

Wyoming Game and Fish Department

Summary of Proposed Fishing Regulation Changes for 2017

Throughout this document the text that is **underlined and boldface** is being added, text that is ~~struck through~~ is being removed. Only the proposed changes that are not self explanatory are shown in this document. The most significant changes, many of which apply only to seining license holders and live baitfish dealers, are **highlighted in yellow**. Some relatively straight forward changes, changes proposed to clarify, but not change existing regulations, and minor grammatical corrections are not included.

Statewide Regulations

Section 2. Definitions.

(b) “Aquaria” means any enclosure used to contain organisms that prevents escape. Aquaria shall have a closed system of water circulation with no risk of contacting the surface waters of the state.

[Rationale: Existing regulations refer to “holding facilities”, a term that is not defined in regulation. We propose adding and defining the term “aquaria” to clarify proposed regulations pertaining to live baitfish dealers, baitfish seiners/trappers, and anglers in possession of live baitfish.]

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

[Rationale: Clarification that live baitfish regulations in Chapter 46 do not necessarily apply to all nongame fish, but rather to those nongame fish that are intended for use as baitfish. In most other instances, possession and use of nongame fish is regulation by Chapter 52, Regulation Governing Nongame Wildlife.]

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

[Rationale: Clarification that “nongame fish” includes “baitfish”, but does not include nongame fish designates as AIS (i.e. brook stickleback).]

(y) “Trout bead” means a bead made from any non-edible material to resemble a trout egg that is fished on a line or leader above a bare hook or artificial fly. Beads associated with spinners, bait harnesses and other types of artificial lures are not considered trout beads.

[Rationale: Trout beads have become a popular means of fishing for trout, particularly on the North Platte River between Kortez Dam and Casper. A definition of “trout bead” is necessary for the new regulation that is proposed in Section 4.]

Section 4. Methods

(f) A trout bead fished on a line or leader two (2) inches or less from the eye of a bare hook is considered an artificial lure. Fishing with a bead more than two inches from the eye of a bare hook or artificial fly is considered snagging and is prohibited.

[Rationale: A Casper region project determined that the rate of foul hooking was less than 10% when trout beads were fixed 1” to 2” from the eye of a hook. When the distance increased to 3”,

the foul hooking rate increased to over 30% and further increased to more than 40% at distances greater than 3". When beads were fixed more within 2" of the hook, severe injuries (damage to eyes, gills or hook penetration of the abdominal wall) associated with foul hooking were not observed. However, when beads were fixed three inches or more from the hook, the rate of severe injury increased from zero to nearly 30%. The proposed trout bead definition and regulation will designate trout beads as legal artificial lures when beads are fished close enough (within 2 inches) to the eye of a bare hook that foul hooking and serious injury rates are minimized. A trout bead fixed above an artificial fly will be considered an artificial fly rather than an artificial lure.]

Section 5. Creel limits.

Propose breaking out Northern pike and tiger muskie in creel limit table to facilitate different regulations for the two species.

(viii) Northern pike and tiger muskie (northern pike muskellunge hybrid)

~~three (3) All northern pike and tiger muskie less than thirty (30) inches in length shall be released to the water immediately. See drainage area exceptions.~~

[Rationale: Northern pike are only managed as a game species in a single Wyoming water; Keyhole Reservoir in Area 3. We strive to prevent the movement or establishment of this species in all other waters of the state. Statutes allow a game species to be designated as nongame in specific waters. In proposed changes below, we would designate northern pike a nongame fish that must be killed on all Wyoming waters other than Keyhole Reservoir. Rather than referencing a limit for northern pike in the statewide creel limit table, we propose directing anglers to drainage area exceptions].

(ix) Tiger Muskie (sterile northern pike muskellunge hybrid)

~~three (3) one (1) All northern pike and tiger muskie less than thirty (30) thirty-six (36) inches in length shall be released to the water immediately.~~

[Rationale: Tiger muskie are introduced into a few specific waters to control over-abundant populations of other species and to provide a unique fishing opportunity for a large predator. A more restrictive regulation is proposed to ensure that excessive angler harvest will not prevent significant numbers of tiger muskie from attaining the large size needed to prey effectively on over-abundant populations of other fish species (i.e. green sunfish, longnose sucker).]

Section 6. Seining and Trapping of Fish.

(h) All wild caught live baitfish transported out of the water of capture shall be held in aquaria when not in use.

