



# To Persons Wishing to Apply for a Commercial Minnow Dealer's License (Intrastate or Interstate)

Enclosed is an application for an annual Commercial Minnow Dealer's License. License expires December 31<sup>st</sup> of the year issued. For additional information, contact Elaine Ewigman at 918-683-1031.

**PLEASE NOTE CHANGE:** Intrastate and Interstate license *applications have been combined onto one form.* **Be sure to mark the proper selection to avoid delay in processing your application.**

- **Intrastate** (dealers doing business in Oklahoma only – this license is available ONLY for Oklahoma residents)
- **Interstate** (Resident: Oklahoma dealers transporting minnows across state line; and Non-Residents: out-of-state dealers bringing minnows into Oklahoma) – **requires a \$1,000.00 Surety Bond.**

⇒ An applicant for the **resident** license must be a bona fide resident of Oklahoma for one year immediately preceding the date of application.



***IMPORTANT CHANGE:*** *As a result of our new license system, we will be required to enter the last 4 digits of your Social Security number in order to create your account.*

Also enclosed are copies of:

- State statutes and ODWC Commission rules pertaining to the harvest, purchase, sale and transportation of minnows in Oklahoma
- Annual Minnow Dealer's Report (required for renewals only)
- Application for Commercial Minnow Dealer's Additional or Replacement Vehicle License

## Complete and mail the following to ODWC:

1. Completed and signed application (Intrastate application MUST be signed by Game Warden; Interstate application MUST include photos of transportation vehicle(s))
2. Certified check or money order for \$100.00 (resident Intrastate or Interstate) or \$500.00 (non-resident Interstate)
3. NOTARIZED "Affidavit Verifying Lawful Presence in the United States"
4. Completed *Annual Minnow Dealer's Report* (renewals only)
5. Photos of transportation vehicle(s) (non-resident applications only)
6. The original of your \$1000.00 Surety Bond in effect through December 31<sup>st</sup> of the year you are making application (Interstate license applications only)



**Reminder:** An **Import/Export permit** is required for all shipments of minnows into and out of Oklahoma. This permit is available online. Contact Elaine Ewigman at 918-683-1031 for set up.

**Mail to:** Oklahoma Dept. of Wildlife Conservation  
PO Box 53465, Oklahoma City OK 73152





# Application for Commercial Minnow Dealer's Additional or Replacement Vehicle License



Under the terms of Oklahoma Statutes Title 29 Sections 4-101, 4-117 and 6-401 no commercial minnow dealer may use more than one vehicle to transport minnows without having first procured a license for each additional vehicle from the Director. **ALL EXTRA VEHICLES MUST BE REGISTERED IN THE STATE OF RESIDENCE OF THE LICENSE HOLDER.**

The fee for each additional license shall be twenty-five dollars (\$25.00). I am enclosing \$25.00 for each minnow dealer's vehicle license listed. My commercial minnow dealer's license number is \_\_\_\_\_ and is in effect until December 31, 20\_\_\_\_.

**Type of Commercial Minnow License (circle one)**      **INTRASTATE**      **INTERSTATE**

Name: \_\_\_\_\_ County: \_\_\_\_\_

Business Name: \_\_\_\_\_

Phone #: \_\_\_\_\_ Cell phone: \_\_\_\_\_

Address: \_\_\_\_\_  
Street, Box or Route      City      State      Zip

Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Date of Birth: \_\_\_/\_\_\_/\_\_\_ Height: \_\_\_ft. \_\_\_in. Weight: \_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

## **Description of Transport Vehicle:**

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Type: \_\_\_\_\_ Color: \_\_\_\_\_

Tag # \_\_\_\_\_ State: \_\_\_\_\_ Proper vats to aerate water? \_\_\_ Yes \_\_\_ No

VIN/Serial Number: \_\_\_\_\_

I understand the Department will furnish decals for my transport vehicle or containers and the decals are to be placed on the center of each door or sides of the containers and not defaced in any manner. I further understand that my license must be with my transport vehicle anytime minnows are being transported.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

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On \_\_\_/\_\_\_/\_\_\_ I inspected the above described minnow transport equipment and certify that it complies with the rules and regulations of the Wildlife Conservation Department, and with the provisions of the 1981 Oklahoma Wildlife Code, Title 29.

