

June 18, 1959

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ARIZONA ATTORNEY GENERAL**

Mr. Charles A. Richey, Superintendent
United States Department of Interior
National Park Service
Lake Mead National Recreation Area
Boulder, City, Nevada

Dear Sir:

This is in reply to your letter of June 9, 1959 relating to the applicability of the Arizona Boating Statute to Lake Mead and Lake Mohave.

Arizona Revised Statutes, Section 5-302 expressly provides for the application of the provision of Article 1, Chapter 3, as amended 1958. That section reads as follows:

"The provisions of this article apply to all watercraft operating on all of the waterways of this state, and shall be enforced on waterways under federal jurisdiction insofar as they do not conflict with rules and regulations of the United States coast guard or other federal regulations, but the provisions of this article, with the exception of §§ 5-306, 5-311 and the penalties prescribed by § 5-313 for violation of such sections, shall not apply to waters common to interstate boundaries."

An analysis of the above section indicates that this statute, jurisdictionally speaking, will apply to all waterways located in the state and to those waterways under federal jurisdiction, if the provisions of this Act are not in conflict with any rules or regulations promulgated by federal agencies. Therefore, if the subject lakes are within the boundaries of this state, these regulations may apply, or, if the United States coast guard or any other federal agency has regulations pertaining to these lakes, then such regulation would control if they are in conflict with the regulations promulgated by the Arizona

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Legislature regarding watercrafts and their use on waterways.

The answer to your question then is "Yes", if the above discussed jurisdictional facts are resolved.

We sincerely trust the foregoing opinion is helpful, and if this office can be of further assistance to you, please advise.

Very truly yours,

WADE CHURCH
The Attorney General

H. B. DANIELS
Assistant Attorney General

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