TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #07-659

DIGEST

Amends 312 IAC 9-3-11, 312 IAC 9-3-12, 312 IAC 9-3-13, and 312 IAC 9-3-14 by adding a hunting season for striped skunks and eliminating possession restrictions for the following furbearing mammals: beavers, foxes, skunks, minks, muskrats, long-tailed weasels, opossums, and raccoons. Adds 312 IAC 9-3-14.5 governing possession restrictions for furbearers. Amends 312 IAC 9-3-18 to clarify prohibited methods of pursuing and taking wild animals and identify limited exceptions. Amends 312 IAC 9-10-11 to clarify the methods of taking wild animals and the checking of traps under a nuisance wild animal control permit. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

312 IAC 9-3-11; 312 IAC 9-3-12; 312 IAC 9-3-13; 312 IAC 9-3-14; 312 IAC 9-3-14.5; 312 IAC 9-3-18; 312 IAC 9-10-11

SECTION 1. 312 IAC 9-3-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-11 Beavers

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 11. ~~(a)~~ The season for taking beavers **(Castor canadensis)** is from 8 a.m. on November 15 until noon on March 15 of the following year.

~~(b) A person must not possess a beaver except from November 15 until April 4 of the following year.~~

(Natural Resources Commission; 312 IAC 9-3-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539)

SECTION 2. 312 IAC 9-3-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-12 Foxes, coyotes, and skunks

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 12. (a) The season for hunting:
(1) red foxes **(Vulpes vulpes);** and
(2) gray foxes **(Urocyon cinereoargenteus);**
is from noon on October 15 until noon on February 28 of the following year.

(b) The season for trapping:
(1) red foxes **(Vulpes vulpes); and**
(2) gray foxes ~~and~~ **(Urocyon cinereoargenteus);**
~~(3) skunks;~~
is from 8 a.m. on October 15 until noon on January 31 of the following year.

(c) Except as provided in subsection (d), the season for:
(1) hunting:
(A) coyotes **(Canis latrans); and**
(B) striped skunks (Mephitis mephitis);
is from noon on October 15 until noon on March 15 of the following year; and

(2) trapping:
(A) coyotes **(Canis latrans); and**
(B) striped skunks (Mephitis mephitis);
is from 8 a.m. on October 15 until noon on March 15 of the following year.
A coyote must not be possessed from April 5 through October 14 except to provide for its prompt disposal.

(d) A person who possesses land, or another person designated in writing by that person, may take coyotes on that land at any time.

~~(e) A person must not possess the following:~~
~~(1) A red fox or gray fox except from October 15 until March 20 of the following year.~~
~~(2) A skunk except from October 15 until February 20 of the following year.~~

(Natural Resources Commission; 312 IAC 9-3-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 3. 312 IAC 9-3-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-13 Minks, muskrats, and long-tailed weasels

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 13. ~~(a)~~ The season for ~~trapping~~ **taking:**
(1) minks **(Mustela vison);**
(2) muskrats **(Ondatra zibethicus);** and
(3) long-tailed weasels **(Mustela frenata);**
is from 8 a.m. on November 15 until noon on January 31 of the following year.

~~(b) A person must not possess a mink, muskrat, or long-tailed weasel except from November 15 until February 20 of the following year.~~

(Natural Resources Commission; 312 IAC 9-3-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540)

SECTION 4. 312 IAC 9-3-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-14 Opossums and raccoons

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22; IC 35-47-2

Sec. 14. (a) Except as provided in subsection (b), the seasons applicable to raccoons **(Procyon lotor)** and **Virginia** opossums **(Didelphis marsupialis)** are as follows:
(1) Hunting from noon on November 8 until noon on January 31 of the following year.
(2) Trapping from 8 a.m. on November 15 until noon on January 31 of the following year.
(3) Chasing from noon on February 15 until noon on October 14.

(b) A nonresident may:
(1) hunt raccoons under subsection (a)(1); and ~~may~~
(2) trap raccoons under subsection (a)(2);
only to the extent that these raccoon seasons in the state of the nonresident are open to Indiana residents.