\_\_\_\_\_  
Game Warden Signature



# Annual Minnow Dealer's Report

## For the year of \_\_\_\_\_

Name: \_\_\_\_\_ Permit # \_\_\_\_\_ Date: \_\_\_\_\_

**Total sale value of all minnows sold during this year:**

**\*\*\* NOTICE: Renewals will not be issued unless accompanied by this completed form. \*\*\***

**I. Minnows Harvested From Rivers, Streams or Ponds:**

Species of minnows harvested	River, stream or pond where harvested	County	Lbs. of each species harvested	Lbs. of each species sold	Average Price/lb. when sold

**II. Minnows Purchased From In-State Hatcheries for Resale:**

Minnow species purchased	Name of hatchery	Lbs. of each species purchased	Lbs. of each species sold	Average Price/lb. when sold

**III. Minnows Purchased Out-of-State for Resale in Oklahoma:**

Minnow species purchased	Where purchased	Lbs. of each species purchased	Lbs. of each species sold	Average Price/lb. when sold

The above information is true and accurate:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Commercial Minnow Dealer's License Rules and Statutes

## **Title 29 O.S., 2-121 Minnows**

"Minnows" are small nongame fish commonly used for bait and include bluntnose, bullhead minnows, chubs, dace, darters, fatheads, killifish, small carp, small goldfish, shiners and stonerollers.

Laws 1974, c. 17, § 2-121, eff. April 8, 1974.

## **Title 29 O.S., 6-104 Operating provisions for minnow dealers**

- A. No person may seine, trap, transport and/or sell any minnows within this state without having a valid minnow dealer's license unless exempted under Section 4-116 of this title and without observing the following requirements:
1. No seines used for seining minnows may have mesh larger than one-fourth (1/4) inch square, and no such seine shall be longer than seventy (70) feet in length;
  2. No licensee may employ more than four helpers or assistants in seining and trapping operations, and each helper or assistant must possess a valid Oklahoma Fishing License;
  3. No dealer or employees of the dealer may seine and trap in any river, stream or lake of Oklahoma without having first obtained written permission for such from the owners or tenants of the lands through which such waters flow or lie, and any written permit obtained by the dealer must be upon his person while being upon such lands;
  4. All vehicles used to transport minnows by a licensee in accordance with Sections 4-115 and 4-116 of this title must be equipped in such manner as to aerate the water in the containers by pressure methods and such vehicles or containers shall be marked conspicuously by decals bearing the inscription "Commercial Minnow Dealer", such decals to be furnished by the Department, to be placed on the center of each door or on the sides of the containers, and to be defaced in no manner; and
  5. All licensees shall send to the Department a true annual summary of all fish and other bait species captured.
- B. Any person convicted of violating the provisions of this section shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or confined in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

Laws 1974, c. 17, § 6-401, eff. April 8, 1974; Laws 1988, c. 76, § 1, emerg. eff. March 25, 1988; Laws 1996, c. 242, § 4, emerg. eff. May 28, 1996.

## **Title 29 O.S., 6-501 Blocking minnow and fish movement—Commercial minnow harvesting restrictions—Seizure and forfeiture of certain items—Fines and penalties**

