NEBRASKA ADMINISTRATIVE CODE

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Title 163 - Nebraska Game and Parks Commission

Chapter 2 - Fisheries Regulations

009 Bait Collecting And Dealer Regulations. The following regulations are prescribed by the Nebraska Game and Parks Commission, State of Nebraska, in addition to State Statutes, in accordance with Neb. Rev. State. §§ 37-214, 37-301, 37-304, 37-310, 37-314, 37-482.01, 37-4,105, 37-4,106, 37-505, 37-511, 37-546, and 37-548. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 206-241 of the Game Law, are used. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

BAITFISH shall be restricted to the following species.

Family	**Scientific Name**	**Common Name**
Minnow	*Semotilus atromaculatus*	creek chub
	Cyprinella lutrensis	red shiner
	Notemigonus crysoleucas	golden shiner
	Notropis atherinoides	emerald shiner
	Notropis blennius	river shiner
	Notropis stramineus	sand shiner
	Notropis dorsalis	bigmouth shiner
	Pimephales promelas	fathead minnow
	Carassius auratus	goldfish
	Campostoma anomalum	stoneroller
	Hybognathus hankinsoni	brassy minnow
	Phenacobius mirabilis	suckermouth minnow
	Rhinichthyes cataractae	longnose dace

Sucker	*Catostomus commersoni*	white sucker
Topminnow	*Fundulus zebrinus*	plains killifish
Herring	*Dorosoma cepedianum*	gizzard shad
	Alsoa pseudoharengus	alewife

The following regulations in Section 009 will pertain to the above baitfish and the following amphibians and crustaceans:

Family	**Scientific Name**	**Common Name**
Amphibians		
~~Frogs~~	~~*Rana blairi*~~	~~plains leopard frog~~
	~~Rana pipiens~~	~~northern leopard frog~~
Salamander	*Ambystoma tigrinum*	tiger salamander
Crustaceans		
Crayfish	*Orconectes neglectus*	ringed crayfish
	Orconectes immunis	papershell crayfish
	Orconectes virilis	northern crayfish
	Cambarus diogenes	devil crayfish

009.01 BAIT USE: Bait may be possessed and utilized by: 1) individuals for fishing; 2) licensed bait dealers; 3) licensed aquaculturists; and, 4) licensed nonresident fish dealers.

009.01A It shall be unlawful:

009.01A1 for anyone to sell, import, transport, or offer for sale as bait any live species not defined as baitfish in this section, except live alewife and gizzard may not be sold, imported, or transported from the water body in which they were taken. Live black bullhead, yellow bullhead, bowfin, buffalo, carp, carpsucker, gar, gizzard shad, alewife or quillback may be used for bait only in the same waters from which they are legally taken.

009.01A2 to sell sport fish for bait except sport fish may be resold as bait by a bait dealer if they have been lawfully acquired, 1) from an aquaculturist who lawfully propagated

or acquired them, or 2) from a licensed nonresident fish dealer who lawfully acquired them. Any bait dealer who lawfully acquires sport fish for which the Nebraska Game and Parks Commission has established bag limits, and resells them as bait, must provide to the customer a legible receipt or invoice with the following information: Invoice or receipt number; date of transaction; seller name and address; buyer name and address; and the number and size of each species sold.

009.01A3 for any resident 16 years of age or older and all nonresidents, regardless of age, to sell baitfish, amphibians and crustaceans, listed in Section 009, without a valid bait dealer permit.

009.01A4 for anyone to import any live species of fish without meeting the following criteria:

An "Application for Importation of Bait" form shall be submitted, plus a current (within previous 12 months) disease inspection report of the supplying facility and its fish shall be submitted to the Fisheries Division, Nebraska Game and Parks Commission not less than 10 days prior to each importation.

The approval for importation and a copy of the latest fish health inspection report shall be carried on the transport vehicle during any importations into the state.

Importations may be subject to random inspections by employees of the Nebraska Game & Parks Commission. An adequate sample shall be surrendered for testing if requested.

Failure to comply with these criteria shall result in the bait dealer permit being revoked.

009.02 TRANSPORTING BAITFISH OUT OF THE STATE: It is unlawful for any person to transport baitfish taken from the waters of Nebraska out of the State in any manner, except: (a) Baitfish which have been artificially propagated in man-made impoundments by licensed aquaculturists, and (b) Not more than one hundred legally acquired baitfish may be

exported by a resident of Nebraska for his personal use in fishing outside the State.

