

## ARTICLE 9. FISH AND WILDLIFE

### Rule 1. Definitions

#### 312 IAC 9-1-1 General application of definitions

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 1. The definitions provided in this rule apply throughout this article. *(Natural Resources Commission; 312 IAC 9-1-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2698; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

#### 312 IAC 9-1-1.5 "Amphibian" defined

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22

Sec. 1.5. "Amphibian" means the following:

(1) A frog, toad, salamander, caecilian, or other animal of the class Amphibia.

(2) The parts, eggs, or offspring of a species of the class Amphibia.

*(Natural Resources Commission; 312 IAC 9-1-1.5; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3671; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

#### 312 IAC 9-1-2 "Antlered deer" defined

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 2. "Antlered deer" means a deer with an antler at least three (3) inches long. *(Natural Resources Commission; 312 IAC 9-1-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2698; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

#### 312 IAC 9-1-3 "Antlerless deer" defined

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 3. "Antlerless deer" means a deer other than an antlered deer. *(Natural Resources Commission; 312 IAC 9-1-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2698; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

#### 312 IAC 9-1-4 "Bait" defined

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 4. "Bait" means to place, expose, deposit, distribute, or scatter grain, salt, or other feed to lure, attract, or entice a wild animal to an area where a person may take the wild animal. *(Natural Resources Commission; 312 IAC 9-1-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2698; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

#### 312 IAC 9-1-5 "Bird" defined

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 5. "Bird" means the class of warm blooded vertebrate wild animals distinguished by having the body more or less covered with feathers and the forelimbs modified as wings, and includes the eggs of the animal. *(Natural Resources Commission; 312 IAC 9-1-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2698; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-1-6 “Exempted wild animal” defined**

Authority: IC 14-11-2-1; IC 14-22-2-6  
Affected: IC 14-22

Sec. 6. “Exempted wild animal” means a wild animal, which is unprotected and may be taken at any time. (*Natural Resources Commission; 312 IAC 9-1-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-1-7 “Falconry” defined**

Authority: IC 14-11-2-1; IC 14-22-2-6  
Affected: IC 14-22

Sec. 7. “Falconry” means the sport of taking quarry by means of a trained raptor. (*Natural Resources Commission; 312 IAC 9-1-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-1-8 “Handicap” defined**

Authority: IC 14-11-2-1; IC 14-22-2-6  
Affected: IC 14-22

Sec. 8. “Handicap” means a physical impairment to an individual resulting from an injury or disease, but excludes an impairment which is attributable to the normal aging process. (*Natural Resources Commission; 312 IAC 9-1-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-1-9 “Hunter orange” defined**

Authority: IC 14-11-2-1; IC 14-22-2-6  
Affected: IC 14-22

Sec. 9. “Hunter orange” means a daylight fluorescent orange with the dominant wave length 595-605 nm, a purity of not less than eighty-five percent (85%), and a luminance factor of not less than forty percent (40%). (*Natural Resources Commission; 312 IAC 9-1-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-1-9.5 “Ice fishing shelter” defined**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 9.5. “Ice fishing shelter” means an ice fishing house, shanty, or fully enclosed structure. (*Natural Resources Commission; 312 IAC 9-1-9.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536*)

**312 IAC 9-1-10 “Motor driven conveyance” defined**

Authority: IC 14-11-2-1; IC 14-22-2-6  
Affected: IC 14-22

Sec. 10. “Motor driven conveyance” means:

- (1) an automobile;
- (2) a truck;
- (3) a tractor;
- (4) a combine;
- (5) a wagon;
- (6) a bus;
- (7) an off-road vehicle;
- (8) a recreational vehicle;
- (9) a motorcycle;

- (10) a moped;
- (11) a dune buggy;
- (12) a go-cart;
- (13) a motorboat;
- (14) an airplane; or
- (15) other motorized conveyance capable of transporting an individual.

*(Natural Resources Commission; 312 IAC 9-1-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-1-11 “Navigable waterway” defined (Repealed)**

Sec. 11. *(Repealed by Natural Resources Commission; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1367)*

### **312 IAC 9-1-11.5 “Portable ice fishing shelter” defined**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 11.5. “Portable ice fishing shelter” means a temporary structure that is each of the following:

- (1) Collapsible.
- (2) Constructed of natural or synthetic type material.
- (3) Easily carried or hauled to and from the ice by an individual.

*(Natural Resources Commission; 312 IAC 9-1-11.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536)*

### **312 IAC 9-1-12 “Possession” defined**

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 12. “Possession” means to have direct physical control or to knowingly have the power and the intention to exercise dominion or control. *(Natural Resources Commission; 312 IAC 9-1-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-1-13 “Raptor” defined**

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 13. “Raptor” means a bird of prey. *(Natural Resources Commission; 312 IAC 9-1-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-1-13.3 “Reptile” defined**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22

Sec. 13.3. “Reptile” means the following:

- (1) A turtle, snake, lizard, amphisbaenian, crocodilian, tuatara, or other animal of the class Reptilia.
- (2) The parts, eggs, or offspring of a species of the class Reptilia.

*(Natural Resources Commission; 312 IAC 9-1-13.3; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3671; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-1-14 “Threatened species” defined**

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 14. "Threatened species" means a species or subspecies of wild animal likely to become endangered within the foreseeable future, including all species or subspecies classified as threatened by the federal government which occur in Indiana. (*Natural Resources Commission; 312 IAC 9-1-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-1-14.5 "Venomous reptile" defined**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22; IC 35-41-1-25

Sec. 14.5. "Venomous reptile" means a reptile that is normally considered a venomous or poisonous species where found in its native habitat and that can inflict serious bodily injury (as defined by IC 35-41-1-25) or death upon a human being, regardless of whether an individual animal has been surgically altered. (*Natural Resources Commission; 312 IAC 9-1-14.5; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3671; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-1-15 "Wears hunter orange" defined**

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 15. "Wears hunter orange" means a person exposes as an outer garment one (1) or more of the following articles which are solid hunter orange in color:

- (1) A vest.
- (2) A coat.
- (3) A jacket.
- (4) Coveralls.
- (5) A hat.
- (6) A cap.

(*Natural Resources Commission; 312 IAC 9-1-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**Rule 2. Restrictions and Standards Applicable to Wild Animals**

**312 IAC 9-2-1 Taking, chasing, and possessing wild animals**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 1. (a) It is unlawful to take, chase, or possess a wild animal except as provided by statute or by this article.

(b) Notwithstanding subsection (a), this article does not apply to groundhogs. (*Natural Resources Commission; 312 IAC 9-2-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-2-2 Prohibition against motor driven conveyances**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 2. (a) It is unlawful to take or chase a wild mammal or bird from, by the use of, or with the aid of a motor driven conveyance, except:

- (1) as authorized for a handicapped individual under 312 IAC 9-10-10; and
- (2) as provided in subsection (b).
- (b) A motorboat may be used:
  - (1) to check traps which are lawfully set and maintained; or
  - (2) to retrieve a dead or crippled waterfowl.
- (c) A motorboat may be used to hunt waterfowl if the motorboat is:

- (1) beached;
- (2) resting at anchor;
- (3) tied to a stationary object; or
- (4) otherwise without motion except as provided by wind, water current, or hand-operated oars or paddles.

(d) It is unlawful to discharge a firearm or bow and arrows from a motor driven conveyance while the conveyance is in motion. *(Natural Resources Commission; 312 IAC 9-2-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-2-3 Application of article to wild animal parts**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 3. (a) Except as provided in subsection (b), a prohibition against the:

- (1) possession;
- (2) sale;
- (3) offer for sale;
- (4) purchase;
- (5) offer for purchase;
- (6) shipment;
- (7) transportation;
- (8) delivery; or
- (9) receipt;

of a wild animal also applies to any part or portion of that wild animal.

(b) The prohibition established under subsection (a) does not apply to the:

- (1) tanned hides;
- (2) furs; or
- (3) cured feathers;

of wild animals taken lawfully.

(c) Any portion of legally taken:

- (1) furbearers;
- (2) squirrel tails;
- (3) deer hides;
- (4) antlers; and
- (5) hooves;

may be sold. *(Natural Resources Commission; 312 IAC 9-2-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; filed May 28, 1998, 5:14 p.m.: 21 IR 3712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-2-4 Restrictions on the placement of traps**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 4. It is unlawful to set or place a stake, chain, drag, or another portion of a trap which is designed to take a wild animal except during a season established for trapping that wild animal. *(Natural Resources Commission; 312 IAC 9-2-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-2-5 Netting and trapping wild birds prohibited**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 5. (a) It is unlawful to possess in the field a net or trap for the purpose of netting or trapping a wild bird protected by law.

(b) It is unlawful to place or cause to be placed a trap (set or unset) capable of taking a migratory bird on a pole or post, except

where both of the following are obtained:

- (1) A permit issued by the U.S. Fish and Wildlife Service under 50 CFR, Subpart D, 21.42 (October 1, 1995, edition).
- (2) A permit issued by the department under 312 IAC 9-10-6.

*(Natural Resources Commission; 312 IAC 9-2-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-2-6 Prohibitions applicable at fish hatcheries**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 6. (a) It is unlawful to take a wild animal in a fish hatchery or fish rearing unit owned, controlled, or supervised by the state or the United States.

(b) It is unlawful to discharge a firearm in or over a fish rearing unit owned, controlled, or supervised by the state or the United States. *(Natural Resources Commission; 312 IAC 9-2-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-2-7 Endangered and threatened species (Repealed)**

Sec. 7. *(Repealed by Natural Resources Commission; filed May 16, 2002, 12:25 p.m.: 25 IR 3049)*

### **312 IAC 9-2-8 Possession restrictions where bag limit established**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 8. (a) A person must not possess, ship, carry, or transport more than two (2) times the daily bag limit of a wild animal after the beginning of the second day of the season established to take that wild animal.

(b) A person must not take more than the daily bag limit of a wild animal in a calendar day.

(c) A person must maintain possession of any wild animal taken, and for which a bag limit is established, while the person is either:

(1) hunting or fishing; or

(2) returning, after hunting or fishing, to the person's automobile or other principal means of transportation.

(d) A person must not transport a wild animal for another person, which is in excess of the bag limit for the person providing transportation, unless the wild animal is tagged by either of the following:

(1) A tag issued by the department and properly completed, if the wild animal is one for which a department tag is required.

(2) If a department tag is not required, a tag signed by the person taking the animal which includes the following information:

(A) The person's address.

(B) The total number and species of wild animals taken.

(C) The date the wild animal was taken.

*(Natural Resources Commission; 312 IAC 9-2-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-2-9 Chasing; use of dogs**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 9. (a) Dogs may be used to chase a wild animal at any time unless prohibited by law.

(b) A restriction or season established with respect to chasing wild animals applies to an individual and to a dog owned, possessed, or controlled by the individual. *(Natural Resources Commission; 312 IAC 9-2-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-2-10 Violations of law or license terms; revocations**

Authority: IC 14-22-2-6

Affected: IC 4-21.5; IC 14-22-6-1

Sec. 10. (a) The failure by a license holder to comply with the law or a term of the license may result in its revocation by the director under IC 4-21.5.

(b) A violation of a license issued under this article is a violation of this article and IC 14-22-6-1. (*Natural Resources Commission; 312 IAC 9-2-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-2-11 State parks and state historic sites**

Authority: IC 14-22-2-6

Affected: IC 4-21.5; IC 14-22-6-1

Sec. 11. A person must not take or chase a wild animal, other than a fish, in a state park or a state historic site. (*Natural Resources Commission; 312 IAC 9-2-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 19, 2003, 8:14 a.m.: 27 IR 459*)

**312 IAC 9-2-12 Hunting, fishing, and the discharge of firearms and bow and arrows within 200 feet of a property administered by the department**

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-22-2-6; IC 14-29-1-8

Affected: IC 14-22; IC 14-29-1

Sec. 12. (a) A restriction which applies to taking or chasing a wild animal on a property owned or administered by the department also applies to the portion of a navigable waterway located within two hundred (200) feet of the property. However, exempted from this subsection is any area of the navigable waterway which is immediately adjacent to and within one hundred (100) feet of land owned by a person other than the department.

(b) On a navigable waterway which is located within two hundred (200) feet of a property owned or administered by the division of state parks, the division of state museums and historic sites, or the division of nature preserves (other than a nature preserve administered by the division of fish and wildlife) of the department, a person must not discharge:

(1) a firearm; or

(2) an arrow.

(*Natural Resources Commission; 312 IAC 9-2-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-2-13 Administration of chemical to nondomestic animals, to animals held on a game breeder license, to animals held on a wild animal possession permit, or to animals held under a rehabilitation permit**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 13. (a) A person may not administer any drug, vaccine, steroid, micro-organism, or other chemical to any:

(1) noncaptive wild bird or mammal;

(2) animal held under a game breeder license;

(3) animal held under a wild animal possession permit; or

(4) animal held under a rehabilitation permit;

without a permit for such administration issued by the director of the division of fish and wildlife.

(b) Notwithstanding subsection (a), an animal held under a:

(1) game breeder license;

(2) wild animal possession permit; or

(3) rehabilitation permit;

may be administered a pharmaceutical product approved by a state or federal agency for the purpose of prevention or treatment of malnutrition, illness, disease, injury, or stress. Normal reproductive functions and the potential for pregnancy do not qualify under

this subsection.

(c) Notwithstanding subsection (a), a licensed veterinarian, county animal control agent, municipal animal control agent, holder of a nuisance wild animal control permit, or holder of a scientific purposes license may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia. (*Natural Resources Commission; 312 IAC 9-2-13; filed May 28, 1998, 5:14 p.m.: 21 IR 3713; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed Nov 15, 2002, 3:42 p.m.: 26 IR 1068; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **Rule 3. Mammals**

#### **312 IAC 9-3-1 Applicability**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 1. This rule governs wild animals that are mammals. (*Natural Resources Commission; 312 IAC 9-3-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

#### **312 IAC 9-3-2 General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year**

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 2. (a) This section and sections 3 through 10 of this rule govern the:

- (1) hunting;
- (2) transportation; and
- (3) disposal;

of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from the following:

- (1) This section.
- (2) Sections 3 through 9 of this rule.

A person who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified by sections 3 through 8 of this rule are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Before September 1, 2007, a person must not take more than one (1) antlered deer during the seasons for an annual deer license.

(e) The use or aid of:

- (1) a food product that is transported and placed for consumption;
- (2) salt;
- (3) mineral blocks;
- (4) prepared solid or liquid intended for ingestion (herein called bait);
- (5) snares;
- (6) dogs; or
- (7) other domesticated animals;

to take deer is prohibited. A person must not hunt by the aid of bait or on or over a baited area. An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an orchard or another area, which may be attractive to deer as the result of normal agricultural activity, is not prohibited. The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

(f) The hunting of white-tailed deer possessed under the authority of a game breeder license under 312 IAC 9-10-4 is prohibited.

(g) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt:

- (1) deer unless the person possesses a completed and signed license bearing the person's name; or
- (2) with a deer license issued to another person.



(h) A piece of paper must, immediately upon taking a deer, state the following:

- (1) The name and address of the person.
- (2) The license number (if applicable).
- (3) The sex of the deer.
- (4) The month and day the deer was taken.

A deer leg must be tagged with the piece of paper before leaving the field. A deer that is in the field is not required to be tagged if the person who takes the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

(i) A person who takes a deer must cause delivery of the deer carcass to an official checking station for registration on the occurrence of the earlier of the following:

- (1) Within forty-eight (48) hours of the taking of the deer.
- (2) Before the deer is removed from this state.

The person who delivers the deer carcass to an official checking station for registration must provide accurate information for the check station logs.

(j) After the checking station operator records the permanent seal number on the log and collects the piece of paper described in subsection (h), the operator shall give the seal to the person. The person must immediately affix the seal:

- (1) between a tendon and bone;
- (2) through a section of skin or flesh; or
- (3) around a branched antler;

to prevent its removal (without cutting the seal or the body part to which it is affixed). The seal must be maintained until processing of the deer begins.

(k) The checking station operator must do the following:

- (1) Accurately and legibly complete all forms provided by the department.
- (2) Make those forms available to department personnel upon request.

(l) A person must not erect, place, or hunt from a permanent tree blind on state-owned lands. A tree blind placed on:

- (1) state-owned or state-leased lands;
- (2) U.S. Forest Service lands;
- (3) the Muscatatuck National Wildlife Refuge; or
- (4) the Big Oaks National Wildlife Refuge;

must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half ( $\frac{1}{2}$ ) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.

(m) The head of a deer must remain attached to the carcass until the tag is attached and locked at the deer checking station.

(n) The use of infrared sensors to locate or take deer is prohibited. A person must not hunt or retrieve deer with the aid of an infrared detector.

(o) Notwithstanding subsection (e), dogs may be used only while on a leash to track or trail wounded deer.

(p) Notwithstanding subsection (e):

- (1) donkeys;
- (2) mules; and
- (3) horses;

may be used for transportation to and from a hunt but may not be used while hunting.

(q) The possession of an electronic deer call is prohibited. A person must not hunt deer with the aid of an electronic deer call.

*(Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536; filed May 12, 2006, 10:38 a.m.: 29 IR 3344)*

### **312 IAC 9-3-2.5 Hunting deer during special youth season**

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1; IC 14-22-12-7

Sec. 2.5. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual youth who is either of the following:

(1) Issued a license to hunt deer under IC 14-22-12-1(a)(24).

(2) Hunting deer under IC 14-22-11-1 or IC 14-22-12-7.

As used in this section, "youth" means an individual who is fifteen (15) years of age or younger by the date of the hunt.

(b) The season for hunting deer under this section is two (2) consecutive days beginning on the Saturday immediately before October 1 or as approved annually by the director.

(c) The seasonal limit for hunting deer under this section is one (1) antlerless deer.

(d) A youth who hunts a deer under this section must be:

(1) fifteen (15) years of age or younger; and

(2) accompanied by an adult of at least eighteen (18) years of age.

An adult accompanying the youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field and shall not be required to possess a deer hunting license.

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

(f) A youth hunter must not hunt deer unless wearing hunter orange. An adult accompanying the youth hunter must wear hunter orange while in the field.

(g) A youth must not hunt a deer under this section with any type of equipment except a firearm or bow and arrow, including a crossbow. A youth must not possess more than one (1) type of equipment to take a deer while in the field.

(h) 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 muzzle loading gun must be .44 caliber or larger, loaded with a bullet at least .357 inch or larger. A muzzle loading 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 muzzle loading 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 muzzle loading gun must be capable of being loaded only from the muzzle, including both powder and bullet. A muzzle loading 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.

(3) Over-and-under combination rifle-shotguns are prohibited.

(i) 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.

(j) The following requirements apply to the use of a crossbow under this section:

(1) No youth shall use a crossbow:

(A) of less than one hundred twenty-five (125) pounds pull; and

(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.

(k) As used in this section, "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 9-3-2.5; filed May 9, 2006, 2:25 p.m.: 29 IR 2943)*

**312 IAC 9-3-3 Hunting deer by firearms**

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1; 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 firearms under IC 14-22-12-1(12), IC 14-22-12-1(13), IC 14-22-12-1(15), or IC 14-22-12-1(16); or

(2) 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 shotgun, shotgun with rifled barrel, handgun, muzzle loading gun, or muzzle loading handgun is from the first Saturday after November 11 and continuing 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 muzzle loading gun or muzzle loading handgun only extends from the first Saturday after the firearms season established under subsection (b) and 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 hunt deer unless that person wears hunter orange.

(f) A person must not possess bow and arrows while hunting under this section.

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

(1) A shotgun must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile. A shotgun 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 .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 muzzle loading gun must be .44 caliber or larger, loaded with a bullet at least .357 inch or larger. A muzzle loading 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 muzzle loading 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 muzzle loading firearm must be loaded from the muzzle. A muzzle loading firearm 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) 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)*

**312 IAC 9-3-4 Hunting deer by bow and arrows**

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1

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) or IC 14-22-12-1(17) 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 early bow season is from October 1 through the firearms season (set forth in section 3(b) of this rule) and during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

(c) The urban deer season is from September 15 through the firearms season (set forth in section 3(b) of this rule) and during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

(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 before the commencement of the firearms season set forth in section 3(b) of this rule and after the muzzle loading 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*)

### **312 IAC 9-3-5 Hunting deer by bow and arrows by authority of an extra deer license**

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1

Sec. 5. (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 take an extra deer under IC 14-22-12-1(18) or IC 14-22-12-1(19) by means of a bow and arrows; or

(2) hunting under IC 14-22-11-1 with an extra deer license by means of a bow and arrows.

(b) Except as specified in subsection (d), the statewide 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.

(c) The restrictions contained in section 4(b) and 4(e) through 4(i) of this rule also apply to a license issued under this section.

(d) The seasonal limit for hunting deer in an urban deer zone is four (4) deer of which only one (1) may be antlered. A person must possess a valid extra deer license for each deer taken. A deer taken under this subsection does not count against a bag limit for deer set elsewhere in this rule.

(e) The following areas have been designated as urban deer zones:

(1) The Indianapolis urban deer zone includes the following:

(A) All of Marion County.

(B) That portion of Hendricks County east of State Highway 267.

(C) The southeast portion of Boone County as bounded by the following:

(i) State Highway 267.

(ii) Interstate Highway 65.

(iii) State Highway 32.

(D) That portion of Hamilton County south of State Highway 32.

(2) The Fort Wayne urban deer zone includes that portion of Allen County lying within the bounds of Interstate Highway 69 and State Highway 469.

(3) The Evansville urban deer zone includes all of Vanderburgh County.

(4) The Lafayette urban deer zone includes the portion of Tippecanoe County north of State Highway 28.

(5) The Gary urban deer zone includes that portion of Lake County north of U.S. Highway 30.

(6) The Crown Point urban deer zone includes that portion of Lake County within the corporate limits of Crown Point.

(7) The Chesterton urban deer zone includes the portion of Porter County north of U.S. Highway 94.

(8) The Michigan City urban deer zone includes that portion of LaPorte County north of U.S. Highway 94.

(9) The Madison urban deer zone includes that portion of Jefferson County bounded on the following:

(A) East by U.S. Highway 421.

(B) North and west by State Highway 62.

(C) South by State Highway 56.

*(Natural Resources Commission; 312 IAC 9-3-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2704; filed Nov 5, 1997, 3:25 p.m.: 21 IR 931; filed May 28, 1998, 5:14 p.m.: 21 IR 3713; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1531; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed May 25, 2005, 10:15 a.m.: 28 IR 2945)*

### **312 IAC 9-3-6 Hunting deer in a depredation zone by authority of an extra deer license**

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1

Sec. 6. (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 take an extra deer under IC 14-22-12-1(18) or IC 14-22-12-1(19) for a deer depredation zone established by the director; or

(2) hunting under IC 14-22-11-1 with the use of an extra deer license under IC 14-22-12-1(18) or IC 14-22-12-1(19) for a deer depredation zone established by the director.

(b) Licenses will be issued under this section if the director determines that severe crop depredations have occurred or a severe safety hazard exists and that deer numbers cannot otherwise be adequately controlled.

