

TENNESSEE FISH AND WILDLIFE COMMISSION
PROCLAMATION 19-06
BAIT

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, Section 70-4-107, the Tennessee Fish and Wildlife Commission (TFWC) proclaims the following regulations effective March 1, 2020.

SECTION I. GENERAL REGULATIONS

1. Definitions.
 - a. For the purposes of this proclamation, "bait" means any fish, crayfish, or salamander species, that is not identified by the TFWC as endangered, threatened, or in need of management or specifically regulated in this proclamation.
 - b. For the purposes of this proclamation, "sport angler" means anyone who takes, kills, injures, captures, or catches any sport fish; attempts to take, kill, injure, capture, or catch any sport fish; and every act of assistance thereof.
 - c. For the purposes of this proclamation, "bait dealer" means one who engages 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.
2. 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 for sale. The harvest and use of bait by commercial fishers shall be regulated in the commercial fishing proclamation.
3. Under no circumstance shall live bait be intentionally released into Tennessee waters unless released into the waters from which the bait were harvested.
4. A licensed sport angler (with all required licenses and permits) 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 to be used as bait, all restrictions in the sport fishing proclamation (creel limits, length limits, season dates, etc.) apply not only to the waters from which the fish to be used as bait are harvested, but also for the waters where the fish to be used as bait will be used as bait. Trout harvested in the following waters shall only be used as bait in the water from which the trout were harvested.
 - a. South Fork Holston River from South Holston Dam to Boone Dam;
 - b. Watauga River from Watauga Dam to Boone Dam;
 - c. Doe River (Carter Co.); and
 - d. North River (Monroe Co.).

SECTION II. CLASS A BAIT

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; or (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 is one hundred (100) fish; possession limit is two hundred (200) fish.

** Bait dealers cannot harvest sunfishes (*Lepomis*) from public waters for sale as bait. All species in the genus *Lepomis* (sunfishes) may be bought and/or sold subject to the following conditions:

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

Any sport angler harvesting a species in the genus *Lepomis* (sunfishes) from public waters for use as bait must use proper angling gear, as set forth in Section V.6. below, and abide by the

*** Bait dealers cannot harvest trout from public waters for sale as bait. A licensed sport angler may possess rainbow trout eight (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 eight (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). Rainbow trout harvested from the wild by sport anglers may be used as bait provided that the sport angler complies with all sport fishing regulations on the waters being fished (including creel and length limits, seasons, and license requirements). Rainbow trout harvested in the following waters shall only be used as bait in the water from which the trout were harvested.

1. South Fork Holston River below South Holston Dam;
2. Watauga River below Watauga Dam;
3. Doe River (Carter Co.); and
4. North River (Monroe Co.).

**** Skipjack Herring, Gizzard Shad, and Threadfin Shad may not be transported away from the water alive from the Mississippi River and Barkley, Kentucky, and Pickwick reservoirs and any tributaries or oxbows of these waters. This restriction does not apply to the Duck River above Normandy Dam.

SECTION III. CLASS B BAIT

The following species may be (1) harvested by licensed sport anglers for use as live or dead bait; (2) imported into Tennessee by licensed sport anglers for use as live or dead bait; or (3) 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 is one hundred (100) fish per species; the possession limit is two hundred (200) fish. Daily creel and possession limits apply to both live and dead fish.

SECTION IV. CLASS C BAIT

Fish that are not listed in Section I or II above and are not identified by the TFWC 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; and (4) the fish shall not be sold. Dead specimens of Class C bait harvested by sport anglers may be moved and used for bait by sport anglers, unless otherwise restricted.

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

SECTION V. CLASS D BAIT

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*), Silver Carp (*Hypophthalmichthys molitrix*), Bighead Carp (*Hypophthalmichthys nobilis*), Black Carp (*Mylopharyngodon piceus*), and Grass Carp (*Ctenopharyngodon idella*); a licensed bait dealer may possess and sell any fish species that is not native to Tennessee and is imported in a preserved state (e.g. frozen, salted, pickled, or dried). Upon harvest Class D species may not be kept alive by any means.

SECTION VI. LEGAL GEAR FOR HARVEST OF BAIT FISH

Legal gear types for bait harvest are minnow seines, minnow/crayfish traps, cast nets, shad trawls, dip nets, angling, and by hand.

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/Crayfish Traps – A trap is a device used for the purpose of catching minnows and crayfish. All traps shall be clearly and legibly labeled with the owner's name and address or the owner's 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 of an (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 (1,000) 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 VII. AMPHIBIANS AND CRAYFISH

Only Northern Dusky and Spotted Dusky salamanders (*Desmognathus fuscus* and *Desmognathus conanti*) and native crayfish species that are not identified by the TFWC 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. Crayfish and salamanders may be harvested with legal gear listed in Section VI. The harvest, use, and possession of crayfish is prohibited in the following streams, in all their tributaries, and on all adjacent banks:

1. Mill Creek in Davidson and Williamson counties;
2. East Fork Stones River in Cannon County;
3. Hurricane Creek in Cumberland, Fentress, Overton, and Putnam counties;
4. Roaring Paunch Creek in Scott County;
5. South Chickamauga Creek in Hamilton County;
6. Caney Fork River in Cumberland County and Van Buren counties;
7. 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;
8. Flint River in Lincoln County ;
9. Long Fork, White Oak Creek, and Salt Lick Creek in Macon County. Garrett Creek, Little Trammel Creek, and Middle Fork Drakes Creek in Sumner County;
10. Shoal Creek system in Lawrence and Wayne counties ;
11. Puncheon Branch in Giles County;
12. Cypress Creek system in Wayne County;
13. Gassaway Creek, Little Gassaway Creek, Laurel Creek, and Rogers Branch in Polk County;
14. Hiwassee River and tributaries upstream of Apalachia powerhouse in Polk County;
15. Conasauga River system in Bradley and Polk counties;
16. Big Brush Creek system in Sequatchie County;
17. Bullpen Branch in Cannon County;
18. Mountain Creek in Warren County;
19. Mill Creek, Fortyeight Creek upstream of Hwy. 64, Johnson Mill Branch, Chalk Creek, and Second Creek in Wayne County;
20. Pompeys Branch, McKelvey Branch, and Holly Branch in Hardin County;
21. Blood River system in Henry County; and
22. North Fork Obion River in Henry County.

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

1. French Broad River and its tributaries outside Great Smoky Mountains National Park;
2. Holston River and its tributaries;
3. Clinch River and its tributaries;
4. Clear Fork and its tributaries in Claiborne and Campbell counties; and
5. Big South Fork of the Cumberland River in Scott County.

SECTION VIII. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation 18-12.

Tennessee Fish and Wildlife Commission

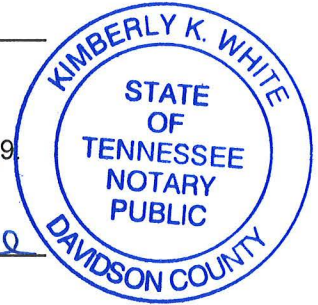
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Chairman

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 20th day of September, 2019.

Ed Carter
Secretary

Subscribed and sworn to before me the 20th day of September, 2019.

Kimberly K. White
Notary Public



My commission expires: 11/8/2022

Proclamation 19-06 received and recorded this 25 day of September, 20 19 to be effective the 1 day of March, 20 20.

Tre Hargett
Tre Hargett, Secretary of State

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