STATE OF NEVADA

DEPARTMENT OF WILDLIFE
Fisheries Division
6980 Sierra Center Parkway, Ste 120 • Reno, Nevada 89511
(775) 688-1500 Fax (775) 688-1987

MEMORANDUM

August 12, 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 469, Truckee River Tackle Restriction, LCB File No. R094-16 – Workshop/Public Comment Allowed**

Description: The Commission will consider amending Nevada Administrative Code (NAC) 503.504 to require the use of certain types of fishing tackle in portions of the Truckee River.

Presenter: Fisheries Division Administrator Jon Sjöberg and Supervising Fisheries Biologist Kim Tisdale

Agenda No: 12 D

Summary:

The Department is proposing an amendment to NAC 503.504 to require the use of certain types of fishing tackle in portions of the Truckee River. Only artificial lures with single barbless hooks may be used on the Truckee River from 1,000 feet downstream of Derby Dam to the Pyramid Lake Paiute Reservation boundary from February 1 through May 31 each year, to reduce incidental mortality of spawning adult Lahontan cutthroat trout.

The Lahontan cutthroat trout (LCT) is native to many areas of Nevada including Pyramid Lake and the Truckee River. It is listed as a Threatened species under the Federal Endangered Species Act. As water conditions in Pyramid Lake and the Truckee River have improved, increasing numbers of large LCT migrate from the lake to the river during the spawning season. After spawning, these fish typically return to Pyramid Lake. LCT cannot move up the Truckee River past Derby Dam, located about 8.5 miles upstream from the Pyramid Lake Paiute Tribe (PLPT) reservation boundary, because the fish ladder is not operational. As increasing numbers of large LCT are anticipated to collect below Derby Dam during the annual spring spawning season,

these fish may become vulnerable to serious injury and death from angling under the current regulation allowing any tackle type during the time the fish would be under a no-harvest, catch and release only restriction, with negative impacts to recovery efforts for LCT by the US Fish and Wildlife Service and the PLPT which are dependent on post-spawn LCT returning to Pyramid Lake. Under the proposed change to NAC 503.504 these trout will have an increased opportunity to 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. Working to restore Lahontan cutthroat trout in the Truckee River watershed has been a cooperative effort for over 20 years between the Nevada Department of Wildlife, U.S. Fish and Wildlife Service, and Pyramid Lake Paiute Tribe.

It is common and legal under the current regulation for anglers to use bait and single or treble hooks with barbs to catch fish. Barbed hooks, especially treble hooks, and the use of bait has been found to cause injury that usually results in death of the fish when caught because hooks lodge deep in the throat/gills and there is aggressive handling associated with hook removal. Single barbless hooks allow anglers to easily remove hooks with less or no damage and with minimal handling. Death of a fish after being caught is much rarer. The proposed regulation will apply only during the time when fish cannot be harvested and must be released back to the water after being caught.

The proposed artificial lure with single barbless hook tackle restriction will protect LCT by greatly reducing injury or death during the period when fish that are caught must be released back to the water. The Department intends to propose to the Commission an amendment to CR 16-02 identifying a zero harvest limit for trout species in the identified reach of the Truckee River from February 1 through May 31 each year, for the September 2016 NBWC meeting. Anglers will benefit from this proposed change to NAC 503.504 as the change will preclude the need for a complete seasonal closure of fishing in the Lower Truckee River to protect spawning LCT, allowing catch-and-release angling for LCT and other trout and continued harvest of other sport fish species.

Recommendation:

This information and regulation language is presented as a hearing/workshop item. August 12, 2016 will be the first Commission workshop on this proposed amendment to NAC 503.504. The Department recommends Commission adoption following all workshops and consideration of public and Commission input.

PROPOSED REGULATION OF THE

BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R094-16

July 18, 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 include 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 each 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 redside (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 redside (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 redside (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 redside (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 redside (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]~~ ***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 redside (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.