

WYOMING GAME AND FISH COMMISSION

CHAPTER 49

REGULATION GOVERNING PRIVATE FISH STOCKING

Section 1. Authority. These regulations are promulgated by authority of Wyoming Statutes §23-1-102(a)(xiv), §23-1-103, §23-1-302, §23-4-101, §23-4-102 and §23-6-207.

Section 2. Regulation and Effective Date. These regulations are effective January 1, 2006 and shall remain in effect until modified or rescinded by the Commission.

Section 3. Definitions. For the purpose of this regulation, definitions shall be as set forth in Wyoming Statutes, Title 23 and Wyoming Game and Fish Commission Regulations, and the Commission also adopts the following definitions:

(a) “Aquatic Nuisance Species” means any aquatic plant, invertebrate, fish or other aquatic vertebrate transported or introduced in Wyoming waters that may threaten the diversity or abundance of managed species; the ecological stability of infested waters; or commercial, aquacultural or recreational activities dependent on such waters.

(b) “Broker” means an individual or entity that acts as an intermediary between the hatchery of origin and the person possessing a private fish stocking authorization.

(c) “Drainage” means the river or stream proper and the area of land, including all streams and standing waters, which drain into that river or stream.

(d) “Environmental Assessment” means identification and analysis of potential effects on wildlife resources as defined by the Department.

(e) “Fish Stocking” means the release of fish into Wyoming waters.

Section 4. Prohibited Stocking.

(a) No fish, fish eggs, or fish gametes shall be stocked in Wyoming waters unless authorized by the Chief of Fisheries.

(b) No amphibians, mollusks, crustaceans, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid, or any transgenic product thereof shall be stocked into the waters of the State of Wyoming unless authorized by the Chief of Fisheries.

(c) No aquatic nuisance species or fish that may pose a threat to existing wildlife populations shall be authorized for stocking.

Section 5. Sanction of a Private Fish Hatchery to Stock Fish. Private fish hatcheries within the State of Wyoming shall be licensed to operate and transport fish as defined in Wyoming Game and Fish Commission Regulations. Any private fish hatchery outside the State of Wyoming intending to stock fish in Wyoming shall apply for and receive an importation permit from the Department. Authorization of an importation permit shall be based on the criteria defined for out-of-state private fish hatcheries and approved on an annual basis or as defined by the Department. Failure to comply with any portion of this regulation may result in Department revocation of authorization to stock fish in Wyoming.

Section 6. Application for Authorization to Stock Fish.

(a) Any person intending to stock fish in waters on privately owned lands shall submit an application for Private Fish Stocking Authorization, on forms provided by the Department, to the Chief of Fisheries at least ten (10) business days before the intended stocking date. A separate application is required for each body of water or stream for which fish stocking authorization is requested and for each time stocking is to occur.

(b) The Department may deny an application for private fish stocking if information is falsified on the application, or if the application is not completely and correctly filled out, or if the fish are requested from an unapproved fish hatchery, or if fish species requested are not compatible with species already present in the drainage or conflict with Departmental management goals for the drainage.

Section 7. Terms of Authorization.

(a) Upon approval the applicant shall stock the authorized stocking site within thirty (30) days following the stocking date indicated on the Private Fish Stocking Authorization. If the anticipated stocking date precedes the authorized date or exceeds the thirty (30) day time period, the applicant, owner, lessee, or agent of the approved source shall submit a request for an amended stocking date on the Private Fish Stocking Authorization prior to stocking.

(b) Any alterations or amendments to a Department issued Private Fish Stocking Authorization by the requesting party are prohibited. If alterations or amendments to an authorization are desired, the original authorization must be surrendered to the Department and a new application submitted for approval.

Section 8. Types of Fish Stocking. Each fish species transported shall be held in separate containers to facilitate species identification unless the fish in the container are to be stocked into one (1) individual stocking site authorized for multiple species of game fish and all game fish in the container are released at that site. Forage and biological control species shall be held in separate containers from game fish.

(a) Game Fish Stocking. Fish shall meet the size requirements specified on the Private Fish Stocking Authorization by the Department to facilitate species identification.

(b) Forage Fish Stocking. Only fathead minnows (*Pimphales promelas*) shall be stocked for forage and meet the size requirements specified on the Private Fish Stocking Authorization by the Department to facilitate species identification. Forage fish shall only be authorized for stocking in waters that contain game fish and shall not be removed by any party from the stocking site for a period of six (6) months beginning on the day they are stocked.

(c) Biological Control Stocking.

(i) Vegetation Control. Only grass carp (*Ctenopharygodon idellus*) that are Coulter counter certified triploid by the U.S. Fish and Wildlife Service, certified free of Asian tapeworm (*Bothriocephalus acheilognathi*) and are from a source certified free of all life stages of the zebra mussel (*Dreissena polymorpha*) shall be authorized for stocking to control aquatic vegetation. A copy of these certifications must be provided to the Department at least ten (10) working days prior to stocking.

(ii) Mosquito control. Only fathead minnows, plains topminnow (*Fundulus sciadicus*) or plains killifish (*Fundulus zebrinus*) shall be authorized for stocking to control mosquitoes. Fish species requested for mosquito control shall be considered for authorization only if that species is 1) native to the drainage, or 2) is established in the drainage and stocking in the locations requested is considered by the Department to be compatible with aquatic species in that drainage.

(iii) Any other fish species requested for biological control shall be considered on a case-by-case basis by the Chief of Fisheries.

Section 9. Source of Fish For Stocking. Only fish from Department approved private fish hatcheries or other approved sources shall be authorized for private fish stocking. A list of approved private fish hatcheries is available from the Department.

Section 10. Transportation of Fish. Vehicles used for the transport of live fish for private fish stocking 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 fish for the purpose of private stocking must be in possession of a valid Department Private Fish Stocking Authorization and any other permits, receipts, bill of sales, or any other documents required by Wyoming Statute and/or Wyoming Game and Fish Commission Regulations.

Section 11. Records. Upon completion of fish stocking under a Private Fish Stocking Authorization, the applicant shall, within fifteen (15) days, submit to the Fish

Division a copy of the Private Fish Stocking Authorization signed by the applicant, owner, lessee, or agent of the approved source and a copy of a receipt of delivery. In the event that a broker transports or otherwise possesses the fish, the approved applicant shall submit a copy of the Private Fish Stocking Authorization signed by the broker, a copy of a receipt of delivery of fish from the approved source provided the broker, and a receipt of delivery from the broker.

Section 12. Transfer to Other Waters Prohibited. Fish stocked under the authority of a Private Fish Stocking Authorization shall only be stocked in the water identified on the authorization. Stocking of fish in other waters or the transfer of stocked fish to unauthorized waters is prohibited.

Section 13. Species New to A Drainage. If an applicant for a private fish stocking authorization requests to stock a fish species not already existing in a drainage, the applicant shall be required to prepare and submit an environmental assessment as defined by the Department at the expense of the applicant. The Department shall review the environmental assessment and private fish stocking authorization application for final approval or denial.

Section 14. Removal of Unauthorized Species. Stocking of unauthorized fish species may require removal of said species or complete depopulation within a time frame and method determined by the Department at the expense of the private fish stocking applicant.

Section 15. Violation of Commission Regulations. Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming Statutes for violation of Commission regulations.

Section 16. Savings Clause. If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end the provisions of this regulation are severable.

WYOMING GAME AND FISH COMMISSION

By:
Linda Fleming, President

Dated: November 7, 2005
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