

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

**LCB File No. R206-97**

January 9, 1998

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

AUTHORITY: §§1-3, NRS 488.045, 501.181 and 501.243; §§4-5, NRS 488.045, 488.193, 501.181 and 501.243; §6, NRS 488.045, 501.181 and 501.243; §7, NRS 488.045, 488.261, 501.181 and 501.243; §8, NRS 488.045, 501.181 and 501.243.

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

488.010 As used in [NAC 488.010 to 488.510, inclusive,] *this chapter*, unless the context otherwise requires:

1. “*Commission*” has the meaning ascribed to it in NRS 488.035.

[1.] 2. “*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] *motorboat* by a manufacturer for purposes of testing the [boat.] *motorboat*. 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.] 3. “*Division*” means the division of wildlife of the state department of conservation and natural resources.

4. “*Flat wake*” has the meaning ascribed to it in NRS 488.035.

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

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

[4.] 7. “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.

8. “Motorboat” has the meaning ascribed to it in NRS 488.035.

9. “Operate” has the meaning ascribed to it in NRS 488.035.

10. “Owner” has the meaning ascribed to it in NRS 488.035.

11. “Personal watercraft” has the meaning ascribed to it in NRS 488.580.

12. “Registered owner” has the meaning ascribed to it in NRS 488.035.

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

14. “Under way” has the meaning ascribed to it in NRS 488.035.

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

16. “Waters of this state” has the meaning ascribed to it in NRS 488.035.

**Sec. 2.** NAC 488.180 is hereby amended to read as follows:

488.180 1. A person may not use a vessel which does not have a current validation decal on each side of the vessel unless the vessel is exempt [under] *pursuant to* NRS 488.175.

2. The decals must be attached:

(a) Within 6 inches of the last letter of the identification number on the port side;

(b) Within 6 inches of the letters “NV” on the starboard side; and

(c) Level with the identification numbers on both sides.

3. The year in which each validation decal expires will be indicated by the colors blue, international orange, green or red in rotation beginning with blue for decals that expire in 1973. The decal will be approximately 3 inches square.

4. A validation decal that has been cut, trimmed or otherwise altered is not valid.

5. *For the purposes of this section, a vessel is being used if the vessel:*

*(a) Is upon the waters of this state, including, without limitation, if it is tied or fastened to a dock, mooring or shore; and*

*(b) Is not aground on the shore.*

**Sec. 3.** NAC 488.190 is hereby amended to read as follows:

488.190 1. The certificate of number for a vessel less than 26 feet in length [which] *that is* leased or rented to [another for the latter's] *a person for noncommercial use by the person* for less than 7 days may be retained on shore by the [vessel's] owner *of the vessel* or his representative at the place from which the vessel departs or returns.

2. Each person using a vessel to which subsection 1 applies shall present the certificate, lease or rental agreement to any federal, state or local law enforcement officer for inspection at his request.

3. The lease or rental agreement must contain the identification number, the period of time for which the vessel is leased or rented, the signatures of the livery owner or his representative and the person leasing or renting the vessel, and the number of persons *to whom* the vessel was leased or rented . [to.]

4. The owner of a boat livery or his agent or employee shall not rent a personal watercraft to any person who is under the age of 18 years.

5. The owner of a boat livery or his agent or employee who rents personal watercraft shall:

(a) Provide to each person to whom a personal watercraft is rented and each person who will operate the personal watercraft:

(1) A summary of the laws and regulations governing the operation of personal watercraft; and

(2) Instructions regarding the safe operation of the personal watercraft; and

(b) Before a personal watercraft leaves the control of the owner or his agent or employee, document the name and age of each person who will operate the personal watercraft. A person to whom a personal watercraft is rented shall ensure that only those persons documented as an operator in accordance with this paragraph are allowed to operate the personal watercraft.

6. Each person to whom a personal watercraft is rented and each person who will operate the personal watercraft shall review the laws and regulations governing the safe operation of the personal watercraft rented or provide written proof that he has received previous instruction in the safe operation of the personal watercraft.

[7. As used in this section, “personal watercraft” has the meaning ascribed to it in NRS 488.240.]

**Sec. 4.** NAC 488.405 is hereby amended to read as follows:

488.405 1. Except as otherwise provided in this section, a person shall not use any vessel, regardless of its method of propulsion:

(a) Which is less than 16 feet in length, unless there is at least one life preserver of type I, II or III on board for each person; or

(b) Which is 16 feet or more in length, unless there is at least one life preserver of type I, II or III on board for each person and at least one life preserver of type IV on board.

