

CORDRY-SWEETWATER CONSERVANCY DISTRICT

RESOLUTION NO.2018-4

**RESOLUTION AMENDING RESOLUTION NO.2014-03 REGULATING THE TAKING
OF FISH FROM CORDRY AND SWEETWATER LAKES AND PROVIDING
FOR PENALTIES FOR VIOLATION THEREOF**

WHEREAS, the Cordry-Sweetwater Conservancy District ("CSCD") is an Indiana Conservancy District organized and operated pursuant to I.C.14-33; and,

WHEREAS, CSCD owns, maintains and operates Cordry Lake and Sweetwater Lake as a part of CSCD's works of improvement; and,

WHEREAS, the CSCD Ecology and Security Commissions are committees duly appointed by the CSCD Board of Directors pursuant to I.C.14-33-5-20(10). The duties of the Ecology Commission are, generally, to study ecological issues affecting CSCD and to make recommendations to the CSCD Board of Directors concerning how to best address environmental issues within CSCD. The duties of the Security Commission are, generally, to oversee enforcement of CSCD rules and to hear appeals brought by freeholders who have been cited for violation of CSCD rules, and to make non-binding recommendations to the CSCD Board of Directors concerning security issues that arise within CSCD and the disposition of appeals made to the Security Commission; and,

WHEREAS, the Ecology Commission has determined that the unregulated taking of certain fish species from the waters of Cordry and Sweetwater Lakes negatively impacts the ecology of the lakes and has reported its findings and recommendations to the CSCD Board of Directors; and,

WHEREAS, the Ecology Commission has recently received results of a recently conducted fish survey of both Cordry and Sweetwater Lakes. Based upon the information and recommendations contained in the survey and based upon the recommendations of the Ecology Commission, the CSCD Board of Directors now determines that it is necessary to amend Resolution No.2014-03 concerning size limits for largemouth bass, smallmouth bass and bluegill/red-ear harvest limits; and,

WHEREAS, I.C.14-33-5-20 authorizes the Board of Directors of CSCD to make regulations for the administration of the affairs of CSCD and to exercise powers granted by law to the Board of

Directors to accomplish the purposes for which CSCD was established.

NOW BE IT THEREFORE RESOLVED by the Board of Directors of the Cordry-Sweetwater Conservancy District that the following rules shall apply to the taking, by any means whatsoever, of certain fish species from the waters of Cordry and Sweetwater Lakes:

FISHING RULES

- 1.1 Smallmouth and largemouth bass: No fish measuring between thirteen inches (13") and sixteen inches (16") may be harvested. One (1) fish over sixteen inches may be harvested. Aggregate daily possession limit of smallmouth and/or largemouth bass per angler is five (5).

Notwithstanding the foregoing, any bass fishing tournaments sponsored by the Cordry-Sweetwater Anglers Club and approved by CSCD are not subject to the length limitations specified herein during the course of any tournament, provided that, at the conclusion of the tournament, no more than five (5) fish allowed to be legally harvested pursuant to Section 1.1 may be retained by any angler, and that every reasonable effort shall be made to maintain all other fish in a healthy condition and return them to the lake, with the exception of any that may expire and can therefore be retained by the angler.

- 1.2 Aggregate daily possession limit per angler of either bluegill and/or red-ear sunfish is fifteen (15). No more than ten (10) shall be red-ear sunfish.
- 1.3 Aggregate daily possession limit per angler of black crappie is twenty-five (25).
- 1.4 Fish may not be gutted, filleted or otherwise cleaned while on the waters of Cordry or Sweetwater Lakes.
- 1.5 As a condition of being allowed to fish the waters of Cordry or Sweetwater Lake, CSCD requires that all anglers consent to the inspection, for purposes of species' identification, counting and measurement, of all fish taken. Inspection shall include the viewing of the contents of closed containers, such as coolers; if CSCD authorized representatives reasonably believe that the containers might contain fish. The inspection shall be conducted by CSCD authorized representatives, which shall include, but

not be limited to, CSCD boat patrol personnel and local law enforcement. CSCD, acting by and through its Board of Directors, may, from time to time, authorize other CSCD employees, directors, officers and agents to perform inspections.

CLASSIFICATION OF VIOLATIONS

- 2.1 A person who violates Sections 1.1, 1.2, 1.3 or 1.4 of these rules, commits a Class 1 violation.
- 2.2 A person who violates Sections 1.2 or 1.3 of these rules by possessing 51 to 75 bluegill and/or red-ear sunfish or 51 to 75 black crappie commits a Class 2 violation.
- 2.3 A person who violates Sections 1.2 or 1.3 by possessing 76 or more bluegill and/or red-ear sunfish or 76 or more black crappie, or who violates Section 1.5 of these rules, commits a Class 3 violation.

