

**RULES
OF THE
TENNESSEE WILDLIFE RESOURCES AGENCY**

**CHAPTER 1660-01-26
RULES AND REGULATIONS FOR FISH FARMING,
CATCH-OUT OPERATIONS, AND BAIT DEALERS**

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1660-01-26-.01 DEFINITIONS.

- (1) "Agency" or "TWRA" means the Tennessee Wildlife Resources Agency.
- (2) "Fish Farming" means the business of rearing for sale legal species of fish and other aquatic life or the selling of legal species of fish and other aquatic life reared in private facilities. Selling may be by direct purchase or by catch-out operations.
- (3) "Catch-Out Operation" means the business of making-legal species of fish placed in a pond, tank, or other constructed container available to persons wishing to purchase them after catching them by legal sport fishing methods. Sport fishing licenses are not required of customers, and statewide creel and size limits do not apply. The season is open year-round. A catch-out operation may be located at sites other than a fish farm.
- (4) "Bait Dealer" means the business of capturing legal species of fish and other aquatic life for the purpose of sale as bait, or the business of selling legal species of fish and other aquatic life for bait.
- (5) "Person" means the plural as well as the singular, as the case demands, and includes individuals, associations, partnerships, firms, or corporations.
- (6) "Fish" means any life stage of any fish species, from egg through adult.
- (7) "Fish Farm" means a tract of land, including associated waters within, with an unbroken exterior boundary where fish farming occurs.
- (8) "Facility" means a body of water, building, or area contained within an unbroken tract of land where fish are reared or used for the purpose of buying or selling legal species of fish and other aquatic life; as opposed to merely where fish and other aquatic life are caught or harvested.
- (9) "Waters" means any and all water, public or private, on or beneath the surface of the ground, contained within, flow through, or bordering upon the State of Tennessee or any portion thereof.
- (10) "Import" means to transport, cause to be transported, or deliver to any person for the purpose of transportation from any place outside this state to any place in this state.
- (11) "Export" means to transport, cause to be transported or deliver to any person for the purpose of transporting from any place in this state to any place outside of this state.

Authority: T.C.A. §§ 70-1-206 and 70-2-221. **Administrative History:** Original rule filed March 30, 1994; effective June 13, 1994. Amendments filed November 18, 2019; effective February 16, 2020.

1660-01-26-.02 GENERAL PROVISIONS.

- (1) All statutes, rules, and proclamations must be followed when procuring bait fish and other aquatic life from the wild and when importing bait fish and other aquatic life.
- (2) Fish used in catch-out operations must be reared fish or must be wild fish obtained by commercial fishers.
- (3) Fish from states having endemic disease problems in wild populations or hatchery stocks that could present a health hazard to native wildlife or the public are specifically prohibited from being imported, except for shipments that have been approved by the Executive Director of the TWRA.
- (4) A Fish Dealer's License is not required for the construction of a facility.

Authority: T.C.A. §§ 70-1-206 and 70-2-221. **Administrative History:** New rule filed November 18, 2019; effective February 16, 2020.

1660-01-26-.03 FISH FARMING.

- (1) Any person, firm, or corporation, before engaging in the business of fish farming, must purchase a Fish Dealer's License. A separate license is required for each fish farm.
- (2) The following species are approved for use in fish farming operations:

(a) Common Name	Scientific Name
Skipjack Herring	Alosa chrysochloris
Gizzard Shad	Dorosoma cepedianum
Threadfin Shad	Dorosoma petenense
Goldfish	Carassius auratus
Fathead Minnow	Pimephales promelas
Golden Shiner	Notemigonus crysoleucas
Sunfish	Lepomis spp. and their hybrids
Rainbow Trout	Oncorhynchus mykiss
Brown Trout	Salmo trutta
Atlantic Salmon	Salmo salar
Channel Catfish	Ictalurus punctatus
Blue Catfish	Ictalurus furcatus
Channel x Blue Catfish	Ictalurus punctatus x Ictalurus furcatus
Flathead Catfish	Pylodictis olivaris
Largemouth Bass	Micropterus salmoides
Florida bass	Micropterus floridanus
Largemouth x Florida Bass	Micropterus salmoides x M. floridanus
Smallmouth Bass	Micropterus dolomieu
Hybrid Striped Bass	Morone chrysops x M. saxatilis
Black Crappie	Pomoxis nigromaculatus
White Crappie	Pomoxis annularis
Black x White Crappie	Pomoxis nigromaculatus x P. annularis
Blue tilapia	Oreochromis aureus
Wami tilapia	Oreochromis urolepis
Nile tilapia	Oreochromis nilotica
Mozambique tilapia	Oreochromis mossambica
Common Carp and Koi	Cyprinus carpio

