

**PROPOSED REGULATION OF THE
ADMINISTRATOR OF THE DIVISION OF STATE PARKS OF
THE STATE DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES**

LCB File No. R164-97

November 21, 1997

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

AUTHORITY: § 2, NRS 407.0475; § 3, NRS 407.047 and 407.0475; §§ 4-6, NRS 407.0475; §§ 7-10, NRS 407.0475 and 407.065; §11, NRS 407.047, 407.0475 and 407.065; §12, NRS 407.047 and 407.0475; §§ 13-15, NRS 407.0475 and 407.065; § 16, NRS 407.047, 407.0475 and 407.065; §§ 17 and 18, NRS 407.0475 and 407.065.

Section 1. Chapter 407 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *“Commercial photography” means photography engaged in for financial gain, including, without limitation, the sale of a photographic image as a product or for use in advertising, motion pictures, television productions or portfolios and the archiving of an image by a person who uses photographic skills, equipment or resources to provide a photographic product for sale.*

Sec. 3. *A supervisor of a park may close or restrict access to a designated area within the park to protect natural and cultural resources, provide for public safety, provide security, or allow for maintenance or rehabilitation of the area.*

Sec. 4. *Within Kershaw-Ryan State Park, a person shall not:*

- 1. Pitch horseshoes on an area covered with grass;*
- 2. Allow an animal to enter the pond; or*
- 3. If he is under 16 years of age, enter the pond without the supervision of an adult.*

Sec. 5. *Within Ward Charcoal Ovens State Historic Park, a person shall not climb on an historic charcoal oven.*

Sec. 6. NAC 407.005 is hereby amended to read as follows:

407.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 407.006 to 407.009, inclusive, *and section 2 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 7. NAC 407.0062 is hereby amended to read as follows:

407.0062 “Annual permit” means:

1. For any park except Cathedral Gorge State Park, Echo Canyon State Park, Spring Valley State Park, [or] *Kershaw-Ryan State Park*, Beaver Dam State Park, *Cave Lake State Park or Ward Charcoal Ovens State Historic Park*, a permit which, for a calendar year, authorizes the holder to enter the park and use the facilities of the park without paying the entrance fee imposed pursuant to NAC 407.055.

2. [The] *For* Cathedral Gorge State Park, Echo Canyon State Park, Spring Valley State Park, *Kershaw-Ryan State Park* or Beaver Dam State Park, a permit which, for a calendar

year, authorizes the holder to enter each one of those parks and use the facilities of that park without paying the entrance fee imposed pursuant to NAC 407.055.

3. For Cave Lake State Park or Ward Charcoal Ovens State Historic Park, a permit which, for a calendar year, authorizes the holder to enter each one of those parks and use the facilities of that park without paying the entrance fee imposed pursuant to NAC 407.055.

Sec. 8. NAC 407.050 is hereby amended to read as follows:

407.050 1. A resident of Nevada who is 60 years of age or older and applies for a permit for senior citizens will be issued such a permit without charge upon furnishing proof of his age and residence in Nevada. A permit for senior citizens authorizes the holder to enter, camp in [,] and boat in all parks. The division will accept as proof of the [applicant's] age and residence *of an applicant*, a certificate of registration for a vehicle issued *to the applicant* by the department of motor vehicles and public safety and:

(a) A driver's license; or

(b) An identification card which matches the registration for the vehicle, issued by that department.

2. The division will charge and collect the following fees:

(a) For scheduled tours at Berlin-

Ichthyosaur State Park and Mormon Station

State Historic Park \$2 for adults and \$1 for children between the ages of 6 and 12.

(b) For the use of a facility for the dumping of sewage by a person not

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| camping in the park..... | The entrance fee for the park or \$3 per vehicle, whichever is greater. |
| (c) For the use of the showers by a person not camping in the park | The entrance fee for the park. |
| (d) For making a camping reservation for individual campsites..... | \$5 per reservation per campsite, in addition to the camping fee or permit fee. |
| (e) For the reservation of stage areas.... | The fee established by agreement or a special use permit, or both. |

3. The division will charge and collect for using any commercial vehicle, including , *without limitation*, a bus, in any park, \$1 per person or the entrance fee for the park, whichever is greater, or the fee established by a special use permit. A special use permit may provide for monthly billings.

