

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 46

FISHING REGULATIONS

W.S. §23-1-302(a) empowers the Commission to fix season and bag limits, open, shorten or close seasons on any species or sex of wildlife (defined in §23-1-101) and to establish rules and regulations necessary for control of the game species.

Fishing regulations are usually set for a two-year period unless it is necessary to reflect legislative changes in regulation. This regulation will become effective January 1, 2022, following action by the Commission in July 2021. The current Chapter 46 regulation will remain in effect through the 2021 angling season. Following action by the Commission in July, the Department will have five (5) months to print and distribute the 2022 Fishing Regulations.

References to counties were revised. Counties are referenced only in the header line for each regulation exception and for water names that apply to multiple Wyoming waters in different counties.

Section 1. Authority;

Added reference to statutory authority for implementing an emergency fishing closure.

Section 2. Definitions;

(l): 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): 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): 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): The current version of 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.

(g)(iii)(C): Gender neutral.

(g)(iv)(B): Edit “Big Horn” and “Bighorn” appropriately throughout Chapter 46. “Bighorn” is appropriate when referring to the lake in northwest Wyoming. “Big Horn” is appropriate when referring to the Wyoming county.

Section 5. Creel limits;

(a)(i): 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 17. Area 1 Exceptions to General Provisions;

(i): Added “Wyoming” to the Highway 238 reference for clarification and consistency with other department regulations. Similar changes (the addition of “Wyoming” or “U.S.”) are also made elsewhere in regulation to clarify references to roads.

Section 18. Area 1 Live Baitfish;

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 Area 4 (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 20. Grand Teton National Park and John D. Rockefeller Jr. Memorial Parkway Exceptions to General Provisions;

(j): Changed “spearguns” to “spear guns” to correct spelling and for consistency with the rest of Chapter 46.

Section 22. Area 2 Exceptions to General Provisions;

(c)(i): Reorganized the order in which fishes are listed to be similar to Section 5 (Creel limits). 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): 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): 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.

(i): Rewording of regulation for consistency with other regulations in this chapter – and clarification of the applicable stream segment. No substantive change.

Section 28. Area 4 Exceptions to General Provisions;

(c): Change to closure date. Most anglers accessing Burnt 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.

(g): 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.

(g)(v): Regulation simplification. 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.

(g)(v)(i): Regulation simplification. A spring spear gun prohibition is proposed for consistency with the Utah portions of Flaming Gorge Reservoir.

(n): 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): 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)(ii): 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): 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 Chapter 23.

(ah): Eliminate a regulation exception for State Hospital Pond. The pond no longer supports fish.

Section 32. Area 5 Exceptions to General Provisions;
(f)(i): Correct a typo by deleting “15”.

Section 34. Emergency Closure;

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 (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). W.S. §23-1-303(c) identifies what constitutes proper notice of water closure is determined at the discretion of the agency.