PENALTIES

- 3.1 A person who commits three Class 1 violations within a 12-month period shall not be permitted to fish the waters of Cordry or Sweetwater Lake for a period of 12 months beginning upon the date that the last violation occurred.
- 3.2 A person who commits two Class 2 violations or one Class 1 violation and one Class 2 violation within a 12-month period shall not be permitted to fish the waters of Cordry or Sweetwater Lake for a period of 12 months beginning upon the date that the last violation occurred.
- 3.3 A person who commits one Class 3 violation shall not be permitted to fish the waters of Cordry or Sweetwater Lake for a period of 12 months beginning upon the date that the violation occurred.
- 3.4 Revocation of fishing privileges pursuant to Sections 3.1, 3.2 or 3.3 shall also result in revocation of all boat decals issued to the violator for a period of 12 months beginning upon the date that fishing privileges are revoked.
- 3.5 The decal issued to the boat upon which three Class 1 violations occur within a 12-month period, together with all other decals issued to the owner of the boat, shall be

revoked for a period of 12 months beginning upon the date that the last violation occurred.

- 3.6 The decal issued to the boat upon which two Class 2 violations or one Class 1 violation and one Class 2 violation occurs within a 12-month period, together with all other decals issued to the owner of the boat, shall be revoked for a period of 12 months beginning upon the date that the last violation occurred.
- 3.7 The decal issued to the boat upon which one Class 3 violation occurs, together with all other decals issued to the owner of the boat, shall be revoked for a period of 12 months beginning upon the date that the violation occurred.
- 3.8 Upon the issuance of a citation for violation of Sections 1.1, 1.2, 1.3, 1.4 or 1.5, the CSCD representative issuing the citation shall take custody of all fish in the possession of the violator. Fish confiscated as a result of the issuance of a citation shall be photographed, counted, and if the violation is the possession of undersized fish, measured. Thereafter, the confiscated fish may be disposed of in a manner to be determined by the Ecology Commission.

APPEALS

- 4.1 Appeals from the issuance of a citation for violation of Sections 1.1, 1.2, 1.3, 1.4 or 1.5 shall be made to the Security Commission within 30 days of the issuance of the citation. Appeals shall be in writing and filed in the District Office within the time allowed and shall concisely state the grounds for the appeal and the relief requested. The Security Commission shall consider the appeal at the Commission's next regularly scheduled meeting following the filing of an appeal unless the appeal is filed within 5 days of a regularly scheduled meeting, in which case the appeal will be considered at the Security Commission's subsequent regularly scheduled meeting. The Security Commission shall make a non-binding recommendation to the CSCD Board of Directors to either, affirm the citation, set the citation aside, or take such other action as may be deemed appropriate by the Security Commission. All recommendations of the Security Commission shall be in writing and a copy shall be provided to the violator.
- 4.2 The recommendation of the Security Commission shall be considered by the Board of Directors of CSCD within 30 days

of the date of the Security Commission's recommendation. The Board of Directors shall consider the recommendation at a regularly scheduled meeting. The Board of Directors may adopt the recommendation of the Security Commission or take such other action as the Board of Directors deems appropriate.

- 4.3 Failure to file an appeal to the Security Commission within the time allowed will result in the citation becoming final and non-reviewable.
- 4.4 The filing of an appeal does not stay any penalty imposed.

REPEAL OF RESOLUTION NO.2014-03

- 5.1 Upon the adoption of this Resolution, Resolution No.2014-03 is hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect from and after its passage.

Adopted this 20 day of March, 2018.

CORDRY-SWEETWATER CONSERVANCY
DISTRICT BOARD OF DIRECTORS

	<u>Aye</u>	<u>Nay</u>
<u>Absent</u> Jerry Engle, Chairman	—	—
<u>Herbie Benshoof</u> Herbie Benshoof, Vice Chairman	X	—
<u>Brad Roberts</u> Brad Roberts, Secretary	X	—
<u>Patrick Sherman</u> Patrick Sherman, Member	X	—
<u>Joshua Edwards</u> Joshua Edwards, Member	X	—
<u>Chad Crimmins</u> Chad Crimmins, Member	+	—
<u>Absent</u> Matthew Petersen, Member	—	—

