TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #12-403(F)

DIGEST

Amends 312 IAC 9-2-9 to clarify requirements for chasing wild animals with dogs during the hunting or taking season. Amends 312 IAC 9-3-14 by removing the restrictions for nonresidents, restrictions on carrying firearms, and the license requirements to carry a handgun while chasing raccoons and opossums. Amends 312 IAC 9-4-2 by adding license requirements for taking waterfowl. Amends 312 IAC 9-4-5 to add the season for taking lesser snow geese and Ross's geese and specify license requirements for taking geese. Amends 312 IAC 9-4-7.2 to remove Rusty's blackbirds from the list of species of birds that can be taken without a permit. Amends 312 IAC 9-4-15 by adding the monk parakeet as an exempted species of bird. Amends 312 IAC 9-6-1 by adding a definition of Asian carp, specifying the common names for the species of black bass, and amending scientific names. Amends 312 IAC 9-6-6 by modifying the location of one area closed to fishing and adding a new area. Amends 312 IAC 9-7-2 by adding the use of the crossbow, adding the ability to take Asian carp by various methods, removing Oliver Lake where an individual may take smelt, and adding bowfishing equipment and the use of the crossbow for taking certain species of fish on rivers and streams. Amends 312 IAC 9-7-3 by removing Gibson Lake from a location where channel catfish may be taken without regard to a bag limit. Amends 312 IAC 9-7-12 governing the size limit of walleye taken from the Elkhart River in Elkhart County. Amends 312 IAC 9-7-13 by eliminating the daily bag limit for lake trout. Amends 312 IAC 9-7-16 to allow the use of a crossbow and prohibit snagging on the Ohio River. Amends 312 IAC 9-9-3 by removing the references to mussel harvesters and buyers licenses. Amends 312 IAC 9-9-4 by adding the rayed bean as an endangered species of mussel. Amends 312 IAC 9-10-10 governing the special hunting permit for a person with a disability by clarifying requirements and eliminating deadlines for submitting applications. Effective 30 days after filing with the Publisher.

312 IAC 9-2-9; 312 IAC 9-3-14; 312 IAC 9-4-2; 312 IAC 9-4-5; 312 IAC 9-4-7.2; 312 IAC 9-4-15; 312 IAC 9-6-1; 312 IAC 9-6-6; 312 IAC 9-7-2; 312 IAC 9-7-3; 312 IAC 9-7-12; 312 IAC 9-7-13; 312 IAC 9-7-16; 312 IAC 9-9-3; 312 IAC 9-9-4; 312 IAC 9-10-10

SECTION 1. 312 IAC 9-2-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-2-9 Chasing; use of dogs

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 9. (a) **Except as otherwise provided in this article,** an individual may use dogs to chase a wild animal at any time. ~~unless prohibited by law.~~

(b) An individual who uses dogs to chase wild animals **during a taking or hunting season for the species being chased** must comply with the ~~season dates and~~ restrictions **established in this article** for ~~a dog owned, possessed, or controlled by~~ the ~~individual.~~ **taking or hunting season.**

(Natural Resources Commission; 312 IAC 9-2-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; 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 Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 2. 312 IAC 9-3-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-14 Opossums and raccoons

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22; IC 35-47-2

Sec. 14. (a) ~~Except as provided in subsection (b),~~ An individual may do the following:
(1) Take raccoons and Virginia opossums from 8 a.m. on November 8 until noon on January 31 of the

following year.

(2) Chase raccoons and Virginia opossums from noon on February 1 until noon on October 25.

~~(b) A nonresident may take raccoons under subsection (a)(1) only to the extent that these raccoon seasons in the state of the nonresident are open to Indiana residents.~~

~~(c)~~ **(b)** An individual must not ~~do the following:~~

~~(1) Possess a firearm, air rifle, or another device capable of taking a raccoon or Virginia opossum while chasing a raccoon or opossum during the chasing season established under subsection (a)(2).~~

~~(2)~~ remove, attempt to remove, dislodge, or attempt to dislodge a raccoon or Virginia opossum from:

~~(A)~~ **(1)** a tree hollow;

~~(B)~~ **(2)** a hole;

~~(C)~~ **(3)** a den;

~~(D)~~ **(4)** a pocket;

~~(E)~~ **(5)** a cavity;

~~(F)~~ **(6)** a burrow;

~~(G)~~ **(7)** a tile; or

~~(H)~~ **(8)** any other place;

where the raccoon or Virginia opossum has secreted itself for security or protection or in which the raccoon maintains a nest or den.

~~(d) Notwithstanding subsection (c)(1), an individual may possess a handgun in accordance with IC 35-47 while chasing raccoons and Virginia opossums under this section if the person:~~

~~(1) has a valid unlimited license to carry a handgun:~~

~~(A) issued under IC 35-47-2-3; or~~

~~(B) recognized under IC 35-47-2-21(b); or~~

~~(2) is not required to possess a license to carry a handgun under IC 35-47-2-2.~~

(Natural Resources Commission; 312 IAC 9-3-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Jan 5, 2011, 3:15 p.m.: 20110202-IR-312100230FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 3. 312 IAC 9-4-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-2 General requirements for migratory birds and waterfowl

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 2. (a) The restrictions in this rule supplement state statutes and federal laws that protect migratory birds and waterfowl.

