

#### Prépared by

Kenneth R. Fritz
Steven J. Van Fleet
David L. Johnson, Ph.D.
School of Natural Resources
and
Jeffrey M. Reutter, Ph.D.
Center for Lake Erie Area Research

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### INTRODUCTION

Laymen have almost universally felt that laws are incomprehensible. This can probably be attributed to two problems inherent in a regulation's written form. The way in which a law is worded is frequently confusing when written in a legally acceptable form. Second, the sources of a specific regulation often are contained in several places. Both the Revised Ohio Code and the Wildlife Orders contain commercial fishing laws. The purpose of this journal is to integrate the laws of commercial fishing from all their various sources and to express them in wording which is easily understood by a non-attorney. This journal is not intended to be a legal document, but does contain authoritative information. The sources of the journal are chapter 15 of The Ohio Revised Code and the Division of Wildlife Orders.

To understand the commercial fishing laws, one must be aware that the state of Ohio holds all wild animals in trust for the citizens of Ohio and is, thereby, responsible for management of the wild animals for the benefit of all people of the state (0.R.C. 1531.02). In addition, the Chief of the Division of Wildlife has authority in all matters pertaining to protection, preservation, propagation, possession or management of all wild animals and may issue temporary orders (Ohio Division of Wildlife Orders) for the management of wild animals. All temporary orders concerning season, bag limits, size, species, animals. All temporary orders concerning season, bag limits, size, species, method of taking, and possession must be approved by the Ohio Wildlife Council before the order can be adopted (0.R.C. 1531.03, 1531.08).

## COMMERCIAL FISHING REGULATIONS

#### I. Licenses

Ohio Revised Code Chapter 1533 Sections: 34, 342, 35, 36 Authority: Ohio Wildlife Orders: 1501:31-3, Section: 03

License Regulations

A commercial fishing license is required to take fish with seine (other than a minnow seine), trap net, gill net, trotline or carp

Requirements to be licensed: 90-day residence, 2 years experience or holder of commercial fishing license, 1000-dollar performance bond or cash deposit. Non-residents may be licensed if a reciprocal agreement with his/her state or county of residence is in force.

No new licenses (excluding carp aprons, dip nets, and trotlines) will be issued except conditional licenses. Conditional licenses are permitted to take carp, suckers, quillback, sheepshead, and gizzard shad. The license may be restricted in the amount of fish taken, method of taking fish, type of gear, time and place of taking fish, and duration of license.

A license or additional units of trap nets may be placed on reserve for 2 years with no payment if written permission is given by the Chief of the Division of Wildlife. If not renewed in 2 years it will be revoked and either issued to new applicants or withheld from the fishery and the licensee loses the right to renew a license.

5. Renewed licenses will be for no additional gear above the previous

A licensee may switch gear types with permission from the Chief of the Division of Wildlife.

No license is transferable.

The Chief of the Division of Wildlife may fix the species, weight, number, or size of fish taken and may designate the home port of the license and up to 2 alternative ports.

#### License Fees

Trap nets: the first twenty nets - \$800; each additional 10 nets or less - \$400.

Powerboat 21 feet or less for gill netting - \$300.

- Powerboat greater than 21 feet for gill netting \$600. Lake Erie fishing district seine 150 rods or less - \$400.
- Lake Erie fishing district seine greater than 150 rods \$600. 5.

Inland fishing district seine - \$100.

Carp apron - \$100. 7.

Trotline with 70 hooks or less - \$20. Trotline with more than 70 hooks - \$100. 9.

Dip net - \$100.

All fees are paid in full if \$100 or less at time of application; 10. otherwise 1/4 of the fee is due at the time of application and the balance due within 90 days.

Any allowable fish with quota, \$.02 per pound.
 Any allowable fish without a quota, \$.01 per pound on the weight of fish over 1/2 last year's catch of that species.
 Fees due by the first day of the next fishing season. No license

will be issued until the previous year's royalties are paid.

