

IC 14-22-9

Chapter 9. Regulation of Fishing

IC 14-22-9-1

Unlawful means of taking fish

Sec. 1. (a) Except as allowed by section 3 of this chapter, a person may not take fish from waters containing state owned fish, waters of the state, or boundary waters of the state by the following:

- (1) Means of:
 - (A) a weir;
 - (B) an electric current;
 - (C) dynamite or other explosive;
 - (D) a net;
 - (E) a seine;
 - (F) a trap; or
 - (G) any other substance that has a tendency to stupefy or poison fish.
- (2) Means of the following:
 - (A) A firearm.
 - (B) A crossbow.
 - (C) The hands alone.

(b) The methods or devices in this section may be possessed and used:

- (1) under special permit issued by the director under rules that the director provides; or
- (2) as otherwise provided by law.

As added by P.L.1-1995, SEC.15.

IC 14-22-9-2

Ice fishing

Sec. 2. (a) A person may not:

- (1) ice fish; or
- (2) attempt to ice fish;

in water of the state through a hole greater than twelve (12) inches in diameter.

(b) A house, shanty, or fully enclosed structure used in ice fishing must have the name and address of the owner clearly painted or otherwise indicated on the outside of the door of the structure. The door of the structure must be equipped with a latch of a nature that can be opened from the outside as well as from the inside. The structure may be of a temporary nature only and shall be removed from the ice before the ice leaves.

As added by P.L.1-1995, SEC.15.

IC 14-22-9-3

Fishing near dams

Sec. 3. A person may not use, set, cause to be used or set, take, or attempt to take fish by means of:

- (1) a trotline;
- (2) a set line;

- (3) a throw line;
- (4) a net;
- (5) a trap; or
- (6) a seine;

except legal minnow seines or dip nets, within three hundred (300) yards of a dam that wholly or partly crosses a river, stream, or waterway in Indiana or the boundary water of the state.

As added by P.L.1-1995, SEC.15.

IC 14-22-9-4

Minnows and crayfish; unlawful transportation

Sec. 4. A bait dealer may not transport or hold live minnows or live crayfish in Indiana for any purpose in a manner or under the conditions that cause unnecessary loss and death of minnows. A violation of this section is sufficient cause for the division to revoke and seize a bait dealer's license.

As added by P.L.1-1995, SEC.15.

IC 14-22-9-5

Minnows and crayfish; transportation outside state

Sec. 5. (a) This section does not apply to a person engaged in commercially raising in private waters:

- (1) minnows;
- (2) crayfish; or
- (3) game fish;

for the purpose of sale.

(b) As used in this section, "private waters" means water wholly on the land of an individual that:

- (1) is not connected with public waters; and
- (2) will not allow the ingress of fish.

(c) A person may not transport outside Indiana more than one hundred (100) minnows or one hundred (100) crayfish in a twenty-four (24) hour period.

As added by P.L.1-1995, SEC.15.

IC 14-22-9-6

Waste disposal

Sec. 6. All offal or filth of any kind accruing from the catching, curing, cleaning, or shipping of fish in or near the water of Lake Michigan shall be burned, buried, or otherwise disposed of 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.

As added by P.L.1-1995, SEC.15.

IC 14-22-9-7

Sale of fish

Sec. 7. (a) This section does not apply to the sale of fish produced in private ponds for sale or for breeding and stocking purposes if the

owner obtains a permit from the director under the rules adopted by the department and conditions provided in the permit.

(b) A person may not sell, barter, or exchange, offer to sell, barter, or exchange, or purchase or offer to purchase fish protected by law, whether taken in Indiana, the boundary waters of the state, or some other state and brought into Indiana, except as otherwise provided in this article. Restaurants, hotels, boardinghouses, or eating houses may prepare and serve during the open season to:

(1) a guest, patron, or boarder; and

(2) the family of the guest, patron, or boarder;

fish legally taken in open season in Indiana by the guest, patron, or boarder.

(c) Except as specifically prohibited by law, a person may sell a species of hatchery reared fish or fish legally taken outside Indiana under a valid commercial fishing license or regulation, dead or alive, dressed or undressed, or partly dressed under the rules that the department and the state department of health prescribe if the fish are tagged or labeled in a manner that specifically identifies the following:

(1) The name and address of the seller.

