Consideration for Preliminary Adoption of Amendments to 312 IAC 9 governing reptiles, amphibians, fish, crayfish, mussels, and permits; Administrative Cause No. 09-058D.

This rule package is the third in a series of rule packages that makes technical amendments to the fish and wildlife rules in 312 IAC 9 to reorder language for improved clarity, simplicity and continuity.
The proposed changes are summarized as follows:

- Updates scientific names of endangered species of reptiles and amphibians in 312 IAC 9-5-4.
- Clarifies the collection and possession of reptiles and amphibians that are native to Indiana in 312 IAC 9-5-6. Rule language from two other rules governing the collection of bullfrogs, green frogs, snapping turtles, and softshell turtles have been added to this rule.
- Clarifies requirements for sale and transport of reptiles and amphibians native to Indiana and updates their common and scientific names in 312 IAC 9-5-7.
- Clarifies requirements for fish sorting restrictions and the release of fish which cannot be lawfully possessed in 312 IAC 9-6-3 and 9-6-4
- Clarifies the stretch of the Little Calumet River that is closed to fishing in 312 IAC 9-6-6.
- Clarifies terminology used for exotic fish in 312 IAC 9-6-7.
- Clarifies the language in 312 IAC 9-6-8 governing carp and gizzard shad used as bait.
- Adds the rule governing the commercial shipment of processing of fish in section 6 (312 IAC 9-6-11) by removes it from 312 IAC 9-10-2.
- Clarifies fishing license requirements in 312 IAC 9-7-1.
- Modifies requirements for ice fishing shelters and makes additional sport fishing clarifications in 312 IAC 9-7-2.
- Clarifies requirements for taking catfish, muskellunge, tiger muskellunge, northern pike, black bass, white bass, hybrid striped bass, striped bass, crappie, redear sunfish, rock bass, walleye, sauger, saugeye, trout, salmon, yellow perch and sturgeon in 312 IAC 9-7-4, 9-7-5, 9-7-6, 9-7-7, 9-7-8, 9-7-9, 9-7-10, 9-7-11 9-7-12, 9-7-13, 9-7-18 and 9-7-20.
- Clarifies requirements for fish with no bag limit, possession limit or size limit in 312 IAC 9-7-14.
- Clarifies requirements for taking and possessing minnows in 312 IAC 9-7-15.
- Clarifies the applicability and other provisions for commercial fishing licenses in 312 IAC 9-8-1, 9-8-2 and 9-8-3.
- Clarifies requirements for taking and possessing crayfish in 312 IAC 9-9-2 and for mussels in 312 IAC 9-9-3.
- Clarifies exemptions for aquatic vegetation control permits in 312 IAC 9-10-3.
- Clarifies requirements for taxidermist licenses, scientific purposes licenses, field trial permits, fish stocking permits, hunting permits for persons with disabilities, fur buyer licenses, special purpose salvage permits, fish hauler's and supplier's permits, dog training ground permits, aquaculture permits, fish tagging or marking permits, and importation permits.
- Adds a provision for allowing holders of a federal special purpose possession permit for migratory birds to qualify for a special purpose educational permit and adds a provision for inspections by conservation officers in 312 IAC 9-10-9.5.
- For wild animal possession permits, changes the requirement of an examination of an animal by a licensed veterinarian to forty-five (45) days after the issuance of a permit in 312 IAC 9-11-2 since the permit is supposed to be obtained prior to taking possession of the animal
- Adds definitions for Class I, Class II, and Class III animals held under wild animal possession permits in 312 IAC 9-11-6, 6-11-7, and 9-11-8 instead of having the definitions in a separate rule.

The Department of Natural Resources recommends preliminary adoption of the following amendments to 312 IAC 9:

TITLE 312 NATURAL RESOURCES COMISSION

Proposed Rule
LSA # 09-

DIGEST

Updates scientific names of endangered species of reptiles and amphibians in 312 IAC 9-5-4. Clarifies requirements for the collection and possession of reptiles and amphibians native to Indiana in 312 IAC 9-5-6. Clarifies requirements for sale and transport of reptiles and amphibians native to Indiana and updates their common and scientific names in 312 IAC 9-5-7. Clarifies the possession and sale of dangerous reptiles in 312 IAC 9-5-8. Clarifies the common and scientific names of reptiles under the reptile captive breeding license and removes language that is no longer needed in 312 IAC 9-5-9. Adds another rule to clarify that the rules for which the definitions apply in 312 IAC 9-6-1. Clarifies requirements for fish sorting restrictions and release of fish which cannot be lawfully possessed in 312 IAC 9-6-3 and 9-6-4. Clarifies areas closed to fishing in 312 IAC 9-6-6. Clarifies terminology used for exotic fish in 312 IAC 9-6-7. Clarifies the language in 312 IAC 9-6-8 governing carp and gizzard shad used as bait. Modifies the definitions of rough fish in 312 IAC 9-6-10. Adds the rule for commercial shipment of processing of fish by moving it from 312 IAC 9-10-2 to 312 IAC 9-6-11. Clarifies fishing license requirements in 312 IAC 9-7-1. Modifies requirements for ice fishing shelters and makes additional clarifications in 312 IAC 9-7-2. Clarifies requirements for taking catfish, muskellunge, tiger muskellunge, northern pike, black bass, white bass, hybrid striped bass, striped bass, crappie, redear sunfish, rock bass, walleye, sauger, saugeye, trout, and salmon in 312 IAC 9-7-3, 9-7-4, 9-7-5, 9-7-6, 9-7-7, 9-7-8, 9-7-9, 9-7-10, 9-7-11 9-7-12 and 9-7-13. Clarifies requirements for fish with no bag limit, possession limit or size limit in 312 IAC 9-7-14. Clarifies requirements for taking and possessing minnows in 312 IAC 9-7-15. Clarifies requirements for sport fishing on the Ohio River in 312 IAC 9-7-16. Clarifies requirements for taking yellow perch and shovelnose sturgeon in 312 IAC 9-7-18 and 9-7-20. Clarifies the applicability and other provisions for commercial fishing licenses in 312 IAC 9-8-1, 9-8-2, and 9-8-3. Clarifies requirements for taking and possessing crayfish in 312 IAC 9-9-2. Clarifies the possession of mussels and their shells in 312 IAC 9-9-3. Clarifies the exemptions for aquatic vegetation control permits in 312 IAC 9-10-3. Clarifies requirements for taxidermist licenses in 312 IAC 9-10-5, scientific purposes licenses in 312 IAC 9-10-6, field trial permits in 312 IAC 9-10-7, and fish stocking permits in 312 IAC 9-10-8. Adds a provision for allowing holders of a federal special purpose possession permit for migratory birds to qualify for a special purpose educational permit and adds a provision for inspections by conservation officers in 312 IAC 9-10-9.5. Updates and clarifies provisions governing hunting permits for persons with disabilities in 312 IAC 9-10-10. Clarifies requirements for fur buyer license holders and adds a provision for inspections by conservation officers in 312 IAC 9-10-12. Clarifies requirements for the special purpose salvage permit in 312 IAC 9-10-13.5, the fish hauler's and supplier's permit in 312 IAC 9-10-14, the dog training ground permit in 312 IAC 9-10-16, the aquaculture permit in 312 IAC 9-10-17, the fish tagging or marking permit in 312 IAC 9-10-19, and the importation permit for the release of mammals, birds, reptiles, amphibians, mollusks, and crustaceans for release in 312 IAC 9-10-20. Changes the requirement of an examination of an animal by a licensed veterinarian to forty-five (45) days after the issuance of a wild animal possession permit in 312 IAC 9-11-2. Adds definitions for Class I, Class II, and Class III animals held under wild animal possession permits in 312 IAC 9-11-6, 6-11-7, and 9-11-8. Effective thirty (30) days after filing with the Publisher.

312 IAC 9-5-1
312 IAC 9-5-2
312 IAC 9-5-3
312 IAC 9-5-4
312 IAC 9-5-6
312 IAC 9-5-7
312 IAC 9-5-7.5
312 IAC 9-5-8

312 IAC 9-5-9
312 IAC 9-6-1
312 IAC 9-6-3
312 IAC 9-6-4
312 IAC 9-6-6
312 IAC 9-6-7
312 IAC 9-6-8
312 IAC 9-6-10
312 IAC 9-6-11
312 IAC 9-7-1
312 IAC 9-7-2
312 IAC 9-7-3
312 IAC 9-7-4
312 IAC 9-7-5
312 IAC 9-7-6
312 IAC 9-7-7
312 IAC 9-7-8
312 IAC 9-7-9
312 IAC 9-7-10
312 IAC 9-7-11
312 IAC 9-7-12
312 IAC 9-7-13
312 IAC 9-7-14
312 IAC 9-7-15
312 IAC 9-7-16
312 IAC 9-7-18
312 IAC 9-7-20
312 IAC 9-8-1
312 IAC 9-8-2
312 IAC 9-8-3
312 IAC 9-9-2
312 IAC 9-9-3
312 IAC 9-10-2
312 IAC 9-10-3
312 IAC 9-10-5
312 IAC 9-10-6
312 IAC 9-10-7
312 IAC 9-10-8
312 IAC 9-10-9.5
312 IAC 9-10-10
312 IAC 9-10-12
312 IAC 9-10-13.5
312 IAC 9-10-14
312 IAC 9-10-16
312 IAC 9-10-17
312 IAC 9-10-19
312 IAC 9-10-20
312 IAC 9-11-2
312 IAC 9-11-5
312 IAC 9-11-6
312 IAC 9-11-7
312 IAC 9-11-8

SECTION 1. 312 IAC 9-5-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-1 Reptiles and amphibians
Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22

Sec. 1. (a) This rule governs wild animals that are reptiles and amphibians.
(b) All reptiles and amphibians native to Indiana are wild animals protected by law.
(c) A person ~~must not~~ **may** take~~, chase, or possess~~ a reptile or amphibian~~, except as provided by IC 14-22 or this rule~~ **only if:**
(1) issued a license to hunt or fish with a:
(A) resident yearly fishing license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(1);
(B) resident yearly hunting license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(12);
(C) resident yearly fishing and hunting license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(3);
(D) nonresident yearly hunting license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(6);
(E) lifetime hunting license pursuant to IC 14-22-12-7(a)(2) or IC 14-22-12-7(a)(4);
(F) lifetime fishing license pursuant to IC 14-22-12-7(a)(1) or IC 14-22-12-7(a)(3);
(G) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5);
(H) apprentice license of the types identified in subsections (B) through (D) pursuant to IC 14-22-12-1.7; or
(I) scientific purposes license pursuant to IC 14-22-22 and 312 IAC 9-10-6; or
(2) hunting or fishing without a license pursuant to IC 14-22-11-1 and 312 IAC 9-2-14.

(d) A person has the burden of proving the person qualifies for an exception under IC 14-22 or this rule.

SECTION 2. 312 IAC 9-5-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-4 Endangered species of reptiles and amphibians
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 reptiles and amphibians are endangered and are subject to the protections provided under IC 14-22-34-12:
(1) Hellbender (Cryptobranchus alleganiensis).
(2) Red salamander (Pseudotriton ruber).
(3) Four-toed salamander (Hemidactylium scutatum).
(4) Green salamander (Aneides aeneus).
(5) ~~Copperbelly~~ **Copper-bellied** water snake (Nerodia erythrogaster **neglecta**).
(6) Butler's garter snake (Thamnophis butleri).
(7) Kirtland's snake (Clonophis kirtlandii).
(8) Scarlet snake (Cemophora coccinea).
(9) Smooth green snake (Opheodrys vernalis).
(10) Southeastern crowned snake (Tantilla coronata).
(11) Cottonmouth (Agkistrodon piscivorus).
(12) Massasauga (Sistrurus catenatus).
(13) Timber rattlesnake (Crotalus horridus).
(14) Eastern mud turtle (Kinosternon subrubrum).
(15) Spotted turtle (Clemmys guttata).
(16) Hieroglyphic river cooter (Pseudemys concinna).
(17) Alligator snapping turtle (Macrochelys temminckii).
(18) Blanding's turtle (Emydoidea blandingii).
(19) Crawfish frog (~~Rana~~ **Lithobates** areolata).
(20) Ornate box turtle (Terrapene ornata).

(Natural Resources Commission; 312 IAC 9-5-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 16, 2002, 12:25 p.m.: 25IR 3047; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542; filed May 25, 2005, 10:15 a.m.: 28 IR 2947; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA)

SECTION 3. 312 IAC 9-5-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-6 Collection and possession of reptiles and amphibians native to Indiana
Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22-11-1; IC 14-22-11-8; IC 14-22-12-1

Sec. 6. (a) ~~A resident must not collect~~ **An individual may take** reptiles or amphibians from the wild ~~unless the person holds a valid and no others, may be taken~~ **only as authorized** under this section~~:~~**.**

~~(c)~~ **(b)** Except as provided in ~~sections 2, 3, and 11 of~~ this ~~rule~~ **section**, **an individual must not take or possess more than** four (4) ~~with respect to~~ **of** any species of reptile or amphibian native to Indiana ~~possessed under this section~~. ~~A person must not, however, collect an eastern box turtle (Terrapene carolina) from the wild.~~

(c) Notwithstanding subsection (b), an individual may take no more than twenty-five (25) of the following species of turtles per day, single or in aggregate:
(1) Eastern snapping turtle (Chelydra serpentina serpentina).
(2) Smooth softshell turtle (Apalone mutica).
(3) Spiny softshell turtle (Apalone spinifera).
An individual may possess no more than fifty (50) turtles, single or in aggregate.

(d) Notwithstanding subsection (b), an individual may take no more than twenty-five (25) of the following species of frogs, single or in aggregate:
(1) Bullfrog (Lithobates catesbeiana).
(2) Green frog (Lithobates clamitans).
An individual may possess no more than fifty (50) frogs, single or in aggregate.

(e) An individual may take turtles at any time of the year.

(f) An individual may take frogs as established in subsection (d) from June 15 through April 30 of the following year.

(g) An individual may take turtles by any of the following methods:
(1) a trap, a net, or other mechanical device that has no opening below the surface of the water;
(2) hands;
(3) a gaff; or
(4) any method provided by 312 IAC 9-7-2 for sport fishing.

(h) An individual may take frogs by any of the following methods:
(1) A gig or spear having a head not more than three (3) inches wide and a single row of tines.
(2) Bow and arrows.
(3) A club.
(4) Hands.
(5) A single pole or hand line with not more than one (1) hook or artificial lure affixed.
(6) A .22 caliber firearm, as long as the projectiles discharged from the barrel of the firearm are birdshot.

(i) An individual may use a spotlight, a searchlight, or another artificial light to assist in taking frogs.

~~(d)~~ **(j)** ~~A person~~ **Notwithstanding subsection (c), an individual** must not ~~collect~~ **take from the wild:**
(1) a reptile or amphibian egg ~~from the wild~~.
(2) an eastern box turtle (Terrapene Carolina).

~~(e)~~ **(k) An individual must not sell a reptile or amphibian taken from the wild, e**xcept for
(1) a reptile **or amphibian** lawfully possessed and fitted with a passive integrated transponder under section 9(h) of this rule~~, a reptile or amphibian collected under this section must not be sold~~.
(2) a bullfrog or green frog tadpole in accordance with section 7(g) of this rule.

~~(f)~~ **(l) An individual must not sell** the offspring of an amphibian taken under this section ~~must not be sold~~.

~~(g)~~ **(m) An individual possessing a valid** reptile captive breeder **license issued under 312 IAC 9-5-9** ~~(who is in compliance with section 9 of this rule)~~ may sell the offspring of ~~reptile~~ **species of snake listed in 312 IAC 9-5-9**, taken under this section, to any person.