(b) The:

(1) annual seasons;

(2) bag limits;

(3) hunting restrictions; and

(4) shooting hours;

for migratory birds and waterfowl are as determined under 50 CFR 20.

(c) An individual must not hunt migratory birds and waterfowl, except for mute swans (Cygnus olor), unless the individual:

(1) is registered with; and

(2) possesses an identification number issued through;

the Harvest Information Program.

(d) Notwithstanding subsection (c), a resident youth hunter participating in a free hunting day for youth hunters as designated by the director is exempt from:
(1) registration with; and
(2) possession of an identification number issued through;
the Harvest Information Program.

(e) For purposes of youth free hunting days under IC 14-22-11-18, a youth hunter means an individual who is less than eighteen (18) years of age on the date of the hunt. For purposes of the youth waterfowl season as established in 50 CFR 20.105, the age of a youth hunter is determined under 50 CFR 20.105.

(f) An individual must not take a migratory bird listed as an endangered species in this rule unless the individual possesses a scientific purposes license under 312 IAC 9-10-6.

(g) An individual must not hunt American woodcock (Scolopax minor) unless that person wears hunter orange.

(h) An individual must not hunt waterfowl while possessing shot, other than steel shot or another nontoxic shot.

(i) An individual must not construct a hunting blind on the water of the state unless the name and address of the individual who constructs the blind is legibly indicated on the blind.

(j) An individual who constructs a hunting blind must cause the removal of the blind from the water of the state from April 1 through August 15.

(k) An individual must not:
(1) construct or place a permanent blind; or
(2) leave a portable blind overnight;
on property owned or leased by the department.

(l) In order to hunt waterfowl, an individual must satisfy all of the following requirements:
(1) Possess one (1) of the following valid Indiana hunting licenses or be exempt from needing a license as authorized in IC 14-22-11-1:
(A) A resident yearly hunting license under IC 14-22-12-1(a)(2).
(B) A resident yearly hunting and fishing license under IC 14-22-12-1(a)(3).
(C) A nonresident yearly hunting license under IC 14-22-12-1(a)(6).
(D) A nonresident five-day hunting license under IC 14-22-12-1(a)(10).
(E) A nonresident youth yearly hunting license under IC 14-22-12-1(a)(25).
(F) A resident youth consolidated hunting and trapping license under IC 14-22-12-1(a)(24) or IC 14-22-11-10(b).
(G) A disabled American veteran's hunting license under IC 14-22-12-1.5.
(H) An apprentice hunting license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7.
(I) A lifetime basic hunting license under IC 14-22-12-7(a)(2).
(J) A lifetime comprehensive hunting license under IC 14-22-12-7(a)(4).
(K) A lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5).
(2) Possess a valid Indiana waterfowl stamp privilege issued under IC 14-22-7-4.

(Natural Resources Commission; 312 IAC 9-4-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; errata filed Apr 29, 2010, 3:05 p.m.: 20100512-IR-312090479ACA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 4. 312 IAC 9-4-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-5 Geese

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 5. (a) An individual may hunt the following species of geese **in accordance with section 2(b) of this rule:**

(1) Canada geese (Branta canadensis).
(2) Snow geese (Chen caerulescens).
(3) Greater white-fronted geese (Anser albifrons).
(4) Lesser white-fronted geese (Anser erythropus).
(5) Ross's geese (Chen rossii).

(b) An individual must not possess more than the following number of shotgun shells while hunting geese from designated shooting units or sites within Atterbury, Hovey Lake, Kankakee, Jasper-Pulaski, or Pigeon River Fish and Wildlife Areas:

(1) If the daily limit is one (1) goose, the individual may possess not more than four (4) shotgun shells.
(2) If the daily limit is two (2) geese, the individual may possess not more than eight (8) shotgun shells.
(3) If the daily limit is three (3) geese, the individual may possess not more than ten (10) shotgun shells.
(4) If the daily limit is four (4) geese, the individual may possess not more than twelve (12) shotgun shells.
(5) If the daily limit is five (5) geese, the individual may possess not more than fourteen (14) shotgun shells.

(c) In addition to subsection (a), an individual may take a lesser snow goose (Anser caerulescens) or a Ross's goose (Anser rossii) as follows:

(1) From February 16 through March 31 in the following counties:
(A) Adams.
(B) Allen.
(C) Boone.
(D) Clay.
(E) Dekalb.
(F) Elkhart.
(G) Greene.
(H) Hamilton.
(I) Hancock.
(J) Hendricks.
(K) Huntington.
(L) Johnson.
(M) Kosciusko.
(N) LaGrange.
(O) LaPorte.
(P) Madison.
(Q) Marion.
(R) Marshall.
(S) Morgan.
(T) Noble.
(U) Parke.
(V) Shelby.
(W) Starke.
(X) Steuben.
(Y) St. Joseph.
(Z) Sullivan.
(AA) Vermillion.
(BB) Vigo.
(CC) Wells.
(DD) Whitley.

(2) From February 1 through March 31 in all other Indiana counties.

(3) In addition to the license requirements under section 2 of this rule, an individual must obtain a free permit from the department to take a lesser snow goose or Ross's goose under this subsection.

(4) Notwithstanding section 2 of this rule, an individual taking a lesser snow goose or Ross's goose in February or March is exempt from the requirements to register for and possess an identification number through the Harvest Information Program under section 2(d) of this rule.

