

**Indiana DNR Division of Fish and Wildlife**  
**Got INPut**  
**2015-16 Administrative Rule Ideas**



**GENERAL**

Taking animals on state parks and historic sites

1. Allow the taking of the following species of wild animals on state parks and historic sites that are causing damage or posing a health or safety threat: raccoons, skunks, opossums, coyotes, foxes, beavers, muskrats, mink, and squirrels. Only authorized DNR employees or a person given written permission that has a nuisance wild animal control permit or trapping license (for furbearers taken during the season) could take the animal.

**Background:** *The number of conflicts with species such as raccoons, skunks, beavers, and muskrats on state parks and historic sites has increased to the point in which employees need to have the ability to take these animals year-round without the need for an emergency rule every year.*

Release of captive-bred native and exotic species of mammals, reptiles, amphibians, crustaceans, and mussels

2. Prohibit the release of captive-bred native and exotic species of mammals, reptiles, amphibians, crustaceans, and mussels except as authorized by permit. This would prohibit the release of exotic species into the wild, such as San Juan rabbits, boa constrictors, alligators, and other animals that did not come from the wild in Indiana.

**Background:** *These animals could spread diseases or parasites to our native populations or out-compete them for food and other resources. Exotic species of reptiles and amphibians can spread diseases or parasites to native populations, or out-compete them for food and den sites in areas where they can survive in the wild in Indiana. There is also no prohibition on the release of captive-bred, native species of reptiles and amphibians that are obtained in Indiana except for those that were held under a wild animal possession permit, turtle possession permit, or reptile captive breeder license. Current restrictions only prohibit the release of native species that were taken from the wild originally in 312 IAC 9-5-6(i). There is no prohibition on the release of exotic species into the wild, unless they are imported from another state.*

Add term "Aquatic life"

3. Add a definition of aquatic life to include all fish, reptiles, amphibians, mollusks, crustaceans, and any other aquatic animals that the department identifies after consultation with biologists, zoologists, or other wildlife experts.

**Background:** *This term would be used in different administrative rules when needed and apply to all aquatic species managed by the Division of Fish and Wildlife. It would allow language to be used in one rule to apply to all of these species without the need to include the language in multiple rules governing each taxonomic group.*

## WILDLIFE

### Deer Control permit

1. Create a separate rule for the deer control permit that would specify the requirements for obtaining a permit, the time frame in which the deer could be taken, methods that could be used, and disposition of the deer, including the antlers.

**Background:** *A temporary rule is currently in place for deer damage control permits to take nuisance deer. Requirements would include a minimum of \$500 in economic damage, unless there is a public health or safety threat, the time frame (outside the deer hunting seasons), a prohibition on selling any part or portion of deer that are taken, prohibiting the sale of any antlers or other parts of the deer, methods that can be used to take the deer, and limits on the number of deer that could be taken.*

### Hunting from a boat

2. Allow the hunting of fox and gray squirrels and furbearers from a motorized boat as long as the boat is not under power when shooting the animal. Consent of the landowner would still be required to take a wild animal on a person's property.

**Background:** *Squirrel hunting has traditionally been allowed from a boat that is not under power at the time of hunting. However, this is not currently legal under 312 IAC 9-2-2. Additionally, furbearers are currently not allowed to be hunted from a boat and as long as the person taking the animal has permission to hunt that animal on the property where it is located, there is not a biological or ethical need to prohibit the animal(s) from being hunted by boat. (312 IAC 9-2-2 and 312 IAC 9-3-18(I))*

### Raccoons, opossums, and coyotes taken under a nuisance wild animal control permit

3. Require raccoons, opossums, and coyotes taken under a nuisance wild animal control permit (312 IAC 9-10-11) to be euthanized statewide.

**Background:** *The population of raccoons remains at a high level, with young born both in the spring and in the summer. Raccoons and opossums frequently become a nuisance when they get into attics and other buildings. Raccoons can carry and transmit various diseases, including raccoon roundworm, which can be fatal if ingested, and distemper (which can affect other canines that are not vaccinated), rabies, and parvovirus. They are also known to eat the eggs of birds and turtles, and cause damage to poultry owners by killing chickens and eating their eggs. Coyotes are also a predator of domestic cats and dogs, as well as poultry and game birds, and are common throughout the state. The coyote population is appears to also be at a high level, with coyotes often found in urban and suburban areas. Euthanizing a coyote, raccoon, and opossum trapped under the nuisance wild animal control permit can prevent problems for others without harming the population.*