(c) The season for hunting deer under this section is from the first Saturday after November 11 and continuing for an additional fifteen (15) days.

(d) The seasonal limit for hunting under this section is one (1) antlerless deer for each license issued. An individual may receive not more than two (2) licenses.

(e) A person must not hunt a deer under this section except with a shotgun, handgun, or muzzle loading gun.

(f) A person who hunts by authority of an extra deer hunting license issued under this section must obtain an extra deer license. Section 2 of this rule, governing the use of tags, applies to extra deer tags.

(g) The restrictions contained in section 3(d) through 3(f) of this rule also apply to a license issued under this section. *(Natural Resources Commission; 312 IAC 9-3-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2704; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-3-7 Hunting deer in a designated county by authority of an extra deer license**

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1

Sec. 7. Hunting deer in a designated county, by authority of an extra deer license, shall be addressed on an annual basis by an emergency rule approved by the director. (*Natural Resources Commission; 312 IAC 9-3-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2705; filed Aug 15, 1997, 8:36 a.m.: 21 IR 29; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1532; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-3-8 Hunting deer on designated military reserves, Big Oaks National Wildlife Reserve, and Muscatatuck National Wildlife Refuge; regular and extra deer hunting licenses**

Authority: IC 14-22-2-6

Affected: IC 14-22-12-1

Sec. 8. (a) This section governs the activities of an individual who is hunting deer on each of the following military reserves and wildlife refuges:

- (1) Naval Weapons Support Center-Crane.
- (2) Big Oaks National Wildlife Refuge.
- (3) Atterbury Reserve Forces Training Area.
- (4) Indiana Army Ammunition Plant (Charlestown).
- (5) Newport Army Ammunition Plant.
- (6) Muscatatuck National Wildlife Refuge.

(7) Leiber State Recreation Area (holders of handicap permits under 312 IAC 9-10-10 only).

(b) The season for hunting deer under this section by firearms is from November 1 through December 31.

(c) The season for hunting deer under this section by bow and arrows is from October 1 through December 31.

(d) Except as provided under subsections (b) through (c), a person who hunts by the authority of a firearms license issued under section 3 of this rule or bow and arrows license under section 4 or 5 of this rule is also subject to those sections.

(e) An individual may enter a drawing to hunt deer on the military reserves or on Big Oaks National Wildlife Reserve or Muscatatuck National Wildlife Refuge. If selected in the drawing, that individual may apply for:

- (1) an extra firearms military or refuge deer license;
- (2) an extra deer muzzle loader military or refuge license; or
- (3) an extra deer archery military or refuge license;

to hunt during the seasons established under subsections (b) through (c).

(f) Except as provided in subsection (g), the seasonal bag limit for hunting under this section is one (1) deer of either sex for each license, whether that license is issued under subsection (d) or (e). An antlered deer taken under this section is exempted from the limitations placed on the taking of antlered deer set forth in this rule.

(g) In addition to the other licenses authorized by this section, the division may issue an extra deer license under this subsection. This extra deer license authorizes the taking by bow and arrows of a deer of either sex from a site listed in subsection (a). This subsection is governed by IC 14-22-12-1(18) and IC 14-22-12-1(19).

(h) Section 2 of this rule, which governs the use of tags, generally, also applies to extra deer tags under this section. (*Natural Resources Commission; 312 IAC 9-3-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2705; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1532; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-3-9 Deer killed by other means; disposition**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 9. (a) If a deer dies following a collision with a motor vehicle, a conservation officer, another law enforcement officer, or a property manager or assistant property manager for the department may issue a departmental permit to an individual to possess the carcass of the deer for not more than sixty (60) days.

(b) If a deer is found dead, a conservation officer or a person designated by the conservation officer may issue a departmental

permit to possess the deer. (*Natural Resources Commission; 312 IAC 9-3-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-3-10 Commercial processing of deer**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 10. (a) A person who receives deer for processing and charges a fee must maintain accurate daily records of the following:

- (1) The dates deer are received and disposed of.
- (2) The name and address of the owner of the deer.
- (3) The state or province from which the deer was taken.
- (4) The official tag and seal number or certificate of ownership number.

(b) These records shall be retained by the person or persons responsible for preparation or maintenance for at least eighteen (18) months following that preparation and must register with the department annually.

(c) A law enforcement officer may enter premises used for deer preparation at all reasonable hours to inspect those premises and the daily records required under subsection (a). (*Natural Resources Commission; 312 IAC 9-3-10; 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*)

**312 IAC 9-3-11 Beavers**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 11. (a) The season for taking beavers 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*)

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

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 12. (a) The season for hunting red foxes and gray foxes is from noon on October 15 until noon on February 28 of the following year.

(b) The season for trapping red foxes, gray foxes, and 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 hunting and trapping coyotes is from noon 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 a red fox or gray fox except from October 15 until March 20 of the following year.

(f) A person must not possess 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*)

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

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 13. (a) The season for trapping minks, muskrats, and long-tailed weasels 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*)

### **312 IAC 9-3-14 Opossums and raccoons**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 14. (a) Except as provided in subsection (b), the seasons applicable to raccoons and opossums 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 hunt raccoons under subsection (a)(1) and may 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 possess a firearm, air rifle, or another device capable of taking a raccoon or opossum while chasing a raccoon or opossum during the chasing season established under subsection (a)(3).

(d) A person must not remove, attempt to remove, dislodge, or attempt to dislodge a raccoon from a tree hollow, hole, den, pocket, cavity, burrow, tile, or other place where the raccoon has secreted itself for security or protection or in which the raccoon maintains a nest or den.

(e) A person must not possess an opossum or a raccoon except from November 8 through February 20 of the following year. (*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*)

### **312 IAC 9-3-15 Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, or squirrels to protect property**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 15. (a) Notwithstanding the requirements of this rule, a resident landowner or a tenant may, without a permit at any time, take a beaver, mink, muskrat, long-tailed weasel, red fox, gray fox, opossum, skunk, raccoon, fox squirrel, or gray squirrel that is discovered while damaging property.

(b) A person who takes a mammal under subsection (a) must report the taking to the division director or to a conservation officer within seventy-two (72) hours of the taking. The mammal must be disposed of in a lawful manner. A person must not release a mammal except in the county where the mammal was captured. (*Natural Resources Commission; 312 IAC 9-3-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540*)

### **312 IAC 9-3-16 Cottontail rabbits**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 16. (a) Except as provided in subsection (c), the season for taking and possessing cottontail rabbits is from the first Friday of November after November 3 through January 31 of the following year.

(b) The daily bag limit is five (5) cottontail rabbits.

(c) The season for taking and possessing cottontail rabbits within the boundaries of:

(1) Atterbury, Brush Creek, Crosley, Glendale, Jasper-Pulaski, Kingsbury, LaSalle, Sugar Ridge, Pigeon River, Tri-County, Wilbur Wright, Minnehaha, Hillenbrand, and Willow Slough;

(2) Winamac Fish and Wildlife Areas; and

(3) Salamonie, Huntington, Mississinewa, Brookville, Hardy, Monroe, and Patoka lakes; is from October 1 through January 31 of the following year.

(d) It is unlawful for a person to hunt rabbits unless that person wears hunter orange.

(e) It is unlawful to remove, dislodge, or attempt to remove or dislodge a rabbit from a hole, den, cavity, or tree hollow with



the aid of a ferret or other small animal, mechanical device, chemical, smoke, fire, or fume. (*Natural Resources Commission; 312 IAC 9-3-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-3-17 Squirrels**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 17. (a) The season for hunting and possessing gray squirrels and fox squirrels is as follows:

(1) From August 15 through December 31 north of U.S. 40.

(2) From August 15 through January 31 of the following year south of U.S. 40.

(b) The daily bag limit is five (5) squirrels.

(c) Unless hunting from a boat, a person must not hunt squirrels after the first Friday of November after November 3 through January 31 of the following year unless that person wears hunter orange.

(d) A person must not shoot into or to otherwise disturb the leaf nest or den of a squirrel.

(e) A person must not hunt or possess a flying squirrel except as otherwise provided by this article. (*Natural Resources Commission; 312 IAC 9-3-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540*)

**312 IAC 9-3-18 Prohibited methods of pursuit and taking furbearing mammals**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18. (a) It is unlawful to take a furbearing mammal with a leg-hold trap possessing saw-toothed or spiked jaws.

(b) It is unlawful to take a furbearing mammal with a leg-hold trap sized number three (3) or larger without offset jaws unless the trap is completely covered by water.

(c) It is unlawful to take a furbearing mammal with a Conibear, Dahlgren, Bigelow, or other killer trap which is seven and one-half (7½) inches or larger in diameter or which 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 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 disturb the den or house of a mammal protected by sections 11 through 14 of this rule:

(1) by shooting, digging, cutting, or chipping into the leaf nest, hole, burrow, tree, or den; or

(2) with:

(A) the aid of smoke, fire, fumes, chemicals, ferret, or other small animal; or

(B) any mechanical device introduced into the hole, burrow, tree, or den;

where the animal is hidden or sheltered.

(f) It is unlawful to 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.

(g) It is unlawful to 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.

(h) It is unlawful to chase or take a furbearing mammal between sundown and sunrise without carrying a continuous shining light which is visible for at least five hundred (500) feet.

(i) It is unlawful to 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*)

**312 IAC 9-3-18.5 Exotic mammals**

Authority: IC 14-22-2-6; IC 14-22-32-6

Affected: IC 14-8-2-278; IC 14-22; IC 15-2.1-24

Sec. 18.5. (a) A person must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the following families of mammals:

- (1) Bradypodidae (tree sloth).
- (2) Bovidae (gazelle, bighorn sheep, antelope, and wildebeest), except for domestic cattle (genus *Bos*, including all dairy and beef animals) and buffalo (*Bison bison*).
- (3) Camelidae (camel and llama).
- (4) Canidae (jackal, wild dog, and other exotic foxes).
- (5) Cebidae (marmoset).
- (6) Cercopithecidae (baboon and monkey).
- (7) Cervidae (elk, moose, caribou, and other exotic deer).
- (8) Dasypodidae (armadillo).
- (9) Elephantidae (elephant).
- (10) Equidae (wild horse and zebra), except for domestic horses.
- (11) Felidae (mountain lion, lynx, tiger, and other exotic cats).
- (12) Giraffidae (giraffe and okapi).
- (13) Hippopotamidae (hippopotamus).
- (14) Hyaenidae (hyaena).
- (15) Macropodidae (kangaroo and wallaby).
- (16) Myrmecophagidae (anteater).
- (17) Orycteropodidae (aardvark).
- (18) Pongidae (chimpanzee, bonobo, and gorilla).
- (19) Procaviidae (hyrax).
- (20) Protelidae (aardwolf).
- (21) Rhinocerotidae (rhinoceros).
- (22) Suidae (wild boar and other exotic swine), except for domestic swine.
- (23) Tapiridae (tapir).
- (24) Tayassuidae (javelina and peccary).
- (25) Tragulidae (chevrotain).
- (26) Ursidae (bear).
- (27) A hybrid or genetically altered mammal of any of these families.

Exempted from this section are the following species of mammals that are not considered to be exotic mammals: white-tailed deer, bobcat, red fox, gray fox, and coyote.

(b) Notwithstanding subsection (a), a person may take an exotic mammal only if the exotic mammal is:

- (1) taken by a resident landowner or tenant while causing damage to property that is owned or leased by the landowner or tenant; or
- (2) a species from the family:
  - (A) suidae and:
    - (i) has been released or escaped from captivity; or
    - (ii) is a member of a breeding population in the wild; or
  - (B) bovidae, camelidae, or cervidae and slaughtered in accordance with IC 15-2.1-24.

(c) A person may not possess an exotic mammal that is a species from a family listed in subsection (a) except as otherwise provided by statute or this article.

(d) A person:

- (1) may not release an exotic mammal that is a species from a family listed in subsection (a) into the wild in Indiana except as otherwise provided by statute or this article; and
- (2) must report the escape of any exotic mammal listed in subsection (a) to a conservation officer within twenty-four (24) hours.

(e) As used in this rule, “exotic mammal” means a species that is:

- (1) not native to Indiana; or
- (2) extirpated from Indiana and either a:
  - (A) wild animal; or
  - (B) feral animal other than a dog or cat.

*(Natural Resources Commission; 312 IAC 9-3-18.5; filed May 12, 2006, 10:38 a.m.: 29 IR 3346)*

**312 IAC 9-3-19 Endangered and threatened species of mammals**

Authority: 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 threatened or endangered and are subject to the protections provided under IC 14-22-34-12:

- (1) Bobcat (*Felis rufus*).
- (2) Indiana bat (*Myotis sodalis*).
- (3) Gray bat (*Myotis grisescens*).
- (4) Southeastern bat (*Myotis austroriparius*).
- (5) Evening bat (*Nycticeius humeralis*).
- (6) Badger (*Taxidea taxus*).
- (7) Eastern wood rat (*Neotoma floridana*).
- (8) Swamp rabbit (*Sylvilagus aquaticus*).
- (9) Franklin’s ground squirrel (*Spermophilus franklinii*).
- (10) River otter (*Lutra canadensis*).

*(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)*

**312 IAC 9-3-20 Exempted mammals**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 20. Any mammal not identified in this article is an exempted wild animal. *(Natural Resources Commission; 312 IAC 9-3-20; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**Rule 4. Birds**

**312 IAC 9-4-1 Applicability**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 1. This rule governs wild animals that are birds. *(Natural Resources Commission; 312 IAC 9-4-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-4-2 Migratory birds and waterfowl**

Authority: IC 14-22-2-6

Affected: IC 14-22

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

(b) A person must not hunt migratory birds and waterfowl unless the person is registered with the Harvest Information Program and possesses an identification number issued through the Harvest Information Program. Exempted from this subsection is a person who is hunting on property where the person is either of the following:

- (1) A landowner.
- (2) A lessee.
- (3) A resident of Indiana on leave from one of the armed services of the United States.

(c) 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*)

**312 IAC 9-4-3 Nontoxic shot requirements while hunting waterfowl**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 3. It is unlawful to hunt waterfowl while possessing shot, other than steel shot or another nontoxic shot. (*Natural Resources Commission; 312 IAC 9-4-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-4-4 Hunting blinds on lakes**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 4. (a) A person must not construct a hunting blind on the waters of this state unless the name and address of the person who constructs the blind is legibly indicated on the blind.

(b) The person who constructs a hunting blind must cause the removal of the blind from the waters of this state from April 1 through August 15.

(c) This section does not apply to waters owned or leased by the department. (*Natural Resources Commission; 312 IAC 9-4-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-4-5 Geese**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 5. (a) Except as provided under subsection (d), the annual seasons, bag limits, hunting restrictions, and shooting hours for geese are as determined under 50 CFR 20.

(b) The director may close the season established under subsection (a) upon a determination that the allowable harvest of geese for the year has been reached. A closure under this subsection is effective seventy-two (72) hours after the declaration is made.

(c) The director may close the Posey County goose season upon a determination the allowable goose harvest for Posey County has been reached. A closure under this subsection is effective seventy-two (72) hours after the notification of closure is made. Notification of the closure will be posted at locations in Posey County.

(d) It is unlawful for an individual to possess more than the number of shotgun shells designated in this subsection, while hunting geese from designated shooting units or sites within Atterbury, Hovey Lake, Kankakee, Jasper-Pulaski, or Pigeon River Fish and Wildlife Areas. If the daily limit is one (1) Canada goose, the individual may possess no more than four (4) shotgun shells. If the daily limit is two (2) Canada geese, the individual may possess no more than eight (8) shotgun shells. If the daily limit is three (3) Canada geese, the individual may possess no more than ten (10) shotgun shells. If the daily limit is four (4) Canada geese, the individual may possess no more than twelve (12) shotgun shells. If the daily limit is five (5) Canada geese, the individual may possess no more than fourteen (14) shotgun shells. (*Natural Resources Commission; 312 IAC 9-4-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-4-6 Woodcock**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 6. (a) The annual seasons, bag limits, and shooting hours for woodcock are as determined under 50 CFR 20.

(b) It is unlawful for a person to hunt woodcock unless that person wears hunter orange.

(c) No person may hunt woodcock unless the person is registered with the Harvest Information Program and possesses an identification number issued through the Harvest Information Program. Exempted from this subsection is a person who is hunting on property where the person is either of the following:

(1) A landowner.

(2) A lessee.

(3) A resident of Indiana on leave from the armed forces of the United States.

*(Natural Resources Commission; 312 IAC 9-4-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-4-7 Hungarian partridges (Repealed)**

*Sec. 7. (Repealed by Natural Resources Commission; filed Sep 23, 2004, 3:00 p.m.: 28 IR 556)*

### **312 IAC 9-4-8 Pheasants**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 8. (a) Except as provided in subsection (c), the season for hunting and possessing pheasants is from the first Friday of November after November 3 and continuing an additional forty-four (44) days.

(b) Except as provided in subsection (d), the daily bag limit is two (2) cock pheasants.

(c) The season for hunting and possessing pheasants from Atterbury, Crosley, Glendale, Jasper-Pulaski, LaSalle, Pigeon River (west of State Road 3), Tri-County, Willow Slough (north of County Road 100 North), and Winamac (south of the abandoned C & O Railroad) Fish and Wildlife Areas and from Huntington Lake is from the first Friday of November after November 3 through January 15 of the following year.

(d) From the Saturday before Thanksgiving through January 15 of the following year, the daily bag limit is two (2) pheasants of either sex on Atterbury, Crosley, Pigeon River (west of State Road 3), Tri-County, Glendale, Willow Slough (north of County Road 100 North), and Winamac (south of the abandoned C & O Railroad) Fish and Wildlife Areas and from Huntington Lake. During the season established under this subsection, whenever applicable, a hunter must pay designated fees and must hunt within assigned units.

(e) It is unlawful for a person to hunt pheasants unless that person wears hunter orange.

(f) The head and head plumage of a pheasant must remain attached to the carcass while the pheasant is in transit from the site of taking. *(Natural Resources Commission; 312 IAC 9-4-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-4-9 Quail**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 9. (a) The season for hunting and possessing quail is as follows:

(1) South of State Road 26, from the first Friday of November after November 3 through January 15 of the following year.

(2) North of State Road 26, from the first Friday of November after November 3 and continuing an additional forty-four (44) days.

(b) The daily bag limit is:

(1) five (5) quail north of State Road 26; and

(2) eight (8) quail south of State Road 26.

(c) It is unlawful for a person to hunt quail unless the person wears hunter orange. *(Natural Resources Commission; 312 IAC 9-4-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-4-10 Ruffed grouse**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 10. (a) The season for hunting and possessing ruffed grouse is from October 1 through December 31.

(b) The daily bag limit is two (2) ruffed grouse.

(c) A person must not hunt ruffed grouse except in the following counties:

- (1) Bartholomew.
- (2) Brown.
- (3) Clark.
- (4) Crawford.
- (5) Dearborn (south of U.S. 50).
- (6) Greene (east of U.S. 231).
- (7) Jackson.
- (8) Jefferson.
- (9) Jennings (south of U.S. 50).
- (10) Johnson.
- (11) LaGrange (except Pigeon River Fish and Wildlife Area).
- (12) Lawrence.
- (13) Martin.
- (14) Morgan.
- (15) Monroe.
- (16) Ohio.
- (17) Orange.
- (18) Owen.
- (19) Putnam (south of U.S. 40).
- (20) Perry.
- (21) Ripley (south of U.S. 50).
- (22) Scott.
- (23) Steuben (except Pigeon River Fish and Wildlife Area).
- (24) Switzerland.
- (25) Washington.

(d) A person must not hunt ruffed grouse unless that person wears hunter orange. (*Natural Resources Commission; 312 IAC 9-4-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-4-11 Wild turkeys**

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 11. (a) Except as provided in subsection (c), the spring season for hunting and possessing wild turkeys is from the first Wednesday after April 20 and continuing for an additional eighteen (18) consecutive days.

(b) The fall season for hunting and possessing wild turkeys with a bow and arrows is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday after October 14 and continues for an additional four (4) consecutive days except as provided in subsection (c).

(c) The spring and fall seasons for hunting and possessing wild turkeys on Camp Atterbury and the Big Oaks National Wildlife Refuge shall be determined by the director on an annual basis.

(d) The limit for taking and possessing is one (1):

- (1) bearded or male wild turkey during the spring season; and
- (2) wild turkey of either sex during the fall season.

(e) A person must not hunt wild turkeys except between one-half (½) hour before sunrise and sunset.

(f) A person must not take a wild turkey except with the use of one (1) of the following:

- (1) A shotgun not smaller than 20 gauge and not larger than 10 gauge loaded only with shot of size 4, 5, 6, 7, or 7½.
- (2) A muzzle loading shotgun not smaller than 20 gauge and not larger than 10 gauge loaded only with shot of 4, 5, 6, 7, or 7½.
- (3) A bow and arrows, including crossbows as defined in 312 IAC 9-3-4(j), with the following restrictions:
  - (A) A person must not use a long bow or compound bow of less than thirty-five (35) pounds pull.
  - (B) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
  - (C) A person must not use a:
    - (i) crossbow of less than one hundred twenty-five (125) pounds pull;
    - (ii) crossbow unless it has a mechanical safety; or
    - (iii) poisoned or explosive arrow.
  - (D) No portion of a bow's riser (handle) or:
    - (i) track;
    - (ii) trough;
    - (iii) channel;
    - (iv) arrow rest; or
    - (v) 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.
  - (E) Before or after lawful shooting hours, a person must not possess a:
    - (i) long bow;
    - (ii) compound bow; or
    - (iii) crossbow;in the field if the nock of the arrow is placed on the bow string.
- (g) A person must not hunt wild turkeys in the fall season except in a county the director designates, on an annual basis, by emergency rule or in the spring season in the following counties:
  - (1) Adams, south of State Road 124.
  - (2) Blackford.
  - (3) Delaware.
  - (4) Grant, east of Interstate 69.
  - (5) Hancock, east of State Road 9.
  - (6) Henry.
  - (7) Huntington, south of State Road 124 and east of Interstate 69.
  - (8) Jasper, south of State Highway 114 and west of Interstate 65.
  - (9) Jay.
  - (10) Newton, south of State Highway 114.
  - (11) Randolph, north of State Road 32.
  - (12) Rush, north of State Road 44.
  - (13) Shelby, east of State Road 9 and north of State Road 44.
  - (14) Wells, south of State Road 124.
  - (15) Whitley, south of U.S. 30.
- (h) The use of a dog, another domesticated animal, a live decoy, a recorded call, an electronically powered or controlled decoy, or bait to take a wild turkey is prohibited. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited that is attractive to wild turkeys resulting from either of the following:
  - (1) Normal agricultural practices.
  - (2) The use of a:
    - (A) manufactured scent;
    - (B) lure; or
    - (C) chemical attractant.
- (i) A person must not possess a handgun while hunting wild turkeys.
- (j) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt wild turkeys unless possessing a completed and signed license bearing the person's name. The license must be accompanied by a temporary transportation tag bearing the license number and the year of issuance. A person must not hunt with a wild turkey license or tag issued to another person.

