

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R082-23

November 16, 2023

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

AUTHORITY: §§ 1 and 2, NRS 488.045, 488.059, 501.181 and 501.243; § 3, NRS 501.105, 501.110 and 501.181; §§ 4 and 5, NRS 501.105, 501.181, 503.300 and 503.310.

A REGULATION relating to wildlife; revising provisions relating to the operation of vessels on certain waters in this State; classifying the Dixie Valley toad as endangered; revising the type of fishing lures that may be used in certain waters in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies to promote the safety of persons using vessels on the waters of this State. (NRS 501.181) Existing regulations establish the maximum speed at which a vessel may be operated on certain waters in this State. (NAC 488.455) Existing regulations also require that only a vessel without a motor or powered by an electric motor is allowed to be operated on certain waters in this State. (NAC 488.470) **Section 1** of this regulation removes the maximum speed at which a vessel may be operated on the waters of the Knott Creek Reservoir in Humboldt County and, instead, **section 2** of this regulation provides that only a vessel without a motor or powered by an electric motor is allowed to be operated on the waters of the Knott Creek Reservoir. **Section 2** also establishes that only a vessel without a motor or powered by an electric motor is allowed to be operated on the waters of the Tonkin Springs Reservoir in Eureka County.

Existing law requires the Commission to adopt regulations to classify wildlife and authorizes the Commission to change the classification of a species of wildlife when doing so is in the public interest. Existing law requires the Commission to classify amphibians as game amphibians, protected amphibians or unprotected amphibians. Existing law authorizes the Commission to further classify protected amphibians as sensitive, threatened or endangered. (NRS 501.110) Effective December 2, 2022, the United States Fish and Wildlife Service of the Department of Interior listed the Dixie Valley toad as an endangered species under the federal Endangered Species Act of 1973, as amended, which had the effect of continuing the designation of the Dixie Valley toad as endangered under a temporary emergency rule issued by the United States Fish and Wildlife Service on April 7, 2022. (87 Fed. Reg. 73971 (Dec. 2, 2022)) Existing regulations classify the Dixie Valley toad as protected under state law, and **section 3** of this regulation further classifies the Dixie Valley toad as endangered under state law. (NAC 503.075)

Existing law authorizes the Commission to establish by regulation the types of bait and methods by which bait may be used in any designated water. (NRS 503.300) **Section 4** of this regulation revises the types of fishing lures authorized to be used in the Hobart Reservoir. **Section 5** of this regulation revises the types of fishing lures authorized to be used in the Smith Creek Reservoir and on the Snake Range High Lakes.

Section 1. NAC 488.455 is hereby amended to read as follows:

488.455 1. On the following waters, a vessel must be operated at a speed that leaves a flat wake, but in no case may a vessel be operated at a speed in excess of 5 nautical miles per hour:

<u>Waters</u>	<u>County</u>
(a) Bassett Lake.....	White Pine
(b) Cave Lake.....	White Pine
(c) Knott Creek Reservoir.....	Humboldt
(d) Jakes Creek Reservoir.....	Elko
(e) (d) Onion Valley Reservoir.....	Humboldt
(f) (e) Wayne E. Kirch Wildlife Management Area.....	Nye
(g) (f) The lagoon south of Laughlin within sec. 33, T. 32 S., R. 66 E., M.D.E & M., as marked with signs or buoys, or both.....	Clark
(h) (g) Likes Lake.....	Churchill
(i) (h) The Pitt Taylor Arm of Rye Patch Reservoir.....	Pershing
(j) (i) Illipah Reservoir.....	White Pine
(k) (j) Mason Valley Wildlife Management Area.....	Lyon
(l) (k) Upper Wall Canyon Reservoir.....	Washoe
(m) (l) Echo Canyon Reservoir.....	Lincoln

- ~~(m)~~ (m) Silver Creek Reservoir White Pine
- ~~(n)~~ (n) Key Pittman Wildlife Management Area..... Lincoln
- ~~(o)~~ (o) Colorado River, the backwater south of Big Bend of the Colorado State Recreation Area within sec. 5, T. 33 S., R. 66 E., M.D.B. & M., as marked with signs or buoys, or both Clark
- ~~(p)~~ (p) Jiggs Reservoir Elko

2. All boat harbors and other areas designated by buoys on any of the following waters are zones in which a vessel must be operated at a speed that leaves a flat wake, but in no case may a vessel be operated at a speed in excess of 5 nautical miles per hour:

<u>Waters</u>	<u>County</u>
(a) Lake Mead National Recreation Area.....	Clark
(b) South Fork Reservoir.....	Elko
(c) Wildhorse Reservoir	Elko
(d) Lake Tahoe, Zephyr Cove	Douglas
Cave Rock.....	Douglas
Glenbrook Bay.....	Douglas
Round Hill Pines Beach.....	Douglas
Sand Harbor	Washoe
Incline Village General Improvement District Boat Ramp	Washoe
Crystal Shores West.....	Washoe
(e) Washoe Lake State Park	Washoe

County Boat Ramp	Washoe
(f) Walker Lake State Recreation Area	Mineral
Sportsmen's Beach	Mineral
(g) Lahontan Reservoir, Churchill Beach	Churchill
North Shore Marina	Churchill
Silver Springs Beach.....	Lyon
(h) Rye Patch Reservoir, Rye Patch Dam Access	Pershing
(i) Topaz Lake, Boat Ramps	Douglas
(j) Colorado River, adjacent to Harrah's Casino in Laughlin	Clark
(k) Big Bend of the Colorado State Recreation Area, the lagoon used for launching boats	Clark