(Natural Resources Commission; 312 IAC 9-4-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; 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 Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 5. 312 IAC 9-4-7.2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-7.2 Brown-headed cowbirds, common grackles, red-winged blackbirds, rusty blackbirds, Brewer's blackbirds, and crows

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 7.2. An individual may take:
(1) brown-headed cowbirds (Molothrus ater);
(2) common grackles (Quicalus quiscula);
(3) red-winged blackbirds (Agelaius phoeniceus);
~~(4) rusty blackbirds (Euphagus carolinus);~~
~~(5)~~ **(4)** Brewer's blackbirds (Euphagus cyanocephalus); and
~~(6)~~ **(5)** American crows (Corvus brachyrhynchos);
if the birds are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife or concentrated in numbers and in a manner that constitutes a health hazard or nuisance as provided under ~~50 CFR 16.~~ **50 CFR 21.43.**

(Natural Resources Commission; 312 IAC 9-4-7.2; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 6. 312 IAC 9-4-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-15 Exempted species of birds

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 15. An individual may take:
(1) house sparrows (Passer domesticus);
(2) European starlings (Sturnus vulgaris); ~~and~~
(3) rock pigeons (Columba livia) (not including homing pigeons); **and**
(4) monk parakeets (Myiopsitta monachus);
at any time without a license from the department.

(Natural Resources Commission; 312 IAC 9-4-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; 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 Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 7. 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 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) "Asian carp" means the following:
(A) Bighead carp.
(B) Black carp.
(C) Grass carp.
(D) Silver carp.

~~(4)~~ **(5)** "Atlantic salmon" means the species Salmo salar.

~~(5)~~ **(6)** "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)~~ **(7)** "Bighead carp" means the species Hypophthalmichthys nobilis.

~~(7)~~ **(8)** "Black bass" means the following species:
(A) ~~Micropterus salmoides.~~ **Largemouth bass.**
(B) ~~Micropterus dolomieui.~~ **Smallmouth bass.**
(C) ~~Micropterus punctulatus.~~ **Spotted bass.**

(9) "Black bullhead" means the species Ictalurus melas.

~~(8)~~ **(10)** "Black carp" means the species Mylopharyngodon piceus.

~~(9)~~ **(11)** "Black crappie" means the species Pomoxis nigromaculatus.

(12) "Bloater" means the species Coregonus hoyi.

~~(10)~~ **(13)** "Blue catfish" means the species Ictalurus furcatus.

~~(11)~~ **(14)** "Bluegill" means the species Lepomis macrochirus.

~~(12)~~ **(15)** "Bluntnose minnow" means the species Pimephales notatus.

~~(13)~~ **(16)** "Bowfin" means the species Amia calva.

~~(14)~~ **(17)** "Brook trout" means the species Salvelinus fontinalis.

(18) "Brown bullhead" means the species Ictalurus nebulosus.

~~(15)~~ **(19)** "Brown trout" means the species Salmo trutta.

~~(16)~~ **(20)** "Buffalo" means the genus Ictiobus.

~~(17)~~ **(21)** "Bullhead" means the following species:
(A) ~~Ictalurus melas.~~ **Black bullhead.**
(B) ~~Ictalurus nebulosus.~~ **Brown bullhead.**
(C) ~~Ictalurus natalis.~~ **Yellow bullhead.**

~~(18)~~ **(22)** "Burbot" means the species Lota lota.

~~(19)~~ **(23)** "Carp" means the species Cyprinus carpio.

~~(20)~~ **(24)** "Cast net" means a net:
(A) not more than 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)~~ **(25)** "Cavefish" means a fish of the family Amblyopsidae.

~~(22)~~ **(26)** "Chain pickerel" means the species Esox niger.

~~(23)~~ **(27)** "Channel catfish" means the species Ictalurus punctatus.

~~(24)~~ **(28)** "Chinook salmon" means the species Oncorhynchus tshawytscha.

~~(25)~~ **(29)** "Chub" means the following species:
(A) ~~Coregonus hoyi.~~ **Bloater.**
(B) ~~Coregonus~~ Kiyi.

~~(26)~~ **(30)** "Cisco" means the species Coregonus artedii.

~~(27)~~ **(31)** "Closed aquaculture system" means a rearing facility designed to prevent the escape of cultured organisms to the wild.

~~(28)~~ **(32)** "Coho salmon" means the species Oncorhynchus kisutch.

~~(29)~~ **(33)** "Crappie" means the following:
(A) White crappie.
(B) Black crappie.

~~(30)~~ **(34)** "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)~~ **(35)** "Diploid" means a cell or organism that has two (2) complete sets of chromosomes.

~~(32)~~ **(36)** "Exotic catfish" means a walking catfish or other member of the family Clariidae.

~~(33)~~ **(37)** "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)~~ **(38)** "Fathead minnow" means the species Pimephales promelas.

~~(35)~~ **(39)** "Flathead catfish" means the species Pylodictis olivaris.

~~(36)~~ **(40)** "Freshwater drum" means the species Aplodinotus grunniens.

~~(37)~~ **(41)** "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)~~ **(42)** "Gar" means the genus Lepisosteus.

~~(39)~~ **(43)** "Genetically altered fish" means a fish that is the product of genetic manipulation, including polyploidy, gynogenesis, gene transfer, and hormonal sex control.

~~(40)~~ **(44)** "Gizzard shad" means the species Dorosoma cepedianum.

