

## TITLE 312 NATURAL RESOURCES COMMISSION

### Notice of Public Comment Period For Interim Rule

LSA Document #24-188

## INVASIVE CARP HARVESTING PERMITS

### PURPOSE OF NOTICE

The Natural Resources Commission (commission) is soliciting public comment on a rule temporarily superseding 312 IAC 9-10-27 to establish an invasive carp harvest permit. The commission seeks comment on the affected citations listed and any other provisions of Title 312 that may be affected by this rulemaking.

### ADDITIONAL DOCUMENTS

Governor's Approval Letter: 20240619-IR-312240188GAA

Regulatory Analysis: 20240619-IR-312240188RAA

**CITATIONS AFFECTED:** 312 IAC 9-10-27

**AUTHORITY:** IC 4-22-2-37.2; IC 14-10-2-4; IC 14-22-11-20

### OVERVIEW

#### Basic Purpose and Background

Invasive carp has become an issue throughout the Midwest, and impact not only native ravine ecosystems, but also boating and fishing recreational activities on rivers.

The proposed interim rule creates a new permit allowing specific fishing gear, which is not currently allowed by sport anglers and nor in waters where commercial fishing takes place, to be used to harvest invasive carp. The rule includes required oversight provisions to ensure native fish are not impacted by the new fishing methods permitted under the rule, and also adds a new opportunity for commercial fishing permit holders to catch additional invasive carp and sell it with no cost for the permit.

#### Statement Justifying Requirement or Cost

There will be no fiscal impact to state or local government.

### REQUEST FOR PUBLIC COMMENTS

The commission is soliciting public comments for this rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

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Aaron Bonar, Hearing Officer

Natural Resources Commission, Hearings Division

100 North Senate Avenue, Room N103

Indianapolis, IN 46204

(2) By electronic mail to [abonar@nrc.in.gov](mailto:abonar@nrc.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

### COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than July 19, 2024.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis and Statement Justifying Requirement or Cost, and materials incorporated by reference (if applicable) are on file at the Natural Resources Commission, Indiana Government Center North, 100 North Senate Avenue, Room N103, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis and Statement Justifying Requirement or Cost are available at the Natural Resources Commission office.

### PROPOSED INTERIM RULE

**SECTION 1. (a) This SECTION supersedes 312 IAC 9-10-27.**

**(b) The following definitions apply throughout this SECTION:**

- (1) "Bycatch" means a fish or aquatic life that is not an invasive carp.**
- (2) "Department" means the department of natural resources.**
- (3) "Invasive carp" includes the following carp species:**
  - (A) Silver.**
  - (B) Bighead.**
  - (C) Black.**
  - (D) Grass.**
- (4) "Permit" means an invasive carp harvest permit.**
- (5) "Restricted water" means a water of the state where commercial fishing:**
  - (A) is not authorized under the Indiana Code or 312 IAC 9;**
  - (B) with gill nets or seines is prohibited under the Indiana Code or 312 IAC 9; or**
  - (C) with gill nets of a restricted mesh size is prohibited under the Indiana Code or 312 IAC 9.**

**(c) The department may issue to an individual a 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.**

**(d) An invasive carp harvest permit issued under this SECTION is subject to the:**

- (1) conditions set forth in the permit application; and**
- (2) terms, conditions, and restrictions under the permit.**

**(e) The director of the division of fish and wildlife may place the following conditions on the permit under this SECTION:**

- (1) The location where harvesting is permitted.**
- (2) The date and time when specific gear may be used in restricted waters.**
- (3) The gear allowed to be used to harvest invasive carp.**

**(f) The director of the division of fish and wildlife may issue a permit under this SECTION to an individual who meets the following requirements:**

- (1) The individual completes an application as 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 or an administrative process, in the state or any other jurisdiction.**

**(g) An individual issued a permit under this SECTION 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 issued the permit.**
  - (B) The requested harvest date.**
  - (C) The name and location of the boat ramp to be used on the harvest date.**
  - (D) The name of 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, nearest town, and 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 before changing the requested harvesting date or location.
- (4) Harvest and possess only invasive carp species.
- (5) Release bycatch immediately upon capture.
- (6) Use gear in a way 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 the end of the calendar day.
- (10) Possess only gear authorized under this document 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) Submit an accurate harvest report to the department not later than seven (7) days after the harvest date. A report must be submitted before requesting a new date and location to harvest invasive carp, and include the following:

- (A) The name of the individual issued the 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;
  - (B) a dockside; or
  - (C) both an on board and a dockside;
- gear and harvest inspection at any time.
- (13) Sell or otherwise legally dispose of invasive carp.

(h) An individual issued a permit under this SECTION may use an individual not issued a permit under this SECTION to assist while actively harvesting. An individual not issued permit under this subsection shall not:

- (1) operate a boat independently from the individual issued the permit; and
- (2) 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 court or an administrative process, in the state or any other jurisdiction.

(i) The department shall do the following:

- (1) Maintain a list with the names and contact information of individuals issued a permit under this SECTION.
- (2) Except as provided in subsection (j), review and approve a qualified harvesting request by assigning a date, location, and boat ramp to an individual issued a permit under this SECTION.

(j) 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) An individual issued a permit under this SECTION consistently fails to submit the report required by this SECTION.

(k) An individual issued a permit under this SECTION may sell invasive carp harvested under the permit.

(l) A permit under this SECTION may be suspended, denied, or revoked under IC 4-21.5 if the individual

**issued the permit:**

**(1) fails to comply with requirements under this SECTION; or**

**(2) provides false information on:**

**(A) the permit application; or**

**(B) the report required under this SECTION.**

**(m) A permit issued under this SECTION expires December 31 of the year the permit is issued.**

SECTION 2. This document takes effect on the date and time 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.

*LSA Document #24-188*

*Approved by Governor: May 24, 2024*