(Rule 1660-01-26-.03, continued)

- (b) Triploid Grass Carp (*Ctenopharyngodon idella*) certified by the United States Fish and Wildlife Service.
 - (c) Sunfish (Bream) four inches (4") in length or smaller may be sold for bait.
 - (d) Species of fish and aquatic life other than those listed may be used in fish farming with written approval of the Executive Director of the TWRA.
- (3) Fish farming facilities must be constructed to prevent the movement of fish into or out of the facility.
 - (4) Approved species may be sold live for stocking private ponds and lakes.
 - (5) All fish and other aquatic life sold, donated, delivered, or otherwise disposed of, must be accompanied by an invoice that includes:
 - (a) The signature of the licensee or his/her agent;
 - (b) The name, license number, and location of the fish farm;
 - (c) The date of sale or delivery;
 - (d) The species and number of fish delivered; and
 - (e) The name and address of the person receiving the fish or other aquatic life.
 - (6) All invoices issued by a fish farming operation must be consecutively numbered.
 - (7) The licensee shall retain a copy of the invoice for a period of one year after issuance, and shall make the copy available for inspection by any representative of the TWRA.
 - (8) Any person transporting or possessing fish obtained from a fish farm must have a copy of the invoice on their person.

Authority: T.C.A. §§ 70-1-206 and 70-2-221. **Administrative History:** Original rule filed March 30, 1994; effective June 13, 1994. Amendment filed January 5, 2001; effective March 22, 2001. Rule was previously numbered 1660-01-26-.02 but was renumbered 1660-01-26-.03 with the introduction of a new rule 1660-01-26-.02. Amendments filed November 18, 2019; effective February 16, 2020.

1660-01-26-.04 CATCH-OUT OPERATION.

- (1) Before engaging in the business of a catch-out operation, a person, firm, or corporation must purchase a Fish Dealer's License. A separate license is required for each catch-out operation.
- (2) The following species are approved for use in catch-out operations:
 - (a)

Common Name	Scientific Name
Rainbow Trout	<i>Oncorhynchus mykiss</i>
Brown Trout	<i>Salmo trutta</i>
Atlantic Salmon	<i>Salmo salar</i>
Channel Catfish	<i>Ictalurus punctatus</i>
Blue Catfish	<i>Ictalurus furcatus</i>
Flathead Catfish	<i>Pylodictis olivaris</i>

(Rule 1660-01-26-.04, continued)

Common Carp Cyprinus carpio

- (b) Triploid Grass Carp (*Ctenopharyngodon idella*) certified by the United States Fish and Wildlife Service.
- (c) Species of fish and aquatic life other than those listed may be used in a catch-out operation with written approval of the Executive Director of the TWRA.
- (3) Catch-out facilities must be constructed to prevent the movement of fish into or out of the facility.
- (4) Whenever the owner or operator of any catch-out operation sells, donates, delivers, or otherwise disposes of any fish, alive or dressed, the owner or operator shall immediately issue to the person receiving such fish an invoice that includes:
 - (a) The signature of the licensee or his/her agent;
 - (b) The name, license number, and location of the catch-out operation;
 - (c) The date of sale or delivery;
 - (d) The species and number of fish delivered; and
 - (e) The name and address of the person receiving the fish.
- (5) All invoices issued by a catch-out operation must be consecutively numbered.
- (6) The owner or operator of the catch-out operation shall retain a copy of the invoice and make the copy available for an inspection by any representative of the TWRA.
- (7) Any person transporting or possessing fish obtained from a catch-out operation must have a copy of the invoice on their person.

