



Commercial Sale of Fishing Bait

A Guide for Kansas Bait Dealers

Kansas Department of Wildlife, Parks and Tourism

Checklist for Commercial Bait Dealers and Applicants

- Familiarize yourself with the information in this booklet.
- Make sure that your facility uses an approved source of water for aquatic baits (See Page 8).
- Locate a source of bait that meets the commercial fish bait regulations (See Page 9).
- Complete the commercial fish bait application included in this booklet or online at: www.kdwpt.state.ks.us
- Maintain logs of purchases or sales of fish or crayfish between commercial fish bait dealers. (A suggested tracking log sheet is included in this booklet).
- Each sale of fish bait shall be accompanied by a receipt with required information [K.A.R. 115-17-2(e)]

Equal opportunity to participate in and benefit from programs described herein is available to all individuals without regard to race, color, national origin, sex, age, disability, sexual orientation, gender identity, political affiliation, and military or veteran status. Complaints of discrimination should be sent to Office of the Secretary, Kansas Department of Wildlife, Parks and Tourism, 1020 S Kansas Ave., Topeka, KS 66612-1327. 02/12

Table of Contents

Introduction to Selling Baitfish in Kansas Page 4

Regulations Summary Pages 5-7

- 1. Commercial Harvesting of Fish Bait
- 2. Commercial Sale of Fish Bait
- 2a. Testing of Live Aquatic Bait for Pathogens
- 3. Permits for the Harvest, Sale or Purchase for Resale of Fish Bait
- 4. Legal Equipment and Methods for Commercial Harvest of Fish Bait
- 5. Locations where Commercial Harvest of Bait Fish is Allowed

Complete Fish Bait RegulationsPages 8-15

- K.A.R. 115-17-1
- K.A.R. 115-17-2
- K.A.R. 115-17-2a
- K.A.R. 115-17-3
- K.A.R. 115-17-4
- K.A.R. 115-17-5
- K.A.R. 115-15-1
- K.A.R. 115-15-2

Fish Bait StatutesPages 15-16

- K.S.A. 32-701 (o)
- K.S.A. 32-807 (q)
- K.S.A. 32-941 (a,b)
- K.S.A. 32-974

Commercial Fish Bait Application (REMOVABLE) Center Section

Purchase and Sales Tracking Log Sheet Page 17

Bait Fish ID Guide Pages 18-22

Bluegill	Green sunfish
Black bullhead	Yellow bullhead
Common carp	Goldfish
Fathead minnow	Golden shiner

Crayfish ID Guide Pages 22-23

Calico crayfish	Virile crayfish
White river crayfish	

INTRODUCTION

Whether it is a leech trailed on a bottom-bouncer tempting a hungry walleye or the old standby bobber and worm dangled in front of a bluegill, live bait fishing is a time-honored tradition among the anglers of Kansas. Frequently, this scenario starts with a trip to the local bait shop. The information in this booklet is a guide for bait shop owners and others interested in selling bait in Kansas. It explains Kansas commercial fish bait regulations, which are intended to help combat the spread of aquatic nuisance species (ANS). The regulations will help you and your customers protect the state's natural resources from these unwanted animals and plants and preserve angling traditions long into the future.



**STOP AQUATIC
HITCHHIKERS!**

WHAT ARE AQUATIC NUISANCE SPECIES (ANS)?

Aquatic nuisance species are animals and plants not native to Kansas that can threaten the state's lake and river ecology, harm native or desirable species, and interfere with our economy. They can:

- diminish food supplies, change how minerals and nutrients cycle in the habitat, and degrade the habitat for other species;
- reduce the numbers and variety of other species, including desirable fish;
- reduce fishing and other recreational opportunities;
- lower property values and decrease the quality of municipal water sources;
- foul water lines, clog intakes, burn out pumps, impact power generating facilities, and decrease water system efficiency; and
- increase the risk of flooding by clogging lake outlets.

YOUR ROLE IN PREVENTING THE SPREAD OF ANS

Aquatic nuisance species often travel by hitchhiking with the help of unsuspecting people. One common way these hitchhikers spread is by bait bucket transfer. Bait bucket transfer may occur through the intentional release of leftover bait or by the accidental transfer of contaminated water from one location to another. ANS such as zebra mussel veligers (larvae) or the pathogens that cause fish diseases are invisible to the human eye, but may be numerous in a bait bucket.

Bait shops sell bait to anglers, who then use the bait in scores of lakes and rivers across the state and beyond. Bait that is disease-free and free of ANS helps maintain the quality of these waters and prevents unnecessary spread of ANS.

The fish bait regulations outlined in this booklet address the goal of ANS-free bait by restricting the species that are legal for sale as bait and stipulating that all aspects of the commercial fish bait process use waters that are free of known ANS. Your cooperation is vital to help "Stop Aquatic Hitchhikers."

MORE INFORMATION

For more information about aquatic nuisance species and fish bait regulations, contact the KDWPT aquatic nuisance species coordinator, Emporia Research and Survey Office, 1830 Merchant, PO Box 1525, Emporia, KS 66801, (620) 342-0658 or email ksbait@ksoutdoors.com.

REGULATIONS SUMMARY

The commercial harvesting and sale of fish bait in Kansas is governed by these regulations and statutes:

- K.A.R.115-17-1
- K.A.R.115-17-2
- K.A.R.115-17-2a
- K.S.A. 32-974
- K.A.R.115-17-3
- K.A.R.115-17-4
- K.A.R.115-17-5
- K.S.A. 32-701(o)
- K.S.A. 32-807(q)
- K.S.A. 32-941(a,b)

A summary of regulations 115-17-1, 2, 2a, 3, 4, and 5 is presented herein, but the complete text of all the the above listed regulations and statutes are included on pages 8-16.

1. COMMERCIAL HARVESTING OF FISH BAIT (K.A.R. 115-17-1, See Page 8)

You are allowed to commercially harvest the following wildlife for sale as fish bait:

- **Crayfish** (a.k.a. crawdads) three species may be sold commercially in Kansas (see No. 2, below and K.A.R. 115-17-2)
- **Annelids** (earthworms and leeches)
- **Insects**

You are allowed to harvest the above species year-round; there are no minimum or maximum size restrictions; and there are no daily or possession limits. See K.A.R. 115-17-5 for locations where commercial harvest of these species is allowed.

You are not allowed to commercially harvest *fish* for bait in KS, except from private water fishing impoundments [see KSA 32-701 (o)].

2. COMMERCIAL SALE OF FISH BAIT (K.A.R. 115-17-2, See Page 8)

You are allowed to commercially sell the following wildlife for fish bait:

- **Fish (refer to the identification guide in this booklet):**
 - Black bullhead (*Ameiurus melas*);
 - Bluegill (*Lepomis macrochirus*), including hybrids;
 - Common carp (*Cyprinus carpio*), including koi;
 - Fathead minnow (*Pimephales promelas*), including “rosy reds”;
 - Golden shiner (*Notemigonus crysoleucas*);
 - Goldfish (*Carassius auratus*), including “black saltys”;
 - Green sunfish (*Lepomis cyanellus*), including hybrids; and
 - Yellow bullhead (*Ameiurus natalis*);
- **Annelids (earthworms and leeches):**
 - Only species of annelids native to or naturalized in the continental United States
- **Crayfish (a.k.a. crawdads; refer to the identification guide in this booklet):**
 - Virile crayfish (*Orconectes virilis*);
 - Calico crayfish (*Orconectes immunes*); and
 - White river crayfish (*Procambarus acutus*); and
- **Insects:**
 - Only species of insects native to or naturalized in Kansas.

