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**IDAPA 13
TITLE 01
Chapter 12**

13.01.12 - COMMERCIAL FISHING IN THE STATE OF IDAHO

000. -- 009. (RESERVED).

010. DEFINITIONS.

01. Commercial Fishing. Fishing for, taking, or transporting fish or crustacea for the purpose of selling, bartering, exchanging, offering or exposing for sale. (7-1-93)
02. Commercial Non-game Fish Species. Except as permitted by the Director of the Department of Fish and Game under Subsection 100.03, only the following non-game fish species may be taken for commercial purposes: (7-1-93)
- a. Bluehead sucker - *Catostomus discobolus*. (7-1-93)
 - b. Bridgelip sucker - *Catostomus columbianus*. (7-1-93)
 - c. Carp - *Cyprinus carpio*. (7-1-93)
 - d. Chiselmouth - *Arocheilus alutaceus*. (7-1-93)
 - e. Fathead minnow - *Pimephales promelas*. (7-1-93)
 - f. Goldfish - *Carassius auratus*. (7-1-93)
 - g. Lake chub - *Couesius plumbeus*. (7-1-93)
 - h. Largescale sucker - *Catostomus macrochailus*. (7-1-93)
 - i. Leatherside chub - *Gila copei*. (7-1-93)
 - j. Leopard dace - *Rhinichthys falcatus*. (7-1-93)
 - k. Longnose dace - *Rhinichthys cataractae*. (7-1-93)
 - l. Mountain sucker - *Catostomus platyrhynchus*. (7-1-93)
 - m. Northern squawfish - *Ptychocheilus oregonensis*. (7-1-93)
 - o. Peamouth - *Mylocheilus caurinus*. (7-1-93)
 - p. Redside shiner - *Richardsonius balteatus*. (7-1-93)
 - q. Speckled dace - *Rhinichthys osculus*. (7-1-93)
 - r. Tench - *Tinca tinca*. (7-1-93)
 - s. Tui chub - *Gila bicolor*. (7-1-93)
 - t. Utah chub - *Gila atraria*. (7-1-93)
 - u. Utah sucker - *Catostomus ardens*. (7-1-93)
03. Commercial Crustacea Species. Except as permitted by the Director of the Department of Fish and

Game under Subsection 100.03, only the Crayfish - species of the genus *Pacifastacus*, may be taken for commercial purposes. (7-1-93)

Cross Reference: IDAPA 13 M, Rule 2.3
Statutory References: I.C. Sections 36-801 and 36-802
(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

011. -- 099. (RESERVED).

100. LICENSES, TAGS AND PERMITS.

01. Licenses. Approved commercial gear may be set, operated, lifted or fished ONLY by the holder of a valid commercial fishing license to which the gear is registered or persons assisting in the presence of the licensee. The license must be in the possession of the licensee and made available at all times. (7-1-93)

Cross Reference: IDAPA 13 M, Rules 2.4 and 6.
Statutory References: I.C. Section 36-802
(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

02. Tags. No person may set, operate, lift or fish commercial gear unless such gear has attached thereto valid commercial gear tags. The Director of the Department of Fish and Game is authorized to issue special tags for experimental commercial gear under such conditions as the Director may deem appropriate. (7-1-93)

Cross Reference: IDAPA 13 M, Rule 6.
Statutory References: I.C. Section 36-802
(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

03. Permits. The Director may issue permits authorizing the holder thereof to: (7-1-93)
- a. Commercially fish for non-game fish or crustacea not listed as commercial species. (7-1-93)
 - b. Commercially fish in waters other than those listed in Section 700. (7-1-93)
 - c. Such permits shall be valid for a period not to exceed one (1) year. (7-1-93)

Cross Reference: IDAPA 13 M, Rules 1, 2.4 and 8.
Statutory References: I.C. Section 36-802
(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

04. Revocation of Licenses and Permits. The Director of the Department of Fish and Game is authorized to suspend, for a period not to exceed one year, or revoke entirely, any commercial license or permit for violation of the Fish and Game Code or these rules by the licensee or persons acting under the licensee's direction and control. (7-1-93)

Cross Reference: IDAPA 13 M, Rules 2.1 and 2.3.
Statutory References: I.C. Section 36-805
(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

101. -- 099. (RESERVED).

