

COMMERCIAL FISHING

Footnotes

This chapter not enacted as a part of this title;
transferred from chapter 109B in Code 1993
See §481A.134 and 481A.135 for point system and additional
penalties

482.1 Authority of the commis- sion.

The natural resource commission shall observe, adminis- ter, and enforce this chapter. The natural resource commis- sion may adopt and enforce rules under chapter 17A as necessary to carry out this chapter.

The natural resource commission may:

1. Remove or cause to be removed from the waters of the state any aquatic species that in the judgment of the commission is an underused renewable resource or has a detrimental effect on other aquatic populations. All proceeds from a sale of these aquatic organisms shall be credited to the state fish and game protection fund.
2. Issue to any person a permit or license authorizing that person to take, possess, and sell underused, undesirable, or injurious aquatic organisms from the waters of the state. The person receiving a permit or license shall comply with the applicable provisions of this chapter.
3. Authorize the director to enter into written contracts for the removal of underused, undesirable, or injurious organisms from the waters of the state. The contracts shall specify all terms and conditions desired. Sections 482.4, 482.6, and 482.14 do not apply to these contracts.
4. Prohibit, restrict, or regulate commercial fishing, commercial turtle fishing, and commercial mussel fishing in any waters of the state.
5. Revoke the license of a licensee and the licensee's designated operators for up to one year if the licensee or any designated operator has been convicted of a violation of chapter 481A, 482, or 483A.
6. Regulate the numbers of commercial fishers, commercial turtle fishers, and commercial mussel fishers and the amount, type, seasonal use, mesh size, construction and design, manner of use, and other criteria relating to the use of commercial gear for any body of water or part thereof.
7. Establish catch quotas, seasons, size limits, and other regulations for any species of commercial fish, turtles, or mussels for any body of water or part thereof.
8. Designate by listing species as commercial fish, turtles, or mussels.
9. Designate any body of water or its part as protected habitat and restrict, prohibit, or otherwise regulate the taking of commercial fish, turtles, and mussels in protected habitat areas.

Employees of the commission may lift and inspect any commercial gear at any time when being used and may inspect commercial catches, commercial markets, and landings, and examine catch records of commercial fishers, commercial turtle fishers, and commercial mussel fishers upon demand.

Officers of the commission may seize and retain as evidence any illegal fish, turtles, or mussels, or any illegal commercial gear, or any other personal property used in violation of any provision of the Code, and may confiscate any untagged or illegal commercial gear as contraband.

86 Acts, ch 1141, § 1

C87, § 109B.1

87 Acts, ch 115, § 19

C93, § 482.1

482.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Boundary waters*" means the waters of the Mississippi, Missouri, and Big Sioux rivers.
2. "*Commercial fisher*" means a person who is licensed to take and sell fish from waters of the state.
3. "*Commercial fishing*" means taking, attempting to take, or transporting of fish for the purpose of selling, bartering, exchanging, offering, or exposing for sale.
4. "*Commercial gear*" means the capturing equipment used by commercial fishers, commercial turtle fishers, and commercial mussel fishers.
5. "*Commercial mussel fisher*" means a person who is licensed to take and sell freshwater mussels from waters of the state. A resident commercial mussel license holder must have resided in this state for one year preceding the person's application for a commercial mussel fishing license.
6. "*Commercial mussel fishing*" means taking, attempting to take, or transporting of freshwater mussels for the purpose of selling, bartering, exchanging, offering, or exposing for sale.
7. "*Commercial species*" means species of fish, turtles, and freshwater mussels which may be lawfully taken and sold by commercial fishers, commercial turtle fishers, and commercial mussel fishers, as established by rule by the commission.
8. "*Commercial turtle fisher*" means a person who is licensed to take and sell turtles from the waters of the state.
9. "*Commercial turtle fishing*" means taking, attempting to take, or transporting of turtles for the purpose of selling, bartering, exchanging, offering, or exposing for sale.
10. "*Constant attendance*" means the presence of a commercial fisher or a designated operator whenever commercial gear is in use.
11. "*Director*" means the director of the department of natural resources, and the director's duly authorized assistants, deputies, or agents.
12. "*Game fish*" means all species and size categories of fish not included as "commercial species" or minnows.
13. "*Inland waters of the state*" means all public waters of the state excluding the boundary waters of the Mississippi, Big Sioux, and Missouri rivers.
14. "*Licensed commercial gear*" means any commercial gear that is licensed as provided in this chapter and

that, when in use, has attached the proper tags as provided by this chapter.

