

# Wyoming Game and Fish Department

## Summary of Proposed Fishing Regulation (Chapter 46) Changes for 2022

Throughout this document the text that is underlined/blue is proposed to be added and text that is ~~struck through/red~~ is proposed for removal. Some relatively straight forward changes, changes proposed to clarify, but not change existing regulations, and minor grammatical corrections are not described below. All proposed changes can be found in the “Draft Regulation” of Chapter 46 and explanations for those changes (including those summarized below) are provided in the accompanying “Statement of Reasons”.

### Statewide Regulations

#### Section 2. Definitions.

(f) “Fishing contest” means:

(i) Any event for the catching fish on waters of this state, excluding licensed fishing preserves or hatchery catch out ponds, where cash or prizes are awarded or an entry or participation fee is charged; and,

(ii) Fifty (50) or more adult (18 years of age or older) anglers or twenty-five (25) or more boats participate on a given date.

[**Rationale:** Revised definition of “Fishing Contest” to address multiple loopholes for avoiding application as a fishing contest. These include relatively large contests that don’t charge an entry fee but award cash and or prizes. The addition of “25 or more boats” would provide the Department authority to regulate contest pressure on waters with limited parking or boat ramp access.]

(n) “Gaff” means a spear or hook, with or without a handle, used for holding or lifting of fish.

[**Rationale:** Added definition of “Gaff”. The term is used in Section 28(g), Flaming Gorge Reservoir, but is not defined. Propose using the Utah Department of Wildlife Resources definition for consistency in the Utah and Wyoming portions of Flaming Gorge Reservoir.]

#### Section 4. Methods.

(c) Amphibians and reptiles shall not be used as fishing bait. The possession of live or dead amphibians and reptiles while fishing is prohibited.

[**Rationale:** Added regulation to prohibit the use or possession of live or dead amphibians or reptiles while fishing. The change is intended to slow the spread of amphibian diseases. Chytrid fungus, Batrachochytrium salamandrivorans and B. dendrobatidis are

responsible for global declines in salamander populations and many extinctions. Prohibiting the possession of these animals while fishing will facilitate enforcement of the prohibition on use as fishing bait. Very few anglers are likely to be impacted by the changes.]

**(d) Crayfish shall only be used as live fishing bait in the water body from which they were captured. Once transported away from the water of capture, crayfish shall not be used as live fishing bait.**

**[Rationale:** The current version of Commission Regulation Chapter 52, Nongame Wildlife Regulation, states that “All mollusks and crustaceans...shall only be used as live fishing bait in the water body from which they were captured in accordance with Commission Regulation Chapter 46, Fishing Regulations.” However, this regulation does not currently exist in Chapter 46 and should be added. The second sentence of (d) is added to slow the spread of rusty crayfish between Wyoming waters. Rusty crayfish (an aquatic invasive species) are now abundant in portions of the Laramie River drainage. Very few anglers are likely to be impacted by the changes.]

**Section 5. Creel limits.**

<b>Category</b>	<b>Creel and Possession Limits</b>
<p>(i) Trout (in combination includes brown, cutthroat, grayling, golden, rainbow, salmon, <del>splake</del>, tiger trout, and other trout hybrids). Excludes brook trout, <del>and</del> lake trout <u>and splake</u>.</p>	<p>Lakes: six (6)</p> <p>Streams: three (3) No more than one (1) trout shall exceed sixteen (16) inches.</p> <p>Streams and lakes combined: six (6)</p>
<p>(iii) Lake trout <u>and splake in combination</u></p>	<p>six (6) No more than one (1) lake trout <u>or splake</u> shall exceed twenty-four (24) inches.</p>

**[Rationale:** Splake is a hybrid between brook trout and lake trout that is difficult to tell from a pure lake trout. Both splake and lake trout occur in approximately 12 Wyoming waters. Differing bag limits for splake and lake trout are problematic due to challenges associated with identification. This proposed regulation change that combines them into a single creel limit will be simpler for anglers and allow for more efficient and effective enforcement of creel limits.]

**Section 18. Area 1 Live Baitfish.** The use or possession of live baitfish in Area 1 is prohibited ~~except that licensed live baitfish dealers may possess live baitfish native to the drainage until the time of sale.~~ Holders of valid seining licenses may only seine, net, trap or spear baitfish native to the drainage for use as dead bait, excluding the waters within Grand Teton National Park and the John D. Rockefeller Jr. Memorial Parkway. Any baitfish captured, ~~except those to be held by licensed live baitfish dealers,~~ shall be killed immediately. Baitfish permissible for use as dead bait in the Snake River drainage are redbreast shiner, speckled dace, longnose dace, Paiute sculpin, mottled sculpin, Utah chub, Utah sucker and commercially preserved dead baitfish

[**Rationale:** The use of live baitfish has always been prohibited in Area 1; however, some live baitfish dealers have preferred to keep baitfish alive until the time of sale. The practice, which poses challenges for law enforcement, has never been permitted in other areas where the use of live baitfish is prohibited (Area 4 in SW Wyoming) and is becoming much less common in Area 1. The proposed changes will standardize regulations pertaining to live baitfish dealers west of the continental divide.]

## **Section 22. Area 2 Exceptions to General Provisions.**

(c) Bighorn Lake downstream from the causeway (U.S. Highway 14A) in Big Horn County.

(i) The creel and possession limits are as follows:

**(E) Crappie - fifteen (15) fish per day, thirty (30) in possession;**

[**Rationale:** Added limits for crappie. Bighorn Lake straddles the Montana-Wyoming border with most of the reservoir lying in Montana. Montana Fish, Wildlife and Parks recently established a bag and possession limits for crappie. The proposed addition of crappie limits will continue the tradition of having one, consistent set of creel limits for Bighorn Lake.]