- Designated Areas for Commercial Fishing Authority: Ohio Revised Code Chapter 1533, Sections: 45, 47, 48, 50, 55, 62 Ohio Wildlife Orders: 1501:31-3, Sections: 02, 04, 05
  - Restricted Areas by Gear Types Seines, Trap Nets, Gill Nets, Trotlines and Carp Aprons

No gear shall be placed in the Camp Perry firing area located in Ottawa County, north of Camp Perry and northwest of Port Clinton, Ohio, beginning at a point north of the mouth of the Toussaint River, located at the southwest corner of Danger Zone II and marked with a United States coast guard buoy (F); thence easterly at 92° for approximately 13,000 yards to buoy (W-or-E) thence northwesterly at 3250 for approximately 14,000 yards through buoy (W-or-D) to buoy (W-or-C); thence westerly at 270° for approximately 11,400 yards through buoy (W-or-B) to buoy (W-or-A); thence southeasterly at 164° for approximately 11,800 yards to the point of beginning.

No gear shall be set in the Bass Island area located in Ottawa County northeast of Port Clinton, beginning at buoy (R2) FI-6 SEC., south of South Bass Island; thence northeasterly at  $\overline{25}^{\circ}$ for approximately 11,650 yards to buoy (1) FI-4 SEC.-BELL; thence northerly at 12 for approximately 2,100 yards to international buoy (W-or-E); thence northwesterly at 3020 approximately 8,050 yards to buoy FI-R-4 SEC.-BELL; thence southwesterly at 203° for approximately 5,225 yards to buoy (RN2); thence southerly at 185° for approximately 8,100 yards to Green Island light (FI-2-1/2 SEC.-80 FI. 8 STM); thence southeasterly at 131° for approximately 6,050 yards to the

No gear shall be set in the Kellys Island area located in Erie and Ottawa Counties north of Sandusky, Ohio, beginning at Marblehead light (FI-G-6 SEC.-67 FT. 7 STM); thence northwesterly at 339° for approximately 9,800 yards to buoy (R2) (FI-R-4 SEC.); thence northeasterly at 27° for approximately 10,700 yards to the Canadian-United States International Line at the western tip of Middle Island; thence southeasterly at 1290 for approximately 7,100 yards to buoy (1) (FI-4 SEC.); thence southwesterly at 2090 for approximately 15,100 yards to

No gear shall be set in the Ruggles reef area located in Erie the point of beginning. County between Huron and Vermilion, Ohio, beginning at the east bank of the mouth of the Huron River, located at longitude 82° 32.0' and latitude 41° 23.9'; thence due north at 0° for 2,640 yards to a point located at longitude 82° 32.9' and latitude 41° 23.9' and latitude 41° 25.00' a 25.2; thence easterly for approximately 19,108 yards, running parallel to and at a distance of 2,640 yards from the shoreline, to a point located at longitude 82° 21.9' and latitude 41° 26.9; thence due south at  $180^{\circ}$  for 2,640 yards to the west bank of the mouth of the Vermilion River, located at longitude 820 21.9' and latitude 41 25.6'; thence westerly following the shoreline for approximately 19,108 yards, to the point of beginning.

No gear may be operated on any reef without permission from the

Chief of the Division of Wildlife.

No gear may be placed in Lake Erie in any fashion or combination so that more than 1/4 of the distance, between two islands, an island and the mainland or a bay, except Sandusky Bay, is

No gear may be placed within 1/2 mile of West Sister Island. Commercial fishing gear may not be set in any manner so that it

will interfere with the free movement of fish in or out of a

stream connected to Lake Erie.

No gear shall be operated within 1/2 mile of a pier or breakwater built or maintained by the U.S. government, mouth of any river flowing into Lake Erie; or within 1/2 mile of any bridge, dam, or bridge embankment in any bay of Lake Erie except Sandusky Bay west of a line running from Schafer's dock on

Marblehead to the north end of Cedar Point jetty.

