

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

LCB File No. R108-14

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; §2, NRS 501.181.

A REGULATION relating to watercraft; authorizing the towing of a person on water skis, a surfboard, an inflatable device or any similar device on certain bodies of water; prohibiting that activity on certain other bodies of water; 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 which authorize waterskiing on: (1) Eagle Valley Reservoir between the hours of 10 a.m. and 3 p.m.; and (2) Comins Lake between 11 a.m. and sunset. Existing regulations also prohibit waterskiing on: (1) Crittenden Reservoir; (2) Jiggs Reservoir; (3) certain areas of Black Canyon, Boulder Canyon-Lake Mead and the lagoon south of Laughlin; and (4) the Crittenden-Dake Reservoir Cooperative Wildlife Management Area. (NAC 488.450, 504.320) **Section 1** of this regulation revises those provisions by: (1) authorizing the towing of a person on water skis, a surfboard, an inflatable device or any similar device on Eagle Valley Reservoir and Comins Lake during those hours; and (2) prohibiting that activity on Crittenden Reservoir, Jiggs Reservoir and certain areas of Black Canyon, Boulder Canyon-Lake Mead and the lagoon south of Laughlin. **Section 2** of this regulation also prohibits that activity in the Crittenden-Dake Reservoir Cooperative Wildlife Management Area.

Section 1. NAC 488.450 is hereby amended to read as follows:

488.450 1. ~~{Waterskiing}~~ *Towing a person on water skis, a surfboard, an inflatable device or any similar device* is authorized on:

- (a) The Eagle Valley Reservoir between the hours of 10 a.m. and 3 p.m.
- (b) Comins Lake between 11 a.m. and sunset. A vessel may not be operated at a speed in excess of 5 nautical miles per hour during other hours. The speed of a vessel underway is considered to be 5 nautical miles per hour or less if the vessel is not leaving a wake.

2. ~~{Waterskiing}~~ *Towing a person on water skis, a surfboard, an inflatable device or any similar device* is prohibited on the following waters:

<u>Waters</u>	<u>County</u>
(a) Crittenden Reservoir	Elko
(b) Jiggs Reservoir	Elko
(c) Black Canyon (Any area marked with signs or buoys, or both, in Lake Mead and downstream from Hoover Dam to Mile Marker 43 on Lake Mohave).....	Clark
(d) Boulder Canyon-Lake Mead (Any area marked with signs or buoys, or both)	Clark
(e) 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

3. A person being towed on *water* skis, *a surfboard*, an inflatable device or any similar device shall wear a personal flotation device which is approved by the United States Coast Guard.

4. A person shall not operate a vessel on any waters of this State towing a person or persons on water skis, a surfboard, an inflatable device or any similar device if the manufacturer's recommended safe loading capacity for the vessel would be exceeded if the person or persons being towed had to board the vessel as a passenger.

Sec. 2. NAC 504.320 is hereby amended to read as follows:

504.320 The Crittenden and Dake Reservoirs and an area 100 feet wide surrounding these reservoirs are the Crittenden-Dake Reservoir Cooperative Wildlife Management Area. The following activities are prohibited on these areas:

1. ~~Waterskiing.~~ *Towing a person on water skis, a surfboard, an inflatable device or any similar device.*

2. Overnight camping.

3. Entering land posted as off-limits above the crossfence at the upper end of Crittenden Reservoir. Vehicles may be parked only in areas designated by the Department.

**Informational statement relating to Commission General Regulation No. 439
LCB File No. R108-14 - as required by Chapter 233B.066.**

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

The purpose of this regulation is to clarify what devices are prohibited from being towed behind a vessel in restricted areas already defined in NAC 488. The current regulation only defines water skiing, but there are now a wide variety of devices being towed behind boats. This is causing public safety concerns in narrow channels, high use areas, and certain areas that are not large enough to accommodate towing activity. The new definition will cover all towed devices and limit their operation in areas already closed to water skiing under NAC 488.

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. Those 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. A survey was conducted at the two marinas that may be affected. Other public response was received at the NBWC meeting pertaining to the provisions of this regulation. Those surveyed did not feel this regulation will adversely impact their businesses.

The survey conducted found that this regulation will not adversely impact any business.

The public did not voice any opposition to adopting 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: 27 Workshop 19 Hearing**
- (b) **Testified at each hearing: 1 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:

- (a) Name; Paul R. Dixon, Chairman
- (b) Telephone number; (505) 699-1744
- (c) Business address; 9445 Greenville Avenue, Las Vegas, NV 89134
- (d) Business telephone number; (505) 665-4595
- (e) Electronic mail address; and MLDPRD24@yahoo.com
- (f) Name of entity or organization represented. Clark CABMW

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 determined there will be no economic effect on the public because this regulation only further defines what a towable apparatus is.

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.