Bait Tank Water Requirements

Each distribution tank and retail tank must use a source of potable water or well water.

Sales Receipt Requirements

Each sale of fish must be accompanied by a receipt that indicates the date of sale, the number and type of fish sold, and the name, address, phone number, and bait permit number of the vendor.

Dead, Preserved or Parts of Fish

You are allowed to sell any species of fish that are dead or preserved and fish parts such as sides and guts.

2a. TESTING OF LIVE AQUATIC BAIT FOR PATHOGENS (K.A.R. 115-17-2a, See Page 9)

Live aquatic bait must be certified free of the following pathogens before the bait is imported into Kansas:

- **Spring viremia of carp virus;**
- **Infectious pancreatic necrosis virus;**
- **Viral hemorrhagic septicemia virus;** and
- **Infectious hematopoietic virus.**

KDWPT has done extensive testing within Kansas and has not detected the presence of these diseases. By allowing only fish certified free of these diseases to be imported into the state, we can prevent extensive fish kills such as those experienced in other states.

Pathogen-free Documentation Requirements

On and after January 1, 2014, upon application or renewal, each applicant and commercial fish bait permit holder must provide documentation of two consecutive years of pathogen-free status from an independent laboratory approved by United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), for the pathogens listed above for the source of bait fish being sold.

If the facility is new, applicants must certify by affidavit that the facility does not meet the requirements in this regulation and must provide documentation of pathogen-free status for the current year of operation.

Sample Sizes and Frequency of Sampling

The sample size must be 150 fish and include moribund fish observed in the sampling process. The samples must be collected twice each year – once during the month of October, November, or December and once during the month of March, April, or May.

Oversight of Sample Collection

Collection of each sample must be overseen by a doctor of veterinary medicine accredited by the USDA-APHIS. The collection must be made under the direct observation of the overseer to the extent that the official can attest to the origin of the fish and that the sampling scheme meets the requirements in this regulation.

What Each Sample Must Include

Each sample must include all of the ponds and grow-out tanks. The final species and age composition of each sample must reflect the overall composition of the certified fish on location. For locations with more than 50 ponds, all species and sizes of fish must be included in each sample, but the ponds may be sampled in rotation so that all ponds are sampled at least once every two years.

Out-of-state Bait Fish Sources and the Disease-free Requirements

If the source meets the requirements of K.A.R. 115-17-2a, they will be able to provide paperwork supporting their disease inspection history. A copy of K.A.R. 115-17-2a is included in this booklet. A copy of the disease inspection history of your out-of-state source should be kept with your records.

3. PERMITS FOR THE HARVEST, SALE, OR PURCHASE FOR RESALE OF FISH BAIT (K.A.R. 115-17-3, See Pages 9-10)

You are required to have a permit to harvest, sell, or purchase for resale fish or crayfish used as fish bait. If you are a Kansas fish producer who produces fish at a private water fishing impound-

ment [see K.S.A. 32-701 (o)], you do not need a permit to harvest the fish you produce for resale.

You are not required to have a permit to harvest, sell or purchase for resale annelids or insects; however, only those species native to or naturalized in Kansas may be sold.

Where to Purchase Bait Fish for Resale

You are allowed to purchase bait fish from any Kansas commercial fish bait permit holder (A list of permit holders is available on the KDWPT website). If out-of-state sources are used, they must meet additional disease testing requirements as described in K.A.R. 115-17-2a. Bait fish may also be purchased from owners of private water fishing impoundments as defined under K.S.A. 32-701(o) (see page 15).

When You Will (or will not) Receive Your Permit

After the application is submitted, it will be reviewed by KDWPT personnel. If all requirements are met, the applicant will receive a uniquely numbered permit that is valid until December 31 of the year of issue. Denied applicants will be notified and informed as to why their permit was not issued. This process may take up to 10 business days.

Record-keeping Requirements

You are required to keep records on the source(s) of the fish and crayfish for sale in your bait shop. A record form “Purchase and Sales Tracking Log Sheet” is provided on Page 17 of this booklet or is available online at kdwpt.state.ks.us/bait-dealer. You need one form for each supplier. The fish for sale at the time of inspection must match these records. Out-of-state sources must provide disease free certification as described above. We recommend keeping these records for three years.

Inspections

The permit holder needs to have, on-hand, records of bait fish and crayfish purchases between commercial fish bait permit holders and purchases made from out-of-state suppliers. The records need to include all sales, by date, along with the species, number or pounds purchased, and the supplier. The recommended form to track this is included in the application booklet or is available online at kdwpt.state.ks.us/bait-dealer. You will need one of these forms for each bait source. You are not required to provide records of bait sold to anglers.

Your facility needs to utilize an ANS-free water source. City or well water is acceptable. A stream is not acceptable. A pond is acceptable as long as it is filled from surface run-off only and not by a permanent stream.

Your facility must be free of harmful ANS including (but not limited to) zebra mussels, Asian carp, white perch, and Eurasian watermilfoil.

During the visit, inspectors may purchase baitfish to be used for disease testing. You will be paid for these fish at the posted retail price.

4. LEGAL EQUIPMENT AND METHODS FOR COMMERCIAL HARVEST OF FISH BAIT (K.A.R. 115-17-4, See Pages 10-11)

This regulation discusses allowable equipment and methods such as hand-catching, seining, netting, and trapping.

5. LOCATIONS WHERE COMMERCIAL HARVEST OF FISH BAIT IS ALLOWED (K.A.R. 115-17-5, See Page 11)

You are allowed to commercially harvest *crayfish*, *annelids*, and *insects* from all lands and waters of the state except for department (KDWPT) lands and waters and federal and state sanctuaries.

You are not allowed to commercially harvest *fish* for bait, except from private water fishing impoundments [see K.S.A. 32-701 (o)].

You are not allowed to commercially harvest *fish* for bait from any stream in Kansas.

REGULATIONS

115-17-1. Commercial harvest of fish bait; legal species, harvest seasons, size restrictions, daily limits, and possession limits.

- (a) The following wildlife may be commercially harvested in Kansas for sale as fishing bait:
 - (1) Crayfish, all species;
 - (2) annelids; and
 - (3) insects.
- (b) The season for commercial harvest of wildlife listed in subsection (a) shall be year-round.
- (c) There shall be no minimum or maximum size restrictions for wildlife listed in subsection (a).
- (d) There shall be no maximum daily or possession limits for wildlife listed in subsection (a).
- (e) Wildlife listed in K.A.R. 115-15-1 or in K.A.R. 115-15-2 shall not be harvested.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012.)

115-17-2. Commercial sale of fish bait.