[Rationale: Current seining regulations allow baitfish to be collected and held anywhere within the wild caught live baitfish possession area defined in regulations. Although existing regulations and statutes prohibit the stocking, release or escape of baitfish, we know baitfish are sometimes held in live cars and bait buckets in ditches and ponds far from the site of capture. This practice can result in the escape and movement of unwanted species (i.e. brook stickleback, juvenile game and nongame species) between waters. The proposed changes would require that all baitfish be confined to "aquaria" (defined at the top of this document) when not in use, greatly reducing the potential for escape.]

(j) Wild caught live baitfish may be held indefinitely by the holder of a valid seining license for the current year, but shall not be released, abandoned or allowed to escape.

[Rationale: Clarification of existing regulation which does not state how long a seining license holder may hold live baitfish, or state clearly that once reduced to possession, these fish can't be released, abandoned or allowed to escape. Not a regulation change.]

Section 7. Live Baitfish Dealers.

Numerous changes are proposed to this section in an attempt to make Section 7 more understandable. Those that do not constitute changes to existing regulation are not included below.

(d) All live baitfish shall be held in aquaria and shall not be released, abandoned, or allowed to escape.

[Rationale: Existing regulations require Live Baitfish Dealers to hold baitfish in “fish holding facilities”, a phrase which is not defined and is ambiguous. The proposed regulation would require all live baitfish to be held in “aquaria” which is defined at the top of this document as “any enclosure used to contain organisms that prevents escape. Aquaria shall have a closed system of water circulation with no risk of contacting the surface waters of the State.” The change also clarifies existing regulations and laws that prohibit anyone from releasing baitfish or allowing them to escape. The rationale for this proposed change is the same as that for Section 6(h) above; current practices allow fish to be held in a variety of undefined “holding facilities” that may result in unintentional escape and movement of fish between waters, including invasive species and juvenile game and nongame species. Any manner of indoor or outdoor tank, trough, freezer, cooler, drum or other container would be considered an aquaria as long as it circulates water and has no risk of contacting the surface waters of the state. Holding live baitfish in ponds or cages in streams, ditches or ponds would be prohibited.]

(e) Live baitfish may be held indefinitely by the holder of a valid live baitfish dealer license for the current year.

[Rationale: Clarification. Not a regulation change.]

(ff) A live baitfish dealer may sell commercially produced live baitfish as specified in subsection (e) of this Section. In addition to the commercially produced live baitfish, a live baitfish dealer shall sell wild caught live baitfish for no more than one specific live baitfish location and shall be subject to collection, possession and use restrictions specified in Sections 18, 23, 26, 29 and 33 for the live baitfish location. Live baitfish dealers selling commercially produced live baitfish and wild caught live baitfish shall have separate fish holding facilities and maintain separate records for each facility. A live baitfish dealer may be licensed to obtain and sell EITHER:

(i) Commercially produced live baitfish for use in all locations east of the continental divide where permitted as described in Sections 23, 26 and 33; OR

(ii) Wild caught live baitfish for use in no more than one specific live baitfish location.

(A) A live baitfish dealer licensed to sell wild caught live baitfish may also receive authorization to possess and sell commercially produced live baitfish; however, all baitfish and shall be sold for use only in the one, specific live baitfish location.

~~Live baitfish dealers selling commercially produced live baitfish and wild caught live baitfish shall have separate fish holding facilities and maintain separate records for each facility.~~

[Rationale: Existing regulations prohibit live baitfish dealers from selling both commercially produced live baitfish and wild caught live baitfish from the same business, unless the two types of fish are kept in “separate holding facilities” and separate records are maintained for each. More than half of the dealers in state currently sell only wild caught minnows. The proposed change would allow these dealers of wild caught minnows to augment their minnow supply with hatchery raised fathead minnows without having to have separate facilities or keep additional records.]

Approximately 30% of licensed dealers currently sell both wild caught and hatchery baitfish. These dealers have separate holding facilities and sell the hatchery fathead minnows for use throughout the state where legal and sell the wild caught baitfish for use in one specific area. The proposed changes would require live baitfish dealers to decide if they want to (i) deal in minnows that can be used throughout the state (commercially produced only) or if they want to (ii) deal in minnows that can only be used in one of the locations designated on the dealer application. This change would allow us to simplify receipt booklets, simplify record keeping for dealers, and eliminate the unintentional sale of wild caught minnows for use throughout the state. practice allows for the sale, whether intentional or unintentional, of wild caught minnows for use throughout the state and complicates record keeping and enforcement of regulations.]

