

Wyoming Game and Fish Department Regulations
(The following regulations are taken from Department
Regulation Chapter 46, Fishing Regulations)

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Live Baitfish Dealers

Any person desiring to sell live baitfish shall apply for and receive a valid live baitfish dealer's license prior to selling live baitfish except holders of a valid Wyoming commercial fish hatchery license who may sell live baitfish to live baitfish dealers for resale. Application for a live baitfish dealer's license shall be made on forms provided by the Department. The applicant shall provide information including, but not limited to, the physical location of the business and a description of facilities to be used for holding fish.

Commercially produced live baitfish may be transported into the state for the sole purpose of resale, provided that:

(i) The recipient is a live baitfish dealer in possession of a valid live baitfish dealer's license or an in-state Department approved private fish hatchery; and,

(ii) The recipient has written authorization from the Chief of Fisheries to receive live baitfish from a Department approved out-of-state fish hatchery; and,

(iii) Vehicles used for the transport of live baitfish into the state shall be placarded indicating that the equipment is being used to transport live fish. Letters, numbers or symbols displayed on the placard shall be at least three (3) inches in height, excluding shading and bordering, and shall be of a color that contrasts with the placard background color. Anyone in the process of transporting live baitfish for the purpose of resale must be in possession of written authorization from the Chief of Fisheries to ship or transport live baitfish into the state. Live baitfish shipped by common carrier (e.g., UPS, Federal Express) are exempt from this requirement; and,

(iv) The Chief of Fisheries shall be notified immediately by the live baitfish dealer if a shipment contains any other fish species, vegetation or other organisms. The shipment of concern shall be quarantined and held at the business establishment until final disposition is determined following inspection by the Department.

The Chief of Fisheries may choose not to authorize a live baitfish dealer to receive live baitfish from a Department approved out-of-state fish hatchery if the dealer has failed to comply with any provision of regulations pertaining to Seining and Trapping of Fish or Live Baitfish Dealers.

A live baitfish dealer of record shall be established for each live baitfish dealer's license. Employees of a live baitfish dealer are authorized to sell live baitfish at the business establishment. The current year's live baitfish dealer's license shall be displayed for public viewing at the business establishment. If a parent company has multiple business establishments, a live baitfish dealer's license shall be required at each separate business establishment selling live baitfish.

All wild caught live baitfish transported out of the water of capture shall be held in aquaria when not in use. Wild caught live baitfish confined to a holding facility in the same water from which the baitfish were captured are exempt from the aquaria holding requirement.

All holding facilities and aquaria shall have the owner's name and live baitfish license number attached while in use.

Live baitfish may be held indefinitely by the holder of a valid live baitfish dealer license for the current year, but shall not be released, abandoned or allowed to escape.

A live baitfish dealer may be licensed to obtain and sell:

(i) Commercially produced live baitfish for use in all locations east of the continental divide where permitted as described in regulations pertaining to Areas 2, 3 and 5 of the Wyoming Fishing Regulation booklet; OR,

(ii) Commercially produced live baitfish and wild caught live baitfish for use in one specific live baitfish location; OR,

(iii) Commercially produced live baitfish for use in all locations east of the continental divide where permitted as described in baitfish regulations for Areas 2, 3 and 5 of the Wyoming Fishing Regulation booklet and wild caught live baitfish for use in one specific live baitfish location. Commercially produced live baitfish and wild caught live baitfish shall have separate fish holding facilities and the live baitfish dealer shall maintain separate records for each facility.

All wild caught live baitfish obtained, possessed, or sold shall be subject to the restrictions specified in regulations pertaining to seining and trapping of fish, live baitfish dealers and baitfish regulations for Areas 1, 2, 3, 4 and 5 of the Wyoming Fishing Regulation booklet.

A live baitfish dealer may receive live baitfish from other licensed live baitfish dealers, provided that all wild caught live baitfish were obtained from the same live baitfish location for which the dealer is licensed.

Live baitfish dealers shall issue a receipt to the buyer at the time of sale. Receipts shall be filled out completely, they shall be issued by the live baitfish dealer or an employee of the live baitfish dealer and no information on the receipt shall be completed by the buyer. The receipt shall show the dealer's name and address, the number and species of fish sold, the date of the transfer, appropriate expiration date and where the fish shall be used. Receipt forms shall be provided by the Department. Live baitfish dealers authorized to sell wild caught live baitfish shall issue receipts that expire fifteen (15) consecutive days from the date of sale. Live baitfish dealers authorized to sell only commercially produced live baitfish shall issue receipts that expire thirty (30) consecutive days from the date of sale.

