

**TENNESSEE WILDLIFE RESOURCES COMMISSION
PROCLAMATION 09-20
LIVE BAIT**

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, Sections 70-2-221 and 70-4-119 thereof, the Tennessee Wildlife Resources Commission proclaims the following regulations effective March 1, 2010.

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 or crayfish 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 sold, 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 defined as anyone engaged in 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. 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 bait; 2) imported into Tennessee or exported from Tennessee by licensed bait dealers and licensed sport anglers; 3) sold in Tennessee by licensed bait dealers.

| <u>Common Name</u> | <u>Scientific Name</u> |
|--------------------|---|
| Skipjack herring | <i>Alosa chrysochloris</i> (Rafinesque) |
| Gizzard shad | <i>Dorosoma cepedianum</i> (Lesueur) |
| Threadfin shad | <i>Dorosoma petenenes</i> (Guenether) |
| Fathead minnow | <i>Pimephales promelas</i> (Rafinesque) |
| Golden shiner | <i>Notemigonus crysoleucas</i> (Mitchill) |
| Sunfishes* | <i>Lepomis</i> spp. (Rafinesque) |
| Rainbow trout** | <i>Oncorhynchus mykiss</i> (Walbaum) |

* 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 taken from any stream or public lake.

** 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, permits, and stamps) can harvest game fish (including rainbow trout and sunfish) 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).

Section II. Class B Bait Fish

The following species may be 1) harvested by licensed sport anglers for use as bait; 2) imported into Tennessee or exported from Tennessee by licensed sport anglers for use as 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> (Rafinesque) |
| Bluntnose minnow | <i>Pimephales notatus</i> (Rafinesque) |
| Bullhead minnow | <i>Pimephales vigilax</i> (Baird and Girard) |

A licensed sport angler shall possess no more than 100 of each of the bait fish species listed in this section.

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) they shall only be used in the water from which they were harvested; 2) they shall not be possessed away from the waters from which they were harvested; 3) they shall not be imported into Tennessee or exported from Tennessee by anyone; 4) they shall not be sold.

Section IV. Amphibians and Crayfish

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.

The harvest, use, and possession of crayfish is prohibited in the following streams, in all of 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
- Flint River in Lincoln County

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

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

Section V. Legal Gear for Bait Harvest

Legal gear types for bait harvest are minnow seines, minnow traps, cast nets, shad trawls, and dip nets.

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.
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 and 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 or synthetic fibers, which is attached to a frame that is attached to a pole.

Gear types listed above are legal for licensed sport anglers to harvest bait fish (as defined in first paragraph) and crayfish (provided compliance with Section IV) for personal use.

Tennessee Wildlife Resources Commission

Chairman

I will certify that this is an accurate and complete copy of rules lawfully promulgated and adopted by the Tennessee Wildlife Resources Commission on the ____ day of _____, 2009.

Secretary

Subscribed and sworn to before me the ____ day of _____, 2009.

Notary Public

My commission expires: _____

Proclamation 09-20 received and recorded this ____ day of _____, 20____ to be effective the ____ day of _____, 20____.

Tre Hargett, Secretary of State