

Proposed Rule
LSA Document #06-272

DIGEST

Amends [312 IAC 9-3-3](#), [312 IAC 9-3-4](#), [312 IAC 9-3-19](#), [312 IAC 9-4-2](#), [312 IAC 9-4-14](#), [312 IAC 9-5-4](#), [312 IAC 9-6-9](#), and [312 IAC 9-9-4](#), which govern the management of fish and wildlife, concerning hunting deer by firearms, hunting deer by bow and arrows, endangered species of mammals, migratory birds and waterfowl, endangered species of birds, endangered species of reptiles and amphibians, endangered species of fish, and endangered species of invertebrates. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[312 IAC 9-3-3](#); [312 IAC 9-3-4](#); [312 IAC 9-3-19](#); [312 IAC 9-4-2](#); [312 IAC 9-4-14](#); [312 IAC 9-5-4](#); [312 IAC 9-6-9](#); [312 IAC 9-9-4](#)

SECTION 1. [312 IAC 9-3-3](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-3](#) Hunting deer by firearms

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22-11-1](#); [IC 14-22-12-1](#); [IC 14-22-12-7](#); [IC 35-47-2](#)

Sec. 3. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is: either:

(1) issued a license to hunt deer by:

(A) firearms under ~~[IC 14-22-12-1\(12\)](#)~~, ~~[IC 14-22-12-1\(13\)](#)~~, ~~[IC 14-22-12-1\(15\)](#)~~, [IC 14-22-12-1\(a\)\(12\)](#) or ~~[IC 14-22-12-1\(16\)](#)~~; [IC 14-22-12-1\(a\)\(15\)](#) during the season established in subsection (b); or

(B) a muzzleloading gun or muzzleloading handgun under [IC 14-22-12-1\(a\)\(13\)](#) or [IC 14-22-12-1\(a\)\(16\)](#) during the season established in subsection (c);

(2) issued a:

(A) lifetime license under [IC 14-22-12-7](#) before July 1, 2005, during the seasons established in subsections (b) and (c); or

(B) youth yearly consolidated hunting license under [IC 14-22-12-1\(a\)\(24\)](#); or

~~(2)~~ (3) hunting by the use of firearms under [IC 14-22-11-1](#).

(b) The season for hunting deer with firearms is as follows:

(1) The firearms season using:

(A) shotgun;

(B) shotgun with rifled barrel;

(C) handgun;

(D) muzzleloading gun; or

(E) muzzleloading handgun; or

(F) rifle, with the use of cartridges described in subsection (f)(4) only;

is from the first Saturday after November 11 and continues for an additional fifteen (15) days.

(2) The seasonal limit for hunting deer under this subsection is one (1) antlered deer.

(c) In addition to the season established under subsection (b), the season for using a muzzleloading gun or muzzleloading handgun only:

(1) extends from the first Saturday after the firearms season established under subsection (b); and

(2) continues for fifteen (15) additional days.

The seasonal limit for hunting deer under this extended season is one (1) deer of either sex.

(d) A person must not hunt deer except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(e) A person must not do the following:

- (1) Hunt deer unless that person wears hunter orange.
- (2) Possess bow and arrows while hunting under this section.

(f) The following requirements apply to the use of firearms under this section:

(1) A shotgun:

- (A) must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile; and
- (B) may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.

(2) A handgun must:

- (A) conform to the requirements of [IC 35-47-2](#);
- (B) have a barrel at least four (4) inches long; and
- (C) fire a bullet of two hundred forty-three thousandths (.243) inch diameter or larger.

All 38 special ammunition is prohibited. The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. A handgun must not be concealed. Full metal jacketed bullets are unlawful. A handgun may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.

(3) A muzzleloading gun must be .44 caliber or larger, loaded with a bullet at least three hundred fifty-seven thousandths (.357) inch or larger. A muzzleloading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzleloading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzleloading gun must be capable of being loaded only from the muzzle, including both powder and bullet. A muzzleloading gun may be possessed in the field outside lawful shooting hours only if:

- (A) for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or
- (B) for flintlock firearms, the pan is not primed.

