

Chapter 407 of NAC

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

LCB File No. E002-10

(Effective for 120 days from April 1, 2010)

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

AUTHORITY: §§1-18, NRS 407.0475 and 407.065.

Section 1. Chapter 407 of NAC is hereby amended by adding thereto the provision set forth as Sections 2-4, inclusive, of this regulation.

Section 2. Chapter 407.050 is hereby amended by adding thereto a new section to read as follows: Permits for senior citizens and commercial photography; miscellaneous fees. (NRS 407.0475, 407.065)

1. The Division will issue a permit for senior citizens to a resident of Nevada who applies for such a permit if the resident:

(a) Is 65 years of age or older;

(b) Has continuously resided in this State for the 5 years immediately preceding the date on which the resident submits the application;

(c) Pays a ~~[\$15]~~ **\$30** administrative fee;

(d) Provides proof of age and residence in Nevada to the Division; and

(e) Possesses a Nevada driver's license or an identification card issued by the Department of Motor Vehicles.

□ A permit for senior citizens authorizes the holder to enter, camp in and boat in all parks for 12 months after the date the permit for senior citizens is issued. The permit does not authorize the use of hook-ups without payment of the fee set forth in this section.

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

(a) For the use of a facility for the dumping of sewage by a person not camping in the park..... The entrance fee for the park or \$6 per vehicle, whichever is greater.

(b) For the use of the showers by a person not camping in the park..... The entrance fee for the park.

(c) For making a camping reservation for individual campsites in a park designated by the Administrator as available for camping reservations..... \$10 per reservation per campsite, in addition to the camping fee or permit fee.

(d) For the reservation of stage areas..... The fee established by agreement or a special use permit, or both.

(e) For a passport permit..... ~~[\$90]~~ \$100.

(f) To replace an annual permit, a

passport permit or a permit for senior citizens..... \$10.

(g) For a permit to operate an off-highway vehicle in a designated area of a park..... \$2 per off-highway vehicle.

(h) For a campsite at which a hook-up is available..... \$10 per vehicle.

(i) For entrance into a park for which a fee is charged, an additional fee will be charged for all vehicles not registered in the State of Nevada..... \$2 per vehicle

3. For commercial bus tours, the Division will charge and collect the established entrance fee or ~~[\$1]~~ \$2 per person, whichever is greater, or the fee established by a special use permit. A special use permit may provide for monthly billings.

4. For each day or partial day that a person engages in commercial photography in a park, the Division will charge and collect 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
2 to 5 vehicles or 6 to 25 persons.....	200
6 to 10 vehicles or 26 to 50 persons.....	350
11 to 15 vehicles or 51 to 75 persons.....	500
16 to 20 vehicles or 76 to 100 persons.....	800

Number of Vehicles or Persons	Fee Per Day
21 to 50 vehicles or 101 to 400 persons.....	2,100
More than 50 vehicles or more than 400 persons.....	3,500

The Division will waive the entrance fee for the park upon payment of the fee for a commercial use permit for photography.

5. A person who has obtained a commercial use permit for photography may request that the Division reserve an area within the park for use in accordance with the terms of the permit. Upon receipt of such a request, the Division will charge and collect a reservation fee of \$100. The reservation fee is in addition to any fee charged and collected pursuant to subsection 4.

6. The Division will not charge a fee pursuant to this section for:

- (a) Commercial photography engaged in by one to five persons in a single vehicle; or
- (b) 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.

7. If a user of a park does not deposit the required fee in the available self-service devices, the Division:

- (a) Will charge the user a fee of \$2 for collection service, in addition to other fees; and
- (b) May file criminal charges against the user for theft as defined in NRS 205.0832.

8. For each special use permit or commercial use permit, the Division will charge a processing fee of \$25 in addition to any other fee charged for the permit.

9. The Division will reduce by \$1 any entrance fee established pursuant to this chapter charged to a person who holds a disability placard and presents it upon entrance to a park.

