

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~January 25, 2008~~ February 9, 2009

Title 163 - Nebraska Game and Parks Commission

Chapter 2 - Fisheries Regulations

003 COMMERCIAL FISHING REGULATIONS

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-304, 37-314, 37-315, 37-322, 37-4,104, 37-543, and 37-545. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 212 through 234 of the Game Law, are used. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

003.01 MISSOURI RIVER - AREA OPEN: All that portion of the Missouri River within Nebraska below or downstream from the U.S. ~~Highway~~ ~~Hwy. No.~~ 81 bridge at Yankton, South Dakota, to the Nebraska-Kansas state line. Provided, that it shall be illegal to use hoop nets, trammel nets, seines, wing nets, trap nets, and dip nets within 300 yards (900 feet) in any direction from the mouth of any stream emptying into the Missouri River.

Provided, that it shall be illegal to use seines, hoop nets, trammel nets, wing, dip or trap nets, or any similar device in that portion of the Missouri River above or upstream from the U.S. ~~Highway~~ ~~Hwy. No.~~ 81 bridge at Yankton, South Dakota to the boat ramp at Santee such described area to include the Lewis and Clark Lake (Gavins Point Reservoir).

Provided, also, that it shall be unlawful to use any seines, trammel nets, wing, dip or trap nets or any similar device, except that not more than six (6) hoop nets per licensed commercial ~~fisherman~~ ~~permittee~~ may be used in that portion of the Missouri River upstream from the boat ramp at Santee to the Nebraska-South Dakota state

line. ~~Provided, also, that it shall be unlawful to use trammel nets in the Missouri River on South Dakota side from the U.S. Hwy. 81 bridge at Yankton, South Dakota downstream to Big Sioux River.~~

003.01A RECIPROCAL AGREEMENT WITH IOWA: Under a legal reciprocal agreement between the states of Iowa and Nebraska, commercial fishermen permittees holding a valid Commercial Fishing Permit from either the state of Nebraska or Iowa may fish in the entire main channel of the Missouri River bordering the two states. No commercial fishing gear shall be attached to the bank except in the state where the license is issued. All commercial fishermen permittees shall conform with the regulations of the state in which ~~he is~~ they are licensed.

003.01B RECIPROCAL AGREEMENT WITH MISSOURI: Under a legal reciprocal agreement between the ~~Ss~~states of Nebraska and Missouri, commercial fishermen permittees duly licensed by either the ~~Ss~~state of Nebraska or ~~the Ss~~state of Missouri may fish with commercial gear on the flowing portion of the Missouri River bordering the two states. Commercial gear shall not be used in any cutoffs, chutes, bayous, or tributaries of the Missouri River. Commercial fishermen permittees shall not fish from nor attach any device or equipment to land under the jurisdiction of the state in which they are not licensed.

Each commercial fisherman permittee shall conform to the creel limits, size limits, methods, mesh sizes, and all other laws and regulations on commercial fishing of the state in which ~~he is~~ they are fishing and operating such commercial gear.

003.01C MISSOURI RIVER BORDER WATER WITH SOUTH DAKOTA:
It shall be unlawful to use any commercial fishing gear in the Missouri River on the South Dakota side from the U.S. Hwy. 81 bridge at Yankton, South Dakota downstream to the Big Sioux River.

It shall be unlawful to use hoop nets on the South Dakota side of that portion of the Missouri River

upstream from the boat camp at Santee to the Nebraska-South Dakota state line.

The above agreements apply only to the main channel of the Missouri River. All cutoffs formed by straightening or changing the main channel of the river are not a part of the Missouri River; even though one or both ends are open, commercial gear cannot be used in such waters.

003.02 INLAND WATERS OPEN AREA: Open inland waters are defined as those lentic water bodies that are totally privately owned or controlled and have not been stocked by the Nebraska Game and Parks Commission within the last ten (10) years.

003.03 OPEN SEASON: Open from January 1~~st~~ through December 31~~st~~ on fish species listed below, except in that portion of the Missouri River upstream from the boat ramp at Santee to the South Dakota-Nebraska state line the season shall be May 1 through October 31.