- (a) The following wildlife may be commercially sold in Kansas for fishing bait:
 - (1) The following species of fish:
 - (A) Black bullhead (*Ameiurus melas*);
 - (B) bluegill (*Lepomis macrochirus*), including hybrids;
 - (C) common carp (*Cyprinus carpio*), including koi;
 - (D) fathead minnow (*Pimephales promelas*), including “rosy reds”;
 - (E) golden shiner (*Notemigonus crysoleucas*);
 - (F) goldfish (*Carassius auratus*), including “black saltys”;
 - (G) green sunfish (*Lepomis cyanellus*), including hybrids; and
 - (H) yellow bullhead (*Ameiurus natalis*);
 - (2) only species of annelids native to or naturalized in the continental United States;
 - (3) the following species of crayfish:
 - (A) Virile crayfish (*Orconectes virilis*);
 - (B) calico crayfish (*Orconectes immunes*); and
 - (C) white river crayfish (*Procambarus acutus*); and
 - (4) only species of insects native to or naturalized in Kansas.
- (b) Wildlife listed in K.A.R. 115-15-1 or in K.A.R. 115-15-2 or prohibited from importation pursuant to K.S.A. 32-956, and amendments thereto, shall not be sold.
- (c) Live aquatic bait shall be certified free of the following pathogens before import, according to K.A.R. 115-17-2a:
 - (1) Spring viremia of carp virus;
 - (2) infectious pancreatic necrosis virus;
 - (3) viral hemorrhagic septicemia virus; and
 - (4) infectious hematopoietic virus.
- (d) Each distribution tank and each retail tank shall utilize a source of potable water or well water.
- (e) Each sale of fish bait shall be accompanied by a receipt that indicates the date of sale, the number and type of fish sold, and the name, address, phone number, and bait permit number of the vendor.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012.)

115-17-2a. Commercial sale of bait fish; testing procedures.

- (a) Live aquatic bait shall be certified free of the following pathogens before import, according to the requirements in this regulation:
- (1) Spring viremia of carp virus;
 - (2) infectious pancreatic necrosis virus;
 - (3) viral hemorrhagic septicemia virus; and
 - (4) infectious hematopoietic virus.
- (b) On and after January 1, 2014, upon application or renewal, each applicant and each commercial fish bait permittee shall provide documentation of two consecutive years of pathogen-free status from an independent laboratory approved by United States department of agriculture, animal and plant health inspection service, for the pathogens listed in subsection (a) for the source of bait fish being sold. If the facility is new, the applicant shall certify by affidavit that the facility does not meet the requirements in this regulation and shall provide documentation of pathogen-free status for the current year of operation.
- (c) The sample size shall be 150 fish and shall include moribund fish observed in the sampling process. The samples shall be collected twice each year. The samples shall be collected once during the month of October, November, or December and once during the month of March, April, or May.
- (d) Collection of each sample shall be overseen by a doctor of veterinary medicine accredited by the United States department of agriculture, animal and plant health inspection service. The collection shall be made under the direct observation of the overseer to the extent that the official can attest to the origin of the fish and that the sampling scheme meets the requirements in this regulation.
- (e) Each sample shall include all of the ponds and grow-out tanks. The final species and age composition of each sample shall reflect the overall composition of the certified fish on location. For locations with more than 50 ponds, all species and sizes of fish shall be included in each sample, but the ponds may be sampled in rotation so that all ponds are sampled at least once every two years.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective Jan. 1, 2012.)

115-17-3. Commercial fish bait permit; requirement, application, and general provisions.

- (a) A commercial fish bait permit shall be required for the harvest, sale, or purchase for resale of fish bait, except that a commercial fish bait permit shall not be required for the harvest or sale of annelids or insects or for the purchase of annelids or insects for resale.
- (b) Any person may apply to the secretary for a commercial fish bait permit. The application shall be submitted on forms provided by the department and completed in full by the applicant. Each incomplete application shall be returned to the applicant.
- (c) Each commercial fish bait permit shall be valid for only those wildlife species specified in the permit.
- (d) Each commercial fish bait permit shall authorize the permittee to perform any of the following:
- (1) Sell fish bait to any person for use as fish bait;
 - (2) purchase fish bait for resale as fish bait, if the purchase is made from a person who meets at least one of the following requirements:
 - (A) Possesses a valid commercial fish bait permit;

- (B) is a commercial fish grower, as defined by K.S.A. 32-974 and amendments thereto; or
- (C) is authorized by another state to export and sell fish bait; or
- (3) import fish bait for sale as fish bait.
- (e) Each permittee harvesting or purchasing fish bait shall maintain records of the following information and, if requested by the secretary, shall provide a report to the department containing the following information:
 - (1) The permittee's name;
 - (2) the permit number;
 - (3) the number, location, and species of wildlife harvested;
 - (4) the number and species of wildlife sold;
 - (5) for each permittee purchasing fish bait, the name, address, and phone number of each individual distributor or producer from whom the permittee purchased; and
 - (6) for each permittee purchasing fish bait, the delivery date of each purchase.
- (f) Each permittee shall make records required under the permit available for inspection by any law enforcement officer or department employee upon demand.
- (g) Each permittee shall make the fish and the distribution or retail holding tanks that are subject to sample testing pursuant to K.A.R. 115-17-2a available for inspection by any law enforcement officer or department employee upon demand.
- (h) Each permittee shall respond to any survey regarding activities conducted under the permit if requested by the secretary.
- (i) In addition to other penalties prescribed by law, a commercial fish bait permit or application may be denied or revoked by the secretary if either of the following conditions is met:
 - (1) The application is incomplete or contains false information.
 - (2) The permittee fails to meet permit requirements or violates permit conditions.
- (j) Each commercial fish bait permit shall expire on December 31 of the year for which the permit is issued.
- (k) A permittee may possess and sell legally acquired wildlife for fish bait for not more than 30 days following expiration of the permit.

115-17-4. Commercial harvest of fish bait; legal equipment, taking methods, and general provisions.

- (a) Legal equipment and taking methods permitted for commercial harvest of wildlife for use as fish bait shall be as follows:
 - (1) Crayfish may be taken by the following methods and means:
 - (A) By hand;
 - (B) by trap with ½-inch or smaller mesh size, using the bar measurement, and with two-inch or smaller entrance openings;
 - (C) by seine with ½-inch or smaller mesh size, using the bar measurement. The seine may be of any length, height, or twine size;
 - (D) by lift net with ½-inch or smaller mesh size, using the bar measurement;
 - (E) by dip net with ½-inch or smaller mesh size, using the bar measurement. The dip net may be of any dimension and have any handle configuration; and
 - (F) by other methods as approved by the secretary.
 - (2) Annelids and insects may be taken by any method.
- (b)
 - (1) Boats with or without mechanical propulsion may be used.
 - (2) depth-recording or fish-locating devices may be used.
 - (3) holding baskets, holding cages, and holding bags may be used, if the permittee's name and permit number are attached.

(4) the permittee's name and permit number shall be attached to each trap and seine while the trap or seine is in use.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012.)

115-17-5. Commercial harvest of fish bait; open areas.

The following areas shall be open for the commercial harvest of crayfish, annelids, and insects:

- (a) For crayfish, all lands and waters of the state except department lands and waters and federal and state sanctuaries; and
- (b) for annelids and insects, all lands and waters of the state except department lands and waters and federal and state sanctuaries.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012.)

115-15-1. Threatened and Endangered Species; general provisions.

(a) The following species shall be designated endangered within the boundaries of the state of Kansas.