(k) The temporary transportation tag described in subsection (j) must, immediately after taking a wild turkey, be notched as to the month and day of the taking and attached to a leg of the turkey directly above the spur. A tag is void if notched more than twice. The temporary transportation tag must be attached to a leg of the wild turkey directly above the spur. A person who takes a turkey must cause delivery of the turkey to an official turkey checking station within forty-eight (48) hours of taking for registration. After the checking station operator records the permanent seal number on the log, the person is provided with that seal. The person must immediately and firmly affix the seal to the leg of the turkey directly above the temporary transportation tag. The seal must remain affixed until processing of the turkey begins. The official turkey checking station operator shall accurately and legibly complete all forms provided by the department and make those forms available to department personnel on request.

(l) Each of the following individuals must tag a turkey carcass immediately after taking with a paper that states the name and address of the individual and the date the turkey was taken:

- (1) A lifetime license holder.
- (2) A youth license holder.
- (3) For a wild turkey taken on a landowner's land, each of the following:
  - (A) The resident landowner.
  - (B) The spouse of the resident landowner.
  - (C) A child of the resident landowner who is living with the landowner.
- (4) For a wild turkey taken on land leased from another person, each of the following:
  - (A) The resident lessee who farms the land.
  - (B) The spouse of the resident lessee.
  - (C) A child of the resident lessee who is living with the lessee.
- (5) An Indiana serviceman or servicewoman hunting under IC 14-22-11-11.

(m) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken. *(Natural Resources Commission; 312 IAC 9-4-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541; filed May 25, 2005, 10:15 a.m.: 28 IR 2946)*

### **312 IAC 9-4-12 Crows**

Authority: IC 14-22-2-6  
 Affected: IC 14-22

Sec. 12. (a) The seasons for hunting and possessing crows is from July 1 through August 15 and from December 13 through March 1 of the following year.

(b) There is no limit on the number of crows which may be taken. *(Natural Resources Commission; 312 IAC 9-4-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-4-13 Brown-headed cowbirds, common grackles, red-winged blackbirds, rusty blackbirds, Brewer's blackbirds, and crows**

Authority: IC 14-22-2-6  
 Affected: IC 14-22

Sec. 13. Brown-headed cowbirds, common grackles, red-winged blackbirds, rusty blackbirds, Brewer's blackbirds, and crows may be taken if the birds:

- (1) are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife; or
- (2) are concentrated in numbers and in a manner which constitutes a health hazard or nuisance as provided under 50 CFR 16.

*(Natural Resources Commission; 312 IAC 9-4-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-4-14 Endangered and threatened species; birds**

Authority: 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 (*Syrnris 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) Golden-winged warbler (*Vermivora chrysoptera*).
- (25) Kirtland's warbler (*Dendroica kirtlandii*).
- (26) Henslow's sparrow (*Ammodramus henslowii*).
- (27) 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*)

### **312 IAC 9-4-15 English sparrows, starlings, and feral pigeons**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 15. English sparrows, starlings, and feral pigeons (not including homing pigeons) may be taken at any time. (*Natural Resources Commission; 312 IAC 9-4-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

## **Rule 5. Reptiles and Amphibians**

### **312 IAC 9-5-1 Reptiles and amphibians**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22

Sec. 1. (a) This rule governs wild animals that are reptiles and amphibians.

(b) All reptiles and amphibians native to Indiana are wild animals protected by law.

(c) A person must not take, chase, or possess a reptile or amphibian, except as provided by IC 14-22 or this rule. A person has the burden of proving the person qualifies for an exception under IC 14-22 or this rule. (*Natural Resources Commission; 312 IAC*

9-5-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3671; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

**312 IAC 9-5-2 Taking turtles**

Authority: IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22-11-1; IC 14-22-11-8; IC 14-22-12-1

Sec. 2. (a) The following species of turtles, and no others, may be taken under this section:

(1) Common snapping turtle (*Chelydra serpentina serpentina*).

(2) Smooth softshell turtle (*Apalone mutica*).

(3) Spiny softshell turtle (*Apalone spinifera*).

(b) The season for taking turtles is unlimited.

(c) The daily bag limit is twenty-five (25) turtles.

(d) A person must not take a turtle except by:

(1) a trap, a net, or other mechanical device which has no opening below the surface of the water;

(2) hands;

(3) a gaff; or

(4) any method provided by statute or by 312 IAC 9-7 for sport fishing.

(e) Except as provided under IC 14-22-11-1, a resident must possess a hunting license or a fishing license issued under IC 14-22-11-8 to take a turtle. A nonresident must possess a nonresident yearly license to hunt under IC 14-22-12-1(6). (*Natural Resources Commission; 312 IAC 9-5-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3672; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-5-3 Taking bullfrogs and green frogs**

Authority: IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22-11-1; IC 14-22-11-8; IC 14-22-12-1

Sec. 3. (a) The following species of frogs, and no others, may be taken under this section:

(1) Bullfrog (*Rana catesbeiana*).

(2) Green frog (*Rana clamitans*).

(b) The season for taking and possessing frogs is from June 15 through April 30 of the following year.

(c) The daily bag limit is twenty-five (25) frogs.

(d) A person must not take frogs except by one (1) of the following methods:

(1) A gig or spear having a head not more than three (3) inches wide and a single row of tines.

(2) Bow and arrows.

(3) A club.

(4) Hands.

(5) A single pole or hand line with not more than one (1) hook or artificial lure affixed.

(6) A .22 caliber firearm, as long as the projectiles discharged from the barrel of the firearm are birdshot.

(e) A person may use a spotlight, a searchlight, or another artificial light to assist in taking frogs under subsection (d).

(f) Except as provided under IC 14-22-11-1, a resident must possess a hunting license or a fishing license issued under IC 14-22-11-8 to take frogs. A nonresident must possess a nonresident yearly license to hunt under IC 14-22-12-1(6). (*Natural Resources Commission; 312 IAC 9-5-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3672; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-5-4 Endangered and threatened species; reptiles and amphibians**

Authority: 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 (*Liochlorophis 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)

### **312 IAC 9-5-5 Exempted reptiles and amphibians (Repealed)**

Sec. 5. (Repealed by Natural Resources Commission; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3678)

### **312 IAC 9-5-6 Collection and possession of reptiles and amphibians native to Indiana**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22-11-1; IC 14-22-11-8; IC 14-22-12-1

Sec. 6. (a) A resident must not collect reptiles or amphibians from the wild unless the person holds a valid:

- (1) hunting license, or is excepted from holding a valid hunting license, under IC 14-22-11-1; or
- (2) fishing license, or is excepted from holding a fishing license, under IC 14-22-11-8.

(b) A nonresident must not collect reptiles or amphibians from the wild unless the person possesses a nonresident yearly license to hunt under IC 14-22-12-1(6).

(c) Except as provided in sections 2, 3, and 11 of this rule, the possession limit is four (4) with respect to any species of reptile or amphibian native to Indiana possessed under this section. A person must not, however, collect an eastern box turtle (*Terrapene carolina*) from the wild.

(d) A person must not collect a reptile or amphibian egg from the wild.

(e) Except for a reptile lawfully possessed and fitted with a passive integrated transponder under section 9(h) of this rule, a reptile or amphibian collected under this section must not be sold.

(f) The offspring of an amphibian taken under this section must not be sold.

(g) A reptile captive breeder (who is in compliance with section 9 of this rule) may sell the offspring of a reptile, taken under this section, to any person.

(h) A reptile or amphibian taken from the wild must not be released back into the wild unless one (1) of the following conditions is met:

(1) A person releases an animal without a permit issued under subdivision (2) where the animal as follows:

- (A) Has not been held in an enclosure with another reptile or amphibian.
- (B) Has not been in captivity for more than thirty (30) days.

(C) Is released at the point of capture.

(2) The division issues a permit to a person to release an animal, and the person releases the animal under the terms of the license.

*(Natural Resources Commission; 312 IAC 9-5-6; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3672; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543)*

### **312 IAC 9-5-7 Sale and transport for sale of reptiles and amphibians native to Indiana**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22; IC 20-19-2-8; IC 20-19-2-10

Sec. 7. (a) This section governs the sale, transport for sale, or offer for sale or transport for sale of any reptile or amphibian native to Indiana regardless of place of origin.

(b) Except as otherwise provided in this section and in section 6(g) of this rule, the sale, transport for sale, or offer to sell or transport for sale of a reptile or amphibian native to Indiana is prohibited. A person must not sell a turtle, regardless of species or origin, with a carapace less than four (4) inches long, except for a valid scientific or educational purpose that is associated with one (1) of the following:

(1) A federal, state, county, city, or similar governmental agency that is engaged in scientific study or research.

(2) A scientific research organization.

(3) An accredited museum or institution of higher learning.

(4) An individual working in cooperation with a college, university, or governmental agency.

(5) A private company under a contract for scientific or educational purposes.

(c) As used in this rule, "reptile or amphibian native to Indiana" means those reptiles and amphibians with the following scientific names, including common names for public convenience, but the scientific names control:

(1) Hellbender (*Cryptobranchus alleganiensis*).

(2) Common mudpuppy (*Necturus maculosus*).

(3) Streamside salamander (*Ambystoma barbouri*).

(4) Jefferson salamander (*Ambystoma jeffersonianum*).

(5) Blue-spotted salamander (*Ambystoma laterale*).

(6) Spotted salamander (*Ambystoma maculatum*).

(7) Marbled salamander (*Ambystoma opacum*).

(8) Mole salamander (*Ambystoma talpoideum*).

(9) Smallmouth salamander (*Ambystoma texanum*).

(10) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*).

(11) Eastern newt (*Notophthalmus viridescens*).

(12) Green salamander (*Aneides aeneus*).

(13) Northern dusky salamander (*Desmognathus fuscus*).

(14) Southern two-lined salamander (*Eurycea cirrigera*).

(15) Longtailed salamander (*Eurycea longicauda*).

(16) Cave salamander (*Eurycea lucifuga*).

(17) Four-toed salamander (*Hemidactylium scutatum*).

(18) Northern redback salamander (*Plethodon cinereus*).

(19) Northern zigzag salamander (*Plethodon dorsalis*).

(20) Northern ravine salamander (*Plethodon electromorphus*).

(21) Northern slimy salamander (*Plethodon glutinosus*).

(22) Red salamander (*Pseudotriton ruber*).

(23) Lesser siren (*Siren intermedia*).

(24) Eastern spadefoot toad (*Scaphiopus holbrookii*).

(25) American toad (*Bufo americanus*).

(26) Fowler's toad (*Bufo fowleri*).

(27) Cricket frog (*Acris crepitans*).

(28) Cope's gray treefrog (*Hyla chrysoscelis*).

- (29) Green treefrog (*Hyla cinerea*).
- (30) Eastern gray treefrog (*Hyla versicolor*).
- (31) Spring peeper (*Pseudacris crucifer*).
- (32) Western chorus frog (*Pseudacris triseriata*).
- (33) Crawfish frog (*Rana areolata*).
- (34) Plains leopard frog (*Rana blairi*).
- (35) Bullfrog (*Rana catesbeiana*).
- (36) Green frog (*Rana clamitans*).
- (37) Northern leopard frog (*Rana pipiens*).
- (38) Pickerel frog (*Rana palustris*).
- (39) Southern leopard frog (*Rana utricularia*).
- (40) Wood frog (*Rana sylvatica*).
- (41) Common snapping turtle (*Chelydra serpentina serpentina*).
- (42) Smooth softshell turtle (*Apalone mutica*).
- (43) Spiny softshell turtle (*Apalone spinifera*).
- (44) Alligator snapping turtle (*Macrochelys temmincki*).
- (45) Eastern mud turtle (*Kinosternon subrubrum*).
- (46) Common musk turtle (*Sternotherus odoratus*).
- (47) Midland painted turtle (*Chrysemys picta marginata*).
- (48) Western painted turtle (*Chrysemys picta bellii*).
- (49) Spotted turtle (*Clemmys guttata*).
- (50) Blanding's turtle (*Emydoidea blandingii*).
- (51) Common map turtle (*Graptemys geographica*).
- (52) False map turtle (*Graptemys pseudogeographica*).
- (53) Ouachita map turtle (*Graptemys ouachitensis*).
- (54) Hieroglyphic river cooter (*Pseudemys concinna*).
- (55) Eastern box turtle (*Terrapene carolina*).
- (56) Ornate box turtle (*Terrapene ornata*).
- (57) Red-eared slider (*Trachemys scripta elegans*).
- (58) Eastern fence lizard (*Sceloporus undulatus*).
- (59) Slender glass lizard (*Ophisaurus attenuatus*).
- (60) Six-lined racerunner (*Cnemidophorus sexlineatus*).
- (61) Five-lined skink (*Eumeces fasciatus*).
- (62) Broadhead skink (*Eumeces laticeps*).
- (63) Ground skink (*Scincella lateralis*).
- (64) Eastern worm snake (*Carphophis amoenus*).
- (65) Scarlet snake (*Cemophora coccinea*).
- (66) Racer (*Coluber constrictor*).
- (67) Kirtland's snake (*Clonophis kirtlandii*).
- (68) Ringneck snake (*Diadophis punctatus*).
- (69) Midland rat snake, also known as the black rat snake (*Elaphe spiloides*).
- (70) Western rat snake (*Elaphe obsoleta*).
- (71) Western fox snake (*Elaphe vulpina vulpina*).
- (72) Mud snake (*Farancia abacura*).
- (73) Eastern hognose snake (*Heterodon platirhinos*).
- (74) Prairie kingsnake (*Lampropeltis calligaster calligaster*).
- (75) Black kingsnake (*Lampropeltis getula nigra*).
- (76) Eastern milk snake (*Lampropeltis triangulum triangulum*).
- (77) Red milk snake (*Lampropeltis triangulum sspila*).
- (78) Copperbelly water snake (*Nerodia erythrogaster*).
- (79) Diamondback water snake (*Nerodia rhombifer*).

- (80) Northern water snake (*Nerodia sipedon*).
- (81) Rough green snake (*Opheodrys aestivus*).
- (82) Smooth green snake (*Liochlorophis vernalis*).
- (83) Bull snake (*Pituophis catenifer sayi*).
- (84) Queen snake (*Regina septemvittata*).
- (85) Brown snake (*Storeria dekayi*).
- (86) Redbelly snake (*Storeria occipitomaculata*).
- (87) Southeastern crowned snake (*Tantilla coronata*).
- (88) Butler's garter snake (*Thamnophis butleri*).
- (89) Western ribbon snake (*Thamnophis proximus*).
- (90) Plains garter snake (*Thamnophis radix*).
- (91) Eastern ribbon snake (*Thamnophis sauritus*).
- (92) Common garter snake (*Thamnophis sirtalis*).
- (93) Smooth earthsnake (*Virginia valeriae*).
- (94) Northern copperhead (*Agkistrodon contortrix*).
- (95) Cottonmouth moccasin (*Agkistrodon piscivorus*).
- (96) Timber rattlesnake (*Crotalus horridus*).
- (97) Massasauga (*Sistrurus catenatus*).

(d) As used in this section, "sale" means either of the following:

(1) Barter, purchase, trade, or offer to sell, barter, purchase, or trade.

(2) Serving as part of a meal by a restaurant, a hotel, a boarding house, or the keeper of an eating house. However, a hotel, a boarding house, or the keeper of an eating house may prepare and serve during open season to:

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

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

a reptile or amphibian legally taken by the guest, patron, or boarder during the open season.

(e) As used in this section, "transport" means to move, carry, or ship a wild animal protected by law by any means and for any common or contract carrier knowingly to move, carry, or receive for shipment a wild animal protected by law.

(f) A reptile or amphibian that is not on a state or federal endangered or threatened species list and with a color morphology that is:

(1) albinistic (an animal lacking brown or black pigment);

(2) leucistic (a predominately white animal); or

(3) xanthic (a predominately yellow animal);

is exempted from this section if it was not collected from the wild.

(g) Exempted from this section is an institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for the exemption, the institution must have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of Health and Human Services.

(h) Exempted from this section is a sale made under a reptile captive breeding license governed by section 9 of this rule.

(i) Exempted from this section is the sale to and purchase of reptiles or amphibians by a public school accredited under IC 20-1-1-6(a)(5) [IC 20-1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005. See IC 20-19-2-8.] or nonpublic school accredited under IC 20-1-1-6(a)(9) [IC 20-1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005. See IC 20-19-2-8.] and IC 20-1-1-6.2 [IC 20-1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005. See IC 20-19-2-10.]. This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.

(j) Exempted from this section is the sale and purchase of a bullfrog (*Rana catesbeiana*) tadpole or green frog (*Rana clamitans*) tadpole produced by a resident holder of a hauler and supplier permit or an aquaculture permit if the tadpole is a byproduct of a fish production operation. As used in this subsection, "tadpole" means the larval life stage of a frog for the period in which the tail portion of the body is at least one (1) inch long.

(k) A person who is transporting native reptiles and amphibians in interstate commerce, to be sold outside Indiana, is exempted from this section. (*Natural Resources Commission; 312 IAC 9-5-7; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3673; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1535; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543; filed May 25, 2005, 10:15 a.m.: 28 IR 2948*)

**312 IAC 9-5-8 Possession, sale, and transport of dangerous reptiles**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22; IC 35-41-1-25

Sec. 8. (a) This section governs the possession, sale, transport for sale, or offer to sell any dangerous reptile.

(b) The possession, sale, transport for sale, or offer to sell or transport for sale of any dangerous reptile (other than by a zoological park) is prohibited.

(c) Exempted from this section is a person who is transporting dangerous reptiles in interstate commerce to be sold outside Indiana.

(d) Exempted from this section is a person who is in possession of a dangerous reptile under a Class III Wild Animal Possession permit issued under 312 IAC 9-11.

(e) Exempted from this section is an institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for the exemption, the institution must have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of Health and Human Services.

(f) As used in this section, "dangerous reptile" includes both of the following:

(1) A venomous reptile.

(2) A crocodilian that is at least five (5) feet long.

(g) As used in this section, "sale" includes:

(1) barter, purchase, trade, or offer to sell, barter, purchase, or trade; and

(2) serving as part of a meal by a restaurant, a hotel, a boardinghouse, or an eating house keeper; however, a hotel, a boardinghouse, or an eating house keeper may prepare and serve during open season to:

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

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

a reptile legally taken by the guest, patron, or boarder during the open season.

(h) As used in this section, "transport" means to move, carry, or ship a wild animal protected by law by any means and for any common or contract carrier knowingly to move, carry, or receive for shipment a wild animal protected by law.

(i) As used in this section, "zoological park" means an entity which satisfies one (1) of the following:

(1) A permanent establishment that is a member of the American Association of Zoological Parks and Aquariums (also known as the American Zoo and Aquarium Association).

(2) An agency of local government, open to and administered for the public, to provide education, conservation, and preservation of the earth's fauna.

*(Natural Resources Commission; 312 IAC 9-5-8; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3674; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-5-9 Reptile captive breeding license**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22

Sec. 9. (a) This section establishes the reptile captive breeding license and sets the requirements for a person who wishes to apply for and maintain the license.

(b) The application must be made on a department form.

(c) The annual fee for a license under this section is fifteen dollars (\$15).

(d) An application for a license under this section must be made within thirty (30) days of the effective date of this section for a reptile described in subsection (e) and possessed by the applicant before the effective date of this section. Any subsequent license application must be made within five (5) days after the applicant took possession of the first reptile described in subsection (e) and taken for captive breeding purposes.

(e) A reptile captive breeding license authorizes a person who holds the license to possess, breed, and sell the snakes listed in this section. In the following list, where both scientific names and common names are provided, common names are for public convenience, but the scientific names control:

(1) Midland rat snake, also known as the black rat snake (*Elaphe spiloides*).

(2) Western fox snake (*Elaphe vulpina*).

- (3) Eastern hognose snake (*Heterodon platirhinos*).
- (4) Prairie kingsnake (*Lampropeltis calligaster calligaster*).
- (5) Black kingsnake (*Lampropeltis getula nigra*).
- (6) Eastern milk snake (*Lampropeltis triangulum triangulum*).
- (7) Red milk snake (*Lampropeltis triangulum sypila*).
- (8) Bull snake (*Pituophis catenifer sayi*).
- (9) A snake that is not on a state or federal endangered or threatened species list and with a color morphology that is:
  - (A) albinistic (an animal lacking brown or black pigment);
  - (B) leucistic (a predominately white animal); or
  - (C) xanthic (a predominately yellow animal);

if it was not collected from the wild.

(f) Captive breeding stock other than a reptile described in subsection (e)(9) must be identified with an individually unique passive integrated transponder. A transponder must be implanted in each specimen. The type of transponder shall be approved by the commission. The imbedded transponder's code and other required information concerning the general health and condition of the animal must be provided on a departmental form, and be verified by a supervising veterinarian, within fourteen (14) days after obtaining the animal.

(g) A reptile held under this section must be confined in a cage or other enclosure that makes escape of the animal unlikely. Each animal must be provided with ample space and kept in a sanitary and humane manner. Animals and cages must be made available for inspection upon request by a conservation officer.

(h) Each animal possessed under this section must be lawfully acquired. No more than four (4) animals of each species described in subsection (e) may be collected annually from the wild. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition for animals not taken from the wild shall be presented to a conservation officer upon request. A person licensed under this section who collects an animal from the wild must document, on a departmental form, when and where the animal was collected. The animal must be fitted with a passive integrated transponder within fourteen (14) days of taking possession.

(i) A person licensed under this section must not possess an animal larger than the maximum sale length described in this subsection unless the animal is fitted with a transponder as part of the breeding stock of the person. Captive-bred offspring may only be sold before an individual attains the following total length:

- (1) Fifteen (15) inches for an eastern hognose snake.
- (2) Eighteen (18) inches for any of the following:
  - (A) A black rat snake.
  - (B) A western fox snake.
  - (C) A black kingsnake.
  - (D) A prairie kingsnake.
  - (E) An eastern milk snake.
  - (F) A red milk snake.

- (3) Twenty-eight (28) inches for a bull snake.

(j) A person licensed under this section must maintain accurate records on a calendar year basis on the number and disposition of breeding stock and captive breed young. The records shall include the species and number of animals captured, received, or sold and the birth dates of captive born animals. In addition, the records shall include the complete name and complete address of the person from whom an animal was purchased or to whom an animal was sold. The records shall be maintained at the place of business of the license holder for at least two (2) years after the end of the license year. Upon request by a conservation officer, the license holder must make the records available for inspection.

(k) A person licensed under this section must not release to the wild a captive breeder or the offspring of a captive breeder. (*Natural Resources Commission; 312 IAC 9-5-9; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3675; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 545; filed May 25, 2005, 10:15 a.m.: 28 IR 2950*)

### **312 IAC 9-5-10 Possession and captive breeding of reptiles acquired before January 1, 1999**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-26-6; IC 14-22-34-17

Affected: IC 14-22; IC 35-41-1-25

Sec. 10. A person who possesses or uses for captive breeding a reptile that was lawfully acquired by the person before



September 1, 1999, does not violate section 8 or 9 of this rule if the person does each of the following:

- (1) Describes the reptile on a department form by November 1, 1999.
- (2) Identifies the reptile with an individually unique transponder, a unique notch, or another method of permanent marking approved by the director.
- (3) Manages the reptile in a manner that is likely to assure the safety of the public and the health of the animal.