~~(41)~~ **(45)** "Golden shiner" means the species Notemigonus crysoleucas.

~~(42)~~ **(46)** "Goldfish" means the species Carassius auratus.

~~(43)~~ **(47)** "Grab hook" means a device or implement used as a tong to clutch, close down upon, or grasp fish.

~~(44)~~ **(48)** "Grass carp" means the ~~genus~~ **species** Ctenopharyngodon **idella.**

~~(45)~~ **(49)** "Green sunfish" means the species Lepomis cyanellus.

~~(46)~~ **(50)** "Hybrid striped bass" means the hybrid of striped bass and white bass.

~~(47)~~ **(51)** "Hybrid sunfish" means a hybrid of the genus Lepomis.

(52) "Kiyi" means the species Coregonus kiyi.

~~(48)~~ **(53)** "Lake herring" means the species Coregonus artedii.

~~(49)~~ **(54)** "Lake sturgeon" means the species Acipenser fulvescens.

~~(50)~~ **(55)** "Lake trout" means the species Salvelinus namaycush.

~~(51)~~ **(56)** "Lake whitefish" means the species Coregonus clupeaformis.

~~(52)~~ **(57)** "Largemouth bass" means the species Micropterus salmoides.

~~(53)~~ **(58)** "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)~~ **(59)** "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)~~ **(60)** "Mosquitofish" means the species Gambusia affinis.

~~(56)~~ **(61)** "Muskellunge" means the species Esox masquinongy.

~~(57)~~ **(62)** "Northern pike" means the species Esox lucius.

~~(58)~~ **(63)** "Quagga mussel" means the species Dreissena bugensis.

~~(59)~~ **(64)** "Paddlefish" means the species Polyodon spathula.

~~(60)~~ **(65)** "Rainbow trout" means the species Oncorhynchus mykiss.

~~(61)~~ **(66)** "Redear sunfish" means the species Lepomis microlophus.

~~(62)~~ **(67)** "Rock bass" means the species Ambloplites rupestris.

~~(63)~~ **(68)** "Round goby" mean the species Neogobius melanostomus.

~~(64)~~ **(69)** "Rudd" means the species Scardinius erythrophthalmus.

~~(65)~~ **(70)** "Ruffe" means the species Gymnocephalus cernuus.

~~(66)~~ **(71)** "Sauger" means the species ~~Stizostedion canadense.~~ **Sander canadensis.**

~~(67)~~ **(72)** "Saugeye" means the hybrid of walleye and sauger.

~~(68)~~ **(73)** "Shad" means the following genera:
(A) Alosa.
(B) Dorosoma.

~~(69)~~ **(74)** "Shovelnose sturgeon" means the species Scaphirhynchus platorynchus.

~~(70)~~ **(75)** "Silver carp" means the species Hypophthalmichthys molitrix.

~~(71)~~ **(76)** "Single hook" means a fishing hook consisting of the following:
(A) One (1) shank.

(B) One (1) point.

~~(72)~~ **(77)** "Smallmouth bass" means the species Micropterus dolomieui.

~~(73)~~ **(78)** "Smelt" means the genus Osmerus.

~~(74)~~ **(79)** "Snakehead" means all species of the family Channidae, including the following genera:

(A) Channa.

(B) Parachanna.

~~(75)~~ **(80)** "Sockeye salmon" means the species Oncorhynchus nerka.

~~(76)~~ **(81)** "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)~~ **(82)** "Spotted bass" means the species Micropterus punctulatus.

~~(78)~~ **(83)** "Steelhead" means the species Oncorhyncus mykiss.

~~(79)~~ **(84)** "Stretch mesh" means the extended distance or length between the extreme angles of a single mesh of net.

~~(80)~~ **(85)** "Striped bass" means the species Morone saxatilis.

~~(81)~~ **(86)** "Sucker" means the following genera:

(A) Carpiodes.

(B) Moxostoma.

(C) Hypentelium.

(D) Catostomus.

(E) Erimyzon.

~~(82)~~ **(87)** "Threadfin shad" means the species Dorosoma petenense.

~~(83)~~ **(88)** "Tiger muskellunge" means the hybrid of muskellunge and northern pike.

~~(84)~~ **(89)** "Tilapia" means all species of the genus Tilapia.

~~(85)~~ **(90)** "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.

~~(86)~~ **(91)** "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)~~ **(92)** "Tubenose goby" means the species Proterorhinus marmoratus.

~~(88)~~ **(93)** "Walleye" means the species ~~Stizostedion vitreum.~~ **Sander vitreus.**

~~(89)~~ **(94)** "Warmouth" means the species Lepomis gulosus.

~~(90)~~ **(95)** "White bass" means the species Morone chrysops.

~~(91)~~ **(96)** "White catfish" means the species Ictalurus catus.

~~(92)~~ **(97)** "White perch" means the species Morone americana.

~~(93)~~ **(98)** "White crappie" means the species Pomoxis annularis.

~~(94)~~ **(99)** "Yellow bass" means the species Morone mississippiensis.

(100) "Yellow bullhead" means the species Ictalurus natalis.

~~(95)~~ **(101)** "Yellow perch" means the species Perca flavescens.

