

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

LCB File No. R055-13

Effective December 23, 2013

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

AUTHORITY: §1, NRS 488.045, 488.059, 501.181 and 501.243.

A REGULATION relating to wildlife; revising provisions related to waters on which a reduced speed is required; and providing other matters properly relating thereto.

Section 1. NAC 488.455 is hereby amended to read as follows:

488.455 1. On the following waters, a vessel must be operated at a speed that leaves a flat wake, but in no case may a vessel be operated at a speed in excess of 5 nautical miles per hour:

<u>Waters</u>	<u>County</u>
(a) Bassett Lake.....	White Pine
(b) Cave Lake.....	White Pine
(c) Knott Creek Reservoir.....	Humboldt
(d) Jakes Creek Reservoir.....	Elko
(e) Onion Valley Reservoir.....	Humboldt
(f) Wayne E. Kirch Wildlife Management Area.....	Nye
(g) The lagoon south of Laughlin within sec. 33, T. 32 S., R. 66 E., M.D.B. & M., as marked with signs or buoys, or both.....	Clark
(h) Likes Lake.....	Churchill

<u>Waters</u>	<u>County</u>
(i) The Pitt Taylor Arm of Rye Patch Reservoir	Pershing
(j) Illipah Reservoir	White Pine
(k) Mason Valley Wildlife Management Area.....	Lyon
(l) Upper Wall Canyon Reservoir	Washoe
(m) Echo Canyon Reservoir	Lincoln
(n) Silver Creek Reservoir	White Pine
(o) Key Pittman Wildlife Management Area	Lincoln
(p) Colorado River, the backwater south of Big Bend of the Colorado State	

Recreation Area within sec. 5, T. 33 S., R. 66 E., M.D.B. & M., as marked

with signs or buoys, or both.....Clark

(q) Jiggs Reservoir.....Elko

2. All boat harbors and other areas designated by buoys on any of the following waters are zones in which a vessel must be operated at a speed that leaves a flat wake, but in no case may a vessel be operated at a speed in excess of 5 nautical miles per hour:

<u>Waters</u>	<u>County</u>
(a) Lake Mead National Recreation Area	Clark
(b) South Fork Reservoir.....	Elko
(c) Wildhorse Reservoir	Elko
(d) Lake Tahoe, Zephyr Cove	Douglas
Cave Rock	Douglas

Glenbrook Bay.....	Douglas
Round Hill Pines Beach.....	Douglas
Sand Harbor.....	Washoe
Incline Village General Improvement District Boat Ramp.....	Washoe
Crystal Shores West.....	Washoe
(e) Washoe Lake State Park.....	Washoe
County Boat Ramp.....	Washoe
(f) Walker Lake State Recreation Area.....	Mineral
Sportsmen’s Beach.....	Mineral
(g) Lahontan Reservoir, Churchill Beach.....	Churchill
North Shore Marina.....	Churchill
Silver Springs Beach.....	Lyon
(h) Rye Patch Reservoir, Rye Patch Dam Access.....	Pershing
(i) Topaz Lake, Boat Ramps.....	Douglas
(j) Colorado River, adjacent to Harrah’s Casino in Laughlin.....	Clark
(k) Big Bend of the Colorado State Recreation Area, the lagoon used for launching boats.....	Clark

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

**LCB File No. – R055-13
CGR Number - 432**

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. 432
(LCB File No. R055-13) - as required by Chapter 233B.066.

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

This adopted regulation will add Jiggs Reservoir in Elko County to the list of waters identified in NAC 488.455 (1) where vessels must be operated at a speed that leaves a flat wake, but in no case at a speed in excess of five nautical miles per hour. Currently Jiggs Reservoir has no special regulation limiting boating speed, but does prohibit water skiing. The reservoir is too small (max 45 surface acres) and shallow (max 10 feet) to safely accommodate water skiing and other high speed boating activities. The reservoir is currently being renovated to address its permeable bottom soil and the Nevada Department of Wildlife is restoring the trout and bass fisheries. Recreational fishing is the principal management for this reservoir. It is expected that Jet Ski use would increase as the water level increases and excessive speeds from jet skis and larger boats would represent a safety issue for anglers and the public. South Fork Reservoir, located 15 miles closer to Elko, is of much larger size (1,640 acres) and provides ample and more suitable opportunities to address water ski and jet ski needs by the public.

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 as part of the NBWC agenda and support material for their December 6 and 7, 2013 workshop and meeting. Those County Advisory Boards to Manage Wildlife (CABMW) 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 comment was received on the proposed regulation at any CAB meetings based on a review of submitted individual CAB meeting minutes and reports. Public comment

was received from one individual on the proposed regulation at the NBWC workshop on December 6. Mr. Tom Barnes of the Elko CAB spoke in favor of the proposed regulation and thought that it was appropriate for this water and supported by the Elko CAB. No public comment was given at the NBWC meeting on December 7.

3. **The number of persons who:**
 - (a) **Attended each hearing:** 31 Workshop 28 Hearing
 - (b) **Testified at each hearing:** 1 Workshop 1 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.**

This regulation modifies the boating regulations for Jiggs Reservoir to specify a maximum vessel speed, but does not restrict the use of any type of legal vessel as long as it maintains the maximum speed requirement. 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.**

No public comment or testimony was received expressing concern or need to modify the regulation as proposed. The regulation as proposed and applied to Jiggs Reservoir is consistent with other waters where maximum vessel speed requirements have been adopted to insure public safety.

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.**

This regulation does not regulate activities of any business. No adverse economic effect on any business is anticipated, as the regulation will not modify the types of vessels that can be operated on Jiggs Reservoir nor place any restrictions on their use except for a limitation on maximum speed at which they can be operated. Because the regulation will not change the ability to use vessels on Jiggs Reservoir, Any economic effects of the regulation on

businesses are expected to be neutral (neither negative nor positive) for the foreseeable future. This regulation as the reservoir renovation will not be completed until mid-2014 will have no immediate effects.

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

This regulation will not prohibit the use of any legal vessel on Jiggs Reservoir but will require that any vessel on the reservoir be operated at a speed not producing a wake or in excess of five nautical miles per hour. As the regulation will not modify the types of vessels that can be operated on Jiggs Reservoir nor place any restrictions on their use except for a limitation on maximum speed at which they can be operated, any economic effects of the regulation on the public are expected to be neutral (neither negative nor positive). This regulation will have no immediate effect as the reservoir renovation will not be completed until mid-2014, but will continue at a neutral level for the foreseeable future beyond that date of reservoir refilling.

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

No additional cost is anticipated to the agency for enforcement of the adopted regulation. Any necessary enforcement will be incorporated into existing law enforcement activities and associated costs.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation is specific to operational requirements of vessels on Jiggs Reservoir in Elko County and does not overlap or duplicate any other State or government agency regulations

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

No federal regulations apply to this activity

11. 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 provide a new fee or increase an existing fee.

/s/
Tony Wasley, Secretary
Board of Wildlife Commissioners