(1) Invertebrates

- Flat floater mussel, *Anodonta suborbiculata* (Say, 1831)
- Rabbitsfoot mussel, *Quadrula cylindrica* (Say, 1817)
- Western fanshell mussel, *Cyprogenia aberti* (Conrad, 1850)
- Neosho mucket mussel, *Lampsilis rafinesqueana* (Frierson, 1927)
- Elktoe mussel, *Alasmidonta marginata* (Say, 1818)
- Ellipse mussel, *Venustaconcha ellipsiformis* (Conrad, 1836)
- Slender walker snail, *Pomatiopsis lapidaria* (Say, 1817)
- Scott optioservus riffle beetle, *Optioservus phaeus* (White, 1978)
- American burying beetle, *Nicrophorus americanus* (Olivier, 1890)
- Mucket, *Actinonaias ligamentina* (Lamarck, 1819)

(2) Fish

- Arkansas River shiner, *Notropis girardi* (Hubbs and Ortenburger, 1929)
- Pallid sturgeon, *Scaphirhynchus albus* (Forbes and Richardson, 1905)
- Sicklefin chub, *Macrhybopsis meeki* (Jordan and Evermann, 1896)
- Arkansas River speckled chub, *Macrhybopsis tetranema* (Gilbert, 1886)
- Silver chub, *Macrhybopsis storeriana* (Kirtland, 1845)

(3) Amphibians

- Cave salamander, *Eurycea lucifuga* (Rafinesque, 1822)
- Many-ribbed salamander, *Eurycea multiplicata* (Cope, 1869)
- Grotto salamander, *Eurycea spelaea* (Stejneger, 1892)

(4) Birds

- Black-capped vireo, *Vireo atricapilla* (Woodhouse, 1852)
- Eskimo curlew, *Numenius borealis* (Forster, 1772)
- Least tern, *Sterna antillarum* (Lesson, 1847)
- Whooping crane, *Grus americana* (Linnaeus, 1758)

(5) Mammals

Black-footed ferret, *Mustela nigripes* (Audubon and Bachman, 1851)

Gray myotis, *Myotis grisescens* (A.H. Howell, 1909)

(b) The following species shall be designated threatened within the boundaries of the state of Kansas.

(1) Invertebrates

Rock pocketbook mussel, *Arcidens confragosus* (Say, 1829)

Flutedshell mussel, *Lasmigona costata* (Rafinesque, 1820)

Butterfly mussel, *Ellipsaria lineolata* (Rafinesque, 1820)

Ouachita kidneyshell mussel, *Ptychobranchus occidentalis* (Conrad, 1836)

Sharp hornsnail, *Pleurocera acuta* (Rafinesque, 1831)

Delta hydrobe, *Probythinella emarginata* (Kuster, 1852)

(2) Fish

Arkansas darter, *Etheostoma cragini* (Gilbert, 1885)

Chestnut lamprey, *Ichthyomyzon castaneus* (Girard, 1858)

Flathead chub, *Platygobio gracilis* (Richardson, 1836)

Hornyhead chub, *Nocomis biguttatus* (Kirtland, 1840)

Neosho madtom, *Noturus placidus* (Taylor, 1969)

Redspot chub, *Nocomis asper* (Lachner and Jenkins, 1971)

Silverband shiner, *Notropis shumardi* (Girard, 1856)

Blackside darter, *Percina maculata* (Girard, 1859)

Sturgeon chub, *Macrhybopsis gelida* (Girard, 1856)

Western silvery minnow, *Hybognathus argyritis* (Girard, 1856)

Topeka shiner, *Notropis topeka* (Gilbert, 1884)

Shoal chub, *Macrhybopsis hyostoma* (Gilbert, 1884)

Plains minnow, *Hybognathus placitus* (Girard, 1856)

(3) Amphibians

Eastern newt, *Notophthalmus viridescens* (Rafinesque, 1820)

Longtail salamander, *Eurycea longicauda* (Green, 1818)

Eastern narrowmouth toad, *Gastrophryne carolinensis* (Holbrook, 1836)

Green frog, *Rana clamitans* (Latreille, 1801)

Spring peeper, *Pseudacris crucifer* (Wied-Neuwied, 1838)

Strecker's chorus frog, *Pseudacris streckeri* (Wright and Wright, 1933)

Green toad, *Bufo debilis* (Girard, 1854)

(4) Reptiles

Broadhead skink, *Eumeces laticeps* (Schneider, 1801)

Checkered garter snake, *Thamnophis marcianus* (Baird and Girard, 1853)

Texas blind snake, *Leptotyphlops dulcis* (Baird and Girard, 1853)

Redbelly snake, *Storeria occipitomaculata* (Storer, 1839)

Longnose snake, *Rhinocheilus lecontei* (Baird and Girard, 1853)

Smooth earth snake, *Virginia valeriae* (Baird and Girard, 1853)

(5) Birds

Piping plover, *Charadrius melodus* (Ord, 1824)

Snowy plover, *Charadrius alexandrinus* (Linnaeus, 1758)

(6) Mammals

Spotted skunk, *Spilogale putorius* (Linnaeus, 1758)

(7) Turtles

Common map turtle, *Graptemys geographica* (Le Sueur, 1817)

(c) A threatened or endangered species taken during established trapping seasons, authorized commercial wildlife operations, fishing by hook and line, bait fish seining, or other lawful activity shall not be unlawfully taken if immediately released.

(d) Any threatened or endangered species in possession before the effective date of this regulation and not prohibited by any previous regulation of the department or national listings may be retained in possession if either of the following conditions is met:

- (1) An application of affidavit to that effect has been filed with and approved by the secretary before January 1, 1990 that states the circumstances of how the species came into possession.
- (2) Possession of the animal has been previously approved by the department.

(Authorized by K.S.A. 32-960 and K.S.A. 32-963; implementing K.S.A. 32-960, K.S.A. 32-961, K.S.A. 32-963, K.S.A. 32-1010, and K.S.A. 32-1011; effective Oct. 30, 1989; amended Aug. 31, 1992; amended Nov. 29, 1999; amended Feb. 18, 2005; amended July 24, 2009.)

115-15-2. Nongame Species; general provisions.

(a) The following species shall be designated nongame species in need of conservation within the boundaries of the state of Kansas.

(1) Invertebrates

Cylindrical papershell mussel, *Anodontoides ferussacianus* (I. Lea, 1834)
Snuffbox mussel, *Epioblasma triquetra* (Rafinesque, 1820)
Wartyback mussel, *Quadrula nodulata* (Rafinesque, 1820)
Spike mussel, *Elliptio dilatata* (Rafinesque, 1820)
Wabash pigtoe mussel, *Fusconaia flava* (Rafinesque, 1820)
Fatmucket mussel, *Lampsilis siliquoidea* (Barnes, 1823)
Yellow sandshell mussel, *Lampsilis teres* (Rafinesque, 1820)
Washboard mussel, *Megalonaias nervosa* (Rafinesque, 1820)
Round pigtoe mussel, *Pleurobema sintoxia* (Conrad, 1834)
Creepers mussel, *Strophitus undulatus* (Say, 1817)
Fawnsfoot mussel, *Truncilla donaciformis* (I. Lea, 1828)
Deertoe mussel, *Truncilla truncata* (Rafinesque, 1820)
Ozark emerald dragonfly, *Somatochlora ozarkensis* (Bird, 1833)
Gray petaltail dragonfly, *Tachopteryx thoreyi* (Hagen in Selys, 1857)
Prairie mole cricket, *Gryllotalpa major* (Saussure, 1874)
Neosho midget crayfish, *Orconectes macrus* (Williams, 1952)