~~(96)~~ **(102)** "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; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

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

312 IAC 9-6-6 Areas closed to fishing

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 6. An individual must not take or possess fish at any of the following locations:

(1) From April 1 through June 15 from the following:
  (A) The **confluence of the west branch and** east branch of the Little Calumet River ~~also known as~~ **where it enters** the Portage Burns Waterway (formerly known as Burns Ditch), in Porter County ~~from U.S. 12 upstream~~ **up the east branch** to U.S. 20, excluding its tributaries.
  (B) Trail Creek in LaPorte County from the Franklin Street Bridge in Michigan City upstream to U.S. 35, excluding its tributaries.

(2) Within one hundred (100) feet above or below the Linde Dame (Prax Air) on the East Branch of the Little Calumet River within Porter County (northeast quarter of section 32, township 37 north, range 6 west).

(3) From the East Race waterway in the city of South Bend in St. Joseph County.

(4) From the St. Joseph River in St. Joseph County:
  (A) within one hundred (100) feet of the entrance or exit of the East Race waterway;
  (B) from the fish ladders located at the South Bend dam in the city of South Bend or the Downtown Mishawaka dam in the city of Mishawaka;
  (C) within one hundred (100) feet of the entrances and exits of those fish ladders located at the South Bend dam or the Downtown Mishawaka dam; and
  (D) while fishing from a boat within two hundred (200) feet downstream of the South Bend dam or downstream of the Downtown Mishawaka dam to the Main Street bridge in the city of Mishawaka.

(5) From April 15 to the last Saturday in April from the following:
  (A) The Pigeon River (and Pigeon Creek) in LaGrange County from the Steuben County line to County Road 410 East (Troxel's bridge), but excluding the impoundment known as the Mongo Mill Pond.
  (B) Harding Run, Curtis Creek, Bloody Run, and Graveyard Run (tributaries of the Pigeon River) in LaGrange County.
  (C) Turkey Creek north of County Road 100 South in LaGrange County.
  (D) Rainbow Pit located in the Pigeon River Fish and Wildlife Area approximately one and one-tenth (1.1) miles east of Ontario in LaGrange County.
  (E) Little Elkhart River in LaGrange and Elkhart counties.
  (F) Rowe-Eden Ditch in LaGrange and Elkhart counties.
  (G) Solomon Creek in Elkhart County.
  (H) Cobus Creek in Elkhart County.
  (I) Little Kankakee River in LaPorte County from County Road 800E upstream to Division Road.
  (J) Spy Run within Franke Park in Allen County.
  (K) Mississinewa River within the boundaries of the Randolph County Wildlife Management Area.
  (L) Big Blue River within the boundaries of Wilbur Wright State Fish and Wildlife Area in Henry County.
  (M) Jackson Creek upstream of Yellowwood Lake in Brown County.

(6) On or along Trail Creek in Michigan City in LaPorte County from either of these locations:
  (A) Within one hundred (100) feet upstream (generally southeasterly) of the sea lamprey control barrier.
  (B) From the sea lamprey control barrier downstream (generally northwesterly) to the Pottawatomie Country Club Golf Course property line, which is located adjacent to Springland Avenue.

(Natural Resources Commission; 312 IAC 9-6-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; 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 Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 9. 312 IAC 9-7-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-2 Sport fishing methods, except on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 2. (a) Except as provided under section 16 of this rule with respect to the Ohio River, this section governs the lawful methods for fishing under this rule.

(b) An individual may take fish with the aid of illumination of any of the following:
(1) A spotlight.
(2) A searchlight.
(3) An artificial light.

(c) An individual may take fish with not more than three (3) poles, hand lines, or tip-ups at a time. Except as provided in subsections (g) and (k), an individual must affix to each line not more than two (2) hooks or two (2) artificial baits or harnesses for use with live bait.

(d) An individual must not take fish from:
(1) waters containing state-owned fish;
(2) waters of the state; or
(3) boundary waters;
by means of a hook dragged or jerked through the water with the intent to snag fish on contact.

(e) An individual must not take trout or salmon from a water of the state unless the fish is hooked in the mouth.

(f) An individual must not fish with more than ten (10) limb lines or drop lines at a time. Each line:
(1) shall have not more than one (1) hook affixed;
(2) must bear a legible tag with the name and address of the user; and
(3) shall be attended at least once every twenty-four (24) hours.
A limb line or drop line shall not be used within three hundred (300) yards of a dam that wholly or partly crosses a water of the state.

(g) An individual must not ice fish on waters of the state, except as follows:
(1) A tip-up (a device that uses a flag to signal when a fish takes the bait from a fishing line) must:
(A) be constantly in sight of the user; and
(B) have affixed a legible tag bearing the name and address of the user.
(2) An ice fishing shelter must visibly bear the name and address of the owner in three (3) inch block letters on the outside of the door.
(3) An ice fishing shelter that is on the waters between sunset and sunrise must have, on each side of the structure or shelter, at least one (1) red reflector or a three (3) inch by three (3) inch reflective material strip.
(4) An ice fishing shelter must be removed from the waters before ice-out.
(5) Except from January 1 through February 15, an ice fishing shelter must be removed daily.

(h) An individual must not take fish with more than one (1) trotline, set line, or throw line. A line must have not more than fifty (50) hooks affixed. A trotline must be:
(1) anchored to the bottom; or
(2) set not less than three (3) feet below the surface of the water.
A legible tag with the name and address of the user must be affixed to each trotline. Each trotline must be attended at least once every twenty-four (24) hours. An individual must not take fish from Lake Michigan with a trotline, set line, or throw line.

