

TENNESSEE FISH AND WILDLIFE COMMISSION
 PROCLAMATION ~~15-28~~ 16-44
 LIVE BAIT

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, Sections ~~70-4-107, and 70-2-221 and 70-4-119~~ thereof, the Tennessee Fish and Wildlife Commission proclaims the following regulations effective March 1, ~~2016~~ 2017.

For the purposes of this proclamation, bait fish shall be defined as any fish species that is not listed by proclamation as sport, commercial, endangered, threatened, or in need of management except as provided in this proclamation. Under no circumstance shall live fish, crayfish, or salamanders be intentionally released into Tennessee waters away from the waters from which they were harvested. ~~This proclamation does not apply to bait that is dead. Dead bait can be transported and used without restrictions.~~

For the purposes of this proclamation, a sport angler shall be defined as anyone who attempts to take, kill, injure, capture, or catch any sport fish and every act of assistance thereof. A bait dealer ~~shall be~~ is defined as ~~anyone who engaged in the business of capturing legal species of fish or other aquatic life for the purpose of sale, or one who sells legal species of fish and other aquatic life for bait. of the business of selling or offering for sale any legal species of live bait fish.~~ All bait dealers must purchase a type 118 (resident) or 116 (nonresident) license annually, and make all necessary reports as required to the Tennessee Wildlife Resources Agency. Only commercial fishers and bait dealers may harvest bait fish for sale. The harvest and use of bait fish by commercial fishers shall be regulated in the commercial fishing proclamation.

SECTION I. CLASS A BAIT FISH

The following species may be 1) harvested by licensed sport anglers for use as live or dead bait; 2) imported into Tennessee or exported from Tennessee as live or dead bait by licensed bait dealers and licensed sport anglers; 3) ~~harvested and sold as live or dead bait~~ in Tennessee by licensed bait dealers.

<u>Common Name</u>	<u>Scientific Name</u>
Skipjack herring*	<i>Alosa chrysochloris</i>
Gizzard shad	<i>Dorosoma cepedianum</i>
Threadfin shad	<i>Dorosoma petenenes</i>
Goldfish	<i>Carassius auratus</i>
Fathead minnow	<i>Pimephales promelas</i>
Golden shiner	<i>Notemigonus crysoleucas</i>
Sunfishes**	<i>Lepomis</i> spp.
Rainbow trout***	<i>Oncorhynchus mykiss</i>

* Skipjack herring (live and dead specimens combined): daily creel limit ~~of~~ is 100 fish; possession limit is 200 fish.

** All species in the genus *Lepomis* may be bought and/or sold subject to the following conditions:

- (a) Such fish may be bought and/or sold for bait purposes only.
- (b) Such fish bought and/or sold must not be more than four (4) inches in length.
- (c) Such fish must have been lawfully taken from privately owned lakes and/or ponds.
- (d) Nothing contained herein shall be construed as legalizing the sale of bream (sunfishes) taken from any ~~stream or~~ public waters.

*** Bait dealers cannot harvest trout from public waters for sale as bait. A licensed sport angler may possess rainbow trout 8 inches or less in length without limit for use as bait if purchased from a licensed bait dealer and accompanied by an invoice that was issued by the licensed bait dealer. Such invoices shall be consecutively numbered and must contain the name, license number, and location of

the licensed bait dealer, the date of sale or delivery, the number of rainbow trout bought or delivered, and the name and address of the person receiving the rainbow trout. Any person transporting or possessing rainbow trout obtained from a licensed bait dealer for bait must have a copy of this invoice on their person. Rainbow trout larger than 8 inches in length may be purchased by sport anglers and used for bait provided compliance with all sport fishing regulations on the waters being fished (including creel and length limits, seasons, and license requirements).

~~A licensed sport angler (with all required licenses and permits) can harvest game fish for use as bait from the wild using legal sport fishing methods. When harvesting game fish, all restrictions in the sport fishing proclamation apply (including creel and length limits, seasons, and license requirements). (Moved to Section II. Class B Bait Fish)~~

~~** , *** From public waters, sunfish (*Lepomis* spp.) and trout may only be harvested by licensed sport anglers and those anglers must use angling gear (Section V.6.); all restrictions in the sport fishing proclamation apply including creel and length limits, seasons, and license requirements.~~

SECTION II. CLASS B BAIT FISH

The following species may be 1) harvested by licensed sport anglers for use as **live or dead** bait; 2) imported into Tennessee or exported from Tennessee by licensed sport anglers for use as **live or dead** bait. These species shall not be sold.

