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**IDAPA 13  
TITLE 01  
CHAPTER 12**

**13.01.12 – RULES GOVERNING COMMERCIAL FISHING**

**000. LEGAL AUTHORITY.**

Sections 36-104 and 36-804, Idaho Code, authorize the Commission to adopt rules concerning commercial fishing. (6-30-19)T

**001. TITLE AND SCOPE.**

The title of this chapter for citation is IDAPA 13.01.12, “Rules Governing Commercial Fishing.” These rules establish the criteria for commercial fishing in Idaho. (6-30-19)T

**002. WRITTEN INTERPRETATIONS.**

Written interpretation of these rules and compliance documentation are available at the Department’s main office. (6-30-19)T

**003. ADMINISTRATIVE APPEALS.**

IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General” govern administrative rules under this chapter. (6-30-19)T

**004. INCORPORATION BY REFERENCE.**

This chapter incorporates no documents by reference. (6-30-19)T

**005. OFFICE — OFFICE HOURS — MAILING ADDRESS AND STREET ADDRESS.**

The main office of the Department and Commission 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. The street address is 600 S. Walnut Street, Boise, Idaho. (6-30-19)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The agency promulgates rules in accordance with the Administrative Procedure Act (Title 67, Chapter 52, Idaho Code), as provided in Section 36-105, Idaho Code, and they are public records. (6-30-19)T

**007. – 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. (6-30-19)T

**02. Commercial Fish and Crustacea Species.** (6-30-19)T

**a.** Lake trout – *Salvelinus namaycush*. (6-30-19)T

**b.** Lake whitefish – *Coregonus clupeaformis*. (6-30-19)T

**c.** Crayfish – species of the genus *Pacifastacus*. (6-30-19)T

**d.** Bullfrog – *Rana catesbeiana/Lithobates catesbeianus*. (6-30-19)T

**e.** Unprotected fish species from the families of *Cyprinidae* (Minnows) and *Catostomidae* (Suckers) (species not classified as game fish or protected nongame species under 13.01.06, IDAPA 13.01.06, “Rules Governing Classification and Protection of Wildlife).” (6-30-19)T

**011. – 099. (RESERVED)**

**100. LICENSES, TAGS, AND PERMITS.**

**01. Licenses.** No person may set, operate, lift or fish with commercial gear unless he has a valid commercial fishing license or is assisting in the presence of such licensee. Any person assisting the holder of a commercial fishing license engaged in commercial fishing with the use of conventional rod and reel must have either a commercial or recreational fishing license. (6-30-19)T

**02. Tags.** No person may set, operate, lift or fish commercial gear unless such gear has attached thereto a valid commercial gear tag from the Department, except that no tag need be attached to conventional rod and reel fishing tackle used for commercial fishing. (6-30-19)T

**03. Permits.** The Director may issue permits authorizing the holder to: (6-30-19)T

**a.** Commercially fish for crustacea not listed as commercial species. (6-30-19)T

**b.** Commercially fish in waters other than those listed in Section 700. (6-30-19)T

**c.** Such permits shall be valid for a period not to exceed one (1) year. (6-30-19)T

**04. Revocation of Licenses and Permits.** The Director is authorized to suspend, for a period not to exceed one (1) year, or revoke entirely, any commercial license or permit for violation of Title 36, Idaho Code by the licensee or persons acting under the licensee's direction and control. (6-30-19)T

**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. (6-30-19)T

**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. (6-30-19)T

**02. Special Permit.** No person may 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. (6-30-19)T

**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 Department. (6-30-19)T

**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. (6-30-19)T

**301. – 399. (RESERVED)**

**400. SIZE LIMITS.**

**01. Fish.** Commercial species of fish of any size may be taken commercially. (6-30-19)T

**02. Crustacea.** (6-30-19)T

**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. (6-30-19)T

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%), is allowed in any load or lot. (6-30-19)T

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. (6-30-19)T

**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: (6-30-19)T

**01. With Seine Nets.** Any seine net must be either: (6-30-19)T

a. Under constant attendance by the licensee or someone working under the supervision of the licensee; or (6-30-19)T

b. If being used to hold fish, clearly marked with buoys that are at least twelve (12) inches in diameter. (6-30-19)T