Sec. 3. NAC 407.052 is hereby amended to read as follows:

407.052 1. A person who applies for a multipurpose annual permit for the use of:

(a) Lahontan State Recreation Area will be issued such a permit upon payment of a fee of ~~[\$175]~~ \$200.

(b) South Fork State Recreation Area, Rye Patch State Recreation Area or Wild Horse State Recreation Area will be issued such a permit upon payment of a fee of ~~[\$125]~~ \$150.

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 ~~[\$175]~~ \$200.

(b) Rye Patch State Recreation Area or Washoe Lake State Park will be issued such a permit upon payment of a fee of ~~[\$90]~~ \$100.

(c) Wild Horse or South Fork State Recreation Areas will be issued such a permit upon payment of a fee of ~~[\$90]~~ \$100.

(d) Big Bend of the Colorado State Recreation Area will be issued such a permit upon payment of a fee of ~~[\$100]~~ \$125.

3. A permit issued pursuant to subsection 1 authorizes the holder of the permit to enter, camp in and boat in the park for which it is issued without paying the entrance, camping and boating fees imposed by NAC 407.055.

4. A permit issued pursuant to subsection 2 authorizes the holder of the permit 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. 4. NAC 407.055 is hereby amended to read as follows:

Fees for use of parks. (NRS 407.0475, 407.065)

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

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee	Miscellaneous Fees
Beaver Dam	[\$50] \$65	[\$4] \$5	[\$6] \$7	[\$2] N/A	\$15 plus [\$4] \$5 per vehicle	\$15 plus [\$10] \$12 per vehicle	
Berlin-Ichthyosaur	[\$50] \$65	[\$4] \$5	[\$8] \$10	N/A	\$15 plus [\$4] \$5 per vehicle	\$15 plus [\$12] \$15 per vehicle	Scheduled tour: \$3 adults \$2 children 6-12
Big Bend of the Colorado	[\$50] \$65	[\$5] \$7	[\$10] \$11 plus \$10 per vehicle at campsites with utility hook-ups	[\$5] \$6	N/A	N/A	
[Buckland Station]	[NA]	[NA]	[NA]	[NA]	[NA]	[NA]	[Museum admission: \$1 adults children 12 and under free]
Cathedral Gorge	[\$50] \$65	[\$4] \$5	\$10	N/A	\$15 plus [\$4] \$5 per vehicle	\$15 plus [\$14] \$15 per vehicle	
Cave Lake	[\$50] \$65	[\$4] \$5	\$10	\$2	\$15 plus [\$4] \$5 per vehicle	\$15 plus [\$14] \$15 per vehicle	For use of the circular domed tent or yurt: \$20 per night plus [\$14] \$15 per vehicle
Dangberg Home Ranch Historic Park	NA	NA	NA	NA	N/A	NA	Tours admission: \$3 adults children 12 and under free
Dayton	[\$50] \$65	[\$4] \$5	\$10	NA	\$50 for 1 to 25 persons \$75 for 26 to 50 persons \$100 for 51 to 100 persons \$150 for 101 to 150 persons \$200 for 151 to 300 persons The entrance fee is reduced by the amount of any reservation fee paid by the group	NA	NA

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee	Miscellaneous Fees
Echo Canyon	50 \$65	4 \$5	6 \$10	2 \$3	\$15 plus 4 \$5 per vehicle	\$15 plus 10 \$15 per vehicle	
Elgin School House	NA	NA	NA	NA	NA	NA	Museum admission: \$1 adults children 12 and under free
Fort Churchill	50 \$65	4 \$5	8 \$10	N/A	\$25 plus 4 \$5 per vehicle	\$25 plus 12 \$15 per vehicle	
<i>Fort Churchill-Buckland Station</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>Museum admission: \$1 adults children 12 and under free</i>
Fort Churchill-Carson River Ranches	\$0	4 \$5	6 \$7	N/A	\$15 plus 4 \$5 per vehicle	\$15 plus 10 \$12 per vehicle	
Kershaw-Ryan	50 \$65	4 \$5	\$10	N/A	\$15 plus 4 \$5 per vehicle	N/A	
Lahontan	60 \$65	\$5	5 \$8	5 \$7	\$15 plus \$5 per vehicle	\$15 plus 10 \$12 per vehicle	
Lake Tahoe: Cave Rock	75 \$100	6 \$8 from April 15 through October 15 2 \$5 from October 16 through April 14 \$2 for 15 min. photo stop 2 \$5 for launch and leave	N/A	6 \$7	N/A	N/A	
Sand Harbor	75 \$100	8 \$10 from April 15 through October 15 4 \$5 from October 16 through April 14 2 \$5 for launch and leave	N/A	7 \$8 from April 15 through October 15 6 \$7 from October 16 through April 14	\$200 weekdays \$400 weekends and holidays plus: 8 \$10 per vehicle from April 15 through October 15 4 \$5 per vehicle from October 16 through April 14	N/A	