Sec. 2. NAC 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 3, only vessels without motors are permitted on the following waters:

<u>Waters</u>	<u>County</u>
(a) Angel Lake	Elko
(b) Blue Lake	Humboldt
(c) Marlette Lake.....	Washoe

(d) Truckee River from the California-Nevada state line to the point where the river enters the Pyramid Lake Indian Reservation..... Storey and Washoe

2. Except as otherwise provided in subsection 3, only vessels without motors and vessels which are powered by electric motors are permitted on the following waters:

<u>Waters</u>	<u>County</u>
(a) Groves Lake.....	Lander
(b) Sparks Marina Park	Washoe
(c) The lagoon south of Laughlin within section 33, T. 32 S., R. 66 E., M.D.B. & M., as marked with signs or buoys, or both.....	Clark
(d) Spooner Lake.....	Douglas
<i>(e) Knott Creek Reservoir.....</i>	<i>Humboldt</i>
<i>(f) Tonkin Springs Reservoir</i>	<i>Eureka</i>

3. The provisions of this section do not apply to a vessel that is:

(a) Owned, operated and used for official purposes by a federal, state or local governmental entity which has jurisdiction over the body of water on which the vessel is operated; or

(b) Operating pursuant to a permit for a marine event that is requested by a federal, state or local governmental entity which has jurisdiction over the body of water on which the vessel is operated and issued pursuant to NRS 488.305 and NAC 488.490 to 488.510, inclusive.

Sec. 3. NAC 503.075 is hereby amended to read as follows:

503.075 1. Amphibians are classified as game, protected, threatened, sensitive, endangered or unprotected amphibians.

2. The following amphibians are classified as protected:

	Common Name	Scientific Name
(a) Frog	Northern leopard	Lithobates pipiens
	Relict leopard	Lithobates onca
	Columbia Spotted.....	Rana luteiventris
(b) Toad	Amargosa	Bufo nelsoni
	Dixie Valley	Anaxyrus williamsi
	Hot Creek	Anaxyrus monfontanus
	Railroad Valley	Anaxyrus nevadensis

3. *The following species of protected amphibians are further classified as endangered:*

	<u><i>Common Name</i></u>	<u><i>Scientific Name</i></u>
<i>Toad</i>	<i>Dixie Valley</i>	<i>Anaxyrus williamsi</i>

4. Unprotected amphibians are all species of amphibians which are not classified as game, protected, threatened, sensitive or endangered amphibians.

Sec. 4. 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 Western Region:

(a) Live bait fish may be used only in the river basin from which it is taken and only in the following waters:

(1) The Carson River Basin.

(2) The Humboldt River downstream from Stall Diversion Dam located near Golconda in Humboldt County, including Rye Patch Reservoir, Pitt-Taylor Reservoir, all waters in the Lovelock Valley, Chimney Reservoir and the Little Humboldt River downstream from Chimney Reservoir.

(3) The portion of the Lake Tahoe Basin located in Carson City and Douglas and Washoe Counties.

(4) Except as otherwise provided in subsection 3, the Truckee River Basin.

(5) The Walker River from the railroad bridge near Wabuska downstream to and including Walker Lake, except waters on the Walker River Paiute Reservation.

(b) Other forms of aquatic and animal life, including, but not limited to, grasshoppers, earthworms, crayfish, any unprotected species of freshwater bait fish or parts thereof which are prepared and preserved commercially, and preserved salmon eggs may be used as bait.

3. 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 is prohibited.

(b) Only artificial lures with single barbless hooks may be used in:

(1) Catnip Reservoir;

(2) ~~Hobart Reservoir;~~

—~~(3)~~ Knott Creek Reservoir including inlet and outlet streams;

~~(4)~~ (3) Marlette Lake, including tributaries and outlet streams;

~~(5)~~ (4) The 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; and

~~(6)~~ (5) The portion of the Truckee River from the bridge on east Mustang Road downstream to the boundary of the Pyramid Lake Paiute Reservation.

(c) Only artificial lures may be used in :

(1) Hinkson Slough on the Mason Valley Wildlife Management Area ~~H~~; and

(2) *Hobart Reservoir.*

Sec. 5. NAC 503.506 is hereby amended to read as follows:

503.506 1. The Eastern Region consists of all waters in Elko, Eureka, Lander and White Pine Counties.

2. Within this region:

(a) The possession while fishing or use of fish as bait, whether dead or alive, or parts thereof, or any unprotected species of freshwater bait fish or parts thereof which are prepared and preserved commercially except preserved salmon eggs, is prohibited.

(b) Aquatic bait may be used only in the water from which it is taken.

3. Only artificial lures may be used in the Tonkin Springs Reservoir and the collection ditch of the Ruby Lake National Wildlife Refuge.

4. Only artificial lures with single barbless hooks may be used ~~in the Smith Creek Reservoir~~ *on the Snake Range High Lakes* and on the south fork of the Humboldt River from

the access causeway for the Lucky Nugget subdivision upstream to Lee. Only one single barbless hook may be attached to each hook eye or ring of the lure.