

**Interim Final Rule**  
LSA Document #24-188F

**DIGEST**

Temporarily supersedes 312 IAC 9-10-27 to establish the invasive carp harvest permit to allow an individual to harvest invasive carp on waters of the state using gear that is not currently allowed in waters of the state for commercial fishing. Effective July 24, 2024. Expires July 24, 2025.

**HISTORY**

Notice of Public Comment Period for Interim Rule: June 19, 2024: Indiana Register 20240619-IR-312240188INA.

**SUMMARY/RESPONSE TO COMMENTS**

The natural resources commission (commission) requested public comment from June 19, 2024, through July 19, 2024. The commission received no comments in response to the Notice of Public Comment Period for Interim Rule.

**PROPOSED INTERIM RULE**

**SECTION 1. (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) commercial 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 commercial 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 in restricted water.**
- (3) The permitted gear to harvest invasive carp.**

**(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 and hull size.**
  - (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 who is not issued an invasive Asian carp harvest permit under this subsection shall:**

- (1) not operate a boat independently from the individual who is issued the invasive carp harvest permit; and**
- (2) not possess a suspended or revoked:**
  - (A) sport fishing license;**
  - (B) commercial fishing license;**
  - (C) roe dealer license; or**
  - (D) 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) Except as provided in subsection (h), 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:**

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

**(j) The individual who is issued an invasive carp harvest permit may sell invasive carp harvested under an invasive carp harvest permit.**

**(k) 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; or**
- (2) provides false information on:**
  - (A) an application for an invasive carp harvest permit; or**
  - (B) a report required under this section.**

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

SECTION 2. This document takes effect on the date and time that the interim final rule is accepted for filing with the Publisher.

SECTION 3. This document expires three hundred sixty-five (365) days after the interim final rule is accepted for filing with the Publisher.

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*LSA Document #XX-XXX*

*Notice of Public Comment Period for Interim Rule: [DIN]*

*Approved by Governor: [date]*

*Filed with Publisher: [date]*

*Documents Incorporated by Reference: [references received by publisher]*