~~(h)~~ **(n)** A**n individual must not release back into the wild a** reptile or amphibian taken from the wild ~~must not be released back into the wild~~ ~~unless one (1) of the following conditions is met~~ **under this section except as follows**:
(1) ~~A person~~ ~~**An individual**~~ ~~releases an animal~~ **A reptile or amphibian may be released** without a permit issued under ~~subdivision~~ **subsection (m)**(2) ~~where the animal as follows~~ **unless the reptile or amphibian**:
(A) Has not been held in an enclosure with another reptile or amphibian;
(B) Has not been in captivity for more than thirty (30) days, and;
(C) Is released at the point of capture.
(2) The division issues a permit to ~~a person~~ **an individual** to release an animal, and the ~~person~~ **individual** releases the animal under the terms of the ~~license~~ **permit**.

(o) An individual may possess a live eastern box turtle only with a:
(1) turtle possession permit pursuant to 312 IAC 9-5-11,
(2) wild animal rehabilitation permit pursuant to 312 IAC 9-10-9, or
(3) scientific purposes license pursuant to 312 IAC 9-10-6.

(p) An individual may possess a live endangered species of reptile or amphibian only with a:
(1) wild animal possession permit pursuant to 312 IAC 9-11,
(2) wild animal rehabilitation permit pursuant to 312 IAC 9-10-9, or
(3) scientific purposes license pursuant to 312 IAC 9-10-6.

(q) An individual may possess a live venomous reptile only with a:
(1) wild animal possession permit pursuant to 312 IAC 9-11, or
(2) scientific purposes license pursuant to 312 IAC 9-10-6.
(Natural Resources Commission; 312 IAC 9-5-6; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3672; readopted filed Jul 28, 2003, 12:00 p.m.:27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543)

SECTION 4. 312 IAC 9-5-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-7 Sale and transport for sale of reptiles and amphibians native to Indiana
Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22; IC 20-19-2-8; IC 20-19-2-10

Sec. 7. (a) This section governs the:
(1) sale;
(2) transport for sale; or
(3) offer for sale ~~or transport for sale~~;
of any reptile or amphibian native to Indiana regardless of place of origin.

(b) Except as otherwise provided in this section and in section 6(g) of this rule, **an individual must not** ~~the sale~~ **sell**, transport for sale, or offer to sell ~~or transport for sale~~ ~~of~~ a reptile or amphibian **that is** native to Indiana ~~is prohibited~~. ~~A person must not sell a turtle, regardless of species or origin, with a carapace less than four (4) inches long, except for a valid scientific or educational purpose that is associated with one (1) of the following:~~
~~(1) A federal, state, county, city, or similar governmental agency that is engaged in scientific study or research.~~
~~(2) A scientific research organization.~~
~~(3) An accredited museum or institution of higher learning.~~
~~(4) An individual working in cooperation with a:~~
~~(A) college;~~
~~(B) university; or~~
~~(C) governmental agency.~~
~~(5) A private company under a contract for scientific or educational purposes.~~

(c) As used in this rule, "reptile or amphibian native to Indiana" means those reptiles and amphibians with the following scientific names, including common names for public convenience, but the scientific names control:
(1) Hellbender (Cryptobranchus alleganiensis).
(2) Common mudpuppy (Necturus maculosus).
(3) Streamside salamander (Ambystoma barbouri).
(4) Jefferson salamander (Ambystoma jeffersonianum).
(5) Blue-spotted salamander (Ambystoma laterale).
(6) Spotted salamander (Ambystoma maculatum).
(7) Marbled salamander (Ambystoma opacum).
(8) Mole salamander (Ambystoma talpoideum).
(9) Smallmouth salamander (Ambystoma texanum).
(10) Eastern tiger salamander (Ambystoma tigrinum tigrinum).
(11) Eastern newt (Notophthalmus viridescens).
(12) Green salamander (Aneides aeneus).
(13) Northern dusky salamander (Desmognathus fuscus).
(14) Southern two-lined salamander (Eurycea cirrigera).
(15) Longtailed salamander (Eurycea longicauda).
(16) Cave salamander (Eurycea lucifuga).
(17) Four-toed salamander (Hemidactylium scutatum).
(18) Northern redback salamander (Plethodon cinereus).
(19) Northern zigzag salamander (Plethodon dorsalis).
(20) Northern ravine salamander (Plethodon electromorphus).
(21) Northern slimy salamander (Plethodon glutinosus).
(22) Red salamander (Pseudotriton ruber).
(23) Lesser siren (Siren intermedia).
(24) Eastern spadefoot toad (Scaphiopus holbrookii).
(25) American toad (~~Bufo~~ **Anaxyrus** americanus).
(26) Fowler's toad (~~Bufo~~ **Anaxyrus** fowleri).
(27) Northern cricket frog (Acris crepitans).
(28) Cope's gray treefrog (Hyla chrysoscelis).
(29) Green treefrog (Hyla cinerea).

(30) Eastern gray treefrog (Hyla versicolor).
(31) Spring peeper (Pseudacris crucifer).
(32) Southeastern chorus frog (Pseudacris feriarum).
(33) Western chorus frog (Pseudacris triseriata).
(34) Crawfish frog (~~Rana areolata~~ **Lithobates areolatus**).
(35) Plains leopard frog (~~Rana~~ **Lithobates** blairi).
(36) Bullfrog (~~Rana catesbeiana~~ **Lithobates catesbeianus**).
(37) Green frog (~~Rana~~ **Lithobates** clamitans).
(38) Northern leopard frog (~~Rana~~ **Lithobates** pipiens).
(39) Pickerel frog (~~Rana~~ **Lithobates** palustris).
(40) Southern leopard frog (~~Rana utricularia~~ **Lithobates spehnocephalusa**).
(41) Wood frog (~~Rana sylvatica~~ **Lithobates sylvaticus**).
(42) Eastern snapping turtle (Chelydra serpentina serpentina).
(43) Smooth softshell turtle (Apalone mutica).
(44) Spiny softshell turtle (Apalone spinifera).
(45) Alligator snapping turtle (Macrochelys temminckii).
(46) Eastern mud turtle (Kinosternon subrubrum).
(47) Stinkpot turtle (Sternotherus odoratus).
(48) Midland painted turtle (Chrysemys picta marginata).
(49) Western painted turtle (Chrysemys picta bellii).
(50) Spotted turtle (Clemmys guttata).
(51) Blanding's turtle (Emydoidea blandingii).
(52) ~~Common~~ **Northern** map turtle (Graptemys geographica).
(53) False map turtle (Graptemys pseudogeographica).
(54) Ouachita map turtle (Graptemys ouachitensis).
(55) Hieroglyphic river cooter (Pseudemys concinna).
(56) Eastern box turtle (Terrapene carolina).
(57) Ornate box turtle (Terrapene ornata).
(58) Red-eared slider (Trachemys scripta elegans).
(59) Eastern fence lizard (Sceloporus undulatus).
(60) Slender glass lizard (Ophisaurus attenuatus).
(61) Six-lined racerunner (~~Cnemidophorus sexlineatus~~ **Aspidoscelis sexlineatus**).
(62) **Common** Five-lined skink (~~Eumeces~~ **Plestiodon** fasciatus).
(63) Broadhead skink (~~Eumeces~~ **Plestiodon** laticeps).
(64) ~~Ground~~ **Little Brown** skink (Scincella lateralis).
(65) Eastern worm snake (Carphophis amoenus).
(66) Scarlet snake (Cemophora coccinea).
(67) **North American** Racer (Coluber constrictor).
(68) Kirtland's snake (Clonophis kirtlandii).
(69) Ringneck snake (Diadophis punctatus).
(70) ~~Midland~~ **Gray** ratsnake, also known as the black rat snake (~~Elaphe~~ **Pantherophis** spiloides).
~~(71) Western rat snake (Elaphe obsoleta)~~.
~~(72)~~ **(71)** Western foxsnake (~~Elaphe vulpine~~ **Pantherophis vulpinus**).
~~(73)~~ **(72) Red-bellied** Mud snake (Farancia abacura).
~~(74)~~ **(73)** Eastern ~~hognose~~ **hog-nosed** snake (Heterodon platirhinos).
~~(75)~~ **(74)** Prairie king snake (Lampropeltis calligaster calligaster).
~~(76)~~ **(75) Eastern** Black king snake (Lampropeltis getula nigra).
~~(77)~~ **(76)** Eastern milk snake (Lampropeltis triangulum triangulum).
~~(78)~~ **(77)** Red milk snake (Lampropeltis triangulum syspila).
~~(79)~~ **(78)** ~~Copperbelly~~ **Copper-bellied** water snake (Nerodia erythrogaster **neglecta**).
~~(80)~~ **(79)** Diamondback water snake (Nerodia rhombifer).
~~(81)~~ **(80)** Northern water snake (Nerodia sipedon).
~~(82)~~ **(81)** Rough green snake (Opheodrys aestivus).

~~(83)~~ **(82)** Smooth green snake (Opheodrys vernalis).
~~(84)~~ **(83)** Bull snake (Pituophis catenifer sayi).
~~(85)~~ **(84)** Queen snake (Regina septemvittata).
~~(86)~~ **(85)** Brown snake (Storeria dekayi).
~~(87)~~ **(86)** Red-bellied snake (Storeria occipitomaculata).
~~(88)~~ **(87)** Southeastern crowned snake (Tantilla coronata).
~~(89)~~ **(88)** Butler's garter snake (Thamnophis butleri).
~~(90)~~ **(89)** Western ribbon snake (Thamnophis proximus).
~~(91)~~ **(90)** Plains garter snake (Thamnophis radix).
~~(92)~~ **(91)** Eastern ribbon snake (Thamnophis sauritus).
~~(93)~~ **(92)** Common garter snake (Thamnophis sirtalis).
~~(94)~~ **(93)** Smooth earth snake (Virginia valeriae).
~~(95)~~ **(94)** Northern copperhead (Agkistrodon contortrix).
~~(96)~~ **(95)** Cottonmouth (Agkistrodon piscivorus).
~~(97)~~ **(96)** Timber rattlesnake (Crotalus horridus).
~~(98)~~ **(97)** Massasauga (Sistrurus catenatus).

(d) As used in this section, "sale" ~~means either~~ **includes any** of the following:
(1) Barter, purchase, trade, or offer to sell, barter, purchase, or trade~~.~~**; or**
(2) Serving as part of a meal by a restaurant, a hotel, a boarding house, or the keeper of an eating house. However, a hotel, a boarding house, or the keeper of an eating house may prepare and serve during open season to:
(A) a guest, patron, or boarder; and
(B) the family of the guest, patron, or boarder;
a reptile or amphibian legally taken by the guest, patron, or boarder during the open season.

(e) As used in this section, "transport" means:
(1) to move, carry, or ship by any means; and
(2) for any common or contract carrier knowingly to move, carry, or receive for shipment;
a wild animal protected by law.

(f) A reptile or amphibian that is not on a state or federal endangered or threatened species list and with a color morphology that is:
(1) albinistic (an animal lacking brown or black pigment);
(2) leucistic (a predominately white animal); or
(3) xanthic (a predominately yellow animal);
is exempted from this section if it was not collected from the wild.

(g) The following are exempted from this section:
(1) An institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for the exemption, the institution must have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of Health and Human Services.
(2) A sale made under a reptile captive breeding license governed by section 9 of this rule.
(3) The sale to and purchase of reptiles or amphibians by a:
(A) public school accredited under IC 20-19-2-8; or
(B) nonpublic school recognized under IC 20-19-2-10 and accredited under IC 20-19-2-8.
This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.
(4) The sale and purchase of a:
(A) bullfrog (~~Rana~~ **Lithobates** catesbeiana) tadpole; or
(B) green frog (~~Rana~~ **Lithobates** clamitans) tadpole;

produced by a resident holder of a hauler and supplier permit or an aquaculture permit if the tadpole is a byproduct of a fish production operation. As used in this subdivision, "tadpole" means the larval life stage of a frog for the period in which the tail portion of the body is at least one (1) inch long.

(h) A person who is transporting native reptiles and amphibians in interstate commerce, to be sold outside Indiana, is exempted from this section. *(Natural Resources Commission; 312 IAC 9-5-7; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3673; errata filed Oct 26,1999, 2:40 p.m.: 23 IR 589; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1535; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543; filed May 25, 2005, 10:15 a.m.: 28 IR 2948; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; filed Mar 4, 2008, 12:31 p.m.:20080402-IR-312070486FRA)*

SECTION 5. 312 IAC 9-5-7.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-5-7.5 Sale of turtles not native to Indiana
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 7.5. An individual must not sell a turtle, regardless of species or origin, with a carapace less than four (4) inches long, except for a valid scientific or educational purpose that is associated with one (1) of the following:
(1) A federal, state, county, city, or similar governmental agency that is engaged in scientific study or research.
(2) A scientific research organization.
(3) An accredited museum or institution of higher learning.
(4) An individual working in cooperation with a:
(A) college;
(B) university; or
(C) governmental agency.
(5) A private company under a contract for scientific or educational purposes.

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

312 IAC 9-5-8 Possession, sale, and transport of dangerous reptiles
Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22; IC 35-41-1-25

Sec. 8. (a) This section governs the possession, sale, transport for sale, or offer to sell any dangerous reptile.

(b) **An individual must not** ~~The possession, sale,~~ **possess, sell,** transport for sale, or offer to sell ~~or transport for sale of any~~ **a** dangerous reptile (other than by a zoological park) ~~is prohibited~~.

(c) Exempted from this section is ~~a person~~ **an individual** who is transporting dangerous reptiles in interstate commerce to be sold outside Indiana.

(d) ~~Exempted from this section is~~ **Notwithstanding subsection (b)**, ~~a person who is in possession of~~ **an individual may possess** a dangerous reptile under a Class III Wild Animal Possession permit issued under 312 IAC 9-11.

(e) Exempted from this section is an institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for

the exemption, the institution must have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of Health and Human Services.

(f) As used in this section, "dangerous reptile" includes both of the following:
(1) A venomous reptile.
(2) A crocodilian that is at least five (5) feet long.

(g) As used in this section, "sale" includes **any of the following**:
(1) barter, purchase, trade, or offer to sell, barter, purchase, or trade; ~~and~~ **or**
(2) serving as part of a meal by a restaurant, a hotel, a boardinghouse, or an eating house keeper; however, a hotel, a boardinghouse, or an eating house keeper may prepare and serve during open season to:
(A) a guest, patron, or boarder; and
(B) the family of the guest, patron, or boarder;
a reptile legally taken by the guest, patron, or boarder during the open season.

(h) As used in this section, "transport" means to move, carry, or ship a wild animal protected by law by any means and for any common or contract carrier knowingly to move, carry, or receive for shipment a wild animal protected by law.

