TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #08-886

DIGEST

Amends 312 IAC 9 governing the taking of fish from public waters to prohibit taking or possession of paddlefish except under a commercial fishing license on the Ohio River. Fish measurement is amended to clarify how a paddlefish is to be measured and exempted species of fish is amended to clarify that endangered species of fish are not exempted. Commercial fishing for paddlefish on the Ohio River is limited to November 1 through April 30, a minimum size limit is established, checking for eggs from a living paddlefish is restricted to the insertion of a 10-gauge needle, and the bar mesh size for gill and trammel nets is restricted. Snagging is eliminated as a lawful method for taking fish from public waters. Effective 30 days after filing with the Publisher.

312 IAC 9-6-1
312 IAC 9-6-2
312 IAC 9-7-16
312 IAC 9-7-19
312 IAC 9-8-6

SECTION 1. 312 IAC 9-6-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-1 Definitions pertaining to fish and fishing activities
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-34-12

Sec. 1. In addition to the definitions in 312 IAC 9-1, the following definitions apply throughout **312 IAC 9-6,** 312 IAC 9-7, 312 IAC 9-8, and 312 IAC 9-10:

(1) "Alewife" means the species Alosa pseudoharengus.

(2) "American eel" means the species Anguilla rostrata.

(3) "Aquarium pet trade" means the business of importing, producing, or selling live fish for display in:

(A) aquariums;

(B) tanks; or

(C) other continuing exhibits.

(4) "Atlantic salmon" means the species Salmo salar.

(5) "Bar mesh" means the length of one (1) side of the square mesh measure or as measured between two (2) knots on the same line.

(6) "Bighead carp" means the species Hypophthalmichthys nobilis.

(7) "Black bass" means the species:

(A) Micropterus salmoides;

(B) Micropterus dolomieui; and

(C) Micropterus punctulatus.

(8) "Black carp" means the species Mylopharyngodon piceus.

(9) "Black crappie" means the species Pomoxis nigromaculatus.

(10) "Blue catfish" means the species Ictalurus furcatus.

(11) "Bluegill" means the species Lepomis macrochirus.

(12) "Bluntnose minnow" means the species Pimephales notatus.
(13) "Bowfin" means the species Amia calva.
(14) "Brook trout" means the species Salvelinus fontinalis.
(15) "Brown trout" means the species Salmo trutta.
(16) "Buffalo" means the genus Ictiobus.
(17) "Bullhead" means the species:
(A) Ictalurus melas;
(B) Ictalurus nebulosus; and
(C) Ictalurus natalis.
(18) "Burbot" means the species Lota lota.
(19) "Carp" means the species Cyprinus carpio.
(20) "Cast net" means a net:
(A) not more than ten (10) feet in diameter; and
(B) having stretch mesh not larger than three-fourths (¾) inch.
(21) "Cavefish" means a fish of the family Amblyopsidae.
(22) "Chain pickerel" means the species Esox niger.
(23) "Channel catfish" means the species Ictalurus punctatus.
(24) "Chinook salmon" means the species Oncorhynchus tshawytscha.
(25) "Chub" means the species:
(A) Coregonus hoyi; and
(B) Coregonus kiyi.
(26) "Cisco" means the species Coregonus artedii.
(27) "Closed aquaculture system" means a rearing facility designed to prevent the escape of cultured organisms to the wild.
(28) "Coho salmon" means the species Oncorhynchus kisutch.
(29) "Crappie" means:
(A) white crappie; and
(B) black crappie.
(30) "Dip net" means a dip net:
(A) not exceeding three (3) feet square;
(B) without sides or walls; and
(C) having stretch mesh not larger than one-half (½) inch.
(31) "Diploid" means a cell or organism that has two (2) complete sets of chromosomes.
(32) "Exotic catfish" means a walking catfish or other member of the family Clariidae.
(33) "Exotic fish" means:
(A) an exotic catfish;
(B) a bighead carp;
(C) a black carp;
(D) a silver carp;
(F) a snakehead;
(G) a rudd;
(H) a ruffe;
(I) a tubenose goby;
(J) a round goby; or
(K) a hybrid or genetically altered fish of any of these species.
(34) "Fathead minnow" means the species Pimephales promelas.
(35) "Flathead catfish" means the species Pylodictis olivaris.
(36) "Freshwater drum" means the species Aplodinotus grunniens.
(37) "Gaff" or "gaff hook" means an implement:
(A) of metal or another hard or tough material;
(B) with or without barbs;

