

CHAPTER 82
COMMERCIAL FISHING

[Prior to 12/31/86, Conservation Commission[290] Ch 110]
INLAND WATERS

571—82.1(482) Contract policy. All contracts for removal of fish from inland waters shall be awarded on a competitive basis to the maximum practical extent subject to the following provisions. Commercial fishers licensed with the state may enter into contract with owners of private water bodies for the removal of injurious fish provided approval is received from the director or staff of the department prior to any sampling or removal operations. Owners of private water bodies need not comply with subrules 82.1(1) to 82.1(6).

82.1(1) Invitation for bids. Sealed bids to be opened at a specified time, place, and date must be solicited for all fish removal operations under contract. Prospective bidders shall be informed by an advertisement in at least one newspaper of statewide circulation; one newspaper published in the county seat of the county in which the work is to be done, and such other means as may be appropriate in sufficient time to enable prospective bidders to prepare and submit bids. Specifications of the contract shall be provided to all prospective bidders as provided in the invitation for bids.

82.1(2) Public bid letting. All sealed bids shall be publicly opened as specified in the invitation for bids. The bids shall be tabulated and made available in a written form to any interested party.

82.1(3) Contract award. The contract shall be awarded to the firm or individual whose bid is believed to be the most advantageous to the state. Bids may be rejected if they do not appear to be reasonable or if there is reason to believe that the firm or individual is not sufficiently qualified to accomplish the desired work.

82.1(4) Contract approval. All contracts for fish removal operations in excess of \$25,000 shall be approved by the commission. Contracts less than \$25,000 shall be approved by the director.

82.1(5) Failure to receive a bid. In the event that no sealed bids are received, the fisheries bureau chief, or staff at the direction of the fisheries bureau chief, may negotiate a contract with a qualified contractor.

82.1(6) Contract period. Contracts shall have a maximum duration of 12 months. A contract may be extended, with the mutual consent of both parties, on an annual basis, for a period up to and including three years from the time of the original contract. All terms and conditions existing in the original contract will apply during the extended contract period.

MISSISSIPPI AND MISSOURI RIVERS

571—82.2(482) Commercial taking. Fish may be taken for commercial purposes, from the Mississippi and Missouri Rivers subject to the following regulations.

82.2(1)* Permissive catch. Except for channel catfish and flathead catfish which may not be taken from the Missouri River, it shall be lawful to take with licensed commercial fishing gear the following species: carp, smallmouth buffalo, largemouth buffalo, black buffalo, channel catfish, flathead catfish, black bullhead, yellow bullhead, brown bullhead, freshwater drum, northern redhorse, silver redhorse, spotted sucker, white sucker, river carpsucker, quillback, highfin carpsucker, white amur, bighead carp, shovelnose sturgeon, longnose gar, shortnose gar, bowfin, gizzard shad, goldeye, and mooneye.

82.2(2) Size limits. The minimum length limit for all catfish is 15 inches. Catfish less than 15 inches shall be returned unharmed to the water.

82.2(3) Permitted gear. Hoop nets, trap nets (fyke nets), gill nets, trammel nets, slat nets (basket traps), seines, and trotlines (setlines) may be used by licensed commercial fishers.

*Underscored language effective January 1, 1992

82.2(4) Mesh size restrictions.

- a. *Hoop nets.* An escape hole with a minimum diameter of 1½ inches all directions shall be provided within 12 inches beyond the last hoop to the tail-line.
- b. *Trap nets.* An escape hole with a minimum diameter of 1½ inches all directions shall be provided within 12 inches beyond the last hoop to the tail-line.
- c. *Gill nets.* The webbing shall have a mesh size not less than 3½ inches square measure.
- d. *Trammel nets.* The webbing shall have a mesh size not less than 2 inches square measure.
- e. *Seines.* There are no mesh size restrictions.
- f. *Slat nets.* An escape hole with a minimum diameter of 1½ inches all directions shall be provided in the end opposite the throat.

82.2(5) Gear attendance. All commercial gear shall be lifted and emptied of catch at the following time intervals, except during periods of inclement weather. Inclement weather is defined as that threatening to life, health, or safety.

- a. Hoop nets shall be attended at least once every 96 hours and slat nets at least once every 48 hours during open water conditions. Hoop nets shall be attended at least once every 20 days during ice cover conditions.
- b. Trap nets and trotlines shall be attended at least once every 24 hours.
- c. Gill nets and trammel nets shall be attended at least once every 24 hours during open water conditions, and at least once every 96 hours during ice cover conditions.

82.2(6) Report of catch. Licensed commercial fishers must comply with the reporting requirements as set forth in Iowa Code section 482.14.

82.2(7) Duplicate operator's license. An owner making a request for a duplicate operator's license will be issued one only after records show the owner has purchased a limit of five operator's licenses. The duplicate helper's license will be issued to one individual and is not transferable. The issuing fee is \$1.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 482.1, 482.3, 482.5, and 482.14.

[Filed 8/29/75]

[Filed emergency 4/9/76—published 5/3/76, effective 4/9/76]

[Filed emergency 7/9/76—published 7/26/76, effective 7/9/76]

[Filed 2/1/77, Notice 12/15/76—published 2/23/77, effective 3/30/77]

[Filed emergency 1/13/78—published 2/8/78, effective 1/13/78]

[Filed 3/15/78, Notice 2/8/78—published 4/5/78, effective 5/10/78]

[Filed 8/30/78, Notice 7/26/78—published 9/20/78, effective 10/25/78]

[Filed emergency 11/7/78, Notice 7/26/78—published 11/29/78, effective 11/7/78]

[Filed 9/7/79, Notice 7/25/79—published 10/3/79, effective 11/7/79]

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed 11/4/83, Notice 9/28/83—published 11/23/83, effective 1/1/84]

[Filed 10/4/85, Notice 7/31/85—published 10/23/85, effective 1/1/86]

[Filed emergency 7/10/86—published 7/30/86, effective 7/10/86]

[Filed 10/17/86, Notice 8/27/86—published 11/5/86, effective 1/1/87]

[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]

[Filed 1/12/88, Notice 11/4/87—published 2/10/88, effective 3/16/88]

[Filed 1/18/91, Notice 10/3/90—published 2/6/91, effective 1/1/92]