*(Natural Resources Commission; 312 IAC 9-5-10; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3676; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-5-11 Special purpose turtle possession permit**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 4-21.5; IC 14-22

Sec. 11. (a) This section establishes the requirements for a special purpose turtle possession permit.

(b) Only an Indiana resident can qualify for a permit under this section. An application must be made on a departmental form. Exempted from this section is any species of turtle that is possessed lawfully under section 2, 3, or 6 of this rule and any endangered species of native turtle that is possessed lawfully under 312 IAC 9-11.

(c) An application must be made within ten (10) days after taking possession of a native turtle that was not taken from the wild or for the possession of an eastern box turtle that was lawfully acquired by the person before January 1, 2005. A person does not violate section 6 of this rule if the person obtains a permit under this section for an eastern box turtle. An application must show the turtle was lawfully acquired. A receipted invoice, bill of lading, or other evidence approved by the director must accompany the application. To permit a turtle from outside Indiana, the turtle must have been taken lawfully and must be accompanied by a certificate of veterinary inspection from the state of origin.

(d) If supported by appropriate documentation, an unlimited number of native turtles that were legally obtained but not taken from the wild may be possessed under this permit.

(e) A conservation officer shall inspect each cage or enclosure before a permit can be issued. A turtle must be quarantined for at least thirty (30) days and display no signs of illness before being placed with other turtles. A turtle must be confined in a cage or other enclosure that makes escape of the animal unlikely and prevents the entrance of free-roaming turtles. The cage or enclosure must provide the turtle with ample space for exercise and to avoid overcrowding. Each turtle shall be handled, housed, and transported in a sanitary and humane manner. Mature male and female turtles of the same species must be caged separately. Upon request by a conservation officer, an applicant must make any cage or enclosure available for inspection.

(f) A turtle possessed under this section must not be bred, sold, traded, bartered, or released into the wild. A turtle possessed under this section may be given only to an individual who possesses a permit under this section.

(g) A native turtle with a straight-line carapace length of four (4) inches or greater held under this permit must be permanently marked with a unique passive integrated transponder (pit tag) implanted under the skin. Only pit tags that can be read by an AVID Reader may be implanted.

(h) A permit holder must not commercially advertise adoption services. A turtle possessed under this section must not be publicly displayed except under an educational permit issued under 312 IAC 9-10-9.5.

(i) A copy of the records must be kept on the premises of the permit holder for at least two (2) years after the turtle was obtained, and a copy must be provided to a conservation officer upon request. The records shall include the following:

- (1) The taxa, number, carapace length, and weight of each turtle obtained.
- (2) The complete name, address, and telephone number of the person from whom a turtle was obtained.
- (3) The date obtained.
- (4) The unique passive integrated transponder code of each implanted turtle.

(j) A conservation officer may enter the premises of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit. The conservation officer shall immediately notify the permit holder if the inspection reveals a turtle is being kept under unsanitary or inhumane conditions. A conservation officer may make a second inspection after ten (10) days, and the permit may be suspended or revoked under IC 4-21.5, and the turtles may be confiscated, if the permit holder fails to comply with the permit.

(k) A permit expires on December 31 of the year the permit was issued. The permit holder must provide an annual report to the division by February 15 of each year with the following information for each turtle possessed under this permit:

- (1) The taxa and number of each native turtle obtained.

(2) The complete name, address, and telephone number of the person from whom a turtle was obtained.

(3) The date obtained.

(4) The unique passive integrated transponder code of each implanted turtle.

(1) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

(1) A permit issued under this section.

(2) This article.

(3) Another applicable state, local, or federal law.

*(Natural Resources Commission; 312 IAC 9-5-11; filed Sep 23, 2004, 3:00 p.m.: 28 IR 546)*

## **Rule 6. Sport Fishing, Commercial Fishing; Definitions, Restrictions, and Standards**

### **312 IAC 9-6-1 Definitions pertaining to fish and fishing activities**

Authority: IC 14-22-2-6

Affected: IC 14-22-34-12

Sec. 1. In addition to the definitions contained in 312 IAC 9-1, the following definitions apply throughout 312 IAC 9-7, 312 IAC 9-8, and 312 IAC 9-10:

(1) "Alewife" means the species *Alosa pseudoharengus*.

(2) "American eel" means the species *Anguilla rostrata*.

(3) "Aquarium pet trade" means the business of importing, producing, or selling live fish for display in aquariums, tanks, or other continuing exhibits.

(4) "Atlantic salmon" means the species *Salmo salar*.

(5) "Bar mesh" means the length of one (1) side of the square mesh measure or as measured between two (2) knots on the same line.

(6) "Bighead carp" means the species *Hypophthalmichthys nobilis*.

(7) "Black bass" means the species *Micropterus salmoides*, *Micropterus dolomieu*, and *Micropterus punctulatus*.

(8) "Black carp" means the species *Mylopharyngodon piceus*.

(9) "Black crappie" means the species *Pomoxis nigromaculatus*.

(10) "Blue catfish" means the species *Ictalurus furcatus*.

(11) "Bluegill" means the species *Lepomis macrochirus*.

(12) "Bluntnose minnow" means the species *Pimephales notatus*.

(13) "Bowfin" means the species *Amia calva*.

(14) "Brook trout" means the species *Salvelinus fontinalis*.

(15) "Brown trout" means the species *Salmo trutta*.

(16) "Buffalo" means the genus *Ictiobus*.

(17) "Bullhead" means the species *Ictalurus melas*, *Ictalurus nebulosus*, and *Ictalurus natalis*.

(18) "Burbot" means the species *Lota lota*.

(19) "Carp" means the species *Cyprinus carpio*.

(20) "Cast net" means a net not more than ten (10) feet in diameter and having stretch mesh not larger than three-fourths ( $\frac{3}{4}$ ) inch.

(21) "Cavefish" means a fish of the family *Amblyopsidae*.

(22) "Chain pickerel" means the species *Esox niger*.

(23) "Channel catfish" means the species *Ictalurus punctatus*.

(24) "Chinook salmon" means the species *Oncorhynchus tshawytscha*.

(25) "Chub" means the species *Coregonus hoyi* and the species *Coregonus kiyi*.

(26) "Cisco" means the species *Coregonus artedii*.

(27) "Closed aquaculture system" means a rearing facility designed to prevent the escape of cultured organisms to the wild.

(28) "Coho salmon" means the species *Oncorhynchus kisutch*.

(29) "Crappie" means white crappie and black crappie.

(30) "Dip net" means a dip net not exceeding three (3) feet square, without sides or walls, and having stretch mesh not larger

than one-half (½) inch.

- (31) "Diploid" means a cell or organism that has two (2) complete sets of chromosomes.
- (32) "Exotic catfish" means a walking catfish or other member of the family Clariidae.
- (33) "Exotic fish" means an exotic catfish, bighead carp, black carp, silver carp, white perch, snakehead, rudd, ruffe, tubenose goby, round goby, or a hybrid or genetically altered fish of any of these species.
- (34) "Fathead minnow" means the species *Pimephales promelas*.
- (35) "Flathead catfish" means the species *Pylodictis olivaris*.
- (36) "Freshwater drum" means the species *Aplodinotus grunniens*.
- (37) "Gaff" or "gaff hook" means an implement of metal or another hard or tough material with or without barbs, making a single hook having a shank with or without a handle, which may be hand held to seize, hold, or sustain fish.
- (38) "Gar" means the genus *Lepisosteus*.
- (39) "Genetically altered fish" means a fish which is the product of genetic manipulation, including polyploidy, gynogenesis, gene transfer, and hormonal sex control.
- (40) "Gizzard shad" means the species *Dorosoma cepedianum*.
- (41) "Golden shiner" means the species *Notemigonus crysoleucas*.
- (42) "Goldfish" means the species *Carassius auratus*.
- (43) "Grab hook" means a device or implement used as a tong to clutch, close down upon, or grasp fish.
- (44) "Grass carp" means the genus *Ctenopharyngodon*.
- (45) "Green sunfish" means the species *Lepomis cyanellus*.
- (46) "Hybrid striped bass" means the hybrid of striped bass and white bass.
- (47) "Hybrid sunfish" means a hybrid of the genus *Lepomis*.
- (48) "Lake herring" means the species *Coregonus artedii*.
- (49) "Lake sturgeon" means the species *Acipenser fulvescens*.
- (50) "Lake trout" means the species *Salvelinus namaycush*.
- (51) "Lake whitefish" means the species *Coregonus clupeaformis*.
- (52) "Largemouth bass" means the species *Micropterus salmoides*.
- (53) "Minnow seine" means a seine or net not more than twelve (12) feet long and four (4) feet deep, and having stretch mesh not larger than one-half (½) inch.
- (54) "Minnow trap" means a fish trapping device not exceeding twenty-four (24) inches long. The opening of the throat shall not exceed one (1) inch in diameter.
- (55) "Mosquitofish" means the species *Gambusia affinis*.
- (56) "Muskellunge" means the species *Esox masquinongy*.
- (57) "Northern pike" means the species *Esox lucius*.
- (58) "Quagga mussel" means the species *Dreissena bugensis*.
- (59) "Paddlefish" means the species *Polyodon spathula*.
- (60) "Rainbow trout" means the species *Oncorhynchus mykiss*.
- (61) "Redear sunfish" means the species *Lepomis microlophus*.
- (62) "Rock bass" means the species *Ambloplites rupestris*.
- (63) "Rough fish" means any species of fish not defined as a sport fish or protected under IC 14-22-34-12.
- (64) "Round goby" mean the species *Neogobius melanostomus*.
- (65) "Rudd" means the species *Scardinius erythrophthalmus*.
- (66) "Ruffe" means the species *Gymnocephalus cernuus*.
- (67) "Sauger" means the species *Stizostedion canadense*.
- (68) "Saugeye" means the hybrid of walleye and sauger.
- (69) "Shad" means the genera *Alosa* and *Dorosoma*.
- (70) "Silver carp" means the species *Hypophthalmichthys molitrix*.
- (71) "Single hook" means a fishing hook consisting of one (1) shank and one (1) point.
- (72) "Smallmouth bass" means the species *Micropterus dolomieu*.
- (73) "Smelt" means the genus *Osmerus*.
- (74) "Snakehead" means all species of the family Channidae, including the genera *Channa* and *Parachanna*.
- (75) "Sockeye salmon" means the species *Oncorhynchus nerka*.

- (76) "Sport fish" means largemouth bass, smallmouth bass, spotted bass, rock bass, white crappie, black crappie, walleye, sauger, saugeye, striped bass, white bass, hybrid striped bass, yellow bass, muskellunge, tiger muskellunge, northern pike, chain pickerel, and trout or salmon.
- (77) "Spotted bass" means the species *Micropterus punctulatus*.
- (78) "Steelhead" means the species *Oncorhynchus mykiss*.
- (79) "Stretch mesh" means the extended distance or length between the extreme angles of a single mesh of net.
- (80) "Striped bass" means the species *Morone saxatilis*.
- (81) "Sucker" means the genera *Carpoides*, *Moxostoma*, *Hypentelium*, *Catostomus*, and *Erimyzon*.
- (82) "Tiger muskellunge" means the hybrid of muskellunge and northern pike.
- (83) "Tilapia" means all species of the genus *Tilapia*.
- (84) "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.
- (85) "Trout or salmon" means lake trout, coho salmon, chinook salmon, sockeye salmon, brown trout, steelhead (or rainbow trout), brook trout, and Atlantic salmon.
- (86) "Tubenose goby" means the species *Proterorhinus marmoratus*.
- (87) "Walleye" means the species *Stizostedion vitreum*.
- (88) "Warmouth" means the species *Lepomis gulosus*.
- (89) "White bass" means the species *Morone chrysops*.
- (90) "White catfish" means the species *Ictalurus catus*.
- (91) "White perch" means the species *Morone americana*.
- (92) "White crappie" means the species *Pomoxis annularis*.
- (93) "Yellow bass" means the species *Morone mississippiensis*.
- (94) "Yellow perch" means the species *Perca flavescens*.
- (95) "Zebra mussel" means the species *Dreissena polymorpha*.

*(Natural Resources Commission; 312 IAC 9-6-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3866; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-6-2 Fish measurement**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 2. The measurement of the length of a fish shall be taken in a straight line from the tip of the snout with the mouth closed to the utmost end of the caudal (tail) fin when the fin is compressed so that the upper and lower lobes of the fin touch or overlap.  
*(Natural Resources Commission; 312 IAC 9-6-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-6-3 Fish sorting restrictions and the prohibition of waste**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 3. (a) Except as provided in subsection (b), a person must not sort and release a fish taken previously in the day in order to replace the fish with another where the same bag limit applies to both fish.

(b) A fish may be released without counting toward the daily bag limit only if the fish is as follows:

- (1) Alive and in apparent good health.
- (2) Capable of swimming away normally under its own power.
- (3) Returned to the water from which it was taken before the end of the day.
- (4) In a place where the immediate escape of the fish is not prevented.

(c) The intentional waste or destruction of any species of fish taken under this rule is prohibited unless the species is required by law to be killed. A person must not mutilate and return a fish to the water. This section does not, however, apply if a fish is required by law to be released or is lawfully used as bait.

(d) Offal or filth resulting from catching, curing, cleaning, or shipping fish in or near state waters must be burned, buried, or

otherwise disposed 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.

*(Natural Resources Commission; 312 IAC 9-6-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-6-4 Release of fish which cannot lawfully be possessed**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 4. (a) A person who takes a fish which cannot lawfully be possessed by that person does not violate this article if:

- (1) the fish is taken at a lawful location and in a lawful manner; and
- (2) the fish is immediately returned to the waters from which the fish was taken without unreasonable injury.

(b) Notwithstanding subsection (a), a person who takes an exotic catfish must kill the fish immediately upon capture or otherwise comply with section 7 of this rule.

(c) Compliance with subsection (a) must be established by the person taking the fish. *(Natural Resources Commission; 312 IAC 9-6-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-6-5 Fishing gear left unattended or unidentified**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 5. Fishing gear not properly attended or identified which is left in waters containing state-owned fish may be confiscated and destroyed by a conservation officer. *(Natural Resources Commission; 312 IAC 9-6-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-6-6 Areas closed to fishing**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 6. A person must not take or possess fish at any of the following locations:

(1) From April 1 through June 15 from:

- (A) the east branch of the Little Calumet River in Porter County from U.S. 12 upstream to U.S. 20, excluding its tributaries; and
- (B) Trail Creek in LaPorte County from the Franklin Street Bridge in Michigan City upstream to U.S. 35, excluding its tributaries.

(2) Within one hundred (100) feet above or below the Linde Dame (Prax Air) on the East Branch of the Little Calumet River within Porter County (Northeast Quarter of Section 32, Township 37 North, Range 6 West).

(3) From the East Race waterway in the city of South Bend in St. Joseph County.

(4) From the St. Joseph River in St. Joseph County:

- (A) within one hundred (100) feet of the entrance or exit of the East Race waterway;
- (B) from the fish ladders located at the South Bend dam in the city of South Bend or the Downtown Mishawaka dam in the city of Mishawaka;
- (C) within one hundred (100) feet of the entrances and exits of those fish ladders located at the South Bend dam or the Downtown Mishawaka dam; and
- (D) while fishing from a boat within two hundred (200) feet downstream of the South Bend dam or downstream of the Downtown Mishawaka dam to the Main Street bridge in the city of Mishawaka.

(5) From April 20 to the last Saturday in April from:

- (A) the Pigeon River (and Pigeon Creek) in LaGrange County from the Steuben County line to County Road 410 East (Troxel's bridge), but excluding the impoundment known as the Mongo Mill Pond;
- (B) Harding Run, Curtis Creek, Bloody Run, and Graveyard Run (tributaries of the Pigeon River) in LaGrange County;

(C) Turkey Creek north of County Road 100 South in LaGrange County; and

(D) Rainbow Pit located in the Pigeon River Fish and Wildlife Area approximately one and one-tenth (1.1) miles east of Ontario in LaGrange County.

*(Natural Resources Commission; 312 IAC 9-6-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-6-7 Exotic fish**

Authority: IC 14-22-2-6

Affected: IC 14-22-2-3

Sec. 7. (a) Except as otherwise provided under this section, a person must not import, possess, propagate, buy, sell, barter, trade, transfer, loan, or release into public or private waters any of the following live fish or fry of live fish or their viable eggs or genetic material:

- (1) Exotic catfish.
- (2) Bighead carp.
- (3) Black carp
- (4) Silver carp.
- (5) White perch.
- (6) Snakehead.
- (7) Rudd.
- (8) Ruffe.
- (9) Tubenose goby.
- (10) Round goby.
- (11) A hybrid or genetically altered fish of any of these species.

(b) A person who takes a fish listed in subsection (a) does not violate this section if the fish listed in subsection (a) is killed immediately upon capture.

(c) This section does not apply to the following:

- (1) The use of a fish by a properly accredited zoological park as defined in 312 IAC 9-5-8(i).
- (2) During the lawful interstate shipment of fish through the state if the fish are not unloaded or do not leave the control of a common carrier.
- (3) A person who lawfully possesses an exotic fish under a permit issued under 312 IAC 9-10-17 for medical, educational, or scientific purposes.
- (d) A person who possesses federally listed injurious species must also comply with 18 U.S.C. 42 and 50 CFR 16. *(Natural Resources Commission; 312 IAC 9-6-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3868; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-6-8 Carp and gizzard shad as bait**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 8. (a) It is unlawful to use live carp as bait.

(b) Live gizzard shad shall not be used as bait except at Brookville Reservoir. *(Natural Resources Commission; 312 IAC 9-6-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-6-9 Endangered and threatened species of fish**

Authority: 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).
- (3) Redside dace (*Clinostomus elongatus*).
- (4) Variegated 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*)

**312 IAC 9-6-10 Exempted fish**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 10. Any fish not defined in section 1 of this rule is an exempted wild animal. (*Natural Resources Commission; 312 IAC 9-6-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**Rule 7. Sport Fishing**

**312 IAC 9-7-1 Applicability**

Authority: IC 14-22-2-6  
Affected: IC 14-22-11; IC 14-22-12-1

Sec. 1. This rule applies to an individual who fishes on waters containing state-owned fish and who:

- (1) is issued a license to fish under IC 14-22-12-1; or
- (2) is excepted under IC 14-22-11-1, IC 14-22-11-8, or IC 14-22-11-11 from the requirement of a license to fish.

(*Natural Resources Commission; 312 IAC 9-7-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-7-2 Sport fishing methods, except on the Ohio River**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 2. (a) Except as provided under section 13 of this rule with respect to the Ohio River, this section governs the lawful methods for fishing under this rule.

(b) An individual may take fish with the aid of illumination of a spotlight, searchlight, or artificial light.

(c) An individual may take fish with not more than three (3) poles, hand lines, or tip-ups at a time. Except as provided in subsection (g), affixed to each line shall be no more than two (2) hooks or two (2) artificial baits or harnesses for use with live bait.

(d) A person must not take fish from waters containing state-owned fish, waters of this state, or boundary waters by means of a hook dragged or jerked through the water with the intent to snag fish on contact.

(e) A person must not take trout or salmon from a waterway unless the fish is hooked in the mouth.

(f) A person must not fish with more than ten (10) limb lines or drop lines at a time. Each line shall have not more than one (1) hook affixed and must bear a legible tag with the name and address of the user. Each line shall be attended at least once every twenty-four (24) hours. A limb line or drop line shall not be used within three hundred (300) yards of a dam that wholly or partly crosses a waterway.

(g) A person must not ice fish on waters of this state, except as follows:

(1) A tip-up must be constantly in sight of the user and must have affixed a legible tag bearing the name and address of the user.

(2) An ice fishing shelter must visibly bear the name and address of the owner in three (3) inch block letters on the outside of the door.

(3) A portable ice fishing shelter that is left unattended must visibly bear the name and address of the owner in three (3) inch block letters on an exterior wall.

(4) An ice fishing shelter or portable shelter that is on the waters between sunset and sunrise must have, on each side of the structure or shelter, at least one (1) red reflector or a three (3) inch by three (3) inch reflective material strip.

(5) An ice fishing shelter or portable shelter must be removed from the waters before ice-out.

(6) Except from January 1 through February 15, an ice fishing shelter or portable shelter must be removed daily.

(h) A person must not take fish with more than one (1) trot line, set line, or throw line. A line must have no more than fifty (50) hooks affixed. A trot line must be anchored to the bottom or set not less than three (3) feet below the surface of the water. A legible tag with the name and address of the user must be affixed to each trot line. Each trot line must be attended at least once every twenty-four (24) hours. It is unlawful to take fish from Lake Michigan with a trot line, set line, or throw line.

(i) A person must not take fish from a lake with free-float lines or to fish from a waterway with more than five (5) free-float lines. Not more than one (1) hook shall be affixed to each line. A float shall bear the name and address of the user and must not be constructed of glass. Each free-float line must be in constant attendance by the person fishing.

(j) A person must not possess a fish spear, gig, gaff, pitchfork, bowfishing equipment, crossbow, grab hook, spear gun, club, snag hook, or underwater spear in, on, or adjacent to any of the following:

(1) The Galena River (LaPorte County).

(2) Trail Creek (LaPorte County).

(3) The East Branch of the Little Calumet River (LaPorte and Porter Counties).

(4) Salt Creek (Porter County).

(5) The West Branch of the Little Calumet River (Lake and Porter Counties).

(6) Burns Ditch (Porter and Lake Counties).

(7) Deep River downstream from the dam at Camp 133 (Lake County).

(8) The tributaries of these waterways.

(k) A person must not fish the waterways described in subsection (j) or from the St. Joseph River and its tributary streams from the Twin Branch dam downstream to the Michigan state line (St. Joseph County) with more than one (1) single hook per line or one (1) artificial bait or harness for use with live bait. Single hooks, including those on artificial baits, shall not exceed one-half ( $\frac{1}{2}$ ) inch from point to shank. Double and treble hooks on artificial baits shall not exceed three-eighths ( $\frac{3}{8}$ ) inch from point to shank.

(l) A person must not take smelt from other than Lake Michigan and Oliver Lake in LaGrange County by the use of dip nets, seines, or nets except from March 1 through May 30 with either of the following:

(1) One (1) dip net not to exceed twelve (12) feet in diameter.

(2) One (1) seine or net not to exceed twelve (12) feet long and six (6) feet deep and having a stretch mesh larger than one and one-half ( $1\frac{1}{2}$ ) inches.

Each seine or net shall have affixed a legible tag with the name and address of the user.

(m) An individual may, by means of a fish spear, gig, speargun, or underwater spear, take only any sucker, carp, gar, bowfin, buffalo, or shad and only from the following waterways:

(1) West Fork of the White River from its junction with the East Fork upstream to the dam below the Harding Street generating plant of the Indianapolis Power and Light Company in Marion County.

(2) East Fork of the White River from its junction with the West Fork upstream to the dam at the south edge of the city of Columbus in Bartholomew County.

(3) White River from its junction with the West Fork of the White River and East Fork of the White River to its junction with the Wabash River in Gibson, Knox, and Pike Counties.