(2) Fish

Banded darter, *Etheostoma zonale* (Cope, 1868)
Banded sculpin, *Cottus carolinae* (Gill, 1861)
Black redhorse, *Moxostoma duquesnei* (Lesueur, 1817)
Blue sucker, *Cycleptus elongatus* (Lesueur, 1817)
Blacknose dace, *Rhinichthys atratulus* (Hermann, 1804)
Bluntnose darter, *Etheostoma chlorosoma* (Hay, 1881)
Brassy minnow, *Hybognathus hankinsoni* (Hubbs, 1929)
Gravel chub, *Erimystax x-punctatus* (Hubbs and Crowe, 1956)
Greenside darter, *Etheostoma blennioides* (Rafinesque, 1819)
Highfin carpsucker, *Carpionodes velifer* (Rafinesque, 1820)
Northern hog sucker, *Hypentelium nigricans* (Lesueur, 1817)
Ozark minnow, *Notropis nubilus* (Forbes, 1878)
River darter, *Percina shumardi* (Girard, 1859)
River redhorse, *Moxostoma carinatum* (Cope, 1870)
River shiner, *Notropis blennius* (Girard, 1856)

- Slough darter, *Etheostoma gracile* (Girard, 1859)
 Speckled darter, *Etheostoma stigmaeum* (Jordan, 1877)
 Spotfin shiner, *Cyprinella spiloptera* (Cope, 1868)
 Spotted sucker, *Minytrema melanops* (Rafinesque, 1820)
 Stippled darter, *Etheostoma punctulatum* (Agassiz, 1854)
 Tadpole madtom, *Noturus gyrinus* (Mitchill, 1817)
 Brindled madtom, *Noturus miurus* (Jordan, 1877)
 Bigeye shiner, *Notropis boops* (Gilbert, 1884)
 Redfin darter, *Etheostoma whipplei* (Girard, 1859)
 Lake Sturgeon, *Acipenser fulvescens* (Rafinesque, 1817)
 Striped shiner, *Luxilus chrysocephalus* (Rafinesque, 1820)
 Common shiner, *Luxilus cornutus* (Mitchill, 1817)
 Southern Redbelly Dace, *Phoxinus erythrogaster* (Rafinesque, 1820)
 Cardinal Shiner, *Luxilus cardinalis* (Mayden, 1988)
 Johnny Darter, *Etheostoma nigrum* (Rafinesque, 1820)
- (3) Amphibians
 Red-spotted toad, *Bufo punctatus* (Baird and Girard, 1852)
 Crawfish frog, *Rana areolata* (Baird and Girard, 1852)
- (4) Reptiles
 Rough earth snake, *Virginia striatula* (Linnaeus, 1766)
 Western hognose snake, *Heterodon nasicus* (Baird and Girard, 1852)
 Timber rattlesnake, *Crotalus horridus* (Linnaeus, 1758)
 Eastern hognose snake, *Heterodon platirhinos* (Latreille, 1801)
 Glossy snake, *Arizona elegans* (Kennicott, 1859)
 Chihuahuan night snake, *Hypsiglena jani* (Duges, 1865)
- (5) Birds
 Bobolink, *Dolichonyx oryzivorus* (Linnaeus, 1758)
 Cerulean warbler, *Dendroica cerulea* (Wilson, 1810)
 Curve-billed thrasher, *Toxostoma curvirostre* (Swainson, 1827)
 Ferruginous hawk, *Buteo regalis* (Gray, 1844)
 Golden eagle, *Aquila chrysaetos* (Linnaeus, 1758)
 Short-eared owl, *Asio flammeus* (Pontoppidan, 1763)
 Henslow's sparrow, *Ammodramus henslowii* (Audubon, 1829)
 Ladder-backed woodpecker, *Picoides scalaris* (Wagler, 1829)
 Long-billed curlew, *Numenius americanus* (Bechstein, 1812)
 Mountain plover, *Charadrius montanus* (Townsend, 1837)
 Chihuahuan raven, *Corvus cryptoleucus* (Couch, 1854)
 Black tern, *Chlidonias niger* (Linnaeus, 1758)
 Black rail, *Laterallus jamaicensis* (Gmelin, 1789)
 Whip-poor-will, *Caprimulgus vociferus* (Wilson, 1812)
 Yellow-throated warbler, *Dendroica dominica* (Linnaeus, 1776)
- (6) Mammals
 Franklin's ground squirrel, *Spermophilus franklinii* (Sabine, 1822)
 Pallid bat, *Antrozous pallidus* (LeConte, 1856)
 Southern bog lemming, *Synaptomys cooperi* (Baird, 1858)
 Southern flying squirrel, *Glaucomys volans* (Linnaeus, 1758)
 Texas mouse, *Peromyscus attwateri* (J.A. Allen, 1895)
 Townsend's big-eared bat, *Corynorhinus townsendii* (Cooper, 1837)
- (7) Turtles
 Alligator snapping turtle, *Macrochelys temminckii* (Troost, in Harlan, 1835)

(b) Any nongame species in need of conservation taken during established trapping seasons, authorized commercial wildlife operations, fishing by hook and line, bait fish seining, or other lawful activity shall not be unlawfully taken if immediately released.

(c) Any nongame species in need of conservation in possession before the effective date of this regulation and not prohibited by any previous regulation of the department or national listings may be retained in possession if either of the following conditions is met:

- (1) An application of affidavit to that effect has been filed with and approved by the secretary before January 1, 1990, that states the circumstances of how the species came into possession.
- (2) Possession of the animal has been previously approved by the department.

(Authorized by K.S.A. 32-959 and K.S.A. 32-963; implementing K.S.A. 32-959 and K.S.A. 2008 Supp. 32-1009; effective Oct. 30, 1989; amended Aug. 31, 1992; amended Nov. 29, 1999; amended Feb. 18, 2005; amended July 24, 2009.)

STATUTES

K.S.A. 32-701. (o)

(o) "Private water fishing impoundment" means one or more water impoundments:

- (1) Constructed by man rather than natural, located wholly within the boundary of the lands owned or leased by the person operating the private water impoundments; and
- (2) entirely isolated from other surface water so that the impoundment does not have any connection either continuously or at intervals, except during periods of floods, with streams or other bodies of water so as to permit the fish to move between streams or other bodies of water and the private water impoundments, except that the private water impoundments may be connected with a stream or other body of water by a pipe or conduit if fish will be prevented at all times from moving between streams or other bodies of water and the private water impoundment by screening the flow or by other means.

K.S.A. 32-807. (q) Powers of secretary. The secretary shall have the power to...:

(q) provide for the preservation, protection, introduction, distribution, restocking and restoration of wildlife, and the public use thereof, in this state, including, but not limited to:

- (1) Establishing, by rules and regulations adopted in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto, open seasons when wildlife may be taken or transported in the state of Kansas, or in any part or area of the state designated by counties, major streams, federal impoundments or federal, state or county highways, or by other recognizable boundaries, which open seasons may be established for a specified time in one year only or for a specified time in an indefinite number of years and which open seasons on migratory birds shall not extend beyond or exceed those in effect under federal laws and regulations;
- (2) establishing, by rules and regulations adopted in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto, the number of wildlife which may be taken by a person, as the legal limit for any one calendar day and for the open season, which limit on migratory fowl shall not extend beyond or exceed those limits in effect under federal laws and regulations;
- (3) establishing, by rules and regulations adopted in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto, the legal size limits of fish or frogs which may be taken;
- (4) establishing, by rules and regulations adopted in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto, the conditions, procedure and rules under which any

person may sell, purchase, buy, deal or trade in wildlife in the state of Kansas; and (5) capturing, propagating, transporting, selling, exchanging, giving or distributing any species of wildlife, by any means or manner, needed for stocking or restocking any lands or waters in this state, except that the power to capture any species of wildlife for any purpose shall not apply to private property except by permission of the owners of the property or in the case of an emergency threatening the public health or welfare;

K.S.A. 32-941. (a,b) Commercial harvest permits.

