

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

**LCB File No. R054-13**

Effective January 1, 2014

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

AUTHORITY: §§1, 3 and 4, NRS 488.045 and 488.536; §2, NRS 488.536.

A REGULATION relating to watercraft; revising provisions concerning the aquatic invasive species fee for certain vessels; 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. For the purposes of NRS 488.536 and NAC 488.523 and 488.525, 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.*

*2. 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. 2.** NAC 488.523 is hereby amended to read as follows:

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.]~~

*A person who wishes to obtain a replacement aquatic invasive species decal for a lost, stolen, mutilated or destroyed aquatic invasive species decal must pay to the Department a replacement fee of \$5.*

**Sec. 3.** NAC 488.525 is hereby amended to read as follows:

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.

*3. An aquatic invasive species decal is invalid if the decal has been cut, trimmed or otherwise altered.*

*4. Only an aquatic species decal issued by the Department for the current calendar year may be displayed on a vessel.*

*5. An aquatic invasive species decal is invalid and must be surrendered to the Department if:*

*(a) The application submitted to obtain the aquatic invasive species decal contained false or fraudulent information; or*

*(b) The fee for the issuance of the decal is not paid.*

*6. A manufacturer or dealer must possess an aquatic invasive species decal for each temporary operating permit issued by the Department.*

**Sec. 4.** This regulation becomes effective on January 1, 2014.

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS  
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066  
Informational Statement**

**LCB File No. R054-13  
CGR Number - 431**

**MEMORANDUM**

**To:** Legislative Counsel Bureau                      **Date:** December 12, 2013  
**From:** Tony Wasley, Secretary, Board of Wildlife Commissioners  
**Subject:** Informational statement relating to Commission General Regulation No. 431  
(LCB File No. R054-13) - as required by Chapter 233B.066.

**1. A clear and concise explanation of the need for the adopted regulation.**

The regulation is needed to 1) clarify residency requirements as it relates to vessel registration requirements 2) provide for replacement of lost or stolen aquatic invasive species decals 3) provide consistency with how registration decals are used 4) provide the department the ability to invalidate a decal for non-payment and 5) to allow a boat dealer or manufacturer to possess one decal per permit they hold as opposed to one decal per vessel.

**2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

A copy of the proposed regulation was noticed and provided to Nevada's 17 County Advisory Boards to Manage Wildlife (CABMW) as part of the Nevada Board of Wildlife Commissioners (NBWC) agenda and support material for their December 6 and 7, 2013 workshop and meeting. Those CABMW's that held public meetings prior to the December 6-7 NBWC workshop and meeting provided opportunity for public comment at their individual meetings. Public comment was solicited at the NBWC workshop on December 6 in Reno and at the NBWC meeting on December 7 prior to NBWC approval of the regulation. No public response was received pertaining to the provisions of this regulation. A summary is available by contacting the Nevada Department of Wildlife.

**3. The number of persons who:**

- (a) Attended each hearing: 29 Workshop 28 Hearing**
- (b) Testified at each hearing: 1 Workshop 0 Hearing**
- (c) Submitted written comments: 0**

**4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (SEE ATTACHED COMMENT CARDS)**

- (a) Name;
- (b) Telephone number;
- (c) Business address;
- (d) Business telephone number;
- (e) Electronic mail address; and
- (f) Name of entity or organization represented.

**5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

It does not affect the operations of or requirements to any business and no effect is anticipated on any business as a result of this change.

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

The regulation was adopted without change as no public comment was received offering changes to this specific regulation.

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

**(a) Estimated economic effect on the businesses which they are to regulate.**

The Nevada Department of Wildlife determined that the proposed regulations do not impose a direct and significant economic burden on small business or restrict the formation, operation, or expansion of a potentially affected small business. This regulation impacts non-residents of this state and not small business.

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

The members of the public that are not residents of the state of Nevada and register their boats in Nevada will be required to expend an additional \$10.00 annually for an aquatic invasive species decal. To calculate the possible increase in fees by charging Nevada Registered boats owned or operated by non-residents, our vendor, Systems Consultants projected 2014 revenue figures based on the boats currently registered in 2013.

A total of 43,535 “residents” and 2,657 “non-residents” or 46,192 total boats have been registered in 2013. Therefore 2,657 of these boats would be charged \$20 nonresident fee as opposed to a \$10 resident fee, for a net gain of  $(\$20-\$10) \times 2,657$  or \$26,570 theoretical increase in fees.

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

There will be no additional cost for the agency to enforce this regulation as game wardens are currently enforcing aquatic invasive species requirements.

