

# Live Baitfish Regulations

Live baitfish can help people catch fish.

In some North Dakota lakes, however, anglers can't use live baitfish.

Versions of this often-discussed fishing regulation have been in place for more than 50 years. It started with only a couple of lakes, expanded to more than three dozen, and is now moving the other direction under a long-range North Dakota Game and Fish Department effort to remove fishing rules that are no longer necessary.

The meaning of "necessary," however, is not the same from fishing water to fishing water, because not all fall under the "no-live-baitfish" designation for the same reason. Game and Fish biologists are evaluating these considerations as the simplification effort moves along.

## The First Lakes for No Live Baitfish

In the mid-1950s the Game and Fish Department began a program to establish trout lakes in North Dakota. When the first of these lakes opened to fishing, use of live baitfish, or even all live bait (worms, insects) was not allowed, primarily to protect the trout fishery from expected high use and possible overharvest.

By the mid-1960s, North Dakota had nearly 40 trout lakes. Photos taken on days when these new trout lakes opened to fishing indicate high popularity.

Trout lakes at one time were divided into three classes, depending on bait restrictions and whether they were open to winter fishing. Every year, lakes were added, subtracted and moved between classes, which, in retrospect, made for a rather complicated set of regulations.

However, this close scrutiny of individual lakes was necessary because North Dakota's fishing picture was much different then. The bulk of the state's fishing effort took place on smaller, local reservoirs and a few natural lakes. The Missouri River reservoirs were just forming and Devils Lake was not deep enough to support fish.

When the Garrison Dam National Fish Hatchery came on line in the early 1960s, a good share of its production capacity was dedicated to trout. It wasn't until the late 1980s, after the hatchery expanded, that it could produce enough walleye and northern pike to meet increasing stocking requests for these fish.

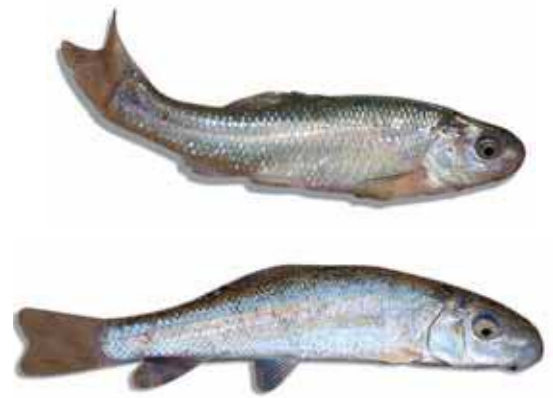
While trout stocking capabilities increased, over time most lakes that initially supported good trout fisheries lost their productivity. The primary reason was not usually overfishing, but either poor water quality, competition from new fish species illegally introduced into these waters, or a combination of both.

One of the primary sources of unwanted fish was people who couldn't resist the temptation of trying to improve their angling odds by illegally using live baitfish anyway.

The final act of these furtive fishing outings was typically dumping the minnows in the lake, which conceptually would not have been a problem if the minnows were all fatheads or sticklebacks. However, back then, many types of fish were legal to use as bait – including carp.

In time, many of these lakes became overrun with unwanted fish, but fortunately many were so small that Game and Fish could try to chemically treat them to kill all fish life. Starting over with a clean lake, no-live-baitfish regulations went in place with the emphasis of minimizing potential for new unwarranted introductions.

In the early 1990s, the Game and Fish Department began changing its regulations to reflect this philosophy. For decades, rules dealt primarily with *where* people could use live baitfish. The new direction placed more emphasis on *what* people could use outside the waters where live baitfish were not allowed.



*Fathead minnows (above) are the most widely used live baitfish in North Dakota. White suckers (below) have not been legal to use, except in the Red River, since the mid-1990s. That regulation alone has saved the Game and Fish Department and state anglers tens of thousands of dollars previously spent on white sucker removal or control on lakes around the state.*

## So Long to White Suckers

At one time white suckers were widely used as baitfish in North Dakota. The problem is, suckers that are minnow-sized in their first or second year don't stop growing. They can grow to 24 inches and 5 pounds and in a contained environment they can take over a fishery.

