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.


22-4602. 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 accord-
cance with chapter 52, title 67, Idaho Code, for the administration and
implementation of this chapter including, but not limited to, rules concern-
ing onsite inspections, standards for maintenance of fish health and stan-
dards for marketing. The director is further authorized to develop and con-
duct research programs addressing environmental issues and other issues re-
lated to the industry. In the development of such rules and programs, the
director shall consult with representatives of commercial fisheries and the
aquaculture industry.

2, p. 1138.]

22-4604. PENALTIES. Any person violating the provisions of this chap-
ter 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 au-

derized to suspend for up to one (1) year or revoke any license issued here-
under. Proceedings under this section shall be conducted in the manner pro-
vided for contested cases in chapter 52, title 67, Idaho Code. If the depart-
ment is unable to collect any administrative penalty assessed hereunder, or
if any person fails to pay all or a portion of the administrative penalty as-
sessed hereunder, the department may recover such amount by action in the
appropriate district court.

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

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 commer-
cial 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.

4, p. 1139.]