

Final Rule

LSA Document #10-501(F)

DIGEST

Amends [312 IAC 9-6-1](#) to change the size of cast nets and add a definition of threadfin shad. Amends [312 IAC 9-6-8](#) governing the use of gizzard shad, threadfin shad, and alewife. Amends [312 IAC 9-7-16](#) governing the use of cast nets for collecting fish on the Ohio River. Amends [312 IAC 9-9-2](#) governing the use of cast nets for collecting crayfish on the Ohio River. Effective 30 days after filing with the Publisher.

[312 IAC 9-6-1](#); [312 IAC 9-6-8](#); [312 IAC 9-7-16](#); [312 IAC 9-9-2](#)

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 this rule **and** [312 IAC 9-7](#) ~~[312 IAC 9-8](#), [312 IAC 9-9](#), and through [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 **following** species:
 - (A) *Micropterus salmoides*.
 - (B) *Micropterus dolomieu*. ~~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 **following** 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)~~ **twenty (20)** feet in diameter; and
 - (B) having stretch mesh not larger than three-fourths (3/4) inch; **or**
 - (C) having stretch mesh not larger than two (2) inches if used only on the waters listed in section 8(b)(1) of this rule.**
- (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 **following** 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 **the following**:
 - (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 (1/2) 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;
 - (E) a white perch;
 - (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 (1/2) 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) "Round goby" mean the species *Neogobius melanostomus*.
- (64) "Rudd" means the species *Scardinius erythrophthalmus*.
- (65) "Ruffe" means the species *Gymnocephalus cernuus*.
- (66) "Sauger" means the species *Stizostedion canadense*.
- (67) "Saugeye" means the hybrid of walleye and sauger.
- (68) "Shad" means the **following** genera:
 - (A) *Alosa*. ~~and~~
 - (B) *Dorosoma*.
- (69) "Shovelnose sturgeon" means the species *Scaphirhynchus platyrhynchus*.
- (70) "Silver carp" means the species *Hypophthalmichthys molitrix*.
- (71) "Single hook" means a fishing hook consisting of **the following**:
 - (A) One (1) shank. ~~and~~
 - (B) One (1) point.
- (72) "Smallmouth bass" means the species *Micropterus dolomieu*.
- (73) "Smelt" means the genus *Osmerus*.
- (74) "Snakehead" means all species of the family Channidae, including the **following** genera:
 - (A) *Channa*. ~~and~~
 - (B) *Parachanna*.
- (75) "Sockeye salmon" means the species *Oncorhynchus nerka*.
- (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.
- (77) "Spotted bass" means the species *Micropterus punctulatus*.
- (78) "Steelhead" means the species *Oncorhynchus mykiss*.
- (79) "Stretch mesh" means the extended distance or length between the extreme angles of a single mesh of net.
- (80) "Striped bass" means the species *Morone saxatilis*.
- (81) "Sucker" means the following genera:
 - (A) *Carpoides*.
 - (B) *Moxostoma*.
 - (C) *Hypentelium*.
 - (D) *Catostomus*.
 - (E) *Erimyzon*.
- (82) "Threadfin shad" means the species *Dorosoma petenense*.**
- ~~(82)~~ **(83)** "Tiger muskellunge" means the hybrid of muskellunge and northern pike.
- ~~(83)~~ **(84)** "Tilapia" means all species of the genus *Tilapia*.
- ~~(84)~~ **(85)** "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.
- ~~(85)~~ **(86)** "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.
- ~~(86)~~ **(87)** "Tubenose goby" means the species *Proterorhinus marmoratus*.
- ~~(87)~~ **(88)** "Walleye" means the species *Stizostedion vitreum*.
- ~~(88)~~ **(89)** "Warmouth" means the species *Lepomis gulosus*.
- ~~(89)~~ **(90)** "White bass" means the species *Morone chrysops*.
- ~~(90)~~ **(91)** "White catfish" means the species *Ictalurus catus*.
- ~~(91)~~ **(92)** "White perch" means the species *Morone americana*.
- ~~(92)~~ **(93)** "White crappie" means the species *Pomoxis annularis*.
- ~~(93)~~ **(94)** "Yellow bass" means the species *Morone mississippiensis*.
- ~~(94)~~ **(95)** "Yellow perch" means the species *Perca flavescens*.
- ~~(95)~~ **(96)** "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](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Aug 28, 2009, 3:39 p.m.: [20090923-IR-312080886FRA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); filed Feb 22, 2011, 1:13 p.m.: [20110323-IR-312100501FRA](#))

SECTION 2. [312 IAC 9-6-8](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-6-8](#) Carp and gizzard shad as bait

Authority: [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 8. (a) An individual must not use live carp as bait.