Since white suckers are native to the state's two largest river systems, the Department's first cut at restricting their use left things as they were on the Missouri and Red. In a practical sense, a few more suckers released illegally from a bait bucket into these large rivers wouldn't make a difference. The problem, however, was the potential for anglers, inadvertently or on purpose, to buy suckers and use them someplace where they weren't legal.

A couple of years later Game and Fish outlawed use of suckers on the Missouri River System. The Red River was left alone because of its shared responsibility with Minnesota, which allows suckers as bait on the Red.

Today, less than a half-dozen bait vendors in eastern North Dakota have a special license to possess and sell suckers.

In addition, a few “minnow” species like shiners were added to, and then eventually removed from the list of legal baitfish. Current regulations allow fatheads, sticklebacks and creek chubs statewide, and white suckers in the Red River only.

## Other Sources, Other Threats

Minimizing readily available sources of potentially harmful fish like white suckers has greatly reduced the number of unwarranted introductions. That effort has been supported by increased oversight and sometimes



*Creek chubs (above) are legal live baitfish in North Dakota, while sand shiners (below) are not. Note the similarities between the sand shiner and female fathead minnow on page 2. Anglers who trap their own minnows must pay close attention so that illegal species do not wind up in their bait buckets.*

banning of imported bait, both by individual anglers and by commercial vendors.

Since the early 2000s, individual anglers have not been allowed to bring *any* live aquatic baitfish, even fatheads, into North Dakota because of their potential to carry hidden undesirable species. That threat applies to more than just unwanted fish. Bait buckets from out of state could easily carry aquatic nuisance species such as Eurasian water milfoil fragments, zebra mussel larvae, spiny water fleas or one of several other aquatic plants, animals or diseases that could invade the state’s clean lakes and cause just as many problems as white suckers.

With the exception of fathead minnows, commercial vendors can import legal bait, but both wholesale and

retail vendors are subject to inspection and must be pre-approved before any bait is imported. Twenty-five years ago the bait business had no such requirements.

## The Future

Since current baitfish regulations are for the most part working as intended, there is growing support for allowing anglers to use live baitfish in at least some of the lakes where it is currently prohibited.

The state still has a few smaller waters dedicated to trout where Game and Fish intends to reduce harvest potential by not allowing use of minnows. However, most of the 20 lakes where live baitfish are not currently allowed have several game fish species present and would not likely experience any changes if minnows were allowed.

While many anglers would welcome further simplification of regulations, fisheries biologists are at the moment hesitant to open up restricted lakes that do not contain unwanted species. North Dakota law still allows licensed individual anglers to trap their own bait in most public waters, including those that have white suckers. While fatheads and sticklebacks are not a threat, there are minnow species, and even young-of-the-year white suckers, that look fairly similar to fatheads and could accidentally get mixed in with legal bait. Bullheads and carp could also find their way into a bait bucket.

If everyone who trapped a few minnows in their local creek or river was 100 percent effective in separating legal baitfish and releasing those that are not legal, it wouldn’t present a problem. But some, if not most anglers would have trouble differentiating a few baitfish. The cost of a mistake – an unwanted fish mixed in with legal bait, and then dumped out into new water – is high.

As the next fishing proclamation is developed over the next year, fisheries managers will look at the list of lakes where live baitfish are not allowed and consider changes. They will weigh the risk of opening up lakes, and also consider whether to pursue changes to the long-standing law that allows anglers to trap their own fatheads, sticklebacks and creek chubs.

Perhaps, at some point, the number of lakes under a “no-live-baitfish” rule will come full circle, dropping back to a few special lakes that would maintain this regulation consistently for harvest purposes, while other lakes would join the bulk of North Dakota’s fisheries where legal live baitfish help people catch fish.

What do you think?

*To pass along your comments, send us an e-mail at [ndgf@nd.gov](mailto:ndgf@nd.gov); call us at (701) 328-6300; or write North Dakota Game and Fish Department, 100 N. Bismarck Expressway, Bismarck, ND 58501.*