

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

LCB File No. R152-12

Effective December 20, 2012

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

AUTHORITY: §§1-3, NRS 501.105, 501.181 and 503.597.

A REGULATION relating to aquatic species; classifying certain aquatic species of wildlife as aquatic invasive species and injurious aquatic species; and providing other matters properly relating thereto.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *For the purposes of NRS 503.597, the following species are classified as aquatic invasive species:*

Mollusks:

<i>Common Name</i>	<i>Scientific Classification</i>
1. <i>Golden mussels</i>	<u><i>Limnoperna fortunei</i></u>
2. <i>New Zealand mud snails</i>	<u><i>Potamopyrgus antipodarum, P. jenkinsi</i></u>
3. <i>Quagga and zebra mussels</i>	<i>All species in the genus</i> <u><i>Dreissena</i></u>

Sec. 3. For the purposes of NRS 503.597, the following species are classified as injurious aquatic species:

1. Fish:

<i>Common Name</i>	<i>Scientific Classification</i>
(a) Asian swamp eel	All species in the genus <u>Monopterus</u>
(b) Bighead carp	<u>Hypophthalmichthys nobilis</u>
(c) Flathead catfish	<u>Pylodictus olivaris</u>
(d) Gars	All species in the family <u>Lepisosteidae</u>
(e) Nile perch	All species in the genera <u>Lates</u> and <u>Luciolates</u> , except for <u>Lates calcarifer</u>
(f) Northern pike	<u>Esox lucius</u>
(g) Piranhas	All species in the genera <u>Serrasalmus</u> , <u>Serrasalmo</u> , <u>Pygocentrus</u> , <u>Pristobrycon</u> , <u>Hydrolycus</u> , <u>Rooseveltiella</u> and <u>Pygopristis</u>
(h) Round goby	<u>Neogobius melanostomus</u>
(i) Silver carp	<u>Hypophthalmichthys molitrix</u>
(j) Snakeheads	All species in the genera <u>Ophicephalus</u> , <u>Channa</u> and <u>Parachanna</u>
(k) South American parasitic catfish.....	All species in the families <u>Cetopsidae</u> and <u>Trichomycteridae</u>

(l) Tiger fish..... Hoplias malabaricus

2. Mollusks:

Common Name *Scientific Classification*

Apple snails..... All species in the genus Pomacea

3. Amphibians:

Common Name *Scientific Classification*

African clawed frogs All species in the genus Xenopus

4. Crustaceans:

Common Name *Scientific Classification*

(a) Rusty crayfish Orconectes rusticus

(b) Australian red claw crayfish Cherax quadricarinatus

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

**Informational statement relating to Commission General Regulation No. 413
(LCB File No. R152-12 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 and other interested persons; presented at the Nevada Board of Wildlife Commissioners' (NBWC).

2. The number of persons who:

(a) **Attended each hearing:** 29 Workshop/ 29 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 and other interested persons; presented at the Nevada Board of Wildlife Commissioners' (NBWC).

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:

No recommendations to change the regulation were received from the public, county advisory boards or NBWC members.

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** – No adverse economic effect is anticipated from this regulation as the specific aquatic or injurious invasive species listed are neither commercially collected nor marketed within the State.

(2) **Beneficial** – The economic beneficial effects of this regulation to business are to reduce maintenance and infrastructure costs by preventing the spread of and detrimental effects from specific aquatic invasive species on water supply, water retention infrastructures and the aquatic ecosystem. The economic benefit of preventing invasion of aquatic invasive species to agricultural and drinking water supplies and commercial/recreational fisheries would be substantial but cannot be quantified.

(3) **Immediate** – No immediate economic effect is anticipated from this regulation

- (4) **Long term** – Preventing aquatic invasive species from spreading into the State’s streams and lakes would provide a beneficial long-term economic effect by decreasing water supply and water retention facilities maintenance and providing a healthier commercial/recreational fishery.

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

- (1) **Adverse** – No adverse economic effect is anticipated from this regulation.
- (2) **Beneficial** – The beneficial effects of this regulation to the public are to prevent the spread of specific aquatic invasive species in the State’s waters. The economic benefit of preventing invasion of aquatic invasive species will result in lower maintenance and treatment cost for consumers who purchase public drinking water, provide decrease maintenance costs for watercraft users and provide healthy fisheries and increase aquatic recreational opportunities
- (3) **Immediate** – No immediate economic effect is anticipated from this regulation.
- (4) **Long term** – The long-term impact of this regulation will be to decrease the number of aquatic invasive species invading the State’s waters. Therefore a long-term beneficial effect will accrue to the public by decreasing the need for public funding for aquatic invasive species eradication, water treatment, aquatic infrastructure maintenance and aquatic resource management.

6. The estimated cost to the agency for enforcement of the proposed regulation: Enforcement and monitoring will be included in existing programs. There will be no additional costs to the Department for enforcement of the proposed regulations.

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: This regulation is specific to aquatic invasive and injurious invasive species and does not overlap or duplicate any other state or local government agency regulations.

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency: This regulation is specific to intrastate aquatic invasive and injurious invasive species and does not overlap or duplicate any federal law.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions: This regulation is not required by federal law.

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: This regulation does not establish or increase any fees.