(h) 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 recorded on the record of 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.

[Rationale: Record of source forms are confusing to many live baitfish dealers and are often filled out incorrectly, lacking complete lists of baitfish acquisitions. The additional language is intended to explain specifically what must be recorded on these forms to facilitate enforcement action when appropriate.]

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

[Rationale: Changes are proposed to make reporting easier. Dealers can submit their records either any Department regional office if that is easier than shipping to Cheyenne headquarters.]

(m) 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 this Section.

[Rationale: Clarify that the Chief of Fisheries may choose not to approve requests to import commercially produced live baitfish from out of state if a live baitfish dealer has failed to meet requirements of Section 6 (Seining and Trapping of Fish) or 7 (Live Baitfish Dealers). This is not a regulation change.]

Section 8. Use of Baitfish

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

[Rationale: Same rationale applies to anglers holding live baitfish as that described above for Seine and Trap licensees (Section 6h) and live baitfish dealers (Section 7d) holding live baitfish.]

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

[Rationale: Clarification of existing regulation.]

Section 10. Underwater Spear Gun Fishing.

(g) The limit on walleye taken by spear gun shall be two (2) walleye per day or in possession, except where designated as nongame fish or where otherwise provided for Alcova and Pathfinder Reservoir-reservoirs in Section 33. All other general and water-specific creel limits shall apply.

[Rationale: See Pathfinder Reservoir in Section 32(v) below. Proposed change would keep spear gun and angling creel limits for walleye consistent on this reservoir in an effort to get the growing walleye population in check in order to provide quality fisheries for walleye and trout.]

Section 17. Area 1 Exceptions to General Provisions.

(c) All waters within Area 1 in Fremont, Lincoln, Sublette, and Teton counties.

(ii) Burbot (ling) and northern pike are designated as nongame fish.

(iii) All burbot and northern pike caught shall be killed immediately.

[Rationale: Neither species is native to Area 1 or known to occur in this area. Both species are highly predacious and pose a threat to existing fisheries when moved. Wyoming Statutes give the Department the authority to classify a game species as a nongame species. The Department has done this multiple times in recent years (walleye in Buffalo Bill Reservoir; burbot, walleye, yellow perch and northern pike in all Area 4 waters) to help combat illegal introductions. This change, and others specified below for other Areas, may help dissuade anglers from illegally moving gamefish between waters and eliminate the need for future regulation changes related to the illegal movement of these species.]

Section 22. Area 2 Exceptions to General Provisions.

(b) All waters within Area 2 in Big Horn, Fremont, Hot Springs, Johnson, Park, Teton and Washakie counties.

(i) Northern pike are designated as nongame fish.

(ii) All northern pike caught shall be killed immediately.

[Rationale: Same rationale as explained for Section 17 above. Northern pike were recently documented in Ocean Lake. Burbot is not included because burbot are native to many waters in Area 2.]

(d) Big Horn Lake downstream from the causeway (Highway 14A) in Big Horn County.

(i) The creel limits are as follows:

(B) Bass – ~~six (6)~~**ten (10)** fish per day, ~~twelve (12)~~**twenty (20)** in possession; [Rationale: Montana changed their bass regulation on this water from six fish to 10 fish in 2016. Montana, Fish, Wildlife and Parks and the WGFD strive to avoid unnecessary complexity by keeping regulations consistent between states. This change is unlikely to impact the smallmouth bass population in the Wyoming portions of this water.]

(h) East Newton Lake in Park County.

(i) The creel limit on trout shall be one (1) per day or in possession. All trout, including brook trout, shall be released to the water immediately.

~~(A) All trout less than twenty two (22) inches shall be released to the water immediately.~~

[Rationale: East Newton Lake is a very popular fishery in the Cody region that is restricted to artificial flies and lures only. There appears to be a strong public desire for the Department to manage this water as a catch and release fishery. The proposed regulation is a response to public feedback that will reduce handling of fish and the potential for mortality, particularly during periods of elevated water temperatures which are common in summer months.]

(p) Luckey Pond in Fremont County.

(i) Closed to ice fishing.

[Rationale: The regulation is proposed due to safety concerns following the Department's installation of an aerator on this community fishing pond.]

Section 25. Area 3 Exceptions to General Provisions.

(b) All waters within Area 3 in Campbell, Crook, Johnson, Natrona, Sheridan, Washakie and Weston counties, with the exception of Keyhole Reservoir.