(C) making a single hook having a shank with or without a handle; and
(D) that may be hand held to seize, hold, or sustain fish.
(38) "Gar" means the genus Lepisosteus.
(39) "Genetically altered fish" means a fish that is the product of genetic manipulation, including polyploidy, gynogenesis, gene transfer, and hormonal sex control.
(40) "Gizzard shad" means the species Dorosoma cepedianum.
(41) "Golden shiner" means the species Notemigonus crysoleucas.
(42) "Goldfish" means the species Carassius auratus.
(43) "Grab hook" means a device or implement used as a tong to clutch, close down upon, or grasp fish.
(44) "Grass carp" means the genus Ctenopharyngodon.
(45) "Green sunfish" means the species Lepomis cyanellus.
(46) "Hybrid striped bass" means the hybrid of striped bass and white bass.
(47) "Hybrid sunfish" means a hybrid of the genus Lepomis.
(48) "Lake herring" means the species Coregonus artedii.
(49) "Lake sturgeon" means the species Acipenser fulvescens.
(50) "Lake trout" means the species Salvelinus namaycush.
(51) "Lake whitefish" means the species Coregonus clupeaformis.
(52) "Largemouth bass" means the species Micropterus salmoides.
(53) "Minnow seine" means a seine or net:
(A) not more than twelve (12) feet long and four (4) feet deep; and
(B) having stretch mesh not larger than one-half (½) inch.
(54) "Minnow trap" means a fish trapping device not exceeding twenty-four (24) inches long. The opening of the throat shall not exceed one (1) inch in diameter.
(55) "Mosquitofish" means the species Gambusia affinis.
(56) "Muskellunge" means the species Esox masquinongy.
(57) "Northern pike" means the species Esox lucius.
(58) "Quagga mussel" means the species Dreissena bugensis.
(59) "Paddlefish" means the species Polyodon spathula.
(60) "Rainbow trout" means the species Oncorhynchus mykiss.
(61) "Redear sunfish" means the species Lepomis microlophus.
(62) "Rock bass" means the species Ambloplites rupestris.
(63) ~~"Rough fish" means any species of fish not defined as a sport fish or protected under IC 14-22-34-12.~~ ~~(64)~~ "Round goby" mean the species Neogobius melanostomus.
~~(65)~~ **(64)** "Rudd" means the species Scardinius erythrophthalmus.
~~(66)~~ **(65)** "Ruffe" means the species Gymnocephalus cernuus.
~~(67)~~ **(66)** "Sauger" means the species Stizostedion canadense.
~~(68)~~ **(67)** "Saugeye" means the hybrid of walleye and sauger.
~~(69)~~ **(68)** "Shad" means the genera:
(A) Alosa; and
(B) Dorosoma.
~~(70)~~ **(69)** "Shovelnose sturgeon" means the species Scaphirhynchus platorynchus.
~~(71)~~ **(70)** "Silver carp" means the species Hypophthalmichthys molitrix.
~~(72)~~ **(71)** "Single hook" means a fishing hook consisting of:
(A) one (1) shank; and
(B) one (1) point.
~~(73)~~ **(72)** "Smallmouth bass" means the species Micropterus dolomieui.
~~(74)~~ **(73)** "Smelt" means the genus Osmerus.
~~(75)~~ **(74)** "Snakehead" means all species of the family Channidae, including the genera:
(A) Channa; and
(B) Parachanna.