*Currently, nuisance wild animal control permit holders are allowed to release them within the county of capture on land where they have permission. Property for release and permission is difficult to obtain in counties with primarily urban areas, and releasing them all on the same property only creates more problems for adjacent landowners and only causes the animals to disperse since these species are already present on the land where released. They will have to compete with other wild animals for food, water, and shelter.*

### Bobcats

4. Establish a bobcat hunting & trapping season in certain counties. There would be a bag limit per person and a statewide quota, along with a limited number of counties that would be open. (312 IAC 9-3-18.1)

**Background:** *Bobcat populations have expanded during the last two decades, incidental kills have increased with more than 60 mortalities reported annually since 2010, and the population continues to expand in the southern part of Indiana. The population in southern Indiana is sufficient to withstand a regulated harvest and this resource can be utilized. State law requires the DNR to manage for viable populations and a regulated trapping and hunting season is the best option.*

*An increasing number of bobcats are accidentally killed via vehicle collisions and traps legally set for other species such as coyote and raccoon. At this time, bobcat cannot be retained or used by the trappers or hunters. With current fur prices, there is the potential for these bobcat pelts and carcasses to be illegally marketed in neighboring states that have open bobcat seasons. A regulated season in Indiana will address this problem and increase recreation and economic opportunities for businesses and individuals. A season will provide successful trappers and hunters the opportunity to sell bobcat pelts to licensed furbuyers who can market these furs through international fur auctions or manufacturers.*

### Possession of furbearer hides and carcasses

5. Allow the hides and carcasses of legally harvested furbearers taken during the season to be kept year-round by hunters and trappers without a special authorization or permit (312 IAC 9-3-14.5(d)).

**Background:** *In recent years, the hides of select furbearer species have risen and fallen with market demands. Local and overseas markets are the main driver in these fluctuations. Currently, furharvesters are required to sell or market their untanned pelts and carcasses by May 15<sup>th</sup> or June 15<sup>th</sup> (if the individual submits a report to the department indicating the number of untanned hides still in possession).*

*Allowing furharvesters to retain their untanned pelts year-round will allow individuals to sell/market their pelts at a time when values are at their highest. Allowing year-round possession provides greater flexibility and a possible economic incentive/benefit to the furharvester.*

### Fox Season

6. Change the red and gray fox seasons to one taking season so that hunting and trapping starts and ends on the same day; the ending date would be January 31. (312 IAC 9-3-12)

**Background:** *Currently, the fox hunting season ends on February 28, while the trapping season ends on January 31. With gray foxes in decline due to a loss of habitat and the foxes giving birth to young in early spring, the Division of Fish and Wildlife believes that the season for both hunting and trapping should end at the end of January.*

### Furbearer hunting and trapping starting and ending times

7. Change the starting time for both hunting and trapping of furbearers (foxes, coyotes, raccoons, opossums, striped skunks, beavers, mink, muskrats, long-tailed weasel) to sunrise and the ending time on the last day of the season to sunset. (312 IAC 9-3-11, 9-3-12, 9-3-13, and 9-3-14)

**Background:** *There is no longer a need to have the starting and ending times different for hunting and trapping of furbearers.*

Fall Wild turkey season

8. Add three (3) counties to the fall wild turkey firearms season – Elkhart, Kosciusko, and Noble counties (312 IAC 9-4-11).

**Background:** *Based on current spring/fall harvest ratios of adjacent counties, the total fall harvest in any of the 3 named counties is not expected to exceed 20-25 birds in the fall harvest. Currently, the participation and the overall harvest in the fall season are both relatively low in the first 10 years of fall turkey hunting in Indiana. See Attached Figures and Tables. After 10 years of fall turkey hunting, the mean annual harvest is less than 700 birds with approximately a 7% success rate with slightly less than 9,000 hunters participating. The average fall to spring harvest ratio is about 5%. Fall turkey hunting is an additional hunting opportunity available to those fall hunters who chose to participate and has not negatively impact spring hunting success under our current conservative fall season framework of 1 bird of either sex/hunter/fall season.*

Wild turkey hunting on Fish and Wildlife areas

9. Allow only registered turkey hunters and those who are fishing between 4:30 am and 1:00 pm in the field on property managed by the Division of Fish and Wildlife during the spring wild turkey season.

