

**ADOPTED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R056-13

Effective December 23, 2013

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

AUTHORITY: §1, NRS 501.105, 501.181, 503.300 and 503.310.

A REGULATION relating to fishing; removing Andorno Creek, Coleman Creek and the North Fork of Battle Creek from the waters restricted to use only artificial lures with single barbless hooks; and providing other matters properly relating thereto.

Section 1. NAC 503.504 is hereby amended to read as follows:

503.504 1. The Western Region consists of all waters within Carson City and Churchill, Douglas, Humboldt, Lyon, Mineral, Storey, Pershing and Washoe Counties.

2. In the area of the Carson River Basin from Quilici Dam (12 miles below Dayton) above the Lahontan Reservoir downstream to and including Lahontan Reservoir, the Carson River below Lahontan Dam and all of the waters within Lahontan Valley, Churchill County:

(a) Only Lahontan redbreast (shiner), speckled dace, Tahoe sucker, mountain sucker, mosquitofish, carp, tui chub, Sacramento blackfish, fathead minnows and Piute sculpin may be used as live bait fish.

(b) Fish used as live bait may be taken only from the Carson or Truckee River Basin in Carson City or Churchill, Douglas, Lyon, Storey or Washoe County or purchased only from a dealer who is licensed in this State and authorized to sell live bait fish for use in the Carson River Basin.

3. In the area of the Carson River Basin from the boundary between California and Nevada to Quilici Dam:

(a) Only Lahontan redbreast (shiner), speckled dace, Tahoe sucker, mountain sucker and mosquitofish may be used as live bait fish.

(b) Fish used as live bait may be taken only from the Carson River above Quilici Dam or purchased only from a dealer who is licensed in this State and authorized to sell live bait fish for use in the Carson River Basin.

4. In the Humboldt River Basin, from Stahl Diversion Dam (near Golconda, Humboldt County) to and including Rye Patch Reservoir, the Pitt-Taylor and Chimney Reservoirs, the Humboldt River below Rye Patch Dam and all waters of the Humboldt River in Lovelock Valley, Pershing and Churchill Counties:

(a) Only Lahontan redbreast (shiner), tui chub, speckled dace, Tahoe sucker, mountain sucker, Sacramento blackfish, fathead minnows and carp may be used as live bait fish.

(b) Fish used as live bait may only be taken from the Humboldt River and its tributaries or be purchased from a dealer who is licensed in this State and authorized to sell live bait fish for use in the Humboldt River Basin.

5. In the waters of Lake Tahoe and its tributaries located in Carson City and Douglas and Washoe Counties:

(a) Only Lahontan redbreast (shiner), tui chub, Tahoe sucker, mountain sucker, Piute sculpin and speckled dace may be used as live bait fish.

(b) Fish used as live bait may be taken only from, and must be native to, Lake Tahoe and its tributaries.

6. In the waters of the Main Walker River from the bridge of the Southern Pacific Railroad near Wabuska downstream to and including Weber Reservoir on the Walker River Indian Reservation and the Lower Walker River down to and including Walker Lake:

(a) Only Lahontan redbside (shiner), tui chub, speckled dace, Tahoe sucker, mountain sucker, carp and mosquitofish may be used as live bait fish.

(b) Fish used as live bait may only be taken from the Walker River Basin in Lyon or Mineral County or be purchased from a dealer who is licensed in this State and authorized to sell live bait fish for use in the Walker River Basin.

7. The use of fish as bait, whether alive or dead, or parts thereof, is prohibited in the ponds and sloughs of the Mason Valley Wildlife Management Area and the Fort Churchill Cooling Ponds.

8. In the lower Truckee River Basin, which includes the Truckee River and its tributaries from below the I-80 bridge which is upstream from the Crystal Peak Park to, but excluding Pyramid Lake, and including Paradise Ponds, Virginia Lake, Washoe Lake and the Fernley Wildlife Management Area:

(a) Only Lahontan redbside (shiner), speckled dace, Tahoe sucker, mountain sucker, Piute sculpin, mosquitofish, tui chub, fathead minnows and carp may be used as live bait fish.

(b) Fish used as live bait may only be taken from the Truckee River or its tributaries or be purchased from a dealer who is licensed in this State and authorized to sell live bait fish for use in the Truckee River Basin.

9. In the upper Truckee River Basin, which includes the Truckee River and diversion ditches and tributaries above the I-80 bridge which is upstream from the Crystal Peak Park to the

California state line, only artificial lures with single barbless hooks may be used. Only one single barbless hook may be attached to each hook eye or ring of the lure.

10. The following provisions apply to all other waters in the Western Region:

(a) The capture, possession while fishing or the use of fish as bait, whether dead or alive, or parts thereof, other than preserved salmon eggs, is prohibited.

(b) Only artificial lures with single barbless hooks may be used in Catnip Reservoir, Hobart Reservoir, Knott Creek Reservoir, including inlet and outlet streams, Marlette Lake, including tributaries and outlet streams, ~~{Andorno Creek, Coleman Creek, the North Fork of Battle Creek}~~ and that portion of the East Walker River which is from one-quarter of a mile above the confluence of the East Walker River and Sweetwater Creek downstream to one-half of a mile below the confluence of the East Walker River and Red Wash Creek. Only one single barbless hook may be attached to each hook eye or ring of the lure.