(4) A rifle must:

- (A) fire a bullet of three hundred fifty-seven thousandths (.357) of an inch diameter or larger;**
- (B) have a minimum case length of one and sixteen-hundredths (1.16) inches; and**
- (C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.**

~~(4)~~ **(5) Over-and-under combination rifle-shotguns are prohibited.**

(Natural Resources Commission; [312 IAC 9-3-3](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#))

SECTION 2. [312 IAC 9-3-4](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-4](#) Hunting deer by bow and arrows

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22-11-1](#); [IC 14-22-12-1](#); [IC 14-22-12-7](#)

Sec. 4. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- (1) issued a license to hunt deer by bow and arrows under ~~[IC 14-22-12-1\(14\)](#)~~ [IC 14-22-12-1\(a\)\(14\)](#), [IC 14-22-12-1\(a\)\(17\)](#), [IC 14-22-12-1\(a\)\(24\)](#), or ~~[IC 14-22-12-1\(17\)](#)~~ [IC 14-22-12-7](#) and is supplemental to section 2 of this rule; or
- (2) hunting by the use of a bow and arrows under [IC 14-22-11-1](#).

(b) The season for hunting deer by bow and arrows during the:

- (1) early bow season** is from October 1 through the firearms season (set forth in section 3(b) of this rule); and ~~during the~~
- (2) late bow season** from the first Saturday after the firearms season through the first Sunday in January.

(c) The urban deer season is:

- (1) from September 15 through the firearms season** (set forth in section 3(b) of this rule); and
- (2) during the late bow season** from the first Saturday after the firearms season through the first Sunday in

(d) The seasonal limit for hunting under this section is one (1) deer of either sex. After August 31, 2007, a person must not take an antlered deer by means of a crossbow.

(e) A person must not hunt deer under this section except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(f) A person must not hunt deer under this section unless that person wears hunter orange. However, this subsection does not apply:

- (1) before the commencement of the firearms season set forth in section 3(b) of this rule; and
- (2) after the muzzleloading gun season set forth in section 3(c) of this rule.

(g) A person must not hunt under this section unless that person possesses only one (1) bow. A person must not possess a firearm while hunting under this section.

(h) The following requirements apply to the use of archery equipment under this section:

- (1) No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.
- (2) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
- (3) Poisoned or explosive arrows are unlawful.
- (4) Bows drawn, held, or released other than by hand or hand-held releases are unlawful.
- (5) A long bow or compound bow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.
- (6) No portion of the bow's riser (handle) or any:
 - (A) track;
 - (B) trough;
 - (C) channel;
 - (D) arrow rest; or
 - (E) other device;that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(i) Notwithstanding subsection (h), a person may use a crossbow to take a deer of either sex during the late bow season from the first Saturday after the firearms season through the first Sunday in January if the following restrictions are met:

- (1) No person shall use a crossbow:
 - (A) of less than one hundred twenty-five (125) pounds pull; or
 - (B) that does not have a mechanical safety.
- (2) A crossbow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.

(j) As used in this rule, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device.

(Natural Resources Commission; 312 IAC 9-3-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 5, 1997, 3:25 p.m.: 21 IR 930; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed May 25, 2005, 10:15 a.m.: 28 IR 2945)

SECTION 3. [312 IAC 9-3-19](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-19](#) Endangered species of mammals

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-34-17](#)

Affected: [IC 14-22-34-2](#); [IC 14-22-34-12](#)

Sec. 19. The following species of mammals are endangered and are subject to the protections provided under

[IC 14-22-34-12:](#)

- (1) Indiana bat (*Myotis sodalis*).
- (2) Gray bat (*Myotis grisescens*).
- ~~(3) Southeastern bat (*Myotis austroriparius*).~~
- (4) ~~(3)~~ Evening bat (*Nycticeius humeralis*).
- ~~(5) (4)~~ Eastern wood rat (*Neotoma floridana*).
- ~~(6) (5)~~ Swamp rabbit (*Sylvilagus aquaticus*).
- ~~(7) (6)~~ Franklin's ground squirrel (*Spermophilus franklinii*).