<u>Common Name</u>	<u>Scientific Name</u>
Stonerollers	<i>Campostoma</i> spp.
Creek Chub	<i>Semotilus atromaculatus</i>
Bluntnose minnow	<i>Pimephales notatus</i>
Bullhead minnow	<i>Pimephales vigilax</i>

~~Daily creel limit for Class B bait fish is 100 fish per species; the possession limit is 200 fish. Daily creel and possession limits apply to both live and dead fish. A licensed sport angler shall possess no more than 100 of each of the bait fish species listed in this section.~~

~~A licensed sport angler (with all required licenses and permits) can harvest game fish for use as bait from the wild using legal sport fishing methods. When harvesting game fish and using game fish as bait, all restrictions in the sport fishing proclamation apply (including creel and length limits, seasons, and license requirements).~~

SECTION III. CLASS C BAIT FISH

~~**Bait**-Fish that are not listed in Section I or II above and are not listed by proclamation as endangered, threatened, or in need of management may be harvested by licensed sport anglers for use as bait with the following restrictions: 1) **live specimens** shall only be used in the water from which they were harvested; 2) **live specimens** shall not be possessed away from the waters from which they were harvested; 3) **live specimens** shall not be imported into Tennessee or exported from Tennessee by anyone; 4) **live specimens** fish shall not be sold. **Dead specimens of Class C bait fish harvested by sport anglers may be moved and used for bait, unless otherwise restricted.**~~

~~Daily creel limit for Class C bait fish is 50 fish in aggregate; the possession limit is 100 fish. Daily creel and possession limits apply to both live and dead fish.~~

~~Unless otherwise restricted, silver carp (*Hypophthalmichthys molitrix*), bighead carp (*Hypophthalmichthys nobilis*), black carp (*Mylopharyngodon piceus*), and grass carp (*Ctenopharyngodon idella*) may be harvested without limit. Upon harvest these carp species may not be kept alive by any means.~~

SECTION IV. CLASS D BAIT FISH

In addition to the provisions of Section I, a licensed bait dealer may also harvest these species to be sold as dead specimens: brook silverside (*Labidesthes sicculus*) and inland silverside (*Menidia beryllina*); a licensed bait dealer may possess and sell any fish species that is not native to Tennessee and is imported in a preserved state (frozen, salted, pickled, or dried).

SECTION IV V. LEGAL GEAR FOR HARVEST OF BAIT FISH

Legal gear types for bait fish harvest are minnow seines, minnow traps, cast nets, shad trawls, dip nets, angling, and by hand. Use of explosives, chemicals, and electroshocking devices are prohibited for all bait species.

1. Minnow Seine - A minnow seine consists of a float and lead line to which netting is attached. A minnow seine shall not be longer than ten (10') feet and the mesh size shall not exceed three-eighths (3/8") inch on the square. Seines must be constantly attended, and may not be fished in a stationary manner.
2. Minnow Traps – A minnow trap is hereby defined as a device used for the purpose of catching minnows. The mouth opening or openings shall not exceed one and one half (1 ½") inches in diameter. All minnow traps shall be clearly and legibly labeled with owners name and address, or TWRA Identification Number.
3. Cast Net – A cast net is defined as a net having a maximum radius of ten (10') feet and a mesh (square measure) of not less than one fourth (1/4") inch and not greater than one (1") inch on the square.
4. Shad Trawl – A shad trawl is one having a mesh size no larger than one (1") inch, a hoop diameter no larger than forty-eight (48") inches, and a net length no larger than seventy-two (72") inches. Only threadfin or gizzard shad shall be taken with a shad trawl. Shad trawling is not allowed within one thousand (1000yd) yards below any dam.
5. Dip Net – A dip net is a net constructed from natural/synthetic fiber netting or metal/plastic mesh, which is attached to a frame that is attached to a pole.
6. Angling – Use of line with a hook attached to a bait or lure.
7. Hand Collection – use of hands or non-mechanized hand tools.

SECTION VI. AMPHIBIANS AND CRAYFISH

Only Northern Dusky and Spotted Dusky salamanders (*Desmognathus fuscus* and *Desmognathus conanti*) and native crayfish species that are not listed by proclamation as endangered, threatened, or in need of management may be harvested by licensed sport anglers for use as bait. Amphibians and crayfish species shall not be sold or purchased for bait. Amphibians and crayfish shall not be imported into Tennessee or exported from Tennessee by anyone for bait. Any method, except the use of explosives, chemicals, and electroshocking devices, may be used to harvest crayfish and salamanders as bait.

The harvest, use, and possession of crayfish is prohibited in the following streams, in all their tributaries, and on all adjacent banks:

- Mill Creek in Davidson and Williamson counties
- East Fork Stones River in Cannon County
- Hurricane Creek in Cumberland, Fentress, Overton, and Putnam counties
- Roaring Paunch Creek in Scott County

- South Chickamauga Creek in Hamilton County
- Caney Fork River in Cumberland County
- Robinson Creek, Beason Creek (upstream of confluence of North Fork and South Fork), and Owl Creek (upstream of Highway 142) in Hardin and McNairy counties

Crayfish harvested for bait from the following streams and their tributaries shall not be possessed away from the waterbody from which they were harvested:

- French Broad River and its tributaries
- Holston River and its tributaries
- Clinch River and its tributaries

SECTION VII. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation ~~43-15-15-28~~.

Tennessee Fish and Wildlife Commission

Chairman

I will certify that this is an accurate and complete copy of rules lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission on the ____ day of _____, 2016.

Secretary

Subscribed and sworn to before me the ____ day of _____, 2016.

Notary Public

My commission expires: _____

Proclamation ~~15-28~~ 16-44 received and recorded this ____ day of _____, 20____
to be effective the ____ day of _____, 20____.

Tre Hargett, Secretary of State