4. *[Any person who takes photographs or motion pictures] Before a person may engage in commercial photography* in a park *[which are intended for commercial or profitable use]* , *he* must apply for *and obtain* a permit from the division *[. The] that authorizes him to do so. Except as otherwise provided in subsection 5, for each day or partial day that a person engages in commercial photography in a park, the* division will charge and collect *[for each day photographs or motion pictures are taken for such a use]* the following fee according to the total number of vehicles or the total number of persons, whichever results in a higher fee:

Number of Vehicles

| or Persons | Fee Per Day |
|---|-------------|
| One vehicle with 1 occupant, or 1 person | \$25 |
| One vehicle with more than 1 occupant, or 2 to 5 persons | 40 |
| 2 to 5 vehicles or 6 to 25 persons | 150 |
| 6 to 10 vehicles or 26 to 50 persons | 300 |
| 11 to 15 vehicles or 51 to 75 persons | 400 |
| 16 to 20 vehicles or 76 to 100 persons | 600 |
| 21 to 50 vehicles or 101 to 400 persons | 1,500 |
| More than 50 vehicles or more than 400 persons | 2,500 |

The division will waive the entrance fee for the park upon payment of the fee for commercial photography.

5. *The division will not charge a fee pursuant to this section for photography engaged in for noncommercial, educational purposes, to promote the park or to report news in any form of media, including, without limitation, newspapers and television.*

6. If a user of a park does not deposit the required fee in the available self-service devices, the division will charge the user a fee of \$2 for collection service, in addition to other fees.

7. *For each special use permit, the division will charge a processing fee of \$25 in addition to any other fee charged for the permit.*

Sec. 9. NAC 407.052 is hereby amended to read as follows:

407.052 1. A person who applies for a multipurpose annual permit for Lahontan State Recreation Area will be issued such a permit upon payment of a fee of [~~\$200.~~] *\$150*. The permit authorizes the holder to enter, camp in [,] and boat in the area without paying the entrance, camping [,] and boating fees imposed by NAC 407.055.

2. A person who applies for a multipurpose annual *boating* permit for *the use of:*

(a) Lake Tahoe Nevada State Park will be issued such a permit upon payment of a fee of \$150.

(b) *Big Bend of the Colorado State Recreation Area, Rye Patch State Recreation Area or Washoe Lake State Park will be issued such a permit upon payment of a fee of \$75.*

(c) *Wild Horse and South Fork State Recreation Areas will be issued such a permit upon payment of a fee of \$75.*

3. [~~The~~] A permit *issued pursuant to subsection 2* authorizes the holder to enter and boat in the park *or parks for which it is issued* without paying the entrance and boating fees imposed by NAC 407.055.

Sec. 10. NAC 407.055 is hereby amended to read as follows:

407.055 1. Except as otherwise provided in subsection 1 of NAC 407.050 and in NAC 407.052, or unless waived, the division will charge and collect the following fees for the use of parks:

| Annual Permit | Fee | Season | Entrance Fee Per Vehicle | Camping Fee Per Vehicle | Boating Fee Per Vehicle | Group Entrance Fee | Group Entrance and Camping Fee |
|---------------|-----|--------|--------------------------|-------------------------|-------------------------|--------------------|--------------------------------|
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|----------------------------|------|------------------|-----|----------------------|-----|------------------------------|-------------------------------|
| Beaver Dam | \$35 | April 1-Nov. 15 | \$3 | \$5 | \$2 | \$15 plus \$3 per vehicle | \$15 plus \$8 per vehicle |
| | | Nov. 16-March 31 | \$1 | \$3 | N/A | \$15 plus \$1 per vehicle | \$15 plus \$4 per vehicle |
| Berlin- Ichthyosaur | \$30 | April 1-Oct. 31 | \$3 | [\$5] \$7 | N/A | \$15 plus \$3 per vehicle | \$15 plus \$8 per vehicle |
| | | Nov. 1-March 31 | \$1 | \$3 | N/A | N/A | \$15 plus \$4 per vehicle |
| Big Bend | \$30 | All Year | \$3 | N/A | \$5 | N/A | N/A |
| <i>of the Colorado</i> | | | | | | | |
| Cathedral Gorge | \$35 | April 1-Nov. 15 | \$3 | [\$7] \$9 | N/A | \$15 plus \$3 per vehicle | \$15 plus \$10 per vehicle |
| | | Nov. 16-March 31 | \$1 | \$3 | N/A | \$15 plus \$1 per vehicle | \$15 plus \$4 per vehicle |
| Cave Lake | \$30 | April 1-Nov. 30 | \$3 | [\$7] \$9 | \$2 | \$15 plus \$3 per vehicle | \$15 plus \$10 per vehicle |

