

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R086-14

COMMISSION GENERAL REGULATION 444

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.181, 502.219, 502.222, 502.225.

A REGULATION relating to prohibited activities within Laughlin boating and fisherman's access area.

NAC 488.476 Activities prohibited within Laughlin boating and fishermen's access area. (NRS 488.045, 488.059, 501.181, 501.243) 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 the 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; or
6. Parking a motor vehicle in the access area in a location other than a designated parking space.
7. *Swimming or bathing on or around docks and launch ramp area.*
8. *Trespassing on or docking in prohibited area.*

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 to be determined. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation 444 (LCB File No. R086-14) pertaining to Chapter 488 of the Nevada Administrative Code.

- 1) The need for and purpose of the proposed regulation:
In 2012 the Department, in a partnership with the Riverside Casino, made several improvements at the facility to enhance the boating public's experience on the Colorado River along with updating the area overall for the public's use. The enhanced facility has now created several safety issues that need to be addressed by updating the current regulation. The new dike area created a flat water area with no river current that has become a popular bathing area. Bathers interfere with the launching of vessels and are put in danger by being in close proximity to power boats. Restricting swimming or bathing on or around the docks and launch ramp will provide for the public's safety. Limiting trespassing and docking of vessels in the prohibited area will keep that area clear and available for emergency vessel use.
- 2) Text of the proposed regulation: See attached draft language.
- 3) Will this regulation likely impose a direct and significant economic burden upon small business?
We see no additional burden on small businesses. It will enhance small businesses that use the ramp to launch rental water craft and it will draw visitors by the high quality facility provided in Laughlin, Nevada.
- 4) Will this regulation directly restrict formation, operation or expansion of small business?
We see no restrictions on business as a result of this regulation.
- 5) Describe how the concerted effort was made to determine the business impact:
We had discussion with the Riverside Casino which is the closest business to the facility. They are supportive of the proposed changes. We have also discussed the proposed regulation changes with several companies who use the facility and they are in agreement it has become a safety issue for people swimming in the ramp area.
- 6A. Describe the estimated economic effect of the regulation on the business which it is to regulate:
 - (i) Adverse effect – There is no adverse impact on businesses.
 - (ii) Beneficial effect – The boating public and businesses using the ramp facility will no longer be impacted by people swimming in the ramp area which hinders them from launching their vessels and impacts their recreational opportunities. It will

also prohibit people from trespassing on a government dock used by public safety personnel for emergency situations.

6B. Describe the estimated economic effect of the regulation on the public which it is to regulate:

- (i) Adverse effect – We see no adverse economic impact
- (ii) Beneficial effect – It will eliminate boaters being hindered when launching their vessels at the facility. Since the ramp is a no cost facility it will encourage more people to use the Nevada launch ramp and not encourage them to go to the Arizona side of the river.

7) Describe the method used to calculate the financial impact (positive, negative, or none) on small businesses:

The method used was discussions with the Riverside Casino management. It will be more convenient for boaters to use the launch ramp the Nevada side of the river which will enhance patronage of Nevada businesses. They stated there would be no negative financial impact from this regulation.

8) The name of the person(s) conducting the analysis of the likely impact of the proposed regulation:

David Pfiffner, Nevada Department of Wildlife

9) Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:

The only cost to the agency would be for enforcement. Currently we have two Game Wardens assigned to Laughlin who are at the ramp area on a regular basis for emergency issues or using the facility to launch or retrieve patrol vessels. Overall the cost will be very minimal. There will be a nominal cost for production and posting of signage.

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 _____. The proposed changes do not duplicate or overlap any other state or local government regulations.

If the proposed regulation overlaps or duplicates a federal regulation what is the name of the regulatory federal agency? This regulation does not duplicate any other federal regulation.

10) If the regulation is required pursuant to federal law provide, a citation and description of the federal law. The proposed changes are not required pursuant to federal law.

11) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: There are no federal regulations that regulate the same activity.

12) The proposed regulation establishes a new fee or increases an existing fee: X No

This statement shall be made available to the public at least 15 days before the public workshop.

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 Department of Wildlife
Division of Law Enforcement
1100 Valley Road
Reno, Nevada
(775) 688-1549

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

Eastern Region
60 Youth Center Road
Elko, NV 89801
(775) 777-2300

Southern Region
4747 Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

It is our belief that a concerted effort has been made by NDOW to determine the impact of the proposed regulation on small businesses and the information contained in this statement is accurate.

/s/
Tony Wasley, Secretary
Board of Wildlife Commissioners