(4) Wabash River from its junction with the Ohio River upstream to State Road 13 at the south edge of the city of Wabash in Wabash County.

(5) Tippecanoe River upstream from its junction with the Wabash River to one-half ( $\frac{1}{2}$ ) mile below its junction with Big Creek in Carroll County. (It is unlawful to possess a fish spear or fish gig in, on, or adjacent to the Tippecanoe River from one-half ( $\frac{1}{2}$ ) mile below its junction with Big Creek in Carroll County upstream to the Oakdale Dam that forms Lake Freeman.)

(6) Maumee River from the Ohio state line upstream to the Anthony Boulevard Bridge in the city of Fort Wayne.

(7) Kankakee River from the Illinois state line upstream to State Road 55 bridge south of the city of Shelby in Lake County.

(8) St. Joseph River in St. Joseph and Elkhart counties.



(n) An individual may use a pitchfork or bow and arrow on a waterway only to take any sucker, carp, gar, bowfin, buffalo, or shad between sunrise and sunset.

(o) In addition to any other lawful method, an individual may take a sucker, carp, gar, bowfin, buffalo, or shad by:

(1) bow and arrows from Lake Michigan; or

(2) spear, gig, spear gun, underwater spear, pitchfork, or bow and arrows from another lake.

(p) An individual may take a sucker, carp, gar, or bowfin with not more than one (1) snare only between sunrise and sunset.

*(Natural Resources Commission; 312 IAC 9-7-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; errata filed Feb 26, 2002, 6:00 p.m.: 25 IR 2254; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 547)*

### **312 IAC 9-7-3 Catfish**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 3. (a) A person must not possess channel catfish, blue catfish, or flathead catfish taken from a waterway unless those catfish are at least ten (10) inches long.

(b) Except as otherwise provided in subsection (c), the daily bag limit is ten (10) for any combination of channel catfish, blue catfish, and flathead catfish taken from a lake.

(c) Channel catfish may be taken from Gibson Lake (Gibson County) and Turtle Creek Reservoir (Sullivan County) without regard to a bag limit. *(Natural Resources Commission; 312 IAC 9-7-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-7-4 Muskellunge and tiger muskellunge**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 4. (a) It is unlawful to possess a muskellunge or tiger muskellunge unless that muskellunge or tiger muskellunge is at least thirty-six (36) inches long.

(b) The daily bag limit is one (1) in total for muskellunge and tiger muskellunge. *(Natural Resources Commission; 312 IAC 9-7-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-7-5 Northern pike**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 5. (a) It is unlawful to possess a northern pike unless that northern pike is at least twenty (20) inches long.

(b) The daily bag limit is three (3) for northern pike. *(Natural Resources Commission; 312 IAC 9-7-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-7-6 Black bass**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 6. (a) Except as otherwise provided in this section, the aggregate daily bag limit is five (5) black bass.

(b) The aggregate daily bag limit is three (3) for black bass taken from Lake Michigan. A person must not possess more than three (3) black bass while fishing in or on Lake Michigan.

(c) Except as otherwise provided in this section, the minimum size limit for black bass taken from a waterway is twelve (12) inches but is fourteen (14) inches for black bass taken from lakes (including Lake Michigan).

(d) No minimum length limit for largemouth bass applies for the lakes listed in this subsection as follows:

(1) Brownstown Pit in Jackson County.

- (2) Burdette Park Lakes in Vanderburgh County.
- (3) Chandler Town Lake in Warrick County.
- (4) Cypress Lake in Jackson County.
- (5) Deming Park Lakes in Vigo County.
- (6) Garvin Park Lake in Vanderburgh County.
- (7) Glen Miller Pond in Wayne County.
- (8) Hayswood Lake in Harrison County.
- (9) Henry County Memorial Park Lake in Henry County.
- (10) Hovey Lake in Posey County.
- (11) Krannert Lake in Marion County.
- (12) Lake Sullivan in Marion County.
- (13) Ruster Lake in Marion County.
- (14) Schnebelt Pond in Dearborn County.

(e) A person must not take or possess a largemouth bass unless the largemouth bass is less than twelve (12) inches long or more than fifteen (15) inches long from the following designated waters:

- (1) Buffalo Trace Lake in Harrison County.
- (2) Celina Lake in Perry County.
- (3) Delaney Park Lake in Washington County.
- (4) Indian Lake in Perry County.
- (5) Saddle Lake in Perry County.
- (6) Scales Lake in Warrick County.
- (7) Shakamak State Park Lakes in Clay County, Greene County, and Sullivan County.
- (8) Tipsaw Lake in Perry County.
- (9) Ferdinand State Forest Lake in Dubois County.
- (10) Montgomery City Park Lake in Daviess County.

(f) The daily bag limit is one (1) largemouth bass from Turtle Creek Reservoir in Sullivan County. A person must not take or possess a largemouth bass from Turtle Creek Reservoir unless the largemouth bass is at least twenty (20) inches long.

(g) A person must not take or possess a largemouth bass from Patoka Lake (Orange, Crawford, and Dubois counties) or Dogwood Lake (Daviess County) unless the largemouth bass is at least fifteen (15) inches long.

(h) A person must not take or possess a largemouth bass from Harden Lake (Parke County) unless the largemouth bass is at least sixteen (16) inches long.

(i) The daily bag limit is two (2) largemouth bass, and a person must not take or possess a largemouth bass unless the largemouth bass is at least eighteen (18) inches long, from the following designated waters:

- (1) Tri-County State Fish and Wildlife Area.
- (2) Robinson Lake in Whitley County and Kosciusko County.
- (3) Ball Lake in Steuben County.
- (4) Gibson Lake in Gibson County.
- (5) Loon Pit at Blue Grass Fish and Wildlife Area in Warrick County.
- (6) Bluegrass Pit at Blue Grass Fish and Wildlife Area in Warrick County.

(j) A person must not take or possess a largemouth bass from Dove Hollow Lake at Glendale State Fish and Wildlife Area.

(k) If this section prohibits a person from taking or possessing a black bass from a specified lake or waterway, a person must not possess a bass of the prohibited class on or adjacent to the lake or waterway. (*Natural Resources Commission; 312 IAC 9-7-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 549*)

### **312 IAC 9-7-7 White bass; hybrid striped bass**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 7. (a) Except as provided in subsection (b), the daily bag limit is twelve (12) for any combination of white bass and hybrid striped bass.

(b) It is unlawful to possess any combination of more than two (2) white bass and hybrid striped bass which exceed seventeen (17) inches. *(Natural Resources Commission; 312 IAC 9-7-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-7-8 Striped bass**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 8. The daily bag limit is two (2) striped bass. *(Natural Resources Commission; 312 IAC 9-7-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-7-9 Crappies**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 9. The daily bag limit is twenty-five (25) crappies. *(Natural Resources Commission; 312 IAC 9-7-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-7-10 Redear sunfish**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 10. The daily bag limit is twenty-five (25) redear sunfish. *(Natural Resources Commission; 312 IAC 9-7-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-7-11 Rock bass**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 11. The daily bag limit is twenty-five (25) rock bass. *(Natural Resources Commission; 312 IAC 9-7-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-7-12 Walleye; sauger; saugeye**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 12. (a) The daily bag limit is six (6) for any combination of walleye, sauger, or saugeye.

(b) Except on the Ohio River, and as provided in subsection (c), a person must not possess a walleye or saugeye unless it is at least fourteen (14) inches long.

(c) A person must not possess a walleye from the St. Joseph River in St. Joseph County or Elkhart County unless it is at least fifteen (15) inches long. *(Natural Resources Commission; 312 IAC 9-7-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-7-13 Trout and salmon**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 13. (a) A person must not possess a brook trout, rainbow trout, or brown trout unless the trout is as follows:

(1) Except as provided in subsection (d), at least seven (7) inches long.

(2) Taken from the last Saturday of April after 5 a.m., local time, through December 31, if taken from other than a lake. A person must not fish for trout during the closed season.

(b) Except as otherwise provided in this section, the daily bag limit is five (5) trout.

(c) Except as provided in subsection (e), the daily bag limit is three (3) lake trout.

(d) A person must not possess a brown trout from Oliver Lake, Olin Lake, or Martin Lake (LaGrange County) or the East Fork of Whitewater River downstream of Brookville Reservoir (Franklin County) unless the trout is at least eighteen (18) inches long. The daily bag limit is five (5) trout of which no more than one (1) shall be brown trout.

(e) A person must not possess a trout or salmon taken from Lake Michigan or its tributaries unless the fish is at least fourteen (14) inches long. The daily bag limit is five (5) for any combination of trout and salmon taken under this subsection, of which no more than two (2) shall be lake trout. Exempted from this subsection, however, are trout taken from the St. Joseph River in St. Joseph and Elkhart counties and its tributaries upstream from the Twin Branch Dam.

(f) A person must not possess more than a single day's bag limit identified in subsection (e) while fishing on Lake Michigan.

(g) The areas closed to trout and salmon fishing under this section are in addition to areas closed to all fishing under 312 IAC 9-6-6. (*Natural Resources Commission; 312 IAC 9-7-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3722; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550*)

### **312 IAC 9-7-14 Fish with no bag limit, possession limit, or size limit**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 14. There is no bag limit, possession limit, or size limit for the following:

- (1) Alewife.
- (2) American eel.
- (3) Bluegill.
- (4) Bowfin.
- (5) Buffalo.
- (6) Bullhead.
- (7) Carp.
- (8) Chain pickerel.
- (9) Chub.
- (10) Cisco.
- (11) Gar.
- (12) Gizzard shad.
- (13) Lake herring.
- (14) Lake whitefish.
- (15) Shad.
- (16) Smelt.
- (17) Sucker.
- (18) Yellow bass.

(*Natural Resources Commission; 312 IAC 9-7-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **312 IAC 9-7-15 Minnows**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 15. (a) The season for taking minnows is unlimited.

(b) It is unlawful to take minnows except by:

- (1) a minnow trap;
- (2) a dip net;
- (3) a minnow seine;
- (4) a cast net; or

(5) lawful sport fishing methods provided in this rule.

(c) It is unlawful to transport beyond the limits of this state more than one hundred (100) minnows in a twenty-four (24) hour period. This subsection does not apply to a person engaged in commercially raising minnows in private waters for sale. (*Natural Resources Commission; 312 IAC 9-7-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **312 IAC 9-7-16 Sport fishing on the Ohio River**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 16. (a) This section governs fishing on the Ohio River, excluding all bays and tributaries.

(b) A person must not take sport fish except by any of the following:

(1) Fishing pole or hand line.

(2) Float fishing.

(3) Setlines:

(A) attached to a:

(i) tree limb;

(ii) tree trunk;

(iii) bank pole; or

(iv) the bank itself; and

(B) each bearing one (1) single or multibarbed hook.

(4) Not more than two (2) trotlines per individual. Each trotline shall have not more than fifty (50) single or multibarbed baited hooks placed not closer together than eighteen (18) inches. All trotlines shall be tended at least once every twenty-four (24) hours.

(c) An individual may take rough fish by the methods prescribed in subsection (b) or according to the following methods:

(1) Long bow, including compound bow, with an arrow having one (1) or more barbs and a line attached. Rough fish without scales shall not be taken with bow and arrow during nighttime hours (from one-half (½) hour after sunset until one-half (½) hour before sunrise).

(2) Gigging from February 1 through May 10 with any pronged or barbed instrument attached to the end of a rigid object. A person must not take fish by gigging from a boat or platform.

(3) Snagging from February 1 through May 10 with one (1) single or treble hook attached by line to a pole and jerked or pulled through the water. A person must not take fish by snagging from a boat or platform.

(d) A person must not take fish within two hundred (200) yards below any dam on the Ohio River except by fishing pole or hand line.

(e) A person must not take minnows from the Ohio River except by:

(1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor having a throat opening greater than one (1) inch in diameter;

(2) a dip net not to exceed three (3) feet in diameter;

(3) a minnow seine not to exceed thirty (30) feet long and six (6) feet deep nor having mesh size larger than one-fourth (¼) inch bar mesh;

(4) a cast net not to exceed nine (9) feet in diameter nor having mesh size larger than three-eighths (¾) inch bar mesh; or

(5) lawful fishing methods provided in this section.

(f) The daily bag limits, possession limits, and size limits for taking fish by angling are as follows:

	Bag	Possession	Size (Inches)
Bass (largemouth, smallmouth, and spotted)	6	12	12 (except no size limit on spotted bass)
Bass (white, yellow, striped, and hybrids)	30	60	No more than four fish can be 15 or longer
Rock bass	15	30	none

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Walleye, sauger, and saugeye	10	20	none
Muskellunge and tiger muskellunge	2	2	30
Crappie	30	60	none

*(Natural Resources Commission; 312 IAC 9-7-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; errata filed Nov 24, 1997, 4:30 p.m.: 21 IR 1347; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-7-17 Charter fishing boat operator's license**

Authority: IC 14-22-2-6; IC 14-22-15

Affected: IC 14-22-15-4

Sec. 17. (a) An individual may not take another individual sport fishing for hire on:

- (1) Indiana waters;
- (2) waters containing state-owned fish; or
- (3) state boundary waters;

without a charter fishing boat operator's license issued by the director under IC 14-22-15-4 and this section.

(b) A license holder under this section shall, on a departmental form, keep legible and accurate daily fishing records of the:

- (1) species;
- (2) numbers, locations, and dates of fish taken; and
- (3) number of fishermen and hours fished;

while engaged in charter fishing. These daily records shall be recorded before the licensed fishing person departs the boat at the conclusion of the fishing trip.

(c) A license holder under this section shall, on a departmental form, prepare a monthly report of the information maintained on the daily fishing records. The monthly report shall be submitted to the director or the director's representative before the fifteenth day of each month following the month covered. The report shall be submitted each month regardless of whether charter fishing activity occurs in the month covered unless the license holder has submitted an Inactive License Form to signify that no fishing activity will take place for the remainder of the calendar year. The Inactive License Form shall be submitted to the director or the director's representative before the fifteenth day of the month following the month the license is deemed inactive.

(d) The director or the director's representative may, at any reasonable time, inspect the daily fishing records required under subsection (b) or IC 14-22-15-4. *(Natural Resources Commission; 312 IAC 9-7-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-7-18 Yellow perch**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18. (a) The daily bag limit is fifteen (15) yellow perch on Lake Michigan.

(b) A person must not possess more than fifteen (15) yellow perch while fishing on Lake Michigan. *(Natural Resources Commission; 312 IAC 9-7-18; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1541; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-7-19 Paddlefish**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 19. (a) A person may not take or possess paddlefish from any public water except the Ohio River.

(b) The daily bag limit is two (2) paddlefish.

(c) The sorting or release of lawfully snagged paddlefish is prohibited.

(d) Snagging is prohibited for the remainder of the day after two (2) paddlefish are taken.

(e) Snagging is prohibited within two hundred (200) yards of a dam located on the Ohio River. *(Natural Resources*

*Commission; 312 IAC 9-7-19; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**Rule 8. Commercial Fishing**

**312 IAC 9-8-1 Applicability**

Authority: IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22

Sec. 1. This rule applies to a person who is issued a commercial fishing license by the department. *(Natural Resources Commission; 312 IAC 9-8-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-8-2 Commercial fishing except on the Ohio River; general provisions**

Authority: IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22-14-23

Sec. 2. (a) This section applies to commercial fishing on:

- (1) waters of this state;
- (2) boundary waters; or
- (3) waters containing state-owned fish;

other than the Ohio River.

(b) No person may take or sell fish except under this section and 312 IAC 9-10. A person may take fish with the aid of illumination of a spotlight, searchlight, or artificial light where lawfully engaged in commercial fishing.

(c) A person subject to this section must not possess trout or salmon.

(d) A person must not possess or sell any of the following taken from the waters described in subsection (a):

- (1) Chubs.
- (2) Northern pike.
- (3) Chain pickerel.
- (4) Muskellunge.
- (5) Tiger muskellunge.
- (6) White bass.
- (7) Yellow bass.
- (8) Striped bass.
- (9) Hybrid striped bass.
- (10) Walleye.
- (11) Sauger.
- (12) Saugeye.
- (13) Smallmouth bass.
- (14) Largemouth bass.
- (15) Spotted bass.
- (16) Bluegill.
- (17) Redear sunfish.
- (18) Rock bass.
- (19) Crappie.
- (20) American eel.
- (21) Paddlefish.
- (22) Lake sturgeon.
- (23) Lake herring.
- (24) Blue catfish less than ten (10) inches long.
- (25) Channel catfish less than ten (10) inches long.
- (26) Flathead catfish less than ten (10) inches long.
- (27) Lake whitefish less than eighteen (18) inches long.

(28) Yellow perch.

A person who possesses or sells a fish described in this subsection must comply with 312 IAC 9-10-2.

(e) This subsection governs the reporting of fish catches as follows:

(1) A license holder, other than a license holder on Lake Michigan, shall keep accurate daily records on a departmental form of the following:

(A) The pounds and species of fish caught.

(B) The number of pieces of each type of gear fished by date.

(C) The county fished.

The license holder shall submit the completed form to the division by the fifteenth day of each month for the preceding month whether the license holder fished or not. The license holder shall allow on-board and dockside inspections of the gear and catch at any time by the director or the director's representative.

(2) A license holder on Lake Michigan must comply with the reporting requirements of IC 14-22-14-23 and section 3(g) of this rule.

*(Natural Resources Commission; 312 IAC 9-8-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; filed May 28, 1998, 5:14 p.m.: 21 IR 3724; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-8-3 Commercial fishing on Lake Michigan**

Authority: IC 14-22-2-6; IC 14-22-14

Affected: IC 29-1-2

Sec. 3. (a) This section applies to commercial fishing on Lake Michigan and is supplemental to section 2 of this rule.

(b) Restrictions on the use of commercial fishing gear are as follows:

(1) A person must not set commercial fishing gear at any of the following locations:

(A) In water less than twenty-five (25) feet deep.

(B) Less than one-half (½) mile from a pier, a harbor, a public beach, a boat launching ramp, or the Michigan City Reef located approximately three thousand (3,000) feet offshore and eleven thousand (11,000) feet northeasterly from the harbor lighthouse at Michigan City, LaPorte County (N41° 44.79 and W86° 52.61).

(C) Less than one (1) mile from the mouth of Black Ditch, Burns Ditch, or the detached breakwater near the mouth of Trail Creek.

(2) A person must not set, lift, retrieve, tend, or remove commercial fishing gear from the water between one-half (½) hour after legal sunset to one-half (½) hour before legal sunrise.

(c) Restrictions on the use of impoundment nets are as follows:

(1) The vertical height of impoundment net leads, wings, hearts, and pots shall not exceed five (5) feet.

(2) The total length of each lead or wing shall not exceed five hundred (500) feet. The total length of each impoundment net (heart and pot combined) shall not exceed forty (40) feet.

(3) The width of impoundment nets (heart and pot) shall not exceed ten (10) feet.

(4) The stretch mesh size of impoundment net leads, wings, and hearts shall be no smaller than two and one-half (2½) inches and no larger than three and one-half (3½) inches, including treated or tarred gear. The stretch mesh size of impoundment net pots shall not be smaller than two and one-fourth (2¼) inches, including treated or tarred gear.

(5) Impoundment net leads, wings, and hearts shall be constructed with size 12 twine (forty-eight thousandths (0.048) inch diameter) or larger. Impoundment net pots shall be constructed with size 15 twine (fifty-four thousandths (0.054) inch diameter) or larger from the heart to the last tunnel. The pots shall be constructed with size 18 twine (sixty-thousandths (0.060) inch diameter) or larger from the last tunnel to the end of the pot.

(6) The maximum number of meshes for each drop or hoop net pot is calculated as follows:

(A) Determine the diameter of a hoop, in inches, by measuring the distance across the widest point of the hoop.

(B) Multiply the diameter determined under clause (A) by three and fourteen-hundredths (3.14) to determine the circumference of the hoop.

(C) Divide the hoop circumference calculated under clause (B) by one and forty-five hundredths (1.45) to determine the number of meshes required to go around the hoop. Round the dividend to the nearest whole number.

(D) Add three (3) to the number calculated under clause (C). The resulting sum is the maximum number of meshes for each pot.



- (7) Drop or hoop net pots must also comply as follows:
  - (A) All hoops on a net shall have the same diameter.
  - (B) Hoops shall not be spaced more than seventeen (17) meshes apart.
- (8) The maximum number of meshes for each box-style trap net is calculated as follows:
  - (A) Determine the width of the back wall, in inches.
  - (B) Divide the width determined under clause (A) by one and forty-five hundredths (1.45).
  - (C) Add three (3) to the number calculated under clause (B). The resulting sum is the maximum allowable meshes for the width of the back wall.
  - (D) Determine the height of the pot, in inches.
  - (E) Divide the height determined under clause (D) by one and forty-five hundredths (1.45).
  - (F) Add three (3) to the number calculated under clause (E). The resulting sum is the maximum allowable meshes for the pot height.
- (9) Impoundment gear shall be marked at the end of the pot and at the end of each lead and wing with a buoy and flag. These buoys shall have a staff extending not less than five (5) feet above the surface of the water. An orange flag not less than twelve (12) inches square shall be affixed to the upper end of each staff. The base of each marker buoy shall legibly bear the license number in letters not less than two (2) inches high. Additional surface markers may be used by the license holder.
- (10) The license holder shall remove all fish from each impoundment net at least once every seventy-two (72) hours, weather permitting.
- (11) The maximum number of impoundment nets (pots) that may be fished at the same time by a license holder is as follows:
  - (A) Twenty-four (24) for the holder of a Class 1 license.
  - (B) Forty-eight (48) for the holder of a Class 2 license.
  - (C) Seventy-two (72) for the holder of a Class 3 license.
- (d) Restrictions on watercraft, ports, and operations are as follows:
  - (1) A person must not use a watercraft for commercial fishing unless the watercraft is properly registered and titled under 140 IAC 9. An application for a commercial fishing license must include a description of each watercraft to be used for fishing. This description must include the name, boat type, size, hull material, and registration number.
  - (2) The license holder must unload the daily catch at the Indiana port identified on the license application.
  - (3) A license holder may change the port or watercraft specified in this subsection only upon written notification, including documentation sufficient to identify the substituted port or watercraft, delivered to the department within ten (10) days of the change.
  - (4) A person must not take fish from a watercraft which is issued a certificate of inspection under 310 IAC 2.1-13 to carry passengers for hire.
  - (5) A person must not possess a fishing rod, pole, reel, or hand line while on-board a watercraft:
    - (A) from which commercial fishing gear is set, retrieved, or transported;
    - (B) which is en route to set or retrieve commercial fishing gear; or
    - (C) which is transporting fish captured with commercial fishing gear.
  - (6) A current commercial fishing license, or a duplicate copy of a current commercial fishing license validated by the department, must be carried on-board each boat engaged in fishing under this section.
- (e) Requirements for the use of a designated captain are as follows:
  - (1) The holder of a commercial fishing license must designate an individual as captain of a boat operated by the license holder. A designated captain must be on-board each commercial fishing boat of the license holder while the boat is being used for an activity related to commercial fishing. Each applicant to be a designated captain must demonstrate, to the satisfaction of the department, each of the following on a departmental form:
    - (A) The applicant is an Indiana resident.
    - (B) The applicant has had on-board commercial fishing experience with impoundment gear on the Great Lakes for at least eight (8) months during the past two (2) years.
    - (C) The applicant has had no felony conviction related to commercial fishing activities during the past three (3) years from a state or Canadian province located along the Great Lakes.
    - (D) Except as provided in subdivision (3), the applicant is neither a designated captain nor an employee for the holder of another commercial fishing license.
  - (2) The department shall approve the selection of a designated captain upon satisfaction of the requirements of subdivision

(1). A license holder may, at any time, request a designated captain be changed, added, or deleted. A new approval is required if:

- (A) a license is renewed or transferred; or
- (B) a designated captain is changed or added.