(i) An individual must not take fish from a lake with free-float lines or fish from a river or stream with more than five (5) freefloat lines. Not more than one (1) hook shall be affixed to each line. A free-float line:

(1) shall bear the name and address of the user; and

(2) must not be constructed of glass.

Each free-float line must be in constant attendance by the person fishing.

(j) An individual must not possess a fish spear, gig, gaff, pitchfork, bowfishing equipment, crossbow, grab hook, spear gun, club, snag hook, or underwater spear in, on, or adjacent to any of the following:

(1) The Galena River (LaPorte County).

(2) Trail Creek (LaPorte County).

(3) The East Branch of the Little Calumet River (LaPorte and Porter counties).

(4) Salt Creek (Porter County).

(5) The West Branch of the Little Calumet River (Lake and Porter counties).

(6) Portage Burns Waterway (formerly known as Burns Ditch) (Porter and Lake counties).

(7) Deep River downstream from the dam at Camp 133 (Lake County).

(8) The tributaries of these waterways.

(k) An individual must not fish the waterways described in subsection (j) or from the St. Joseph River and its tributary streams from the Twin Branch dam downstream to the Michigan state line (St. Joseph County) with more than one (1) single hook per line or one (1) artificial bait or harness for use with live bait. Single hooks, including those on artificial baits, shall not exceed one-half (1/2) inch from point to shank. Double and treble hooks on artificial baits shall not exceed three-eighths (3/8) inch from point to shank.

(l) An individual may take smelt from March 1 through May 30 only from Lake Michigan ~~and Oliver Lake in LaGrange County~~ and only by the use of dip nets, seines, or nets as follows:

(1) One (1) dip net not to exceed twelve (12) feet in diameter.

(2) One (1) seine or net:

(A) not to exceed twelve (12) feet long and six (6) feet deep; and

(B) having a stretch mesh larger than one and one-half (1 1/2) inches.

Each seine or net shall have affixed a legible tag with the name and address of the user.

(m) An individual may, by means of a fish spear, gig, spear gun, ~~bowfishing equipment,~~ or underwater spear, take only any sucker, carp, **Asian carp,** gar, bowfin, buffalo, or shad and only from the following ~~waterways:~~ **rivers:**

(1) West Fork of the White River from its junction with the East Fork upstream to the dam below the Harding Street generating plant of the Indianapolis Power and Light Company in Marion County.

(2) East Fork of the White River from its junction with the West Fork upstream to the dam at the south edge of the city of Columbus in Bartholomew County.

(3) White River from its junction with the West Fork of the White River and East Fork of the White River to its junction with the Wabash River in Gibson, Knox, and Pike counties.

(4) Wabash River from its junction with the Ohio River upstream to State Road 13 at the south edge of the city of Wabash in Wabash County.

(5) Tippecanoe River upstream from its junction with the Wabash River to one-half (1/2) mile below its junction with Big Creek in Carroll County. An individual must not possess a fish spear or fish gig in, on, or adjacent to the Tippecanoe River from one-half (1/2) mile below its junction with Big Creek in Carroll County upstream to the Oakdale Dam that forms Lake Freeman.

(6) Maumee River from the Ohio state line upstream to the Anthony Boulevard Bridge in the city of Fort Wayne.

(7) Kankakee River from the Illinois state line upstream to State Road 55 bridge south of the city of Shelby in Lake County.

(8) St. Joseph River in St. Joseph and Elkhart counties.

(n) In addition to any other lawful method, an individual may take a sucker, carp, **Asian carp,** gar, bowfin, buffalo, or shad by:

(1) ~~bow and arrows~~ **bowfishing equipment or crossbow** from Lake Michigan; or

(2) spear, gig, spear gun, underwater spear, **crossbow,** or ~~bow and arrows~~ **bowfishing equipment** from another lake.

(o) An individual may take a sucker, carp, **Asian carp,** gar, or bowfin with not more than one (1) snare only between sunrise and sunset.

(p) Except as specified at subsection (j), an individual may use bowfishing equipment or a crossbow on rivers and streams to take any sucker, carp, Asian carp, gar, bowfin, buffalo, or shad.

(Natural Resources Commission; 312 IAC 9-7-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; errata filed Feb 26, 2002, 6:00 p.m.: 25 IR 2254; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 547; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 10. 312 IAC 9-7-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-3 Catfish

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 3. (a) An individual must not take or possess a channel catfish, blue catfish, or flathead catfish from a river or stream unless the catfish is at least ten (10) inches long. An individual may take or possess an unlimited number of channel catfish, blue catfish, or flathead catfish from a river or stream.

(b) Except as otherwise provided in subsection (c), an individual may take or possess not more than ten (10) catfish in aggregate of any size from a lake or reservoir per day.

(c) Notwithstanding subsection (b), an individual may take channel catfish from ~~Gibson Lake (Gibson County) and~~ Turtle Creek Reservoir (Sullivan County) without regard to a bag limit.

(Natural Resources Commission; 312 IAC 9-7-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; 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 Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 11. 312 IAC 9-7-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-12 Walleye; sauger; saugeye

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 12. (a) An individual may take or possess not more than six (6) of any combination of walleye, sauger, or saugeye per day.

