

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

LCB File No. R086-14

Effective December 22, 2014

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 watercraft; prohibiting certain activities within the Laughlin boating and fishermen's access area; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to carry out the provisions of chapter 488 of NRS governing the use of watercraft. (NRS 501.181) Existing law also authorizes the Commission: (1) to carry out the provisions of that chapter by appropriate regulations; (2) to adopt regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this State; and (3) to adopt regulations governing the use of waters for recreational purposes, if the waters are open to the public and are not under the direct control of any other state or federal agency for recreational use. (NRS 488.045, 488.059, 501.243) Pursuant to that authority, the Commission has adopted regulations prohibiting certain activities within the Laughlin boating and fishermen's access area. (NAC 488.476) This regulation expands those activities by prohibiting: (1) swimming or bathing in any water around a dock or boat ramp or using a dock or boat ramp to swim or bathe; and (2) docking a vessel or otherwise trespassing in a prohibited area.

Section 1. NAC 488.476 is hereby amended to read as follows:

488.476 The following activities are prohibited within the Laughlin boating and fishermen's access area, in Clark County, within sec. 12, T. 32 S., R. 66 E., M.D.B. & M., lots 13, 14, 15 and 16:

1. Camping in any type of motor vehicle or recreational vehicle;
2. Erecting a tent or structure for the purpose of sleeping or living in it;

3. Parking any type of motor vehicle or recreational vehicle or otherwise blocking or restricting the access of a person or vessel ~~to~~ to ~~the~~ *a* boat ramp;
4. Being under the influence of a controlled substance or an intoxicating liquor, or consuming an intoxicating liquor;
5. Parking a bus hired to carry passengers or a semitrailer anywhere within the access area;
~~for~~
6. Parking a motor vehicle in the access area in a location other than a designated parking space ~~to~~;
7. *Swimming or bathing in any water around a dock or boat ramp or using a dock or boat ramp to swim or bathe; or*
8. *Docking a vessel or otherwise trespassing in a prohibited area.*

**Informational statement relating to Commission General Regulation No. 444
LCB File No. R086 -14 - as required by Chapter 233B.066.**

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

The need for this regulation is to prevent injuries to swimmers and bathers caused by contact with power vessels using the ramp. The ramp was created to launch boats for use on the Colorado River. Since a new dike creates a flat water area, it has become popular bathing area. Swimming and bathing in the flat water area interferes with the launching of vessels and exposes swimmers to the danger of being struck by vessels.

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 (CABs) as part of the Nevada Board of Wildlife Commissioners (NBWC) agenda and support material for their September 13, 2014 workshop and meeting. CABs that held public meetings prior to the September 13-14, 2014 NBWC workshop and meeting, provided opportunity for public comment at their individual meetings. Public comment was solicited at the NBWC workshop on September 13, 2014 in Las Vegas. The NBWC approved adoption on November 15, 2014 at their meeting in Reno. No public response was received at the NBWC meeting pertaining to the provisions of this regulation.

The public did not voice opposition to this regulation.

A summary is available by contacting the Nevada Department of Wildlife, Division of Law Enforcement, 1100 Valley Road, Reno, Nevada 89512, or call (775) 688-1549.

3. The number of persons who:

- (a) **Attended each hearing: 25 Workshop 19 Hearing**
- (b) **Testified at each hearing: 0 Workshop 0 Hearing**
- (c) **Submitted written comments: 0 Public Comment 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:

There was no public comment at the workshop hearing.

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.

Comment was not solicited from businesses as this regulation does not regulate businesses.

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.

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.**

Nevada Department of Wildlife (NDOW) determined that the proposed regulation does not impose a direct or significant economic burden on small businesses or restrict the formation, operation, or expansion of a small business because this regulation does not regulate a business.
 - (b) **Estimated economic effect on the public which they are to regulate.**

NDOW estimates this regulation should not have any economic effect of the public because this regulation only prohibits swimming or bathing in or around Laughlin's fishing and boating access. This amendment is for public safety reasons.
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 watercraft laws.
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.**

There are no other overlapping local, state, or federal government 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.**

There are no federal regulations that regulate 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.**

There is no new fee.