009.03 TAKING, USE AND POSSESSION - INDIVIDUAL ANGLERS:

009.03A It shall be unlawful for any individual to take baitfish except gizzard shad, alewife, amphibians, or crustaceans as listed in 009 as well as plains and northern leopard frogs for personal use as bait by any method except by legal baitfish dip net or by legal cast net as specified in 009.06D and 009.06D1 in lakes, ponds, and reservoirs.

009.03B It shall be unlawful for any individual to take baitfish, except gizzard shad or alewife as specified in 009.06D and 009.06D1, by any method except by legal baitfish dip net within a 200 yard distance below any dam or spillway.

009.03C It shall be unlawful for any individual to transport away from the river any baitfish collected on the Missouri River below Gavins Point Dam.

009.03D It shall be unlawful for any individual to take baitfish, amphibians or crustaceans listed in Section 009 as well as plains and northern leopard frogs by any method except by legal baitfish seines, baitfish dip nets, or ~~baitfish and~~ bait traps in streams and rivers including those on state-owned areas except those listed in Section 009.05.

009.03E It shall be unlawful for any individual to take amphibians or crustaceans listed in Section 009 as well as plains and northern leopard frogs by any method except by legal baitfish seines, baitfish dip nets, or ~~baitfish~~ bait traps from non-state owned or controlled lakes and ponds with written permission from the owner or lessee for personal use as bait.

009.03F It shall be unlawful for any individual to possess more than 100 baitfish and or 100 amphibians as listed in Section 009 as well as plains and northern leopard frogs in combination.

009.03G It shall be unlawful for individuals to possess cultured sport fish or other legally acquired sport fish for bait unless they are accompanied by an invoice or receipt as specified in Section 009.01A2.

009.03H It shall be unlawful for individuals to import live baitfish for use in inland waters.

009.04 TAKING, USE AND POSSESSION - BAIT DEALERS

009.04A Application for a bait dealers permit must be made to the Fisheries Division, Nebraska Game and Parks Commission.

009.04B Bait dealers may possess baitfish, crustaceans and amphibians, listed in Section 009, in unlimited numbers.

009.04C Bait dealers may take gizzard shad, alewife, crustaceans and amphibians, listed in Section 009, for commercial purposes by legal baitfish dip net in any numbers in lakes, ponds and reservoirs.

009.04D Bait dealers may take baitfish, amphibians and crustaceans, listed in Section 009, for commercial purposes using legal baitfish seines, baitfish dip nets, or baitfish bait traps in rivers and streams except those listed in 009.05 in any number provided they do not take, or attempt to take, within 200 yards of any dam or spillway.

009.04E Bait dealers may take amphibians and crustaceans, listed in Section 009, for commercial purposes using legal baitfish seines, baitfish dip nets, or baitfish bait traps from non-state owned or controlled lakes and ponds, with written permission from the owner or lessee, in any number.

009.04F It shall be unlawful for bait dealers to take amphibians, listed in Section 009, from lands administered by the U. S. Forest Service without appropriate authorization from the Service.

009.04G It shall be unlawful for bait dealers to take baitfish from the Missouri River below Gavins Point Dam downstream.

009.04H It shall be unlawful for the holder of a bait dealer permit to use more than one helper in seining for bait.

009.04I It shall be unlawful for any bait dealer or their designee to fail to display a current Bait Dealers permit while in the possession of any baitfish, crustacean or amphibian.

009.04J It shall be unlawful for bait dealers to possess cultured sport fish or other legally acquired sport fish for bait unless they are accompanied by a receipt with the same information as in Section 009.01A2.

009.04K It shall be unlawful for bait dealers to fail to provide a written report by January 15th of the year following the permit expiration.

009.04L It shall be unlawful to fail to include in the report the date, species, location of the collection of baitfish, amphibians and/or crustaceans and quantity collected or purchased. Report forms will be furnished by the Fisheries Division, Nebraska Game and Parks Commission.

009.04M Failure to comply with this reporting regulation will disqualify the permittee for issuance of subsequent permit.

009.05 STREAMS CLOSED TO BAIT HARVEST

009.05A It shall be unlawful for anyone to use a seine, baitfish dip net or baitfish bait trap in any of the following streams:

009.05A1 ANTELOPE COUNTY: Verdigre Creek and all tributaries.

009.05A2 BROWN COUNTY: Long Pine Creek and all tributaries; Bone Creek and all tributaries; Plum Creek and all tributaries; and Fairfield Creek.

009.05A3 BOX BUTTE COUNTY: Niobrara River.