Live baitfish dealers shall keep records of live baitfish sources on forms provided by the Department. All live baitfish brought into the business establishment shall be promptly recorded on the record of live baitfish source, including baitfish collected under the dealer's own seining license and baitfish received from commercial fish hatchery license holders, Department approved fish hatcheries, and other licensed live baitfish dealers.

Live baitfish dealers shall maintain at the established business location legible, current, accurate and complete baitfish receipts and records of live baitfish sources.

Copies of the completed receipts and records of live baitfish sources shall be returned to a Department regional office or to the Cheyenne Headquarters (License Section) by January 15 for transactions that occurred the prior calendar year.

Department personnel may inspect the holding facilities, aquaria and fish of live baitfish dealers during normal business hours. If an inspection discloses species of wildlife not authorized by the Department or an aquatic invasive species, the Department may order the wildlife, including all fish in the aquaria, removed from Wyoming.

Live baitfish dealer licenses are subject to suspension or revocation for failure to comply with any provision of this Section. Any revocation of a live baitfish dealer license other than a court hearing revocation shall be subject to contested case proceedings in accordance with Commission Regulation Chapter 27, Rules Of Practice Governing Contested Cases Before The Wyoming Game and Fish Commission.

Seining and Trapping of Fish.

Seining and trapping licenses (hereafter referred to as seining license) for the purpose of taking baitfish may be obtained from Game and Fish Department Regional Offices or from the Cheyenne Headquarters.

No person shall seine, net, trap or spear baitfish without first obtaining a valid seining license. A valid seining license is required when using a seine, net, trap or spear to take baitfish, even those that will be used as dead bait. Any brook stickleback (*Culaea inconstans*) taken by a trap, net or seine must be immediately killed.

No person shall have more than one (1) seining license each calendar year.

Seining or trapping and use of baitfish shall only be done as specified in regulations for the specific drainage areas in Areas 1, 2, 3, 4 and 5 of the Wyoming Fishing Regulation booklet. Locations where baitfish may be obtained, possessed and used shall be specified on the seining license.

Legal gear for taking baitfish includes seines, traps, cast nets, umbrella nets and dip nets. There are no restrictions on the size of mesh or net size for cast nets, umbrella nets or dip nets. Collection gear shall be hand operated. Seines used for the purpose of taking baitfish shall not be more than five (5) feet deep. Traps used for the purpose of taking baitfish shall not be more than thirty-six (36) inches long, twelve (12) inches deep, twelve (12) inches wide or twelve (12) inches in diameter and the throat shall not exceed one (1) inch width. A seining license holder shall not use more than five (5) traps at a time. A holder of both a seining license and live baitfish dealer's license shall have no restriction on the number of traps that can be used. The owner's name and seining license number shall be attached to each trap while in use.

Any game fish taken by trap, net or seine shall be released to the water immediately.

Any live nongame fish captured for use as dead bait shall be killed immediately and shall not be transported live.

All wild caught live baitfish transported out of the water of capture shall be held in aquaria when not in use. Wild caught live baitfish confined to a holding facility in the same water from which the baitfish were captured are exempt from the aquaria holding requirement.

All holding facilities and aquaria shall have the owner's name and seining license number attached while in use.

Wild caught live baitfish may be held indefinitely by the holder of a valid, unexpired seining license, but shall not be released, abandoned or allowed to escape.

A seining license holder shall not sell live baitfish without first possessing a valid live baitfish dealer's license.

A seining license holder shall be allowed to give live baitfish to other anglers in his or her fishing party for use only when the seining license holder is present. All live baitfish shall be returned to the seining licensee while not in use, and shall remain in the wild caught live baitfish possession area listed on the seining license.

A seining license holder shall be allowed to give dead baitfish to other anglers for use as dead bait.

Seining licenses are subject to suspension or revocation for failure to comply with the seining and trapping conditions specified in regulations pertaining to seining and trapping of

fish and baitfish regulations for Areas 1, 2, 3, 4 and 5 of the Wyoming Fishing Regulation booklet.

Any revocation of a seining license other than a court hearing revocation shall be subject to contested case proceedings in accordance with Commission Regulation Chapter 27, Rules Of Practice Governing Contested Cases Before The Wyoming Game and Fish Commission.