(b) An individual must not use live gizzard shad **or threadfin shad** as bait except ~~at~~ **as follows:**

(1) An individual may collect live gizzard shad or threadfin shad for use as bait only from the following:

- (A) Brookville Reservoir.**
- (B) Cecil M. Harden Reservoir.**
- (C) Monroe Reservoir.**
- (D) Patoka Reservoir.**
- (E) Lake Freeman.**
- (F) Lake Shafer.**
- (G) Hardy Lake.**
- (H) The Ohio River main stem, excluding all embayments.**

(2) An individual:

- (A) may use the live gizzard shad and threadfin shad as bait only within the body of water where it is collected; and**
- (B) must not transport live gizzard shad and threadfin shad from the body of water where collected.**

(c) An individual must:

- (1) kill any live gizzard shad or threadfin shad collected for bait and not used; and**
- (2) immediately kill gizzard shad and threadfin shad collected at waters not listed in subsection (b)(1).**

(d) An individual must not possess live gizzard shad or threadfin shad at waters other than those listed in subsection (b)(1).

(e) An individual may collect live alewife from Lake Michigan for use as bait only on Lake Michigan.

(f) An individual must:

- (1) not transport live alewife from Lake Michigan;**
- (2) kill any live alewife collected for bait and not used; and**
- (3) immediately kill alewife collected from waters other than Lake Michigan.**

(g) An individual must not possess live alewife other than on Lake Michigan.

(Natural Resources Commission; [312 IAC 9-6-8](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2716; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); filed Feb 22, 2011, 1:13 p.m.: [20110323-IR-312100501FRA](#))

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) An individual must not take sport fish except by any of the following:

- (1) Fishing pole or hand line.
- (2) Float fishing.
- (3) Setlines:

(A) attached to:

- (i) a tree limb;
- (ii) a tree trunk;
- (iii) a 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. Each trotline shall have not more than fifty (50) single or multibarbed baited hooks placed not closer together than eighteen (18) inches. All trotlines must be tended at least once every twenty-four (24) hours.

(c) An individual may take 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. An exempted species of fish without scales shall not be taken with bow and arrow during nighttime hours (from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise).

(2) Giggling 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 giggling from a boat or platform.

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

(e) An individual 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 (1/4) 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) An individual may take fish in the Ohio River only by sport fishing methods authorized under this section as follows:

	Daily Bag	Possession Limit	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	Not 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; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Aug 28, 2009, 3:39 p.m.: [20090923-IR-312080886FRA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); filed Feb 22, 2011, 1:13 p.m.: [20110323-IR-312100501FRA](#))

SECTION 4. [312 IAC 9-9-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-9-2 Crayfish](#)

Authority: [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 2. (a) An individual may take crayfish at any time of year.

(b) An individual must not take crayfish except by:

- (1) a minnow trap;
- (2) a dip net;
- (3) a minnow seine;
- (4) hands;
- (5) a cast net;
- (6) lawful sport fishing methods provided in [312 IAC 9-7](#); or
- (7) methods authorized under a scientific purposes license under [312 IAC 9-10-6](#).

(c) An individual must not transport beyond the limits of this state more than one hundred (100) crayfish in a twenty-four (24) hour period, provided that this subsection does not apply to a person engaged in commercially raising crayfish in private waters for sale.

(d) An individual must not take crayfish unless the individual is:

- (1) issued a sport fishing license under [IC 14-22-12-1](#);
- (2) issued a scientific purposes license under [312 IAC 9-10-6](#); or
- (3) taking crayfish without a license under [IC 14-22-11-1](#) and [312 IAC 9-2-14](#).

(e) An individual may use the aid of illumination from:

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

to take crayfish.

(f) An individual must not take crayfish from the Ohio River except by:

- (1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor have 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 in length and six (6) feet in diameter nor have a mesh size larger than one-fourth (1/4) inch bar mesh;
- (4) a cast net; ~~not to exceed nine (9) feet in diameter nor have a mesh size larger than three-eighths (3/8) inch bar mesh;~~
- (5) lawful sport fishing methods provided in [312 IAC 9-7-17\(b\)](#); or

(6) methods authorized under a scientific purposes license under [312 IAC 9-10-6](#).

(g) A person must not sell crayfish unless the person is issued a bait dealer's license under [IC 14-22-16](#).

(Natural Resources Commission; [312 IAC 9-9-2](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2726; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); filed Feb 22, 2011, 1:13 p.m.: [20110323-IR-312100501FRA](#))

LSA Document #10-501(F)

Notice of Intent: [20100811-IR-312100501NIA](#)

Proposed Rule: [20101013-IR-312100501PRA](#)

Hearing Held: December 9, 2010

Approved by Attorney General: February 3, 2011

Approved by Governor: February 18, 2011

Filed with Publisher: February 22, 2011, 1:13 p.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Linnea Petercheff, Staff Specialist, Division of Fish and Wildlife,
Department of Natural Resources, 402 W. Washington Street, Room W273, Indianapolis, Indiana 46204, (317)
233-6527, lpetercheff@dnr.in.gov

Posted: 03/23/2011 by Legislative Services Agency

An [html](#) version of this document.