200. RELEASE OF NON-TARGET FISH AND CRUSTACEA.

Any person capturing with commercial gear any species of fish or crustacea not a commercial species or listed on a special permit shall immediately release the fish or crustacea unharmed back to the water. (7-1-93)

01. Female Crayfish. Any person capturing any female crayfish carrying eggs or young shall release the crayfish unharmed back to the water at the time the crayfish are sorted. (7-1-93)

02. Special Permit. No person shall have in possession any species of fish or crustacea other than a commercial species or a species listed on a special permit issued by the Director pursuant to Subsection 100.03 at the time they are engaging in commercial fishing activities. (7-1-93)

Cross Reference: IDAPA 13 M, Rules 2.3.

Statutory References: I.C. Sections 36-801, 36-802, and 36-804.

(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

201. -- 299. (RESERVED).

300. POSSESSION AND TRANSPORTATION OF LIVE FISH OR CRUSTACEA.

01. Live Fish. No person shall transport live fish without a permit from the Director of the Department of Fish and Game. (7-1-93)

Statutory References: I.C. Sections 36-802 and 36-804

(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

02. Live Crustacea. Commercial fishers may possess and transport live commercial species of crustacea between the water areas where harvested and the point of sale or holding. Live crustacea may be held only in the waters where harvested, in ponds for which a private pond permit listing crayfish has been issued or in licensed commercial facilities. (7-1-93)

Statutory References: I.C. Sections 36-802 and 36-804

(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

301. -- 399. (RESERVED).

400. SIZE LIMITS.

01. Fish. Commercial species of fish of any size may be taken commercially. (7-1-93)

Cross Reference: IDAPA 13 M, Rule 1

Statutory References: I.C. Sections 36-802 and 36-804.

(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

02. Crustacea. (7-1-93)

a. Crustacea less than three and five-eighths ($3 \frac{5}{8}$) inches (ninety-two (92) mm) in length from the tip of the nose (acumen) to the tip of the tail (telson), measured in a straight line ventral side up, may not be taken commercially. (7-1-93)

b. Crustacea shall be sorted and any undersize crustacea returned to the water at the place of capture immediately following the emptying of any single trap or a trap line. However, an allowable sorting error percentage of undersized crustacea, not to exceed five percent (5%), shall be allowed in any load or lot. (7-1-93)

c. To determine the percentage of crayfish which are less than the minimum size limit, samples shall be taken from various portions of the load or lot and shall be measured and counted. The mean of the combined counts of all samples taken shall be used to determine the percentage of undersized crayfish in the load or lot. Samples shall be taken in containers of not less than one (1) gallon size approximately full of crayfish. At least three (3) such samples shall be taken from any load or lot. (7-1-93)

Cross Reference: IDAPA 13 M, Rule 1

Statutory References: I.C. Sections 36-802 and 36-804.

(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

401. -- 499. (RESERVED).

500. COMMERCIAL GEAR AND METHODS OF TAKE FOR FISH OR CRUSTACEA.

Fish or crustacea may be commercially harvested ONLY with the following gear and methods: (7-1-93)

01. With Seine Nets. However, all seine nets must be either: (7-1-93)
 - a. Under constant attendance by the licensee or someone working under the supervision of the licensee; or (7-1-93)
 - b. If being used to hold fish, clearly marked with buoys that are at least twelve (12) inches in diameter. (7-1-93)
02. With Crayfish or Minnow Traps, Not Exceeding Three (3) Feet in Any Dimension. However, all crayfish and minnow traps must be lifted and emptied of catch at least once every ninety-six (96) hours except during periods of weather that pose a threat to human life, health or safety. (7-1-93)
- 100.02. 03. Experimental Gear. With experimental gear approved by the Director pursuant to Subsection (7-1-93)
04. By Hand. For crayfish ONLY, by hand. (7-1-93)
05. Trawl Nets. With trawl nets as approved by the Director. (7-1-93)

501. UNTAGGED GEAR.

Untagged gear, as well as, seine nets and traps left unattended more than ninety-six (96) hours shall be considered unlawful or abandoned and may be confiscated by Department personnel. (7-1-93)

Cross Reference: IDAPA 13 M, Rules 2.1 and 2.2

Statutory References: I.C. Sections 36-802 and 36-804.