No person shall lay out, pull, lift, draw, set, place, locate or maintain any net or seine, except a minnow seine, in the area of Sandusky Bay bounded by an imaginary line running from a point in the north shore one-half mile west of and parallel to the Sandusky Bay motor vehicle bridge toward the south shore to a point in said line one-half mile west of the north abutment of the southerly opening of said bridge, thence in a southerly direction to a point on the south shore in the middle of the west end of Woodland Trail, Bayview Allotment, and an imaginary line running from the north shore toward the south shore onehalf mile east of and parallel to the New York Central railroad bridge to a point in said line one-half mile east of the north abutment of the southerly opening in said railroad bridge, thence in a southerly direction to a point in the New York Central railroad right of way three thousand feet from said railroad bridge abutment. No person shall lay out, pull, lift, draw, set, place, locate, or maintain any net or seine, except a minnow seine, in the Lake Erie fishing district of Sandusky Bay west of a line drawn easterly from the Lake Erie fishing district marker between sections 23 and 24 in Bay township, Ottawa County to the government west end light buoy; thence from the buoy along a line drawn due south for a distance of one-half mile to a point where a marker buoy shall be established by the Division of Wildlife; thence southwesterly along a line drawn straight to the Lake Erie fishing district marker on the south shore of Sandusky Bay. All points so designated where the above so-called imaginary lines touch the shore shall be clearly marked by some suitable marker installed by the Department of Natural Resources.

Seines, trap nets, gill nets and carp aprons

No gear shall be placed from May 15 through September 15 within 1 mile of the shoreline east of the Ford Motor Company's water tower in Lorain to the east bank of the Chagrin River.

No gear shall be placed in any stream east of the mouth of

Sandusky Bay.

Trap nets, gill nets, trotlines and carp aprons Seines only may be set in the Maumee Bay waters of the Lake Erie fishing district located in Lucas County north, northeast and east

of Toledo, Ohio, beginning at the west bank of the mouth of the Maumee River; thence northwest and northerly following the Lake Erie shoreline to the Ohio-Michigan boundary line; thence east and northeast following the Ohio-Michigan boundary line in Lake Erie to Turtle Island; thence southeasterly to the northerly tip of Cedar Point Marsh in Jerusalem township; thence southwest and westerly following the Lake Erie shoreline to the east bank of the mouth of the Maumee River; thence westerly across the mouth of the Maumee River; to the point of beginning.

Trap nets, gill nets, trotlines and carp aprons A special inland seine may be used in the Ottawa River, no farther up than the Ann Arbor bridge; in the Maumee River, no farther up than the Toledo Cherry Street Bridge; in the Portage River and in Portage Bay, no farther up than one-half mile west of the junction of the Portage and Little Portage Rivers; in the Sandusky River, no farther up than an imaginary line running from the west point of Squaw Island straight across Sandusky River to Teal Pond Point, thence straight south to the mainland; in Mud Creek and in Mud Creek Bay, no farther up than an imaginary line running straight across Mud Creek at a right angle with the course of the stream one-half mile west of the Mud Creek bridge on Port Clinton road, and in the La Carp Creek, Little Portage River, Toussaint River, Turtle Creek, Crane Creek, and Ward's Canal, no farther up than the water level that Lake Erie extends in these streams.

Trap nets and gill nets No gear shall be placed within 1/4 mile of any reef from March 1 to May 10; and within 1/4 mile of any island or the mainland from June 15 to September 15.

Seines are not permitted in that portion of Sandusky Bay or Lake Seines Erie lying within the area starting at the northeast end of the Cedar Point jetty thence on a line drawn straight from the northeast end of Cedar Point jetty to Shafer's dock on Marblehead; thence to the western extremity of Johnson's Island; thence to the loading dock of the Baltimore and Ohio Railroad and back to the point of origin.

No person shall draw, set, place, locate, or maintain any net except a minnow net in that portion of Sandusky Bay lying between Cedar Point and the mainland and east of an imaginary line running straight across Sandusky Bay from the extreme west point of Cedar

Point to the Baltimore and Ohio elevator dock.

7. Trap nets

No trap nets shall be placed west of a line running from Shafer's dock on Marblehead to the north end of Cedar Point

No trap net shall be set in less than 3 feet of water.

Gill nets

No gill nets shall be placed west of Huron pier, or within 1/2 mile of the shoreline east of Huron pier.

No gill net shall be set in less than 3 feet of water or less than 6 feet below the surface.

