

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

LCB File No. R108-14

COMMISSION GENERAL REGULATION 439

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

AUTHORITY: §§1, NRS 501.105, 501.181 and 503.150

A REGULATION relating to define what can be towed behind a vessel in a prohibited or restricted areas closed to water skiing for public safety in high use areas, narrow channels or certain bodies are not large enough to accommodate that type of activity.

NAC 488.450 Waterskiing and similar activities. (NRS 488.045, 488.059, 501.181, 501.243)

1. *Towing a person or persons on water skies, a surfboard, an inflatable device or any similar device is authorized on:* ~~Waterskiing 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. *Towing a person or persons on water skies, a surfboard, an inflatable device or any similar device is prohibited in the following waters:* ~~Waterskiing 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 skis, 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.

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 TBA. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation 439 (LCB File No. R108-14) pertaining to Chapter 488 of the Nevada Administrative Code.

1) The need for and purpose of the proposed regulation:

Under NRS 488 we have specific areas closed to water skiing. These areas are closed for public safety purposes such as high use areas in narrow channels or certain bodies of waters are not large enough to accommodate those types of activities. We now are encountering other types of tow devices coming into these areas but the regulation is not specific to those activities. The change would cover all apparatuses towed by a vessel making these areas safer.

2) Text of the proposed regulation:

See attached regulation.

3) Will this regulation likely impose a direct and significant economic burden upon small business?

There is none. The activity is to better defining tow apparatuses.

4) Will this regulation directly restrict formation, operation or expansion of small business?

No

5) Describe how the concerted effort was made to determine the business impact:

The majority of waters with restrictions are located in the Lake Mead National Recreation Area in remote locations. The same is true of the sole state waters which are in remote locations.

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

(i) Adverse effect – None

(ii) Beneficial effect – None

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

(i) Adverse effect – None

(ii) Beneficial effect – None

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

The areas are all in remote locations and are based on a public safety needs to protect boaters and their passengers.

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

David Pfiffner, Division of Law Enforcement, Nevada Department of Wildlife

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

There is none. The department's enforcement personnel already patrol these areas and the regulation only clarifies what a towed apparatus is for enforcement purposes

A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates none, the duplication or overlapping is necessary because ____.

If the proposed regulation overlaps or duplicates a federal regulation what is the name of the regulatory federal agency?

The regulation does not overlap or duplicate a federal regulation.

- 10) If the regulation is required pursuant to federal law provide, a citation and description of the federal law.

There is no existing 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 existing federal regulations that regulate the same activity.

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

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

Nevada Department of Wildlife Offices:

Headquarters - 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 Counsel 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.

This notice of hearing has been posted at the above locations.

Tony Wasley, Secretary
Board of Wildlife Commissioners

TW:jt