**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. (6-30-19)T

**03. Experimental Gear.** Only experimental commercial gear specifically approved by the Director under such conditions as the Director may deem appropriate. (6-30-19)T

**04. By Hand.** For crayfish ONLY. (6-30-19)T

**05. Trawl Nets.** Only as specifically approved by the Director. (6-30-19)T

**06. Conventional Rod and Reel Fishing Tackle.** Only rod and reel methods approved for sportfishing, as described in IDAPA 13.01.11, "Rules Governing Fish," except that the holder of a commercial license may use more than two (2) lines while commercially fishing. (6-30-19)T

**07. Gill Nets.** Only as specially approved by the Director under such conditions as he may deem appropriate, with approval subject to modification or termination if catch of game fish species is excessive. In addition: (6-30-19)T

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. (6-30-19)T

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. (6-30-19)T

**501. UNTAGGED GEAR.**

Untagged gear, as well as any seine net or trap left unattended more than ninety-six (96) hours is considered unlawful or abandoned and may be confiscated by Department personnel. (6-30-19)T

**502. – 599. (RESERVED)**

**600. SEASONS.**

- 01. Commercial Fish. YEAR-ROUND.** (6-30-19)T
- 02. Commercial Crustacea. April 1 through October 31 of each year.** (6-30-19)T
- 601. – 699. (RESERVED)**
- 700. COMMERCIAL FISHING AREAS.**  
Commercial harvest is allowed only in the following areas: (6-30-19)T
- 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 specifically approved by the Director for other waters: (6-30-19)T
- a.** Snake River and main stem impoundments from Hells Canyon Dam upstream to the confluence of the North and South Forks. (6-30-19)T
  - b.** Ashton Reservoir. (6-30-19)T
  - c.** Palisades Reservoir. (6-30-19)T
  - d.** Lake Lowell. (6-30-19)T
  - e.** Black Canyon Reservoir. (6-30-19)T
  - f.** Blackfoot Reservoir. (6-30-19)T
  - g.** Mud Lake. (6-30-19)T
  - h.** Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (6-30-19)T
- 02. Minnow Traps.** Minnow traps for commercial fish may be ONLY used in the following areas, except as specifically approved by the Director for other waters. (6-30-19)T
- a.** Snake River excluding main stem impoundments from Weiser upstream to the confluence of the North and South Forks. (6-30-19)T
  - b.** Ashton Reservoir. (6-30-19)T
  - c.** Palisades Reservoir. (6-30-19)T
  - d.** Black Canyon Reservoir. (6-30-19)T
  - e.** Blackfoot Reservoir. (6-30-19)T
  - f.** Mud Lake. (6-30-19)T
  - g.** Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (6-30-19)T
- 03. Crayfish Traps.** Crayfish traps for commercial crustacea may be used ONLY in the following areas, except as specifically approved by the Director: (6-30-19)T
- a.** Snake River and main stem impoundments from Hells Canyon Dam upstream to the confluence of the North and South Forks. (6-30-19)T
  - b.** Black Canyon Reservoir. (6-30-19)T

- c. Blackfoot Reservoir. (6-30-19)T
- d. Mud Lake. (6-30-19)T
- e. Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (6-30-19)T
- 04. Rod and Reel for Lake Trout Only.** (6-30-19)T
  - a. Lake Pend Oreille. (6-30-19)T
- 05. Gill Nets.** Gill nets for commercial fish may only be approved by the Director where commercial nongame species are likely to exceed eighty percent (80%) of the fish biomass. (6-30-19)T
- 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. (6-30-19)T
  - 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. (6-30-19)T
- 702. – 799. (RESERVED)**
- 800. INSPECTIONS AND REPORTING REQUIREMENTS.**
  - 01. Inspections.** Department personnel may inspect: (6-30-19)T
    - a. Commercial gear at any time the gear is being used. (6-30-19)T
    - b. Catches and catch records at any time. (6-30-19)T
  - 02. 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. (6-30-19)T
- 801. – 999. (RESERVED)**

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