(b) Except on the Ohio River, and as provided in subsection (c), an individual must not take or possess a walleye or saugeye unless it is at least fourteen (14) inches long.

(c) An individual must not take or possess a walleye from the St. Joseph River in St. Joseph County or Elkhart County **or from the Elkhart River from its confluence with the St. Joseph River to the first dam in Elkhart County** unless ~~it~~ **the walleye** is at least fifteen (15) inches long.

(Natural Resources Commission; 312 IAC 9-7-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; 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 Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 12. 312 IAC 9-7-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-13 Trout and salmon

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 13. (a) Except as provided in subsections (b) and (c), an individual must not take or possess a brook trout, rainbow trout, or brown trout from a stream or river except as follows:

(1) The trout is at least seven (7) inches long.

(2) Not more than five (5) trout are taken per day, of which not more than one (1) may be a brown trout. ~~and not more than three (3) may be lake trout.~~

(3) The trout are taken from the last Saturday of April after 6 a.m., local time, through December 31.

(4) If brown trout are taken from the East Fork of the Whitewater River downstream of Brookville Reservoir in Franklin County, the brown trout are at least eighteen (18) inches long.

(b) An individual may fish for brook trout, brown trout, lake trout, or rainbow trout from January 1 through April 14 on streams or rivers provided that all fish are released in accordance with 312 IAC 9-6-4.

(c) Notwithstanding subsection (a), an individual may fish for brook trout, brown trout, lake trout, or rainbow trout in the following streams and rivers in Elkhart County provided that all fish are released in accordance with 312 IAC 9-6-4:

(1) The Little Elkhart River from County Road 43 downstream to County Road 16, except for waters along Riverbend Park from County Road 16 upstream to the pedestrian footbridge.

(2) Solomon Creek from County Road 33 downstream to its confluence with the Elkhart River.

(3) Cobus Creek from Old U.S. 20 downstream to its confluence with the St. Joseph River.

An individual may use artificial lures and artificial flies. Fishing with live or natural baits, food products, or chemical attractants is prohibited.

(d) An individual may take and possess a trout or salmon from a lake only as follows:

(1) At any time of year.

(2) Not more than five (5) trout or salmon are taken per day, of which not more than one (1) may be a brown trout. ~~and not more than three (3) may be lake trout.~~

(3) The brown trout are at least eighteen (18) inches long if taken from Oliver Lake, Olin Lake, or Martin Lake in LaGrange County.

(e) An individual must not take or possess a trout or salmon taken from Lake Michigan or its tributaries unless:

(1) The fish is at least fourteen (14) inches long.

(2) Not more than five (5) trout and salmon are taken in aggregate under this subsection per day, of which not more than two (2) shall be lake trout.

(3) The individual possesses not more than a single day's bag limit identified in this subsection while fishing on Lake Michigan.

Exempted from this subsection, however, are trout or salmon taken from the St. Joseph River in St. Joseph and Elkhart counties and its tributaries upstream from the Twin Branch Dam.

(f) The areas closed to trout and salmon fishing under this section are in addition to areas closed to all fishing under 312 IAC 9-6-6.

(Natural Resources Commission; 312 IAC 9-7-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3722; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 13. 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, **or crossbow** 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 **or crossbow** during nighttime hours (from one-half (1/2) hour after sunset until one-half (1/2) 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.

(d) An individual must not take fish under this section by means of a hook dragged or jerked through the water with the intent to snag fish on contact.

~~(d)~~ **(e)** 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)~~ **(f)** 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; or
(5) lawful fishing methods provided in this section.

~~(f)~~ **(g)** 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

(h) An individual may, by means of a fish spear, gig, spear gun, bowfishing equipment, crossbow, or

underwater spear, take an Asian carp, sucker, carp, gar, bowfin, buffalo, or shad.

(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; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 14. 312 IAC 9-9-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-9-3 Mussels

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-2-4; IC 14-22-17-3

Sec. 3. ~~(a) This section applies to an individual who:~~
~~(1) takes;~~
~~(2) ships;~~
~~(3) sells;~~
~~(4) buys; or~~
~~(5) exports;~~
~~mussels or mussel shells.~~

~~(b)~~ **(a)** Except as otherwise provided under this section, an individual must not take mussels and mussel shells from the waters of the state.

~~(c)~~ **(b)** An individual must not possess mussels or mussel shells except with a:
(1) scientific purposes license under 312 IAC 9-10-6; or
(2) special purpose possession permit for mussel shells obtained from the department for educational purposes only under IC 14-22-2-4.

~~(d)~~ **(c)** An individual must not import, possess, or release into public or private waters, a zebra mussel, quagga mussel (Drissena sp.), or Asiatic clam (Corbicula sp.).

~~(e)~~ **(d)** An individual who takes a mussel listed in subsection (d) does not violate this section if the mussel taken is killed immediately upon capture.

~~(f)~~ **(e)** An individual may possess a live mussel listed in subsection (d) if the mussel is held under a scientific purposes license issued under 312 IAC 9-10-6.

~~(g)~~ **(f)** No license under IC 14-22-17-3(1) or IC 14-22-17-3(3) shall be issued to:
(1) take;
(2) possess;
(3) ship;
(4) sell;
(5) buy; or
(6) export;
mussels or mussel shells.

