

Notice of Public Hearing
LSA Document #14-510**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on August 24, 2015, at 5:30 p.m., at the Spring Mill State Park, Spring Mill Inn, 3333 State Road 60 East, Lakeview Room, Mitchell, Indiana, the Natural Resources Commission will hold a public hearing on proposed amendments to [312 IAC 9-7-3](#) governing catfish; [312 IAC 9-7-16](#) governing sport fishing on the Ohio River; [312 IAC 9-8-2](#) governing commercial fishing for catfish except on the Ohio River; and [312 IAC 9-8-6](#) governing commercial fishing for catfish on the Ohio River.

[IC 4-22-2-24\(d\)\(3\)](#) Justification Statement: All requirements or costs by the rule amendments on regulated entities under [IC 4-22-2-24\(d\)\(3\)](#) are reasonably necessary to the Department's responsibility to provide for the protection, reproduction, care, management, survival, and regulation of wild animal populations as required under [IC 14-22-2-3](#). By limiting the number of large (trophy) catfish that can be taken by anglers, catfish will be able to increase recruitment (survival of younger catfish) and ensure continued trophy angling opportunities. In 2000, approximately 35,000 lbs. of catfish were harvested on the Ohio River. Fourteen years later, that number has dropped to approximately 10,000 lbs. For inland water, approximately 132,000 lbs. of catfish were harvested in 1989. Twenty-four years later that number has dropped to approximately 70,000. There is not a direct correlation between the number of tags sold and the number of catfish harvested because water conditions (temperature and water level) and the natural variability of fish populations can also have an effect. These numbers do not include catfish that have been harvested by sport anglers, who as noted are not required to report. In one prior study on the Wabash River, it was estimated that sport anglers had harvested over 180,000 pounds of catfish in a given year.

Commercial fishermen who target catfish smaller than 13 inches (mostly channel catfish) for sale for human consumption (referred to as "fiddlers") would be impacted. Input from commercial anglers during a public comment period on a previous rule proposal in 2010 resulted in the modification of the minimum size of 13 inches, instead of 15 inches.

A commercial fishing license on inland waters costs \$20.00 per year for each 100 yards of seine and \$4.00 for each dip-net, hoop-net, basket trap, trap-net, or fyke-net used. There are approximately 354 licensed individuals that conduct commercial fishing on inland waters, and most of them are simply recreational anglers that use commercial fishing gear to take catfish and other species for personal use (food for relatives and friends) and for local fish fry events. The catfish harvested by all commercial anglers on inland rivers in 2008 was 90,969 pounds, an increase of 31,753 pounds from 2007. Catfish comprised 84% of the total harvest in 2008. The retail value for catfish sold by commercial anglers as fillets is estimated at \$4.00/lb. and \$1.75-\$2.50/lb. for live catfish with those over 10 lbs. given \$2.50/lb. or more. Individuals will only be able to take catfish that are at least 13 inches in size or more and take no more than one channel catfish that is 28 inches in length or more, one blue catfish that is 35 inches in length or more, and one flathead catfish that is 35 inches in length or more per day. They will be allowed to take one of each of these large catfish per day. Since an unlimited number of blue and flathead catfish can be taken that are at least 13 inches and less than 35 inches and an unlimited number of channel catfish can be taken that are at least 13 inches and less than 28 inches, these commercial anglers can still take catfish that are needed for personal consumption and sale.

An Ohio River commercial fishing license costs \$125.00 per year and includes 10 commercial gear tags. Additional blocks of 10 commercial gear tags cost \$15.00. There are only 20 licensed individuals that conduct commercial fishing on the Ohio River, and 12 of them fish primarily for paddlefish, not catfish. The catfish harvested by all commercial anglers on the Ohio River in 2008 was 12,886 pounds. Flathead catfish comprised 10% of the total harvest in 2008, while channel catfish comprised only 4% and blue catfish 3% of the total harvest for 2008. The retail value for catfish sold by commercial anglers as fillets is estimated at \$4.00/lb. and \$1.75-\$2.50/lb. for live catfish with those over 10 lbs. given \$2.50/lb. or more. Ohio River commercial license holders will still be able to take an unlimited number of blue and flathead catfish over 13 inches and under 35 inches and channel catfish over 13 inches and under 28 inches each day, allowing commercial anglers to still take catfish that are needed for personal consumption and sale.