**Background:** *Throughout most of Indiana, spring turkey season often coincides with the peak morel hunting season. Morel hunting on a fish and wildlife managed property is a secondary use that, during turkey season, conflicts with the primary use (turkey hunting). Morel hunters often disturb hunters and turkeys while in the field. Moreover, there is a certain amount of risk involved with having morel hunters (and other secondary users) in the field during the spring turkey season.*

HIP Registration

10. Correct the HIP registration in 312 IAC 9-4-2 to be required only for the species of birds required under federal law (50 CFR 20.20).

**Background:** *Federal regulations in 50 CFR 20.20 do not require a person to obtain a Harvest Information Program (HIP) number when hunting certain species like crows or taking nuisance birds such as common grackles and red-winged blackbirds. The state's definition of migratory birds in IC 14-8-2-162 includes many other species of birds that are not required under the federal regulations.*

Capture of migratory birds trapped inside a building

11. Allow a live migratory bird to be captured and humanely removed from a building when it is trapped in the interior of a building and release it immediately outside the building or give it to a licensed rehabilitator (312 IAC 9-4-2).

**Background:** *This is already allowed under federal law and needs to be added to our rules to provide for this same exemption. Federal regulations in 50 CFR 21.12 allow a person to humanely remove a migratory bird that is trapped in the interior of a building (residence or commercial or government building) and release it immediately outside the building or give it to a wildlife rehabilitator (if sick, injured, or orphaned). Raptors (primarily) have gotten caught inside buildings and are either not able or not willing to go outside through a window or door. This has happened in warehouses as well as*

*Banker's Life Fieldhouse and other buildings. Without being removed, the bird will die inside the building and/or cause harm to a person or to property. Since this is allowed in federal law, it is important to allow it in state law so that these birds can be captured as quickly as possible.*

#### Electronic calls for deer and turkey hunting

13. Allow electronic calls for deer and wild turkey to be possessed, but not used, while out in the field hunting.

**Background:** *This change is needed due to calls now being on cell phones as ring tones or with other apps.*

#### Game Breeder License

14. Allow either the National Poultry Improvement Plan certificate or the certificate of veterinary inspection to import bobwhite quail or ring-necked pheasants into Indiana, and remove the language referencing cervidae.

**Background:** *Changes are needed to allow ring-necked pheasants and bobwhite quail and their eggs to be imported with either a certificate of veterinary inspection or National Poultry Improvement Plan certificate, which is consistent with the Board of Animal Health's rule in 345 IAC 1-3-25, and language needs to be removed that references cervidae, since captive-bred cervidae are no longer regulated by the DNR.*

## **ENDANGERED SPECIES**

#### Additions to the endangered species list

1. Add the following four species to the state's list of endangered species: the little brown myotis (bat), northern long-eared myotis (bat), tri-colored bat, and rufa red knot. An exemption will be provided for landowners and nuisance wild animal control operators who may need to take one of these species of bats in the case of a public health threat.

**Background:** *Little Brown Myotis (bat) and Tri-Colored Bat: The Nongame Mammal Technical Advisory Committee (TAC) recommended both species be elevated from special concern to endangered due to population declines caused by white-nose syndrome (WNS), thus meeting the legal definition of an endangered species. Since the initial detection of WNS in Indiana in 2011, the number of little brown myotis has dropped in 18 of 20 infected hibernacula with a cumulative loss of more than 6800 total bats (-90%) across all sites (from 7,603 pre-WNS to 794 post-WNS). Several caves are down to potentially irrecoverable levels of 10 or fewer individuals. Over the same period, the number of tri-colored bats has declined in 17 of 20 infected hibernacula with a cumulative loss of nearly 940 total bats (-71%) across all sites (from 1,323 pre-WNS to 384 post-WNS).*

*Northern Long-eared Myotis and Rufa Red Knot: Endangered species are defined by Indiana code to include "any species or subspecies of fish or wildlife appearing on the United States list of endangered native fish and wildlife (50 CFR 17, Appendix D)". The USFWS ruling to list the northern long-eared myotis as threatened became effective on May 4, 2015. The USFWS ruling to list the rufa red knot as threatened became effective on January 12, 2015. The proposed listing was also recommended by the Nongame Bird TAC in 2015.*

#### Deletions from endangered species list

2. Remove the following seven (7) species from the state's list of endangered species: osprey, pyramid pigtoe, orangefoot pimpleback, pink mucket, tubercled blossom, longsolid, and white wartyback.