(Natural Resources Commission; [312 IAC 9-3-19](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#))

SECTION 4. [312 IAC 9-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-4-2](#) Migratory birds and waterfowl

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 2. (a) The restrictions in this section supplement state statutes and federal laws that protect migratory birds and waterfowl.

(b) A person must not hunt migratory birds and waterfowl, except for mute swans (*Cygnus olor*), unless the person:

- (1) is registered with; and
- (2) possesses an identification number issued through; the Harvest Information Program.

(c) Notwithstanding subsection (b), a resident youth hunter participating in a free hunting day for youth hunters as designated by the director is exempt from:

- (1) registration with; and**
- (2) possession of an identification number issued through; the Harvest Information Program.**

(d) As used in this rule, a youth hunter means an individual who is less than sixteen (16) years of age on the date of the hunt.

~~(e)~~ **(e)** A person must not take or possess a Virginia rail.

(Natural Resources Commission; [312 IAC 9-4-2](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#))

SECTION 5. [312 IAC 9-4-14](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-4-14](#) Endangered species of birds

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-34-17](#)

Affected: [IC 14-22-34-12](#)

Sec. 14. The following species of birds are ~~threatened or~~ endangered and are subject to the protections provided under [IC 14-22-34-12](#):

- (1) American bittern (*Botaurus lentiginosus*).
- (2) Least bittern (*Ixobrychus exilis*).
- (3) Black-crowned night-heron (*Nycticorax nycticorax*).
- (4) Yellow-crowned night-heron (*Nyctanassa violacea*).

- (5) Trumpeter swan (~~Syrnoides~~ **(Cygnus)** buccinator).
- (6) Osprey (Pandion haliaetus).
- (7) Bald eagle (Haliaeetus leucocephalus).
- (8) Northern harrier (Circus cyaneus).
- (9) Peregrine falcon (Falco peregrinus).
- (10) Black rail (Laterallus jamaicensis).
- (11) King rail (Rallus elegans).
- (12) Virginia rail (Rallus limicola).
- (13) Common moorhen (Gallinula chloropus).
- (14) Whooping crane (Grus americana).
- (15) Piping plover (Charadrius melodus).
- (16) Upland sandpiper (Bartramia longicauda).
- (17) Least tern (Sterna antillarum).
- (18) Black tern (Chlidonias niger).
- (19) Barn owl (Tyto alba).
- (20) Short-eared owl (Asio flammeus).
- (21) Sedge wren (Cisothorus platensis).
- (22) Marsh wren (Cisothorus palustris).
- (23) Loggerhead shrike (Lanius ludovicianus).
- (24) Cerulean warbler (Dendroica cerulea).**
- ~~(24)~~ **(25)** Golden-winged warbler (Vermivora chrysoptera).
- ~~(25)~~ **(26)** Kirtland's warbler (Dendroica kirtlandii).
- ~~(26)~~ **(27)** Henslow's sparrow (Ammodramus henslowii).
- ~~(27)~~ **(28)** Yellow-headed blackbird (Xanthocephalus xanthocephalus).

(Natural Resources Commission; [312 IAC 9-4-14](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2712; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; filed Dec 26, 2001, 2:40 p.m.: 25 IR 2535; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542)

SECTION 6. [312 IAC 9-5-4](#), PROPOSED TO BE AMENDED AT [20060927-IR-312060193PRA](#), SECTION 7, IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-5-4](#) Endangered species of reptiles and amphibians

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-34-17](#)

Affected: [IC 14-22-34-12](#)

Sec. 4. The following species of reptiles and amphibians are ~~threatened or~~ endangered and are subject to the protections provided under [IC 14-22-34-12](#):

