

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### Fisheries Bureau

#### 13.01.12 – Rules Governing Commercial Fishing

##### **Who does these rules apply to?**

*These rules apply to individuals who may fish commercially fishing for fish or crustacea in Idaho waters.*

##### **What is the purpose of these rules?**

*These rules establish the criteria for commercial fishing including required licenses, tags and permits. These rules also establish commercial fishing areas, gear requirements, methods of take, commercial fish and crustacean species and seasons, so that Idaho continues to have fish populations to support fishing activities in the future.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Fish and Game -

Fish and Game Commission:

- [Section 36-104, Idaho Code](#) – General Powers and Duties of Commission.
- [Section 36-804, Idaho Code](#) – Commission Authorized to Make Regulations.

##### **Who do I contact for more information on this rule?**

Idaho Department of Fish and Game  
600 S. Walnut Street  
Boise, ID 83712

P.O. Box 25  
Boise, ID 83707  
Phone: (208) 334-3771  
Fax: (208) 334-4885  
Email: [Rules@idfg.idaho.gov](mailto:Rules@idfg.idaho.gov)  
Webpage: <http://idfg.idaho.gov>

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## 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. (7-1-21)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. (7-1-21)T

### 002. – 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. (7-1-21)T

**02. Commercial Fish and Crustacea Species.** (7-1-21)T

**a.** Lake trout – *Salvelinus namaycush*. (7-1-21)T

**b.** Lake whitefish – *Coregonus clupeaformis*. (7-1-21)T

**c.** Crayfish – species of the genus *Pacifastacus*. (7-1-21)T

**d.** Bullfrog – *Rana catesbeiana/Lithobates catesbeianus*. (7-1-21)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.”) (7-1-21)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. (7-1-21)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 needs to be attached to conventional rod and reel fishing tackle used for commercial fishing. (7-1-21)T

**03. Permits.** The Director may issue permits authorizing the holder to: (7-1-21)T

**a.** Commercially fish for crustacea not listed as commercial species. (7-1-21)T

**b.** Commercially fish in waters other than those listed in Section 700. (7-1-21)T

**c.** Such permits will be valid for a period not to exceed one (1) year. (7-1-21)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. (7-1-21)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. (7-1-21)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. (7-1-21)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. (7-1-21)T

**201. – 299. (RESERVED)**

**300. POSSESSION AND TRANSPORTATION OF LIVE FISH OR CRUSTACEA.**

**01. Live Fish.** No person may transport live fish without a permit from the Department. (7-1-21)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. (7-1-21)T

**301. – 399. (RESERVED)**

**400. SIZE LIMITS.**

**01. Fish.** Commercial fish species of any size may be taken commercially. (7-1-21)T

**02. Crustacea.** (7-1-21)T

**a.** Only crustacea three and five-eighths ( $3 \frac{5}{8}$ ) inches (ninety-two (92) mm) or greater 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 be taken commercially. (7-1-21)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. The percentage of undersized crustacea will be the mean of combined counts of samples measured and counted from various portions of the load or lot. Samples will be taken in containers of not less than one (1) gallon size approximately full of crayfish, with at least three (3) such samples taken from any load or lot. (7-1-21)T

**401. – 499. (RESERVED)**

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

No person may commercially harvest fish or crustacea except as follows: (7-1-21)T

**01. Seine Nets.** With a seine net that is either: (7-1-21)T

**a.** Under constant attendance by the licensee or someone working under the supervision of the licensee; or (7-1-21)T

**b.** If being used to hold fish, clearly marked with buoys that are at least twelve (12) inches in diameter. (7-1-21)T

**02. Traps.** For crayfish and minnow only, with a trap not exceeding three feet in any dimension, and provided all crayfish and minnow traps are 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. (7-1-21)T

**03. Experimental Gear.** Experimental commercial gear specifically approved by the Director under such conditions as the Director may deem appropriate. (7-1-21)T

**04. By Hand.** For crayfish only. (7-1-21)T

- 05. Trawl Nets.** Only as specifically approved by the Director. (7-1-21)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. (7-1-21)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, and provided: (7-1-21)T
- a.** All gill nets and lines within ten (10) feet of the surface are clearly marked with a minimum of six (6) inch diameter buoys every fifty (50) feet; and (7-1-21)T
- b.** All gill nets are 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. (7-1-21)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. (7-1-21)T
- 502. – 599. (RESERVED)**
- 600. SEASONS.**
- 01. Commercial Fish.** Year-round. (7-1-21)T
- 02. Commercial Crustacea.** April 1 through October 31 of each year. (7-1-21)T
- 601. – 699. (RESERVED)**
- 700. COMMERCIAL FISHING AREAS.**  
Commercial harvest is allowed only in the following areas: (7-1-21)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: (7-1-21)T
- a.** Snake River and main stem impoundments from Hells Canyon Dam upstream to the confluence of the North and South Forks. (7-1-21)T
- b.** Ashton Reservoir. (7-1-21)T
- c.** Palisades Reservoir. (7-1-21)T
- d.** Lake Lowell. (7-1-21)T
- e.** Black Canyon Reservoir. (7-1-21)T
- f.** Blackfoot Reservoir. (7-1-21)T
- g.** Mud Lake. (7-1-21)T
- h.** Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (7-1-21)T
- 02. Minnow Traps.** Minnow traps for commercial fish may be used only in the following areas, except as specifically approved by the Director for other waters. (7-1-21)T

- a. Snake River excluding main stem impoundments from Weiser upstream to the confluence of the North and South Forks. (7-1-21)T
- b. Ashton Reservoir. (7-1-21)T
- c. Palisades Reservoir. (7-1-21)T
- d. Black Canyon Reservoir. (7-1-21)T
- e. Blackfoot Reservoir. (7-1-21)T
- f. Mud Lake. (7-1-21)T
- g. Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (7-1-21)T

**03. Crayfish Traps.** Crayfish traps for commercial crustacea may be used only in the following areas, except as specifically approved by the Director: (7-1-21)T

- a. Snake River and main stem impoundments from Hells Canyon Dam upstream to the confluence of the North and South Forks. (7-1-21)T
- b. Black Canyon Reservoir. (7-1-21)T
- c. Blackfoot Reservoir. (7-1-21)T
- d. Mud Lake. (7-1-21)T
- e. Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (7-1-21)T

**04. Rod and Reel for Lake Trout Only.** (7-1-21)T

- a. Lake Pend Oreille. (7-1-21)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. (7-1-21)T

**701. COMMERCIAL FISHING RESTRICTIONS.**

**01. Operation Limitations.** No commercial gear may be set, operated, or lifted within one hundred (100) yards of any public boat ramp or dock. (7-1-21)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. (7-1-21)T

**702. – 799. (RESERVED)**

**800. INSPECTIONS AND REPORTING REQUIREMENTS.**

- 01. Inspections.** Department personnel may inspect: (7-1-21)T
  - a. Commercial gear at any time the gear is being used. (7-1-21)T
  - b. Catches and catch records at any time. (7-1-21)T

**02. Reporting Requirements.** All licensees shall submit a monthly report on a form prescribed by the Department, with all requested information including daily landings and effort, such that it is received by the Department not later than the fifteenth day of the month following the fishing activities. (7-1-21)T

**801. – 999. (RESERVED)**

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