(i) As used in this section, "zoological park" means an entity which satisfies one (1) of the following:
(1) A permanent establishment that is a member of the American Association of Zoological Parks and Aquariums (also known as the American Zoo and Aquarium Association).
(2) An agency of local government, open to and administered for the public, to provide education, conservation, and preservation of the earth's fauna.
(Natural Resources Commission; 312 IAC 9-5-8; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3674; errata filed Oct 26, 1999, 2:40 p.m.: 23IR 589; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 7. 312 IAC 9-5-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-9 Reptile captive breeding license
Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22

Sec. 9. (a) This section:
(1) establishes the reptile captive breeding license; and
(2) sets the requirements for ~~a person~~ **an individual** who wishes to apply for and maintain the license.
(b) The application must be made on a department form.
(c) The annual fee for a license under this section is fifteen dollars ($15).
(d) An application for a license under this section must be made within ~~thirty (30) days of the effective date of this section for a reptile:~~
~~(1) described in subsection (e); and~~
~~(2) possessed by the applicant before the effective date of this section.~~
~~Any subsequent license application must be made within~~ five (5) days after the applicant took possession of the first reptile described in subsection (e) and taken for captive breeding purposes.
(e) ~~A person~~ **An individual holding a valid** reptile captive breeding license ~~authorizes a person who holds the license to~~ **may** possess, breed, and sell the snakes listed in this section. In the following list, where both scientific names and common names are provided, common names are for public convenience, but the scientific names control:
(1) ~~Midland~~ **Gray** ~~rat snake~~ **ratsnake**, also known as the black rat snake (~~Elaphe~~ **Pantherophis** spiloides).
~~(2) Western rat snake (Elaphe obsoleta)~~.
~~(3)~~ **(2)** Western fox snake (~~Elaphe vulpina~~ **Pantherophis vulpinus**).

~~(4)~~ **(3)** Eastern hognose snake (Heterodon platirhinos).
~~(5)~~ **(4)** Prairie king snake (Lampropeltis calligaster calligaster).
~~(6)~~ **(5) Eastern** black king snake (Lampropeltis getula nigra).
~~(7)~~ **(6)** Eastern milk snake (Lampropeltis triangulum triangulum).
~~(8)~~ **(7)** Red milk snake (Lampropeltis triangulum syspila).
~~(9)~~ **(8)** Bull snake (Pituophis catenifer sayi).
~~(10)~~ **(9)** A snake that is not on a state or federal endangered or threatened species list and with a color morphology that is:
(A) albinistic (an animal lacking brown or black pigment);
(B) leucistic (a predominately white animal); or
(C) xanthic (a predominately yellow animal);
if it was not collected from the wild.
(f) Captive breeding stock other than a reptile described in subsection (e)(10) must be identified with an individually unique passive integrated transponder **(pit tag)**. A transponder must be implanted in each specimen. The type of transponder ~~shall~~ **must** be ~~approved by the commission~~ **able to be read by an AVID reader**. The imbedded transponder's code and other required information concerning the general health and condition of the animal must be:
(1) provided on a departmental form; and
(2) verified by a supervising veterinarian;
within fourteen (14) days after obtaining the animal.
(g) A reptile held under this section must be confined in a cage or other enclosure that makes escape of the animal unlikely. Each animal must be:
(1) provided with ample space; and
(2) kept in a sanitary and humane manner.
Animals and cages must be made available for inspection upon request by a conservation officer.
(h) Each animal possessed under this section must be lawfully acquired. Not more than four (4) animals of each species described in subsection (e) may be collected annually from the wild. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition for animals not taken from the wild shall be presented to a conservation officer upon request. ~~A person~~ **An individual** licensed under this section who collects an animal from the wild must document, on a departmental form, when and where the animal was collected. The animal must be fitted with a passive integrated transponder within fourteen (14) days of taking possession.
(i) ~~A person~~ **An individual** licensed under this section must not possess an animal larger than the maximum sale length described in this subsection unless the animal is fitted with a transponder as part of the breeding stock of the person. Captive-bred offspring may only be sold before an individual attains the following total length:
(1) Fifteen (15) inches for an eastern hognose snake.
(2) Eighteen (18) inches for any of the following:
(A) A black rat snake.
(B) A western rat snake.
(C) A western fox snake.
(D) A black king snake.
(E) A prairie king snake.
(F) An eastern milk snake.
(G) A red milk snake.
(3) Twenty-eight (28) inches for a bull snake.
(j) ~~A person~~ **An individual** licensed under this section must maintain accurate records on a calendar year basis on the number and disposition of breeding stock and captive breed young. The records shall include the following:
(1) The species and number of animals captured, received, or sold.
(2) The birth dates of captive born animals.
(3) The complete name and complete address of the person from whom an animal was purchased or to whom an animal was sold. The records shall be maintained at the place of business of the license holder

for at least two (2) years after the end of the license year. Upon request by a conservation officer, the license holder must make the records available for inspection.

(k) ~~A person~~ **An individual** licensed under this section must not release to the wild a captive breeder or the offspring of a captive breeder.

(Natural Resources Commission; 312 IAC 9-5-9; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3675; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 545; filed May 25, 2005, 10:15 a.m.: 28 IR 2950; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 8. 312 IAC 9-6-1 AS PUBLISHED AT 20090415-IR-312080886PRA 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**,** 312 IAC 9-7, 312 IAC 9-8, **312 IAC 9-9** 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) "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 genera:
(A) Alosa; and
(B) Dorosoma.
(69) "Shovelnose sturgeon" means the species Scaphirhynchus platorynchus.
(70) "Silver carp" means the species Hypophthalmichthys molitrix.
(71) "Single hook" means a fishing hook consisting of:
(A) one (1) shank; and
(B) one (1) point.
(72) "Smallmouth bass" means the species Micropterus dolomieui.
(73) "Smelt" means the genus Osmerus.
(74) "Snakehead" means all species of the family Channidae, including the 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 Oncorhyncus 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) Carpiodes.
(B) Moxostoma.
(C) Hypentelium.
(D) Catostomus.
(E) Erimyzon.
(82) "Tiger muskellunge" means the hybrid of muskellunge and northern pike.
(83) "Tilapia" means all species of the genus Tilapia.
(84) "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.
(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.
(86) "Tubenose goby" means the species Proterorhinus marmoratus.
(87) "Walleye" means the species Stizostedion vitreum.
(88) "Warmouth" means the species Lepomis gulosus.
(89) "White bass" means the species Morone chrysops.
(90) "White catfish" means the species Ictalurus catus.
(91) "White perch" means the species Morone americana.
(92) "White crappie" means the species Pomoxis annularis.
(93) "Yellow bass" means the species Morone mississippiensis.
(94) "Yellow perch" means the species Perca flavescens.
(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 9. 312 IAC 9-6-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-3 Fish sorting restrictions and the prohibition of waste
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 3. (a) Except as provided in subsection (b), ~~a person~~ **an individual** must not sort and release a fish taken previously in the day in order to replace the fish with another where the same bag limit applies to both fish.
(b) A fish may be released without counting toward the daily bag limit only if the fish is as follows:
(1) Alive and in apparent good health.
(2) Capable of swimming away normally under its own power.
(3) Returned to the water from which it was taken before the end of the day.
(4) In a place where the immediate escape of the fish is not prevented.

(c) The intentional waste or destruction of any species of fish taken under this rule is prohibited unless the species is required by law to be killed. ~~A person~~ **An individual** must not mutilate and return a fish to the water. This section does not~~, however,~~ apply if a fish is required by law to be released or is lawfully used as bait.
(d) Offal or filth resulting from catching, curing, cleaning, or shipping fish in or near state waters must be burned, buried, or otherwise disposed in a sanitary manner that:
(1) does not pollute the water; and
(2) is not or does not become detrimental to public health or comfort.
(Natural Resources Commission; 312 IAC 9-6-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; filed Dec 26, 2001, 2:40 p.m.: 25 IR
1537; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 10. 312 IAC 9-6-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-4 Release of fish which cannot lawfully be possessed
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 4. (a) ~~A person~~ **An individual** who takes a fish which cannot lawfully be possessed by that ~~person~~ **individual** does not violate this article if:
(1) the fish is taken at a lawful location and in a lawful manner; and
(2) the fish is immediately returned to the waters from which the fish was taken without unreasonable injury.
(b) Notwithstanding subsection (a), ~~a person~~ **an individual** who takes an exotic catfish must kill the fish immediately upon capture or otherwise comply with section 7 of this rule.
(c) ~~Compliance with subsection (a) must be established by~~ The ~~person~~ **individual** taking the fish **is responsible for immediately returning the fish to the waters from which the fish was taken without unreasonable injury.** *(Natural Resources Commission; 312 IAC 9-6-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 11. 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. ~~A person~~ **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 east branch of the Little Calumet River**, also known as the Portage Burns Waterway (formerly known as Burns Ditch),** in Porter County from U.S. 12 upstream 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.
(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)

SECTION 12. 312 IAC 9-6-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-7 Exotic fish
Authority: IC 14-22-2-6
Affected: IC 14-22-2-3

Sec. 7. (a) Except as otherwise provided under this section, ~~a person~~ **an individual** must not import, possess, propagate, buy, sell, barter, trade, transfer, loan, or release into public or private waters any of the following live fish or ~~fry~~ **recently hatched or juvenile** ~~of~~ **live fish** or their viable eggs or genetic material:
(1) Exotic catfish.
(2) Bighead carp.
(3) Black carp
(4) Silver carp.
(5) White perch.
(6) Snakehead.
(7) Rudd.
(8) Ruffe.
(9) Tubenose goby.
(10) Round goby.
(11) A hybrid or genetically altered fish of any of these species.
(b) ~~A person~~ **An individual** who takes a fish listed in subsection (a) does not violate this section if the fish listed in subsection (a) is killed immediately upon capture.
(c) This section does not apply to the following:
(1) The use of a fish by a properly accredited zoological park as defined in 312 IAC 9-5-8(i).

(2) During the lawful interstate shipment of fish through the state if the fish are not unloaded or do not leave the control of a common carrier.
(3) A person who lawfully possesses an exotic fish under a permit issued under 312 IAC 9-10-17 for medical, educational, or scientific purposes.
(d) A person who possesses federally listed injurious species must also comply with 18 U.S.C. 42 and 50 CFR 16. *(Natural Resources Commission; 312 IAC 9-6-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3868; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 13. 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) ~~It is unlawful to~~ **An individual must not** use live carp as bait.
(b) **An individual must not use** live gizzard shad ~~shall not be used~~ as bait except at Brookville Reservoir. *(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)*

SECTION 14. 312 IAC 9-6-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-10 Exempted fish
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 10. Any fish not defined in section **one** (1) **or section nine (9)** of this rule is an exempted wild animal. *(Natural Resources Commission; 312 IAC 9-6-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 15. 312 IAC 9-6-11 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-6-11 Commercial shipment or processing of fish
Authority: IC 14-22-2-6; IC 14-22-11-12
Affected: IC 14-22

Sec. 2. (a) A person shall not ship fish into or within Indiana for commercial purposes unless the shipment is accompanied by a dated bill of lading setting forth the:
(1) species, number, or poundage;
(2) origin;
(3) destination; and
(4) name and address of the purchaser.
The bill of lading and the shipment shall be made available upon demand for inspection by a conservation officer.
(b) A person who commercially imports or sells trout or salmon must retain for two (2) years following the importation or sale a legible commercial invoice or bill of sale, or if imported from Canada, the customs entry or customs brokers statement, including the following:
(1) The date of transaction.
(2) The quantity and purchase price of each species.
(3) The formal entry number (if applicable).

(4) The name and address of the seller or exporter.
(c) A person who delivers fish for processing under subsection (d) must tag the fish before delivery. The tag shall include the following information:
(1) The name and address of the person making delivery.
(2) The species of fish.
(3) How and when the fish were obtained.
(d) A person, who, for a fee, smokes, pickles, or otherwise processes trout or salmon for another person shall maintain a record of all financial transactions relating to that activity for at least two (2) years after the date of the transaction. The record shall include the following:
(1) The number, weight, and species of fish.
(2) The names and addresses of the persons from whom the fish were received and to whom the fish were delivered.
(3) The dates of receipt and delivery.
The tag described in subsection (c) must not be removed by the person who performs processing except during actual processing. That person shall make storage areas, work areas, books, and records available upon demand for inspection by a conservation officer.
(Natural Resources Commission; 312 IAC 9-6-11)

SECTION 16. 312 IAC 9-7-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-1 Applicability
Authority: IC 14-22-2-6
Affected: IC 14-22-11; IC 14-22-12-1

Sec. 1. This rule applies to ~~a person~~ **an individual** who fishes on waters containing state-owned fish ~~and who:~~
~~(1) is issued a license to fish under IC 14-22-12-1; or~~
~~(2) is excepted under IC 14-22-11-1, IC 14-22-11-8, or IC 14-22-11-11 from the requirement of a license to fish~~.
(b) An individual may take a fish in waters containing state-owned fish only if:
(1) issued a license to fish with a:
(A) resident yearly fishing license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(1);
(B) resident one-day fishing license pursuant to IC 14-22-12-1(a)(8);
(C) resident senior yearly fishing license pursuant to IC 14-22-12-1(a)(33);
(D) resident senior fish for life license pursuant to IC 14-22-12-1(a)(34);
(E) resident yearly fishing and hunting license pursuant to IC 14-22-12-1(a)(3);
(F) nonresident yearly fishing license pursuant to IC 14-22-12-1(a)(5);
(G) nonresident one-day fishing license pursuant to IC 14-22-12-1(a)(8);
(H) nonresident seven-day fishing license pursuant to IC 14-22-12-1(a)(9);
(I) lifetime fishing license pursuant to IC 14-22-12-7(a)(1) or IC 14-22-12-7(a)(3);
(J) commercial fishing license pursuant to IC 14-22-13 or IC 14-22-14;
(K) scientific purposes license pursuant to IC 14-22-22 and 312 IAC 9-10-6;
(L) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5); or
(2) fishing without a license pursuant to IC 14-22-11-1 and 312 IAC 9-2-14.
(Natural Resources Commission; 312 IAC 9-7-1; 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)

SECTION 17. 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 ~~13~~ **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** ~~affixed~~ **affix** to each line ~~shall be~~ not more than two (2) hooks or two (2) artificial baits or harnesses for use with live bait.
(d) ~~A person~~ **An individual** must not take fish from:
(1) waters containing state-owned fish;
(2) waters of this 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) ~~A person~~ **An individual** must not take trout or salmon from a waterway unless the fish is hooked in the mouth.
(f) ~~A person~~ **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 waterway.
(g) ~~A person~~ **An individual** must not ice fish on waters of this 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) A portable ice fishing shelter that is left unattended must visibly bear the name and address of the owner in three (3) inch block letters on an exterior wall~~.
~~(4)~~ **(3)** An ice fishing shelter ~~or portable 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.
~~(5)~~ **(4)** An ice fishing shelter ~~or portable shelter~~ must be removed from the waters before ice-out.
~~(6)~~ **(5)** Except from January 1 through February 15, an ice fishing shelter ~~or portable shelter~~ must be removed daily.
(h) ~~A person~~ **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. ~~It is unlawful to~~ **An individual must not** take fish from Lake Michigan with a trotline, set line, or throw line.
(i) ~~A person~~ **An individual** must not take fish from a lake with free-float lines or to fish from a waterway with more than five (5) free-float 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) ~~A person~~ **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) 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) ~~A person~~ **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 (½) 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) ~~A person~~ **An individual** ~~must not~~ **may** take smelt ~~from other than~~ **only from** Lake Michigan and Oliver Lake in LaGrange County **and only as follows:**
(1) by the use of dip nets, seines, or nets ~~except from March 1 through May 30 with either of the following~~ **as follows**:
~~(1)~~ **(A)** One (1) dip net not to exceed twelve (12) feet in diameter.
~~(2)~~ **(B)** One (1) seine or net:
~~(A)~~ **(i)** not to exceed twelve (12) feet long and six (6) feet deep; and
~~(B)~~ **(ii)** having a stretch mesh larger than one and one-half (1½) inches.
(2) from March 1 through May 30**.**
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, ~~bow and arrow~~ **bowfishing equipment**, or underwater spear, take only any sucker, carp, gar, bowfin, buffalo, or shad and only from the following waterways:
(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 (½) mile below its junction with Big Creek in Carroll County. ~~It is unlawful to~~ A**n individual must not** possess a fish spear or fish gig in, on, or adjacent to the Tippecanoe River from one-half (½) 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, gar, bowfin, buffalo, or shad by:
(1) bow and arrows from Lake Michigan; or
(2) spear, gig, spear gun, underwater spear, or bow and arrows from another lake.
(o) An individual may take a sucker, carp, gar, or bowfin with not more than one (1) snare only between sunrise and sunset. *(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)