15. "*Nonresident or alien*" means a person who does not qualify as a resident of the state of Iowa either because of a bona fide residence in another state or because of citizenship of a country other than the United States. However, "alien" does not include a person who has applied for naturalization papers.

16. "*Resident*" means a person who is legally subject to motor vehicle registration and driver's license laws of this state, or who is qualified to vote in an election of this state.

17. "*Waters of the state*" means all of the waters under the jurisdiction of the state.

86 Acts, ch 1141, § 2

C87, § 109B.2

91 Acts, ch 170, §1

C93, § 482.2

482.3 Commercial fishing where permitted.

It is unlawful to use commercial gear in the taking of commercial fish, turtles, and mussels from the waters of the state, except as otherwise provided by statute or administrative rules of the commission.

86 Acts, ch 1141, § 3

C87, § 109B.3

C93, § 482.3

Footnotes

For applicable scheduled fine, see §805.8B, subsection 3, paragraph e

482.4 Commercial licenses and gear tags.

1. A person shall not use or operate commercial gear unless at least one individual at the site where the commercial gear is being operated possesses an appropriate valid commercial license, or a designated operator's license. A license is valid from the date of issue to January 10 of the succeeding calendar year.

2. A commercial fisher may designate a person as a designated operator to lift and to fish with any licensed commercial fishing gear owned by the commercial fisher. A commercial fisher shall not have more than five designated operators. A designated operator's license shall be assigned to not more than three operators during a year and a designated operator's license shall be valid for use only by an operator who possesses the license and has signed the license. The signature of any preceding designated operator who possessed the license shall be crossed out. A designated operator shall not lift or fish any commercial fishing gear without possessing a designated operator's license which is signed by the operator. A designated operator's license which is not signed by the operator in possession of the license is forfeited to the state.

3. A boundary water annual sport trotline license permits the licensee to use a maximum of four trotlines with two hundred hooks in the aggregate. All boundary water sport trotlines shall be tagged with the name and address of the licensee on a metal tag affixed above the waterline.

4. Commercial fishers and turtle fishers shall purchase gear tags from the commission to be affixed to each piece of gear in use. Notwithstanding the fee rates for gear tags of subsection 7, the minimum fee for a gear tag is five dollars. All tags are valid for ten years from the date of issue. In addition to the gear tags, all gear shall be tagged with a metal tag showing the name and address of the licensee and whether the gear is fish or turtle gear.

5. All numbered fish gear tags are interchangeable among the different types of commercial fishing gear.

6. Annual license fees are as follows:

- a. Commercial fishing, resident \$ \$TH200.00
- b. Commercial fishing, nonresident \$ \$TH400.00
- c. Designated operator, resident \$ \$TH 50.00
- d. Designated operator, nonresident \$ \$TH100.00
- e. Commercial turtle, resident \$ \$TH 50.00
- f. Commercial turtle, nonresident \$ \$TH100.00
- g. Commercial mussel fisher, resident \$ \$TH100.00
- h. Commercial mussel buyer, resident \$1,000.00
- i. Commercial mussel buyer, nonresident \$5,000.00
- j. Boundary water sport trotline, resident \$ \$TH 10.00
- k. Boundary water sport trotline, nonresident \$ \$TH 20.00
- l. Commercial mussel fisher, nonresident \$2,500.00
- m. Commercial mussel helper, resident \$ \$TH 50.00
- n. Commercial mussel helper, nonresident \$ \$TH200.00

7. Commercial fish gear tags are required on the following units of commercial fishing gear at the listed fee:

- a. Seine, resident, one gear tag for each 100 feet or fraction thereof \$ 1.00
- b. Seine, nonresident, one gear tag for each 100 feet or fraction thereof \$ 2.00
- c. Trammel net, resident, one gear tag for each 100 feet or fraction thereof \$ 1.00
- d. Trammel net, nonresident, one gear tag for each 100 feet or fraction thereof \$ 2.00
- e. Gill net, resident, one gear tag for each 100 feet or fraction thereof \$ 1.00
- f. Gill net, nonresident, one gear tag for each 100 feet or fraction thereof \$ 2.00
- g. Entrapment nets, resident, one gear tag per net \$ 1.00

- h.* Entrapment nets, nonresident, one gear tag per net \$ 2.00
 - i.* Commercial trotline, resident, one gear tag for each 50 hooks or less \$ 1.00
 - j.* Commercial trotline, nonresident, one gear tag for each 50 hooks or less \$ 2.00
8. Turtle trap gear tags are not interchangeable with other commercial gear. Turtle trap gear tag fees are as follows:
- a.* Commercial turtle trap, resident, one gear tag per trap \$ 1.00
 - b.* Commercial turtle trap, nonresident, one gear tag per trap \$ 2.00