(3) A license holder may use another license holder's designated captain during an emergency to retrieve commercial fishing gear from the water. As used in this subdivision, "emergency" means:

- (A) the incapacitation or death of the license holder's designated captain; or
- (B) a mechanical failure of the license holder's boat or essential gear retrieval equipment.

A written notification to justify the emergency designation must be provided to the department within ten (10) days of the emergency.

(f) The renewal, transfer, merger, or exchange of a commercial fishing license is regulated as follows:

(1) No person is eligible to receive or hold a commercial fishing license except as provided under IC 14-22-14.

(2) A person who holds a commercial fishing license may renew the license if the person is otherwise eligible to hold a commercial fishing license under IC 14-22 and this rule. License renewal will not be granted unless the person completes an application on a departmental form and the completed form and payment for the renewal fee are received by the department by February 1 of the year for which the license is sought. Licenses which are not renewed are permanently removed from the licensing system.

(3) No license may be transferred except upon prior consent of the director. Transfer shall be granted after delivery of a departmental form (with payment of the processing fee) establishing to the satisfaction of the director that the person to whom the transfer is to be made otherwise qualifies to hold a license under IC 14-22 and this article. If the person to whom the transfer is to be made holds an interest in another commercial fishing license at the time of the transfer, the second license is valid; the person is considered to have surrendered the first license. The first license is permanently removed from the licensing system and must, upon issuance of the new license, be immediately returned to the department.

(4) No license may be merged or converted except upon prior consent of the director. A license merger under IC 14-22-14-13 or a license conversion under IC 14-22-14-14 shall be granted after delivery of a completed departmental form and payment of the processing fee. Upon the issuance of a new license, any former license shall be immediately returned to the department.

(5) With the prior consent of the director and as provided under IC 14-22-14-16, a Class 2 license may be exchanged for a Class 1 license, or a Class 3 license may be exchanged for a Class 2 or a Class 1 license. A license exchange shall be granted after delivery of a completed departmental form and payment of the exchange processing fee. Upon issuance of the new license, the former license shall be immediately returned to the department.

(6) Upon the death or legal determination of incompetence of an individual license holder, a court may designate a family member (who would qualify for intestate succession from the decedent or incompetent under the principles set forth in IC 29-1-2) as the applicant for the same class license as held by the decedent or incompetent.

Notwithstanding subdivision (2), the director shall issue a new license to the designated applicant, if the applicant qualifies to hold a license under IC 14-22 and this article. If an individual designated under this subdivision does not submit a completed application on a department form by February 1 of the year immediately following the year in which the original license is valid, or within ninety (90) days after the death or incapacity of the individual to whom the license is issued, whichever is later, the license is permanently removed from the licensing system.

(g) A license holder shall keep legible and accurate daily fishing records on a departmental form of the following:

- (1) The pounds and species of fish caught.
- (2) The dates, locations, and depths fished.
- (3) The type, quantity, and dimensions of gear used.

(h) The form required under subsection (g) must be completed no later than noon on the day following the day on which the fish were taken. Each form must be submitted to the director or the director's representative before the sixteenth day of the month following the month in which the fish were taken.

(i) A person who transfers or merges a license is responsible for submitting daily catch record for fish taken before the effective date of the transfer or merger. A person who receives a license is responsible for submitting daily catch records for fish taken beginning with the date of the transfer or merger.

(j) The director or the director's representative may, at any reasonable time, inspect the daily fishing records required under subsections (g) through (h) or IC 14-22-14-23. A license holder shall allow the director or the director's representative to obtain catch data on-board or dockside at any reasonable time. A license holder shall also allow on-board and dockside inspections of the gear

and catch at any time by the director or the director's representative.

(k) A license holder is exempt from daily fishing records required under subsections (g) through (h) during the time that a license is held in reserve status. (*Natural Resources Commission; 312 IAC 9-8-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2722; filed May 28, 1998, 5:14 p.m.: 21 IR 3724; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **312 IAC 9-8-4 Commercial fishing on the Wabash River boundary waters**

Authority: IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22

Sec. 4. (a) This section applies to commercial fishing conducted on the Wabash River boundary waters between Indiana and Illinois and is supplemental to section 2 of this rule.

(b) A license holder under this section may use a dip-net, hoop-net, fyke-net, basket-net, basket-trap, or trap-net made of twine or cords, with or without wings or leads. It is unlawful to use wings or leads constructed of any twine or cord smaller than size 9 (forty-two thousandths (0.042) inches) diameter. It is unlawful to use a net more than two hundred (200) feet long, including wings and leads. It is unlawful to use a net having stretch mesh less than two (2) inches. It is unlawful to use a net seine which obstructs more than one-half (½) of the width of the river.

(c) A license holder may use a seine. It is unlawful to use a seine which exceeds two hundred (200) feet long. It is unlawful to use a seine having stretch mesh less than five (5) inches. It is unlawful to use a seine which obstructs more than one-half (½) of the width of the river.

(d) Each piece of fishing gear in use must be tended not less frequently than once every forty-eight (48) hours. Fish taken by the gear must be removed. Each item of gear must be removed from the waters fished immediately upon the completion of fishing. (*Natural Resources Commission; 312 IAC 9-8-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **312 IAC 9-8-5 Commercial fishing on inland rivers**

Authority: IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22

Sec. 5. (a) This section applies to commercial fishing on inland rivers of Indiana and is supplemental to section 2 of this rule.

(b) It is unlawful to conduct commercial fishing on inland waters containing state-owned fish or waters of this state, except for the following rivers:

(1) The Wabash River downstream from the city limits of Lafayette to where the river forms the boundary between Indiana and Illinois.

(2) The White River downstream from the junction of its east and west forks to where the White River joins the Wabash River.

(3) The west fork of the White River downstream from its junction with the Eel River in Greene County to the junction of the east and west forks of the White River.

(4) The east fork of the White River downstream from its junction with the Lost River in Martin County to the junction of the east and west forks of the White River.

(5) The Patoka River three hundred (300) yards downstream of the dam below the State Road 164 bridge in the city of Jasper to where the Patoka River joins the Wabash River.

(c) A license holder under this section may use hoop-nets or trap-nets made of twine or cord. It is unlawful to use more than four (4) hoop-nets or trap-nets. It is unlawful to use a net having a diameter, width, or height of more than six (6) feet. It is unlawful to use a net having stretch mesh less than two (2) inches.

(d) Each piece of fishing gear in use must be tended not less frequently than once every forty-eight (48) hours. Fish taken by the gear must be removed. Each item of gear must be removed from the waters fished immediately upon the completion of fishing. (*Natural Resources Commission; 312 IAC 9-8-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **312 IAC 9-8-6 Commercial fishing on the Ohio River**

Authority: IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22

Sec. 6. (a) This section applies to commercial fishing on the Ohio River.

(b) No person shall take or sell fish except in accordance with this section and 312 IAC 9-10. A person may take fish with the aid of illumination of a spotlight, searchlight, or artificial light where lawfully engaged in commercial fishing.

(c) A license holder under this section may take and sell all species of fish from the Ohio River except the following:

- (1) Largemouth bass.
- (2) Smallmouth bass.
- (3) Spotted bass.
- (4) Rock bass.
- (5) White crappie.
- (6) Black crappie.
- (7) Walleye.
- (8) Sauger.
- (9) Saugeye.
- (10) Striped bass.
- (11) White bass.
- (12) Hybrid striped bass.
- (13) Yellow bass.
- (14) Muskellunge.
- (15) Northern pike.
- (16) Tiger muskellunge.
- (17) Chain pickerel.
- (18) Lake sturgeon.
- (19) Trout.
- (20) Salmon.

(d) A license holder under this section must tag each item of gear so that a conservation officer may determine if the gear is properly licensed and the license holder is complying with the law.

(e) No person shall possess a seine, net, or commercial trotline except as authorized for a commercial fishing license for the Ohio River. This subsection does not apply to a manufacturer, retailer, or wholesale dealer who possesses gear exclusively for sale.

(f) Commercial fishing nets authorized under this section cannot be used on a bay or inlet of the Ohio River. A line drawn from point to point of a bay or inlet denotes the limits of the fishing zone. Commercial gear cannot be used within fifty (50) yards of the mouth of a stream. Commercial gear, except slat traps, cannot be used in the following locations:

- (1) Uniontown Dam downstream of the outer lock wall and the portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike.
- (2) Newburgh Dam downstream to the end of the outer lock wall.
- (3) Cannelton Dam downstream to the end of the outer lock wall.
- (4) McAlpine Dam downstream to the K and I railroad bridge.
- (5) Markland Dam downstream to the end of the outer lock wall.

(g) Each item of fishing gear in use must be tended not less frequently than once every twenty-four (24) hours and all fish taken by the gear removed, except that baited hoop nets or slat traps may be left unattended for not more than seventy-two (72) hours. Each item of gear must be removed from the waters in which the item was fished immediately upon usage.

(h) Gear is authorized only as set forth as follows:

- (1) Lines and mesh must be made of linen, cotton, or a flexible synthetic fiber.
- (2) The following restrictions apply to a hoop net, wing net, straight lead net, or heart lead net:
  - (A) Each net described in this subdivision must have a minimum bar mesh size of one (1) inch.
  - (B) Hoops may be any size, shape, or material.
  - (C) The maximum length of the lead or wing is sixty (60) feet.
  - (D) One (1) tag must be attached to the front hoop of each net.
- (3) The following restrictions apply to a gill or trammel net:
  - (A) The minimum bar mesh size is four (4) inches.
  - (B) The nets referenced in this subdivision may be fished weighted or as a flag net.
  - (C) A tag must be attached to the net at intervals not less than one hundred (100) feet apart.

- (4) The following restrictions apply to a commercial trotline:
  - (A) Each line must have more than fifty (50) hooks placed no closer than eighteen (18) inches apart.
  - (B) One (1) tag must be attached.
  - (C) The trotline must be not longer than three thousand (3,000) feet, including staging, and must be fished separately rather than tied in a continuous line.
- (5) The following restrictions apply to a seine:
  - (A) A seine must have a minimum bar mesh size of one (1) inch.
  - (B) A seine must have both float and lead lines.
  - (C) A seine must have wood, fiberglass, metal poles, or brails attached to each end.
  - (D) A seine in the water must be attended by persons pulling the seine through the water for the entrapment of fish.
  - (E) A seine must have a tag attached at intervals not less than one hundred (100) feet apart.
- (6) The following restrictions apply to a slat trap basket:
  - (A) No wire or other mesh may be added to the trap.
  - (B) At least two (2) openings no less than one and one-fourth (1¼) inches wide must be located between the slats. These openings shall not be restricted by cross-bracings shorter than eight (8) inches long.
  - (C) The trap shall be no larger than two (2) feet in diameter or square end measure.
  - (D) A tag must be attached to the open ring or square.
- (i) A license holder must keep accurate daily catch records on a departmental form of the following:
  - (1) The pounds and species of fish caught by gear type.
  - (2) The number of paddlefish and shovelnose sturgeon caught by gear type.
  - (3) The pounds of paddlefish, shovelnose sturgeon, sucker, and eggs sold.
  - (4) The location fished by pool, river mile, and county.
- (j) The license holder must submit to the department the completed form required under subsection (i) by the fifteenth day of each month for the preceding month whether the license holder fished or not.
- (k) The license holder must allow on-board and dockside inspection of the gear and catch at any time by the director or the director's representative. (*Natural Resources Commission; 312 IAC 9-8-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

## **Rule 9. Invertebrates**

### **312 IAC 9-9-1 Applicability**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 1. This rule governs wild animals that are invertebrates. (*Natural Resources Commission; 312 IAC 9-9-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2726; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **312 IAC 9-9-2 Crayfish**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 2. (a) The season for taking crayfish is unlimited.

(b) It is unlawful to take crayfish except by:

- (1) a minnow trap;
- (2) a dip net;
- (3) a minnow seine;
- (4) hands;
- (5) a cast net; or
- (6) lawful sport fishing methods provided in 312 IAC 9-7.

(c) It is unlawful to transport beyond the limits of this state more than one hundred (100) crayfish in a twenty-four (24) hour period, provided that this subsection does not apply to a person engaged in commercially raising crayfish in private waters for sale.

- (d) It is unlawful to take crayfish unless a person is issued a sport fishing license under 312 IAC 9-7.
- (e) An individual may use the aid of illumination from a spotlight, search light, or other artificial light to take crayfish.
- (f) It is unlawful to take crawfish from the Ohio River except by:
  - (1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor have a throat opening greater than one (1) inch in diameter;
  - (2) a dip net not to exceed three (3) feet in diameter;
  - (3) a minnow seine not to exceed thirty (30) feet in length and six (6) feet in diameter nor have mesh size larger than one-fourth (¼) inch bar mesh;
  - (4) a cast net not to exceed nine (9) feet in diameter nor have a mesh size larger than three-eighths (¾) inch bar mesh; or
  - (5) lawful sport fishing methods provided in 312 IAC 9-7-17(b).

*(Natural Resources Commission; 312 IAC 9-9-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2726; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-9-3    Mussels**

Authority: IC 14-22-2-6; IC 14-22-17

Affected: IC 14-22-17-3

Sec. 3. (a) This section applies to a person who takes, ships, sells, buys, or exports mussels or mussel shells.

(b) Except as otherwise provided under this section, it is unlawful to take mussels and mussel shells from the waters of this state.

(c) It is unlawful to possess mussels or mussel shells except as provided in this section.

(d) It is unlawful to import, possess, or release into public or private waters, a zebra mussel, quagga mussel (*Drissena* sp.), or Asiatic clam (*Corbicula* sp.).

(e) A person who takes a mussel listed in subsection (d) does not violate this section if the mussel taken is killed immediately upon capture.

(f) A person may possess a live mussel listed in subsection (d) if the mussel is held under a permit issued under 312 IAC 9-10-6.

(g) No license under IC 14-22-17-3(1) or IC 14-22-17-3(3) shall be issued to take, ship, sell, buy, or export mussels or mussel shells.

(h) A person may obtain a license under IC 14-22-17-3(2) only if the person establishes that the person:

(1) Held a valid 1991 license issued under IC 14-22-17-3(2).

(2) Held a valid license issued under IC 14-22-17-3(2) for the year immediately before the year for which the new license is sought.

(3) Meets all other requirements of this article and IC 14-22.

(i) A person issued a license under IC 14-22-17-3(2) shall not possess mussels or mussel shells unless the following requirements are satisfied:

(1) The mussels or mussel shells were lawfully taken.

(2) The mussels or mussel shells were received from:

(A) a person who presented a valid buyer's license issued under IC 14-22-17-3(2);

(B) a valid out-of-state license to buy mussels; or

(C) a valid out-of-state license to take mussels.

(j) A person issued a license under IC 14-22-17-3(2) must maintain accurate and current records of each of the following:

(1) The name, address, date of delivery, license number, and the state where the license is held for each person from whom mussels or mussel shells are received.

(2) The species, pounds for each species, and the price paid for each species of mussel or mussel shells received.

(k) The records required under subsection (j) must be retained by the license holder for at least two (2) years after the end of the license year.

(l) A person issued a license under IC 14-22-17-3 must, at any reasonable time, submit to an inspection by the division or by a conservation officer of the following:

(1) Any mussels possessed by the person.

(2) The records required under this section.

(m) The requirements of this section, which apply to a person issued a license, also apply to a person who:

(1) does not obtain a license; and

(2) conducts an activity for which a license is required.

*(Natural Resources Commission; 312 IAC 9-9-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2727; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-9-4 Endangered and threatened species of invertebrates**

Authority: 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*).
- (2) Sheepnose (*Plethobasus cyphus*).
- (3) Clubshell (*Pleurobema clava*).
- (4) Pyramid pigtoe (*Pleurobema pyramidatum*).
- (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 blossom (*Epioblasma torulosa torulosa*).
- (12) White catspaw (*Epioblasma obliquata perobliqua*).
- (13) Northern riffleshell (*Epioblasma torulosa rangiana*).
- (14) Long solid (*Fusconaia 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)*

### **312 IAC 9-9-5 Exempted invertebrates**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 5. Any invertebrate not identified in this rule is an exempted wild animal. *(Natural Resources Commission; 312 IAC 9-9-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

## **Rule 10. Special Licenses; Permits and Standards**

### **312 IAC 9-10-1 Applicability**

Authority: IC 14-22-2-3; IC 14-22-2-6

Affected: IC 14-22

Sec. 1. This rule governs special licenses and permits applicable to the management of wild animals. A license or permit issued under this rule may authorize the possession, sale, or disposition of a wild animal which would otherwise be unlawful under this article. *(Natural Resources Commission; 312 IAC 9-10-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-10-2 Commercial shipment or processing of fish**

Authority: IC 14-22-2-6; IC 14-22-11-12

Affected: IC 14-22

Sec. 2. (a) No fish shall be shipped into or within Indiana for commercial purposes unless the shipment is accompanied by a dated bill of lading setting forth the:

- (1) species, number, or poundage;
- (2) origin;
- (3) destination; and
- (4) name and address of the purchaser.

The bill of lading and the shipment shall be made available upon demand for inspection by a conservation officer.

(b) A person who commercially imports or sells trout or salmon must retain for two (2) years following the importation or sale a legible commercial invoice or bill of sale, or if imported from Canada, the customs entry or customs brokers statement, including the following:

- (1) The date of transaction.
- (2) The quantity and purchase price of each species.
- (3) The formal entry number (if applicable).
- (4) The name and address of the seller.

(c) A person who delivers fish for processing under subsection (d) must tag the fish before delivery. The tag shall include the following information:

- (1) The name and address of the person making delivery.
- (2) The species of fish.
- (3) How and when the fish were obtained.

(d) A record of all financial transactions must be maintained for at least two (2) years after the transaction by a person, who, for a fee, smokes, pickles, or otherwise processes trout or salmon for another person. The record shall include the following:

- (1) The number, weight, and species of fish.
- (2) The names and addresses of the persons from whom the fish were received and to whom the fish were delivered.
- (3) The dates of receipt and delivery.

The tag described in subsection (c) must not be removed by the person who performs processing except during actual processing. That person shall make storage areas, work areas, books, and records available upon demand for inspection by a conservation officer. (*Natural Resources Commission; 312 IAC 9-10-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **312 IAC 9-10-3 Aquatic vegetation control permits**

Authority: IC 14-22-2-6; IC 14-22-9-10

Affected: IC 14-22-9-10

Sec. 3. (a) Except as provided under IC 14-22-9-10(a), a person must obtain a permit under this section before seeking to control aquatic vegetation through chemical, mechanical, physical, or biological means in waters of the state.

(b) Before obtaining a permit under this section, a person must complete an application on a departmental form that includes the following information:

- (1) The common name of the target plants and relative abundance of other dominant plants in each area to be controlled.
  - (2) The acreage to be controlled, with affected areas illustrated on a legible map.
  - (3) The maximum depth of the water, the maximum perpendicular distance from shoreline, and the linear distance along the shoreline where plants are to be treated.
  - (4) The name and amount of the chemical to be used in each treatment, if a chemical control is used.
  - (5) The duration and timing of control efforts, if controls will be repeated under a single permit.
  - (6) The location of any water supply intake that may be adversely affected by the aquatic vegetation control activities.
  - (7) The species, stocking rate, and release location, if a biological control is used.
  - (8) The type of equipment and location of disposal area, if a mechanical control is used.
  - (9) The name and contact information for the person who will conduct the control effort.
- (c) An applicant for a permit under this section must demonstrate each of the following to the satisfaction of the department:
- (1) The proposed treatment is likely to provide effective relief.
  - (2) The proposed treatment will not result in any of the following:
    - (A) A hazard to humans, animals, or other nontarget organisms.



- (B) A significant adverse impact to the treated waterway.
- (C) A significant adverse impact to endangered or threatened species.
- (D) A significant adverse impact to beneficial organisms within the treatment area or in adjacent areas, either directly or through habitat destruction.
- (E) An unreasonable restriction on an existing use of the waterway.
- (3) The proposed treatment will not occur within one hundred fifty (150) feet perpendicular to the shoreline of a public freshwater lake, along an area classified as a significant wetland under 312 IAC 11-2-24, except where the applicant demonstrates the treatment can be conducted without reducing the ecological value of the area.
- (4) The following apply if a chemical is to be used for aquatic vegetation control:
  - (A) The chemical is labeled and registered for this purpose by the United States Environmental Protection Agency.
  - (B) Prior written approval is received from the department of environmental management if the waterway to be treated is a public drinking water supply.
- (5) Any other information reasonably required by the department to effectively review the application.
- (d) A permit issued under this section is limited to the terms of the application and to conditions imposed on the permit by the department.
- (e) Except as otherwise provided in this subsection, five (5) days before the application of a substance permitted under this section, the permit holder must post clearly visible signs at the treatment area indicating the substance that will be applied and what precautions should be taken. For a treatment to be performed on a reservoir for drinking water supply that is owned by a municipality, the posting required under this subsection may be provided no later than thirty-six (36) hours before the permitted activity.
- (f) A permit holder must submit a report on a departmental form not later than the seven (7) days following the control effort, providing the date, location, acreage, and method used in each area where controls were implemented. (*Natural Resources Commission; 312 IAC 9-10-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Nov 14, 2003, 5:30 p.m.: 27 IR 1165, eff Jan 1, 2004*)

### **312 IAC 9-10-4 Game breeder licenses**

Authority: IC 14-22-2-6; IC 14-22-20  
Affected: IC 4-21.5; IC 14-22

Sec. 4. (a) An application for a license as a game breeder of one (1) or more of the following species of wild animals (common names are included for public convenience, but the scientific names control) shall be made on a departmental form:

- (1) Ring-necked pheasant (*Phasianus colchicus*).
- (2) Bobwhite quail (*Colinus virginianus*).
- (3) White-tailed deer (*Odocoileus virginianus*).
- (4) Eastern cottontail rabbit (*Sylvilagus floridanus*).
- (5) Gray squirrel (*Sciurus carolinensis*).
- (6) Fox squirrel (*Sciurus niger*).
- (7) Southern flying squirrel (*Glaucomys volans*).
- (8) Beaver (*Castor canadensis*).
- (9) Coyote (*Canis latrans*).
- (10) Gray fox (*Urocyon cinereoargenteus*).
- (11) Red fox (*Vulpes vulpes*).
- (12) Mink (*Mustela vison*).
- (13) Muskrat (*Ondatra zibethicus*).
- (14) Opossum (*Didelphis marsupialis*).
- (15) Raccoon (*Procyon lotor*).
- (16) Striped skunk (*Mephitis mephitis*).
- (17) Long-tailed weasel (*Mustela frenata*).
- (18) Least weasel (*Mustela nivalis* or *Mustela rixosa*).

