

Request for preliminary adoption to add rules at 312 IAC 9-10-27 to establish the invasive carp harvest permit to allow a person to harvest invasive carp on waters of the state using gear not currently allowed in waters of the state for commercial fishing.

The Invasive Carp Permit Rule went into effect last year through an interim rule, and the DNR is now requesting preliminary adoption of the proposed permanent rule.

To provide some background, Invasive carp species (Black, Grass, Silver, Bighead) have become an issue throughout the Midwest and pose a threat to our native fishes and aquatic ecosystems. The jumping behavior of Silver Carp also causes safety concerns for anglers and recreational boaters of our rivers. The Wabash River basin is a known source population for Silver Carp, and unfortunately current harvest levels are very low. Commercial fishing regulations do not permit the use of gill nets and seines in most public waters where invasive carp densities are the highest. Gill nets and seines are proven gears that can allow fishers the ability to harvest large amounts of invasive carp quickly. Therefore, the goal of this permit is to focus agency emphasis on increasing the harvest of carp in Indiana, making our waters safer and healthier, while ensuring minimal impacts to our native fishes.

The Invasive Carp Harvest Permit allows a person to use seines and/or gill nets to capture invasive carp species in Indiana waters that would otherwise be closed to those gear types. The permit is free of charge, and Invasive carp captured under this permit can be sold. Permit holders must do the following:

- Obtain approval from DFW prior to each fishing event.
- Only fish at approved locations during approved times.
- Visibly mark nets, actively tend to them, and remove nets at the end of the day.
- Only keep invasive carp species; all other bycatch must be released immediately.
- Report numbers and pounds of carp harvested, and number of other species released.
- Submit harvest report to DFW within 7 days of fishing, or before next fishing event.

Silver Carp are found in the large rivers of Indiana (Ohio, Wabash, White). The downstream portions of these rivers have larger invasive carp populations. Look for slack water or backwater areas, as Silver carp tend to congregate outside of the main flow.

Gill nets and seines are not species specific, so some amount of bycatch will be expected, but persons fishing with this permit will have to immediately release any fish that is not an invasive carp. Data collected through similar programs in Kentucky and Illinois have demonstrated very low bycatch mortality rates, and buffalo species are the most common bycatch. Several oversight mechanisms are in place to ensure native fish populations are not negatively impacted by the use of gill nets and seines:

- Fishers must obtain approval from DNR prior to fishing, and DNR can deny fishing requests if bycatch numbers or mortality become excessive during certain times of year.
- Only invasive carp can be harvested, and all other species must be released immediately.

- Fishers cannot leave nets unattended and must remove nets when done fishing for the day.
- Fishers must submit a report within 7 days of fishing, noting the numbers of bycatch encountered by species.
- DNR will periodically staff an observer to conduct on-board ride-alongs, collecting data and monitoring bycatch mortality rates.

TITLE 312 NATURAL RESOURCES COMMISSION

**Proposed Permanent Rule
LSA Document #XX-XXX**

DIGEST

Adds 312 IAC 9-10-27 to establish the invasive carp harvest permit to allow an individual to harvest carp on waters of the state using gear that is not currently allowed in waters of the state for commercial fishing.

SECTION 1: 312 IAC 9-10-27 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-10-27 Invasive carp harvest permit

Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-22-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 27 (a) The following definitions apply throughout this section:

- (1) “Bycatch” means a fish or aquatic life that is not an invasive carp.
- (2) “Invasive carp” means silver carp, bighead carp, black carp, and grass carp.
- (3) “Restricted water” means a water of the state where:
 - (A) commercial fishing is not authorized under the Indiana Code or this article;
 - (B) commercial fishing with gill nets or seines is prohibited under the Indiana Code or this article; or
 - (C) fishing with gill nets of a restricted mesh size is prohibited under the Indiana Code or this article.

(b) The department may issue to an individual an invasive carp harvest permit under this section that allows the individual to harvest and sell invasive carp using gill nets and seines not otherwise authorized for fishing in a water of the state.

(c) An invasive carp harvest permit issued under this section is subject to:

- (1) the conditions set forth in the application for an invasive carp harvest permit; and
- (2) the terms, conditions, and restrictions under an invasive carp harvest permit.

(d) The director of the division of fish and wildlife may place the following conditions on the invasive carp harvest permit:

- (1) The location where harvesting is permitted.
- (2) The date and time when certain gear may be used.
- (3) The permitted gear to harvest invasive carp.

An individual may fish with an invasive carp harvest permit in restricted water if the individual provides the information required under subsection (f).