86 Acts, ch 1141, § 4

C87, § 109B.4

89 Acts, ch 119, § 1; 89 Acts, ch 192, §1, 2; 91 Acts, ch 170, §2, 3

C93, § 482.4

Footnotes

For applicable scheduled fines, see §805.8B, subsection 3, paragraph m

482.5 Commercial gear.

It is lawful for a person who is legally licensed to commercial fish to use the commercial fishing gear of a design, construction, size, season and all other criteria established by the commission for taking those species of fish and turtles designated by the commission by rule.

86 Acts, ch 1141, § 5

C87, § 109B.5

C93, § 482.5

482.6 Tagging of commercial gear.

Each trotline shall have the tags affixed to one end. Each hoop net, slat net, trap net, and turtle trap shall have the appropriate tag affixed to the end nearest the pot. Each gill net and each trammel net shall have the tags affixed to the float line nearest the shore stake, but when fished under ice, the tags shall be affixed to the float line nearest the take-out hole. Each seine shall have the tags affixed to one end.

86 Acts, ch 1141, § 6

C87, § 109B.6

C93, § 482.6

Footnotes

For applicable scheduled fines, see §805.8B, subsection 3, paragraph b

482.7 Gear attendance.

The licensee or a designated operator must be present when lifting commercial gear. Commercial gear shall be lifted and emptied of catch as provided by the rules of the commission. Constant attendance by the licensee or a designated operator of seines, trammel nets, and gill nets is required when the gear is fished by driving, drive-seining, seining, floating, or drifting methods. Officers of the commission shall grant a reasonable extension of gear attendance intervals in cases of inclement weather or unsafe conditions.

86 Acts, ch 1141, § 7

C87, § 109B.7

C93, § 482.7

Footnotes

For applicable scheduled fines, see §805.8B, subsection 3, paragraph c

482.8 Baits.

1. It is lawful for licensed commercial fishers, designated operators, commercial turtle fishers, and licensed sport trotline fishers to pursue, take, possess, and transport any commercial fish or their parts, bait fish, turtles, frogs, salamanders, leeches, crayfish, or any other aquatic invertebrates for bait unless otherwise prohibited by law.
2. It is lawful to use any member of the following families as bait fish in boundary waters: Cyprinidae, the minnows; Catostomidae, the suckers; Umbridae, the mudminnows; Clupeidae, the herrings; Hiodontidae, the mooneyes; Amiidae, the bowfin unless otherwise prohibited by law.
3. It is lawful to use green sunfish, *Lepomis cyanellus*, and orange-spotted sunfish, *Lepomis humilis*, for bait fish.
4. It is lawful to use minnow seines for taking bait in the boundary waters. Minnow seines may not exceed fifty feet in length and eight feet in depth.

86 Acts, ch 1141, § 8

C87, § 109B.8

C93, § 482.8

Footnotes

For applicable scheduled fines, see §805.8B, subsection 3, paragraph d

482.9 Unlawful methods.

It is unlawful:

1. To use commercial gear which is not in accordance with this chapter or the rules of the commission.
2. To use commercial gear within nine hundred feet from a navigation dam on the boundary waters.
3. To use commercial gear within three hundred feet from the mouth of a tributary stream emptying into the boundary waters.
4. For a person to lift or to fish licensed commercial gear of another person, except by the licensee and the licensee's designated operators.
5. To employ chemicals, electricity, or explosives into the water for taking fish, turtles, or freshwater mussels except as authorized by the director.
6. To have in one's possession game fish or other fish, turtles, or mussels deemed illegal by other provisions of law while engaged in commercial activities. A fish caught in commercial fishing that is not lawful to possess shall be handled with wet hands and immediately released under water with as little injury as possible.
7. To block or inhibit navigation through channels with commercial fishing gear unless a minimum of three feet of water depth is maintained over float lines of any entanglement gear or leads to trap nets. Gear shall not block over one- half the width of a navigable channel if there is less than three feet of water over the gear.

86 Acts, ch 1141, § 9

C87, § 109B.9

C93, § 482.9

Footnotes

For applicable scheduled fines, see §805.8B, subsection 3, paragraph e

482.10 Sale of commercial fish.

1. A person possessing a commercial fishing license or designated operator's license may possess and sell any commercial fish, turtles, or freshwater mussels, or their parts, which have been lawfully taken.
2. All intrastate and interstate shipments of commercial fish or turtles must be accompanied by a label which shows the name and address of the seller and the kinds and pounds of the catches being sold. Individuals purchasing fish, turtles, or mussels from a commercial fisher, turtle fisher, or mussel fisher need not possess a license.