SECTION 18. 312 IAC 9-7-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-3 Catfish
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 3. (a) ~~A person~~ **An individual** must not **take or** possess a channel catfish, blue catfish, or flathead catfish ~~taken~~ from a waterway unless ~~those~~ **the** catfish are 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 waterway.**
(b) Except as otherwise provided in subsection (c), ~~the daily bag limit is~~ **an individual may take or possess no more than** ten (10) ~~for any combination of channel~~ catfish **in aggregate**~~, blue catfish, and flathead catfish taken~~ from a lake **or reservoir per day.**
(c) **Notwithstanding subsection (b), an individual may take** ~~Channel~~ **channel** catfish ~~may be taken~~ 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)*

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

312 IAC 9-7-4 Muskellunge and tiger muskellunge
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 4. (a) ~~It is unlawful to~~ **An individual must not** possess **or take** a muskellunge or tiger muskellunge unless that muskellunge or tiger muskellunge is at least thirty-six (36) inches long.
(b) ~~The daily bag limit is~~ **An individual may take or possess no more than** one (1) in total for muskellunge and tiger muskellunge **per day**. *(Natural Resources Commission; 312 IAC9-7-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 20. 312 IAC 9-7-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-5 Northern pike
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 5. (a) ~~It is unlawful to~~ **An individual must not take or** possess a northern pike unless that northern pike is at least twenty (20) inches long.
(b) ~~The daily bag limit is~~ **An individual may take or possess no more than** three (3) ~~for~~ northern pike **per day**. *(Natural Resources Commission; 312 IAC 9-7-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210- IR-312080672RFA)*

SECTION 21. 312 IAC 9-7-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-6 Black bass

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

Sec. 6. (a) Except as otherwise provided in this section, ~~the aggregate daily bag limit is~~ **An individual may take or possess no more than** five (5) black bass **in aggregate per day**.
(b) ~~The aggregate daily bag limit is~~ **An individual may take or possess no more than** three (3) ~~for~~ black bass ~~taken~~ from Lake Michigan **in aggregate per day**. ~~A person~~ **An individual** must not possess more than three (3) black bass **in aggregate** while fishing in or on Lake Michigan.
(c) Except as otherwise provided in this section, ~~the minimum size limit for~~ **an individual must not take or possess a** black bass ~~taken from a waterway~~ **except as follows:**
(1) the black bass is twelve (12) inches ~~for black bass~~ **if** taken from waterways**, or**
(2) ~~but~~ **the black bass** is fourteen (14) inches ~~for black bass~~ **if** taken from lakes (including Lake Michigan).
(d) ~~No minimum~~ **An individual may take or possess largemouth bass of any** length ~~limit for largemouth bass applies for~~ **in** the **following** lakes ~~listed in this subsection as follows~~:
(1) Brownstown Pit in Jackson County.
(2) Burdette Park Lakes in Vanderburgh County.
(3) Chandler Town Lake in Warrick County.
(4) Cypress Lake in Jackson County.
(5) Deming Park Lakes in Vigo County.
(6) Garvin Park Lake in Vanderburgh County.
(7) Glen Miller Pond in Wayne County.
(8) Hayswood Lake in Harrison County.
(9) Henry County Memorial Park Lake in Henry County.
(10) Hovey Lake in Posey County.
(11) Krannert Lake in Marion County.
(12) Lake Sullivan in Marion County.
(13) Ruster Lake in Marion County.
(14) Schnebelt Pond in Dearborn County.
(e) ~~A person~~ **An individual** must not take or possess a largemouth bass unless the largemouth bass is less than twelve (12) inches long or more than fifteen (15) inches long from the following designated ~~waters~~ **lakes**:
(1) Buffalo Trace Lake in Harrison County.
(2) Celina Lake in Perry County.
(3) Indian Lake in Perry County.
(4) Saddle Lake in Perry County.
(5) Scales Lake in Warrick County.
(6) Shakamak State Park Lakes in Clay County, Greene County, and Sullivan County.
(7) Tipsaw Lake in Perry County.
(8) Ferdinand State Forest Lake in Dubois County.
(9) Montgomery City Park Lake in Daviess County.
(f) ~~The daily bag limit is~~ **An individual may take or possess no more than** one (1) largemouth bass from Turtle Creek Reservoir in Sullivan County. ~~A person~~ **An individual** must not take or possess a largemouth bass from Turtle Creek Reservoir unless the largemouth bass is at least twenty (20) inches long.
(g) ~~A person~~ **An individual** ~~must not~~ **may** take or possess ~~a~~ **no more than five (5)** largemouth bass **in aggregate per day** from ~~the following:~~
~~(1)~~ Patoka Lake **in** ~~(~~Orange, Crawford, and Dubois counties~~)~~ or Dogwood Lake **in** ~~(~~Daviess County~~)~~ **. An individual must not take or possess a largemouth bass from Patoka Lake or Dogwood Lake** unless the largemouth bass is at least fifteen (15) inches long.
~~(2)~~ **(h) An individual must not take or possess a largemouth bass from** Harden Lake **in** ~~(~~Parke County~~)~~ unless the largemouth bass is at least sixteen (16) inches long.

~~(h)~~ **(i)** ~~The daily bag limit is~~ **An individual must not take or possess more than** two (2) largemouth bass **per day**, and ~~a person~~ **an individual** must not take or possess a largemouth bass unless the largemouth bass is at least eighteen (18) inches long from the following designated waters:
(1) Tri-County State Fish and Wildlife Area.
(2) Robinson Lake in Whitley County and Kosciusko County.
(3) Ball Lake in Steuben County.
(4) Gibson Lake in Gibson County.
(5) Loon Pit at Blue Grass Fish and Wildlife Area in Warrick County.
(6) Bluegrass Pit at Blue Grass Fish and Wildlife Area in Warrick County.
(7) J. C. Murphey Lake at Willow Slough Fish and Wildlife Area in Newton County.
~~(i) A person must not take or possess a black bass unless the black bass is less than twelve (12) inches long or more than fifteen (15) inches long.~~
(j) ~~The aggregate daily black bass bag limit is~~ **An individual must not take or possess more than** five (5) **black bass in aggregate per day from the Blue River located in Crawford, Harrison, and Washington counties. Each black bass taken from the Blue River in Crawford, Harrison, and Washington counties must be less than twelve (12) inches long or more than fifteen (15) inches long but** ~~.of which~~ not more than two (2) **per day** can be taken ~~or possessed~~ that are longer than fifteen (15) inches ~~from the Blue River located in Crawford, Harrison, and Washington counties~~.
(k) ~~A person~~ **An individual** ~~must not~~ **may** take or possess ~~a~~ **more than one (1)** black bass from Sugar Creek **located in** ~~(~~Parke, Montgomery, Boone, Clinton, and Tipton counties~~)~~ **per day and the black bass must be at least twenty (20) inches long,** ~~unless the bass is at least twenty (20) inches long~~. ~~The daily bag limit is one (1) black bass taken from Sugar Creek~~.
(l) If this section prohibits ~~a person~~ **an individual** from taking or possessing a black bass from a specified lake or waterway, ~~a person~~ **an individual** must not possess a **black** bass of the prohibited class on or adjacent to the **specified** lake or waterway. *(Natural Resources Commission; 312 IAC 9-7-6; 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; filed Sep 23, 2004, 3:00 p.m.: 28 IR 549; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 22. 312 IAC 9-7-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-7 White bass; hybrid striped bass
Authority: IC 14-22-2-6
Affected: IC 14-22
Sec. 7. (a) Except as provided in subsection (b), ~~the daily bag limit is~~ **an individual may take or possess no more than** twelve (12) for any combination of white bass and hybrid striped bass **per day**.
(b) ~~It is unlawful to~~ **An individual may take or** possess any combination of **no** more than two (2) white bass and hybrid striped bass which exceed seventeen (17) inches. *(Natural Resources Commission; 312 IAC 9-7-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28,2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 23. 312 IAC 9-7-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-8 Striped bass
Authority: IC 14-22-2-6
Affected: IC 14-22
Sec. 8. ~~The daily bag limit is~~ **An individual may take or possess no more than** two (2) striped bass **per day**. *(Natural Resources Commission; 312 IAC 9-7-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 24. 312 IAC 9-7-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-9 Crappies
Authority: IC 14-22-2-6
Affected: IC 14-22
Sec. 9. ~~The daily bag limit is~~ **An individual may take or possess no more than** twenty-five (25) crappies **per day**. *(Natural Resources Commission; 312 IAC 9-7-9; filed May 12, 1997,10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 25. 312 IAC 9-7-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-10 Redear sunfish
Authority: IC 14-22-2-6
Affected: IC 14-22
Sec. 10. ~~The daily bag limit is~~ **An individual may take or possess no more than** twenty-five (25) redear sunfish **per day**. *(Natural Resources Commission; 312 IAC 9-7-10; filed May12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.20081210-IR-312080672RFA)*

SECTION 26. 312 IAC 9-7-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-11 Rock bass
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 11. ~~The daily bag limit is~~ **An individual may take or possess no more than** twenty-five (25) rock bass **per day**. *(Natural Resources Commission; 312 IAC 9-7-11; filed May 12,1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.:20081210-IR-312080672RFA)*

SECTION 27. 312 IAC 9-7-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-12 Walleye; sauger; saugeye
Authority: IC 14-22-2-6
Affected: IC 14-22
Sec. 12. (a) ~~The daily bag limit is~~ **An individual may take or possess no more than** six (6) ~~for~~ **of** any combination of walleye, sauger, or saugeye **per day**.
(b) Except on the Ohio River, and as provided in subsection (c), ~~a person~~ **an individual** must not **take or** possess a walleye or saugeye unless it is at least fourteen (14) inches long.
(c) ~~A person~~ **An individual** must not **take or** possess a walleye from the St. Joseph River in St. Joseph County or Elkhart County unless it 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 Dec26, 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)*

SECTION 28. 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) ~~A person~~ **Except as provided in subsections (e) and (f), an individual** must not ~~possess~~ **take or possess** a brook trout, rainbow trout, or brown trout ~~unless the trout is as follows:~~

~~(1) Except as provided in subsections (d) and (e),~~ **unless it is** at least seven (7) inches long.
~~(2)~~ **(b) An individual may take trout** ~~Taken~~ from the last Saturday of April after 6 a.m., local time, through December 31, ~~if taken~~ **from** ~~other than~~ **a** ~~lake~~ **waterway.** ~~A person~~ **An individual** must not fish for trout during the closed season in streams, which is April 15 until 6 a.m. on the last Saturday in April.
(c) An individual may take a trout or salmon from a lake at any time of year.
~~(b)~~ **(d)** Except as otherwise provided in this section, t~~he daily bag limit is~~ a**n individual may take or possess no more than** five (5) trout **or salmon per day**, of which not more than one (1) may be a brown trout **and not more than three (3) may be lake trout**.
~~(c)~~ **(e)** Except as provided in subsection (e), t~~he daily bag limit is~~ **an individual may take no more than** three (3) lake trout **per day**.
~~(d) A person~~ **(f) An individual** must not ~~possess~~ **take** a brown trout from Oliver Lake, Olin Lake, or Martin Lake **in** ~~(~~LaGrange County~~)~~ or the East Fork of Whitewater River downstream of Brookville Reservoir **in** ~~(~~Franklin County~~)~~ unless the trout is at least eighteen (18) inches long.
~~(e) A person~~ **(g) An individual** must not ~~possess~~ **take** a trout or salmon taken from Lake Michigan or its tributaries unless the fish is at least fourteen (14) inches long. ~~The daily bag limit is~~ **An individual may take no more than** five (5) ~~for any combination of~~ trout and salmon ~~taken~~ **in aggregate** under this subsection **per day**, of which not more than two (2) shall be lake trout. 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) A person~~ **(h) An individual** must not possess more than a single day's bag limit identified in subsection ~~(e)~~ **(g)** while fishing on Lake Michigan.
~~(g) A person~~ **(i) An individual** may fish for trout from January 1 through April 14 on streams, provided that all ~~trout~~ **fish** are released in accordance with 312 IAC 9-6-4.
~~(h)~~ **(j)** The stream segments listed in this subsection in Elkhart County are designated as catch-and-release only for trout, and only artificial lures and artificial flies may be used to catch trout in these waters. All trout caught from the following waters must be released in accordance with 312 IAC 9-6-4, and fishing with live or natural baits, food products, or chemical attractants is prohibited:
(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.
~~(i)~~ **(k)** 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)*

SECTION 29. 312 IAC 9-7-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-14 Fish with no bag limit, possession limit, or size limit
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22
Sec. 14. (a) There is no bag limit, possession limit, or size limit for the following:
(1) Alewife.
(2) American eel.
(3) Bluegill.
(4) Bowfin.
(5) Buffalo.
(6) Bullhead.
(7) Carp.
(8) Chain pickerel.
(9) Chub.