2. The requirements of subsection 1 do not apply to the operation of a racing shell, rowing scull, racing canoe or racing kayak which is:

- (a) Manually propelled;
- (b) Recognized by a national or international racing association for use in competitive racing; and
- (c) Designed to carry and does carry only equipment which is solely for competitive racing.

3. The requirements of paragraph (b) of subsection 1 do not apply to a person who uses a canoe or kayak that is enclosed by a deck and spray skirt if:

- (a) He has on board a life preserver of type I, II or III; or
- (b) He wears a life preserver of type V special use approved for that use.

4. On any vessel, a life preserver of type V special use or type V hybrid may be used in lieu of a life preserver of type I, II or III if it is approved by the United States Coast Guard and:

- (a) If it is of type V special use, is worn and used in accordance with the instructions marked on it.
- (b) If it is of type V hybrid, is worn while the vessel is underway, except when the user is in an enclosed space.

5. For the purposes of this section, the types of life preservers are as follows:

- (a) Type I is a life preserver which has over 20 pounds of buoyant force and is designed to turn an unconscious person in water to a position where his face is out of the water;

(b) Type II is a buoyant vest which has at least 15.5 pounds of buoyant force and is designed to turn an unconscious person in water to a position where his face is out of the water;

(c) Type III is a buoyant vest or jacket which has at least 15.5 pounds of buoyant force but is not designed to turn an unconscious person in water;

(d) Type IV is a throwable device, such as a ring buoy or buoyant cushion;

(e) Type V hybrid is a personal flotation device which has 7.5 pounds of buoyant force when it is not inflated, and 22 pounds of buoyant force when it is inflated; and

(f) Type V special use is a personal flotation device approved by the United States Coast Guard for a restricted use or activity.

6. *For the purposes of this section, a vessel is being used if the vessel:*

*(a) Is upon the waters of this state, including, without limitation, if it is tied or fastened to a dock, mooring or shore; and*

*(b) Is not aground on the shore.*

**Sec. 5.** NAC 488.410 is hereby amended to read as follows:

488.410 1. Each life preserver required by NAC 488.405 to be on board a [boat] vessel must be:

[1.] (a) In serviceable condition;

[2.] (b) Legibly marked with the number of approval of the Coast Guard; [and

3.] (c) Of appropriate size to fit the person for whose use it is intended [.]; and

(d) *Noninflatable, if the person for whose use it is intended is:*

*(1) Waterskiing;*

(2) *On a personal watercraft;*

(3) *Under 16 years of age; or*

(4) *Participating in a commercial activity, including, without limitation, a boat livery.*

2. *For the purposes of paragraph (a) of subsection 1, a life preserver that is inflatable is in serviceable condition only if:*

(a) *The inflation mechanism is functional and armed;*

(b) *Each inflation indicator is green;*

(c) *Each inflation chamber is capable of holding air; and*

(d) *The oral inflation tube is functional.*

**Sec. 6.** 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 Reservoir ..... White 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
(k) Big Bend of the Colorado State Recreation Area, the lagoon used for launching boats .....	Clark

**Sec. 7.** 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, *Round Hill Pines Beach*, Glenbrook Bay and Zephyr Cove Marina located in Douglas County.

2. The areas designated by the commission pursuant to subsection 1 will be marked [in accordance with the provisions of] *pursuant to* NRS 488.265.

3. Vessels are prohibited from mooring or anchoring on the Colorado River within the area designated by buoys at Harrah's Casino in Laughlin.

4. *The division will collect a fee of \$30 for the issuance or renewal of a permit to place a mooring buoy in the nonnavigable waters of this state.*

5. *The division will remove a mooring buoy that is unlawfully placed and, for the removal of such a mooring buoy, assess an administrative fine. The amount of the administrative fine will be \$100 in addition to an amount equal to the cost to the division of labor and equipment for the removal of the mooring buoy.*

**Sec. 8.** NAC 488.467 is hereby amended to read as follows:

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

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

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

(1) All [boats] *vessels* 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] *vessels* 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] *vessels* 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] *vessels* and floating devices, except for [boats] *vessels* 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] *vessels* owned, operated and used for official purposes by the division.

3. *For the purposes of this section, a vessel is being used if the vessel:*

(a) *Is upon the waters of this state, including, without limitation, if it is tied or fastened to a dock, mooring or shore; and*

(b) *Is not aground on the shore.*