(b) An application for a permit under this section must be made within five (5) days after the acquisition of an animal within Indiana or within five (5) days after the importation of an animal into Indiana. Each cage or enclosure will be inspected by a

conservation officer before a license may be issued.

(c) A license holder may add a species to a game breeder license other than those identified in the application upon an inspection by a conservation officer and approval by the division of fish and wildlife. A conservation officer must be notified within five (5) days of acquisition of the new species.

(d) Each animal possessed under this section must be lawfully acquired. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition shall be presented for inspection upon the request of a conservation officer. Game or furbearing mammals or game birds, other than wild turkeys, lawfully taken in season may be retained alive after the close of the season. Any person wishing to import any live animal under this license, or the eggs of birds covered under this license, must secure a certificate of veterinary inspection from an accredited veterinarian in the state of origin before the animal is shipped into Indiana. Documentation in the form of a copy of a valid game breeder license or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of wild animals.

(e) A wild animal must be confined in a cage or other enclosure that makes escape of the animal unlikely and prevents the entrance of a free-roaming animal of the same species. The cage or enclosure shall be large enough to provide the wild animal with ample space for exercise and to avoid overcrowding. All chainlink or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired. Night quarters, holding pens, and nesting boxes may not be used as primary housing. Fresh water, rainproof dens, nest boxes, windbreaks, shelters, shade, and bedding shall be provided as required for the comfort of the particular species of animal. Each animal shall be handled, housed, and transported in a sanitary and humane manner. An enclosure must be provided with sufficient drainage to prevent standing water from accumulating. The cages or other enclosures must be made available upon request for inspection by a conservation officer.

(f) No wild animals may be released except for bobwhite quail and ring-necked pheasants. Known diseased bobwhite quail and ring-necked pheasants may not be released. A license holder must report the escape of any white-tailed deer to a conservation officer within twenty-four (24) hours.

(g) A known diseased wild animal possessed under this section shall not be sold.

(h) A license holder must comply with all applicable state, local, or other federal laws.

(i) A license holder shall do the following:

(1) Record all transactions by which a wild animal is sold, traded, loaned, bartered, or given to another person on a departmental form or computerized record.

(2) Keep a copy of the transaction record on the premises of the game breeder for at least two (2) years after the transaction and a copy must be provided to a conservation officer upon request.

(3) Issue a valid, dated receipt for all animals sold, traded, bartered, or gifted and include the following information:

(A) Game breeder license number.

(B) Buyer and seller name and address.

(C) Number of animals sold.

(D) Species of animal sold.

(j) The license holder shall provide an annual report to the division by February 15. The annual report shall include for each species possessed under this license the following information:

(1) Number bought.

(2) Number sold.

(3) Number born.

(4) Number traded.

(5) Number gifted.

(6) Number of deaths.

(k) A conservation officer may enter the premises of the license holder at all reasonable hours to inspect those premises and any records relative to the license. The conservation officer shall immediately notify the license holder if the inspection reveals that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and the license may be suspended or revoked under IC 4-21.5 and the wild animals may be confiscated if the license holder fails to comply with a provision of the license.

(l) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:

(1) A provision of a license issued under this section.

(2) IC 14-22-20.

(3) All applicable state, local, or other federal laws.

*(Natural Resources Commission; 312 IAC 9-10-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jan 26, 2004, 10:45 a.m.: 27 IR 1789)*

### **312 IAC 9-10-5 Taxidermist licenses**

Authority: IC 14-22-2-6; IC 14-22-21

Affected: IC 14-22

Sec. 5. (a) A license is required under this section for an individual who performs taxidermy services on a wild animal for another person.

(b) An application for a taxidermist license shall be completed on a departmental form.

(c) A license holder must maintain accurate records, on a calendar year basis, showing the names and addresses of persons from or to whom wild animals were received or delivered. The records shall include the species and numbers of wild animals and the dates of receipt and delivery. The records shall be retained at the premises of the license holder for at least two (2) years after the end of the license year.

(d) A person who delivers a wild animal to a taxidermist must tag the carcass with the following information:

(1) The name and address of the person making delivery to the taxidermist.

(2) The species of animal.

(3) The date and manner the animal was obtained.

(e) A taxidermist shall not remove from the carcass, except during active taxidermy operations, the tag described in subsection

(d).

(f) A taxidermist may sell a lawfully acquired and mounted specimen of wild animal, where:

(1) the tag is affixed; and

(2) the sale is immediately recorded in a log book.

(g) A taxidermist shall not possess a wild animal taken outside the season, except under a permit obtained from the department under this subsection. A permit for a special taxidermy mount of a protected species may be granted under this subsection only to an agency or institution which engages in wildlife education or research as a primary function.

(h) Any record, tag, log book, or other documentation required under this section and any storage or work area of a taxidermist shall be made available upon request for inspection by a conservation officer.

(i) A federal taxidermy permit is required to perform taxidermy work on migratory birds. *(Natural Resources Commission; 312 IAC 9-10-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-10-6 Scientific purposes licenses**

Authority: IC 14-22-2-6; IC 14-22-22

Affected: IC 4-21.5; IC 14-22-22-2; IC 20-20-2-2

Sec. 6. (a) An application for a scientific purposes license shall be made on a departmental form and include the following information:

(1) The purpose for collection.

(2) The species and number of the species to be collected.

(3) The location and any method of collection.

(4) The intended administration of any drug, vaccine, steroid, micro-organism, or other chemical to the wild animal to be collected.

(5) The intended treatment of the wild animal collected, including the use bacterial or other markers and any proposed genetic modification.

(6) The disposition of any wild animal or nest or egg of a wild bird to be collected.

(b) A license issued under this section is subject to the specifications set forth in the application and to terms, conditions, and restrictions on the license. The director may condition the license according to any of the following terms:

(1) The kind and number of specimens that may be taken.

(2) The type of methods used.

(3) The time and seasons for take.

- (4) The areas where take may occur.
- (5) The use and disposition of the wild animal or nest or egg of a wild bird held, treated, or taken under this rule.
- (6) Contingent upon the applicant receiving and possessing a valid license from the United States Fish and Wildlife Service under 50 CFR 17.22, 50 CFR 17.32, 50 CFR 21.22, 50 CFR 21.23, and 50 CFR 21.27 for any of the following:
  - (A) A migratory bird.
  - (B) The nest or egg of a migratory bird. or
  - (C) A federally endangered or threatened species of wild animal.

(c) The license holder must carry the license and any amendments to the license when conducting any activity authorized by the license.

(d) The director may amend the conditions of a license at any time upon written notification to the license holder. A notice under this subsection is subject to IC 4-21.5.

(e) The director may issue a license only to a properly accredited person who will collect the wild animal or nest or egg of a wild bird for a scientific purpose, including scientific education. The applicant must meet at least one (1) of the following requirements:

- (1) Hold a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.
- (2) Be currently pursuing a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.
- (3) Hold a federal permit for the purpose indicated in the application.
- (4) Be requested by an accredited educational or scientific institution to perform this activity for the institution. The institution must present a valid and compelling need for the applicant to perform the activity covered by this license for the institution.
- (5) Be sponsored by the department to perform the activity for the protection and regulation of wild animal populations.

The original application form submitted for the taxonomic group indicated on the application must be signed by two (2) scientists that have a degree in the biological sciences attesting to the character, academic and scientific accomplishments, and fitness of the applicant. An applicant currently pursuing a bachelor's degree must obtain the signature of a faculty biologist for that taxonomic group.

(f) An applicant must be affiliated with one (1) of the following institutions:

(1) A public school accredited under IC 20-1-1-6 [*IC 20-1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005.*], a nonpublic school accredited under IC 20-1-1-6 [*IC 20-1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005.*] or IC 20-1-1-6.2 [*IC 20-1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005. See IC 20-20-2-2.*], or a college or university.

(2) A federal, state, city, county, or similar government agency associated with a biological or scientific area of study or research.

(3) A nonprofit educational organization with an exemption from federal income tax under 26 U.S.C. 501(c)(3). The educational organization must be associated with a biological or scientific area of study or research. The applicant must provide written documentation to the department certifying that tax exemption status has been achieved under 26 U.S.C. 501(c)(3).

(4) A scientific research organization, accredited museum, or institution of higher learning, consulting firms, individuals working in cooperation with a college, university, or government agency, or private company under a contract for scientific or educational purposes.

(g) The applicant must ensure compliance with monitoring, tagging, and reporting requirements for all extra-label drug use as required in 21 CFR 530, et seq. (1998). Documentation in the form of written approval from a licensed veterinarian or approval from a university animal care and use committee to use the drug or chemical for the purposes intended must be submitted with the application form.

(h) The sale or transport for sale and offer to sell or transport to sell an animal or a part of an animal held under the authority of this license is prohibited. As used in this subsection, "sale" includes barter, purchase, or trade or the offer to sell, barter, purchase, or trade.

(i) A license issued under this section is not transferable. A person may assist the license holder if the license holder is present and oversees the activities of the person.

(j) The license holder must obtain permission from the landowner or public land property manager to conduct an activity authorized by a license issued under this section. For an activity to be conducted on lands owned or operated by a federal, state, or

local agency, the license holder must also comply with the conditions imposed by the property manager or the designee of the property manager.

(k) A license expires on December 31 of the year the license is issued. A report of the collection must be supplied within sixty (60) days after the expiration of the license and contain the following information:

- (1) Any species collected.
- (2) The date on which a wild animal or nest or egg of a wild bird was collected.
- (3) A description of the location of the collection site.
- (4) The number of each species collected.
- (5) The treatments and markings, if any, of any wild animal collected.
- (6) The disposition of any wild animal or nest or egg of a wild bird collected.

The department shall not renew a license unless a properly completed report is received in a timely fashion.

(l) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder:

- (1) fails to comply with a provision of a license issued under this section;
- (2) fails to comply with IC 14-22-22-2;
- (3) provides false information on the license application and report;
- (4) fails to establish that the collection or release of a wild animal would not threaten the welfare of the wild animal population or the people;
- (5) collects or releases a specimen that is likely to threaten the welfare of the wild animal population; or
- (6) collects or releases a specimen that is likely to threaten the welfare of the people.

*(Natural Resources Commission; 312 IAC 9-10-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2729; filed Nov 15, 2002, 3:42 p.m.: 26 IR 1069; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-10-7 Field trial permits**

Authority: IC 14-22-2-6; IC 14-22-24

Affected: IC 14-22

Sec. 7. (a) A field trip permit may be issued only for a trial listed with the division by a sanctioning national or regional hunting dog association. The list must include the following:

- (1) The name of the sponsoring club, group, or individual.
- (2) The name and address of the responsible official.
- (3) The type and location of the trial.
- (4) The location of the trial headquarters.
- (5) The dates of the trial.

The list must be received by the division by February 1 for a trial to be conducted the following March through August and by August 1 for a trial to be conducted the following September through February, except a field trial to be held solely on property owned, leased, or managed by the division.

(b) An application for a field trial permit must be completed on a departmental form and must be received by the division at least twenty-one (21) days before the proposed field trial.

(c) The field trial permit and a complete roster of participants in the field trial must be kept at the trial headquarters during the event. The permit and the roster must be presented to a conservation officer upon request.

(d) During a field trial, each participant shall carry a card approved by the responsible official which specifies the number of the field trial permit and the name and address of the participant. The card must be presented to a conservation officer upon request.

*(Natural Resources Commission; 312 IAC 9-10-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-10-8 Fish stocking permits**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 8. (a) It is unlawful to stock fish unless a permit is obtained from the division under this section.

(b) An application for a fish stocking permit shall include the following information:

- (1) Species and number of fish to be stocked.
- (2) Location of waters to be stocked.
- (3) Reasons for stocking.
- (4) Date of proposed stocking.
- (5) The source of the fish to be stocked.

*(Natural Resources Commission; 312 IAC 9-10-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-10-9 Wild animal rehabilitation permit**

Authority: IC 14-22-2-6; IC 14-22-11-12

Affected: IC 4-21.5; IC 14-22

Sec. 9. (a) This section governs a permit to possess a wild animal for rehabilitation. The permit is required for a mammal, bird, reptile, or amphibian and is available only to an individual who is a resident of Indiana. A white-tailed deer must not be possessed under this section for more than one hundred eighty (180) days unless a conservation officer inspects the animal and determines an extended period may be reasonably expected to result in its rehabilitation.

(b) An application for a permit under this section shall be completed on a departmental form and must establish the following:

(1) The applicant has rehabilitation experience and a knowledge of wildlife rehabilitation techniques. The required experience and knowledge may be met by one (1) of the following:

(A) A bachelor of science degree in a wildlife related field.

(B) At least one (1) year of experience with a:

(i) veterinarian;

(ii) zoo;

(iii) university animal clinic;

(iv) county animal shelter; or

(v) licensed rehabilitation clinic.

(C) Possession for at least two (2) years of another permit under this section.

(D) Other knowledge and background, including the completion of rehabilitation workshops and seminars, if found by the division director to qualify the applicant.

(2) The name and address of a veterinarian willing to assist the applicant with the rehabilitation of wild animals. The veterinarian shall sign the application and attest to having experience in the care and rehabilitation of wild mammals and birds. If the applicant is a veterinarian, the signature of another veterinarian is not required.

(3) A listing of the wildlife rehabilitation reference books in possession of the applicant.

(4) The names, addresses, and telephone numbers of any other individuals who will assist the applicant. Assistants must possess sufficient experience and adequate facilities to tend the species in their care and be authorized in writing by the permit holder to provide care for that species of animal in their own facility.

(5) The species that will be accepted for rehabilitation.

(6) A description of the rehabilitation facilities, equipment, and supplies. The description shall include the following:

(A) Cages.

(B) Intensive care units.

(C) Aviaries.

(D) Falconry equipment.

(E) Medical diagnostic equipment.

(F) Medical supplies.

(G) Food sources.

(H) Other items to be utilized in the rehabilitation process.

A cage description shall provide its internal dimensions and shall specify the materials used for flooring, walls, and perches. The applicant shall list what species will be housed in the various enclosures and the purpose for each enclosure, for example, convalescing, training, or quarantine.

(c) An amended application must be filed with the division if there is a material change to the information provided in the original application. The amended application must include the name, address, and telephone number of any additional person who

would assist the permit holder.

(d) The permit holder must file an application by January 15 of each year in order to renew the permit. The annual report required under subsection (i) must accompany the renewal application. The signature of a veterinarian is not required for a renewal application.

(e) The issuance of a permit under this section does not relieve an individual from any requirement for a federal permit. If the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail.

(f) A wild animal possessed pursuant to a permit issued under this section must not be displayed or placed in physical contact with the public, except according to the terms of an educational permit issued under section 9.5 of this rule.

(g) A permit holder must maintain facilities for the retention of a wild animal possessed under this section in a sanitary condition and to conform with any other conditions specified by the permit.

(h) A permit holder must maintain current records for each wild animal to include the following:

- (1) The species and condition of the animal.
- (2) The name, address, and telephone number of the donor or other source of the animal.
- (3) The date of receipt by the permit holder.
- (4) The treatment provided to the animal while in captivity.
- (5) The method and date of disposition of the wild animal.

(i) 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 species and condition of each animal.
- (2) The date the animal was received.
- (3) The name and address of the donor or other source.
- (4) The method, location, and date of disposition of the animal.

(j) As soon as a wild animal is capable of fending for itself, the animal shall be released into the wild as directed by a conservation officer. If a wild animal is not capable of fending for itself, a conservation officer must be contacted for instructions concerning its disposition.

(k) A permit holder must not commercially advertise rehabilitation services or solicit for rehabilitation a wild animal that is subject to this section.

(l) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

- (1) A permit issued under this section.
- (2) This article or IC 14-22.
- (3) Another applicable state, local, or federal law.

*(Natural Resources Commission; 312 IAC 9-10-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550)*

### **312 IAC 9-10-9.5      Special purpose educational permit**

Authority: IC 14-22-2-6; IC 14-22-11-12

Affected: IC 4-21.5; IC 14-22

Sec. 9.5. (a) This section governs a special purpose educational permit. The permit is required for a person who conducts an educational display or lecture using a live wild animal that is a mammal, bird, reptile, or amphibian protected under this article. Exempted from this section are reptiles and amphibians lawfully collected and possessed under 312 IAC 9-5-6. The permit is available only to a person who is at least one (1) of the following:

- (1) A licensed rehabilitator.
- (2) A licensed falconer.
- (3) A wild animal possession permit holder.
- (4) A special purpose turtle possession permit holder.
- (5) An educational institution.
- (6) A nonprofit organization.
- (7) An individual who is employed or sponsored by an educational institution or a nonprofit organization.
- (b) Exempted from this section is any zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR,

Chapter 1, Subchapter A, Parts I through IV.

(c) An application must be made on a departmental form. An applicant must show that a wild animal was lawfully acquired with proper documentation. If the animal was obtained under a rehabilitation permit, the animal must be permanently injured and nonreleasable. Documentation must be in the form of a copy of a valid license, permit, receipt, or rehabilitation report showing the lawful acquisition of the wild animal.

(d) An animal possessed under this permit must be handled, housed, and transported in a sanitary and humane manner. A person must not possess a wild animal in a condition that is any of the following:

- (1) Unsafe.
- (2) Unsanitary.
- (3) Constitutes maltreatment or neglect of the animal.
- (4) Allows the escape of the animal.

(e) An application must include an outline of the educational program that includes an explanation of the legal acquisition of the wild animal. A permit shall not be issued unless the proposed educational program meets the following criteria:

- (1) Promotes the survival and role of wild animals in their natural habitat.
- (2) Promotes an understanding of the ecological needs of wild populations of the species.
- (3) Does not promote or encourage opposition to the scientific management of wildlife, including the regulated taking of wild animals in a manner consistent with state or federal law.

(f) If a wild animal is obtained under a rehabilitation permit, the animal must not be displayed as part of or to promote a commercial venture or in a manner that might cause a member of the public to reasonably confuse the display with a commercial venture. A person must not use an animal obtained under a rehabilitation permit for commercial or for-profit purposes. A person must not use an animal obtained under a rehabilitation permit to draw attendance to or promote a commercial undertaking or activity, such as a convention, sports show, or similar activity.

(g) An animal must not be placed in physical contact with the public unless the animal is a species of reptile that is neither venomous nor endangered.

(h) A migratory bird must not be used unless the U.S. Fish and Wildlife Services also issues a special purpose possession permit. If the terms of the federal permit and the permit under this section differ, the more restrictive terms govern.

(i) A permit holder must not maintain or display a wild animal in a manner that does any of the following:

- (1) Poses a hazard to public safety.
- (2) Poses a hazard to property of a person other than the permit holder.
- (3) Harms the health of the wild animal.
- (4) Violates this article or the permit under which the animal is possessed.

(j) The permit issued under this section must be carried on the permit holder and displayed when conducting any authorized activities.

(k) The permit holder must file an application by February 1 of each year in order to renew the permit. The annual report shall accompany the renewal application. The report must contain the following:

- (1) Numbers and species of wild animals used.
- (2) Location of each program.
- (3) Date of each program.
- (4) Name of the group to whom the program was given.

(l) A copy of the records relative to this permit must be kept on the premises of the permit holder for at least two (2) years after the expiration date of the permit. Upon request by a conservation officer, the permit holder must provide these records.

(m) A license may be suspended, denied, or revoked under IC 4-21.5 if the permit holder does any of the following:

- (1) Fails to comply with a provision of a permit issued under this section.
- (2) Possessed the wild animal in a manner that constitutes maltreatment or neglect of the animal.
- (3) Violates any applicable state, local, or federal law.

*(Natural Resources Commission; 312 IAC 9-10-9.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 551)*

### **312 IAC 9-10-10 Hunting permit for persons with disabilities**

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22



Sec. 10. (a) The department may issue a permit under this section to a person with a disability to take wildlife, if the disability would otherwise make the taking of wildlife by the individual difficult or impossible. The permit applies from August 15 through the last day of the wild turkey hunting season established under 312 IAC 9-4-11.

(b) A permit application under this section shall be made as follows:

(1) The initial application shall be made on a departmental form and delivered to the division by July 1 for the current year hunting season. The application form may be obtained from the division beginning on May 1 of each year.

(2) The initial application must be accompanied by a statement of disability completed by a physician.

(3) The division shall review each completed application. The director may issue a permit under this section by August 1 of each year. If an application is not recommended for approval, the applicant shall be notified by mail.

(4) Except as otherwise provided in this subdivision, no renewal application is required for a person with disabilities hunting permit. An applicant with a temporary disability may be required by the division to submit, on an annual basis, additional documentation from a physician and a renewal application.

(c) A person issued a permit under this section may hunt wild animals from a stationary motor driven conveyance subject to the following restrictions:

(1) The permit holder must abide by all other hunting laws.

(2) The permit holder must possess a valid hunting license and the permit issued under this section.

(3) The permit holder must obtain in advance the permission of the manager of public property (local, state, or federal) to gain vehicular access to lands or roads that are otherwise closed to vehicular traffic.

(4) The permit holder may display a windshield identification placard supplied by the division of fish and wildlife while hunting from a vehicle. The placard must be displayed in such a way as to be visible from at least fifty (50) feet.

(d) An individual may be designated to assist a person issued a permit under this section in the retrieval of wild game harvested by the permit holder.

(e) The director may waive other provisions of 312 IAC 9-3 for an individual permit holder. The use of a crossbow may be specially authorized during archery season for hunting deer. (*Natural Resources Commission; 312 IAC 9-10-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2731; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 552*)

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

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

Affected: IC 14-22; IC 35-46-3-12

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is causing damage or threatening to cause damage to property or 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 possessed for more than forty-eight (48) hours and shall not be sold, traded, bartered, or 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:

- (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:
  - (A) A foot-hold trap possessing saw-toothed or spiked jaws.
  - (B) A foot-hold trap sized #3 or larger without offset jaws unless the trap is completely covered with water.
  - (C) A Conibear, Dahlgren, Bigelow, or other killer trap that is eight (8) inches or larger in diameter or is larger than eight (8) inches by eight (8) inches unless the trap is completely covered by water.
- (3) Snares with a circumference no 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).
- (h) All traps must be checked at least once every twenty-four (24) hours.
- (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 released in the county of capture, euthanized, or treated as otherwise authorized in the permit.
  - (2) An animal must be euthanized with the safest, quickest, and most painless available method as recommended and approved by the division of fish and wildlife.
  - (3) Prior consent is required from the landowner or the 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 number of animals taken.
- (2) The species of animals taken.
- (3) The county where the animal was captured.
- (4) The method of disposition.
- (5) The county where released (if applicable).
- (m) A permit issued under this section may be suspended or revoked if the permittee:

- (1) Fails to comply with IC 14-22 or this article.
- (2) Fails to comply with a term of the permit.
- (3) Provides false information to obtain a permit under this section.
- (4) Uses or employs any deception, false pretense, or 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;
- (2) for a wild animal that is identified under this article as an endangered species or 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)*

### **312 IAC 9-10-12 Fur buyers' licenses**

Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-19

Affected: IC 14-22-19-3

Sec. 12. (a) This section applies to a person who is issued a fur buyer's license under IC 14-22-19-3.

