



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Natural Resources TITLE-SERIES: 58-62
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: CATCHING AND SELLING BAIT FISH
CITE STATUTORY AUTHORITY: §20-1-7(31)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(k) Passed On 2/12/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 28, 2020

This rule shall terminate and have no further force or effect from the following date:

March 28, 2025

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Wesley H White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DEPARTMENT OF NATURAL RESOURCES

SERIES 62
CATCHING AND SELLING BAIT FISH

§58-62-1. General.

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

1.2. Authority. -- W. Va. Code §20-1-7(31)

1.3. Filing Date. -- March 27, 2020.

1.4. Effective Date. -- March 28, 2020.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on March 28, 2025.

§58-62-2. 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 Division pursuant to WV Code §20-2-55.

§58-62-3. 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 or fewer rays.

3.1.6. Salamanders -- All species which may be taken as specified in W. Va. Code of State Rules, Title 58 Series 73.

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

§58-62-4. Possession Limit.

4.1. Crayfish, hellgrammites, and amphibians. -- 250 in total aggregate number.

4.2. Gizzard Shad. -- No limit.

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

§58-62-5. Sales Limits.

5.1. Crayfish, hellgrammites, and amphibians. -- 50 in total aggregate number per purchaser.

5.2. Gizzard Shad. -- No limit.

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

§58-62-6. Size Limits.

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

§58-62-7. Legal Collection Methods.

7.1. Cast nets may be used to catch bait fish for commercial sale if such nets do not exceed 12 feet in radius and have a square mesh not smaller than one-quarter inch nor larger than one inch.

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

7.4. Seines may be used to catch bait fish for commercial sale if such seines do not exceed four feet in depth, eight feet in length, and have a mesh not smaller than one-quarter 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 24 hours.

§58-62-8. Restricted Areas.

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8.1. No bait fish may be taken for the purpose of commercial sale from waters closed to fishing under the provisions of W. Va. Code of State Rules, Title 58 Series 60, Fishing Regulations.

§58-62-9. Penalties.

9.1. A licensee who violates any provision of this rule is subject to the penalties of W. Va. Code of State Rules, Title 58 Series 64, Miscellaneous Permits and Licenses.