(a) Except as otherwise authorized by law or rules and regulations of the secretary, a commercial harvest permit is required, in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, to take any wildlife in this state on a commercial basis.

(b) Subsection (a) does not apply to:

- (1) A person acting within the scope of a valid furharvester or valid fur dealer license issued to such person; or
- (2) a private water fishing impoundment.

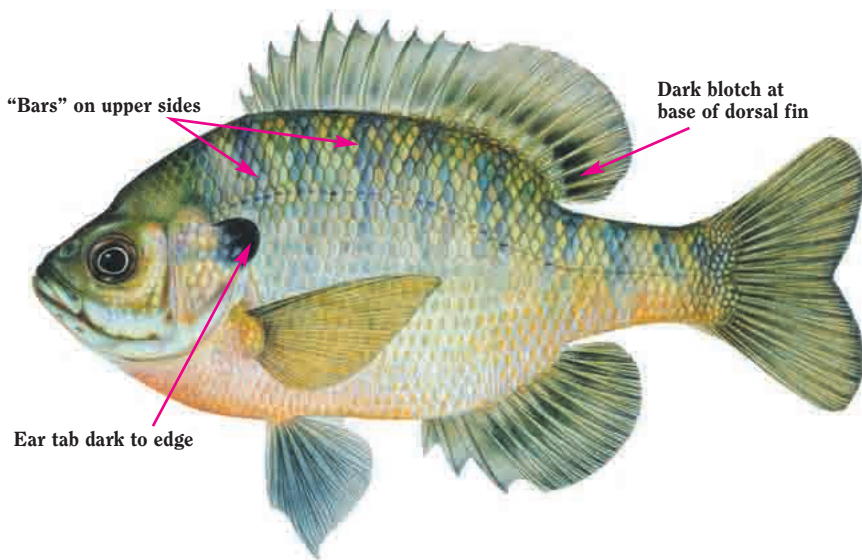
K.S.A. 32-974. Private water fishing impoundment exemptions.

The owner or tenant having possession and control of a private water fishing impoundment and desiring to use it for the propagation or raising of fish for private use or to be sold or used commercially may do so without securing or holding any state license, permit or stamp and without being limited as to numbers, time or manner of taking fish from such impoundment.