(10) Cisco.
(11) Gar.
(12) Gizzard shad.
(13) Lake herring.
(14) Lake whitefish.
(15) Shad.
(16) Smelt.
(17) Sucker.
(18) Yellow bass.
(b) Notwithstanding subsection (a), **an individual may take** not more than twenty-five (25) of any combination of bluegill, redear sunfish, and crappie ~~may be taken~~ per day from J. C. Murphey Lake at Willow Slough Fish and Wildlife Area in Newton County. *(Natural Resources Commission; 312 IAC 9-7-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; 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)*

SECTION 30. 312 IAC 9-7-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-15 Minnows
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 15. (a) ~~The season for taking minnows is unlimited~~ **An individual may take minnows at any time during the year.**
(b ~~It is unlawful to~~ **An individual must not** take minnows except by:
(1) a minnow trap;
(2) a dip net;
(3) a minnow seine;
(4) a cast net; or
(5) lawful sport fishing methods provided in this rule.
(c) ~~It is unlawful to~~ **An individual must not** transport beyond the limits of this state more than one hundred (100) minnows in a twenty-four (24) hour period. This subsection does not apply to a person**:**
(1) engaged in commercially raising minnows in private waters for sale**,**
(2) with a scientific purposes license pursuant to 312 IAC 9-10-6, or
(3) with a bait dealer's license pursuant to IC 14-22-16.
(d) ~~It is unlawful to~~ **An individual must not** take crayfish unless ~~a person~~ **an individual** is issued a**:**
(1) sport fishing license ~~under 312 IAC 9-7~~ **pursuant to IC 14-22-12-1, or**
(2) scientific purposes license pursuant to 312 IAC 9-10-6.
(e) An individual may use the aid of illumination from a spotlight, search light, or other artificial light to take crayfish.
(f) ~~It is unlawful to~~ **An individual must not** take ~~crawfish~~ **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 mesh size larger than one-fourth (¼) inch bar mesh;
(4) a cast net not to exceed nine (9) feet in diameter nor have a mesh size larger than three-eighths (d) inch bar mesh; ~~or~~
(5) lawful sport fishing methods provided in 312 IAC 9-7-17(b)**, or**
(6) methods authorized under a scientific purposes license pursuant to 312 IAC 9-10-6.
(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)

SECTION 31. 312 IAC 9-7-16 AS PUBLISHED AT 20090415-IR-312080886PRA 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~~ **An individual** 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 ~~**person**~~ **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) ~~**A person**~~ **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 (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.
(d) ~~A person~~ **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) ~~A person~~ **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 (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 32. 312 IAC 9-7-18 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-18 Yellow perch
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 18. (a) ~~The daily bag limit is~~ **An individual may take or possess no more than** fifteen (15) yellow perch on Lake Michigan.
(b) ~~A person~~ **An individual** must not **take or** possess more than fifteen (15) yellow perch while fishing on Lake Michigan. *(Natural Resources Commission; 312 IAC 9-7-18; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1541; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 33. 312 IAC 9-7-20 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-20 Shovelnose sturgeon
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 20. ~~A person must not possess~~ **An individual must not take or possess** a shovelnose sturgeon unless the shovelnose sturgeon is at least twenty-five (25) inches in fork length. *(Natural Resources Commission; 312 IAC 9-7-20; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 34. 312 IAC 9-8-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-8-1 Applicability
Authority: IC 14-22-2-6; IC 14-22-13
Affected: IC 14-22

Sec. 1. This rule applies to ~~a person~~ **an individual** who is issued a commercial fishing license by the department. *(Natural Resources Commission; 312 IAC 9-8-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 35. 312 IAC 9-8-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-8-2 Commercial fishing except on the Ohio River; general provisions
Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-13
Affected: IC 14-22-14-23

Sec. 2. (a) This section applies to **an individual with a valid** commercial fishing ~~on~~ **license for**:
(1) waters of this state;
(2) boundary waters; or
(3) waters containing state-owned fish;

other than the Ohio River.
(b) ~~No person~~ **An individual** may take or sell fish ~~except under~~ **with a commercial fishing license issued under** this ~~section~~ **rule** and 312 IAC 9-~~10~~ **6-11**. ~~A person~~ **An individual issued a license under this section** 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) ~~A person~~ **An individual** subject to this ~~section~~ **rule** must not possess trout or salmon.
(d) ~~A person~~ **An individual** must not possess or sell any of the following taken from the waters described in subsection (a):
(1) Chubs.
(2) Northern pike.
(3) Chain pickerel.
(4) Muskellunge.
(5) Tiger muskellunge.
(6) White bass.
(7) Yellow bass.
(8) Striped bass.
(9) Hybrid striped bass.
(10) Walleye.
(11) Sauger.
(12) Saugeye.
(13) Smallmouth bass.
(14) Largemouth bass.
(15) Spotted bass.
(16) Bluegill.
(17) Redear sunfish.
(18) Rock bass.
(19) Crappie.
(20) American eel.
(21) Paddlefish.
(22) Lake sturgeon.
(23) Lake herring.
(24) Blue catfish less than ten (10) inches long.
(25) Channel catfish less than ten (10) inches long.
(26) Flathead catfish less than ten (10) inches long.
(27) Lake whitefish less than eighteen (18) inches long.
(28) Yellow perch.
(29) Shovelnose sturgeon taken on June 1 through September 30. Shovelnose sturgeon taken from October 1 through May 31 must be at least twenty-five (25) inches in fork length. ~~A person~~ **An individual** who possesses or sells a fish described in this subsection must comply with 312 IAC 9-~~10-2~~ **6-11.**
(e) This subsection governs the reporting of fish catches as follows:
(1) ~~A~~ **An individual with a commercial fishing** license ~~holder~~, other than a **commercial fishing** license holder ~~on~~ **for** Lake Michigan, shall keep accurate daily records on a departmental form of the following:
(A) The pounds and species of fish caught.
(B) The number of pieces of each type of gear fished by date.
(C) The county fished.
~~The~~ **An individual with a commercial fishing** license ~~holder~~ shall submit the completed form to the division by the fifteenth day of each month for the preceding month whether the license holder fished or not. ~~The~~ **An individual with a commercial fishing** license ~~holder~~ shall allow on-board and dockside inspections of the gear and catch at any time by the director or the director's representative.

(2) ~~A~~ **An individual with a commercial fishing** license ~~holder on~~ **for** Lake Michigan must comply with the reporting requirements of IC 14-22-14-23 and section 3(g) of this rule.
(Natural Resources Commission; 312 IAC 9-8-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; filed May 28, 1998, 5:14 p.m.: 21 IR 3724; 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)

SECTION 36. 312 IAC 9-8-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-8-3 Commercial fishing on Lake Michigan
Authority: IC 14-22-2-6; IC 14-22-14
Affected: IC 29-1-2

Sec. 3. (a) This section applies to **a person with a** commercial fishing ~~on~~ **for** Lake Michigan and is supplemental to section 2 of this rule.
(b) Restrictions on the use of commercial fishing gear are as follows:
(1) A person must not set commercial fishing gear at any of the following locations:
(A) In water less than twenty-five (25) feet deep.
(B) Less than one-half (½) mile from a pier, a harbor, a public beach, a boat launching ramp, or the Michigan City Reef located approximately three thousand (3,000) feet offshore and eleven thousand (11,000) feet northeasterly from the harbor lighthouse at Michigan City, LaPorte County (N41° 44.79 and W86° 52.61).
(C) Less than one (1) mile from the mouth of Black Ditch, Burns Ditch, or the detached breakwater near the mouth of Trail Creek.
(2) A person must not set, lift, retrieve, tend, or remove commercial fishing gear from the water between one-half (½) hour after legal sunset to one-half (½) hour before legal sunrise.
(c) Restrictions on the use of impoundment nets are as follows:
(1) The vertical height of impoundment net leads, wings, hearts, and pots shall not exceed five (5) feet.
(2) The total length of each lead or wing shall not exceed five hundred (500) feet. The total length of each impoundment net (heart and pot combined) shall not exceed forty (40) feet.
(3) The width of impoundment nets (heart and pot) shall not exceed ten (10) feet.
(4) The stretch mesh size of impoundment net leads, wings, and hearts shall be no smaller than two and one-half (2½) inches and no larger than three and one-half (3½) inches, including treated or tarred gear. The stretch mesh size of impoundment net pots shall not be smaller than two and one-fourth (2¼) inches, including treated or tarred gear.
(5) Impoundment net leads, wings, and hearts shall be constructed with size 12 twine (forty-eight thousandths (0.048) inch diameter) or larger. Impoundment net pots shall be constructed with size 15 twine (fifty-four thousandths (0.054) inch diameter) or larger from the heart to the last tunnel. The pots shall be constructed with size 18 twine (sixty-thousandths (0.060) inch diameter) or larger from the last tunnel to the end of the pot.
(6) The maximum number of meshes for each drop or hoop net pot is calculated as follows:
(A) Determine the diameter of a hoop, in inches, by measuring the distance across the widest point of the hoop.
(B) Multiply the diameter determined under clause (A) by three and fourteen-hundredths (3.14) to determined the circumference of the hoop.
(C) Divide the hoop circumference calculated under clause (B) by one and forty-five hundredths (1.45) to determine the number of meshes required to go around the hoop. Round the dividend to the nearest whole number.
(D) Add three (3) to the number calculated under clause (C). The resulting sum is the maximum number of meshes for each pot.
(7) Drop or hoop net pots must also comply as follows:
(A) All hoops on a net shall have the same diameter.
(B) Hoops shall not be spaced more than seventeen (17) meshes apart.

(8) The maximum number of meshes for each box-style trap net is calculated as follows:
(A) Determine the width of the back wall, in inches.
(B) Divide the width determined under clause (A) by one and forty-five hundredths (1.45).
(C) Add three (3) to the number calculated under clause (B). The resulting sum is the maximum allowable meshes for the width of the back wall.
(D) Determine the height of the pot, in inches.
(E) Divide the height determined under clause (D) by one and forty-five hundredths (1.45).
(F) Add three (3) to the number calculated under clause (E). The resulting sum is the maximum allowable meshes for the pot height.
(9) Impoundment gear shall be marked at the end of the pot and at the end of each lead and wing with a buoy and flag. These buoys shall have a staff extending not less than five (5) feet above the surface of the water. An orange flag not less than twelve (12) inches square shall be affixed to the upper end of each staff. The base of each marker buoy shall legibly bear the license number in letters not less than two (2) inches high. Additional surface markers may be used by the license holder.
(10) ~~The~~ **A person with a commercial fishing** license ~~holder~~ **issued under this section** shall remove all fish from each impoundment net at least once every seventy-two (72) hours, weather permitting.
(11) The maximum number of impoundment nets (pots) that may be fished at the same time by a **person with a commercial fishing** license ~~holder~~ issued **under this section** is as follows:
(A) Twenty-four (24) for the holder of a Class 1 license.
(B) Forty-eight (48) for the holder of a Class 2 license.
(C) Seventy-two (72) for the holder of a Class 3 license.
(d) Restrictions on watercraft, ports, and operations are as follows:
(1) A person must not use a watercraft for commercial fishing unless the watercraft is properly registered and titled under 140 IAC 9. An application for a commercial fishing license must include a description of each watercraft to be used for fishing. This description must include the name, boat type, size, hull material, and registration number.
(2) ~~The~~ **A person with a commercial fishing** license ~~holder~~ **issued under this section** must unload the daily catch at the Indiana port identified on the license application.
(3) A **person with a commercial fishing** license ~~holder~~ **issued under this section** may change the port or watercraft specified in this subsection only upon written notification, including documentation sufficient to identify the substituted port or watercraft, delivered to the department within ten (10) days of the change.
(4) A person must not take fish from a watercraft which is issued a certificate of inspection under 310 IAC 2.1-13 to carry passengers for hire.
(5) A person must not possess a fishing rod, pole, reel, or hand line while on-board a watercraft:
(A) from which commercial fishing gear is set, retrieved, or transported;
(B) which is en route to set or retrieve commercial fishing gear; or
(C) which is transporting fish captured with commercial fishing gear.
(6) A current commercial fishing license, or a duplicate copy of a current commercial fishing license validated by the department, must be carried on-board each boat engaged in fishing under this section.
(e) Requirements for the use of a designated captain are as follows:
(1) The holder of a commercial fishing license must designate an individual as captain of a boat operated by the license holder. A designated captain must be on-board each commercial fishing boat of the license holder while the boat is being used for an activity related to commercial fishing. Each applicant to be a designated captain must demonstrate, to the satisfaction of the department, each of the following on a departmental form:
(A) The applicant is an Indiana resident.
(B) The applicant has had on-board commercial fishing experience with impoundment gear on the Great Lakes for at least eight (8) months during the past two (2) years.
(C) The applicant has had no felony conviction related to commercial fishing activities during the past three (3) years from a state or Canadian province located along the Great Lakes.
(D) Except as provided in subdivision (3), the applicant is neither a designated captain nor an employee for the holder of another commercial fishing license.

(2) The department shall approve the selection of a designated captain upon satisfaction of the requirements of subdivision (1). A license holder may, at any time, request a designated captain be changed, added, or deleted. A new approval is required if:
(A) a license is renewed or transferred; or
(B) a designated captain is changed or added.
(3) A license holder may use another license holder's designated captain during an emergency to retrieve commercial fishing gear from the water. As used in this subdivision, "emergency" means:
(A) the incapacitation or death of the license holder's designated captain; or
(B) a mechanical failure of the license holder's boat or essential gear retrieval equipment.
A written notification to justify the emergency designation must be provided to the department within ten (10) days of the emergency.
(f) The renewal, transfer, merger, or exchange of a commercial fishing license is regulated as follows:
(1) No person is eligible to receive or hold a commercial fishing license except as provided under IC 14-22-14.
(2) A person who holds a commercial fishing license may renew the license if the person is otherwise eligible to hold a commercial fishing license under IC 14-22 and this rule. License renewal will not be granted unless the person completes an application on a departmental form and the completed form and payment for the renewal fee are received by the department by February 1 of the year for which the license is sought. Licenses which are not renewed are permanently removed from the licensing system.
(3) No license may be transferred except upon prior consent of the director. Transfer shall be granted after delivery of a departmental form (with payment of the processing fee) establishing to the satisfaction of the director that the person to whom the transfer is to be made otherwise qualifies to hold a license under IC 14-22 and this article. If the person to whom the transfer is to be made holds an interest in another commercial fishing license at the time of the transfer, the second license is valid; the person is considered to have surrendered the first license. The first license is permanently removed from the licensing system and must, upon issuance of the new license, be immediately returned to the department.
(4) No license may be merged or converted except upon prior consent of the director. A license merger under IC 14-22-14-13 or a license conversion under IC 14-22-14-14 shall be granted after delivery of a completed departmental form and payment of the processing fee. Upon the issuance of a new license, any former license shall be immediately returned to the department.
(5) With the prior consent of the director and as provided under IC 14-22-14-16, a Class 2 license may be exchanged for a Class 1 license, or a Class 3 license may be exchanged for a Class 2 or a Class 1 license. A license exchange shall be granted after delivery of a completed departmental form and payment of the exchange processing fee. Upon issuance of the new license, the former license shall be immediately returned to the department.
(6) Upon the death or legal determination of incompetence of an individual license holder, a court may designate a family member (who would qualify for intestate succession from the decedent or incompetent under the principles set forth in IC 29-1-2) as the applicant for the same class license as held by the decedent or incompetent. Notwithstanding subdivision (2), the director shall issue a new license to the designated applicant, if the applicant qualifies to hold a license under IC 14-22 and this article. If an individual designated under this subdivision does not submit a completed application on a department form by February 1 of the year immediately following the year in which the original license is valid, or within ninety (90) days after the death or incapacity of the individual to whom the license is issued, whichever is later, the license is permanently removed from the licensing system.
(g) A **person with a commercial fishing** license ~~holder~~ **issued under this section** shall keep legible and accurate daily fishing records on a departmental form of the following:
(1) The pounds and species of fish caught.
(2) The dates, locations, and depths fished.
(3) The type, quantity, and dimensions of gear used.
(h) The form required under subsection (g) must be completed no later than noon on the day following the day on which the fish were taken. Each form must be submitted to the director or the director's representative before the sixteenth day of the month following the month in which the fish were taken.

