

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, 2024, following action by the Commission in July 2023. The current Chapter 46 regulation will remain in effect through the 2023 calendar year. Following action by the Commission in July, the Department will have five (5) months to print and distribute the 2024 Fishing Regulations.

Section 2. Definitions;

(a) and (d): Revised definitions of “Artificial Flies and Lures” and “Bait” to avoid using the term “organic” which has come to have a very different meaning than when this definition was originally crafted. Also corrected “food stuffs” to a single word in (a) and clarified that scented and artificial lures are considered “bait” by definition.

(v): Added a definition of “Seining License”; a term that is used throughout the regulation.

Section 6. Seining and Trapping of Fish;

(e): This language was added to Section 9(c) of Commission Regulation Chapter 52, Take of Nongame Wildlife from Within Wyoming, in 2023 and was intended to help prevent the spread of these nonnative fishes between Wyoming waters. Referencing that regulation in Chapter 46 will ensure that it is more likely to be noticed by those seining and trapping live baitfish.

(l): The existing regulation would allow an employer who is a licensed live baitfish dealer to have multiple employees with seining licenses, but without live bait dealer licenses, to collect live baitfish for the employer. They could deliver the minnows to the employer as long as they were not selling them. The proposed edits, along with edits to Section 7(j) would prohibit this practice unless the employees were also licensed to deal in live baitfish.

(o)(ii): Similar appeals process language was added to multiple other Commission regulations in 2023 (e.g., Chapter 53, Landowner Fishing Lakes and Ponds; Chapter 50, Fishing Preserves; Chapter 51, Private Fish Hatcheries). Propose adding similar language to Chapter 46 to provide an appeals process to those with a seining license that is subject to revocation.

Section 7. Live Baitfish Dealers;

(a): Edited similar to Section 6(l) to require that persons selling or otherwise exchanging live baitfish must be licensed to deal in live baitfish.

(d): Changes are suggested to clarify that mobile sales of live baitfish (e.g., live baitfish vending trucks or trailers) are prohibited. However, a live baitfish dealer could license a second business establishment for another sale location if that location has a physical address associated with it.

(g): Delete redundancy with “valid”.

(j): Proposed edits to accompany those in Section 6(l) above in order to prohibit live bait dealers from receiving live baitfish from seining license holders that are not licensed as live baitfish dealers.

(k): Delete obsolete language. Department receipt forms no longer include “species”.

(i): New language to clarify that a baitfish dealer fishing with their own live baitfish must have either a self-issued receipt or a seining license in their possession.

(p)(ii): Similar appeals process language was added to multiple other Commission regulations in 2023 (e.g., Chapter 53, Landowner Fishing Lakes and Ponds; Chapter 50, Fishing Preserves; Chapter 51, Private Fish Hatcheries). Propose adding similar language to Chapter 46 to provide an appeals process to those with a license to deal in live baitfish that is subject to revocation.

Section 8. Use of Baitfish.

(f): New language that was added to Section 9(c) of Commission Regulation Chapter 52, Take of Nongame Wildlife from Within Wyoming, in 2023 and was intended to help prevent the spread of these nonnative fishes between Wyoming waters. Referencing that regulation in this section of Chapter 46 will ensure that it is more likely to be noticed by anglers.

(g): Language added to provide for Section 7(d) of this regulation that in the case of a live baitfish dealer that is in possession of live baitfish at their business establishment, they need only produce (display) a live baitfish dealer’s license.

Section 10. Underwater Spear Gun Fishing. The section has been reformatted for clarity but did not change the current rules within this section.

Section 22. Area 2 Exceptions to General Provisions.

(v)(i): Edits remove Shoshone Lake from the seasonal fishing closure and limit the closure only to the creek upstream of the lake. The closure is shortened from more than nine months to the three month period when it is needed to protect Brook Trout during spawning.

Section 25. Area 3 Exceptions to General Provisions.

(b): Niobrara County was missing from the list of counties in Area 3.

Section 32. Area 5 Exceptions to General Provisions.

(h): Fishing pressure has declined at Dome Rock Reservoir to the point that a regulation exception is no longer necessary to meet management objectives for this water.

Section 33. Area 5 Live Baitfish.

(b)(ii)(A): Proposed edits prohibit the collection of live baitfish from Glendo Reservoir and approximately 4.3 mi of the North Platte River upstream of Glendo State Park. In 2022, Asian Clam were found in Glendo Reservoir. The Asian Clam is designated an aquatic invasive species (AIS) in Commission Regulation Chapter 62, Aquatic Invasive Species and the species' life cycle allows populations to be established by the movement of microscopic juveniles in water or via the movement of a single adult. This AIS has not been found elsewhere in Area 5 Live Baitfish Location B. Prohibiting the collection of wild caught live baitfish from this area is intended to slow the spread of this AIS to waters upstream in Area 5B. Wild caught live baitfish that originated upstream of Wyoming Highway 319 bridge could still be used in Glendo Reservoir and the river upstream.

Section 36. Effective Date. The effective date of this regulation will be January 1, 2024.

Multiple minor organizational and formatting changes have also been incorporated into these regulations that do not result in any changes in regulation. These changes were made only to attempt to simplify interpretation of existing regulations. Some sections required re-numbering with the addition of new sections. Whenever a specific section of the regulation was referenced, "of this chapter" was also added for clarity.