(2) The hatchery.

(3) The commercial fishing license or regulation.

(d) A person may not import and sell a live species of fish that has not been approved by the director without a permit from the director for this activity.

As added by P.L.1-1995, SEC.15.

IC 14-22-9-8

Stocking fish in waters of the state

Sec. 8. Except as otherwise provided, a person may not stock fish in the following:

(1) Waters containing state owned fish.

(2) Waters of the state.

(3) Boundary waters of the state.

As added by P.L.1-1995, SEC.15.

IC 14-22-9-9

Obstruction of waterways; dams; fish ladders

Sec. 9. (a) This section does not apply to a downstream water release from an existing municipal or fire protection impoundment that has not impounded sufficient water for release.

(b) A person may not stretch, place, or set an obstruction, other than a dam, across a waterway of Indiana or boundary waters of the state that prevents fish from ascending or descending a waterway.

(c) A person who owns, operates, or controls a dam:

(1) whose impounded water is withdrawn for municipal, industrial, electrical, agricultural, mining, or any other use; and

(2) across a waterway of Indiana or boundary water of Indiana whose watershed is greater than fifty (50) square miles;

may be required to incorporate into the structure sufficient water

storage head to maintain during periods of minimum stream flow a downstream discharge equal to the inflow into the impoundment created by the dam and to maintain a sufficient head of water above the dam to support fish life. A person described in this subsection shall maintain during periods of minimum stream flow a downstream discharge equal to the inflow into the impoundment created by the dam.

(d) An owner of a dam across a waterway of Indiana or boundary water of Indiana whose watershed is greater than fifty (50) square miles may be required to construct and maintain the following:

(1) Fish ladders on the dam sufficient to allow the fish below the dam to pass over the dam into the water above the dam.

(2) A passageway around and over the dam sufficient to allow the upstream and downstream hand-carrying of small boats for the purpose of navigation.

The fish ladders or boat passage shall be constructed in the manner and of the materials that are prescribed by the director.

(e) The department shall enforce and administer this section.

(f) A person who violates this section commits a Class C infraction. Each day that a violation continues constitutes a separate offense.

(g) The remedy afforded by this section does not deprive an aggrieved person from seeking redress by any other remedy:

(1) provided by statute; or

(2) under law.

As added by P.L.1-1995, SEC.15.

IC 14-22-9-10

Control of aquatic vegetation

Sec. 10. (a) This section does not apply to the following:

(1) A privately owned lake, farm pond, or public or private drainage ditch.

(2) A landowner or tenant adjacent to public waters or boundary waters of the state, who chemically, mechanically, or physically controls aquatic vegetation in the immediate vicinity of a boat landing or bathing beach on or adjacent to the real property of the landowner or tenant if the following conditions exist:

(A) The area where vegetation is to be controlled does not exceed:

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

(ii) a water depth of six (6) feet; and

(iii) a total surface area of six hundred twenty-five (625) square feet.

(B) Control of vegetation does not occur in a public waterway of the state.

(b) A person may not chemically, mechanically, physically, or biologically control aquatic vegetation in the public waters or boundary waters of the state without a permit issued by the department. All procedures to control aquatic vegetation under this

section shall be conducted in accordance with rules adopted by the department under IC 4-22-2.

(c) Upon receipt of an application for a permit to control aquatic vegetation and the payment of a fee of five dollars (\$5), the department may issue a permit to the applicant. However, if the aquatic vegetation proposed to be controlled is present in a public water supply, the department may not, without prior written approval from the department of environmental management, approve a permit for chemical control of the aquatic vegetation.

(d) This section does not do any of the following:

- (1) Act as a bar to a suit or cause of action by a person or governmental agency.
- (2) Relieve the permittee from liability, rules, restrictions, or permits that may be required of the permittee by any other governmental agency.
- (3) Affect water pollution control laws (as defined in IC 13-11-2-261) and the rules adopted under water pollution control laws (as defined in IC 13-11-2-261).

As added by P.L.1-1995, SEC.15. Amended by P.L.1-1996, SEC.64; P.L.19-2002, SEC.1.