(i) A person who transfers or merges a license is responsible for submitting daily catch record for fish taken before the effective date of the transfer or merger. A person who receives a license is responsible for submitting daily catch records for fish taken beginning with the date of the transfer or merger.
(j) The director or the director's representative may, at any reasonable time, inspect the daily fishing records required under subsections (g) through (h) or IC 14-22-14-23. A **person issued a** license ~~holder~~ **under this section** shall allow the director or the director's representative to obtain catch data on-board or dockside at any reasonable time. A **person issued a** license ~~holder~~ **under this section** shall also allow on-board and dockside inspections of the gear and catch at any time by the director or the director's representative.
(k) A **person issued a** license ~~holder~~ **under this section** is exempt from daily fishing records required under subsections (g) through (h) during the time that a license is held in reserve status. *(Natural Resources Commission; 312 IAC 9-8-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2722; filed May 28, 1998, 5:14 p.m.: 21 IR 3724; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.:20081210-IR-312080672RFA)*

SECTION 37. 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) ~~The season for taking~~ **An individual may take** crayfish ~~is unlimited~~ **at any time of year**.
(b) ~~It is unlawful to~~ **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; or
(6) lawful sport fishing methods provided in 312 IAC 9-7.
(c) ~~It is unlawful to~~ **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) ~~It is unlawful to~~ **An individual must not** take crayfish unless ~~a person~~ **the individual** is issued a**:**
(1) sport fishing license under 312 IAC 9-7**, or**
(2) scientific purposes license pursuant to 312 IAC 9-10-6.
(e) An individual may use the aid of illumination from a spotlight, search light, or other artificial light to take crayfish.
(f) ~~It is unlawful to~~ **An individual must not** take ~~crawfish~~ **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 mesh size larger than one-fourth (¼) inch bar mesh;
(4) a cast net not to exceed nine (9) feet in diameter nor have a mesh size larger than three-eighths (d) inch bar mesh; ~~or~~
(5) lawful sport fishing methods provided in 312 IAC 9-7-17(b)**, or**
(6) methods authorized under a scientific purposes license pursuant to 312 IAC 9-10-6.
(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)

SECTION 38. 312 IAC 9-9-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-9-3 Mussels
Authority: IC 14-22-2-6; IC 14-22-17
Affected: IC 14-22-17-3

Sec. 3. (a) This section applies to ~~a person~~ **an individual** who takes, ships, sells, buys, or exports mussels or mussel shells.
(b) Except as otherwise provided under this section, i~~t is unlawful to~~ **an individual must not** take mussels and mussel shells from the waters of this state.
(c) ~~It is unlawful to~~ **An individual must not** possess mussels or mussel shells except ~~as provided in this section~~ **with a**:
(1) scientific purposes license pursuant to 312 IAC 9-10-6, or
(2) special purpose possession permit for mussel shells obtained from the department for educational purposes only pursuant to IC 14-22-2-4.
(d) ~~It is unlawful to~~ **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) ~~A person~~ **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) ~~A person~~ **An individual** may possess a live mussel listed in subsection (d) if the mussel is held under a ~~permit~~ **scientific purposes license** issued under 312 IAC 9-10-6.
(g) No license under IC 14-22-17-3(1) or IC 14-22-17-3(3) shall be issued to take, **possess,** ship, sell, buy, or 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)

SECTION 39. 312 IAC 9-10-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-3 Aquatic vegetation control permits

Authority: IC 14-22-2-6; IC 14-22-9-10
Affected: IC 14-22-9-10

Sec. 3. (a) Except as provided under IC 14-22-9-10(a), a person must obtain a permit under this section before seeking to control aquatic vegetation through chemical, mechanical, physical, or biological means in waters of the state.

(b) As provided under IC 14-22-9-10(a), this section does not apply to a landowner or tenant of real property adjacent to public waters or boundary waters of the state when controlling aquatic vegetation in the immediate vicinity of a boat landing or bathing beach located on or adjacent to the real property of the landowner or tenant if the following conditions exist:

(1) Aquatic vegetation is controlled in one contiguous area that is:

(a) six hundred twenty-five (625) square feet or smaller

(b) along the legally established, average or normal shoreline for twenty-five (25) feet or less;

(c) the water depth is six (6) feet or less; and

(2) Aquatic vegetation control efforts are repeated only within the same area in the same calendar year.

(3) If the vegetation-free area already exists within the immediate vicinity of a boat landing or bathing beach on the real property of the landowner or tenant, any aquatic vegetation control efforts require a permit.

~~(b)~~ **(c)** Before obtaining a permit under this section, a person must complete an application on a departmental form that includes the following information:

(1) The common name of the target plants and relative abundance of other dominant plants in each area to be controlled.

(2) The acreage to be controlled, with affected areas illustrated on a legible map.

(3) The maximum depth of the water, the maximum perpendicular distance from shoreline, and the linear distance along the shoreline where plants are to be treated.

(4) The name and amount of the chemical to be used in each treatment, if a chemical control is used.

(5) The duration and timing of control efforts, if controls will be repeated under a single permit.

(6) The location of any water supply intake that may be adversely affected by the aquatic vegetation control activities.

(7) The species, stocking rate, and release location, if a biological control is used.

(8) The type of equipment and location of disposal area, if a mechanical control is used.

(9) The name and contact information for the person who will conduct the control effort.

(10) Any other information reasonably required by the department to effectively review the application.

~~(c)~~ **(d)** An applicant for a permit under this section must demonstrate each of the following to the satisfaction of the department:

(1) The proposed treatment is likely to provide effective relief.

(2) The proposed treatment will not result in any of the following:

(A) A hazard to humans, animals, or other nontarget organisms.

(B) A significant adverse impact to the treated waterway.

(C) A significant adverse impact to endangered or threatened species.

(D) A significant adverse impact to beneficial organisms within the treatment area or in adjacent areas, either directly or through habitat destruction.

(E) An unreasonable restriction on an existing use of the waterway.

(3) The proposed treatment will not occur within one hundred fifty (150) feet perpendicular to the shoreline of a public freshwater lake, along an area classified as a significant wetland under 312 IAC 11-2-24, except where the applicant demonstrates the treatment can be conducted without reducing the ecological value of the area.

(4) The following apply if a chemical is to be used for aquatic vegetation control:

(A) The chemical is labeled and registered for this purpose by the United States Environmental Protection Agency.

(B) Prior written approval is received from the department of environmental management if the waterway to be treated is a public drinking water supply.

~~(5) Any other information reasonably required by the department to effectively review the application.~~

~~(d)~~ **(e)** A permit issued under this section is limited to the terms of the application and to conditions imposed on the permit by the department.

~~(e)~~ **(f)** Except as otherwise provided in this subsection, five (5) days before the application of a substance permitted under this section, the permit holder must post clearly visible signs at the treatment area indicating the substance that will be applied and what precautions should be taken. For a treatment to be performed on a reservoir for drinking water supply that is owned by a municipality, the posting required under this subsection may be provided no later than thirty-six (36) hours before the permitted activity.

~~(f)~~ **(g)** A permit holder must submit a report on a departmental form not later than the seven (7) days following the control effort, providing the date, location, acreage, and method used in each area where controls were implemented. *(Natural Resources Commission; 312 IAC 9-10-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Nov 14, 2003, 5:30 p.m.: 27 IR 1165, eff Jan 1, 2004)*

SECTION 40. 312 IAC 9-10-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-5 Taxidermist licenses
Authority: IC 14-22-2-6; IC 14-22-21
Affected: IC 4-21.5; IC 14-22

Sec. 5. (a) A license is required under this section for ~~an individual~~ **a person** who performs taxidermy services on a wild animal for another person.

(b) ~~An application~~ **A person shall apply** for a taxidermist license ~~shall be completed~~ on a departmental form.

(c) A **person issued a** license ~~holder~~ **under this section** must maintain accurate records, on a calendar year basis, showing the names and addresses of persons from or to whom wild animals were received or delivered. The records shall:

(1) include the:

(A) species and numbers of wild animals; and

(B) dates of receipt and delivery; and

(2) be retained at the premises of the **person issued the** license ~~holder~~ for at least two (2) years after the end of the license year.

A copy of the records must be provided to a conservation officer upon request.

(d) **A person issued a license under this section shall not accept delivery of a** ~~The~~ carcass or any part or portion of a wild animal ~~that is delivered to a taxidermist must be~~ **unless the carcass, part or portion of a wild animal is** tagged with the following information:

(1) The name and address of the person making delivery ~~to the taxidermist~~.

(2) The species of animal.

(3) The:

(A) date and manner; and

(B) location, including the county and state or country (if taken outside the United States), where; the animal was obtained.

(e) A ~~taxidermist~~ **person issued a license under this section** shall not remove ~~from the carcass, except during active taxidermy operations,~~ the tag described in subsection (d) **from the carcass, part or portion of a wild animal except during active taxidermy operations.**

(f) A ~~taxidermist~~ p**erson issued a license under this section** may sell a lawfully acquired and mounted specimen of wild animal, where the:

(1) tag is affixed; and

(2) sale is immediately recorded in a log book.
(g) A ~~taxidermist~~ **person issued a license under this section** shall not possess a wild animal taken outside the season except under a permit obtained from the department under this subsection. A permit for a special taxidermy mount of a protected species may be granted under this subsection only to an agency or institution that engages in wildlife education or research as a primary function.
(h) Any:
(1) record, tag, log book, or other documentation required under this section; and
(2) storage or work area;
of a ~~taxidermist~~ **person issued a license under this section** shall be made available upon request for inspection by a conservation officer.
(i) A federal taxidermy permit is required to perform taxidermy work on any migratory bird except a mute swan.
(j) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:
(1) A provision of a license issued under this section.
(2) IC 14-22-21.
(Natural Resources Commission; 312 IAC 9-10-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 41. 312 IAC 9-10-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-6 Scientific purposes licenses
Authority: IC 14-22-2-6; IC 14-22-22
Affected: IC 4-21.5; IC 14-22-22-2; IC 20-19-2-8; IC 20-19-2-10; IC 20-20-2-2

Sec. 6. (a) ~~An application~~ **An individual shall apply** for a scientific purposes license ~~shall be made~~ on a departmental form and include the following information:
(1) The purpose for ~~collection~~ **taking wild animals**.
(2) The species **of wild animal** and **the** number of the species to be ~~collected~~ **taken**.
(3) The location ~~and any~~ **from which wild animals may be taken.**
(4) **The** method of ~~collection~~ **taking wild animals**.
(5) The ~~intended~~ ~~administration~~ ~~of~~ **intent to administer** any:
(A) drug;
(B) vaccine;
(C) steroid;
(D) microorganism; or
(E) other chemical;
to the wild animal ~~to be collected~~ **taken**.
~~(5)~~ **(6)** The intended treatment of the wild animal ~~collected~~ **taken**, including the use bacterial or other markers and any proposed genetic modification.
~~(6)~~ **(7)** The disposition of ~~any~~ **the** wild animal **taken** or nest or egg of a wild bird ~~to be collected~~ **taken**.
(8) For a new applicant, include the signatures of two (2) scientists that have a degree in the biological sciences attesting to the character, academic and scientific accomplishments, and fitness of the applicant. An applicant currently pursuing a bachelor's degree must obtain the signature of a faculty biologist for that taxonomic group.
(b) A license issued under this section is subject to the specifications set forth in the application and to terms, conditions, and restrictions on the license. The director may condition the license according to any of the following ~~terms~~:
(1) The ~~kind~~ **species of wild animal** and number of ~~specimens~~ **the species** that may be taken.
(2) The ~~type of~~ **location and** method~~s used~~ **of taking wild animals**.
(3) The time and seasons for ~~take~~ **taking wild animals**.
(4) The ~~areas where take~~ **location from which wild animals** may ~~occur~~ **be taken**.

(5) The use and disposition of the wild animal or nest or egg of a wild bird held, treated, or taken under this rule.
(6) ~~Contingent upon the~~ **The** applicant receiving and possessing a valid license from the United States Fish and Wildlife Service under 50 CFR 17.22, 50 CFR 17.32, 50 CFR 21.22, 50 CFR 21.23, and 50 CFR 21.27 for any of the following:
(A) A migratory bird.
(B) The nest or egg of a migratory bird.
(C) A federally endangered or threatened species of wild animal.
(c) The license holder **under this section** must carry the license and any amendments to the license when conducting any activity authorized by the license.
(d) The director may amend the conditions of a license **issued under this section** at any time upon written notification to the license holder. A notice under this subsection is subject to IC 4-21.5.
(e) The director may issue a license **under this section** only to a properly accredited ~~person~~ **individual** who will ~~collect~~ **take** the wild animal or nest or egg of a wild bird for a scientific purpose, including scientific education. ~~The applicant must meet~~ **A properly accredited individual is one who meets** at least one (1) of the following requirements:
(1) Hold**s** a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.
(2) Be currently pursuing a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.
(3) Hold a federal permit for the purpose indicated in the application.
(4) Be requested by an accredited educational or scientific institution to perform this activity for the institution. The institution must present a valid and compelling need for the applicant to perform the activity covered by this license for the institution.
(5) Be sponsored by the department to perform the activity for the protection and regulation of wild animal populations. ~~The original application form submitted for the taxonomic group indicated on the application must be signed by two (2) scientists that have a degree in the biological sciences attesting to the character, academic and scientific accomplishments, and fitness of the applicant. An applicant currently pursuing a bachelor's degree must obtain the signature of a faculty biologist for that taxonomic group.~~
(f) ~~An applicant must be affiliated with one (1) of the following institutions~~ **As used in this section, an accredited scientific or educational institution is**:
(1) A:
(A) public school accredited under IC 20-19-2-8;
(B) nonpublic school recognized under IC 20-19-2-10 and accredited under IC 20-19-2-8; or
(C) college or university.
(2) A federal, state, city, county, or similar government agency associated with a biological or scientific area of study or research.
(3) A nonprofit educational organization with an exemption from federal income tax under 26 U.S.C. 501(c)(3). The educational organization must be associated with a biological or scientific area of study or research. The applicant must provide written documentation to the department certifying that tax exemption status has been achieved under 26 U.S.C. 501(c)(3).
(4) A scientific research organization, accredited museum, or institution of higher learning, consulting firms, individuals working in cooperation with a college, university, or government agency, or private company under a contract for scientific or educational purposes.
(g) ~~The applicant~~ **An individual possessing a license under this section** must ensure compliance with monitoring, tagging, and reporting requirements for all extra-label drug use as required in 21 CFR 530, et seq. (1998). Documentation in the form of written approval from a licensed veterinarian or approval from a university animal care and use committee to use the drug or chemical for the purposes intended must be submitted ~~with the application form~~ **to the department**.
(h) ~~The sale~~ **An individual possessing a license under this section must not sell** or transport for sale and offer to sell ~~or transport to sell an~~ **a wild** animal or a part of ~~an~~ **a wild** animal ~~held~~ **possessed** under

the authority of ~~this~~ **the** license **issued under this section** ~~is prohibited~~. As used in this subsection, "sale" includes barter, purchase, or trade or the offer to sell, barter, purchase, or trade.
(i) A license issued under this section is not transferable. ~~A person~~ **An individual** may assist the license holder if the license holder is present and oversees the activities of the ~~person~~ **individual**.
(j) The license holder must obtain permission from the landowner or public land property manager to conduct an activity authorized by a license issued under this section. For an activity to be conducted on lands owned or operated by a federal, state, or local agency, the license holder must also comply with the conditions imposed by the property manager or the designee of the property manager.
(k) A license **issued under this section** expires on December 31 of the year the license is issued. A report of the collection must be supplied within sixty (60) days after the expiration of the license and contain the following information:
(1) Any species **of wild animal** ~~collected~~ **taken**.
(2) The date on which a wild animal or nest or egg of a wild bird was ~~collected~~ **taken**.
(3) A description of the location of the ~~collection~~ site **of capture**.
(4) The number of each species ~~collected~~ **taken**.
(5) The treatments and markings, if any, of any wild animal ~~collected~~ **taken**.
(6) The disposition of any wild animal or nest or egg of a wild bird ~~collected~~ **taken**.
The department shall not renew a license unless a properly completed report is received in a timely fashion.
(l) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder:
(1) fails to comply with:
(A) a provision of a license issued under this section; or
(B) IC 14-22-22-2;
(2) provides false information on the license application and report;
(3) fails to establish that the ~~collection~~ **taking** or release of a wild animal would not threaten the welfare of the wild animal population or the people; or
(4) collects or releases a specimen that is likely to threaten the welfare of the:
(A) wild animal population; or
(B) people.
(Natural Resources Commission; 312 IAC 9-10-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2729; filed Nov 15, 2002, 3:42 p.m.: 26 IR 1069; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA;readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 42. 312 IAC 9-10-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-7 Field trial permits
Authority: IC 14-22-2-6; IC 14-22-24
Affected: IC 14-22

