

LCB File No. R206-97
Notice of the 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 at 9:00 a.m., on Saturday, February 7, 1998 at the Nevada Division of Wildlife, 1100 Valley Rd., Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations (**CGR 261**) pertaining to Chapter 488 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: Amends NAC 488.010 to add the definition of "use" to clarify NAC 488.180 (validation decals), 488.405 (life preservers), 488.467 (restrictions on use of boats in wildlife management areas. Amends 488.410 to define what serviceable means for all life preservers and codify the Coast Guard requirements that inflatable life preservers are not approved for water skiing, personal watercraft, commercial activity or persons under 16 years of age. Amends 488.455 by adding Round Hill Pines Beach and Glenbrook Bay to the flat wake zone. Amends 488.458 to add Round Hill Pines beach to the designated mooring areas. Establish the fee required in NRS 488.261 for placing a mooring buoy in nonnavigable waters and establish removal penalties for unauthorized mooring buoys. Amends 488.467 to include North Pond at Mason Valley Wildlife Management Area to the exclusion of the closure of boats February 15 through July 14.
2. Text of the proposed regulation: (Attached)
- 3A. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) Adverse effect—**None.**
 - (b) Beneficial effect—**None.**
 - (c) Immediate effect—**None.**
 - (d) Long term effect—**None.**
- B. The estimated economic effect of the regulation on the public which it is to regulate:
 - (a) Adverse effect—**None.**
 - (b) Beneficial effect—**None.**
 - (c) Immediate effect—**None.**
 - (d) Long term effect—**No requests have been made for mooring buoys in non-navigable waters, however, NRS 488.261 says the Division shall charge a fee not to exceed \$100.**
4. Estimated cost to the Division of Wildlife for enforcement of the proposed regulation: N/A

5. Description of, and citation to, any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency. **Overlaps Coast Guard approval for inflatable PFD's for navigable waters. This would make it applicable to state law on non-navigable waters so it is uniform statewide.**
6. If the regulation is required pursuant to federal law, a citation and description of the federal law: **The Coast Guard has little enforcement presence, even on navigable waters.**
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: **None.**
8. The proposed regulation establishes a new fee or increases an existing fee: Yes. **New fee for existing legislation.**

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, Post Office Box 10678, Reno, Nevada 89520. 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, 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 Division of Wildlife
1100 Valley Road
Reno, Nevada
(702) 688-1500

Region I Office
380 W. "B" Street
Fallon, NV 89406
(702) 423-3171

Region II Office
1375 Mt. City Highway
Elko, NV 89801
(702) 738-5332

Region III Office
4747 W. Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will also 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 which is 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.

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

R206-97
STATE OF NEVADA
PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 261

Authority: NRS 488.045, 488.261, 488.265, 501.181, and 502.243

Notice of Intent: December 17, 1997

Commission Approval:

EXPLANATION: Amends NAC 488.010 to add the definition of “use” to clarify NAC 488.180 (validation decals), 488.405 (life preservers), 488.467 (restrictions on use of boats in wildlife management areas). Amends 488.410 to define what serviceable means for all life preservers and codify the Coast Guard requirements that inflatable life preserves are not approved for water skiing, personal watercraft, commercial activity or persons under 16 years of age. Amends 488.455 by adding Round Hill Pines Beach and Glenbrook Bay to the flat wake zone. Amends 488.458 to add Round Hill Pines beach to the designated mooring areas. Establish the fee required in NRS 488.261 for placing a mooring buoy in nonnavigable waters and establish removal penalties for unauthorized mooring buoys. Amends 488.467 to include North Pond at Mason Valley Wildlife Management Area to the exclusion of the closure of boats February 15 through July 14.

NOTE: Matter in *italics* is new; matter within brackets [] is to be omitted

Section 1. NAC 488.010 is hereby amended to read as follows:

488.010 As used in NAC 488.010 to 488.510, inclusive, unless the context

otherwise requires:

1. “Demonstrating” or “demonstration” means to operate a motorboat on the waters of this state for the purpose of selling, transferring, bartering, trading, negotiating or attempting to negotiate the sale or exchange of any interest in a new or used motorboat, including the operation of the boat by a manufacturer for purposes of testing the boat.

The term does not include the operation of a motorboat for personal purposes by a dealer or manufacturer or an employee of a dealer or manufacturer, or by the friends or the members of the families of those persons.

2. “Division” means the division of wildlife of the state department of conservation and natural resources.

3. “Identification number” means the number assigned by the division to each motorboat registered in accordance with chapter 488 of NRS.

4. “Length” means the length of a vessel measured in a straight line from one end of the hull to the other excluding the deck, bowsprits, bumpkins, rudders, outboard motor brackets and similar fittings or attachments.

5. “State of principal use” means the state on whose waters a vessel is used or to be used for most of the calendar year.

6. “Vessel” has the meaning ascribed to it in NRS 488.035.

7. *“Use” means whenever a vessel is upon the waters of this state.*

Section 2. NAC 488.410 is hereby amended to read as follows:

488.410 Each life preserver required by NAC 488.405 to be on board a boat must be:

1. In serviceable condition;
2. Legibly marked with the number of approval of the Coast Guard; and
3. Of appropriate size to fit the person for whose use it is intended.

4. *As used in this section, serviceable for inflatable life preservers means:*

1. *the inflation mechanism must be properly armed.*
2. *the inflation indicators must be green.*
3. *the inflation chambers must be capable of holding air.*
4. *the oral inflation tube must be functional.*
5. *Inflatable life preservers are not approved for*

a. water skiing.

b. personal watercraft.

c. persons under 167 years of age.

d. any commercial activity including livery operators.