003.04 SPECIES: Commercial fish shall be defined as the following species:

Family	Scientific Name	Common Name
Catfish	Ameiurus melas	b Black bullhead
	Ameiurus natalis	y yellow bullhead
Drum	Aplodinotus grunniens	f Freshwater drum
Perch	Perca flavescens	y Yellow perch

Under the authority of a Commercial Fishing Permit it shall be unlawful to take any species of fish with commercial gear except commercial fish and the following:

Family	Scientific Name	Common Name
Herring	Dorosoma cepedianum	e Gizzard shad
Gar	Lepisosteus osseus	l Longnose gar
	Lepisosteus platostomus	s Shortnose gar
Minnow	Ctenopharyngodon idella	e Grass carp
	Cyprinus carpio	e Common carp

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	Hypophthalmichthyes molitrix	s Silver carp
	Hypophthalmichthyes nobilis	b Bighead carp
Sucker	Carpiodes carpio	r River carpsucker
	Carpiodes cyprinus	e Quillback
	Catostomus commersoni	w White sucker
	Ictiobus bubalus	s Smallmouth buffalo
	Ictiobus cyprinus	b Bigmouth buffalo

003.05 DAILY BAG AND POSSESSION LIMIT: None.

003.06 LEGAL COMMERCIAL NETS: It shall be lawful to fish with and use only hoop nets, trammel nets, seines, wing nets, trap nets, and dip nets, in the Missouri River and open inland waters, but only when such nets or traps have been properly licensed and tagged in accordance with state law, and only when such nets or traps comply with state law and regulations, and used at such times, such places and in such manner as provided by these regulations. Not more than a total of 100 lineal feet of wings or leads shall be used on any one trap or wing net. The use of 100 lineal feet of wing or lead, or fraction thereof, on any net or trap, shall be considered as part of one net or trap. Other gear-types may be authorized by the Fisheries Division, Nebraska Game and Parks Commission for use on inland waters.

003.06A All nets, or traps used on the Missouri River shall be made of non-metallic mesh.

003.07 FISHING METHODS: Trammel nets must be personally attended by permittee's at all times and all nets must be raised and all fish removed every one-half hour. Hoop, wing, and trap nets shall not be left set and unattended for more than twenty-four hours. It shall be unlawful for any Commercial Fishing Permit holder to have in his or her possession, or in his or her boat any sport fishing gear while using or transporting any commercial nets or devices.

003.08 LAWFUL MESH SIZE: On the Missouri River, all mesh on seines, hoop nets, and all leads and wings, and dip nets, shall be one and one-half (1½) inches square or bar measure or larger. Provided, that all mesh in the inner panel of trammel nets shall be two (2) inches square or bar measure or larger. For inland waters all mesh on seines, hoop nets,

and all leads and wings, dip nets and other gear as authorized by the Fisheries Division, Nebraska Game and Parks Commission shall be one-half ($\frac{1}{2}$) inch square or bar measure or larger. All measurements shall apply to meshes of all netting when in use, and no allowance shall be made for shrinkage due to any cause.

003.09 SALE OF FISH: Fish legally taken from the Missouri River under a Commercial Fishing Permit may be sold by the Commercial Fishing Permit holder ~~for food purposes only~~ to restaurants, food markets, commercial processing plants and individuals, and may be resold only by restaurants and food markets; provided that the purchasers must have a valid invoice or bill of sale from the Commercial Fishing Permit holder. Fish legally taken from inland waters under a Commercial Fishing Permit may be sold by the Commercial Fishing Permit holder ~~for food purposes only~~ to restaurants, food markets, commercial processing plants and individuals. The burden of proof shall be upon every such purchaser to show by competent and satisfactory evidence that any fish in his possession was lawfully acquired.

003.10 ANNUAL REPORT: All persons holding a Commercial Fishing Permit shall keep an accurate daily record of the date, number, species, and weight of all fish caught from the Missouri River and inland waters with the latter to include the water body name and legal description, and a separate daily record of the date, number, species, and weight of all fish sold during the calendar year. A separate record shall be kept for each month, and an annual report shall be sent to the Fisheries Division of the Nebraska Game and Parks Commission by January 15th following the permit expiration. Such records shall be open at all reasonable times to inspection by Commission agents. Report forms will be furnished by the Fisheries Division, Nebraska Game and Parks Commission.

FAILURE TO COMPLY WITH THIS REGULATION WILL DISQUALIFY THE PERMITTEE FOR ISSUANCE OF A SUBSEQUENT PERMIT.

003.11 PERMITS: Application for a Commercial Fishing Permit must be made to the Fisheries Division, Nebraska Game and Parks Commission. All permits shall expire at midnight on December 31 following their issuance.