsection 1, the person may decontaminate the vessel or conveyance at an inspection station for aquatic invasive species using any method approved by the Department for that inspection station.

3. The provisions of this section do not apply to a vessel which is not capable of retaining water.

INFORMATIONAL STATEMENT

Informational statement relating to Commission General Regulation No. 408 LCB File No. R048-12 - 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:** 0 Workshop/ 0 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 –

This regulation does not regulate businesses but does establish protocols for the decontamination of watercraft which may be self-performed or performed by businesses.

(2) Beneficial –

This regulation does not regulate businesses. It does establish protocols for the decontamination of watercraft which may be self-performed or performed by businesses.

- (3) **Immediate –**
This regulation does not regulate businesses. It does establish protocols for the decontamination of watercraft which may be self-performed or performed by businesses.
- (4) **Long term –**
This regulation does not regulate businesses. It does establish protocols for the decontamination of watercraft which may be self-performed or performed by businesses.

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

- (1) **Adverse –**
This regulation establishes the protocols for the decontamination of watercraft required under certain circumstances by NRS 488.530. Water-vessel owners who depart an impaired body of water and before they launch into any other body of water in the State must decontaminate the vessel, conveyance and items on the vessel. Decontamination can be self- performed or professionally-performed either by a privately owned decontamination station or a State operated station. Economic effect will be contingent on individual circumstances.

Privately owned decontamination business generally charge hourly rates that are based on the size and debris condition of the vessel or conveyance and range from \$85.00/hr to \$120.00/hr in Southern Nevada. State operated decontamination stations, to be located at limited lakes in the State, will not charge the public for aquatic invasive species inspections or decontamination of watercraft. The cost of maintaining state operated decontamination stations will be funded through fees collected from the aquatic invasive species prevention decal and federal grants.

- (2) **Beneficial –**
A watercraft decontamination process reduces the risk of spreading and introducing aquatic invasive species to other waters of the state, thereby potentially resulting in reduced water supply infrastructure maintenance for public drinking water, water retention facilities, and agricultural water supply. Preventing the spread and invasion of aquatic invasive species in waters of State will reduce the need for public funding of invasive species eradication and control projects and water treatment maintenance and supply. In addition, reducing the risk of invasion of aquatic invasive species will directly benefit the public through providing healthy and viable water recreational opportunities.
- (3) **Immediate –**
This regulation establishes the protocols for the decontamination of watercraft required under certain circumstances by NRS 488.530. Water-vessel owners who depart an impaired body of water and before they launch into any other body of water in the State must decontaminate the vessel, conveyance and items on the

vessel. Decontamination can be self- performed or professionally-performed either by a privately owned decontamination station or a State operated station. Economic effect will be contingent on individual circumstances.

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(4) Long term –

This regulation establishes the protocols for the decontamination of watercraft required under certain circumstances by NRS 488.530. Water-vessel owners who depart an impaired body of water and before they launch into any other body of water in the State must decontaminate the vessel, conveyance and items on the vessel. Decontamination can be self- performed or professionally-performed either by a privately owned decontamination station or a State operated station. Economic effect will be contingent on individual circumstances.

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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 sticker fees 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:

TRPA Code of Ordinances 63.4.2 Watercraft and Decontamination describes circumstance and protocols for the decontamination of boats wishing to operate on Lake Tahoe. The TRPA

ordinance is specific to the Tahoe Basin while this regulation applies to all waters of the State of Nevada. This regulation acts to reinforce the requirements at Lake Tahoe.

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

No federal regulations exist pertaining to the decontamination of water vessels in Nevada.

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

No federal regulations exist that are more stringent.

10. 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:

No fees are assessed by this regulation.