(c) Only artificial lures may be used in Hinkson Slough on the Mason Valley Wildlife Management Area.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement**

**LCB File No. – R056-13
CGR Number - 433**

MEMORANDUM

To: Legislative Counsel Bureau **Date:** December 12, 2013
From: Tony Wasley, Secretary, Board of Wildlife Commissioners
Subject: Informational statement relating to Commission General Regulation No. 433
(LCB File No. R056-13) - as required by Chapter 233B.066.

1. A clear and concise explanation of the need for the adopted regulation.

This adopted regulation will remove Andorno, Coleman and North Fork Battle creeks in Humboldt County from the list of waters identified in NAC 503.504 (10)(b) where only artificial lures with single barbless hooks may be used for angling. These waters will now be placed under the general fishing regulation for Humboldt County (any legal fishing method). These streams are included in the Lahontan cutthroat trout (LCT) recovery program and LCT populations have been restored and are self-sustaining. These streams are remote and receive very little angling use and are restored to the point that the public can now harvest some of these fish. This will increase opportunities for angler harvest of LCT and recognize local public support for this and future restoration of Nevada native sport fish.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

A copy of the proposed regulation was noticed and provided to Nevada's 17 County Advisory Boards to Manage Wildlife (CABMW) as part of the Nevada Board of Wildlife Commissioners (NBWC) agenda and support material for their December 6 and 7, 2013 workshop and meeting. Those CABMW's that held public meetings prior to the December 6-7 NBWC workshop and meeting provided opportunity for public comment at their individual meetings. Public comment was solicited at the NBWC workshop on December 6 in Reno and at the NBWC meeting on December 7 prior to NBWC approval of the regulation.

No public comment was received on the proposed regulation at any CABMW meetings based on a review of submitted individual CABMW meeting minutes and reports. Public comment was received from one individual on the proposed regulation at the NBWC workshop on December 6. An individual from the Humboldt CABMW spoke in favor of

the proposed regulation. He indicated this regulation change was important in demonstrating to the public that LCT recovery does not result in long term loss of sport fishing opportunity, and would that it would encourage stream fishing. No public comment was given at the NBWC meeting on December 7. Public comments can be obtained by contacting the Nevada Department of Wildlife at 775-688-1549.

3. **The number of persons who:**
 - (a) **Attended each hearing: 25 Workshop 29 Hearing**
 - (b) **Testified at each hearing: 0 Workshop 1 Hearing**
 - (c) **Submitted written comments: 0**

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (See attached public comment cards) (See attached public comment cards)**
 - (a) Name;
 - (b) Telephone number;
 - (c) Business address;
 - (d) Business telephone number;
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented.

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

This regulation removes certain fishing tackle restrictions for the included waters but does not change any other applicable regulations such as season of use or license requirements. It does not affect the operations of or requirements to any business and no effect is anticipated on any business as a result of this change.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No public comment or testimony was received expressing concern or need to modify the regulation as proposed. The regulation as proposed is consistent with fisheries management strategies and LCT species recovery objectives and increases angler harvest opportunities.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

(a) Estimated economic effect on the businesses which they are to regulate.

This regulation does not regulate activities of any business. No adverse economic effect on any business is anticipated, as the effect of the regulation is to liberalize the use of fishing tackle types on three small streams in Humboldt County. Because of the low level of angler use on these streams, any economic effect to businesses as a result of additional

fishing tackle purchases would likely be undetectable but that economic effect would be positive to the extent that it occurred. Any economic effect would begin immediately upon approval of the regulation but would occur primarily in the spring through fall period annually when there is access to the streams for angling, continuing for the foreseeable future under the general fishing regulation which would be applied to these waters.

(b) Estimated economic effect on the public which they are to regulate.

This regulation removes restrictions placed on the public for fishing methods on the included waters. Although individual anglers could incur a negative economic effect by choosing to purchase additional fishing tackle, that would be a matter of individual choice and is not mandated by this regulation change as tackle types previously required could continue to be used. Thus any economic effect to the public from this regulation is neutral (neither negative nor positive). Because of the low angler use on these waters any economic effect is likely to be undetectable, but would begin immediately upon approval of the regulation and occur primarily in the spring through fall period annually when there is access to the streams for angling, continuing for the foreseeable future under the general fishing regulation which would be applied to these waters.

8. The estimated cost to the agency for enforcement of the proposed regulation:

No additional cost is anticipated to the agency for enforcement of the adopted regulation. The regulation removes existing tackle restrictions for anglers and should have no effect on law enforcement activities and associated costs.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not overlap or duplicate any other State or government agency regulations

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

No federal regulations apply to this activity

11. 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.

This regulation does not provide a new fee or increase an existing fee.

/s/
Tony Wasley, Secretary
Board of Wildlife Commissioners