

# PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R054-13

## COMMISSION GENERAL REGULATION NUMBER 431

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

AUTHORITY: §§1 and 3-5, NRS 488.045; §2, NRS 488.045 and 488.536.

A REGULATION relating aquatic species; establishing the amount of the aquatic invasive species fee required for certain vessels; specifying the manner in which an aquatic invasive species decal must be displayed on certain inflatable vessels; setting forth the required lettering, size and color of each aquatic invasive species decal; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 488 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

**Sec. 2. 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.*

*(e) If an Aquatic Invasive Species Decal is lost, stolen, damaged or mutilated the Department may issue a duplicate decal for \$5.00.*

*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.*

**Sec. 3. 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.***

**(e) *An Aquatic Invasive Species decal that has been cut, trimmed or otherwise altered is not valid.***

**(f) *A vessel need not display an Aquatic Invasive Species Decal pursuant to this section if it is a public vessel of the United States, a state or a political subdivision of a state.***

**(g) *Nevada exempt boats obtain a no fee Aquatic Invasive Species Decal. A Nevada exempt boat will consist of the letters “NV” followed by a combination of four numerals and the letters “EX.”***

**(h) *Only the appropriate decal awarded to motorized or non motorized vessel maybe displayed.***

**(i) *An Aquatic Invasive Species decal is invalid and must be surrender to the Department if:***

**(1) *The application contains a false or fraudulent statement.***

**(2) *If the fees for the issuance of the decal are not paid.***

**j) *Certificate of Numbers issued for a motorboat which is to be used by a manufacture or dealer for demonstrating or testing will need to possess an Aquatic Invasive Species decal on each temporary operating placard***

**Sec. 4. *The provisions of sections 2 and 3 of this regulation do not apply to a vessel which is not capable of retaining water.***

**Sec. 5. *This regulation becomes effective on January 1, 2013.***

**NOTICE OF INTENT TO ACT UPON A REGULATION**  
**Notice of Hearing for The (Adoption/Amendment/Repeal) of Regulations of The**  
**Nevada Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing on \_\_\_\_\_ TBD .. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation 431 (LCB File No. R054-13) pertaining to Chapter 503 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: The regulation is needed to exempt certain government vessels, aligns the Aquatic Invasive Species decal regulation with the boating registration decal regulation. Allow for less confusion with the public and statewide enforcement personnel. Lets the Department invalidate decals if appropriate fees are not paid.
2. Text of the proposed regulation: See attached.
- 3A. The estimated economic effect of the regulation on the business which it is to regulate:
  - (a) Adverse effect – Will include a \$5.00 duplicate decal charge which is an initial monetary impact for lost decals.
  - (b) Beneficial effect – allows law enforcement to investigate and charge people for fraudulent purchases. Allows dealers to purchase only one decal for demonstration of vessels instead of purchasing a decal for every vessel they demonstrate for sale. The public can now purchase a lost decal at a reduced rate if they lose or damage their original decal.
  - (c) Immediate effect – Simplifies who needs to purchase decals and allows for reduced cost decals if they are lost
  - (d) Long-term effect – Aligns the purchase of Aquatic Invasive Decals with the purchase of boating registration decals.
- 3B. The estimated economic effect of the regulation on the public which it is to regulate:
  - (a) Adverse effect – A fee will be charged for a duplicate decal which is another fee added to our schedule. The fee though is much reduced under current regulations where they would have to purchase a full price decal.
  - (b) Beneficial effect – Allows dealers to purchase one decal per demonstration plates which can be put on any vessel which is demonstrated for sale. Under the current regulation they would need to purchase a decal for every vessel they would demonstrate on the water.

- (c) Immediate effect – Clarify regulation to be in line with boat registration regulations
  - (d) Long-term effect – Less confusion for the public and dealers when purchasing the Aquatic Invasive Species decal.
4. Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:
- No additional enforcement cost is anticipated. In fact, the regulation is anticipated to reduce enforcement cost by exempting government vessels and allows the public to now purchase a duplicate decal instead of purchasing a full cost decal if the original one is lost.
5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates \_\_\_\_\_, the duplication or overlapping is necessary because If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: This regulation does not duplicate any other federal regulation.
6. If the regulation is required pursuant to federal law, a citation and description of the federal law  
The regulation is not required by federal law.
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:
8. The proposed regulation establishes a new fee or increases an existing fee: \_\_\_No XYes

Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Division of Wildlife  
1100 Valley Road  
Reno, Nevada  
(775) 688-1500

Western Region  
380 W. "B" Street  
Fallon, NV 89406  
(775) 423-3171