Permitted Areas for Carp Aprons
 Carp aprons may be used in marshes or ditches constructed to drain or fill a marsh. These marshes or ditches must border the Lake Erie fishing district or empty into a stream or river that drains into the Lake Erie fishing district.

## Commercial Fishing Seasons and Times

Ohio Revised Code Chapter 1533, Sections: 41, 55 Authority: Ohio Wildlife Orders 1501:31-3, Sections: 01, 02

- The Commercial fishing season begins March 1 and ends December 10, both dates inclusive.
- No fish shall be brought ashore 1/2 hour after sunset to 1/2 hour before Special permission may be granted to fish during the restricted times with seines.
- No Seine:

may be used in Sandusky Bay from 1 hour after sunset on the day before Sunday, Memorial Day, Independence Day, and Labor Day until 1 hour before sunrise on the following day.

may be used in Sandusky Bay on any date from 1 hour after sunset to 1 hour before sunrise. A seine may be operated in the Lake Erie fishing district other than Sandusky Bay at night provided written notification prior to fishing is sent to the Chief of the Division of Wildlife. Notification will be for no longer than 1 week and must include the licensee's name, address, date and time of fishing, and location of fishing.

Gear Specifications and Identification Authority: Ohio Revised Code Chapter 1533, Sections: 43, 431, 44, 45, 47, 48, 49, 50, 52, 53, 62 Ohio Wildlife Orders: 1502:31-3, Sections: 05, 07

#### Specifications Α.

1. Trap Nets

- The twine of the crib or car must be hung on a third so that the meshes hang square. The thread of the crib cannot be heavier a. than number 18 with a stretched mesh of 2-5/8 inches.
- The crib must have a spreader bar to keep the twine hung square
- The back of the lifting car cannot be removed when brought ashore.
- Lake Erie Seines

Seines greater than 300 rods (4950 feet) are not permitted.

- The outer 1/3 of the wings next to the brails must consist of twine 5 inches stretched mesh or greater. The second 1/3 of the wings must be  $4\frac{1}{2}$  inches stretched mesh or greater. The balance must be of 4 inches stretched mesh or greater except in the bag. The bag can be up to 350 feet long of which 200 feet must be 3 inches stretched mesh. The balance of the bag can be made of twine of any mesh size.
- No person shall lay out, pull, lift, draw, set, place, locate, or maintain any seine on the northerly side of Sandusky Bay for a distance of two miles west of the Sandusky Bay motor vehicle bridge measured on a line drawn straight from the north abutment of the long span of the said bridge to Squaw Island; thence at right angles to said line to the north shore, using more than 275 rods or rope as running or hauling line measured between the sheave and the brail on each wing; no person shall lay out, pull, lift, draw, set, place, locate, or maintain any seine on the southerly side of said bay for a distance of two miles easterly from the New York Central railroad bridge measured on a line drawn straight from the north abutment of the longest span of the New York Central railroad bridge to the outer end of the Baltimore and Ohio elevator dock in Sandusky, Ohio, and thence at right angles to said line to the south shore using more than 250 rods of rope as pulling or hauling line measured between the sheave and the brail on each wing. person shall lay out, pull, lift, draw, set, place, locate, or maintain any seine in said bay west of said Shafer's dock and Cedar Point jetty line hereinbefore described, using more than 320 rods of pulling or hauling line measured between the sheave and the brail on each wing, excepting from said area the restricted areas hereinbefore provided and also provided in section 1533.62 of the Revised Code wherein no seine, except a minnow seine or minnow net or hand-landing net may be used in the areas, hereinbefore described, wherein the length of rope or line to each wing of a seine is restricted to 250 rods, and No seine, regardless of rope 275 rods of rope or line. measurement hereinbefore permitted or provided shall encroach or extend into the restricted areas of Sandusky Bay herein

provided, and described as in section 1533.62 of the Revised Such additional line to the limits hereinbefore specified may be permitted which will extend only from the sheave to the puller. Wherever the sheave on either wing of the seine is located or placed off the shore, the distance from the sheave to the nearest point on shore shall be deducted from the maximum line allowed from the sheave to the brail. The puller of each seine shall be placed and used on the mainland shore or on a barge moored or located immediately adjacent to the mainland shore, except on Presque Isle where the puller may be placed on the island and the distance from each sheave on each wing to the north shore shall be deducted from the 275 rod length of line permitted herein from the sheave to the brail on each wing of the seine. No person shall have in possession a seine and rope or line used or to be used at any certain location in Sandusky Bay, which rope or line when attached to the brail exceeds the length as permitted to be used in such area as herein provided.

