



STATE OF NEVADA

#14

DEPARTMENT OF WILDLIFE

Fisheries Division

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MEMORANDUM

September 23, 2016

- To:** Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics
- From:** Jon Sjöberg, Administrator, Fisheries Division
- Title:** **Commission General Regulation 463, Duties of Person Transporting Vessel or Conveyance, LCB File No. R093-16 - Workshop/Public Comment Allowed**
- Description:** The Commission will consider amending Nevada Administrative Code (NAC) Chapter 488 to require the removal of all drain plugs that hold back water on any vessel, conveyance, or equipment when that vessel, conveyance or equipment is removed from any body of water and transported on public roadways of the State.
- Presenter:** Fisheries Division Administrator Jon Sjöberg and Wildlife Staff Specialist Karen Vargas
- Agenda No:** 14

Summary:

The Department is proposing an amendment to NAC Chapter 488 to require the removal of all drain plugs that hold back water on any vessel, conveyance, or equipment when that vessel, conveyance or equipment is removed from any body of water and transported on public roadways of the State.

Through the transport of water on conveyances, aquatic invasive species can be easily introduced into other waterways. Water can be retained in the bilge, live wells, and ballast tanks when a conveyance is removed from a waterbody and that retained water may contain undetected aquatic invasive species. Existing regulations (NAC 488.520) requiring drainage of all water from vessels and conveyances apply only to waterbodies that have already been determined to be impaired by aquatic invasive species. Specifically, *“At or reasonably near the site at which the vessel or conveyance is taken out of the impaired body of water, [a person must] 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”*. NAC 488.520 does not require that drain plugs remain removed from a vessel or conveyance when it is subsequently transported from the impaired body of water.

This regulation applies a proactive strategy to further protect waters of the State from aquatic invasive species that may occur in waterbodies that have recent, undocumented infestations or where the presence of aquatic invasive species has not yet been identified in regulation. Requiring the continuous removal of drain plugs during transport of vessels and conveyances insures compliance with the existing requirements of NAC 488.520, and further eliminates the potential that aquatic invasive species (AIS) will be unintentionally transported in retained water in vessels removed from waters that have not yet been identified as AIS impaired and where a legal requirement for inspection and decontamination at that location is not in place.

Because detection of many AIS species, such as Dressinid mussels, is difficult those AIS species may be present for some time in a waterbody before they are detected or confirmed through laboratory testing. This regulation will substantially increase future protection from accidental AIS contamination into new waters statewide.

This regulation applies only to vessels and conveyances transported away from waters on public roadways. This minimizes any inconvenience to watercraft users who may keep or store watercraft at a location adjacent to a single waterbody, although the Department recommends always removing drain plugs to insure effective draining and drying of watercraft.

In addition, vessels and conveyances that are already drained and dry when arriving at an aquatic invasive species inspection station will be more easily identified because of the prior removal of all drain plugs. We anticipate this will allow many vessels to be inspected and released much more rapidly resulting in a more efficient inspection program and reducing any potential inconvenience to watercraft users.

At least seven other states, including five Western states (Arizona, New Mexico, Kansas, South Dakota and North Dakota) have a similar legal requirement to remove drain plugs as part of their comprehensive AIS control and containment strategies and most explicitly require this during watercraft transport and several other states are considering regulations. Most other Western states require drainage of water from vessels and conveyances without specifically mentioning “drain plugs”. The Department is not aware of any substantive concerns from watercraft users in those states regarding this requirement.

The Western Association of Fish and Wildlife Agencies (WAFWA) Directors approved a resolution at their July 2016 meeting specifically endorsing and encouraging all western states to adopt regulations requiring the removal of drain plugs during the overland transport of watercraft. This proposed regulation is consistent with that recommendation.

Recommendation:

This information and regulation language is presented as a workshop item. The Department recommends that the Commission moves this regulation as presented to an adoption hearing in November.

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

LCB File No. R093-16

July 18, 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 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 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 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 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.