86 Acts, ch 1141, § 10

C87, § 109B.10

C93, § 482.10

482.11 Turtles.

1. A person shall not take, possess, or sell turtles from the waters of the state without an appropriate license.

a. A valid sport fishing license entitles a person to take and possess a maximum of one hundred pounds of live turtles or fifty pounds of dressed turtles. The sale of live or dressed turtles is not permitted with a sport fishing license.

b. A commercial turtle license is required to take and possess more than one hundred pounds of live or fifty pounds of dressed turtles. The holder of a commercial turtle license may sell live or dressed turtles.

c. A commercial fishing license or a designated operator's license entitles fishers to operate any licensed commercial fishing gear for taking, possessing, or selling turtles.

d. An individual possessing a valid commercial turtle license may have the assistance of one unlicensed individual in the commercial taking of turtles.

2. It is unlawful to take, possess, or sell any species of turtles except those designated by the commission by rule.

3. The method of taking turtles shall only be by hand, turtle hook, turtle trap, licensed commercial fishing gear, or other means designated by commission rules. Sport fishers may also use hook-and-line in catching turtles.

4. Any unattended fishing gear used to take turtles on a sport fishing license shall have affixed a metal tag provided by the owner bearing the owner's name and address.

86 Acts, ch 1141, § 11

C87, § 109B.11

89 Acts, ch 192, §3

C93, § 482.11

Footnotes

For applicable scheduled fines, see §805.8B, subsection 3, paragraph n

482.12 Freshwater mussels.

1. A person shall not take, possess, or sell freshwater mussels from the waters of the state without an appropriate license.

a. A sport fishing license entitles a person to take and possess a maximum amount of mussels or shells daily as authorized by rule of the department or commission under the authority of sections 456A.24, 481A.38, 481A.39, and 482.1.

b. A commercial mussel license is required to take more than twenty pounds of mussels or shells daily, or possess more than twenty pounds of mussels or shells. The holder of a commercial mussel license may sell mussels or shells.

c. A commercial mussel buyer license is required to buy mussels or shells.

d. A commercial mussel helper license is required to assist commercial mussel fishers in the possessing, processing, or transporting of commercial freshwater mussels. The taking or sale of mussels or shells is not

permitted with a commercial mussel helper license.

2. A person may take all species of freshwater mussels, or their parts, except where otherwise prohibited by rules of the commission.

3. The method of taking freshwater mussels shall only be by hand, by diving, or by crowfoot bar, a device designed to catch mussels by inserting hooks between the shells, or by other means designated by rules of the commission. A crowfoot bar shall not exceed twenty feet in length and a licensee shall not fish more than three bars.

86 Acts, ch 1141, § 12

C87, § 109B.12

89 Acts, ch 192, §4; 91 Acts, ch 170, §4

C93, § 482.12

2003 Acts, ch 38, §1

Footnotes

For applicable scheduled fines, see §805.8B, subsection 3, paragraph o

482.13 Reciprocity for commercial fishing and commercial turtle fishing.

1. Reciprocal commercial fishing and commercial turtle fishing privileges are contingent upon a grant of similar privileges by the appropriate state to residents of this state.

2. The commission may negotiate commercial reciprocity agreements with other states.

86 Acts, ch 1141, § 13

C87, § 109B.13

91 Acts, ch 170, §5, 6

C93, § 482.13

482.14 Reports required.

All commercial fishers, commercial turtle fishers, commercial mussel fishers, and commercial mussel buyers shall submit a monthly report supplying all information requested on forms furnished by the commission. Reports must be received by the commission no later than the fifteenth day of the following month.

86 Acts, ch 1141, § 14

C87, § 109B.14

91 Acts, ch 170, §7

C93, § 482.14

482.15 Penalties.

A person who violates this chapter or a rule issued under this chapter is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8B, subsection 3, paragraph "e". However, the scheduled fine specified in section 805.8B, subsection 3, paragraph "e", does not apply to a violation of this chapter or a rule for which another scheduled fine is specified in section 805.8B, subsection 3.

86 Acts, ch 1141, § 15

C87, § 109B.15

C93, § 482.15

2000 Acts, ch 1203, §23; 2001 Acts, ch 130, §1; 2001 Acts, ch 137, §5