Sec. 7. (a) A **person may be issued a** field trial permit ~~may be issued~~ only for a trial listed with the division by a sanctioning national or regional hunting dog association. The list must include the following:
(1) The name of the sponsoring club, group, or individual.
(2) The name and address of the responsible official.
(3) The type and location of the trial.
(4) The location of the trial headquarters.
(5) The dates of the trial.
The list must be received by the division by February 1 for a trial to be conducted the following March through August and by August 1 for a trial to be conducted the following September through February, except a field trial to be held solely on property owned, leased, or managed by the division.
(b) ~~An application~~ **A person must apply** for a field trial permit ~~must be:~~
~~(1)~~ **on a** completed ~~on a~~ departmental form~~; and~~

~~(2)~~ received by the division at least twenty-one (21) days before the proposed field trial.
(c) The field trial permit and a complete roster of participants in the field trial must be:
(1) kept at the trial headquarters during the event; and
(2) presented to a conservation officer upon request.
(d) During a field trial, each participant shall carry a card approved by the responsible official that specifies the following:
(1) The number of the field trial permit.
(2) The name and address of the participant.
The card must be presented to a conservation officer upon request. *(Natural Resources Commission; 312 IAC 9-10-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA; errata filed Aug 9, 2006, 12:00 p.m.: 20060906-IR-312060009ACA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 43. 312 IAC 9-10-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-8 Fish stocking permits
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 8. (a) ~~It is unlawful to~~ **A person must not** stock fish unless a permit is obtained from the division under this section.
(b) An application for a fish stocking permit shall include the following information:
(1) Species and number of fish to be stocked.
(2) Location of waters to be stocked.
(3) Reasons for stocking.
(4) Date of proposed stocking.
(5) The source of the fish to be stocked.
(Natural Resources Commission; 312 IAC 9-10-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 44. 312 IAC 9-10-9.5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-9.5 Special purpose educational permit
Authority: IC 14-22-2-6; IC 14-22-11-12
Affected: IC 4-21.5; IC 14-22
Sec. 9.5. (a) This section governs a special purpose educational permit. The permit is required for a person who conducts an educational display or lecture using a live wild animal that is a mammal, bird, reptile, or amphibian protected under this article. Exempted from this section are reptiles and amphibians**,** lawfully collected and possessed under 312 IAC 9-5-6. The permit is available only to a person who is at least one (1) of the following:
(1) A licensed rehabilitator.
(2) A licensed falconer.
(3) A wild animal possession permit holder.
(4) A special purpose turtle possession permit holder.
(5) An educational institution.
(6) A nonprofit organization.
(7) An ~~individual~~ **person** who is employed or sponsored by an educational institution or a nonprofit organization.
(8) A person with a special purpose possession permit from the United States Fish and Wildlife Service for a non-releasable migratory bird.

(b) ~~Exempted from this~~ **This** section ~~is~~ **does not apply to** any zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(c) An application must be made on a departmental form **providing the following:** ~~. An applicant must show~~ **(1) Documentation, in the form of a copy of a valid license, permit, receipt, or rehabilitation report showing** that ~~a~~ **the** wild animal was lawfully acquired**;** ~~with proper documentation .~~
(2) If the animal was obtained under a rehabilitation permit, **that** the animal ~~must be~~ **is** permanently injured and nonreleasable. ~~Documentation must be in the form of a copy of a valid license, permit, receipt, or rehabilitation report showing the lawful acquisition of the wild animal.~~
(3) An outline of the educational program that includes an explanation of the legal acquisition of the wild animal. A permit shall not be issued unless the proposed education program meets the following criteria:

(i) Promotes the survival and role of wild animals in their natural habitat;
(ii) Promotes an understanding of the ecological needs of wild populations of the species; and,
(iii) Does not promote or encourage opposition to the scientific management of wildlife, including the regulated taking of wild animals in a manner consistent with state or federal law.

(d) ~~An animal possessed under this permit must be handled, housed, and transported in a sanitary and humane manner.~~ A person ~~must not~~ possess**ing** a wild animal **under this section shall handle, house, and transport the wild animal** in a ~~condition~~ **manner** that is ~~any of the following~~:
(1) ~~Unsafe~~ **Safe;**
(2) ~~Unsanitary~~ **Sanitary;**
(3) ~~Constitutes maltreatment or neglect of the animal~~ **Humane; and,**
(4) ~~Allows~~ **Prevents** the escape of the animal.
~~(e) An application must include an outline of the educational program that includes an explanation of the legal acquisition of the wild animal. A permit shall not be issued unless the proposed educational program meets the following criteria:~~
~~(1) Promotes the survival and role of wild animals in their natural habitat.~~
~~(2) Promotes an understanding of the ecological needs of wild populations of the species.~~
~~(3) Does not promote or encourage opposition to the scientific management of wildlife, including the regulated taking of wild animals in a manner consistent with state or federal law.~~
~~(f)~~ **(e)** ~~If~~ **A person possessing** a wild animal **under this section that** ~~is~~ **was** obtained under a rehabilitation permit, ~~the animal~~ must not ~~be~~ display~~ed~~ **that wild animal** as part of or to promote a commercial venture or in a manner that might cause a member of the public to reasonably confuse the display with a commercial venture. A person **possessing a wild animal under this section** ~~must not use an animal~~ **that was** obtained under a rehabilitation permit **must not use that wild animal** for commercial or for-profit purposes ~~. A person must not use an animal obtained under a rehabilitation permit~~ **or** to draw attendance to or promote a commercial undertaking or activity, such as a convention, sports show, or similar activity.
(g) **A person possessing** ~~An~~ **a wild** animal **under this section** must not ~~be~~ place~~d~~ **the wild animal** in physical contact with the public unless the **wild** animal is a species of reptile that is neither venomous nor endangered.
(h) A **person shall not possess a** migratory bird **under this section** ~~must not be used~~ unless the U.S. Fish and Wildlife Services also issues a special purpose possession permit. If the terms of the federal permit and the permit under this section differ, the more restrictive terms govern.
(i) A ~~permit holder~~ **person possessing a wild animal under this section** must not maintain or display a wild animal in a manner that does any of the following:
(1) Poses a hazard to public safety.
(2) Poses a hazard to property of a person other than the permit holder.
(3) Harms the health of the wild animal.
(4) Violates this article or the permit ~~under which the animal is possessed~~ **issued under this section**.
(j) The permit issued under this section must be carried ~~on the permit holder~~ and displayed when conducting any authorized activities.

(k) ~~The permit holder~~ **A person possessing a valid permit under this section** must file an application **and annual report** by February 1 of each year in order to renew the permit. The annual report ~~shall accompany the renewal application. The report~~ must contain the following:
(1) Numbers and species of wild animals used.
(2) Location of each program.
(3) Date of each program.
(4) Name of the group to whom the program was given.
(l) A **person possessing a permit under this section shall maintain a** copy of the records relative to this permit ~~must be kept on the premises of the permit holder~~ for at least two (2) years after the expiration date of the permit. ~~Upon request by a conservation officer, the permit holder must provide these records.~~
(m) A ~~license~~ **permit issued under this section** may be suspended, denied, or revoked under IC 4-21.5 if the **person possessing the** permit ~~holder~~ does any of the following:
(1) Fails to comply with a provision of a permit issued under this section.
(2) Possesse~~ds~~ the wild animal in a manner that constitutes maltreatment or neglect of the animal.
(3) Violates any applicable state, local, or federal law.
(n) A conservation officer may, at any reasonable time, inspect the records and wild animals possessed by a person issued a permit under this section.
(Natural Resources Commission; 312 IAC 9-10-9.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 551; readopted filed Nov 24, 2008, 11:08a.m.: 20081210-IR-312080672RFA)

SECTION 45. 312 IAC 9-10-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-10 Hunting permit for persons with disabilities
Authority: IC 14-11-2-1; IC 14-22-2-6**; IC 14-22-12-6**
Affected: IC 14-22

Sec. 10. (a) The department may issue a permit under this section to ~~a person~~ **an individual** with a disability to take wildlife, if the disability would otherwise make the taking of wildlife by the individual difficult or impossible. ~~The permit applies from August 15 through the last day of the wild turkey hunting season established under 312 IAC 9-4-11.~~
(b) ~~A permit~~ **An individual shall make** application under this section ~~shall be made~~ as follows:
(1) The initial application shall be made on a departmental form and delivered to the division by July 1 for the current year hunting season. ~~The application form may be obtained from the division beginning on May 1 of each year~~.
(2) The initial application must be accompanied by a statement of disability completed by a physician.
(3) The division shall review each completed application. ~~The director may issue a permit under this section by August 1 of each year.~~ If an application is not recommended for approval, the applicant shall be notified by mail.
(4) Except as otherwise provided in this subdivision, no renewal application is required ~~for a person with disabilities hunting permit,~~ **unless the disability is temporary as indicated by a licensed physician**. ~~An applicant with a temporary disability may be required by the division to submit, on an annual basis, additional documentation from a physician and a renewal application~~. **A temporary permit applies from August 15 through the last day of the spring wild turkey hunting season established under 312 IAC 9-4-11.**
(c) ~~A person~~ **An individual** issued a permit under this section may hunt wild animals from a stationary motor driven conveyance subject to the following restrictions:
(1) The permit holder must abide by all other hunting laws.
(2) The permit holder must possess a valid hunting license and the permit issued under this section.
(3) The permit holder must 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.

(4) The permit holder may 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) An individual may be designated to assist ~~a person~~ **an individual** issued a permit under this section in the retrieval of wild game harvested by the permit holder.
(e) The director may waive other provisions of 312 IAC 9-3 for an individual ~~permit holder~~ **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 Sep23, 2004, 3:00 p.m.: 28 IR 552)*

SECTION 46. 312 IAC 9-10-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-12 Fur buyers' licenses
Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-19
Affected: IC 14-22-19-3

Sec. 12. (a) This section applies to a person who is issued a fur buyer's license under IC 14-22-19-3.

(b) A fur buyer's license must be obtained under this section before a person engages in the business of buying furbearing mammals or the untanned hides, skins, or furs of furbearing mammals in Indiana.

(c) A person shall make application for a permit under this section on a departmental form.

~~(b)~~ **(d)** Except as otherwise provided in this subsection, a licensed fur buyer may possess the carcasses and untanned hides:
(1) of furbearing mammals that are lawfully taken in season for not more than sixty (60) days after the last day of that season; and
(2) ~~for~~ **of** bobcats, river otters, and badgers, for not more than sixty (60) days from receipt of the carcass or untanned hide.
~~(c)~~ **(e)** A licensed fur buyer must do the following:
(1) Not possess the carcass or untanned hide or any part of a bobcat, river otter, or badger unless the carcass, untanned hide, or part was lawfully acquired outside Indiana.
(2) Document lawful acquisition **of each untanned hide or carcass** by ~~providing~~ **obtaining** from the seller a legible copy of any:
(A) tag;
(B) receipt;
(C) hunting license;
(D) trapping license;
(E) permit; or
(F) other appropriate record;
from the state or country where the animal, including any part or portion of the animal, was acquired.
~~(d)~~ **(f)** Notwithstanding subsection (b), a licensed fur buyer may, as authorized by the division director, possess a carcass or untanned hide in excess of sixty (60) days after the:
(1) close of a season; or
(2) receipt of a carcass or untanned hide of a bobcat, river otter, or badger;
upon the submission of a **signed** report **to the department** identifying the species, number, and location ~~that~~ **of** furs or carcasses are kept.
~~(e)~~ **(g)** A licensed fur buyer must issue a valid, dated receipt for any wild animal that is sold, traded, bartered, or gifted. The receipt must include the following information:
(1) The fur buyer's license number.
(2) The buyer's and the seller's names and addresses.

(3) The:
(A) number; and
(B) species;
of animals sold.
(h) A conservation officer may, at any reasonable time, inspect the records, hides and carcasses of wild animals possessed by a licensed fur buyer.
(Natural Resources Commission; 312 IAC 9-10-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210- IR-312080672RFA)

SECTION 47. 312 IAC 9-10-13.5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-13.5 Special purpose salvage permit
Authority: IC 14-11-2-1; IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22

Sec. 13.5. (a) This section governs a special purpose salvage permit. ~~The~~ **A special purpose salvage** permit ~~is available~~ **may be issued** only to a person who is at least one (1) of the following:
(1) A licensed **wild animal** rehabilitator **under 312 IAC 9-10-9**.
(2) A nature center, nonprofit organization, or educational institution.
(3) An individual employed or sponsored by an educational institution.
(b) ~~An application~~ **A person** must ~~be made~~ **apply for a permit under this section** on a departmental form and include the purpose for salvaging a wild animal. Approval may be given to use ~~an~~ **a salvaged wild** animal for food, science, education, or a similar purpose.
(c) A special purpose salvage permit may be issued to salvage a wild animal, which is a mammal, reptile, amphibian, or bird, found dead. The applicant must not have participated in the death of the animal.
(d) ~~An~~ **A salvaged wild** animal must not be ~~salvaged for~~ **used as part of or to promote a commercial venture. A salvaged wild animal may not be used for** any **purpose** other ~~reasons~~ than for the purpose stated on the permit ~~or used as part of or to promote a commercial venture~~.
(e) ~~The~~ **A person issued a** permit ~~holder~~ **under this section** must tag each **wild** animal, and the tag must remain attached to the ~~specimen~~ **wild animal** until disposed of ~~under this section~~ **in accordance with the permit**. A tag shall have the following information:
(1) Date and county in which the ~~specimen~~ **wild animal** was salvaged.
(2) Name of the person who salvaged the ~~specimen~~ **wild animal**.
(f) ~~The~~ **A person issued a** permit ~~holder~~ **under this section** must carry and display a copy of the permit while conducting activities and salvage ~~only within a county~~ approved by the permit.
(g) ~~The~~ **A person issued a** permit ~~holder~~ **under this section** must obtain permission from the ~~land~~owner **of real property** or from a public land property manager before salvaging ~~an~~ **a wild** animal ~~on public land~~.
(g) Within six (6) months after acquisition or by the end of the calendar year, whichever is earlier, the **person issued a** permit ~~holder~~ **under this section** must deposit any animal salvaged at a location approved on the permit. Any unused animal must be delivered to a conservation officer **or disposed of as otherwise authorized on the permit**.
(h) A permit is also required from the U.S. Fish and Wildlife Service to salvage a migratory bird, their parts, nests, or eggs. If the terms of the federal permit and a permit issued under this section differ, the more restrictive terms govern.
(i) ~~The~~ **A person issued a** permit ~~holder~~ **under this section** must file an application by February 1 of each year in order to renew a permit. By February 1 of the year following expiration of a permit, the permit holder must provide the division with a listing of each animal salvaged and the date and location where salvaged. A copy of the records of animals salvaged must be kept on the premises of the permit holder for at least

two (2) years after the ~~specimen~~ **wild animal** is ~~obtained~~ **salvaged**. Upon the request of a conservation officer, a copy these records must be provided.
(j) The validity of this permit is conditioned upon observance of federal, state, and local laws.
(k) A license may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with this article, IC 14-22, or a permit issued under this section. *(Natural Resources Commission; 312 IAC 9-10-13.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 553; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 48. 312 IAC 9-10-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-14 Fish hauler's and supplier's permit
Authority: IC 14-22-2-6
Affected: IC 14-22-16