~~(76)~~ **(75)** "Sockeye salmon" means the species Oncorhynchus nerka.
~~(77)~~ **(76)** "Sport fish" means any of the following:
(A) Largemouth bass.
(B) Smallmouth bass.
(C) Spotted bass.
(D) Rock bass.
(E) White crappie.
(F) Black crappie.
(G) Walleye.
(H) Sauger.
(I) Saugeye.
(J) Striped bass.
(K) White bass.
(L) Hybrid striped bass.
(M) Yellow bass.
(N) Muskellunge.
(O) Tiger muskellunge.
(P) Northern pike.
(Q) Chain pickerel.
(R) Trout or salmon.
~~(78)~~ **(77)** "Spotted bass" means the species Micropterus punctulatus.
~~(79)~~ **(78)** "Steelhead" means the species Oncorhyncus mykiss.
~~(80)~~ **(79)** "Stretch mesh" means the extended distance or length between the extreme angles of a single mesh of net.
~~(81)~~ **(80)** "Striped bass" means the species Morone saxatilis.
~~(82)~~ **(81)** "Sucker" means the following genera:
(A) Carpiodes.
(B) Moxostoma.
(C) Hypentelium.
(D) Catostomus.
(E) Erimyzon.
~~(83)~~ **(82)** "Tiger muskellunge" means the hybrid of muskellunge and northern pike.
~~(84)~~ **(83)** "Tilapia" means all species of the genus Tilapia.
~~(85)~~ **(84)** "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.
~~(86)~~ **(85)** "Trout or salmon" means the following:
(A) Lake trout.
(B) Coho salmon.
(C) Chinook salmon.
(D) Sockeye salmon.
(E) Brown trout.
(F) Steelhead (or rainbow trout).
(G) Brook trout.
(H) Atlantic salmon.
~~(87)~~ **(86)** "Tubenose goby" means the species Proterorhinus marmoratus.
~~(88)~~ **(87)** "Walleye" means the species Stizostedion vitreum.
~~(89)~~ **(88)** "Warmouth" means the species Lepomis gulosus.
~~(90)~~ **(89)** "White bass" means the species Morone chrysops.
~~(91)~~ **(90)** "White catfish" means the species Ictalurus catus.
~~(92)~~ **(91)** "White perch" means the species Morone americana.
~~(93)~~ **(92)** "White crappie" means the species Pomoxis annularis.
~~(94)~~ **(93)** "Yellow bass" means the species Morone mississippiensis.

~~(95)~~ **(94)** "Yellow perch" means the species Perca flavescens.
~~(96)~~ **(95)** "Zebra mussel" means the species Dreissena polymorpha.
(Natural Resources Commission; 312 IAC 9-6-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3866; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

SECTION 2. 312 IAC 9-6-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-2 Fish measurement
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 2. (a) Except as provided in subsection (b) **and subsection (c)**, the measurement of the length of a fish must be taken in a straight line from the tip of the snout with the mouth closed to the utmost end of the caudal (tail) fin when the fin is compressed so that the upper and lower lobes of the fin touch or overlap.

(b) The measurement of the fork length of shovelnose sturgeon must be taken in a straight line from the tip of the snout to the fork of the tail fin.

(c) The measurement of the eye to fork length of paddlefish must be taken in a straight line from the eye to the fork of the tail fin. *(Natural Resources Commission; 312 IAC 9-6-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)*

SECTION 3. 312 IAC 9-7-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-16 Sport fishing on the Ohio River
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 16. (a) This section governs fishing on the Ohio River, excluding all bays and tributaries.
(b) A person must not take sport fish except by any of the following:
(1) Fishing pole or hand line.
(2) Float fishing **with more than twenty-five (25) floats at one time**.
(3) Setlines:
(A) attached to a:
(i) tree limb;
(ii) tree trunk;
(iii) bank pole; or
(iv) the bank itself; and
(B) each bearing one (1) single or multibarbed hook.
(4) Not more than two (2) trotlines per ~~individual~~ **person**. Each trotline shall have not more than fifty (50) single or multibarbed baited hooks placed not closer together than eighteen (18) inches. All trotlines ~~shall~~ **must** be tended at least once every twenty-four (24) hours.

(c) ~~An individual~~ **A person** may take ~~rough~~ **an exempted species of** fish **as defined in 312 IAC 9-6-10**, by the methods prescribed in subsection (b) or according to the following methods:
(1) Long bow, including compound bow, with an arrow having one (1) or more barbs and a line attached. ~~Rough~~ **An exempted species of** fish without scales shall not be taken with bow and

arrow during nighttime hours (from one-half (½) hour after sunset until one-half (½) hour before sunrise).
(2) Gigging from February 1 through May 10 with any pronged or barbed instrument attached to the end of a rigid object. A person must not take fish by gigging from a boat or platform.
~~(3) Snagging from February 1 through May 10 with one (1) single or treble hook attached by line to a pole and jerked or pulled through the water. A person must not take fish by snagging from a boat or platform.~~

(d) A person must not take fish within two hundred (200) yards below any dam on the Ohio River except by fishing pole or hand line.