(e) The director of the division of fish and wildlife may issue an invasive carp harvest permit under this section to an individual who meets the following requirements:

(1) The individual completes an application in a form and manner prescribed by the department that includes the following information:

- (A) The boat motor horsepower and hull width and length.**
- (B) The type, size, and quantity of gear.**
- (C) The years of prior experience using the gear under clause (B).**
- (D) The location and water of the state where the individual intends to harvest invasive carp.**
- (E) The intended disposition of harvested fish.**

(2) The individual does not have a suspended or revoked:

- (A) sport fishing license;**
- (B) commercial fishing license;**
- (C) roe dealer's license; or**
- (D) roe harvester's license;**

by a criminal process or an administrative process, in the state or any other jurisdiction.

(f) An individual who is issued an invasive carp harvest permit shall do the following:

(1) Notify the department at least forty-eight (48) hours before the requested harvest date and provide the following information:

- (A) The name of the individual who is issued the invasive carp harvest permit.**
- (B) The requested harvest date.**
- (C) The name and location of the boat ramp to be used on the harvest date.**
- (D) The river where invasive carp is to be harvested.**
- (E) The specific location within the river where invasive carp is to be harvested; including the river mile, the nearest town, and the embayment name.**
- (F) The gear to be used.**

(2) Harvest invasive carp only on the date and in the location approved by the department.

(3) Notify the department and receive approval prior to changing the requested harvesting date or location.

(4) Harvest and possess only invasive carp species.

(5) Release all bycatch immediately upon capture.

(6) Use gear in a manner that does not prevent navigation of another watercraft.

(7) Attend to deployed gear at all times.

(8) Visibly mark each net set with floating buoys and signs provided by the department.

(9) Remove all gear from a water of the state at end of the calendar day.

(10) Possess only gear authorized under this rule while aboard a watercraft:

- (A) from which a gill net or seine is actively set, retrieved, or transported;**
- (B) to set or retrieve a gill net or seine; or**
- (C) to transport harvested invasive carp;**

under this section.

(11) Report true and accurate harvest to the department not later than seven (7) days after the date harvested. A report must be submitted prior to requesting a new date and location to harvest invasive carp. A report must include the following:

- (A) The name of the individual who is issued the invasive carp harvest permit.**
- (B) The date harvesting occurred.**
- (C) The name or location of the boat ramp used.**
- (D) The name of the river where harvesting occurred.**
- (E) The specific location within the water of the state where harvesting occurred.**
- (F) The gear used, including the mesh size and total feet deployed.**
- (G) The number and pounds of invasive carp harvested by species.**
- (H) The number of bycatch released by species.**

(12) Allow a conservation officer or other authorized agent of the department to perform:

- (A) an on board inspection;**
- (B) a dockside inspection; or**

- (C) both;
of gear and harvest at any time.
- (13) Sell or otherwise legally discard of invasive carp.

(g) An individual who is issued an invasive carp harvest permit may use an individual who is not issued an invasive carp harvest permit to assist while actively harvesting. An individual assisting under this subsection may operate a boat or fishing gear independently from the individual issued an invasive carp harvest permit if at least two (2) boats are used to deploy, attend, or retrieve, a single net. The individual assisting under this subsection must not have had a suspended or revoked:

- (1) sport fishing license;
- (2) commercial fishing license;
- (3) roe dealer license; or
- (4) roe harvester license;

by a court or administrative process, in the state or any other jurisdiction.

(h) The department shall do the following:

- (1) Maintain a list of the name and contact information of an individual who is issued an invasive carp harvest permit.
- (2) Unless the harvesting request is denied under subsection (i), review and approve a qualified harvesting request by assigning a date, location, and boat ramp to the individual who is issued an invasive carp harvest permit.

(i) The department shall deny a harvesting request for the following reasons:

- (1) The department determines that a higher than normal bycatch is likely to occur on the requested date and at the requested location.
- (2) The department finds that excessive user conflicts will occur.
- (3) The individual who is issued the invasive carp harvest permit consistently fails to submit the report required by this section.

(j) An individual who is issued an invasive carp harvest permit may sell invasive carp harvested under an invasive carp harvest permit. The individual may not transport live invasive carp, or transport invasive carp in a manner intended to keep the invasive carp alive, under a permit.

(k) An individual who is issued an invasive carp harvest permit may transport invasive carp if the invasive carp are:

- (1) not live by a means under 312 IAC 9-6-7;
- (2) packed on ice only while directly transported to a fish market or processor; or
- (3) packed dry while directly transported to a fish market or processor.

(l) An invasive carp harvest permit may be suspended, denied, or revoked under IC 4-21.5 if the individual who is issued the invasive carp harvest permit:

- (1) fails to comply with requirements under this section;
- (2) provides false information on:
 - (A) an application for an invasive carp harvest permit; or
 - (B) a report required under this section; or
- (3) has a suspended or revoked:
 - (A) sport fishing license;
 - (B) commercial fishing license;
 - (C) roe dealer license; or
 - (D) roe harvester license.

(m) An invasive carp harvest permit issued under this section expires on December 31 of the year the invasive carp harvest permit is issued.