

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

LCB File No. R094-16

Effective December 21, 2016

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; imposing certain bait and tackle restrictions on the Truckee River; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Wildlife Commissioners to prescribe by regulation the types of bait and methods by which it may or may not be used in any designated water in this State. (NRS 503.300) Existing regulations authorize the use of certain live baits in the Truckee River Basin, which includes the Truckee River and its diversion ditches and tributaries from the California state line to, but excluding Pyramid Lake. (NAC 503.504) This regulation prohibits the use of live bait in that portion of the Truckee River from 1000 feet below Derby Dam downstream to the Pyramid Lake Paiute Reservation boundary from February 1 through May 31 of each year. Under this regulation, only single barbless hooks may be used, with only one single barbless hook attached to any hook eye or ring of the lure during the specified period of the restriction.

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 redbside (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 redbside (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 redbside (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 redbreast (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. ~~It is~~ *Except as otherwise provided in subsection 9, in* the Truckee River Basin, which includes the Truckee River and its diversion ditches and tributaries from the California state line to, but excluding Pyramid Lake, and including Paradise Ponds, Virginia Lake, Washoe Lake and the Fernley Wildlife Management Area:

(a) Only Lahontan redbreast (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 waters of the Truckee River, from 1000 feet below Derby Dam downstream to the Pyramid Lake Paiute Reservation boundary, only artificial lures with single barbless hooks may be used from February 1 through May 31. 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, 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
NEVADA DEPARTMENT OF WILDLIFE**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

LCB FILE NO. R094-16

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 503.

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

This regulation is needed to reduce and minimize incidental mortality to adult Lahontan Cutthroat Trout (LCT) in the lower Truckee River during the annual spawning period, February 1 through May 31 each year. Under this regulation adult LCT will have an increased opportunity to successfully spawn and for their progeny to enhance the development of a permanent cutthroat trout population in the Truckee River, contributing to recovery efforts for the species.

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 workshop allowing public comment was held for this regulation at the Nevada Board of Wildlife Commissioners (Commission) meeting in Reno on August 12, 2016. A live videoconference of that meeting was provided in Elko and Las Vegas. No public comment was given at any of the workshop locations regarding this regulation. A summary can be found by viewing the minutes of the August 12, 2016 Commission meeting at:
http://www.ndow.org/Public_Meetings/Commission/Archive/

A hearing allowing public comment was held for this regulation at the Commission meeting in Las Vegas on September 24, 2016. A live videoconference of that meeting was provided in Elko and Reno. No public comment was given at any of the hearing locations. The regulation was adopted by the Commission on September 24, 2016 following a public comment period and Commission discussion. A summary can be found by viewing the minutes of the September 24, 2016 Commission meeting at:
http://www.ndow.org/Public_Meetings/Commission/Archive/.

3. The number of persons who:

(a) Attended each hearing: 34 attendees on August 12, 2016; 12 attendees on September 24, 2016.

(b) Testified at each hearing: Zero testified on August 12, 2016; Zero testified on September 24, 2016.

(c) Submitted written comments: No written comments were submitted.

4. **For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:**

None.

5. **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:**

Comment was not solicited from affected businesses. The agency concluded there would be no small business impact. The proposed regulation affects anglers fishing the Truckee River (Washoe County) from 1,000 feet downstream of Derby Dam to the Pyramid Lake Indian Reservation boundary. Anglers will be required to use only artificial lures having single barbless hooks during the Lahontan cutthroat trout spawning season, February 1 through May 31.

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:**

The Commission did not receive any comment or input from the public requesting a change in the language of the proposed regulation.

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

(a) Both adverse and beneficial effects; and

(b) Both immediate and long-term effects:

The proposed regulation does not regulate or affect the operations of any business. There will be no anticipated immediate or long-term adverse or beneficial economic effects on any business as there is no regulatory impact on business.

The proposed regulation would require the use of alternate, common methods of fishing tackle by the public within the specific river reach and for the specified seasonal period, but does not prevent or preclude the activity of fishing during that period. Thus there are no anticipated immediate or long-term adverse or beneficial economic effects on the public as a result of the proposed regulation.

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

The enforcement of the regulation falls within current operations of the department; therefore, there will be no additional costs to the agency above the current legislatively approved budget.

9. **A description of any regulations of other state or government agencies which 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:**

This regulation does not overlap or duplicate any local, state, or federal regulation.

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

This regulation is not more stringent than federal regulation.

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 change does not propose new or increased fees.