- A. No person may place or cause to be placed in any creek, river, or stream in Oklahoma any stationary dam, net, trap, or obstacle of any nature for the purpose of blocking or partially blocking any minnow or fish movement up, down, into, or out of any creek, river, or stream. Commercial minnow harvest shall be prohibited for a distance of one-half (1/2) mile below any structure that diverts, partially diverts, blocks, or partially blocks normal fish movement. This section shall not be construed as to prohibit persons licensed to commercially seine minnows as provided for in the Oklahoma Wildlife Conservation Code from using seines no longer than forty (40) feet in length and no more than one-fourth-inch (1/4) mesh of nonmetallic material as a temporary block in waters open to the harvest of minnows nor prohibit those legally licensed to dip shad from harvesting shad in the tailwaters of this state. "Temporary block" shall mean no more than four (4) hours at anyone location in any twenty-four-hour period.
- B. Any dam, net, trap or other obstacle used and operated or intended for use in violation of the provisions of this section shall be removed and is subject to immediate seizure by any person authorized to enforce the provisions of the Oklahoma Wildlife Conservation Code If such person determines the object can be seized. A seized obstacle shall be held as evidence by order of the district attorney in the county where such item was seized until a forfeiture has been declared or a release ordered. Upon competent evidence at a hearing, held for such purpose, that the obstacle was used and operated or intended for use in violation of this section, the court shall order said obstacle forfeited to the state. Upon forfeiture, such items shall be sold at public auction and the proceeds from the sale shall be apportioned one-fourth (1/4) to the Department of Wildlife Conservation and three-fourths (3/4) to the district court in which such proceeding was brought. Any item unable to be seized or sold for any reason may be destroyed under the supervision of the Oklahoma Department of Wildlife Conservation Director.
- C. Any person convicted of violating the provisions of this section shall be punished by a fine not less than Two

Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not less than neither ten (10) days nor more than one (1) year, or by both such fine and imprisonment. Laws 1974, c. 17 § 6-501, eff. April 8, 1974; Laws 1984, c. 274 § 1, emerg. Eff. May 30 1984; Laws 1992, c. 149 § 10, emerg. Eff. April 30, 1992

**Title 29 O.S., 6-504 Release of fish in public waters**

- A. No person shall release, deposit, place or permit to be released, deposited or placed fish in any of the public streams, public lakes or public ponds whose stocking is controlled by and so designated by the Wildlife Conservation Director.
- B. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment. Laws 1974, c. 17 § 6-504 eff. April 8, 1974; Laws 1991, c. 182, § 45, eff. Sept 1, 1991

**Title 29 O.S., 6-601 Controls on noxious aquatic plants**

- A. It shall be unlawful for any person to:
  - 1. Import into;
  - 2. Transport in;
  - 3. Place or cause to be placed in the waters of; or
  - 4. Cultivate or cause to propagate in the waters of;this state any noxious aquatic plant or seed or reproductive part thereof.
- B. Noxious aquatic plant shall be any aquatic plant which may cause injury to the environment of the state and declared to be noxious by regulation of the Oklahoma Wildlife Conservation Commission.
- C. Any person who knowingly or willfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished by the imposition of a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00)

**Title 29 O.S., 4-115 Minnow Dealer's interstate license**

- A. No person may ship or transport minnows for sale into or out of this state without having first procured a license for such from the Director.
- B. Commercial minnow export and import:
  - 1. Except as otherwise provided in the Oklahoma Wildlife Conservation Code,<sup>1</sup> no person may harvest, attempt to harvest, assist in harvesting, sell, or buy for the purpose of exporting minnows from the waters of this state or import into this state, without having first procured the proper license for such purposes from the Director. The fees for licenses under this section shall be set by the Commission for persons having an established residence in this state and who have been currently residing in this state for a period of one (1) year or more prior to the issuance of a license and for nonresidents;
  - 2. Prior to the issuance of this license, the applicant shall file with the Department a surety bond issued by a company licensed to do business in this state in the sum of One Thousand Dollars (\$1,000.00), conditioned upon the observance and compliance with the provisions of the Oklahoma Wildlife Conservation Code. This bond shall be subject to forfeiture upon conviction for the violation of any of the provisions of the Oklahoma Wildlife Conservation Code or resolutions of the Department;
  - 3. The Commission shall regulate the harvest season, harvest limits, exports limits, size and species to be harvested. The Commission shall issue such other regulations as it deems necessary and shall design all forms necessary for the operation of these provisions;
  - 4. No minnows shall be harvested except during daylight hours from sunrise to sunset as set by the National Weather Service. The Commission shall designate the waters of this state where the harvest of minnows for export purposes shall be permitted;
  - 5. All persons licensed as "Commercial Minnow Export Dealers" shall comply with Sections 6-401 and 6-501 of the Oklahoma Wildlife Conservation Code and with all resolutions of the Commission pertaining to the export of minnows from this state; and
  - 6. Provided, however, any person leaving the state possessing three (3) dozen or fewer minnows or any person selling or shipping minnows raised in a regularly licensed commercial minnow hatchery shall be exempt from the licensing provisions of this section. "
- C. Any person convicted of violating any provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00). Laws 1974, c. 17, § 4-113, eff. April 8, 1974. Laws 1981, c. 195, § 4, eff. July 1, 1981; Laws 1982, c. 154, § 5, eff. Jan. 1 1983.