(e) A person must not take minnows from the Ohio River except by:
(1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor having a throat opening greater than one (1) inch in diameter;
(2) a dip net not to exceed three (3) feet in diameter;
(3) a minnow seine not to exceed thirty (30) feet long and six (6) feet deep nor having mesh size larger than one-fourth (¼) inch bar mesh;
(4) a cast net not to exceed nine (9) feet in diameter nor having mesh size larger than three-eighths (3/8) inch bar mesh; or
(5) lawful fishing methods provided in this section.

(f) The daily bag limits, possession limits, and size limits for taking fish by angling are as follows:

	Bag	Possession	Size (Inches
Bass (largemouth, smallmouth, and spotted)	6	12	12 (except no size limit on spotted bass)
Bass (white, yellow, striped, and hybrids)	30	60	No more than 4 fish can be 15 or longer
Rock bass	15	30	none
Walleye, sauger, and saugeye	10	20	none
Muskellunge and tiger muskellunge	2	2	30
Crappie	30	60	none

(Natural Resources Commission; 312 IAC 9-7-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; errata filed Nov 24, 1997, 4:30 p.m.:21 IR 1347; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 4. 312 IAC 9-7-19 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-19 Paddlefish [sport fishing]
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 19. ~~(a)~~ **Except as provided in 312 IAC 9-8-6 with a commercial fishing license**, a person ~~may~~ **must** not take or possess paddlefish from any public water. ~~except the Ohio River.~~

~~(b) The daily bag limit is two (2) paddlefish.~~

~~(c) The sorting or release of lawfully snagged paddlefish is prohibited.~~

~~(d) Snagging is prohibited for the remainder of the day after two (2) paddlefish are taken.~~

~~(e) Snagging is prohibited within two hundred (200) yards of a dam located on the Ohio River.~~ *(Natural Resources Commission; 312 IAC 9-7-19; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 5. 312 IAC 9-8-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-8-6 Commercial fishing on the Ohio River
Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-13
Affected: IC 14-22

Sec. 6. (a) This section applies to **license holders engaged in** commercial fishing on the Ohio River **as authorized under IC 14-22-13**.

(b) A "license holder" is an individual licensed under IC 14-22-13 to use in, and to possess for use in, the water seines, nets, or other commercial fishing gear. Included is an individual commercially fishing while accompanied by the licensee as specified at IC 14-22-13-4.

~~(b)~~ **(c)** ~~No person~~ **A license holder** shall **not** take or sell fish except in accordance with **IC 14-22-13,** this section and 312 IAC 9-10. ~~A person~~ **A license holder** may take fish with the aid of illumination of:

(1) a spotlight;
(2) a searchlight; or
(3) an artificial light;

where lawfully engaged in commercial fishing.

~~(c)~~ **(d)** A license holder under this section may take and sell all species of fish from the Ohio River except the following:

(1) Largemouth bass.
(2) Smallmouth bass.
(3) Spotted bass.
(4) Rock bass.
(5) White crappie.
(6) Black crappie.
(7) Walleye.
(8) Sauger.
(9) Saugeye.
(10) Striped bass.
(11) White bass.
(12) Hybrid striped bass.
(13) Yellow bass.
(14) Muskellunge.
(15) Northern pike.
(16) Tiger muskellunge.
(17) Chain pickerel.
(18) Lake sturgeon.

(19) Trout.
(20) Salmon.
~~(21) Shovelnose sturgeon.~~

(e) A license holder may take and sell shovelnose sturgeon that are at least twenty-five (25) inches in fork length only from October 1 through May 31.

(f) A license holder may take and sell paddlefish that are at least thirty-two (32) inches in eye to fork length only from November 1 through April 30. The cutting or mutilation of live paddlefish to check for eggs is prohibited except that a 10-gauge needle may be inserted into the abdomen between the pectoral and pelvic fins to determine the presence of eggs.