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|--------------------------------|------------------------|------------------|-----|----------------------|-----|--|------------------------------|
| | | Dec. 1-March 31 | \$2 | \$3 | \$1 | \$15 plus \$2 per vehicle | \$15 plus \$5 per vehicle |
| Dayton | \$30 | All Year | \$3 | [\$5] \$7 | N/A | \$50 plus \$3 per vehicle | N/A |
| Echo Canyon | \$35 | April 15-Oct. 31 | \$3 | [\$5] \$7 | \$2 | \$15 plus \$3 per vehicle | \$15 plus \$8 per vehicle |
| | | Nov. 1-April 14 | \$2 | \$3 | N/A | \$15 plus \$2 per vehicle | \$15 plus \$5 per vehicle |
| Floyd R. Lamb State Park | [\$75] \$45 | All Year | \$5 | N/A | N/A | \$50 for 2 to 100 persons \$100 for 101 to 200 persons \$150 for 201 to 300 persons \$250 for 301 to 400 persons \$500 for 401 to 500 persons Plus \$100 for each additional 100 persons plus \$5 per vehicle | N/A |
| Fort Churchill | \$30 | April 1-Oct. 31 | \$3 | [\$5] \$7 | N/A | \$25 plus \$3 per vehicle | \$25 plus \$8 per vehicle |

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|----------------------|--|-------------------------|---------------------------------|------------|------------|--------------------------------------|------------------------------|
| | | Nov. 1-March 31 | \$1 | \$3 | N/A | \$15 plus \$1 per vehicle | \$15 plus \$4 per vehicle |
| <i>Kershaw- \$35</i> | | <i>April 15-Oct. 31</i> | <i>\$3</i> | <i>\$5</i> | <i>N/A</i> | <i>\$15 plus \$3 per vehicle</i> | <i>N/A</i> |
| <i>Ryan</i> | | <i>Nov. 1-April 14</i> | <i>\$2</i> | <i>\$3</i> | | <i>\$15 plus \$2 per vehicle</i> | <i>N/A</i> |
| Lahontan \$35 | | April 1-Oct. 31 | \$3 | \$5 | \$2 | \$15 plus \$3 per vehicle | \$15 plus \$8 per vehicle |
| | | Nov. 1- March 31 | \$1 | \$3 | \$1 | \$15 plus \$1 per vehicle | \$15 plus \$4 per vehicle |
| Lake Tahoe: | | | | | | | |
| Cave \$75 | | April 1-Sept. 30 | \$5 | N/A | \$5 | N/A | N/A |
| Rock | | | \$2 for 15-min. photo stop | | | | |
| | | | <i>\$2 for launch and leave</i> | | | | |
| | | Oct. 1-March 31 | \$2 | N/A | \$5 | N/A | N/A |
| Sand \$75 | | April 1-Sept. 30 | \$6 | N/A | \$6 | \$75 weekdays | N/A |
| Harbor | | | <i>\$2 for launch and leave</i> | | | \$150 weekends and | |

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|----------------|----------------------|---------------|-----|-----|---|---|-----|
| | | | | | | holidays plus \$6 per vehicle | |
| | Oct. 1-March 31 | \$2 | N/A | \$5 | \$25 plus \$5 per vehicle | | N/A |
| Spooner Lake | \$75 April 1-Oct. 31 | \$5 | N/A | N/A | \$30 plus \$5 per vehicle | | N/A |
| | | | | | \$2 per bike for vehicles with more than 4 bikes | | |
| | Nov. 1-March 31 | \$3 | N/A | N/A | \$15 plus \$3 per vehicle. Area not available during ski concession season. cross-country skiing is in operation | | N/A |
| Mormon Station | No Annual Permit | May 1-Oct. 31 | N/A | N/A | N/A | [\$75] \$100 for 1 to 50 persons [\$100] \$150 for 51 to 100 persons [\$150] \$200 for | N/A |

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|-----------------|-----------|-----------------|----------------------|----------------------|-----|------------------------------|---------------------------|
| | | | | | | 101 to 150 persons | |
| | | | | | | [\$200] \$250 for | |
| | | | | | | 151 to 250 persons | |
| | | | | | | Limit 250 persons | |
| | | Nov. 1-April 30 | Closed | N/A | N/A | Closed | N/A |
| Old Las Vegas | No Annual | All Year | \$1 per person | N/A | N/A | N/A | N/A |
| Mormon Permit | | | Children 6-12 | | | | |
| Fort | | | Children 5 and under | | | | |
| Rye Patch | \$30 | March 1-Oct. 31 | \$3 | \$5 | \$2 | \$15 plus \$3 per vehicle | \$15 plus \$8 per vehicle |
| | | Nov. 1-Feb. 29 | \$1 | \$3 | \$1 | \$15 plus \$1 per vehicle | \$15 plus \$4 per vehicle |
| South Fork | \$35 | All Year | \$3 | [\$5] \$7 | \$2 | N/A | \$20 plus \$8 per vehicle |
| Spring Mountain | \$35 | All Year | \$5 | N/A | N/A | \$50 for 2 to 100 persons | N/A |
| | | | | | | \$100 for 101 to 200 persons | |

