

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

LCB File No. R093-16

Effective December 21, 2016

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

AUTHORITY: §§1-3, NRS 488.045.

A REGULATION relating to watercraft; imposing certain requirements for the owner, operator or person in control of a vessel or conveyance that is transported on a public road or launched on any body of water in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, it is unlawful for a person to remove a vessel from an impaired body of water, which is defined as a body of water which the Board of Wildlife Commissioners or another governmental entity has identified as containing aquatic invasive species, and then launch the vessel on any body of water in the State without first decontaminating the vessel and any conveyance used on the impaired body of water. (NRS 488.530) Existing regulations specify the method and procedure for decontaminating a vessel or conveyance used on an impaired body of water, including draining water from the vessel or conveyance and from any equipment on board the vessel or conveyance. (NAC 488.520)

This regulation requires the owner, operator or person in control of any vessel or conveyance that is transported on a public road or launched on any body of water in this State to drain the water from the vessel or conveyance and any equipment on the vessel or conveyance. This regulation also requires the owner, operator or person in control of a vessel or conveyance that has been taken out of any body of water in this State to ensure that the drain plugs, drain valves and any other devices used to control the draining of water remain open while transporting the vessel or conveyance on public roads in this State.

Section 1. Chapter 488 of NAC is hereby amended by adding thereto a new section to read as follows:

The owner, operator or person in control of a vessel or conveyance that is transported on a public road or launched on a body of water in this State shall:

1. At or reasonably near the site at which the vessel or conveyance is taken out of the body of water, drain all water from the vessel or conveyance and from any equipment on the vessel or conveyance, including, without limitation, any water held in a ballast tank, motor cooling system, bilge, live well, motor or lower outboard unit.

2. Ensure that all drain plugs, drain valves and other devices used to control the draining of water from the vessel or conveyance, and from any equipment on the vessel or conveyance, are removed or opened while transporting the vessel or conveyance on public roads in this State.

Sec. 2. NAC 488.520 is hereby amended to read as follows:

488.520 1. Except as otherwise provided in this section, a person required to decontaminate a vessel or conveyance pursuant to paragraph (c) of subsection 1 of NRS 488.530 shall ~~+~~, *in addition to complying with the requirements of section 1 of this regulation:*

- (a) Inspect all exposed surfaces on the vessel or conveyance;
- (b) Remove and kill all aquatic invasive species that are visible on the vessel or conveyance;
- (c) Remove all aquatic plant material and any other debris visible on the vessel or conveyance;
- (d) Inspect, clean and dry each item on the vessel or conveyance, including, without limitation, each life jacket, water ski, anchor, rope and piece of equipment for fishing;
- (e) ~~At or reasonably near the site at which the vessel or conveyance is taken out of the impaired body of water, drain all water from the vessel or conveyance and from any equipment on the vessel or conveyance, including, without limitation, any water held in a ballast tank, motor cooling system, bilge, live well, motor or lower outboard unit;~~

~~(f)~~ Wash the vessel and any portion of the conveyance that was in contact with the impaired body of water with high-pressure hot water; and

~~(g)~~ (f) Allow the vessel or conveyance to dry for not less than the period recommended by the Drying Time Estimator of the 100th Meridian Initiative, which is available at its website, <http://www.100thmeridian.org/>.

2. In lieu of complying with the provisions of subsection 1, the person may decontaminate the vessel or conveyance at an inspection station for aquatic invasive species using any method approved by the Department for that inspection station.

Sec. 3. NAC 488.527 is hereby amended to read as follows:

488.527 The provisions of NAC 488.520, 488.523 and 488.525 *and section 1 of this regulation* do not apply to a vessel which is not capable of retaining water.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

**LCB FILE NO. R093-16
Commission General Regulation 463**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 488.

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

This regulation is needed to minimize the risk of accidental transportation and introduction of Aquatic Invasive Species (AIS) into waters of the State of Nevada on watercraft and other conveyances. The requirement to remove drain plugs prior to transport of vessels on public roadways will insure that water-containing areas of vessels are drained and will not have the potential to hold live AIS. Current regulations only require the removal of drain plugs when a vessel is removed from known AIS infested waters; this regulation will minimize the risk of transport of AIS from waters where infestations have not yet been detected or from AIS infested waters outside the State of Nevada.

