

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

**LCB File No. – R140-13
CGR Number - 442**

MEMORANDUM

To: Legislative Counsel Bureau **Date:** February 17, 2014
From: Tony Wasley, Secretary, Board of Wildlife Commissioners
Subject: Informational statement relating to Commission General Regulation No. 442
(LCB File No. R140-13) - as required by Chapter 233B.066.

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

This regulation modifies NAC 503.504 (9) to remove the current restriction on allowable fishing methods in the reach of the Truckee River in Washoe County from the I-80 Bridge in Verdi upstream to the California-Nevada state line. Currently only artificial lures with single barbless hooks may be used in that part of the Truckee River. This regulation will allow the use of any legal tackle and certain live bait species as already allowed in the Truckee River from the I-80 Bridge downstream to, but not including, Pyramid Lake. The regulation will provide a consistent fishing tackle regulation for the entire Truckee River in Nevada, including tributary streams and Urban Ponds in the Truckee Meadows area, reducing confusion for anglers and simplifying enforcement of fishing regulations. This is consistent with NDOW's approach to simplify fishing regulations where it is practical and does not have negative biological consequences to the affected fishery.

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 provided to all 17 County Advisory Boards to Manage Wildlife (CABMW) prior to their meetings held in January 2014, as support material for the Nevada Board of Wildlife Commissioners (NBWC) meeting held on January 31-February 1, 2014. Public comment was solicited at those meetings as part of the CABMW reviews of the NBWC agenda. Four CABMWs reported that comment and/or discussion occurred on this regulation. Carson City and Eureka CABMWs reported that they were opposed to the regulation but did not provide additional detail. Washoe and Churchill CABMWs reported they were in support of the regulation but did not provide additional detail. This regulation was presented at the NBWC Workshop in Las Vegas on January 31 and public comment was solicited. One comment was received from the Carson City CABMW member present but it was regarding changes in fish possession limits so did not relate directly to the regulation. The regulation was also presented at the

NBWC meeting in Las Vegas on February 1, 2014 and public comment was solicited. No public comments were received on the regulation at the February 1, 2014 meeting.

A video recording of all public comment from the January 31 NBWC workshop and February 1 NBWC meeting will be posted at:

http://www.ndow.org/Public_Meetings/Commission/Archive/

3. The number of persons who:

- (a) Attended each hearing: 19 Workshop 20 Hearing
- (b) Testified at each hearing: 1 Workshop 0 Hearing
- (c) Submitted written comments: 0 Public Comment 1

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:

- (a) Name; Gilbert A. Yanuck
- (b) Telephone number; (775) 841-3675
- (c) Business address;
- (d) Business telephone number;
- (e) Electronic mail address; gilcalif@att.net
- (f) Name of entity or organization represented. Carson City CABMW

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.

Department staff assessed the potential impact of the proposed regulation on small business using a direct survey of affected businesses. Staff identified Master Guides and Subguides that charter fishing trips along what is considered the “Trophy Fish Section” of the Truckee River as the targeted business that could be directly affected by the proposed regulation. A survey questionnaire was created in Survey Monkey to assess the amount of business fishing guides receive in the upper Truckee River, if the proposed regulation would influence their business, and if their business would be affected financially. An introductory email was sent out on October 14, 2013 describing the proposed regulation and providing a link to the survey through Survey Monkey to 93 registered Master Guides. Only Master Guides and Subguides that charter fishing trips on the upper Truckee River were asked to complete the survey. The Survey ran for two weeks from October 14, 2013 to October 28, 2013.

Two fishing guides completed the survey; both respondents charter very few fishing trips on the upper Truckee River and indicated there would be no impact to their business. Based on the data received from the questionnaire suggesting limited guided fishing trips with little economic impact, the Department has determined that the proposed regulation is expected to have no significant adverse or beneficial financial impact on registered Master Guides.

A summary of the Small Business Impacts Assessment may be obtained from:

Patrick Sollberger, Fisheries Staff Specialist
psollberger@ndow.org
(775) 688-1535

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 by the NBWC recommending modification of the regulation as proposed. The regulation as proposed is consistent with fishing tackle regulations for the remainder of the Truckee River in Washoe and Storey counties.

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 directly regulate any business. Based on the analysis conducted as described in Section 5 above, this regulation is anticipated to have a neutral economic effect on small businesses.

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

This regulation modifies the current fishing tackle regulation for a short reach of the Truckee River to be consistent with other areas of the Truckee River in Washoe and Storey counties. Anglers will be able to continue to use the same fishing tackle they used on this river reach, as well as other types of legal fishing tackle that would be used on other areas of the Truckee River. For that reason no economic effect is anticipated on anglers as a result of this regulation.

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

No additional cost to NDOW is anticipated for enforcement of the proposed regulation. The affected reach of the Truckee River in Washoe County is currently patrolled periodically by Law Enforcement personnel and no change in that level of enforcement is expected.

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 proposed regulation does not duplicate or overlap regulations from any other State, local or Federal agencies.

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

There is no Federal regulation which regulates the same 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.**

There is no new fee or change in an existing fee associated with this regulation. Fishing license and permit requirements will remain the same as they were prior to this regulation.

/s/

Tony Wasley, Secretary
Board of Wildlife Commissioners