Ranch

\$150 for 201 to 300 persons

\$250 for 301 to 400 persons

\$500 for 401 to 500 persons

Plus \$100 for each
 additional 100 persons
 plus \$5 per vehicle

| | | | | | | | |
|--------|------|-----------------|-----|----------------------|-----|---------------|----------------|
| Spring | \$35 | March 1-Nov. 30 | \$3 | [\$7] \$9 | \$2 | \$15 plus \$3 | \$15 plus \$10 |
| Valley | | | | | | per vehicle | per vehicle |
| | | Dec. 1-Feb. 29 | \$1 | \$3 | \$1 | \$15 plus \$1 | \$15 plus \$4 |
| | | | | | | per vehicle | per vehicle |

| | | | | | | | |
|----------------|--|----------|----------------------|-----|-----|---------------|----------------|
| Valley of \$35 | | All Year | [\$4] \$5 | \$7 | N/A | \$30 plus \$4 | \$30 plus \$11 |
| Fire | | | | | | per vehicle | per vehicle |

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|------|----------------|----------|-----|----------------------|-----|-----|-----|
| Ward | [No | All Year | \$2 | [\$4] \$6 | N/A | N/A | N/A |
|------|----------------|----------|-----|----------------------|-----|-----|-----|

Charcoal Annual
 Oven Permit] \$30

| | | | | | | | |
|--------|------|----------|-----|-----|-----|---------------|-------------|
| Washoe | \$30 | All Year | \$3 | \$7 | \$2 | Equestrian | Equestrian |
| Lake | | | | | | Group Use | Group Use |
| | | | | | | \$30 plus \$3 | 30 Plus \$8 |

| | | | | | | | |
|-----------|------|----------|-----|----------------------|-----|---------------------------------|------------------------|
| | | | | | | per vehicle | per vehicle |
| | | | | | | Main Group Use | Main |
| Group Use | | | | | | | |
| | | | | | | [\$60] \$30 plus \$3 | [\$60] \$30 |
| plus \$10 | | | | | | | |
| | | | | | | per vehicle | per vehicle |
| Wild | \$30 | All Year | \$3 | [\$5] \$7 | \$2 | N/A | \$20 plus \$8 |
| Horse | | | | | | | per vehicle |

2. A person who pays an entrance fee pursuant to subsection 1 is not authorized to use the facilities of the park from 10 p.m. until 6 a.m. unless he also pays the boating or camping fee for the park.

3. Except as otherwise provided in this subsection, the division will charge and collect from each person who rides a bicycle *or horse* or who walks into a park [,] an entrance fee of \$1. The division will charge and collect from each person who rides a bicycle into Spooner Management Area an entrance fee of \$2.

4. Except as otherwise provided in this subsection, the division will not charge a fee for any vehicle that is towed into a park. If a person tows more than one vehicle into a park, the division will charge a fee for each additional vehicle towed into the park.

5. The division will charge, in addition to any other fee imposed pursuant to this chapter, a fee of:

(a) Three dollars per day for each rental of a boat slip at Cave Lake State Park or Spring Valley State Park; and

(b) Six dollars for each boat anchored overnight in Sand Harbor.

Sec. 11. NAC 407.057 is hereby amended to read as follows:

407.057 The administrator, the chief of **[field operations,]** *operations and maintenance*, or the ranger in charge of a **[district]** *region* in which a park is located may waive the fees for the use of a park for any purpose he considers appropriate. The administrator may adjust fees for the use of a park for any purpose he considers appropriate.

Sec. 12. NAC 407.063 is hereby amended to read as follows:

407.063 The ranger in charge of **[the district]** *a region* or the supervisor of **[the]** *a* park shall post at the headquarters of the park and at the area affected any restrictions or prohibitions on the use of the park or an area in the park. An affidavit of posting with a copy of the restrictions and prohibitions attached to the affidavit must be filed in the offices of the ranger in charge of the **[district]** *region* and the administrator.