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee	Miscellaneous Fees
Spooner Lake	75 \$100	6 \$8 \$2 per bike for vehicles with more than 4 bikes No entrance fee charged if the concession for cross-country skiing is in operation	N/A	N/A	N/A	N/A	
Mormon Station	N/A	N/A	N/A	N/A	\$100 for 1 to 25 persons \$150 for 26 to 50 persons \$200 for 51 to 100 persons \$250 for 101 to 150 persons \$300 for 151 to 300 persons	N/A	Museum admission: \$1 adults children 12 and under free
Old Las Vegas Mormon Fort	N/A	N/A	N/A	N/A	\$100 for 2 to 100 persons \$150 for 101 to 200 persons 200 for 201 to 250 persons		Museum admission: \$1 adults children 12 and under free
Rye Patch	50 \$65	4 \$5	6 \$7	4 \$3	\$20 plus 4 \$5 per vehicle	\$20 plus 10 \$12 per vehicle	
South Fork	50 \$65	4 \$5	6 \$7	\$3	N/A	\$20 plus 10 \$12 per vehicle	
Spring Mountain Ranch	50 \$65	5 \$7	N/A	N/A	\$100 for 2 to 100 persons \$200 for 101 to 200 persons plus 5 \$7 per vehicle	N/A	
Spring Valley	50 \$65	4 \$5	\$10	2 \$3	\$20 plus 4 \$5 per vehicle	\$20 plus 14 \$15 per vehicle	

Park	Annual Permit Fee	Entrance Fee Per Vehicle	Camping Fee Per Vehicle	Boating Fee Per Vehicle	Group Entrance Fee	Group Entrance and Camping Fee	Miscellaneous Fees
Valley of Fire	60 \$75	6 \$8	8 \$10 plus \$10 per vehicle at campsites with utility hook-ups	N/A	75 \$ 25 plus 6 \$8 per vehicle	75 \$25 plus 6 \$18 per vehicle	
Ward Charcoal Ovens	50 \$65	4 \$5	6 \$7	N/A	N/A	\$20 plus 10 \$12 per vehicle	
Washoe Lake	50 \$ 65	4 \$5	\$10	\$2	Equestrian Group Use \$50 plus 4 \$5 per vehicle Main Group Use \$50 for 1 to 25 persons \$75 for 26 to 50 persons \$100 for 51 to 100 persons \$150 for 101 to 150 persons \$200 for 151 to 250 persons Plus \$4 per vehicle \$50 to rent arena	Equestrian Group Use \$50 plus \$15 per vehicle \$50 to rent arena Main Group Use \$50 for 1 to 25 persons \$75 for 26 to 50 persons \$100 for 51 to 100 persons \$150 for 101 to 150 persons \$200 for 151 to 250 persons Plus \$14 per vehicle	
Wild Horse	50 \$65	4 \$5	6 \$7	2 \$3	N/A	\$25 plus 10 \$12 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 the person also pays the 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, walks or enters by vessel 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 to provide transportation within the park.

5. The Division will charge, in addition to any other fee imposed pursuant to this chapter, a fee of \$2 for each watercraft in excess of two that is transported into the park by a single vehicle.

