

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 46
COMMERCIAL FISH FACILITIES

22-4601. DEFINITIONS. As used in this chapter:

- (1) "Aquaculture" means the husbandry of aquatic plants and animals, both public and private.
- (2) "Aquaculture facility" means any facility, hatchery, pond, lake or stream or any other waters where fish are held, raised and produced for sale.
- (3) "Aquatic life" means all types of aquatic plants and animals or wildlife (invertebrate or vertebrate), approved for importation by the director of the department of fish and game pursuant to authority granted to him by the fish and game commission pursuant to the commission's authority under section [36-104](#)(b) (6), Idaho Code, and all life stages whether publicly or privately held.
- (4) "Department" means the Idaho department of agriculture.
- (5) "Director" means the director of the department of agriculture.
- (6) "Person" means an individual, partnership, corporation, company or other business entity and any agent or officer of any partnership, corporation, company or other business entity.

[22-4601, added 1992, ch. 273, sec. 1, p. 844; am. 1994, ch. 363, sec. 1, p. 1138.]

22-4602. LICENSE REQUIRED -- PURCHASES -- INSPECTIONS. (1) No person shall obtain, possess, preserve, or propagate fish in this state for the purpose of selling the same unless he has first secured a commercial fish rearing license from the director. Such license may be issued by the director upon his finding that:

- (a) Such commercial facility is not constructed in or across any natural streambed, lake or other watercourse containing wild fish.
 - (b) Any dam constructed to divert water into said facility meets all the requirements of section [36-906](#)(a), Idaho Code.
 - (c) All water inlets to said facility are screened in the manner provided in section [36-906](#)(b), Idaho Code.
 - (d) The application for such license is made upon a form provided by the department which sets forth such reasonable information as may be required by the director.
 - (e) The effluent control facilities have been approved by the legally designated state and federal agencies.
 - (f) The approved application is accompanied by a license fee of twenty-five dollars (\$25.00).
- (2) A valid license must be obtained for each separate location. Licenses shall expire February 1 in each even-numbered year; biennially thereafter.
- (3) A receipt shall be issued to each purchaser identifying the hatchery source and specifying the numbers and species of fish and the date of sale for all sales from fish ponds for a fee and for the sale of live fish for stocking destined for release as wild fish in private or public waters.
- (4) The director may, from time to time, inspect a licensed facility to determine conformity of the facility with the licensing requirements of this

section and for purposes of determining the species of fish being propagated at the facility.

[22-4602, added 1992, ch. 273, sec. 1, p. 844.]

22-4603. RULES. The director is authorized to promulgate rules in accordance with [chapter 52, title 67](#), Idaho Code, for the administration and implementation of this chapter including, but not limited to, rules concerning onsite inspections, standards for maintenance of fish health and standards for marketing. The director is further authorized to develop and conduct research programs addressing environmental issues and other issues related to the industry. In the development of such rules and programs, the director shall consult with representatives of commercial fisheries and the aquaculture industry.

[22-4603, added 1992, ch. 273, sec. 1, p. 845; am. 1994, ch. 363, sec. 2, p. 1138.]

22-4604. PENALTIES. Any person violating the provisions of this chapter or any rule promulgated by the director pursuant thereto shall be subject to an administrative penalty not to exceed one thousand dollars (\$1,000) for each offense. In addition to or in lieu of such penalty, the director is authorized to suspend for up to one (1) year or revoke any license issued hereunder. Proceedings under this section shall be conducted in the manner provided for contested cases in [chapter 52, title 67](#), Idaho Code. If the department is unable to collect any administrative penalty assessed hereunder, or if any person fails to pay all or a portion of the administrative penalty assessed hereunder, the department may recover such amount by action in the appropriate district court.

Penalties collected for violations under this section shall be deposited in the commercial fisheries/aquaculture account.

[22-4604, added 1992, ch. 273, sec. 1, p. 845; am. 1994, ch. 363, sec. 3, p. 1138.]

22-4605. COMMERCIAL FISHERIES/AQUACULTURE ACCOUNT. License fees and penalties collected under section [22-4604](#), Idaho Code, and any other moneys received by the department for research or other purposes related to commercial fisheries or aquaculture shall be deposited in the commercial fisheries/aquaculture account which is hereby created in the state treasury. Moneys in the account shall be used solely for carrying out the provisions of this chapter.

[22-4605, added 1992, ch. 273, sec. 1, p. 846; am. 1994, ch. 363, sec. 4, p. 1139.]