An inland seine shall be constructed so that the mesh size of the outer 1/3 of the wings next to the brails must be 5-inch stretched mesh or greater. The next 1/3 of the wing must be  $4\frac{1}{2}$ -inch stretched mesh or greater and the balance of the seine must

be of 4-inch stretch mesh or greater.

In 1980 gill nets cannot be greater than 150 feet long. In 1981 Gill nets gill nets cannot be greater than 120 feet long.

No net can exceed 30 meshes deep.

Gill net twine cannot be less than  $2\frac{1}{2}$  inches or greater than 2-

7/8 inches stretched mesh.

Boats licensed 21 feet or greater can have no more than 66,000 feet of gill netting in the water and on board at one time. Boats licensed less than 21 feet can have no more than 18,000 feet of gill netting in the water and on board at one time.

Trotlines

No wire may be used in any trotline.

Trotlines must be placed so they cannot be pulled from shore. Type one trotlines can contain no more than 70 single hooks on

one line. All buoys must be red and unshatterable.

Type two trotlines can contain more than 70 single hooks on any number of lines. All buoys must be white and unshatterable.

Carp aprons. A carp apron can be no larger than 100 by 75 feet and the meshes must be  $3\frac{1}{2}$  inches stretched mesh or larger.

Identification

A tag issued by Ohio Division of Wildlife shall be attached on Seines, Inland and Lake Erie either brail and the owner's or operator's name must be in 1-inch high letters on either brail.

2. Trap nets
An orange uphaul buoy on each net must be identified with a number greater than 2 inches high. The numbers will begin at 1 and proceed to the number of nets licensed to the owner. The owner's or operator's name must also appear on the buoy in 1-inch high letters. The owner's or operator's name must also be stamped or branded on the left side of the top brail, spreader bar, or support bar in 1-inch high letters.

3. Gill nets Each string of gill nets must have marker buoys at each end and at 3000-foot intervals. The marker buoy must have a black flag at least 12 inches on a side held at least 6 feet above the water surface in white letters at least 2 inches high. Serially numbered surface in white letters at least 2 inches high. Serially numbered tags issued by the Ohio Division of Wildlife must be attached to the top bridle line or head ledge on each end of the gill net where the netting begins. The first three leads at each end of the gill net must be stamped with name of the vessel using those nets. Nets marked for one vessel cannot be onboard another vessel.

4. Carp aprons A tag issued by the Ohio Division of Wildlife must be attached to the top line and the owner's or operator's name must appear in 1inch high letters on a board or tag on the top line.

5. Trotlines
The owner's or operator's name must appear in 1-inch high letters on tally buoys at each end of the trotline.

6. Dip nets A tag issued by the Ohio Division of Wildlife must be attached to the rim line and the owner's or operator's name must appear in 1inch high letters on the lifting pole.

- Ohio Revised Code Chapter 1533, Sections: 341, 42, 46, 55, 63 Ohio Wildlife Orders 1501:31-3, Sections: 02, 05, 09 V. Fish: Restrictions, Quotas, Reports Authority:
  - Designated Species and Sizes
- The following fishes can be commercially harvested in Ohio waters:

American eel

bowfin b.

buffalo if at least 15 inches total length

bullheads, if at least 9 inches total length

channel catfish, if at least  $15\frac{1}{2}$  inches total length d. е

flathead catfish

freshwater drum or sheepshead q.

h.

gizzard shad i.

goldfish j.

k.

suckers, if at least 10 inches total length

white bass, if at least 11 inches total length, 8-3/4 inches ٦. headless or a fillet at least 6½ inches

yellow perch, if at least 8 inches total length, or a fillet or part fillet at least 5-3/8 inches

alewife

carp p.

quillback r.