6. If a person purchases an annual permit to a park for a vehicle, the person may purchase at the same time a second annual permit to the same park at a discounted price equal to one-half of the price of the annual permit. The annual permit purchased at a discounted price must be for a vehicle registered to the same owner at the same residence as the owner of the vehicle for which the permit was purchased at regular price.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233b.066
LCB FILE _____**

The following information statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 407.

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**
N/A

- 2. The number persons who:** N/A
 - (a) Attended each hearing:** N/A
 - (b) Testified at each hearing:** N/A
 - (c) Submitted to the agency written comments:** N/A

- 3. 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.** N/A

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.** N/A

- 5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately and each case must include:**
 - (a) Both adverse and beneficial effects:** No appreciable effects.
 - (b) Both immediate and long-term effects:** No immediate or long term effects are perceived on the public or businesses.

- 6. The estimated cost to the agency for enforcement of the adopted regulation.**

There are no additional costs to the agency for the enforcement of these regulations.

- 7. A description of any regulations of other state or government agencies that 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.**

There are no other state or federal government regulations that the proposed amendments duplicate.

- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

These proposed regulations do not correspond to any federal regulations.

9. 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.

The total annual amount collected as a result of these changes will be approximately \$1,086,000 annually. Provisions in Section 6 and 9 of Assembly Bill 6 from the 2010 Special Sessions set forth that a \$1,086,000 reduction will be made from the general fund appropriation that supports State Parks, to be replaced with additional money collected through an adjustment in fees. The additional fees will be collected by way of the existing park collection system.

Statement of Emergency

As the Administrator of the Division of State Parks I am responsible for implementing the budgets that have been submitted and approved by the Governor and the Legislature. Assembly Bill No. 6, Chapter 10, was passed in the 26th Special Session of the Legislature. The Governor signed the bill on March 12, 2010.

Section 6 of the bill makes a \$1,086,000 reduction in the appropriation from the State General Fund to the State Department of Conservation and Natural Resources-Division of State Parks for the fiscal year beginning July 1, 2010, and ending June 30, 2011. Section 9 authorizes the expenditure of \$1,086,000 of fees collected beginning July I, 2010, and ending June 30, 2011. Assembly Bill 6 did not take into consideration the seasonal nature of State Parks fee collection on a calendar versus fiscal year basis. The primary visitor season for State Parks begins April I, with the highest sales of season and senior passes taking place at that time. Experience has shown that fee adjustments in State Parks are most successful and cause the fewest disruptions and misunderstandings with the general public when put in place at the beginning of the season. A July I implementation would be mid-season for most parks statewide and would, thereby, require park patrons to adjust the amount to which they had already become accustomed earlier in the same season. Additionally, three and a half months of potential revenue generation will be lost. With the recent special session and the accompanying discussions, the state fiscal issues are still fresh in minds of the public and the highest acceptance to change is possible. The further from the special session that change is made, the more likely it becomes for a negative reaction against all parties involved in the change.

It is unlikely that State Parks can collect \$1,086,000 as authorized by the Legislature due to the fact that fees are accounted for on a calendar rather than a fiscal year basis (i.e. six months in advance, which would only leave six months to collect the required fees, unless emergency action is taken so that the fee increase goes into effect on April I). Given the passage of AB 6 during the 26th Special Session of the Legislature and the clear intent to decrease the general fund appropriation to State Parks and allow the funds to be replaced with additional funds to be collected in the same amount, I hereby declare an emergency exists pursuant to NRS 233B.0163.

Therefore, I request the Governor of the State of Nevada endorse this Statement of Emergency so that State Parks can adjust fees effective April 1, 2010, so as to be able to better replace the reduction in its general fund appropriation.

Dated this 16th day of March 2010

/s/

David K. Morrow
Administrator
Division of State Parks

I hereby endorse the Statement of Emergency prepared by the Administrator of the Division of State Parks, Department of Conservation and Natural Resources

Dated this 16th day of March 2010

/s/

Jim Gibbons, Governor
State of Nevada