

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(56).

**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 via the state's public solicitation portal 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(23) 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(34) 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(45) 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(56) 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, flathead catfish and shovelnose sturgeon 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, silver carp, shovelnose sturgeon, longnose gar, shortnose gar, bowfin, gizzard shad, goldeye, and mooneye.

**82.2(2) Size limits.** Fish less than a minimum length or longer than the maximum length shall be returned to the water unharmed. The minimum total length for all catfish is 15 inches. The minimum fork length for shovelnose sturgeon, measured from the tip of the snout to the fork of the tail, is 27 inches. No shovelnose sturgeon longer than 34 inches fork length may be harvested from waters of the Mississippi River bordering Wisconsin. No shovelnose sturgeon less than 27 inches fork length may be possessed in Iowa waters.

**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.

**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.

**Commented [1]:** Iowa Code 482.1.2(c) currently reads: "The natural resource commission may: 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. A person who enters into such a contract with the director, and any subcontractor under such a contract, shall have an appropriate valid commercial license under section 482.4. However, other persons assisting with performance of the contract or subcontract may be unlicensed."

**Commented [2]:** We need to make some adjustments to the species list. For example it should be common carp instead of carp and bigmouth buffalo instead of largemouth buffalo. Probably need to add black carp to the list. We also have an incomplete list of redhorse species. Shorthead redhorse, the most common species, isn't on the list and I would guess it makes up a majority of the harvest for this species group.

**Commented [3R2]:** Along these lines, white amur is listed as Grass Carp in other chapters.

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.

**82.2(8) Seasons.** There is a continuous open season for commercial fishing of all species listed in 82.2(1) except there is a closed season for shovelnose sturgeon from May 16 through October 14. No shovelnose sturgeon may be harvested from gear set prior to midnight on October 15.

**82.2(9) Special shovelnose and bowfin regulations.** Shovelnose sturgeon and bowfin must remain intact until the fish reach the final processing facility or business. For the purposes of this subrule, final processing facility does not include vessels or vehicles.

**82.2(10) Closed areas.** The use of entanglement gear, including gill and trammel nets, is prohibited from that area extending 600 feet downstream of the 900 foot existing closed areas (Iowa Code section 482.9, subsection 2) located below each of the locks and dams on the Mississippi River. Shovelnose sturgeon caught in entanglement gear within 600 feet of the mouth of any stream or tributary shall be returned to the water unharmed.

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

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**Commented [4]:** Can this be deleted because if simply references code?

**Commented [5R4]:** I believe so - let's delete it and we'll see what Legal says when I turn it over to them. Thanks!

**Commented [6R4]:** Yes you can delete this because it is duplicative of Code. The only reason to keep it would be if you think it not being here in the rules will cause commercial fishers to not know of the requirement and fail to report.

**Commented [7]:** delete 82.2(7), per Paul Kay

**Commented [8]:** add, per Paul Kay