Sec. 14. (a) A fish hauler's and supplier's permit must be obtained under this section before a person:
(1) imports live fish from another state or another country for sale; or
(2) ~~produces live~~ **raises** fish for sale **for any purpose, live or dead**.
(b) ~~An~~ **A person shall make** application for a permit **under this section** ~~must be completed~~ on a departmental form.
(c) A person applying for a permit under this section must establish that a fish that is raised in Indiana or imported in Indiana and will be sold:
(1) is free of any communicable disease;
(2) will not become a nuisance; and
(3) will not damage a native wild species or a domestic species of animal or plant.
~~(c)~~ **(d)** A permit **issued under this section** expires on December 31 for the year of its issuance.
~~(d)~~ **(e)** Subject to conditions imposed on the permit by the department, a permittee may import, produce, or sell live fish of the species listed under section 15(e) of this rule and the following species:
(1) Brown trout.
(2) Hybrid striped bass.
(3) Rainbow trout.
(4) Tiger muskellunge.
(5) Tilapia.
~~(e)~~ **(f) This section does not apply to** ~~A~~ **a** person ~~is exempted from this section~~ who possesses fish other than those listed in 312 IAC 9-6-7 and who ~~either~~:
(1) is engaged in ~~producing~~ **raising**, importing, or selling live fish exclusively for use in the aquarium pet trade; or
(2) holds a bait dealer's license under IC 14-22-16 and is engaged exclusively in the sale of live fish for bait. *(Natural Resources Commission; 312 IAC 9-10-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2735; errata filed Jun 2, 1997, 3:20 p.m. 20 IR 2789; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR- 312080672RFA)*

SECTION 49. 312 IAC 9-10-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-16 Dog training ground permit
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-20; IC 14-22-31

Sec. 16. (a) A person may take northern bobwhite quail (Colinus virginianus) or ring-necked pheasants (Phasianus colchicus) that have been raised in captivity for the purpose of training dogs only pursuant to a permit issued under this section.
(b) An application for a dog training ground permit must be completed on a department form and filed with the division. The application must ~~demonstrate the applicant owns or controls~~ **identify** a contiguous

tract of land ~~. The dog training ground must contain~~ **of** at least five (5) and not more than twenty (20) acres **that is owned or controlled by the applicant and is proposed for use as the dog training ground**.
(c) A permit shall not be issued under this section for land ~~This land shall not be~~ located within one (1) mile of a state-owned or state-controlled public hunting area.
(d) Only one (1) dog training ground may be licensed by the department on a contiguous tract of land.
~~(c)~~ **(e) A person issued a permit under this section shall mark the entire boundary of the land permitted as a dog training ground** ~~The boundaries of the land permitted under this section must be marked~~ with signs:
(1) at least sixteen (16) inches wide and sixteen (16) inches long;
(2) ~~with~~ **having** a white background; ~~and~~
(3) ~~with~~ **stating "dog training ground" in** one (1) inch high lettering ~~that states "dog training ground". ~~**; and,**
~~The signs must be~~ **(4)** placed not more than five hundred (500) feet apart**.** ~~and along the entire boundary of the dog training ground.~~
~~(d)~~ **(f)** A **person issued a permit under this section shall band the** northern bobwhite quail or ~~a~~ ring-necked pheasant**s** ~~must be banded~~ with a standard metal or plastic leg band before ~~being released~~ **release** on the dog training ground **and** ~~. A person training dogs on a dog training ground~~ shall have in possession a:
(1) bill of sale for the game birds released for training; or
(2) copy of the person's game breeder license.
~~(e)~~ **(g)** A **person issued a permit under this section shall maintain a** daily record of the training activities on the **dog training** ground ~~must be maintained by the permit holder. The information contained on the daily record~~ **that** ~~shall~~ include the following:
(1) The name and address of each trainer using the ground.
(2) The number and species of birds released.
(3) The number and species of birds taken.
~~(f)~~ **(h)** ~~No~~ **A person must not take bobwhite** quail or **ring-necked** pheasants ~~shall be taken~~ under this section except between sunrise and sunset.
~~(g) The birds cannot be possessed~~ **(i) A person issued a permit under this section shall not sell or possess a bobwhite quail or ring-necked pheasant** in captivity for more than five (5) days ~~or sold~~ unless **the person possesses** a **valid** game breeder license ~~is held~~ under IC 14-22-20 and section 4 of this rule.
~~(h)~~ **(j)** The **dog training** ground cannot be used for any of the following:
(1) A field trial, unless a permit is held under section 7 of this rule.
(2) A shooting preserve, unless a license is held under IC 14-22-31.
(3) The purpose of possessing or breeding game birds for release unless the person is licensed under IC 14-22-20 and section 4 of this rule.
~~(i)~~ **(k)** A permit **issued under this section** expires December 31 of the year in which the permit was issued.
~~(j)~~ **(l)** A conservation officer may enter the premises of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit. *(Natural Resources Commission; 312 IAC 9-10-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2736;readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 50. 312 IAC 9-10-17 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-17 Aquaculture permit
Authority: IC 14-22-2-6
Affected: IC 14-22-27

Sec. 17. (a) A person must not import, raise, sell, or transport fish into or within Indiana without an aquaculture permit issued under this section, except as provided in:
(1) sections 14 through 15 of this rule; or
(2) subsection (b).
(b) A permit is not required under this section by a person who possesses fish, other than those listed in 312 IAC 9-6-7, and who is engaged in either of the following:
(1) The production, importation, or sale of live fish exclusively for use in the aquarium pet trade.
(2) The importation of live fish exclusively for confinement and exhibition in a zoo or another public display.
(c) ~~An application~~ **A person shall apply** for an aquaculture permit ~~shall be prepared~~ on a department form. The director may attach any appropriate conditions to a permit.
(d) ~~The~~ **A** permit **issued under this section** expires on December 31 of the year of issuance.
~~(d)~~ **(e)** In addition to ~~the requirements of~~ **conditions imposed by the director pursuant to** subsection (c), **the following conditions apply to** an aquaculture permit to import, produce, raise, sell, or transport triploid grass carp ~~is based on the following conditions~~:
(1) No stocking of triploid grass carp may take place in public waters except as provided in IC 14-22-27.
(2) The seller must deliver and stock the fish.
(3) A copy of each bill of sale and triploidy certification must be conveyed to each buyer and must be retained by the permit holder for two (2) years.
(4) A purchaser of triploid grass carp must retain the bill of sale and the triploidy certification for at least two (2) years.
(5) A permit holder must submit a quarterly report on a departmental form not later than the fifteenth day of the month following the end of a quarter, regardless of whether fish have been stocked during the time period.
(6) Fish holding facilities, stocking reports, stocking trucks, other documents required under this subsection, and live fish may be inspected at any reasonable time by the division or a conservation officer. Not more than six (6) fish from a lot or truck load may be removed by the department for verification of the chromosome number.
(7) As used in this subsection and subsection (e), "triploid grass carp" means grass carp certified to be triploid by the U.S. Fish and Wildlife Service.
~~(e)~~ **(f)** In addition to ~~the requirements of~~ **conditions imposed by the director pursuant to** subsection (c), **a person who possesses** an aquaculture permit to import, produce, raise, sell, or transport diploid grass carp ~~is based on~~ **must comply with** the following conditions:
(1) No stocking of diploid grass carp may take place in any public or private waters except as provided in this subsection and IC 14-22-27.
(2) A live diploid grass carp may be possessed only for the purpose of producing triploid grass carp or producing diploid grass carp capable of producing triploid grass carp.
(3) A diploid grass carp may be sold only to a person who holds a valid aquaculture permit.
(4) All diploid grass carp must be held in a closed aquaculture system.
(5) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must submit an annual report to the division on a department form.
(6) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must be capable of accurately determining the number of sets of chromosomes of the fish in the possession of the permit holder under certification procedures of the U.S. Fish and Wildlife Service.
(Natural Resources Commission; 312 IAC 9-10-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; filed May 28, 1998, 5:14 p.m.: 21 IR 3730; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1541; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 554; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 51. 312 IAC 9-10-19 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-19 Fish tagging or marking permit
Authority: IC 14-22-2-6

Affected: IC 14-22-27

Sec. 19. (a) ~~It is unlawful to~~ **A person must not** place a mark or tag on a fish and release it into public waters without a permit issued by the department under this section.
(b) ~~An application~~ **A person shall apply** for a fish tagging and marking permit ~~shall be made~~ on a departmental form.
(c) ~~This form must be received by~~ **A person shall submit the application to** the department at least twenty-one (21) days before the proposed date of tagging or marking
and must include the following information:
(1) The name, address, and telephone number of the person applying for the permit.
(2) The name of the waterway and county where tagging or marking will occur.
(3) The species, size, and number of fish to be tagged or marked.
(4) The tagging or marking dates.
(5) The reason for tagging or marking fish.
(d) ~~The permit holder~~ **A person issued a permit under this section** must carry the permit while tagging or marking fish and present it to a department representative upon
request.
(e) An application for a fish tagging or marking permit is subject to specifications set forth in the application and to terms and conditions set by the department.
(f) A permit issued under this section expires no later than December 31 of the year issued.
(g) The permit **issued under this section** cannot be transferred or sold for use by another ~~individual~~ **person**.
(h) The department may withdraw use of the permit for resource protection or management purposes.
(i) A **person issued a permit under this section shall submit a** report of marking and tagging by species, number, size of fish, and location ~~must be submitted~~ to the department within fifteen (15) days after the expiration of the permit.
(j) Exempted from this section is an individual who marks or tags a fish under a scientific purposes license pursuant to 312 IAC 9-10-6. *(Natural Resources Commission; 312 IAC 9-10-19; filed May 28, 1998, 5:14 p.m.: 21 IR 3731; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 52. 312 IAC 9-10-20 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-20 Mammal, bird, reptile, amphibian, mollusk, and crustacean importation permit for release
Authority: IC 14-22-2-6; IC 14-25-1
Affected: IC 14

Sec. 20. (a) A person must obtain a wild animal import permit under this section before the person can import a mammal, bird, reptile, amphibian, mollusk, or crustacean for release or sale for release in Indiana.
(b) ~~An application~~ **A person shall submit an application** for a wild animal import permit ~~must be submitted by an applicant~~ **and the appropriate fee for each species or release site** not less than ten (10) days in advance of proposed importation ~~and must be accompanied by the appropriate fee for each species or release site~~.
(c) A permit may be granted only if the applicant establishes the animal to be imported:
(1) is free of any communicable disease;
(2) will not become a nuisance; and
(3) will not damage a native wild animal, a domesticated species of animal, or species of plant.
(d) ~~An application~~ **A person shall apply** for a permit under this section ~~must be completed~~ on a departmental form and must include the following:
(1) Information regarding the health and safe handling of the imported wild animal.
(2) The current and historic status of the species in the state.

(3) Information regarding the goal of releasing the specimen.
(4) The ability of the specimen to survive after release and achieve the release goal.
(5) The genetic appropriateness of the released specimen.
(6) Public support for a release.
(7) Anticipated post release impact and management guidelines.
(e) The department may require conditions in the permit that are lawful under IC 14 and this article.
(f) A permit issued under this rule expires one (1) year from the date of issuance.
(g) A ~~wild animal~~ **person** is exempted from the permitting requirements of this section if the **wild** animal **to be imported** is possessed under any of the following conditions:
(1) During interstate shipment through Indiana.
(2) By a zoo, carnival, menagerie, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(3) Following import into Indiana for confinement and exhibit in a zoo or other public display. *(Natural Resources Commission; 312 IAC 9-10-20; filed May 28, 1998, 5:14 p.m.: 21 IR 3731; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 53. 312 IAC 9-11-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-2 First permit to possess a wild animal
Authority: IC 14-22-26
Affected: IC 14-11-4; IC 14-22

Sec. 2. (a) This section governs the first permit under this rule to possess a particular wild animal.
(b) A person who wishes to possess a wild animal, described as Class I or Class II under section 5 of this rule, must obtain a permit under this rule before the person takes possession of the animal.
(c) A person who wishes to possess a wild animal, described as Class III, must satisfy IC 14-11-4 and obtain a permit under this rule before the person takes possession of the animal. In addition to any procedural requirements, a notice under this subsection must also describe the following:
(1) The species of the wild animal.
(2) Where the animal will be possessed.
(3) The type of enclosure that would be used.
(d) ~~A permit application must include~~ **Within forty-five (45) days after the issuance of a permit,** ~~a~~ **the permit holder must submit** written verification from a licensed veterinarian that the animal appears to be free of disease, appropriately immunized, and in good health **to the division of fish and wildlife**.
(e) An application must present a plan for the quick and safe recapture of the wild animal if the animal escapes or, if recapture is impracticable, for the destruction of the animal. After notification by the department of an intention to issue a permit, but before the permit is issued, the applicant must obtain the equipment needed to carry out the recapture and destruction plan. The nature and extent of the recapture plan and the equipment needed are dependent on the danger the escaped animal poses to persons, domestic animals, livestock, and other wildlife in the vicinity of the escape.
(f) A permit holder who possesses a Class III wild animal must notify the department immediately after the discovery of any escape of the animal.
(g) A permit application must be completed on a department form and accompanied by a fee in the amount of ten dollars ($10).
(h) A conservation officer shall inspect the cages or enclosures after the application is received.
(i) An application must show the wild animal was lawfully acquired. A receipted invoice, bill of lading, or other evidence approved by the director shall accompany the application to establish compliance with this subsection. *(Natural Resources Commission; 312 IAC 9-11-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2738; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1366; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 555; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 54. 312 IAC 9-11-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-6 Class I wild animals for which a permit is required
Authority: IC 14-22-26
Affected: IC 14-22
Sec. 6. **(a)** A permit is required under this rule for the following Class I wild animals:
(1) Rabbit (Sylvilagus floridanus).
(2) Squirrel (Sciurus carolinensis, Sciurus niger, and Glaucomys volans).
(b) As used in this rule, a Class I wild animal is a wild animal that, because of its nature, habits or status, is not a threat to personal or public safety.
(Natural Resources Commission; 312 IAC 9-11-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; readopted filed Jul 28, 2003, 12:00p.m.: 27 IR 286)

SECTION 55. 312 IAC 9-11-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-7 Class II wild animals for which a permit is required
Authority: IC 14-22-26
Affected: IC 14-22
Sec. 7. **(a)** A permit is required under this rule for the following Class II wild animals:
(1) Beaver (Castor canadensis).
(2) Coyote (Castor latrans).
(3) Gray fox (Urocyon cinereoargenteus).
(4) Red fox (Vulpes fulva).
(5) Mink (Mustela vison).
(6) Muskrat (Ondatra zibethicus).
(7) Opossum (Didelphis marsupialis).
(8) Raccoon (Procyon lotor).
(9) Skunk (Mephitis mephitis).
(10) Weasel (Mustela frenata, Mustela nivalis, and Mustela rixosa).
(b) As used in this rule, a Class II wild animal is a wild animal that, because of its nature, habits, or status, may pose a threat to human safety.
(Natural Resources Commission; 312 IAC 9-11-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; readopted filed Jul 28, 2003, 12:00p.m.: 27 IR 286)

SECTION 56. 312 IAC 9-11-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-8 Class III wild animals for which a permit is required
Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-26-6; IC 14-22-34-17
Affected: IC 14-22

Sec. 8. **(a)** A permit is required under this rule for the following Class III wild animals:
(1) Wolves which are purebred.
(2) Bears (all species).
(3) Wild cats (all species), except feral cats.
(4) Venomous reptiles.
(5) Crocodilians that are at least five (5) feet long.
(b) As used in this rule, a Class III wild animal is a wild animal that presents a real or potential threat to human safety.
(Natural Resources Commission; 312 IAC 9-11-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3676; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 57. THE FOLLOWING ARE REPEALED:

312 IAC 9-5-2 Taking turtles
312 IAC 9-5-3 Taking bullfrogs and green frogs
312 IAC 9-10-2 Commercial shipment or processing of fish
312 IAC 9-11-5 Classifications of wild animals which require a permit under IC 14-22-26