The DNR commenced studying the decline in the catfish harvest in 2009 following the Natural Resources Commission Comprehensive Rule Review Project. At that time, a number of citizens and sportsmen organizations proposed increased protection for the catfish, citing concerns about potential commercial overharvest of big catfish for sale to pay lake operators. The study was completed by the Division's Fisheries Research and District Biologists, many of which are certified fisheries biologists through the American Fisheries Society and at a minimum hold a bachelor's degree, with most having earned a master's degree specific to fisheries science.

Additional research by Dr. Robert Colombo of Southern Illinois University concluded that with the current regulations, only a modest increase in harvest could cause overfishing of catfish on the Wabash River. In

particular, with the current 10" minimum size limit in Indiana's portion of the Wabash River, the spawning potential ratio dropped below the 0.20 threshold at a fishing mortality of 33%, which means recruitment overfishing will occur if harvest exceeds 33%. This ongoing research suggests that flathead catfish are currently experiencing about 30% fishing mortality. Dr. Colombo noted that increasing the minimum size limits to 13" would lead to increased population abundance and higher angler catch rates and yield because it increases the reproductive potential of smaller/younger fish.

Recreational harvest estimates were not available when Colombo authored his report, but the 2005-2006 Wabash River creel survey indicated that around 70% of all catfish caught recreationally are harvested. Catch-and-release fishing was minimal, but did increase farther upstream. The 2009 report by Steve Donabauer reported that the current 10" minimum size limit allows harvest of immature fish and thus provides very limited protection for first time spawning catfish. Flathead catfish become sexually mature between three to five years and channel catfish at four to five years, yet flathead catfish are already nearly 12 inches long by age three and channel catfish are nearly 12 inches by age four. Donabauer also showed larger, older fish and lower annual mortality and exploitation rates in the noncommercially fished section of the Wabash River.

The DNR has been coordinating with the Illinois DNR alongside with researchers at Purdue and Eastern Illinois University to develop similar regulations for the effective management of the Wabash River catfish populations. Collaboration with neighboring states is necessary for achieving common goals and protecting resources at a landscape scale.

Sport catfish anglers have been lobbying for this regulation for some time. By limiting the number of large (trophy) catfish that can be taken by anglers, catfish will be able to increase recruitment (survival of younger catfish) and ensure continued trophy angling opportunities. Furthermore, because large catfish eat smaller fish, large "trophy" catfish help control the populations of forage species such as gizzard shad. For example, invasive Asian carp are expanding in the Wabash River. Maintaining strong predator fish populations, such as large catfish, can help counter such invasions.

The number of commercial fishing license holders was obtained from the DNR's database of Inland River and Ohio River commercial fishing license holders. The pounds of catfish harvested by commercial fishing license holders were obtained from the reports of commercial fishing license holders for the year of 2008. The number of large, trophy-sized catfish harvested on the Ohio River from 2012-2014 was obtained from monthly reports provided by Ohio River commercial fishermen.

Donabauer, Steven. *Population Dynamics of Flathead, Channel, and Blue Catfish in the Wabash River*. 2009. Indiana Department of Natural Resources.

Colombo, Robert E., James E. Garvey and Roy C. Heidinger. *Wabash River Catfish Population Demographics and Management Implications*. 2009. Southern Illinois University, Fisheries and Illinois Aquaculture Center.

Jansen, Craig and Thomas C. Stefanavage. *Summary of Harvest Estimates and License Sales for Indiana's River Commercial Fisheries*. 2010. Indiana Department of Natural Resources, Division of Fish and Wildlife.

U.S. Department of the Interior, Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau. *2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation*.

Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter
Chairman
Natural Resources Commission

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