- (1) Hellbender (Cryptobranchus alleganiensis).
- (2) Red salamander (Pseudotriton ruber).
- (3) Four-toed salamander (Hemidactylium scutatum).
- (4) Green salamander (Aneides aeneus).
- (5) Copperbelly water snake (Nerodia erythrogaster).
- (6) Butler's garter snake (Thamnophis butleri).
- (7) Kirtland's snake (Clonophis kirtlandii).
- (8) Scarlet snake (Cemophora coccinea).
- (9) Smooth green snake (Opheodrys vernalis).
- (10) Southeastern crowned snake (Tantilla coronata).
- (11) Cottonmouth (Agkistrodon piscivorus).
- (12) Massasauga (Sistrurus catenatus).
- (13) Timber rattlesnake (Crotalus horridus).
- (14) Eastern mud turtle (Kinosternon subrubrum).
- (15) Spotted turtle (Clemmys guttata).
- (16) Hieroglyphic river cooter (Pseudemys concinna).
- (17) Alligator snapping turtle (Macrochelys temminckii).
- (18) Blanding's turtle (Emydoidea blandingii).
- (19) Crawfish frog (Rana areolata).
- (20) Ornate box turtle (Terrapene ornata).

(Natural Resources Commission; [312 IAC 9-5-4](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542; filed May 25, 2005, 10:15 a.m.: 28 IR 2947)

SECTION 7. [312 IAC 9-6-9](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-6-9](#) Endangered species of fish

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-34-17](#)

Affected: [IC 14-22-34-12](#)

Sec. 9. The following species of fish are ~~threatened or endangered~~ and are subject to the protections provided under [IC 14-22-34-12](#):

- (1) Lake sturgeon (*Acipenser fulvescens*).
- ~~(2) Cavefishes (*Amblyopsidae* species).~~
- (2) Northern cavefish (*Amblyopsis spelaea*).**
- (3) Redside dace (*Clinostomus elongatus*).
- (4) Variegate darter (*Etheostoma variatum*).
- (5) Gilt darter (*Percina evides*).
- (6) Greater redhorse (*Moxostoma valenciennesi*).
- (7) Bantam sunfish (*Lepomis symmetricus*).
- (8) Pallid shiner (*Hybopsis amnis*).
- (9) Channel darter (*Percina copelandi*).
- (10) Northern brook lamprey (*Ichthyomyzon fossor*).

(Natural Resources Commission; [312 IAC 9-6-9](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 16, 2002, 12:25 p.m.: 25 IR 3048; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 547)

SECTION 8. [312 IAC 9-9-4](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-9-4](#) Endangered species of invertebrates

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-34-17](#)

Affected: [IC 14-22-34-12](#)

Sec. 4. The following species of invertebrates are ~~threatened or endangered~~ and are subject to the protections provided under [IC 14-22-34-12](#):

- (1) Rabbitsfoot (*Quadrula cylindrica* **cylindrica**).
- (2) Sheepnose (*Plethobasus cyphus*).
- (3) Clubshell (*Pleurobema clava*).
- (4) Pyramid pigtoe (*Pleurobema pyramidatum*); **rubrum**).
- (5) Fanshell (*Cyprogenia stegaria*).
- (6) Snuffbox (*Epioblasma triquetra*).
- (7) Orangefoot pimpleback (*Plethobasus cooperianus*).
- (8) Pink mucket (*Lampsilis abrupta*).
- (9) Fat pocketbook (*Potamilus capax*).
- (10) Rough pigtoe (*Pleurobema plenum*).
- (11) ~~Tubercled~~ **Tubercled** blossom (*Epioblasma torulosa torulosa*).
- (12) White catspaw (*Epioblasma obliquata perobliqua*).
- (13) Northern riffleshell (*Epioblasma torulosa rangiana*).
- (14) Longsolid (*Fusconaia subrotunda*); **subrotunda**).
- (15) White wartyback (*Plethobasus cicatricosus*).

(Natural Resources Commission; [312 IAC 9-9-4](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2727; filed May 16, 2002, 12:25 p.m.: 25 IR 3049; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

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