(c) A person must not do the following:
(1) Possess a firearm, air rifle, or another device capable of taking a raccoon or **Virginia** opossum while

chasing a raccoon or opossum during the chasing season established under subsection (a)(3).
(2) Remove, attempt to remove, dislodge, or attempt to dislodge a raccoon **or Virginia opossum** from:
(A) a tree hollow;
(B) a hole;
(C) a den;
(D) a pocket;
(E) a cavity;
(F) a burrow;
(G) a tile; or
(H) any other place;
where the raccoon **or Virginia opossum** has secreted itself for security or protection or in which the raccoon maintains a nest or den.
~~(3) Possess an opossum or a raccoon except from November 8 through February 20 of the following year.~~

(d) Notwithstanding subsection (c)(1), a person may possess a handgun in accordance with IC 35-47 while chasing raccoons and opossums under this section if the person:
(1) has a valid unlimited license to carry a handgun:
(A) issued under IC 35-47-2-3; **or**
~~(2) has a valid unlimited license to carry a handgun~~ **(B)** recognized under IC 35-47-2-21(b); or
~~(3)~~ **(2)** is not required to possess a license to carry a handgun under IC 35-47-2-2.

(Natural Resources Commission; 312 IAC 9-3-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA)

SECTION 5. 312 IAC 9-3-14.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-14.5 Possession of furbearing mammals

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 14.5. (a) A person must not possess the untanned hide or unprocessed carcass of any of the following species that have been lawfully taken for more than twenty (20) days after the close of the hunting or trapping season:
(1) Red fox (Vulpes vulpes).
(2) Gray fox (Urocyon cinereoargenteus).
(3) Striped skunk (Mephitis mephitis).
(4) Beaver (Castor canadensis).
(5) Mink (Mustela vison).
(6) Muskrat (Ondatra zibethicus).
(7) Long-tailed weasel (Mustela frenata).
(8) Virginia opossum (Didelphis marsupialis).
(9) Raccoon (Procyon lotor).

(b) A person must not possess a live furbearing mammal listed in subsection (a) outside the hunting or trapping season except as otherwise authorized under this article.

(Natural Resources Commission; 312 IAC 9-3-14.5)

SECTION 6. 312 IAC 9-3-18 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-18 Prohibited methods of pursuit and taking wild animals; exceptions

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 18. (a) ~~It is unlawful to~~ **A person must not** take a ~~furbearing mammal~~ **wild animal** with a ~~leg-hold~~

foot-hold trap possessing saw-toothed or spiked jaws.

(b) ~~It is unlawful to~~ **A person must not** take a ~~furbearing mammal~~ **wild animal** with a ~~leg-hold~~ **foot-hold** trap ~~sized number three (3) or larger without offset jaws~~ **as follows, if:**

(1) The widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) is greater than six and one-eighth (6 1/8) inches or the inside width between the trap's hinge posts (Figure 2) is greater than six and one-half (6 1/2) inches. Otherwise, ~~unless~~ the trap ~~is~~ **must be** completely covered by water.

(2) The widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) is greater than or equal to five and five-eighths (5 5/8) inches and the inside width between the trap's hinge posts (Figure 2) is greater than or equal to six (6) inches. Otherwise, the jaws of the trap must have either at least a one-eighth (1/8) inch offset (that is, gap; Figure 3), have securely attached rubber pads, or be completely covered by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5).

(c) Notwithstanding subsection (b), a person may use species-specific foot-hold traps (Figure 6) that enclose the captured animal's foot, such as The EGG Trap™, Lil' Grizz Get'rz™, Duffer's Raccoon Trap™, Coon Cuffs™, and similar traps.

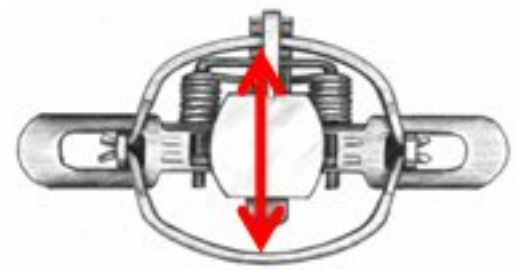

Figure 1
Widest inside jaw spread perpendicular to the trap's baseplate

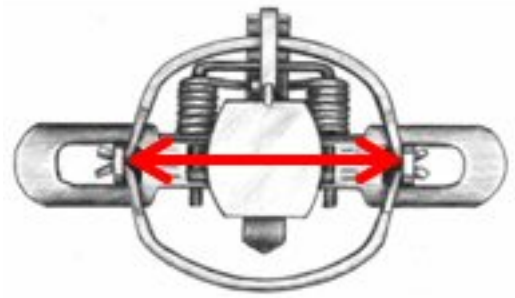

Figure 2
Inside distance between the trap's hinge posts.