Sec. 13. NAC 407.082 is hereby amended to read as follows:

407.082 Unless the fee is waived pursuant to NAC 407.057, no person may enter, use **[,]** or occupy any portion of a park for which an entrance fee has been established by the administrator, unless he has first paid the fee. This section does not apply to officers and employees of the division on official business **[,]** or to persons exempted by the administrator, the chief of **[operations,]** *operations and maintenance*, or the ranger in charge of the **[district.]** *region.*

Sec. 14. NAC 407.085 is hereby amended to read as follows:

407.085 Unless authorized [by the ranger in charge of the district, no person may:

1. Use any area in] *pursuant to a special use permit, a person shall not use* a park [in any manner which restricts the use of the area or the park by the general public or restricts any authorized recreational activity.

2. Occupy any area in a park which is controlled by the division for any purpose other than recreation.] *for any organized activity, event or other purpose, if such use of the park:*

1. *Involves the exclusive use of a facility of the park that is not allocated for the activity or event;*

2. *Involves the interruption of normal recreational activity;*

3. *Presents a potential for public liability or hazardous consequences not present in the normal recreational patterns of the park;*

4. *Requires additional services, facilities or equipment that are not normally provided to the general public; or*

5. *Is not recognized as a valid recreational use of the park.*

Sec. 15. NAC 407.105 is hereby amended to read as follows:

407.105 1. In any park, a person shall not:

(a) Use a bow and arrow, slingshot [,] or paint ball launcher;

(b) Possess a firearm, unless it is unloaded and inside a vehicle;

(c) Discharge a weapon, including , *without limitation*, an air rifle , *spring gun* or air pistol; or

(d) Throw a knife, hatchet, spear, stone [,] or projectile,
except as authorized by the administrator.

2. The administrator may designate zones in which a person may, for the purposes of hunting, carry and discharge a firearm in accordance with the regulations of the division of wildlife of the state department of conservation and natural resources. At each park in which a zone is designated pursuant to this subsection, the ranger in charge of the [district] *region* or the supervisor of the park shall post at the headquarters of the park, and at each area within the park which is designated as a zone in which a person may carry and discharge a firearm for the purposes of hunting, maps of the designated zones within that park.

3. Target shooting is prohibited in all areas of a park, except in an area designated as a firing range.

Sec. 16. NAC 407.145 is hereby amended to read as follows:

407.145 1. The ranger in charge of a [district] *region* may declare a curfew for juveniles in any park or part of a park upon finding that it is necessary for the protection of the safety and welfare of the public. The order for the curfew must:

- (a) Specify the hours of the curfew;
- (b) Specify the length of time the order is in effect; and
- (c) Be posted in a conspicuous place in the park.

2. If a curfew has been ordered, no juvenile may enter or remain in the park during the period of the curfew unless he is:

- (a) Accompanied by a parent or guardian;
- (b) Part of a group which is authorized to occupy the park and is supervised by at least [1] *one* adult for each [10] *ten* juveniles; or

(c) Lawfully camping and has furnished to the ranger in the park the written consent of his parent or guardian [**with the parent's or guardian's**] *which includes, without limitation, the* full name, address and telephone number [,] *of the parent or guardian* and the dates for which permission to camp is granted.

Sec. 17. NAC 407.211 is hereby amended to read as follows:

407.211 Within Big Bend *of the Colorado* State Recreation Area, a person shall not:

1. Tie a boat to a dock for any purpose other than to perform an activity related to loading, unloading [,] or launching the boat; or
2. Dive from or swim within 50 feet of a dock which is used to launch boats.

Sec. 18. NAC 407.302 is hereby amended to read as follows:

407.302 Within the Sand Harbor Management Area:

1. A person shall not:
 - (a) Tie a boat or other watercraft to the shoreline with more than 6 feet of line extending up to the beach;
 - (b) Bring a pet or other domestic animal into the management area;
 - (c) Barbecue on any beachfront area;
 - (d) Operate a hard-bottom boat within the area designated for swimming; [**or**]
 - (e) Disregard the lawful order of a ranger, [**a**] *lifeguard or* member of a beach patrol [, **or a lifeguard.**] ; *or*
 - (f) *Bring fuel used for the operation of a boat or other watercraft onto a beach, unless the fuel is contained in a spill-proof container and the area of water adjacent to the beach is designated for boating.*

2. Watercraft operated in an area controlled by the division must:

(a) Be attended;

(b) Be anchored at least 50 feet from the shore from 9 p.m. until 7 a.m.; **[and]**

(c) *Be removed from the water before fueling; and*

(d) Not **[stay]** *be located in the area for* more than 3 nights in a 14-day period.

3. Each person who scuba dives shall:

(a) Obtain prior approval from the supervisor of the park before diving after the normal operating hours of the park.

(b) Not dive in an area unless it is an area designated for diving.