**Background:** *Osprey: Delisting criteria (50 or more nesting territories documented for more than three years) was met in 2014 with 68 documented nesting territories and 53 successful nests. Further, 2015 was the fourth consecutive year with more than 50 nesting territories (62 active nests; minimum of 102 chicks fledged). Osprey no longer meet the definition of an endangered species in state law because the population is no longer in jeopardy or is likely to within the foreseeable future. Osprey would still be protected as a migratory bird that could not be harmed, killed, captured, or possessed without a permit.*

*Pyramid pigtoe, orangefoot pimpleback, pink mucket, tubercled blossom, longsolid, and white wartyback: These six species of freshwater mussels are now all considered to be extirpated from the State of Indiana. Dating back to the 1970's, freshwater mussel surveys have been completed at more than 5,000 sites in the waters of Indiana. Verifiable records of live individuals for any of the six species were not reported during any of this survey work. For most of these species, the last occurrence of a live specimen is not even known. Removing these six species from the state list of endangered invertebrates would provide a more accurate list and bring more attention to those endangered invertebrate species still living within the state.*

#### Possession of endangered species

3. Establish a permit to allow the possession of endangered species for propagation in captivity or other special purposes as authorized by state law in IC 14-22-34-15 and only if working with/for the DNR's Division of Fish and Wildlife.

**Background:** *The DNR needs the ability to allow zoos, universities, and other researchers to possess endangered species that are obtained legally for use in propagation, disease analysis, genetic research, or other special purposes working with/for DNR.*

#### Capture and release (relocation) of nuisance endangered species

4. Allow the capture and release (relocation) of an endangered species that is an imminent threat to property (including livestock) or to protect human health as authorized by IC 14-22-34-16.

**Background:** *The current permit that is in place for nuisance wild animal control in 312 IAC 9-10-11 does not allow the taking of endangered species. State endangered species can become a nuisance, and although state law allows for their removal when there is an immediate threat to human life (IC 14-22-34-16b)), a provision is needed to be able to issue a permit in other situations. For example, non-venomous, endangered species of snakes may be found in basements or other parts of buildings, and an endangered species of bat could be found in a building.*

## **FISHERIES**

#### Sunfish bag limit and possession limit

1. Establish a bag limit for sunfish (312 IAC 9-7-10) and modify the possession limit rule in 312 IAC 9-2-8 to allow for a person to possess an unlimited number of fish as long as the fish are processed in some way. To be exempt from the possession limit, the fish must be cut, wrapped and frozen, canned,

vacuum packed, or otherwise preserved for long term storage, but they would no longer need to be stored at the person's primary residence.

**Background:** *In recent years, technology has greatly increased fish-catching efficiency. Having a sunfish bag limit in place at times when fish are highly vulnerable would help maintain long-term fishing quality. Furthermore, by modifying the possession limit rule, individuals who take fishing trips would be able to retain more than two times the daily bag limit of fish while away from their permanent residence as long as the fish are processed in some way (such as cut, wrapped, and frozen).*

#### Opening of two streams to fishing year-round

2. Eliminate the closure of two streams for fishing from April 1 through June 17, thereby allowing fishing year-round in these two streams: the confluence of the west branch and east branch of the Little Calumet River where it enters the Portage Burns Waterway in Porter County up to the east branch to US 20, and in Trail Creek in LaPorte County from the Franklin Street Bridge in Michigan City upstream to US 35.

**Background:** *The Division of Fish and Wildlife has moved stocking on both Trail Creek and the Little Calumet River upstream of the closed areas for biological and social reasons. On Trail Creek, stocking locations have been moved to allow the fish to spread out within the system both in the spring and fall of the year. This will also allow for imprinting further upstream, which when the trout & salmon return as adults, will draw them into upstream reaches of Trail Creek and provide additional fishing opportunities. On the East Branch of the Little Calumet River, stocking of trout and salmon has been moved to Mineral Springs road just upstream from the closed area as a result of National Park Service rules. Only fall fingerlings are now being stocked in the Little Calumet, so there are no longer fish in the spring to protect.*

*Our research and data has shown that only about 4000 fall fingerlings are caught from October to December, during the non-closure period. Of this we estimate that even if 50% do not survive, that would result in a mortality of 2000 fingerlings. Of the remaining 2000 fingerlings, approximately 3 % would survive and return as adults. That would equal 60 adults that could return to the fishery. If these numbers are transferred to the spring fishery, the streams are being closed for 75 days to protect 60 fish. The DNR believes that it is more important to provide increased spring fishing opportunity for Hoosier anglers during the spring adult steelhead spawning period. Additionally, it would open lower sections of both rivers for fishing opportunities for large and smallmouth bass, crappie, walleye, pike and catfish. All of these opportunities are currently not accessible due to the closures. Other Lake Michigan states that stock tributaries in the spring do not have closures to protect newly stocked yearling steelhead or coho salmon. The same holds true with our St. Joseph River trout and salmon stockings.*

#### Minnow traps

3. Increase the opening of the throat of legal minnow traps in 312 IAC 9-6-1 to be no more than 2" inches diameter (instead of the current 1").