009.05A4 CHERRY COUNTY: North Loup River and all tributaries; Schlagel Creek; Fairfield Creek; Snake River and all tributaries; Plum Creek and all tributaries; and Middle Loup River and all tributaries; Brush Creek west of Brownlee; and Gordon Creek west of Highway 61.

009.05A5 CHEYENNE COUNTY: Lodgepole Creek and all tributaries west of State Spur #230 at Brownson.

009.05A6 DAWES COUNTY: Chadron Creek; Big Bordeaux Creek; White River above Crawford; Little Bordeaux Creek; Niobrara River west of Highway 385 to the Wyoming line, and all tributaries; Dead Horse Creek; White Clay Creek; and Squaw Creek.

009.05A7 GARDEN COUNTY: Blue Creek.

009.05A8 HOLT COUNTY: Steel Creek; and all tributaries of Verdigre Creek.

009.05A9 HOOKER COUNTY: Dismal River and all tributaries.

009.05A10 KEYA PAHA COUNTY: Cottonwood Creek, East Holt Creek and Holt Creek.

009.05A11 KEITH COUNTY: Otter Creek; White Tail Creek; and Lonergan Creek and all tributaries.

009.05A12 KIMBALL COUNTY: Lodgepole Creek and all tributaries.

009.05A13 KNOX COUNTY: North, Middle and South Verdigre, and all tributaries above the town of Verdigre, and Steel Creek.

009.05A14 LOUP COUNTY: Gracie Creek.

009.05A15 MADISON COUNTY: Taylor Creek west of Highway 81.

009.05A16 MORRILL COUNTY: Red Willow Creek, Cedar Creek, Greenwood Creek, Wildhorse Creek, Lawrence Fork Creek, Silvernail Drain, Stuckenhole Creek and Pumpkin Creek below Highway 88.

009.05A17 ROCK COUNTY: Long Pine Creek.

009.05A18 SCOTTS BLUFF COUNTY: The following creeks and drains: Nine Mile, Winters, Tub Springs, Wet Spotted Tail, Dry Spotted Tail, Spotted Tail, Sheep, Dry Sheep, Stuckenhole, Akers Draw, Mitchell Drain, Moffett Drain, Alliance Drain and Bayard Drain.

009.05A19 SHERIDAN COUNTY: Snake River; Larrabee Creek; White Clay Creek; Pine Creek; Deer Creek; and Little Bordeaux Creek.

009.05A20 SIOUX COUNTY: Sheep Creek Drain; Dry Spotted Tail Creek; Spotted Tail Creek; Niobrara River and all tributaries; White River and all tributaries; Monroe Creek; Sowbelly Creek; and Hat Creek.

009.05A21 WEBSTER COUNTY - Elm Creek.

009.06 LEGAL NETS, TRAPS AND OTHER DEVICES: It shall be unlawful to possess or harvest baitfish, crustacean or amphibian with any device except the following:

009.06A Baitfish seines of non-metallic mesh, one-fourth inch square measure only and not over twenty feet long and four feet deep.

009.06B Legal baitfish dip nets of one-fourth inch square mesh of non-metallic mesh, neither length nor width to exceed 36 inches.

009.06C Baitfish and bait traps of one-fourth inch square mesh only, with a length not to exceed twenty-four inches, and a diameter not to exceed sixteen inches, with the opening in the throat of the trap not larger than one and one-half inches in diameter. All baitfish traps shall be

raised and fish removed from them at least every twenty-four hours.

009.06D Cast nets up to ten feet in diameter with a mesh size no larger than three-eights inches square measure, can be used during the months of July, August, September, October and November for capturing gizzard shad and alewife only. Live gizzard shad and alewife captured may only be used for bait the same day they are captured at the same water body where they are captured.

009.06D1 Water bodies where cast nets may be used are limited to the following: Calamus Reservoir, Davis Creek Reservoir, Elwood Reservoir, Enders Reservoir, Farwell Reservoir, Gallagher Canyon reservoirs, Harlan County Reservoir, Jeffrey Reservoir, Johnson Reservoir, Lake McConaughy, Lake Maloney, Medicine Creek Reservoir, Midway Complex reservoirs, Phillips Canyon Reservoir, Plum Creek Reservoir, Red Willow Reservoir, Sherman Reservoir, Sutherland Reservoir, Swanson Reservoir and the Tri County Canal from the diversion dam in Lincoln County to the J-2 Return.

009.07 STATE-OWNED OR CONTROLLED AREAS: Digging, seining, trapping, or dipping for bait or for any other purpose is prohibited. (Exceptions see Sections 009.03A, 009.03C, 009.04C, 009.06D1).