Figure 3

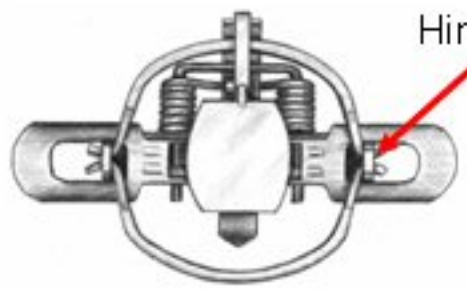

Figure 4

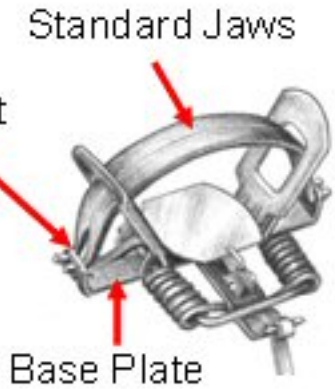

Figure 5

Figure 6

(d) As used in this section, "offset jaws" means the jaws of a leg-hold trap in which the holding area of the jaws is separated by a gap or offset (specified measurement) when the trap is closed (not in the set position). The gap or offset must extend at least eighty percent (80%) of the holding area of the trap's jaws.

~~(c) It is unlawful to~~ **(e) A person must not** take a ~~furbearing mammal~~ **wild animal** with a Conibear™, Dahlgren™, Bigelow™, or ~~other killer~~ **similar body-gripping** trap ~~which~~ **if the widest vertical inside jaw-spread measured at the horizontal center of the trap's jaws** is **larger than** seven and one-half (7 1/2) inches ~~or larger in diameter or which~~ **and the widest horizontal inside jaw-spread measured at the vertical center of the trap's jaws** is larger than seven and one-half (7½) inches ~~by seven and one-half (7½) inches~~ unless the trap is

completely covered by water.

~~(d) It is unlawful to~~ **(f) A person must not** use a snare to trap a wild animal except upon land owned by the user or with the written permission of the landowner. No snare shall be used that permits a circumference greater than fifteen (15) inches unless:

(1) at least fifty percent (50%) of the loop of the snare is covered by water; or

(2) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

~~(e) It is unlawful to~~ **(g) A person must not** disturb the den or house of a ~~mammal protected by sections 11 through 14 of this rule:~~ **wild animal:**

(1) by shooting, digging, cutting, or chipping into the:

(A) leaf nest;

(B) hole;

(C) burrow;

(D) tree;

(E) cavity;

(F) pocket; or

(G) den; or

(2) with:

(A) the aid of:

(i) smoke;

(ii) fire;

(iii) fumes;

(iv) chemicals;

(v) a ferret; or ~~other~~

(vi) another small animal; or

(B) any mechanical device, **other than a trap set lawfully,** introduced into the:

(i) hole;

(ii) burrow;

(iii) tree; or

(iv) den;

where the animal is hidden or sheltered.

~~(f) It is unlawful to~~ **(h) A person must not** wear or use a device to climb poles or trees for the purpose of dislodging a ~~mammal described in sections 11 through 14 of this rule:~~ **wild animal from a location:**

(1) where the animal has secreted itself for security or protection; or

(2) in which the animal maintains a nest or den.

~~(g) It is unlawful to~~ **(i) A person must not** possess an ax, a saw, or a device to climb poles or trees while in the field or woods at night for the purpose of dislodging a ~~mammal described sections 11 through 14 of this rule~~ **wild animal from a location:**

(1) where the animal has secreted itself for security or protection; or

(2) in which the animal maintains a nest or den.

