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**IDAPA 13
TITLE 01
CHAPTER 12**

13.01.12 - RULES GOVERNING COMMERCIAL FISHING

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-804, Idaho Code, to adopt rules concerning commercial fishing. (4-6-05)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.12.000, et seq., Rules of the Idaho Fish and Game Commission, IDAPA 13.01.12, "Rules Governing Commercial Fishing." (4-6-05)

02. Scope. These rules establish the criteria for commercial fishing in Idaho, identify waters where commercial fishing is allowed, and set standards for equipment. (4-6-05)

002. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of these rules. (4-6-05)

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission," and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-6-05)

004. INCORPORATION BY REFERENCE.

There are no documents which have been incorporated by reference into this rule. (4-6-05)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Idaho Fish and Game Commission and Idaho Department of Fish and Game is in Boise, Idaho. The Headquarters office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (4-6-05)

006. -- 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 Fish Species. Except as permitted by the Director of the Department of Fish and Game under Subsection 100.03 of this rule, only the following fish species may be taken for commercial purposes: (4-6-05)

- a.** Bridgelip sucker -- *Catostomus columbianus*. (7-1-93)
- b.** Common carp -- *Cyprinus carpio*. (4-2-08)
- c.** Chiselmouth -- *Acrocheilus alutaceus*. (4-2-08)
- d.** Fathead minnow -- *Pimephales promelas*. (7-1-93)
- e.** Goldfish -- *Carassius auratus*. (7-1-93)
- f.** Lake trout -- *Salvelinus namaycush*. (4-2-08)
- g.** Lake whitefish -- *Coregonus clupeaformis*. (4-2-08)

- h.** Largescale sucker -- *Catostomus macrocheilus*. (4-2-08)
- i.** Longnose dace -- *Rhinichthys cataractae*. (7-1-93)
- j.** Northern pikeminnow -- *Ptychocheilus oregonensis*. (4-2-08)
- k.** Peamouth -- *Mylocheilus caurinus*. (7-1-93)
- l.** Redside shiner -- *Richardsonius balteatus*. (7-1-93)
- m.** Speckled dace -- *Rhinichthys osculus*. (7-1-93)
- n.** Tench -- *Tinca tinca*. (7-1-93)
- o.** Tui chub -- *Gila bicolor*. (7-1-93)
- p.** Utah chub -- *Gila atraria*. (7-1-93)
- q.** 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)

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; except that any person assisting the holder of a commercial fishing license engaged in commercial fishing with the use of conventional rod and reel fishing tackle must either hold a commercial license or fishing license according to the Idaho Fish and Game Commission rules approved for sportfishing. The license must be in the possession of the licensee and made available at all times. (4-6-05)

02. Tags. No person may set, operate, lift or fish commercial gear unless such gear has attached thereto valid commercial gear tags, except that no tags need be attached to conventional rod and reel fishing tackle used for commercial fishing. 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. (4-6-05)

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)

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 (1) 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)

101. -- 199. (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)

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)

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)

301. -- 399. (RESERVED)

400. SIZE LIMITS.

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

02. Crustacea. (7-1-93)

a. Crustacea less than three and five-eighths (3 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)

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 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)

03. Experimental Gear. With experimental gear approved by the Director pursuant to Subsection 100.02. (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)

06. Conventional Rod and Reel Fishing Tackle. Only methods approved for sportfishing, as described in IDAPA 13.01.11, "Rules Governing Fish," are permitted, except that the holder of a commercial license may use more than two (2) lines while commercially fishing. (4-6-05)

07. Gill Nets. With gill nets, as approved by the Director under such conditions as he may deem appropriate. However: (4-2-08)

a. All gill nets and lines within ten (10) feet of the surface must be clearly marked with a minimum of six (6) inch diameter buoys every fifty (50) feet. (4-2-08)

b. All gill nets must be lifted and emptied of catch at least once every eighteen (18) hours except during periods of weather that pose a threat to human life, health or safety. (4-2-08)

c. If gill net catches include excessive numbers of game fish species, licenses can be revoked, or harvest limited or suspended, as determined by the Director. (4-2-08)

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)

502. -- 599. (RESERVED)

600. SEASONS.

01. Commercial Fish. YEAR-ROUND. (7-1-93)

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

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)
- 04. Rod and Reel for Lake Trout Only.** (4-6-05)
- a. Lake Pend Orielle. (4-6-05)
- 05. Gill Nets.** Gill nets for commercial fish may only be used in waters as approved by the Director and where commercial nongame species are likely to exceed eighty percent (80%) of the fish biomass. (4-2-08)
- 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)

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)

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 day of the month following the fishing activities. (7-1-93)

801. -- 999. (RESERVED)

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