**Background:** *This has been requested in order to allow larger crayfish to be collected.*

#### Collection of bait

4. Prohibit the use of a cast net, seine, or any other device used to collect bait extending from a dam downstream 500 yards, excluding the Ohio River.

**Background:** Asian carp are known to congregate below dams and can be easily confused with other bait fish. These tail water areas are popular areas for people to collect bait. Implementing this rule would help prevent the spread of Asian carp into other aquatic systems and assist law enforcement by eliminating the conflict of bait collection and mis-identification of target bait species (some species look very similar).

#### Harvest limit at 3 lakes in northern Indiana

5. Implement a Conservation Harvest Rule that would restrict total harvest to an aggregate bag limit of 15 fish of any species. The total bag limit would be restricted to two Largemouth Bass greater than 18 inches in length and a maximum of 5 Channel Catfish.

**Background:** Promote or enhance sustainability of fishing opportunities at waters where harvest is likely to negatively impact the quality of fish populations due to factors that might include: intense levels of fishing pressure and subsequent harvest, lake characteristics that result in low fish production potential, or other unique fishery characteristics. The locations would be Fidlers Pond (Elkhart County), Failing Lake (Steuben County; also known as Gentian Lake), and Flat Fork Creek Park Ponds A and B (Hamilton County).

#### Northern pike

6. 312 IAC 9-7-5, Increase the statewide minimum size limit to 24 inches for northern pike and modify the statewide daily bag limit of three (3) to include no more than one (1) per day over 30 inches. Hamilton Lake (Steuben Co.) would be the only exception to the statewide rule, where the daily bag limit would be six (6) northern pike per day with no minimum size limit and the daily bag could include no more than one (1) per day over 30 inches.

**Background:** The current regulation was established to distribute the catch and protect adults until they could spawn at least once. However, recent survey data indicates that the minimum size limit for northern pike should be increased to 24 inches because females are not mature until they reach this length threshold. Increasing the minimum size limit to 24 inches would better align with the current regulations established by neighboring states and protect females until they could spawn at least once. Implementation of a bag limit on the largest northern pike (not more than 1  $\geq$  30 inches) will protect large fecund females that have the potential to reach trophy sizes. Opportunities to catch large northern pike at Hamilton Lake have declined and surveys indicate that the population has an over-abundance of small northern pike. Therefore, the proposed "Hamilton Lake exception" aims to: (1) allow anglers to utilize the abundant population of small northern pike; (2) enhance the size structure by increasing the number of northern pike  $\geq$  30 inches; and (3) ensure that natural reproduction of northern pike is sustained by large fecund females.

#### Tagging of baskets/holding boxes

7. Require the tagging of all live baskets (live boxes, holding boxes, etc.) used to keep fish alive in public waters with the angler's name and address or customer ID number for both sport anglers and commercial fishers. This would not include baskets/holders that hang over the side of a boat.

**Background:** The commercial fishing task force has experienced a greater number of fishermen (both commercial and sport fishermen) that are using live baskets or live nets to keep fish alive before processing them or selling them. Many of these live baskets are used to keep sturgeon and paddlefish (roe-bearing species) alive and fresh until such time when the roe can be removed and sold to potential

buyers. At present, roe harvesters have to travel great distances to sell the roe from these fish. As a result, they are pressed for time to get the unprocessed roe to the dealer for processing before the fish or the roe begins to spoil. Current federal regulations and state regulations in Indiana restrict the removal and processing of the roe to dealers with a registered HACCP plan, filed with the USDA. Therefore, most roe harvesters attempt to keep the harvested fish alive and fresh long enough to facilitate the transport to a roe dealer, or to allow the dealer to come to them (which could be once or twice a week). Many of these roe harvesters use live boxes to keep these fish alive, and do it in a clandestine fashion in order to prevent theft of the fish. Others keep their fish in live baskets that are near their residence and can be easily seen.

Trophy 'cat' fishermen have also been known to use these same procedures to facilitate the catch and release of large catfish during catfish tournaments, or to facilitate the live transportation of trophy catfish to pay lakes.