Use of Baitfish

The use or possession of live baitfish is prohibited throughout Areas 1 and 4 (defined in the Fishing Regulation booklet) and on all waters in Areas 2, 3, and 5 except as otherwise provided in Fishing Regulations which describe where live baitfish may be obtained, possessed and used.

The specific waters from which wild caught live baitfish may be seined, netted or trapped and used are listed in live baitfish regulations for Areas 1, 2, 3, 4 and 5 of the Fishing Regulations. Wild caught live baitfish shall not be transported out of the designated wild caught live baitfish possession area from which they were collected. This area shall be listed on the seining license, live baitfish dealer license or live baitfish receipt.

Commercially produced live baitfish may be transported and possessed throughout Areas 2, 3 and 5 (east of the continental divide) except where the use of live baitfish is prohibited. Use or possession of commercially produced live baitfish is prohibited on all waters except as otherwise provided in live baitfish regulations for Areas 1, 2, 3, 4 and 5 of the Fishing Regulations.

Possession of live brook stickleback (*Culaea inconstans*) is prohibited in Wyoming.

Persons with live baitfish in possession shall produce, upon request from Department personnel, either a receipt from a licensed live baitfish dealer or a valid, unexpired seining license verifying origin of the live baitfish.

No live baitfish shall be transported into the state for use as live baitfish except as provided in live baitfish dealer regulations.

All live baitfish shall be held in aquaria when not in transport or in use.

Live baitfish shall not be released, abandoned, or allowed to escape and must be killed when the receipt expires.

Dead baitfish may be used as bait. Restrictions on the use of dead baitfish are designated within the live baitfish regulations for Areas 1, 2, 3, 4 and 5 of the Fishing Regulations. Nongame fish taken by the use of legal fishing methods during any season open for the taking of game fish may be used as dead bait. Any live baitfish captured for use as dead bait shall be killed immediately and shall not be transported live.

Definitions

“Aquaria” means any enclosures used to contain organisms that prevent escape. Aquaria shall have a closed system of water circulation with no risk of contacting the surface waters of the State.

“Baitfish” means nongame fish not designated as aquatic invasive species that were collected or purchased for use as bait.

“Business Establishment” means a single business location with an associated physical address designated on the live baitfish dealer’s license.

“Commercially Produced Live Baitfish” means adult fathead minnows that were propagated and reared in a Department approved private fish hatchery .

“Day” means calendar day.

“Drainage” means the river or stream proper and the area of land, including all streams and standing waters, that drains into that river or stream.

“Game Fish”, unless otherwise provided for specific waters or drainages, means:

- bass (GENUS Micropterus and Ambloplites);
- bluegill, pumpkinseed and sunfish (GENUS Lepomis);
- crappie (GENUS Pomoxis);
- walleye and sauger (GENUS Sander);
- yellow perch (GENUS Perca);
- trout, salmon, and char (GENUS Salmo, Oncorhynchus, and Salvelinus);
- whitefish and cisco (GENUS Prosopium);
- grayling (GENUS Thymallus);
- pike (GENUS Esox);
- catfish and bullheads (GENUS Ameiurus, Ictalurus, Noturus, and Pylodictis);
- burbot (GENUS Lota);
- sturgeon (GENUS Scaphirhynchus); and
- freshwater drum (GENUS Aplodinotus).

“Holding facility(ies)” or “facility” means the physical structure designed to confine and handle live wildlife. The holding facility shall be defined by legal description to the quarter/quarter section or Universal Transverse Mercator (UTM) coordinates where live wildlife shall be possessed or confined. Facility also means any fish hatchery, rearing station, aquaculture station or unit, research unit, live car or net-pen, brood stock trap, or holding pond or structure where fish eggs are collected, incubated, or hatched, or where fish are held or reared for any purpose.

“Live Baitfish Dealer” means a person licensed by the Department to sell live baitfish.

“Live Baitfish Dealer of Record” means the designated individual legally accountable for all aspects of the live baitfish dealer.

“Nongame Fish” means all fish not defined as game fish or aquatic invasive species, including baitfish.

“Stream” means water in a permanent bed or channel with a current that is usually continuous in one direction and includes creeks, rivers, irrigation ditches, drains, canals, sloughs and ponds created by beavers. Streams may not flow continuously during low-flow periods. Ponds or puddles in a stream channel during low flow periods shall be considered to be a stream.

“Wild Caught Live Baitfish Possession Area” means the specific drainage in Area 2, 3 or 5 where wild caught live baitfish may be possessed regardless of whether they were captured by a seining license holder or obtained from a live baitfish dealer.