It is illegal to commercially harvest, possess, sell or transport any fish in any form other than round, headless or fillets except salmons and whitefishes, which may be sold canned or in steaks.

It is illegal to harvest, possess, sell or transport a quantity of any species mentioned above containing more than 10% by weight of

undersized fish in any form.

None of the above species may be mutilated so that the length,

weight or species cannot be determined.

All sublegal or illegal species of fish must be released within 1 hour after taken into possession except in seines where they must be released within  $1\frac{1}{2}$  hours.

The following fishes may be harvested with carp aprons, and inland carp, suckers, freshwater drum, goldfish, bowfin, and seines:

Although illegal to commercially harvest from Ohio waters, these fish can be imported and sold if they meet Ohio's legal size, and cisco (except lake herring), if at least 11 inches total length are legally obtained:

coho, if at least  $21\frac{1}{2}$  inches headless and 25 inches round

- sauger, if at least 11 inches total length or a fillet at least 3 ounces or part fillet at least  $1\frac{1}{2}$  ounces
- sturgeon (except lake sturgeon), if at least 48 inches total length
- e. walleye, if at least 15½ inches in total length whitefish, if at least 17 inches in total length

B. Fish Removal Regulations

1. All fish must be removed from gill nets once every 72 hours.

2. All fish must be removed from trap nets and trotlines at least once every 5 days, except for trap nets where all fish must be removed

3. No gear may be left in the water in an unfishable condition for more

than 5 days.

- It is illegal to splash or make noise to drive fish into fishing gear or C. Restricted Techniques assist in their capture.
- The Chief of the Division of Wildlife shall determine harvest quotas for D. Ouotas commercial fisheries. The chief will utilize 3 sources of input in determining the quotas:

1. Technical committees from jurisdictions for which a stock is

The previous 5 years proportional sport and commercial catch and other scientific, economic and social data. 2.

The Commercial Fishery Quota Committee consisting of 3 representatives from the Ohio Division of Wildlife and 5 representatives from the commercial fishing industry.

E. Catch Reports

1. All commercial fishing licensees, unless using a trotline with less than 70 hooks, must submit a monthly report by the 15th day of the following month whether they fished or not.

Daily records must contain the weight and kind of fish taken, amount of gear lifted, number of nights fished by the net, locality fished or any data required by Division of Wildlife biologists. Daily records must be recorded no later than 12 m. the following day.

The form "Daily Catch Report of Commercial Fisheries in Lake Erie" must be carried on the boat or be at the fishing site when fishing. The name of the person in charge, the licensee's name and the date must be on the form before the boat leaves the dock or the seine is laid out. The person in charge must be present when fishing takes place.

# VI. Transporting and Holding Freshwater Fishes

Authority: Ohio Revised Code Chapter 1533, Sections: 31, 301 Ohio Wildlife Order 1501-31-3, Section:08

A. Fish Transportation

1. A permit is required to transport fish which are for sale, sold or purchased, except a person hauling fish through the state, a licensed commercial fisherman, a licensed fish wholesaler, a licensed minnow dealer or if the weight of fish is no greater than 500 pounds in one vehicle.

2. Transported fish must be in a container with a label indicating the species, weight, consigner, consignee, point of billing and destination. If not in a container the same information must be on a written statement carried in the vehicle for each compartment in

3. When hauling fish the word "FISH" must be printed on both sides of the vehicle in 8-inch high letters.

B. Fish Hold Devices

1. Fish in live-holding devices must be taken to the licensee's docking area on the day they were caught and remain there until emptied, or until the next operation of the seine.

The licensee's name must be on live-holding devices in 1-inch high

letters.

# VII. Notification of Trap Net Disposition

Authority: Ohio Revised Code Chapter 1533, Section:431 Ohio Wildlife Order 1501-31-3, Section:06

The Division of Wildlife must be notified in writing the location by grid number and subgrid letter, of each net and its number when it is being placed or removed. The notification must be postmarked no later than the day after the date of placement or removal.

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