Fish that are kept in unattended live baskets in public waters (lakes, rivers, streams, etc.) create an enforcement issue for a number of reasons. One, it is nearly impossible to determine ownership of these fish. Determining ownership helps establish who is responsible for the taking and potential sale of these fish. Fish located in public waters are property of the people of the State of Indiana, until reduced to one's possession by lawful means. Current regulations require fishermen to tag fish when gifting or leaving unattended in order to enforce bag limits, size limits, methods of taking, etc.. It would stand to reason that the DNR should require the same when those live fish are kept unattended in public waters. Secondly, if live fish are kept collectively (from more than one fisherman) in a live box, this creates a larger problem for determining compliance with bag limits and size limits as well. Illinois currently has a regulation that requires these live boxes to be tagged with the owner's name and address, much like a trot line or limb line.

#### Disturbing fishing equipment

8. Prohibit an individual from disturbing or tending to any commercial fishing device or legal sport fishing equipment other than those used by the license holder.

**Background:** One of the most common complaints that the DNR receives from commercial fishermen and commercial roe harvesters is that their nets are disturbed by third parties, and sometimes their fish are taken. Once properly set, commercial devices and some approved sport fishing devices (trot lines, limb lines, bank poles, etc) are subject to naturally occurring forces that can affect their placement. Among these are wind, excessive rain, current, floating debris, commercial and recreational boat traffic, and, of course, other commercial fishing devices. Most commercial fishermen realize that the security of their devices relies heavily on their own diligence in checking them as required. Most commercial fishermen have accepted the fact that some devices will be lost due to these natural forces. However, none expect to lose them to other fishermen. A number of documented cases were experienced during the last year where commercial gear was moved, removed, damaged or destroyed. Fishermen move gear that may have been placed by other fishermen in 'their spots'. Gear has also been removed from the water in retaliation and placed on the adjacent bank or hung in nearby trees. Gear has also been lifted from the water and intentionally destroyed.

Many commercial fishermen use a variety of methods to detect disturbance and invasion of their commercial gear. Many commercial fishermen, having invested thousands of dollars in commercial fishing gear, have resorted to using simple trail cameras that are placed on their own nets in order to combat fish theft and net disturbance. Conservation officers are forced under these circumstances to

utilize other provisions under the criminal code in order to protect the rights of properly licensed commercial fishermen (theft, criminal mischief, etc.). These statutes may not always apply regardless if fish are removed from these devices or not. This situation is not an ideal one for officers, and this rule proposal would clearly hold those responsible for disturbing commercial gear to be accountable.

#### Gift of sport-caught fish to commercial fishermen

9. Restrict the “gifting” of sport-caught fish to licensed commercial fishermen, roe harvesters, roe dealers, and to others for the purpose of stocking pay lakes.

**Background:** *There is a high demand for several of Indiana’s commercial fish species. This idea has been generated out of the continued demand of our roe bearing species (paddlefish, shovelnose sturgeon, and bowfin) and the more recent demand for trophy catfish taken from public waters and stocked in privately owned pay lakes. The DNR does not have a problem with the genuine spirit of “gifting” fish until the “gifting” is used as a disguise to profit those involved on the giving and/or receiving end of this exchange. These fish are being taken from our public waters with sport fishing methods and subsequently “gifted” to commercial fishermen or stocked in pay lakes, both of whom profit from this exchange.*

#### Shovelnose sturgeon season

10. Shorten the commercial fishing season for shovelnose sturgeon to allow only commercial harvest from November 1 – April 30. The current rule allows their harvest from Oct. 1 – May 31.

**Background:** *Sampling conducted in 2013 determined that the current minimum length limit (25”) only offered protection for 5% (1/22) of females capable of spawning in 2013, and 9.6% (5/52) of all mature females. Since 2008, data collected from IN and IL fisheries biologists indicates that only 8.8% (N = 60) of all confirmed mature female SNS captured (N = 684) were protected by the current length limit. In 2007, zero of the 33 gravid F4 females collected were protected by the 25” length limit (Donabauer 2008) at which time a 27” length limit was recommended to offer more protection for gravid females. Additional population modeling was conducted using the in-depth population data collected in 2013 which further supported the need for more restrictive harvest on the shovelnose sturgeon population in the Wabash River (Jansen 2014). Given that nearly all harvest is that of gravid F4 females, it is not surprising that the sex ratio for this population is highly skewed towards males; downstream sampling indicated approximately 38% of the population was female while upstream sampling (at the spawning location) only produced 6.7% females. The data collected in 2013 indicates that females may be maturing slower than previously thought. The youngest mature female captured in 2013 was 9 years old, but after maturity it will still take 2-3 years to become a gravid F4 and produce black eggs. The youngest gravid F4 female we captured was 12 years old. On average, it takes these fish 12 years to recruit to the 25” length limit, so in most cases a female could be legally harvested the very first year she produces black eggs. Given their delayed maturity and infrequent reproduction (once every 3-4 years if conditions are right), shovelnose sturgeon have adapted to become a long-lived species with low natural mortality. Their life history is such that it is not conducive to additional sources of mortality. Shortening the season by two months should reduce harvest by 25% to insure that recruitment overfishing does not occur while still allowing commercial harvest of gravid females.*