~~(z) Upper Brooks Lake in Fremont County.~~

~~(i) The creel limit on game fish shall be six (6) per day or in possession.~~

~~(ii) No more than two (2) game fish shall exceed twelve (12) inches.~~

[**Rationale:** Deleted the regulation exception for Upper Brooks Lake. The exception was intended to limit the harvest of brook trout so they would attain a larger average size. However, no change to fish abundance or size structure has been detected since the regulation was implemented in 2012. The regulation exception should be eliminated and the fishery managed under the standard statewide lake regulation.]

**Section 25. Area 3 Exceptions to General Provisions.**

(g) North Tongue River drainage upstream ~~from the Mouth of Bull Creek~~ of U.S. Forest Service Road 15 (Burgess Road) in Sheridan County.

[**Rationale:** Extend the catch and release/artificial flies and lures only portion of the North Tongue River by moving the downstream boundary to the Burgess Road. Angling pressure on the river segment between the mouth of Bull Creek and the Burgess Road has increased 40% since 1999 and angler catch rates have declined significantly. Eighty percent of anglers surveyed in 2018 were in favor of this proposed extension of the special regulation section.]

**Section 28. Area 4 Exceptions to General Provisions.**

(g) Flaming Gorge Reservoir in Sweetwater County.

(i) The creel limit on trout (excluding lake trout) shall be four (4) per day or in possession.

~~(A) No more than three (3) shall be kokanee salmon.~~

[**Rationale:** Regulation simplification that will allow anglers to harvest one additional kokanee salmon. The kokanee population is thriving in the reservoir and the harvest of an additional salmon is unlikely to impact the fishery. The Utah Division of Wildlife Resources is making the same change so the creel limit will be consistent in the Utah and Wyoming portions of the reservoir.]

(v) ~~All smallmouth bass shall be returned to the water immediately~~ The creel limit on smallmouth bass shall be three (3) per day or in possession.

(i) The use of spear guns to take smallmouth bass is prohibited from April 1 through the fourth Saturday of June.

[**Rationale:** The bass creel limit has been 10 fish in the Utah portions of the reservoir with no harvest allowed in Wyoming portions of the reservoir. The proposed change to a three bass limit was made in coordination with the Utah Division of Wildlife Resources to provide a consistent bass creel limit on both sides of the state line beginning in 2022. A spring spear gun prohibition is proposed for consistency with the Utah portions of Flaming Gorge Reservoir.]

(n) High Savery Reservoir in Carbon County.

(i) The creel limit on trout shall be six (6) per day or in possession. No more than one (1) trout shall exceed twenty (20) inches.

[**Rationale:** The proposed change will limit anglers to harvest of one trout larger than 20 inches. The change is intended to allow more tiger trout in the reservoir to reach trophy size. It is hoped that these large, predatory trout will prey upon the overabundant population of non-native suckers in High Savery Reservoir.]

~~(q) LaBarge Creek, five hundred (500) feet downstream of the fish migration barrier located between Big Fall Creek and Turkey Creek on the Bridger Teton National Forest in Lincoln County.~~

~~(i) Closed to fishing throughout the calendar year.~~

[**Rationale:** Remove the angling closure on a 500 ft section of LaBarge Creek. This is a popular reach of stream that anglers wish to access. It was closed following native cutthroat trout restoration to prevent the illegal transplant of nonnative trout from below the barrier to the stream above. An informational sign will be used in lieu of regulation.]

(t) Meadow Lake in Sublette County.

(i) The portion east of the Department markers shall be closed to fishing from May 1 through June 30.

(ii) The entire lake is closed to fishing from ~~November 21~~December 1 through April 30.

[**Rationale:** Change to Meadow Lake closure dates. Most anglers accessing this lake in winter would travel through a department Wildlife Habitat Management Area (WHMA) that is closed to human presence in winter via Commission Regulation Chapter 23, Regulation governing uses of lands and waters acquired or administered by the Wyoming Game and Fish Commission. The closure to human presence was recently changed from November 21 to December 1. Edit is intended to align with the WHMA closure and ensure that anglers do not disturb wildlife on critical winter range.]

(ae) Soda Lake north of Pinedale in Sublette County.

~~(i) Closed to fishing from November 15 through April 30.~~

(ii) The creel limit on trout (including brook trout) shall be one (1) per day or in possession.

[**Rationale:** Eliminate Soda Lake closure. The department determined that the fishing closure is not needed since the lake is wholly contained within the Soda Lake Wildlife Habitat Management Area which is closed to all human presence from December 1 through April 30 via Commission Regulation Chapter 23, Regulation Governing Uses of Lands and Waters Acquired or Administered by the Wyoming Game and Fish Commission.]

~~(ah) State Hospital Pond in Uinta County.~~

~~(i) State Hospital Pond is open only to patients of the Wyoming State Hospital.~~

[**Rationale:** Eliminate a regulation exception for State Hospital Pond. The pond no longer supports fish.]

**Section 34. Emergency Closure.** Specified waters may be closed to ~~all~~ fishing because of an emergency ~~upon forty-eight (48) hours notice~~.

[Rationale: Delete the word “all” to allow the department flexibility to choose not to necessarily close a water to “all fishing”. In the case of elevated water temperatures, the department may wish to temporarily prohibit catch and release angling (if released fish would be unlikely to survive), while continuing to allow angling if fish are to be harvested. Propose eliminating reference to “48 hour notice to allow immediate closure if needed (i.e. chemical spill). State statutes state that what constitutes proper notice of water closure is determined at the discretion of the agency; Stat. Ann. §23-1-303(c).]