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 workshop allowing public comment was held for this regulation at the Nevada Board of Wildlife Commissioners (Commission) meeting in Las Vegas on September 23, 2016. A live videoconference of that meeting was provided in Elko and Reno. No public comment was received at any of the workshop locations. Minutes of the Commission Meeting are available at:

http://www.ndow.org/Public_Meetings/Commission/Archive/

A hearing allowing public comment was held for this regulation at the Commission meeting in Carson City on November 19, 2016. A live videoconference of that meeting was provided in Las Vegas. No public comment was received at any of the hearing locations. The regulation was adopted by the Commission on November 19, 2016 following a public comment period and Commission discussion. Minutes of the Commission Meeting are available at:

http://www.ndow.org/Public_Meetings/Commission/Archive/

In September four County Advisory Boards (Clark, Douglas, Eureka, and White Pine counties) discussed or had a motion regarding this regulation. All supported the proposed regulation as submitted.

In November seven County Advisory Boards (Carson City, Clark, Douglas, Eureka, Lyon, Washoe and White Pine counties) discussed or had a motion regarding the regulation. All supported the proposed regulation as submitted.

3. The number of persons who:

(a) Attended each hearing: (date and number of attended for workshops and hearings): 35 attendees on September 23, 2016; 21 attendees on November 19, 2016.

(b) Testified at each hearing: (date and number of attended for workshops and hearings): No members of the public testified regarding this regulation at either Commission Meeting at any of the meeting locations.

(c) Submitted written comments: (date and number of attended for workshops and hearings): No written comments were submitted by the public at either Commission meeting at any of the meeting locations.

4. For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:

None.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:

This regulation amends NAC Chapter 488 to require the removal of all normal drain plugs during transport of vessels on public roadways. The removal of drain plugs is a personal action by individual watercraft users and a normal procedure when removing watercraft from a water body. We were unable to identify any impact to any type of business because of this regulation. As no business impacts of any kind, or related businesses that would be affected, could be identified it was not possible to solicit comment or input from 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:

At the workshop in Las Vegas on September 23, 2016 language was added to the first paragraph of the proposed regulation at the recommendation of the Commission so that the first sentence of that paragraph now reads “The owner, operator or person in control of a vessel or conveyance that is launched on a body of water *or transported on public roads* in this State shall:” [emphasis added]. This change was made to insure that the regulation would apply to vessels entering the State of Nevada prior to launching on any state water body. This language change was included in materials provided for the November 19, 2016 Commission meeting. No other changes were suggested.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects on businesses; and

(b) Both immediate and long-term effects on businesses:

The proposed regulation does not regulate or affect the operations of any business. There will be no anticipated immediate or long-term adverse or beneficial economic effects on any business as there is no impact on business.

(a) Both adverse and beneficial effects on the public; and

(b) Both immediate and long-term effects on the public:

The proposed regulation would require the removal of drain plugs from watercraft when a watercraft is removed from a waterbody and transported. This is a normal and typical activity already done by most watercraft users prior to transport of a vessel. There is no cost associated with this activity. Thus there are no anticipated immediate or long-term adverse or beneficial economic effects on the public as a result of the proposed regulation.

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

The enforcement of the regulation falls within current operations of the department; therefore, there will be no additional costs to the agency above the current legislatively approved budget.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

This regulation does not overlap or duplicate any local, state, or federal regulation. Multiple other states have the same or similar regulations requiring the removal of drain plugs during transport of watercraft but do not apply to jurisdictions in Nevada.

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

This regulation is not more stringent than federal regulation.

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 change does not propose new or increased fees.