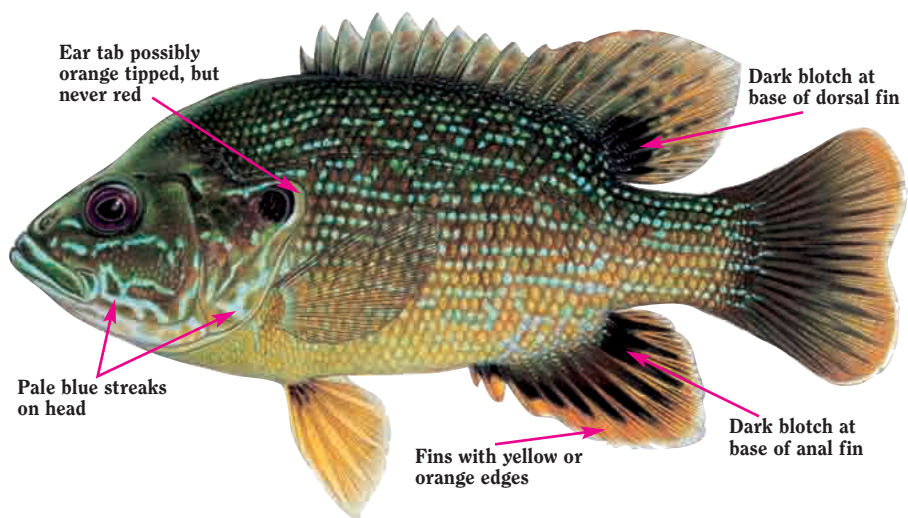
BAIT FISH IDENTIFICATION GUIDE

ONLY SPECIES SHOWN MAY BE SOLD

Bluegill



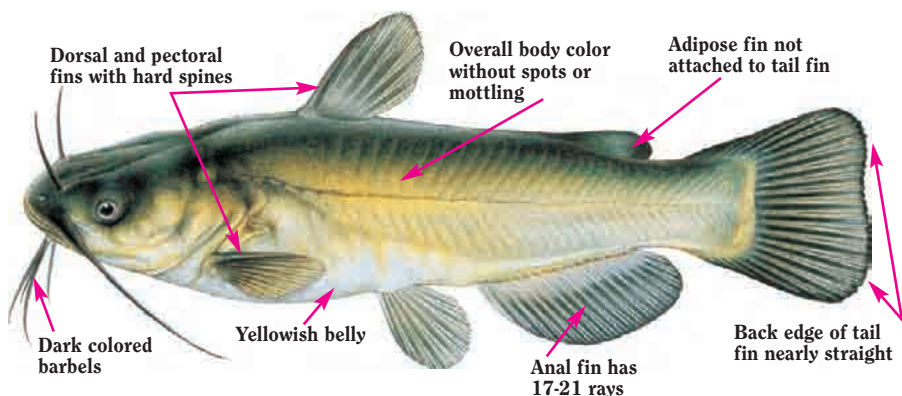
Green Sunfish



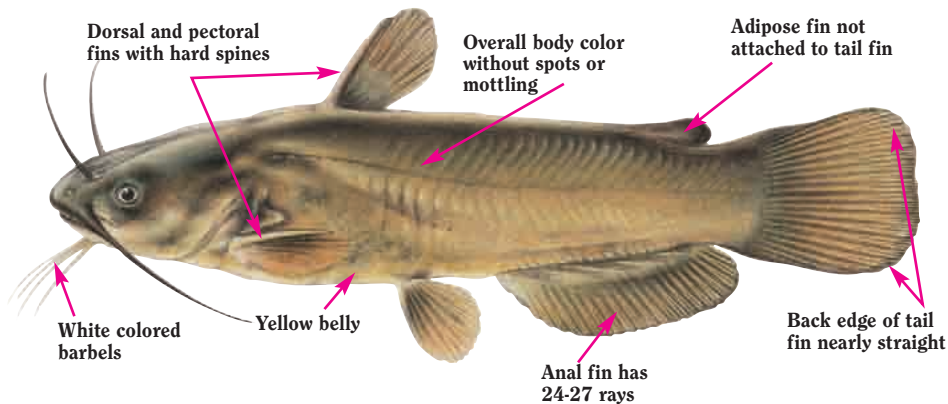
BAIT FISH IDENTIFICATION GUIDE

ONLY SPECIES SHOWN MAY BE SOLD

Black Bullhead



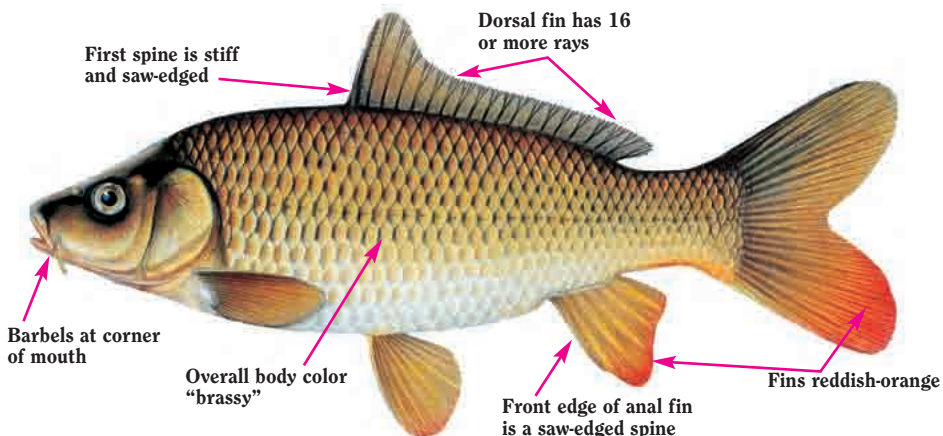
Yellow Bullhead



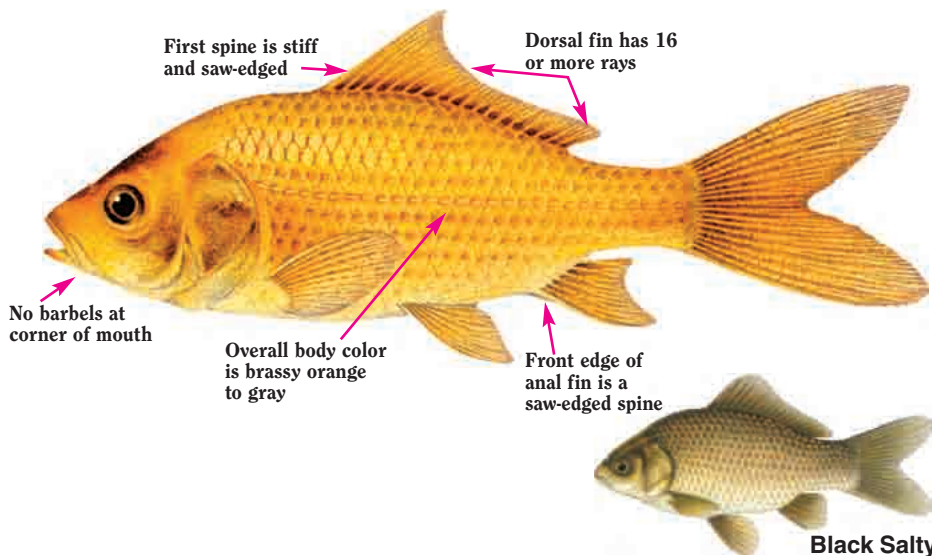
BAIT FISH IDENTIFICATION GUIDE

ONLY SPECIES SHOWN MAY BE SOLD

Common Carp



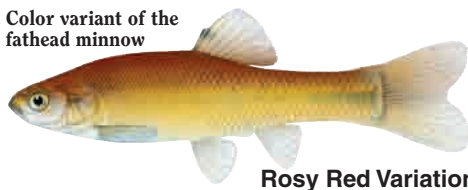
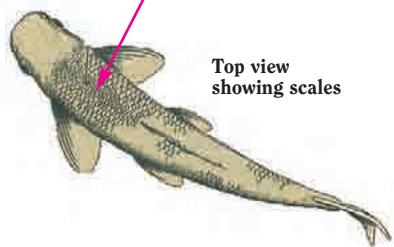
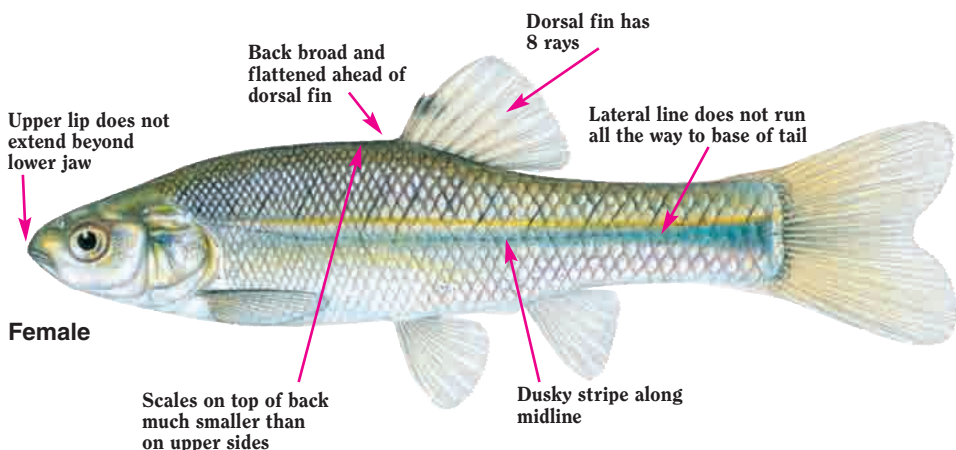
Goldfish