~~(h) A person may obtain a license under IC 14-22-17-3(2) only if the person establishes that the person:~~
~~(1) Held a valid 1991 license issued under IC 14-22-17-3(2).~~
~~(2) Held a valid license issued under IC 14-22-17-3(2) for the year immediately before the year for which the new license is sought.~~
~~(3) Meets all other requirements of this article and IC 14-22.~~

~~(i) A person issued a license under IC 14-22-17-3(2) shall not possess mussels or mussel shells unless the~~

~~following requirements are satisfied:~~
~~(1) The mussels or mussel shells were lawfully taken.~~
~~(2) The mussels or mussel shells were received from:~~
~~(A) a person who presented a valid buyer's license issued under IC 14-22-17-3(2);~~
~~(B) a valid out-of-state license to buy mussels; or~~
~~(C) a valid out-of-state license to take mussels.~~

~~(j) A person issued a license under IC 14-22-17-3(2) must maintain accurate and current records of each of the following:~~
~~(1) The name, address, date of delivery, license number, and the state where the license is held for each person from whom mussels or mussel shells are received.~~
~~(2) The species, pounds for each species, and the price paid for each species of mussel or mussel shells received.~~

~~(k) The records required under subsection (j) must be retained by the license holder for at least two (2) years after the end of the license year.~~

~~(l) A person issued a license under IC 14-22-17-3 must, at any reasonable time, submit to an inspection by the division or by a conservation officer of the following:~~
~~(1) Any mussels possessed by the person.~~
~~(2) The records required under this section.~~

~~(m) The requirements of this section, which apply to a person issued a license, also apply to a person who:~~
~~(1) does not obtain a license; and~~
~~(2) conducts an activity for which a license is required.~~

(Natural Resources Commission; 312 IAC 9-9-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2727; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; 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 Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 15. 312 IAC 9-9-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-9-4 Endangered species of invertebrates

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17
Affected: IC 14-22-34-12

Sec. 4. The following species of invertebrates are endangered and are subject to the protections provided under IC 14-22-34-12:
(1) Rabbitsfoot (Quadrula cylindrica cylindrica).
(2) Sheepnose (Plethobasus cyphyus).
(3) Clubshell (Pleurobema clava).
(4) Pyramid pigtoe (Pleurobema rubrum).
(5) Fanshell (Cyprogenia stegaria).
(6) Snuffbox (Epioblasma triquetra).
(7) Orangefoot pimpleback (Plethobasus cooperianus).
(8) Pink mucket (Lampsilis abrupta).
(9) Fat pocketbook (Potamilus capax).
(10) Rough pigtoe (Pleurobema plenum).
(11) Tubercled blossom (Epioblasma torulosa torulosa).
(12) White catspaw (Epioblasma obliquata perobliqua).
(13) Northern riffleshell (Epioblasma torulosa rangiana).
(14) Longsolid (Fusconaia subrotunda).
(15) White wartyback (Plethobasus cicatricosus).
(16) Rayed bean (Villosa fabalis).

(Natural Resources Commission; 312 IAC 9-9-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2727; filed May 16, 2002,

12:25 p.m.: 25 IR 3049; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

SECTION 16. 312 IAC 9-10-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-10 Hunting permit for persons with disabilities

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 10. (a) The ~~department~~ **division of fish and wildlife** may issue a permit under this section to an individual with a disability to take ~~wildlife,~~ **a wild animal,** if the disability would otherwise make the taking of ~~wildlife~~ **a wild animal** by the individual difficult or impossible.

(b) An individual ~~shall make application under this section as follows:~~
~~(1) The initial application shall be made~~ **must apply for a permit** on a **completed and signed** departmental form ~~and delivered to the division by July 1 for the current year hunting season.~~
~~(2) The initial application must be accompanied by~~ **that includes** a statement of disability completed by a **licensed** physician **or nurse practitioner.**
~~(3) The division shall review each completed application. If an application is not recommended for approval, the applicant shall be notified by mail.~~

~~(4)~~ **(c)** Except as otherwise provided in this subdivision, no renewal application is required unless the disability is temporary as indicated by a licensed physician **or nurse practitioner.** A ~~temporary~~ permit ~~applies from August 15~~ **issued to an individual with a temporary disability is effective from the date of issuance** through the last day of the spring wild turkey hunting season established under 312 IAC 9-4-11.

~~(c) An individual issued~~ **(d) The division may issue** a permit under this section ~~may~~ **that authorizes an individual to** hunt wild animals from a stationary motor driven conveyance subject to the following restrictions:
(1) The permit holder must:
(A) abide by all other hunting laws;
(B) possess a valid hunting license and the permit issued under this section; and
(C) obtain in advance the permission of the manager of public property (local, state, or federal) to gain vehicular access to lands or roads that are otherwise closed to vehicular traffic.
(2) The permit holder ~~may~~ **must** display a windshield identification placard supplied by the division of fish and wildlife while hunting from a vehicle. The placard must be displayed in such a way as to be visible from at least fifty (50) feet.

~~(d)~~ **(e)** An individual may be designated to assist an individual issued a permit under this section in the retrieval of wild game harvested by the permit holder.

~~(e)~~ **(f)** The ~~director~~ **division** may waive other provisions of ~~312 IAC 9-3~~ **this article** for an individual issued a permit under this section. ~~The use of a crossbow may be specially authorized during archery season for hunting deer.~~

(Natural Resources Commission; 312 IAC 9-10-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2731; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 552; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA)

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