

Notice of Public Hearing

LSA Document #08-886

Notice of Public Hearing

Under [IC 4-22-2-24](#), notice is hereby given that on May 20, 2009, at 6:00 p.m., in the Sugar Ridge Fish and Wildlife Area, 2310 East State Road 364, Conference Room, Winslow, Indiana, the Natural Resources Commission will hold a public hearing on proposed amendments to [312 IAC 9-6-1](#) by clarifying the rules for which these definitions apply and changing the definition of the term "rough fish", [312 IAC 9-6-2](#) to add a standard for measuring a paddlefish, [312 IAC 9-7-16](#) governing sport fishing on the Ohio River, [312 IAC 9-7-19](#) to prohibit the taking of paddlefish, and [312 IAC 9-8-6](#) governing commercial fishing on the Ohio River by establishing a size limit and season date for paddlefish and imposing restrictions on gill or trammel nets.

[IC 4-22-2-24\(d\)\(3\)](#) Justification Statement: These proposed rules in this package from the Department of Natural Resources (DNR) govern the taking of paddlefish by commercial fishermen and individual anglers in inland waters and in the Ohio River. The changes prohibit the taking of paddlefish by sport fishing in public waters in Indiana. The changes also establish a season for taking paddlefish by commercial fishermen on the Ohio River, establish a size limit, and allow only a 10-gauge needle to be inserted into a paddlefish to check for the presence of eggs. There are further restrictions proposed to allow a minimum bar mesh size of four inches for gill and trammel nets used from November 1 through April 30 and a range of four to four and one-half inches for gill and trammel nets used from May 1 through October 31. Additional changes establish a standard for measuring a paddlefish since the bill of a paddlefish can be altered, prohibiting the standard method of measuring fish from being used. The changes also impose restrictions on anglers who sport fish in the Ohio River by restricting the number of floats when float (jug) fishing and prohibiting the snagging of rough fish.

These rule changes are necessary to protect paddlefish populations in the Ohio River as well as inland waters and prevent them from being over-fished. Paddlefish do not reproduce until they are seven to 10 years old. Because commercial fishermen can sell the eggs of paddlefish as caviar throughout the world, they are taking an increasing number of paddlefish and, oftentimes, fishing for them in protected areas or with illegal equipment. A major investigation into the poaching and illegal sale of paddlefish was conducted by Indiana Conservation Officers and a U.S. Fish and Wildlife Service Law Enforcement Agent in 2006 and 2007. This investigation led to the arrest of 22 individuals who were taking paddlefish in prohibited areas, selling paddlefish that were taken with illegal equipment, not reporting the taking of paddlefish under their commercial fishing licenses, as well as other violations. Without these rule changes, paddlefish populations will decline and are not expected to be able to continue to support the businesses that rely upon their harvest.

Regarding the establishment of a season for taking paddlefish, the DNR expects only a minimal impact to commercial fishing license holders and businesses. The percentage of paddlefish eggs harvested outside the proposed season was 4.5% for the winter of 2005/2006, 7.0% for the winter of 2006/2007, and 0.7% for the winter of 2007/2008 (the 2007/2008 season was impacted by an emergency rule signed by the Director of the DNR and during which time the major harvester generally only reported his harvest to Kentucky). Ohio River paddlefish spawn during late April into early May, and paddlefish eggs gain in weight as they mature. The eggs become worthless in terms of caviar at an egg maturity stage prior to spawning as the eggs become too soft and burst during the caviar processing procedure. This happens late during late April to early May and varies by year. The more conscientious commercial fishermen stop fishing when they start getting soft eggs while others fish until they no longer harvest eggs, even though those late season eggs are of no economic value.

The rule change that would allow only those paddlefish that are a minimum of 32 inches in length to be harvested is expected to have only a minimal impact to commercial fishing license holders. In fact, research biologists expect a minor positive impact in future years as paddlefish are allowed to mature into larger sizes prior to being harvested, at which point they also have a larger number of eggs.

The benefits of the proposed changes were obtained from information supplied by the DNR's big rivers biologist. The 2004 Survey of Indiana Anglers conducted by Purdue University was also used as a reference for the species of fish preferred by Indiana anglers. The number of commercial license holders was also obtained from the DNR's Big Rivers Biologist who issues these licenses. The data on paddlefish that are harvested was obtained from the monthly reports provided by commercial fishing license holders for the past three years and data obtained from surveys done by Indiana and Kentucky DNR fisheries biologists.

Copies of these rules are now on file at the Natural Resources Commission, Division of Hearings, Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter
Chairman

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