(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

502. -- 599. (RESERVED).

600. SEASONS.

01. Commercial Fish. YEAR AROUND. (7-1-93)
02. Commercial Crustacea. April 1 through October 31 of each year. (7-1-93)

Cross Reference: IDAPA 13 M, Rule 1

Statutory References: I.C. Sections 36-802 and 36-804.

(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

601. -- 699. (RESERVED).

700. COMMERCIAL FISHING AREAS.

Commercial harvest is allowed only in the following areas: (7-1-93)

01. For Seine Nets. Seine nets with a mesh greater than one and one half(1 1/2") square may be used ONLY in the following waters, except as approved by the Director for other waters on an experimental basis pursuant to Subsection 100.03.b.: (7-1-93)
 - a. Snake River and main stem impoundments from Hells Canyon Dam upstream to the confluence of the North and South Forks. (7-1-93)
 - b. Ashton Reservoir. (7-1-93)

- c. Palisades Reservoir. (7-1-93)
 - d. Lake Lowell. (7-1-93)
 - e. Black Canyon Reservoir. (7-1-93)
 - f. Blackfoot Reservoir. (7-1-93)
 - g. Mud Lake. (7-1-93)
 - h. Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (7-1-93)
02. Minnow Traps. Minnow traps for commercial fish may be ONLY used in the following areas, except as approved by the Director for other waters on an experimental basis pursuant to Subsection 100.03.b. (7-1-93)
- a. Snake River excluding main stem impoundments from Weiser upstream to the confluence of the North and South Forks. (7-1-93)
 - b. Ashton Reservoir. (7-1-93)
 - c. Palisades Reservoir. (7-1-93)
 - d. Black Canyon Reservoir. (7-1-93)
 - e. Blackfoot Reservoir. (7-1-93)
 - f. Mud Lake. (7-1-93)
 - g. Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (7-1-93)
03. Crayfish Traps. Crayfish traps for commercial crustacea may be used ONLY in the following areas, except as approved by the Director for other waters on an experimental basis pursuant to Subsection 100.03.b.: (7-1-93)
- a. Snake River and main stem impoundments from Hells Canyon Dam upstream to the confluence of the North and South Forks. (7-1-93)
 - b. Black Canyon Reservoir. (7-1-93)
 - c. Blackfoot Reservoir. (7-1-93)
 - d. Mud Lake. (7-1-93)
 - e. Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (7-1-93)

Cross Reference: IDAPA 13 M, Rules 2.3.b and 6

Statutory References: I.C. Sections 36-802 and 36-804.

(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

701. COMMERCIAL FISHING RESTRICTIONS.

- 01. Operation Limitations. No commercial gear shall be set, operated or lifted within one hundred

(100) yards of any public boat ramp or dock. (7-1-93)

02. Storage Limitation. No commercial gear, boats, or other equipment or materials used in conjunction with a commercial fishing operation may be stored or left unattended at any public fishing access area in any manner that restricts angling or angler access. (7-1-93)

Cross Reference: IDAPA 13 M, Rule 6
Statutory References: I.C. Sections 36-804.
(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

702. -- 799. (RESERVED).

800. INSPECTIONS AND REPORTING REQUIREMENTS.

01. Present Licenses. Licensees shall present their commercial licenses, tags, and permits upon request of Department personnel. (7-1-93)

02. Inspections. Department personnel may inspect: (7-1-93)

a. Commercial gear at any time the gear is being used. (7-1-93)

b. Catches and catch records at any time. (7-1-93)

Cross Reference: IDAPA 13 M, Rules 2.1 and 2.2
Statutory References: I.C. Sections 36-801, 36-802, and 36-804.
(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

03. Reporting Requirements. All licensees shall submit a monthly report on a form prescribed by the Department. The licensee shall submit all requested information including daily landings and effort. Monthly reports must be received by the Department not later than the fifteenth (15th) day of the month following the fishing activities. (7-1-93)

Cross Reference: IDAPA 13 M, Rule 2.1
Statutory References: I.C. Section 36-804.
(Adopted July 7, 1988, effective immediately; readopted August 23, 1988, effective immediately.)

801. -- 999. (RESERVED).