BAIT FISH IDENTIFICATION GUIDE

ONLY SPECIES SHOWN MAY BE SOLD

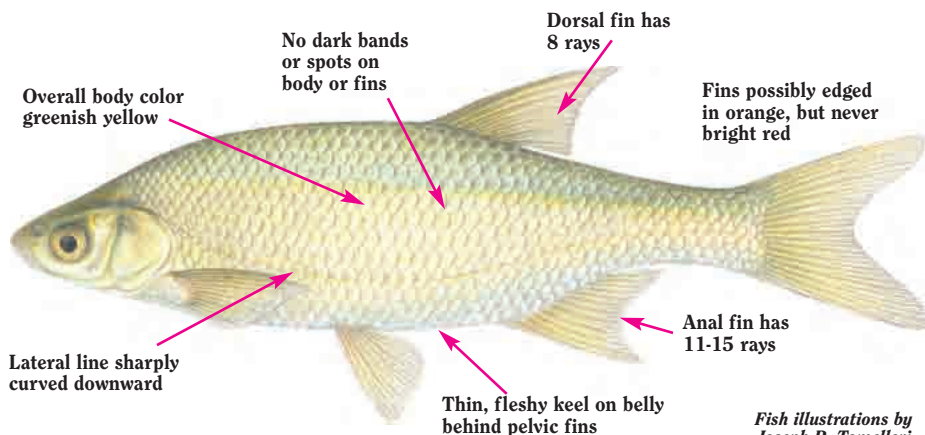
Fathead Minnow



BAIT FISH IDENTIFICATION GUIDE

ONLY SPECIES SHOWN MAY BE SOLD

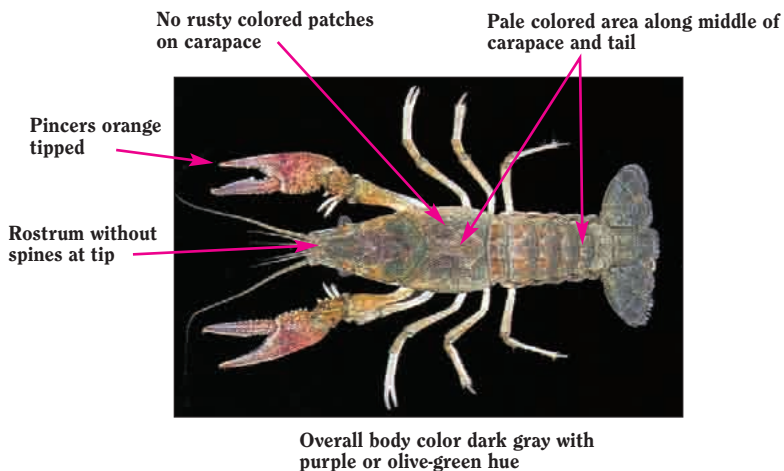
Golden Shiner



CRAYFISH IDENTIFICATION GUIDE

ONLY SPECIES SHOWN MAY BE SOLD

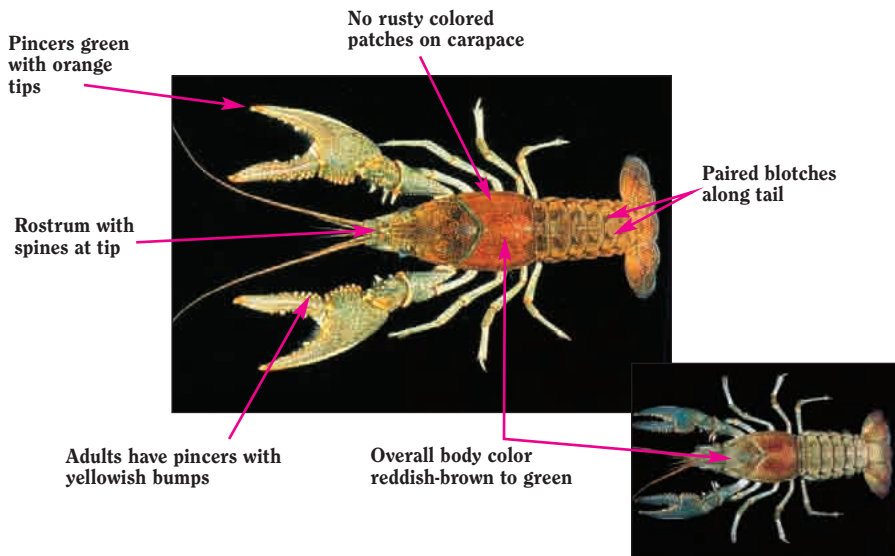
Calico (Papershell)



CRAYFISH IDENTIFICATION GUIDE

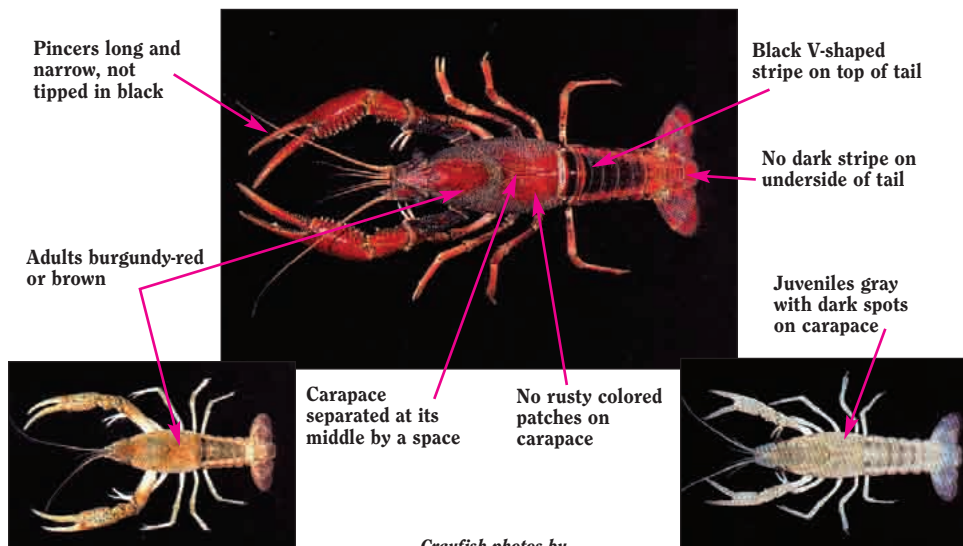
ONLY SPECIES SHOWN MAY BE SOLD

Virile (Northern)



Green Hued Adult

White River



Brown Adult

Crayfish photos by William L. Pflieger

Juvenile



NO ASTRA PER ASPERA
Kansas
Department of Wildlife, Parks
and Tourism



APPLICATION FOR COMMERCIAL FISH BAIT PERMIT

PERMIT YEAR: _____ (This is the year in which you want the permit to be applicable.
The permit will expire on December 31st of the year listed in this blank.)

Application Type (please circle one): NEW RENEWAL AMENDED

APPLICANT INFORMATION:

First Name ↑	Middle Initial	Last
Mailing Address or PO Box		
City	State	Zip Code
Phone Number	E-mail (optional)	

BUSINESS INFORMATION: You may apply for a maximum of 3 businesses or locations for each permit.

Business Information (1)

Business Name ↑		
Physical Street Address		
City	State	Zip Code
Phone Number	Business Hours (optional)	
Website(optional)	E-mail (optional)	

Business Information (2)

Business Name ↑		
Physical Street Address		
City	State	Zip Code
Phone Number	Business Hours (optional)	
Website(optional)	E-mail (optional)	

Business Information (3)

Business Name ↑		
Physical Street Address		
City	State	Zip Code
Phone Number	Business Hours (optional)	
Website(optional)	E-mail (optional)	

Would you like your business information posted on the KDWP website for the public to know where to purchase live bait?

NO

YES → If YES, check the boxes below for the information you would like posted:

Business Name Physical Street Address

Phone Number E-mail

Website Business Hours

Other _____

You must complete all information in box A or B below or your application will be returned.

A	B
Social Security Number:	Federal Employer ID Number (FEIN):
Date of Birth:	
Driver's License Number:	
Driver's License State:	

Types of live bait that you will sell and/or import (select all that apply):

Crayfish (legal species include: virile, calico, and white river crayfish)

Fish (legal species include: black bullhead, yellow bullhead, bluegill, bluegill hybrids, green sunfish, green sunfish hybrids, common carp, koi, golden shiner, fathead minnow, "rosy reds," goldfish, and "black saltys")

Check the boxes next to each bait-related activity this business will engage in.

Select all that apply and provide the supplemental information as requested per activity.

PURCHASE BAIT - I want to purchase bait in Kansas and resell it.

Who are the suppliers you will purchase bait from?

Supplier 1 Business Name: _____ City: _____ State: _____

Supplier 2 Business Name: _____ City: _____ State: _____

Supplier 3 Business Name: _____ City: _____ State: _____

HAUL BAIT - I want to transport, haul, or distribute bait to Kansas permitted dealers (also known as a jobber, hauler, transporter, or deliverer).

HARVEST BAIT - I want to harvest bait in Kansas and sell it in Kansas.

List the county, township, section, and range, **OR** the GPS coordinates of all your collection sites.

Continue on another sheet if you have more than 4 sites. In the case of disease and pathogen occurrence, KDWP needs this information to help prevent the spread to other waters.

	COUNTY	TOWNSHIP	SECTION	QUARTER SECTION	GPS COORDINATES
SITE 1					
SITE 2					
SITE 3					
SITE 4					

IMPORT BAIT - I want to purchase bait out-of-state and resell it in Kansas.

Who will you purchase bait from?

Supplier 1 Business Name: _____ City: _____ State: _____

Supplier 2 Business Name: _____ City: _____ State: _____

Supplier 3 Business Name: _____ City: _____ State: _____

If you are importing bait from out-of-state, you must obtain a copy of the out-of-state supplier's proof of disease free status pursuant to K.A.R. 115-17-2a. Proof of disease free status must be included along with your completed application. See application packet for more details. Please submit your payment of \$22.50 with this completed application to **Attn: Commercial Fish Bait Permit Application, Emporia Research and Survey Office, PO Box 1525, Emporia, KS 66801**. Make all checks payable to the Kansas Department of Wildlife, Parks and Tourism.

Incomplete applications will be returned.

I understand the facility or facilities named in this application may be randomly inspected and tested to ensure compliance with K.A.R. 115-17-2a. I certify that any false statement herein may be subject to permit rejection or revocation.

Applicant's Signature _____ Date _____