~~(d)~~ **(g)** A license holder under this section must tag each item of gear so that a conservation officer may determine if the:
(1) gear is properly licensed; and
(2) license holder is complying with the law.

~~(e)~~ **(h)** No person shall possess a seine, net, or commercial trotline except as authorized ~~for~~ **with** a **valid** commercial fishing license for the Ohio River. This subsection does not apply to a manufacturer, retailer, or wholesale dealer who possesses gear exclusively for sale.

~~(f)~~ **(i)** Commercial fishing nets authorized under this section cannot be used on a bay or inlet of the Ohio River. A line drawn from point to point of a bay or inlet denotes the limits of the fishing zone. Commercial gear cannot be used within fifty (50) yards of the mouth of a stream. Commercial gear, except slat traps, cannot be used in the following locations:
(1) John T. Myers Dam downstream to the outer lock wall and the portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike.
(2) Newburgh Dam downstream to the end of the outer lock wall.
(3) Cannelton Dam downstream to the end of the outer lock wall.
(4) McAlpine Dam downstream to the K and I railroad bridge.
(5) Markland Dam downstream to the end of the outer lock wall.

~~(g)~~ **(j)** Each item of fishing gear in use must be tended not less frequently than once every twenty-four (24) hours and all fish taken by the gear removed, except that baited hoop nets or slat traps may be left unattended for not more than seventy-two (72) hours. Each item of gear must be removed from the waters in which the item was fished immediately upon usage.

~~(h)~~ **(k)** Gear is authorized only as set forth as follows:
(1) Lines and mesh must be made of:
(A) linen;
(B) cotton; or
(C) a flexible synthetic fiber.
(2) The following restrictions apply to a hoop net, wing net, straight lead net, or heart lead net:
(A) Each net described in this subdivision must have a minimum bar mesh size of one (1) inch.
(B) Hoops may be any size, shape, or material.
(C) The maximum length of the lead or wing is sixty (60) feet.
(D) One (1) tag must be attached to the front hoop of each net.
(3) The following restrictions apply to a gill or trammel net:
(A) The minimum bar mesh size **that can be fished from November 1 through April 30** is four (4) inches**;**

(B) The only bar mesh size that can be fished from May 1 through October 31 is from four (4) inches to four and one-half (4 ½) inches.

(B) The nets referenced in this subdivision may be fished weighted or as a flag net.

(C) A tag must be attached to the net at intervals not less than one hundred (100) feet apart.

(4) The following restrictions apply to a commercial trotline:

(A) Each line must have more than fifty (50) hooks placed not closer than eighteen (18) inches apart.

(B) One (1) tag must be attached.

(C) The trotline must be:

(i) not longer than three thousand (3,000) feet, including staging; and

(ii) fished separately rather than tied in a continuous line.

(5) The following restrictions apply to a seine:

(A) A seine must have the following:

(i) A minimum bar mesh size of one (1) inch.

(ii) Both float and lead lines.

(iii) Wood, fiberglass, metal poles, or brails attached to each end.

(B) A seine in the water must be attended by ~~persons~~ **individuals** pulling the seine through the water for the entrapment of fish.

(C) A seine must have a tag attached at intervals not less than one hundred (100) feet apart.

(6) The following restrictions apply to a slat trap basket:

(A) No wire or other mesh may be added to the trap.

(B) At least two (2) openings not less than one and one-fourth (1¼) inches wide must be located between the slats. These openings shall not be restricted by cross-bracings shorter than eight (8) inches long.

(C) The trap shall be not larger than two (2) feet in diameter or square end measure.

(D) A tag must be attached to the open ring or square.

~~(i)~~ **(l)** A license holder must do the following:

(1) Keep accurate daily catch records on a departmental form of the following:

(A) The pounds and species of fish caught by gear type.

(B) The number of paddlefish and shovelnose sturgeon caught by gear type.

(C) The pounds of paddlefish, shovelnose sturgeon, sucker, and eggs sold.

(D) The location fished by pool, river mile, and county.

(2) Submit to the department the completed form required under subdivision (1) by the fifteenth day of each month for the preceding month whether the license holder fished or not.

(3) Allow on-board and dockside inspection of the gear and catch at any time by the director or the director's representative.

(Natural Resources Commission; 312 IAC 9-8-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)