Authority: T.C.A. §§ 70-1-206 and 70-2-221. **Administrative History:** Original rule filed March 30, 1994; effective June 13, 1994. Rule was previously numbered 1660-01-26-.03 but was renumbered 1660-01-26-.04 with the introduction of a new rule 1660-01-26-.02. Amendments filed November 18, 2019; effective February 16, 2020.

1660-01-26-.05 BAIT DEALER.

- (1) Before engaging in the business of a bait dealer, a person, firm, or corporation must purchase a Fish Dealer's License. In addition, any person assisting in the capture of bait fish and other aquatic life approved for sale must possess a Fish Dealer's License. A separate license is required for each bait dealer location where bait is sold.
- (2) The following species are approved for sale as live or dead bait:
 - (a)

Common Name	Scientific Name
Skipjack Herring	<i>Alosa chrysochloris</i>
Gizzard Shad	<i>Dorosoma cepedianum</i>
Threadfin Shad	<i>Dorosoma petenense</i>
Goldfish	<i>Carassius auratus</i>
Fathead Minnow	<i>Pimephales promelas</i>
Golden Shiner	<i>Notemigonus crysoleucas</i>

(Rule 1660-01-26-.05, continued)

Sunfish	Lepomis spp. and their hybrids
Rainbow Trout	Oncorhynchus mykiss

- (b) Sunfish (Bream) 4" in length or smaller may be sold for bait;
- (3) The following species are approved for sale as dead bait:
 - (a)

Common Name	Scientific Name
Brook Silverside	Labidesthes sicculus
Inland Silverside	Menidia beryllina
Silver Carp	Hypophthalmichthys molitrix
Bighead Carp	Hypophthalmichthys nobilis
Black Carp	Mylopharyngodon piceus
Grass Carp	Ctenopharyngodon idella
 - (b) Any fish species that is not native to Tennessee and is imported in a preserved state (e.g. frozen, salted, pickled or dried).
- (4) Approved species may be imported by licensed bait dealers into Tennessee or exported from Tennessee as live or dead bait;
- (5) Licensed bait dealers can harvest and sell approved species as live or dead bait in Tennessee;
- (6) Whenever a licensed bait dealer sells, donates, delivers or otherwise disposes of Rainbow Trout, alive or dressed, the dealer shall immediately issue to the person receiving Rainbow Trout an invoice that includes:
 - (a) A signature by the licensee or his/her agent;
 - (b) Consecutive numbers;
 - (c) The name, license number, and location of the bait dealer;
 - (d) The date of sale or delivery date;
 - (e) The species and number of fish sold; and
 - (f) The name and address of the person receiving the fish.
- (7) All invoices issued by a bait dealer must be consecutively numbered.
- (8) A licensed bait dealer shall retain a copy of the invoice for a period of one year after issuance and make the copy available for an inspection by any representative of the TWRA.
- (9) Any person transporting or possessing Rainbow Trout obtained from a licensed bait dealer for bait must have a copy of the invoice on their person.
- (10) Bait dealers cannot harvest Sunfish (Bream) or Rainbow Trout from public waters for sale as bait.
- (11) Amphibians and crayfish may not be sold as bait.

(Rule 1660-01-26-.05, continued)

Authority: T.C.A. §§ 70-1-206 and 70-2-221. **Administrative History:** Original rule filed March 30, 1994; effective June 13, 1994. Amendment filed January 5, 2001; effective March 22, 2001. Rule was previously numbered 1660-01-26-.04 but was renumbered 1660-01-26-.05 with the introduction of a new rule 1660-01-26-.02. Amendments filed November 18, 2019; effective February 16, 2020.

1660-01-26-.06 INSPECTIONS.

- (1) Any person, firm, or corporation possessing a Fish Dealer's License shall allow, during normal business hours and at reasonable times, any officer or employee of the agency to inspect all wildlife facilities and records relating to such wildlife for the purpose of ensuring compliance with the provisions of this rule.
- (2) Any holder of a Fish Dealer's License shall make available to TWRA personnel any specimens needed for virus and parasite analysis. If any specimen tested is found to contain a virus or parasite, then the TWRA may cause the specimen in question to be destroyed without being liable for damage from such destruction.

Authority: T.C.A. §§ 70-1-206, 70-2-212, and 70-2-221. **Administrative History:** Original rule filed November 18, 2019; effective February 16, 2020.