~~(h) It is unlawful to~~ **(j) A person must not** chase or take a furbearing mammal between sundown and sunrise without carrying a continuous shining light ~~which~~ **that** is visible for at least five hundred (500) feet.

~~(i) It is unlawful to~~ **(k) A person must not** hunt a furbearing mammal from a boat.

(Natural Resources Commission; 312 IAC 9-3-18; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 7. 312 IAC 9-10-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-11 Nuisance wild animal control permit

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-28

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is:
(1) causing damage or threatening to cause damage to property; or
(2) posing a health or safety threat to persons or domestic animals.
The method of control and disposition of the animal shall be set forth in the permit.

(b) A wild animal taken under this section shall not be:
(1) possessed for more than forty-eight (48) hours; and
(2) sold;
(3) traded;
(4) bartered; or
(5) gifted.

(c) A property owner or lessee may obtain a permit under this section for the control of a nuisance wild animal.

(d) A person who charges a fee or provides a service to the public for nuisance wild animal control services must obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:
(1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.
(2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit, either:
(A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or
(B) complete thirty-two (32) hours of continuing education as approved by the division.
(3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.

(e) A person who does not hold a permit under subsection (d) may assist a permittee, but only if the permittee directly supervises the unpermitted person. A copy of the permit must be on the person when conducting any authorized activities.

(f) A captive animal must be handled in an expeditious and humane manner. ~~in compliance with IC 35-46-3-12.~~

(g) ~~Permittees may use~~ The following **methods may be used to take a wild animal under this section:**
(1) Firearms, if possessed and used in compliance with all applicable state, local, and federal firearm laws.
(2) Steel and live traps, except ~~for the following:~~ **as follows:**
(A) A **person must not take a wild animal under this section with a** foot-hold trap ~~(i)~~ possessing saw-toothed or spiked jaws. ~~or~~
~~(ii) sized #3 or larger without offset jaws~~ **(B) A person must not take a wild animal under this section with a foot-hold trap as follows, if:**
(i) The widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) is greater than six and one-eighth (6 1/8) inches or the inside width between the trap's hinge posts (Figure 2) is greater than six and one-half (6 1/2) inches unless the trap is completely covered with water.
(ii) The widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) is greater than or equal to five and five-eighths (5 5/8) inches and the inside width between the trap's hinge posts (Figure 2) is greater than or equal to six (6) inches unless the jaws of the trap have at least a one-eighth (1/8) inch offset (that is, gap; Figure 3) or the gap of the offset is filled with securely attached rubber pads; otherwise, the trap must be completely covered by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5).

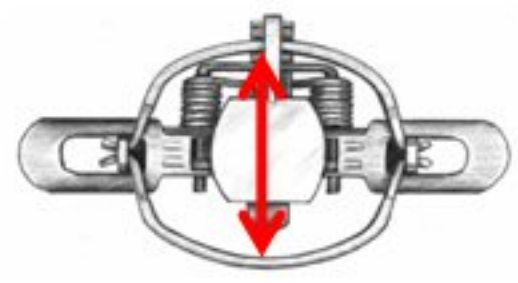

Figure 1
Widest inside jaw spread perpendicular to the trap's baseplate

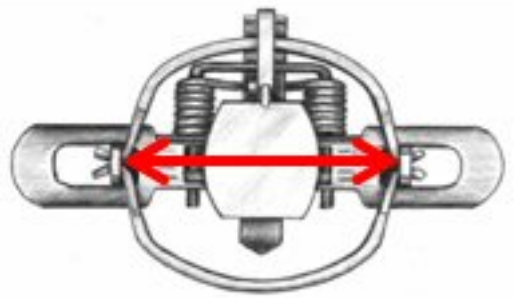

Figure 2
Inside distance between the trap's hinge posts.