## **COMMERCIAL FISHING**

1. Clarify and clean-up various issues regarding commercial fishing regulations. Remove dip-net, fyke-net, basket-trap, trap net, and basket net from the list of approved commercial fishing gear, and add definitions of hoop nets, slat traps, and seines. Modify the location of shovelnose sturgeon regulations to highlight that they cannot be commercially caught without a roe harvesters permit. Clarify that all fish must be removed from nets when checked, regardless of if the net is baited or not.

**Background:** *Some of these are already illegal with the prohibition on the use of wings or leads on nets. Others are archaic language used to describe the devices, or the devices are no longer used. Many of the approved commercial fishing devices allowed by rule have not been used by commercial fishermen in years, sometimes decades. Commercial fishing harvest reports from commercial fishermen indicate that many of the items of gear reported to have been used does NOT include items such as dip-nets, basket-nets, basket-traps, or trap-nets. Some of these terms can be used synonymously with each other, and can virtually mean the same thing. In addition, it has been documented that these nets have been modified in ways that they can no longer be considered the device that they were intended to be used (i.e. 'hoop net'). Documented cases where hoop nets with leads were used as entanglement devices allowed commercial fishermen to use them as 'hoop nets with leads', when in reality they became a 'gill net with a turtle net at the end of it'. Defining these two devices affords greater clarity to both commercial fishermen and enforcement personnel, without affecting the effectiveness of the device.*

*Adding the language "at which time all fish taken by the gear must be removed" prevents commercial fishermen from leaving fish (particularly roe-bearing species and trophy catfish) in their nets for extended periods of time in order to comply with harvest or size restrictions. Simply stated, this addition makes it clear to commercial fishermen that the fish have to be removed from the net each time the net is tended.*

2. Prohibit the use of commercial fishing gear in tributaries of the Wabash River and inland rivers, with the exception of the White River and Patoka River, that are open to commercial fishing. Define the term "river"

**Background:** *An often asked question is "Where does a tributary end and the river begin?" This is an important question to answer accurately because commercial fishing is permitted on the main stem of certain rivers but restricted in all but a few tributaries. This is a concern because our roe bearing species and many other commercial species commonly school in the mouths of many tributaries and the use of commercial fishing gear in these areas could threaten already stressed populations. The need for this change stems from the varied interpretations by commercial fishermen as to the location of the dividing lines between our rivers and their tributaries. The locations of these dividing lines are particularly subjective in high water and flood conditions. There is a need to clarify where the dividing line is between a river and its tributaries in order for commercial fishermen to know which waters are open to commercial fishing and which waters are restricted. This problem has arisen out of questions generated by both commercial and sport fishermen when attempting to either clarify and/or push the limits of their fishing opportunities.*

*Due to the absence of the definition of "river" in IC14-22 and to prohibit commercial fishing activity in tributaries closed to commercial fishing, a rule modification is necessary. This issue is also tied closely to commercial fishing activity being conducted beyond the "ordinary high watermark" on our rivers open to commercial fishing which is addressed in a separate proposed rule change.*

3. Prohibit the use of commercial fishing gear beyond the ordinary normal high watermark as defined in 312 IAC 1-1-16 in all rivers open to commercial fishing

**Background:** *The need for this change stems from the varied interpretations by commercial fishermen of the boundaries of a river. The determination of the boundaries of a river varies greatly depending on who is providing the definition. High water and flood conditions create opportunities for some commercial fishermen to expand the scope of their fishing range into waters which are intended to be restricted to commercial fishing. This situation is closely tied to the subjective determination of the dividing line between a river and its tributaries. Due to the absence of the definition of “river” in IC14-22 there exists a need to clarify the limits of commercial fishing activity for the Ohio River, the Wabash River, and inland rivers open to commercial fishing. The appropriate limits for commercial fishing activity should not go beyond the ordinary high watermark as defined in 312 IAC 1-1-26. Prohibiting the use of commercial fishing gear beyond the ordinary high watermark will limit the use of commercial fishing activities to public waters and restrict the encroachment of fishing activities onto private property.*

4. Prohibit the possession of sport fishing gear, checking sport fishing gear, or possessing fish caught in sport fishing methods while partaking in commercial fishing activities.