(i) Northern pike are designated as nongame fish.

(ii) All northern pike caught shall be killed immediately.

(d) Keyhole Reservoir in Crook County.

(i) The creel limit on northern pike shall be three (3) per day or in possession.

(A) All northern pike less than thirty (30) inches in length shall be released to the water immediately.

[Rationale: Keyhole Reservoir is the only Wyoming water that is managed for a northern pike fishery. The Keyhole Reservoir regulation in (d) above is not a change, but is necessary due to proposed changes to the creel limit table in Section 5. The rationale for the addition of (b) above is the same as for Section 17; to dissuade anglers from illegally moving northern pike between waters and to eliminate the need for future regulation changes related to the illegal movement of this species. Northern pike were recently captured by anglers in Upton Centennial Pond #2 and have been captured by Department biologists on the Tongue River near the Montana/Wyoming state line. Burbot is not included because the species is native to some Area 3 waters and has been captured seasonally in the Powder and Tongue rivers.]

Section 28. Area 4 Exceptions to General Provisions.

(i) Flaming Gorge Reservoir in Sweetwater County.

(v) All smallmouth bass shall be returned to the water immediately.

[Rationale: Angler catch data indicate a 97% decrease in catch of smallmouth bass in the upstream portions of the reservoir from 2003-2013. Catch rates in the middle portions of the reservoir declined by 67% during the same period. These reductions are associated with the establishment of burbot in the reservoir. A small population of bass remains in the Wyoming portions of the lake. The proposed regulation will protect these bass from angler harvest in order to attempt to retain a fishable bass population in the Wyoming portions of Flaming Gorge Reservoir.]

(q) High Savery Reservoir in Carbon County.

(i) The North Fork Savery Creek inflow from the concrete fish trap (dam) downstream to the reservoir is closed to fishing from September 1 to September 30.

~~(ab) North Fork Savery Creek from the concrete fish trap (dam) downstream to High Savery Reservoir in Carbon County.~~

~~(i) Closed to fishing September 1 to September 30.~~

[Rationale: Propose referencing this closure under “High Savery Reservoir” rather than under “North Fork Savery Creek” to make it easier for anglers to find. Clarification. Not a regulation change.]

~~(w) Middle Piney Lake in Sublette County.~~

~~(i) The creel limit on lake trout shall be two (2) per day or in possession.~~

~~(A) No more than one (1) lake trout shall exceed twenty four (24) inches.~~

[Rationale: This special regulation has failed to significantly impact the population or size structure of lake trout on this water. The lake contains an abundant population of lake trout and the statewide lake trout creel limit should apply.]

(aj) Soda Lake north of Pinedale in Sublette County.

(i) Closed to fishing from ~~October 1 through May 9~~ **November 15 through April 30.**

[Rationale: Soda Lake is located within the Department’s Soda Lake Wildlife Habitat Management Area near Pinedale. The WHMA is typically closed to the public each year from December 1 through April 30 to protect wintering big game. Although the opening date (April 30) has not been changed, the closing date (currently December 1) has been variable and has been designated as early as November 15 in the past. This fishing regulation is intended to help communicate this area closure to anglers. The proposed change in dates will open the fishery to angling for up to six additional weeks in the fall when the HMA is very likely to otherwise be open to human presence.]

Section 29. Area 4 Live Baitfish. The use or possession of live baitfish in Area 4 is prohibited. A holder of a valid seining license may seine, net, trap or spear baitfish in the Green and Bear River drainages, excluding Kendall Warm Springs, Halfmoon Lake, Little Halfmoon Lake, Burnt Lake, ~~the Flaming Gorge National Recreation Area~~, the Bitter Creek drainage upstream of Rock Springs city limits and the Big Sandy drainage upstream of Big Sandy Reservoir. Any live baitfish captured shall be killed immediately and used only as dead bait.

[Rationale: Seining license holders may collect baitfish throughout Area 4 with the exception of the waters specified in the paragraph above, but all baitfish collected must be killed immediately

and can't be transported alive. Waters listed above are intended to protect sensitive species on nongame fish (i.e. flannelmouth sucker, Kendall Warm Springs Dace, roundtail chub, etc.). This protection is not necessary for nongame species in Flaming Gorge Reservoir.]

Section 32. Area 5 Exceptions to General Provisions.

(b) All waters within Area 5 in Albany, Carbon, Converse, Goshen, Laramie, Natrona, Niobrara and Platte counties.

(i) Burbot (ling) and northern pike are designated as nongame fish.

