

## **STATEMENT OF REASONS**

### **WYOMING GAME AND FISH COMMISSION**

#### **CHAPTER 50**

#### **FISHING PRESERVES**

W.S. §23-4-102(a)(xiv) includes fishing preserves in the definition of a “Commercial Operation or Business” and W.S. §23-1-302(a) empowers the Commission to require record keeping and reports from commercial operations. W.S. §23-4-101 empowers the Commission to regulate fish stocking in the waters of Wyoming. W.S. §23-3-401 and W.S. §23-5-201 through §23-5-204 describe Commission authority to license and regulate fishing preserves.

Recent changes to Commission regulations Chapter 49, Private Stocking of Cold Blooded Wildlife and Chapter 69, Importation and Possession of Live Cold Blooded Wildlife necessitated minor changes in this chapter.

Section 1. Added references to relevant statues that describe Commission authority related to fishing preserves.

Section 2. Referred to important statutory definition of fishing preserve waters. Provided definition of normal stream flow to clarify usage of that term in the statutory definition of fishing preserve waters.

Section 3. Referred to important statutory information on licensing.

Section 4. Revised Section title to more clearly describe the content. Revised reference to address procedure for stocking fish. This was necessitated by concurrent changes to Chapter 10, Importation and Possession of Live Warm Blooded Wildlife and Chapter 49, Private Stocking of Cold Blooded Wildlife and creation of Chapter 69, Importation and Possession of Live Cold Blooded Wildlife.

Section 6. Revised Section title to reflect all items in the section. Referred to important statutory section on licensing requirements at a fishing preserve.

- Section 6 (a) Included language to clarify that all fishing regulations in Chapter 46, Fishing Regulations apply except that the licensee can set their own creel limits.
- Section 6 (b) Added language about the written statement that must accompany fish taken from a fishing preserve water. Used the same language as recently used for catchout ponds in Chapter 51, Private Fishing Hatcheries and Chapter 53, Landowner Fishing Lakes or Ponds. These are the 3 regulations (Chapters 50, 51 and 53) that allow take of fish without a fishing license and require a written statement to accompany fish transported from the fishing location.

Section 8. Added the process for appealing a Department decision. The process is the same as the existing process described in Chapters 20 and 33 of Department regulations – and the new

Chapter 69. Rather than creating redundancy by repeating identical, new language in Chapters 49, 50, 53, and 51, the language in Chapters 49, 50 and 53 references the detailed process described in Chapter 51, Private Fish Hatcheries. The process is intended to provide a standard procedure for applicants to address grievances with Department decisions; prior to having such issues addressed via a contested case hearing in accordance with Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases Before the Wyoming Game and Fish Commission.