**Background:** *It is understood that many people that purchase a commercial fishing license, particularly in inland waters, only use the nets for a couple of months out of the year and use them in conjunction with their sport fishing gear (bank poles and trotlines). Allowing sport fishing activities (in which catch is not reported) to coincide with commercial fishing activities (in which fish that are kept are required to be reported) can lead to inaccurate commercial fishing harvest reports or complete non-compliance with commercial fishing monthly reports. If checked by an enforcement officer, a commercial fisherman running nets could just simply claim that all fish were caught via sport fishing methods. The required commercial fishing monthly harvest reports are an important tool for fisheries managers because they allows managers to analyze trends in commercial harvest and they imply potential changes to the fisheries over time. Therefore compliance and accurate reporting are necessary to be able to properly analyze these trends, and the addition of this proposed rule should increase reporting compliance of commercial fishermen.*

5. Modify the reporting requirements for commercial fishermen in 312 IAC 9-8-2(g) and 312 IAC 9-8-6(l) to read the same and to conform to what commercial fishers are expected to report on the monthly harvest forms.

**Background:** *Language for commercial fishing reporting guidelines are currently not similar for inland waters and the Ohio River. The proposed changes are an effort to ‘clean up’ the current language to make reporting requirements more similar and clear for all commercial fishers. Also, all reports should be required to be written in ink to prevent smudging or accidental erasing of data on them. The DNR has already made efforts to modify the monthly harvest reports for the commercial fishers to ease some potential confusion, and should do the same with the corresponding regulations. These proposed regulations will help get more accurate harvest information out of the commercial fishing reports which in turn will increase our ability to analyze trends regarding commercial fisheries.*

*For the Ohio River reporting guidelines, new language to require commercial fishermen to report the number of catfish of each species and the number of “trophy” catfish of each species is necessary to conform to what our required monthly reports are asking. The Ohio River monthly reports were modified*

*around 2012 in an effort to gain more detailed information about the number of catfish and “trophy” catfish harvested, but the reporting requirements were not updated in the regulations. This could allow fishers to leave that portion of the reports blank because the regulations do not explicitly state that numbers of catfish are required to be reported.*

6. Consolidate 312 IAC 9-8-2, 9-8-4, and 9-8-5 into one rule since they all pertain to commercial fishing on “inland” rivers. Repeal the rule authorizing commercial fishing on Lake Michigan in 312 IAC 9-8-3. Commercial fishing was closed in 1997 and may not re-open. Commercial fishing on Lake Michigan was closed in 1997; yet 312 IAC 9-8-3 pertaining to commercial fishing on Lake Michigan is still in the regulations. Therefore, I propose that 312 IAC 9-8-3 be deleted from the regulations.

**Background:** *312 IAC 9-8-2 (commercial fishing except the Ohio River; general provisions), 312 IAC 9-8-4 (commercial fishing on the Wabash River boundary waters), and 312 IAC 9-8-5 (commercial fishing on inland water) all pertain to commercial fishing on the “Inland” rivers and therefore should be consolidated into one section. There is no need to have a section of commercial fishing regulations designated to commercial fishing on Lake Michigan if there is no commercial fishing allowed there. Commercial fishing on Lake Michigan does not look like it will open up again in the foreseeable future due to the yellow perch population.*

*Section 2 specifically states that it “applies to license holders engaged in commercial fishing on **inland** waters” and by definition, inland waters are “waters of the state; and boundary waters of the state except Lake Michigan and the Ohio River”. Yet, not only does the last line in Section 2 refer to Lake Michigan reporting, Section 3 (Lake Michigan regs) also states that it is supplemental to Section 2. Therefore, the language is contradictory and causes confusion. Deleting Section 3, which is not relevant at this current time, will alleviate the confusion with these sections.*

7. Make additional technical corrections to the commercial fishing license rules, including modifications to the definitions of caviar and screened eggs, what a roe harvester and roe dealer can do, and clarify that a person with a valid commercial fishing license may take and sell fish that are taken with commercial fishing equipment under 312 IAC 9-8-2(c) and 312 IAC 9-6-11.