### **Title 29 O.S., 4-116 Minnow Dealer's intrastate license -- Exceptions**

- A. No person may seine, trap, transport or sell minnows within the state for commercial purposes without having first procured a license from the Director.
- B. Each applicant for such license shall be a resident of Oklahoma for a period of one (1) year immediately preceding his application, and it must appear to the Director that the applicant does not intend to use the license for the purpose of violating any of the laws of the State of Oklahoma, and that the equipment to be used by the applicant complies with the provisions of Section 6-401 of the Oklahoma Wildlife Conservation Code.
- C. Persons excepted from the license requirements of this section are:
  - 1. Any person who seines, traps or transports minnows for his own use as bait, if the seine used does not exceed twenty (20) feet in length, and the mesh is no larger than one-fourth (1/4) inch square, or if only one trap is used; l
  - 2. Any person under sixteen (16) years of age who seines, traps and sells minnows for commercial purposes within the county of his residence in quantities which do not require a special vehicle for transportation, as described in paragraph 4, subsection A of Section 6-401 of the Oklahoma Wildlife Conservation Code
  - 3. Any retailer selling lawfully acquired minnows.
- D. The fees for a license under this section and the fee for renewal of such license shall be determined by the Wildlife Conservation Commission.
- E. Any person convicted of violating any provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00).

Laws 1974, c. 17, § 4-116, eff. April 8, 1974. Laws 1981, c. 195, § 5, eff. July 1, 1981; Laws 1982, c. 164 § 6, eff. Jan. 1, 1983.

### **Title 29 O.S., 4-117 Minnow Dealer's vehicle license**

- A. No holder of a license as a commercial minnow dealer in this state may use more than one vehicle to transport minnows without having first procured a license for each additional vehicle from the Director.
- B. The fees for each additional license shall be determined by the Wildlife Conservation Commission.
- C. Any person convicted of violating this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00).

Laws 1974, c. 17, § 4-117, eff. April 8, 1974. Laws 1981, c. 195, § 6, eff. Jan. 1, 1982; Laws 1982, c. 154, § 7, eff. Jan. 1, 1983.

### **800:15-3-2. License and fee requirements**

- (a) **Interstate license.** No person may ship or transport minnows for sale into or out of this state without having first procured a minnow dealer's interstate license. The fee for said license shall be \$100.00 for residents of the state (those who have been residing in the state one (1) year prior to issuance of license) and \$500.00 for a non-resident of the state. Prior to issuance of a minnow dealer's interstate license the applicant shall file with the Department a good and sufficient surety bond by a surety company licensed to do business in this state in the sum of one thousand dollars (\$1,000.00) which shall be subject to forfeiture to the Department upon conviction for the violation of any provisions of this subchapter or State Statutes. The license shall be an annual license beginning January 1 and ending December 31.
- (b) **Intrastate license.** No person may seine, trap transport and/or sell minnows within the state for commercial purposes without having first procured a minnow dealer's intrastate license. The fee for said license shall be \$100.00 for residents of the state and \$250.00 for a non-resident of the state. The license shall be an annual license beginning January 1 and ending December 31.
- (c) **Minnow dealer's vehicle license.** No holder of a commercial minnow dealer's license may use more than one vehicle to transport minnows without having first procured a license for each additional vehicle. The fee for each additional vehicle license shall be \$25.00. The license shall be an annual license beginning January 1 and ending December 31.
- (d) **Non-commercial minnow seining.** Minnows may be taken for personal use as bait by seining in accordance with provisions of 29 O.S., Sections 4-115, 4-116 and OAC 800:10, Subchapters 3 and 5.