Section 3. NAC 488.455 is hereby amended to read as follows:

488.455 1. On the following waters, a vessel must be operated at a speed that leaves a flat wake, but in no case may a vessel be operated at a speed in excess of 5 nautical miles per hour:

<u>Waters</u>	<u>County</u>
(a) Bassett Lake.....	White Pine
(b) Cave Lake.....	White Pine
(c) Knott Creek Reservoir.....	Humboldt
(d) Jakes Creek Reservoir.....	Elko
(e) Onion Valley Reservoir.....	Humboldt
(f) Wayne E. Kirch Wildlife Management Area.....	Nye
(g) The 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
(h) Likes Lake.....	Churchill
(i) The Pitt Taylor Arm of Rye Patch Reservoir.....	Pershing
(j) Illipah Reservoir.....	White Pine
(k) Mason Valley Wildlife Management Area.....	Lyon
(l) Upper Wall Canyon Reservoir.....	Washoe

- (m) Echo Canyon Reservoir..... Lincoln
- (n) Silver Creek ReservoirWhite Pine
- (o) Key Pittman Wildlife Management Area..... Lincoln

2. All boat harbors and other areas designated by buoys on any of the following waters are zones in which a vessel must be operated at a speed that leaves a flat wake, but in no case may a vessel be operated at a speed in excess of 5 nautical miles per hour:

<u>Waters</u>	<u>County</u>
(a) Lake Mead National Recreation Area	Clark
(b) South Fork Reservoir.....	Elko
(c) Wildhorse Reservoir	Elko
(d) Lake Tahoe, Zephyr Cove	Douglas
Cave Rock.....	Douglas
<i>Round Hill Pines Beach</i>	<i>Douglas</i>
<i>Glenbrook Bay.....</i>	<i>Douglas</i>
Sand Harbor	Washoe
Incline Village General Improvement District Boat Ramp	Washoe
Crystal Shores West.....	Washoe
(e) Washoe Lake State Park	Washoe
County Boat Ramp.....	Washoe
(f) Walker Lake State Recreation Area.....	Mineral
Sportsmen’s Beach.....	Mineral

- (g) Lahontan Reservoir, Churchill Beach Churchill
 - North Shore Marina Churchill
 - Silver Springs Beach..... Lyon
- (h) Rye Patch Reservoir, Rye Patch Dam Access..... Pershing
- (i) Topaz Lake, Boat Ramps Douglas
- (j) Colorado River, adjacent to Harrah’s Casino in Laughlin.....Clark

Sec. 4. NAC 488.458 is hereby amended to read as follows:

488.458 1. The commission hereby designates areas for mooring or anchoring vessels within the following locations:

(a) On Lake Mohave, the location established as Cottonwood Cove by the superintendent of the Lake Mead National Recreation Area.

(b) On Lake Mead, the locations established as:

- (1) Boulder Harbor;
- (2) Calville Bay;
- (3) Echo Bay;
- (4) Las Vegas Bay; and
- (5) Overton Beach,

by the superintendent of the Lake Mead National Recreation Area.

(c) On Lake Tahoe, *1. Glenbrook Bay* , [and] Zephyr Cove Marina *and 3. Round Hills Pines Beach* located in Douglas County.

2. The areas designated by the commission will be marked in accordance with the provisions of NRS 488.265.

3. The fee payable to the Division of Wildlife for a permit to place each mooring buoy in the non-navigable waters of this state shall be \$30 per year, valid through December 31 for the year issued.

4. The division shall:

(a) Remove any buoys which are determined to be unlawfully placed; and

(b) Assess an administrative fine of \$100 for the removal of such buoys and assess an additional fine in an amount equal to the cost to the division in labor and equipment for the removal.

Section 5. NAC 488.467 is hereby amended to read as follows:

488.467

1. Except as otherwise provided in this section, use of boats is restricted in the following wildlife management areas:

(a) In the Overton Wildlife Management Area, located in Clark County, boats are prohibited on all ponds. Boats are allowed on the portion of the area inundated by Lake Mead, except that on Overton Hunt Days, boats may be used only by persons authorized to hunt waterfowl.

(b) In the Stillwater Wildlife Management Area, located in Churchill County:

(1) All boats are prohibited on the ponds 5 days before the opening day of the waterfowl season.

(2) Airboats are prohibited until 1 hour after the legal shooting time on the opening day of the waterfowl season.

(c) In the Humboldt-Toulon Wildlife Management Area, located in Churchill and Pershing counties:

(1) All boats are prohibited on the ponds in the Humboldt and Toulon Sink areas 5 days before the opening day of the waterfowl season.

(2) Airboats are prohibited on the Humboldt Sink until 1 hour after the legal shooting time on the opening day of the waterfowl season.

(3) Airboats are prohibited on the Toulon portion of the area during the waterfowl season.

(d) In the Mason Valley Wildlife Management Area, located in Lyon County, all boats are prohibited from February 15 through July 14 of each year, except on:

(1) Hinkson Slough;

(2) Bass Pond;

(3) Crappie Pond;

(4) Bluegill Pond; [and]

(5) The Walker River; *and*

(6) North Pond.

(e) In the Fort Churchill Cooling Pond Cooperative Wildlife Management Area, all boats and floating devices, except for boats used by employees of the Sierra Pacific Power Company in the performance of their official duties, are prohibited on the pond.

2. The provisions of subsection 1 do not apply to boats owned, operated and used for official purposes by the division.