

This legislative rule is filed for technical purposes

by the

Division of Natural Resources Wildlife Resources Section

All changes are shown by strike-throughs for deleted
language and underline for new language

August 1, 1995

TECHNICAL CHANGES TO

TITLE 58 CSR 22

Catching and Selling Bait Fish - 58 CSR 22

1. On page 1, in the title of the rule the agency name Bureau of Commerce has been added.
2. 58 CSR 22 is changed to 58 CSR 62 and renumbered accordingly throughout the rule.
3. On page 3, subsection 8.1, by striking 47 and inserting in lieu thereof 58, and by striking 20 and inserting in lieu thereof 60.

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DEPARTMENT OF NATURAL RESOURCES

SERIES ~~2262~~
CATCHING AND SELLING BAIT FISH

FILED

AUG 1 4 14 PM '95

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§58-~~2262~~-1. General.

1.1. Scope. -- This legislative rule establishes regulations to govern the catching and selling of bait fish under a license issued pursuant to WV Code §20-2-55.

1.2. Authority. -- W. Va. Code §20-1-7(30)

1.3. Filing Date. -- May 1, 1989

1.4. Effective Date. -- June 1, 1989

1.5. Repeal of former rule. -- This legislative rule repeals and replaces 47 C.S.R. 22A "Regulations For Catching And Selling Minnows And Aquatic Life" filed December 30, 1982 and effective January 1, 1983.

§58-~~2262~~-2. Definition.

2.1. "Aggregate" means the total possession or sales limit on similar kinds of bait fish considered as a whole.

2.2. "Bait fish" means the species listed in section 3 of these regulations.

2.3. "Licensee" means a person holding a valid license to catch and sell minnows and other bait fish issued by the Department pursuant to WV Code §20-2-55.

2.4. "Lizard" means the colloquial term used in this State for salamanders and refers in these regulations to amphibians rather than reptiles.

§58-~~2262~~-3. Species Which May Be Legally Caught And Sold.

3.1. The following species may be caught and sold by a licensee:

3.1.1. Crayfish.

3.1.2. Gizzard Shad (*Dorosoma cepedianum*). -- Gizzard shad have a row of sharp, spiny scutes (saw-toothed scales) along their belly and the last ray of their dorsal fin is greatly elongated.

3.1.3. Hellgrammites.

3.1.4. Madtoms. -- All species in the family Ictaluridae, genus Noturus. Madtoms have an adipose fin continuous with the caudal fin (i.e., the tail fin continues forward along the back of the fish).

3.1.5. Minnows. -- All species in the family Cyprinidae except carp and goldfish. Minnows have a single, spineless dorsal (back) fin which has nine (9) or fewer rays.

3.1.6. Salamanders (Lizards).

3.1.7. Suckers. -- All species in the family Castostomidae.

§58-2262-4. Possession Limit.

4.1. Crayfish, hellgrammites, and lizards. -- Two hundred and fifty (250) in total aggregate number.

4.2. Gizzard Shad. -- No limit.

4.3. Madtoms, minnows, and suckers. -- Ten (10) pounds in total aggregate weight.

§58-2262-5. Sales Limits.

5.1. Crayfish, hellgrammites, and lizards. -- Fifty (50) in total aggregate number per purchaser.

5.2. Gizzard Shad. -- No limit.

5.3. Madtoms, minnows, and suckers. -- Fifty (50) in total aggregate number per purchaser.

§58-2262-6. Size Limits.

6.1. There are no size limits on bait fish taken for commercial sale.

§58-2262-7. Legal Collection Methods.

7.1. Cast nets may be used to catch bait fish for commercial sale if such nets do not exceed three (3) feet in radius and have a square mesh not smaller than one-quarter (1/4) inch.

7.2. Dip nets may be used to catch bait fish for commercial sale if such nets do not exceed thirty six (36) square feet in overall area and have a mesh not smaller than one-quarter (1/4) inch.

7.3. Minnow traps may be used to catch bait fish for commercial sale provided the opening of such traps is not larger than one (1) inch in diameter.

7.4. Seines may be used to catch bait fish for commercial sale if such seines do not exceed four (4) feet in depth, six (6) feet in length, and have a mesh not smaller than one-quarter (1/4) inch.

7.5. Any minnow trap that is left unattended must have a waterproof and legible tag bearing the licensee's name and address and must be tended at least once every twenty-four (24) hours.

§58-2262-8. Restricted Areas.

8.1. No bait fish may be taken for the purpose of commercial sale from waters closed to fishing under the provisions of ~~4758~~ C.S.R. 2060.