

CHAPTER 50

FISHING PRESERVES

Section 1. Authority. These regulations are promulgated by authority of Wyoming Statutes §23-1-102(a)(xiv), § 23-1-103, § 23-1-302, § 23-3-401, § 23-5-201, § 23-5-202, § 23-5-203, § 23-5-204 and § 23-6-207.

Section 2. Definitions. “Fishing Preserve Waters” is defined in W.S. § 23-5-202 and references “normal stream flow” defined below. Other definitions shall be as set forth in Title 23, Wyoming Statutes, Commission regulations, and the Commission also adopts the following definition:

(a) “Normal Stream Flow” means the average daily flow (ADF) as determined by the Department.

Section 3. Licensing. Licensing shall be in accordance with W.S. § 23-5-203. In addition:

(a) Any person desiring to operate a fishing preserve shall submit proper fees and make application on forms provided by the Wyoming Game and Fish Department (Department). A map and legal description to the quarter (1/4) section, or latitude-longitude coordinates in degrees, minutes and seconds, or in universal transverse mercator (UTM) coordinates of all privately owned lands to be included in the fishing preserve shall be provided. If privately owned lands are leased, a copy of the lease agreement shall also be included with the license application form.

(b) It shall be a violation of this regulation for the fishing preserve licensee to stock or maintain any species of fish not listed on the license application approved by the Department.

(c) A person may request to amend a fishing preserve license by submitting a written request to the Chief of Fisheries. The amendment shall specify the requested changes to the original fishing preserve license. The amendment request shall be reviewed by the Department and approved or denied.

(d) A fishing preserve license expires on the last day of the calendar year for which the license was issued.

Section 4. Stocking of Fishing Preserves. Stocking shall be conducted in accordance with Commission Regulation Chapter 49, Private Stocking of Cold-Blooded Wildlife

Section 5. Transportation of Live Fish Prohibited. No person shall transport live fish, live fish eggs, or live fish gametes from fishing preserve waters except as authorized by the Department.

Section 6. Permission to Fish, Method of Take and Verification of Catch. As provided in W.S. § 23-5-204, any licensee, during the term of their license may grant permission to other persons to take fish from a licensed fishing preserve water and to charge a fee for fishing; no fishing license is required.

(a) Fishing preserve licensees may set their own creel limits. All other regulations in Commission Regulation Chapter 46, Fishing Regulations shall apply.

(b) The fishing preserve licensee shall issue a Department provided receipt or a written statement to any person removing fish from the fishing preserve. That statement shall include the species and number harvested, date harvested, fishing preserve licensee name, and name of person in possession of harvested fish. The person in possession of the harvested fish shall retain possession of the written statement while in possession of the fish.

Section 7. Removal of Unauthorized Species. Introduction of unauthorized fish species may require removal of said species or complete depopulation of fishing preserve waters within a time frame and by a method determined by the Department. These actions include, but are not limited to: 1) total or partial fishing preserve depopulation, due to possession of unauthorized species, or presence of fish disease pathogens of concern; or, 2) the capture of or destruction of escaped aquatic wildlife.

Section 8. Requesting an Appeal to a Department Decision. The applicant for a fishing preserve license or an amendment to a license may appeal any Department decision made under the authority of this regulation by submitting a written request for reconsideration to the Chief of Fisheries at Department headquarters within thirty (30) consecutive days from the date of receipt of their response letter. If an applicant fails to request an appeal within thirty (30) consecutive days from the date they received notification that a fishing preserve license or amendment has been denied, the applicant shall waive their ability to make any future appeal request regarding the Department decision. Appeals shall be conducted in accordance with the Department Decision Appeals Process described in Commission Regulation Chapter 51, Private Fish Hatcheries.

Section 9. Revocation of License. Failure to comply with any section within this regulation or with conditions placed on the license at the time of issuance shall be considered just cause for revocation of a fishing preserve license. Revocation of a license by the Commission shall be carried out in accordance with Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission.

Section 10. Effective Date. These regulations are effective January 1, 2023 and shall remain in effect until modified or rescinded by the Commission.

WYOMING GAME AND FISH COMMISSION

By: _____
Kenneth Roberts, President

Dated: July 19, 2022