### **800:15-3-3. General; operating provisions**

Those licensed as commercial minnow dealers shall operate in accordance with 29 O.S., Sections 4-115, 4-116, 4-117, 6-401 and 6-501. Commercial minnow dealers shall furnish the Department of Wildlife Conservation a true report of the annual harvest of minnows as prescribed by the Department. This report should be on file with the Department before a new license shall be issued.



#### 800:15-3-4. Closed areas

The following waters are closed to all minnow seining by licensed commercial minnow dealers:

##### (1) Lakes and reservoirs.

- |                     |  |
|---------------------|--|
| (A) Canton;         | (R) Keystone;  |
| (B) Wister;         | (S) Murray;  |
| (C) Fort Gibson;    | (T) Salt Plains;                                       |
| (D) Lugert;         | (U) Tenkiller;   |
| (E) Oologah;        | (V) Thunderbird;                                       |
| (F) Grand Lake;     | (W) Broken Bow;  |
| (G) Wash Hudson;    | (X) Pine Creek;  |
| (H) Eufaula;        | (Y) Robert S. Kerr;                                    |
| (I) Texoma;         | (Z) Webbers Falls;                                     |
| (J) Arbuckle;       | (AA) W.D. Mayo;  |
| (K) Carl Blackwell; | (BB) Chouteau;   |
| (L) Fort Cobb;      | (CC) Newt Graham;                                      |
| (M) Fort Supply;    | (DD) all Department of Wildlife Conservation<br>Lakes; |
| (N) Foss;           | (EE) Kaw Reservoir; and                                |
| (O) Greenleaf;      | (FF) all other Federal Reservoirs.                     |
| (P) Heyburn;        |  |
| (Q) Hulah;          |  |

##### (2) Rivers and streams.

- A. Kiamichi River upstream from Highway 271, 2 miles north of Antlers;
- B. Little River upstream from State Highway 98;
- C. Glover River upstream from State Highway 7;
- D. Mountain Fork River upstream from U.S. Highway 70;
- E. Blue River;
- F. Illinois River;
- G. Barren Fork River;
- H. Pennington Creek;
- I. Lukfata Creek;
- J. Deep Fork River upstream from Lake Eufaula to the county road bridge, 2 1/2 miles southwest of Nuyaka;
- K. all tributaries of streams and rivers named in (A) through (J);
- L. the Old Poteau River channel and Wister tailwater channel from their confluence upstream to Wister dam;
- M. all the old Oxbow and cutoffs of the Arkansas River; and
- N. the Arkansas River from Kaw Dam to Webbers Falls Reservoir.

#### 800:15-3-5. Special restrictions

(a) **Red River.** Commercial harvest of minnows in the Red River and its tributaries above Lake Texoma by commercial minnow operators will be restricted and permitted only during the hours of 6 a.m. to 12 noon daily from March 1 through May 31 annually, and only during the hours 5 a.m. to 5 p.m. daily from June 1 through February, annually.

(b) **Prohibited species.** All state and/or Federal threatened or endangered species shall not be taken or possessed by commercial minnow operators.

[Source: Amended at 9 Ok Reg 1909, eff 1-1-93]

#### 800:15-3-6. Penalties

Any person violating these subchapter provisions shall be subject to the penalties provided in 29 O.S., Supp.1988, Sections 4-115, 4-116, 4-117, 6-401, 6-501 and 6-502.