Figure 3

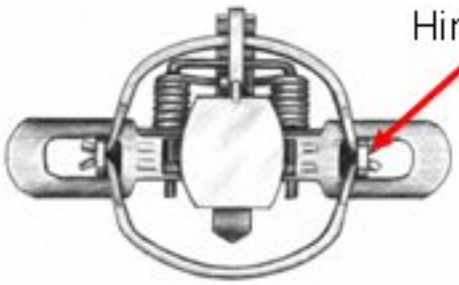

Figure 4

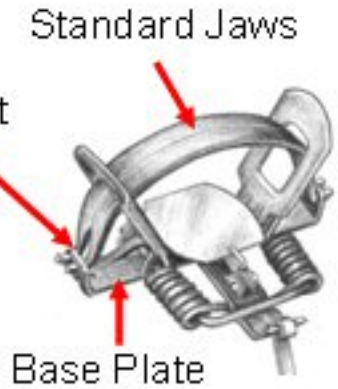

Figure 5

Figure 6

(C) Notwithstanding this subdivision, species-specific leg-hold traps (Figure 6) that enclose the captured animal's foot, such as The EGG Trap™, Lil' Grizz Get'rz™, Duffer's Raccoon Trap™, Coon Cuffs™, and similar traps, may be used.

~~(B)~~ **(D)** A Conibear™, Dahlgren™, Bigelow™, or ~~other killer~~ **similar body-gripping** trap ~~that is: (i) eight (8)~~ **if the widest vertical inside jaw-spread measured at the horizontal center of the trap's jaws is larger than seven and one-half (7 1/2)** inches ~~or larger in diameter; or (ii)~~ **and the widest horizontal inside jaw-spread measured at the vertical center of the trap's jaws is** larger than ~~eight (8) inches by eight (8)~~ **seven and one-half (7 1/2)** inches unless the trap is completely covered by water.

(E) As used in this subsection, "offset jaws" means the jaws of a leg-hold trap in which the holding area of the jaws is separated by a gap or offset (specified measurement) when the trap is closed (not in the set position). The gap or offset must extend at least eighty percent (80%) of the holding area of the trap's jaws.

(3) Snares with a circumference ~~no~~ **not** greater than fifteen (15) inches unless:

(A) at least fifty percent (50%) of the loop of the snare is covered by water; or

(B) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

(4) Any other methods specified by the permit.

(h) All traps **and snares** must be checked at least once every twenty-four (24) hours, **and any animal caught in a trap or snare must be removed from that trap or snare the same calendar day.**

(i) The following restrictions apply to the treatment of an animal captured live under this permit:

(1) When on-site release is not the best viable option, the animal must be:

(A) released in the county of capture **with prior consent from the landowner or landowner's agent;**

(B) euthanized; or

(C) treated as otherwise authorized in the permit.

(2) An animal must be euthanized with the:

(A) safest;

(B) quickest; and
(C) most painless;
available method as recommended and approved by the division of fish and wildlife.
(3) Prior consent is required from the:
(A) landowner; or
(B) landowner's agent;
before an animal is released on any property.

(j) A permit expires on December 31 of the year the permit is issued. The permittee must maintain a current record to include the following:
(1) The name and address of the landowner assisted.
(2) The date assistance was provided.
(3) The number and species of animals affected.
(4) The method of disposition.
A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

(k) A permittee must file an application by January 15 of each year in order to renew a permit. The annual report required under subsection (l) must accompany the renewal application.

(l) The permit holder shall provide an annual report to the division by January 15 of each year. The report shall list the following:
(1) The:
(A) number; and
(B) species;
of animals taken.
(2) The county where the animal was captured.
(3) The method of disposition.
(4) The county where released (if applicable).

(m) A permit issued under this section may be suspended or revoked if the permittee does the following:
(1) Fails to comply with any of the following:
(A) IC 14-22.
(B) This article.
(C) A term of the permit.
(2) Provides false information to obtain a permit under this section.
(3) Uses or employs any:
(A) deception;
(B) false pretense; or
(C) false promise;
to cause a consumer to enter into an agreement for the removal of a nuisance wild animal.

(n) No permit shall be issued under this section:
(1) for the control of a migratory bird except a mute swan;
(2) for a wild animal that is identified under this article as:
(A) an endangered; or
(B) a threatened;
species; or
(3) if granting the permit would violate a federal law.

(Natural Resources Commission; 312 IAC 9-10-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; filed Oct 28, 2002, 12:03 p.m.: 26 IR 692; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

Notice of Public Hearing

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