(ii) All burbot and northern pike caught shall be killed immediately.

[Rationale: Same rationale as explained for Section 17 above. Northern pike were recently been documented in Grayrocks Reservoir.]

(j) Grayrocks Reservoir in Platte County.

~~(iii) The creel limit on northern pike and tiger muskie (northern pike muskellunge hybrid) in combination shall be three (3) per day or in possession.~~

~~(A) The thirty (30) inch minimum length limit for northern pike and tiger muskie (northern pike muskellunge hybrid) shall not apply.~~

[Rationale: With the Area 5 change above designating northern pike as nongame fish that must be killed immediately, this exception can be eliminated. The tiger muskie fishery in Grayrocks would be managed under the proposed statewide regulation in Section 5 above; one (1) fish, all tiger muskie less than thirty-six (36) inches in length shall be released to the water immediately.]

(o) North Platte River from Colorado-Wyoming state line downstream to the Saratoga Inn Bridge in Carbon County.

[Rationale: No changes are proposed to the North Platte River regulations. Regulations (o) through (t) are simply rearranged from upstream to downstream to reduce confusion to those not intimately familiar with the watershed. All other streams in Chapter 46 that have more than one regulation (Flat Creek and the Salt, Green, and Snake rivers) are arranged in this same fashion.]

~~**(u) Rock Lake in Platte County.**~~

~~(i) All largemouth and smallmouth bass less than fifteen (15) inches shall be released to the water immediately.~~

[Rationale: The current 15-inch minimum length limit bass regulation was implemented in 2008 in response to restrict harvest and increase catch rates of larger bass. Based on seven years of post-regulation data, the minimum length limit is not impacting bass sizes at Rock Lake. This is likely because angling pressure is low, with a majority of anglers fishing from shore for stocked trout, so there is little pressure on harvestable size bass. We propose the statewide 6 fish limit for bass in Rock Lake.]

(w) Pathfinder Reservoir in Natrona and Carbon counties.

(i) The creel limit on walleye shall be twelve (12) per day or in possession.

(ii) The two (2) fish limit on walleye taken by spear gun (Section 10) shall not apply.

[Rationale: Pathfinder Reservoir is home to a growing population of naturally reproducing walleye and a trout fishery that is maintained almost entirely by stocking large trout. As the

walleye population continues to grow, walleye are likely preying on more and more stocked trout. Although we have increased the number of rainbow trout stocked, the number of trout appears to have dropped precipitously in recent years and trout angler catch rates have dropped more than 50%. The number of walleye moving from Pathfinder Reservoir, upstream to the Miracle Mile is also increasing, and the decline in the rainbow trout population in Pathfinder will likely impact the trout fishing in the Mile. Pathfinder Reservoir anglers include passionate trout and walleye enthusiasts. In order to provide quality fisheries for both, the walleye population should be reduced to a level that will allow enough stocked trout to survive to support a quality trout fishery in the reservoir. The proposed regulation is intended to attempt to increase walleye harvest in order to return a balance to the trout and walleye populations in the reservoir. If the walleye population continues to grow, trout stocking will become prohibitively expensive and futile and will likely be abandoned.]

~~(x) The canal from the headgate on Wheatland Reservoir No. 2 to the canal mouth on Wheatland Reservoir No. 3 in Albany County.~~

~~(i) Closed to fishing throughout the calendar year.~~

[Rationale: Watercraft regulations prohibit the use of watercraft throughout this canal. Removal of the regulation would allow bank and wade fishing access to the canal, primarily on private land. Approximately ¼ mile of canal beginning at the canal mouth on Wheatland Reservoir No. 3 lies on BLM land and would be accessible to bank and wade anglers that boat to the mouth of the canal. Wheatland Reservoir No. 3 is a stocked fishery and biologists see no reason to prohibit what is likely to be very limited bank angling pressure in the canal.]

Section 34. Emergency Closure. Waters may be closed to all fishing because of an emergency upon forty-eight (48) hours notice.

[Rationale: The proposed regulation would give the Department clear authority to close a water to fishing in the case of an emergency. Examples of when this authority might be utilized to temporarily prohibit angling include determination that an aquatic invasive species is present, to prevent excessive hooking mortality during periods of extremely high water temperatures, and to protect the public following a chemical spill. A similar regulation is included in Section 8 of the General Hunting Regulation (Chapter 2) that allows the Department to close big game hunting seasons due to an emergency with 48 hours notice.]