(b) A licensed fur buyer may possess the carcasses and untanned hides of furbearing mammals which are lawfully taken in season for not more than sixty (60) days after the last day of that season.

(c) Notwithstanding subsection (b), a licensed fur buyer may, as authorized by the division director, possess a carcass or untanned hide in excess of sixty (60) days after the close of a season upon the submission of a report identifying the species, number, and location that furs or carcasses are kept. (*Natural Resources Commission; 312 IAC 9-10-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **312 IAC 9-10-13 Falconry licenses**

Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-23

Affected: IC 14-22

Sec. 13. (a) A person must not take, possess, transport, barter, sell, or purchase a raptor for falconry purposes or to practice falconry except as provided under this section.

(b) A license under this section expires the last day of February of the third year following the year in which the license is issued.

(c) An application to practice falconry must be completed upon a departmental form. Before a license may be issued, the applicant must do each of the following:

(1) Correctly answer at least eighty percent (80%) of the questions on a supervised examination covering basic biology, care, and handling of raptors and laws relating to the practice of falconry.

(2) Establish that the applicant has also completed an application for a federal falconry permit.

(3) Meet any other requirements contained in this article.

(d) A license to practice falconry is subject to the following conditions:

(1) No species of raptor may be taken in Indiana which is classified as threatened or endangered under:

(A) 50 CFR 17.11 (October 1, 1995); or

(B) 312 IAC 9-4-14.

(2) A golden eagle (*Aquila chrysaetos*) may not be used unless prior written authorization is obtained from the U.S. Fish and Wildlife Service.

(3) By July 31 of each year, the license holder must complete on a departmental form and submit to the division a report which includes the following information:

(A) A list of raptors possessed by the falconer on June 30 of the year in which the report is filed by species, marker number, sex (if known), age (if known), and the date and where or from whom acquired.

(B) A list of all raptors possessed or acquired since the previous annual report, but no longer possessed, by:

(i) species;

(ii) marker number;

(iii) sex (if known);

(iv) age (if known); and

(v) the date and where or from whom acquired.

The list shall also indicate to whom the raptor was given or whether the raptor escaped, died, or was released and when the event occurred.

(4) A raptor may not be acquired, released, or disposed of unless federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) is completed and a copy sent to the department within five (5) days of the transaction. Only a legally possessed raptor which was bred in captivity may be purchased, sold, or bartered.

(e) Before a license is issued, the raptor housing facilities and equipment of the applicant shall be inspected by the division or by a conservation officer and found to meet the following standards:

(1) Facilities shall consist of indoor facilities (mews) or outdoor facilities (weathering area) sufficient to protect the raptors from exposure, predators, or other undue disturbance, including the following:

(A) Mews shall be large enough to allow easy access to care for the raptors. If more than one (1) raptor is to be housed, the raptors shall be tethered or separated by partitions. The area for each bird shall be large enough to allow a full extension of its wings. There shall be at least one (1) window, protected on the inside by vertical bars which are spaced more narrowly than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall

allow easy cleaning and shall be well drained. Adequate perches shall be provided.

(B) The weathering area shall be fenced and covered with netting and wire or roofed to protect the birds from disturbances and attack by predators. The enclosed area shall be large enough to ensure the birds cannot strike the fence if flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird.

Adequate perches shall be provided.

(2) Equipment shall include the following:

(A) A pair of Alymeri jesses or a similar pliable, high quality leather or suitable synthetic material to be used when a raptor is flown free. A traditional one (1) piece jesses may be used on a raptor when not being flown.

(B) A flexible, weather-resistant leash and a strong swivel of acceptable falconry design.

(C) A suitable container, two (2) to six (6) inches deep and wider than the length of the raptor, for drinking and bathing by each raptor.

(D) A weathering area perch of an acceptable design for each raptor.

(E) A reliable scale or balance for weighing a raptor held and graduated to increments of not more than one-half ( $\frac{1}{2}$ ) ounce (fifteen (15) grams).

(3) The department may at any reasonable time inspect the records, facilities, and equipment of a person issued a license under this section.

(f) A person licensed under this section must maintain all facilities and equipment at or above the standards established under subsection (e).

(g) A raptor may be transported or held in a temporary facility for not more than thirty (30) days. The temporary facility must be provided with an adequate perch and shall protect the raptor from extreme temperatures and excessive disturbances.

(h) A numbered, nonreusable marker must be obtained from the department before a person acquires a raptor. The marker must be attached to the raptor immediately upon acquisition. The alteration, counterfeiting, or defacing of a marker is prohibited. A falconer may remove the rear tab on a marker and smooth any imperfect surface, if the integrity of the marker and the numbering are not affected. The loss or removal of a band must be reported to the U.S. Fish and Wildlife Service on federal Form 3-186A and a copy of the form sent to the department within five (5) days of the loss or removal.

(i) There are three (3) classes of falconry licenses:

(1) apprentice;

(2) general; and

(3) master.

Particular requirements are applicable to each of the classes of licenses which are supplemental to the general requirements provided under this section.

(j) The particular requirements applicable to an apprentice class falconry license are as follows:

(1) The applicant must be at least fourteen (14) years of age.

(2) An individual who holds a general, master, or equivalent class falconry license must agree to sponsor the apprentice. An individual may not sponsor more than three (3) apprentices at a time.

(3) The license holder shall not possess more than one (1) raptor and shall not obtain more than one (1) raptor for a replacement during any twelve (12) month period.

(4) The apprentice shall possess only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*).

(k) The particular requirements applicable to a general class falconry license are as follows:

(1) An applicant must be at least eighteen (18) years of age.

(2) An applicant must have at least two (2) years of experience in the practice of falconry at the apprentice level or its equivalent. Only those years in which the applicant possessed a raptor and used the bird for falconry purposes constitute experience.

(3) The license holder shall not possess more than two (2) raptors and shall not obtain more than one (1) raptor for a replacement during any twelve (12) month period.

(4) The license holder may not take, transport, or possess a golden eagle or any species listed as endangered or threatened by the U.S. Fish and Wildlife Service or under 312 IAC 9-4-14.

(l) The particular requirements applicable to a master class falconry license are as follows:

(1) An applicant must have at least five (5) years of experience in the practice of falconry at the general class level or its equivalent. Only those years in which an applicant possessed a raptor and used the bird for falconry practices constitute experience.

- (2) A license holder shall not possess more than three (3) raptors and shall not obtain more than two (2) raptors for replacement birds during any twelve (12) month period.
- (3) Notwithstanding subsection (d)(1), a license holder may possess not more than one (1) raptor which is classified as endangered or threatened as part of the three (3) raptor limitations provided in subdivision (2).
- (m) The following restrictions apply to taking a raptor from the wild for use in falconry:
  - (1) A nonresident can lawfully take a raptor in Indiana only if:
    - (A) the nonresident has a master class falconry license or a general class falconry license issued from the state of residence; or
    - (B) the state which issued the license described in clause (A) allows a resident of Indiana, who has a master class falconry license or a general class falconry license, to take a raptor in that state.
  - (2) Young birds not yet capable of flight (eyasses) may only be taken by a general or master falconer Friday through Monday beginning with the first Friday in May and continuing for a total of eleven (11) consecutive taking periods, provided that at least one (1) eyas remains in the nest. No more than one (1) eyas may be taken by a general falconer and no more than two (2) eyasses may be taken by a master falconer.
  - (3) First year (passage) birds may be taken only from September 18 through January 31 of the following year.
  - (4) Notwithstanding subdivisions (2) through (3), a marked raptor can be retrapped.
  - (5) Only an American kestrel or a great horned owl (*Bubo virginianus*) may be taken if more than one (1) year of age.
  - (6) Notwithstanding the restrictions contained in this subsection, any raptor other than a species classified as endangered or threatened, taken under a depredation or other special purpose permit, may be used for falconry by a general or a master falconer.
  - (n) A license holder shall obtain prior written approval from the department before a raptor species not indigenous to Indiana is intentionally released to the wild. Before a raptor is released, the marker provided under subsection (h) shall be removed and surrendered to the department. A standard federal bird band shall be obtained from the department or a person licensed as a bird bander by the U.S. Fish and Wildlife Service and attached to the bird before release.
  - (o) Another person may care for the birds of a falconry license holder for not more than thirty (30) days, if a written authorization from the permit holder accompanies the birds, the person is otherwise authorized to possess a raptor, and the raptor is accompanied by a properly completed federal Form 3-186A. If the transfer exceeds thirty (30) days, prior written approval must also be secured from the department. A temporary transfer under this subsection will not be approved by the department for more than ninety (90) days.
  - (p) Feathers that are molted or from birds held in captivity which die may be retained or exchanged by a falconer only for imping purposes.
  - (q) A person, other than a falconer issued a license under this section, must not hunt or possess a wild animal taken with the aid of a raptor.
  - (r) The bag limits and seasons for taking wild animals by the use of a raptor are as follows:
    - (1) The season for hunting and possessing:
      - (A) rabbits, quail, and pheasants is from September 1 through February 28 of the following year; and
      - (B) squirrels is from August 15 through February 15.
    - (2) The daily bag limit per raptor is two (2) rabbits, one (1) quail, one (1) squirrel, and one (1) pheasant, except during the seasons for these wild animals established under 312 IAC 9-3 and 312 IAC 9-4, when the daily bag limits established under those provisions apply.
    - (3) The season and bag limits for taking waterfowl and migratory birds are those set forth in 312 IAC 9-4.
    - (4) A falconer whose raptor kills an animal that is not in season or is in excess of a bag limit must leave the dead animal where killed, but the raptor may feed upon the dead animal before leaving the site.
    - (s) A raptor possessed under this section may not be used for display or educational purposes except according to a permit issued under section 9(f) of this rule.
    - (t) A falconry license holder may not propagate raptors without a permit issued by the U.S. Fish and Wildlife Service with a copy of the permit and federal reports provided to the department. Written permission must be obtained from the department before a raptor bred in captivity is released in Indiana. No interspecific hybrid shall be intentionally released.
    - (u) A person may possess a raptor which was lawfully acquired before July 23, 1992, even though not in conformance with a requirement of this section, if the raptor is properly identified with a marker supplied by the U.S. Fish and Wildlife Service. (*Natural Resources Commission; 312 IAC 9-10-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; readopted filed Jul 28, 2003, 12:00*

*p.m.: 27 IR 286)*

### **312 IAC 9-10-13.5 Special purpose salvage permit**

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 4-21.5; IC 14-22

Sec. 13.5. (a) This section governs a special purpose salvage permit. The permit is available only to a person who is at least one (1) of the following:

- (1) A licensed rehabilitator.
- (2) A nature center, nonprofit organization, or educational institution.
- (3) An individual employed or sponsored by an educational institution.

(b) An application must be made on a departmental form and include the purpose for salvaging a wild animal. Approval may be given to use an animal for food, science, education, or a similar purpose.

(c) A special purpose salvage permit may be issued to salvage a wild animal, which is a mammal, reptile, amphibian, or bird, found dead. The applicant must not have participated in the death of the animal.

(d) An animal must not be salvaged for any other reasons than for the purpose stated on the permit or used as part of or to promote a commercial venture.

(e) The permit holder must tag each animal, and the tag must remain attached to the specimen until disposed of under this section. A tag shall have the following information:

- (1) Date and county in which the specimen was salvaged.
- (2) Name of the person who salvaged the specimen.

(f) The permit holder must carry and display a copy of the permit while conducting activities and salvage only within a county approved by the permit. The permit holder must obtain permission from the landowner or from a public land property manager before salvaging an animal on public land.

(g) Within six (6) months after acquisition or by the end of the calendar year, whichever is earlier, the permit holder must deposit any animal salvaged at a location approved on the permit. Any unused animal must be delivered to a conservation officer.

(h) A permit is also required from the U.S. Fish and Wildlife Service to salvage a migratory bird, their parts, nests, or eggs. If the terms of the federal permit and a permit issued under this section differ, the more restrictive terms govern.

(i) The permit holder must file an application by February 1 of each year in order to renew a permit. By February 1 of the year following expiration of a permit, the permit holder must provide the division with a listing of each animal salvaged and the date and location where salvaged. A copy of the records of animals salvaged must be kept on the premises of the permit holder for at least two (2) years after the specimen is obtained. Upon the request of a conservation officer, a copy these records must be provided.

(j) The validity of this permit is conditioned upon observance of federal, state, and local laws.

(k) A license may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with this article, IC 14-22, or a permit issued under this section. (*Natural Resources Commission; 312 IAC 9-10-13.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 553*)

### **312 IAC 9-10-14 Fish hauler's and supplier's permit**

Authority: IC 14-22-2-6

Affected: IC 14-22-16

Sec. 14. (a) A fish hauler's and supplier's permit must be obtained under this section before a person:

- (1) imports live fish from another state or another country for sale; or
- (2) produces live fish for sale.
- (b) An application for a permit must be completed on a departmental form.
- (c) A permit expires on December 31 for the year of its issuance.

(d) Subject to conditions imposed on the permit by the department, a permittee may import, produce, or sell live fish of the species listed under section 15(e) of this rule and the following species:

- (1) Brown trout.
- (2) Hybrid striped bass.
- (3) Rainbow trout.

(4) Tiger muskellunge.

(5) Tilapia.

(e) A person is exempted from this section who possesses fish other than those listed in 312 IAC 9-6-7 and who either:

(1) is engaged in producing, importing, or selling live fish exclusively for use in the aquarium pet trade; or

(2) holds a bait dealer's license under IC 14-22-16 and is engaged exclusively in the sale of live fish for bait.

*(Natural Resources Commission; 312 IAC 9-10-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2735; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-10-15 Fish importation permit**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 15. (a) Except as provided in subsection (e), a person must obtain a fish importation permit under this section before a person imports any live fish for sale or release.

(b) An application for a fish importation permit must be submitted by an applicant at least ten (10) days in advance of the proposed date of importation.

(c) An applicant must establish that a fish to be imported:

(1) is free of any communicable disease;

(2) will not become a nuisance; and

(3) will not damage a native wild species or a domestic species of animal or plant.

(d) A person is exempted from this section who possesses fish other than those listed in 312 IAC 9-6-7 and who is either engaged in:

(1) importing live fish exclusively for confinement and exhibit in a zoo or another public display; or

(2) supplying live fish for use in the aquarium pet trade.

(e) Live fish of the following species other than genetically altered fish, may be imported without obtaining a permit under this section:

(1) Black crappie.

(2) Blue catfish.

(3) Bluegill.

(4) Bluntnose minnow.

(5) Bowfin.

(6) Buffalo.

(7) Bullhead.

(8) Burbot.

(9) Carp.

(10) Channel catfish.

(11) Fathead minnow.

(12) Flathead catfish.

(13) Freshwater drum.

(14) Golden shiner.

(15) Goldfish.

(16) Green sunfish.

(17) Hybrid sunfish.

(18) Largemouth bass.

(19) Mosquitofish.

(20) Muskellunge.

(21) Northern pike.

(22) Paddlefish.

(23) Redear sunfish.

(24) Rock bass.

(25) Smallmouth bass.

- (26) Striped bass.
- (27) Sucker.
- (28) Walleye.
- (29) Warmouth.
- (30) White bass.
- (31) White catfish.
- (32) White crappie.
- (33) Yellow perch.

*(Natural Resources Commission; 312 IAC 9-10-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2735; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-10-16 Dog training grounds permit**

Authority: IC 14-22-2-6

Affected: IC 14-22-31

Sec. 16. (a) A person may take northern bobwhite quail (*Colinus virginianus*) or ring-necked pheasants (*Phasianus colchicus*), which have been raised in captivity, for the purpose of training dogs only pursuant to a permit issued under this section.

(b) An application for a dog training grounds permit must be completed on a department form and filed with the division. The application must demonstrate the applicant owns or controls a contiguous tract of land containing between five (5) and twenty (20) acres. This land shall not be located within one (1) mile of a state-owned or state-controlled public hunting area.

(c) The boundaries of the land permitted under this section must be marked with signs at least eighteen (18) inches wide and eighteen (18) inches long with a white background and one (1) inch high lettering which states "dog training grounds". The signs must be placed no more than five hundred (500) feet apart and along the entire boundary of the dog training grounds.

(d) A northern bobwhite quail or a ring-necked pheasant must be banded with a standard metal or plastic leg band before being released on the dog training grounds.

(e) A daily record of the training activities on the grounds must be maintained by the permit holder. The information contained on the daily record shall include the following:

- (1) The name and address of each trainer using the grounds.
- (2) The number and species of birds released.
- (3) The number and species of birds taken.

(f) No training activities shall take place except between sunrise and sunset.

(g) The grounds cannot also be used for game breeding unless a game breeder license is held under section 4 of this rule.

(h) The grounds cannot also be used for a field trial unless a permit is held under section 7 of this rule. *(Natural Resources Commission; 312 IAC 9-10-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-10-17 Aquaculture permit**

Authority: IC 14-22-2-6

Affected: IC 14-22-27

Sec. 17. (a) A person must not import, raise, sell, or transport fish into or within Indiana without an aquaculture permit issued under this section, except as provided in:

- (1) sections 14 through 15 of this rule; or
- (2) subsection (b).

(b) A permit is not required under this section by a person who possesses fish, other than those listed in 312 IAC 9-6-7, and who is engaged in either of the following:

- (1) The production, importation, or sale of live fish exclusively for use in the aquarium pet trade.
- (2) The importation of live fish exclusively for confinement and exhibition in a zoo or another public display.

(c) An application for an aquaculture permit shall be prepared on a department form. The director may attach any appropriate conditions to a permit. The permit expires on December 31 of the year of issuance.

(d) In addition to the requirements of subsection (c), an aquaculture permit to import, produce, raise, sell, or transport triploid grass carp is based on the following conditions:



- (1) No stocking of triploid grass carp may take place in public waters except as provided in IC 14-22-27.
- (2) The seller must deliver and stock the fish.
- (3) A copy of each bill of sale and triploidy certification must be conveyed to each buyer and must be retained by the permit holder for two (2) years.
- (4) A purchaser of triploid grass carp must retain the bill of sale and the triploidy certification for at least two (2) years.
- (5) A permit holder must submit a quarterly report on a departmental form not later than the fifteenth day of the month following the end of a quarter, regardless of whether fish have been stocked during the time period.
- (6) Fish holding facilities, stocking reports, stocking trucks, other documents required under this subsection, and live fish may be inspected at any reasonable time by the division or a conservation officer. Not more than six (6) fish from a lot or truck load may be removed by the department for verification of the chromosome number.
- (7) As used in this subsection and subsection (e), "triploid grass carp" means grass carp certified to be triploid by the U.S. Fish and Wildlife Service.

(e) In addition to the requirements of subsection (c), an aquaculture permit to import, produce, raise, sell, or transport diploid grass carp is based on the following conditions:

- (1) No stocking of diploid grass carp may take place in any public or private waters except as provided in this subsection and IC 14-22-27.
- (2) A live diploid grass carp may be possessed only for the purpose of producing triploid grass carp or producing diploid grass carp capable of producing triploid grass carp.
- (3) A diploid grass carp may be sold only to a person who holds a valid aquaculture permit.
- (4) All diploid grass carp must be held in a closed aquaculture system.
- (5) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must submit an annual report to the division on a department form.
- (6) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must be capable of accurately determining the number of sets of chromosomes of the fish in the possession of the permit holder under certification procedures of the U.S. Fish and Wildlife Service.

*(Natural Resources Commission; 312 IAC 9-10-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; filed May 28, 1998, 5:14 p.m.: 21 IR 3730; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1541; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 554)*

### **312 IAC 9-10-18 Limited take permits for specific state endangered species**

Authority: IC 14-22-34-17

Affected: IC 14-22

Sec. 18. (a) The department may issue a permit under this section to an individual, organization, corporation, or government agency to take a state endangered species. This permit may only be issued for state endangered species that are either federal proposed species or federal listed species.

(b) The permit application under this section shall be made as follows:

- (1) The applicant must submit a Habitat Conservation Plan.
- (2) The division of fish and wildlife will supply an outline of information sections that must be included in the Habitat Conservation Plan. This outline will include, but not necessarily be limited to, the following sections:
  - (A) Current status of the endangered species.
  - (B) Description of area of impact.
  - (C) Specific impacts to the species' habitat.
  - (D) Conservation actions to be undertaken to ensure no detrimental effect to the endangered species.
  - (E) Schedule for enacting the conservation actions.
  - (F) Guarantees to ensure those enactment of conservation actions.

(c) The permit application has to be available for a minimum of thirty (30) days for public review and comment. The director shall determine whether the permit will be issued after review of comments received during the review and comment period.

(d) The permit may be revoked at any time if the provisions of the Habitat Conservation Plan are not enacted according to the schedule in the plan. *(Natural Resources Commission; 312 IAC 9-10-18; filed May 12, 1997, 10:00 a.m.: 20 IR 2737; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-10-19 Fish tagging or marking permit**

Authority: IC 14-22-2-6

Affected: IC 14-22-27

Sec. 19. (a) It is unlawful to place a mark or tag on a fish and release it into public waters without a permit issued by the department under this section.

(b) An application for a fish tagging and marking permit shall be made on a departmental form.

(c) This form must be received by the department at least twenty-one (21) days before the proposed date of tagging or marking and must include the following information:

(1) The name, address, and telephone number of the person applying for the permit.

(2) The name of the waterway and county where tagging or marking will occur.

(3) The species, size, and number of fish to be tagged or marked.

(4) The tagging or marking dates.

(5) The reason for tagging or marking fish.

(d) The permit holder must carry the permit while tagging or marking fish and present it to a department representative upon request.

(e) An application for a fish tagging or marking permit is subject to specifications set forth in the application and to terms and conditions set by the department.

(f) A permit issued under this section expires no later than December 31 of the year issued.

(g) The permit cannot be transferred or sold for use by another individual.

(h) The department may withdraw use of the permit for resource protection or management purposes.

(i) A report of marking and tagging by species, number, size of fish, and location must be submitted to the department within fifteen (15) days after the expiration of the permit. (*Natural Resources Commission; 312 IAC 9-10-19; filed May 28, 1998, 5:14 p.m.: 21 IR 3731; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-10-20 Mammal, bird, reptile, amphibian, mollusk, and crustacean importation permit for release**

Authority: IC 14-22-2-6; IC 14-25-1

Affected: IC 14

Sec. 20. (a) A person must obtain a wild animal import permit under this section before the person can import a mammal, bird, reptile, amphibian, mollusk, or crustacean for release or sale for release in Indiana.

(b) An application for a wild animal import permit must be submitted by an applicant not less than ten (10) days in advance of proposed importation and must be accompanied by the appropriate fee for each species or release site.

(c) A permit may be granted only if the applicant establishes the animal to be imported:

(1) is free of any communicable disease;

(2) will not become a nuisance; and

(3) will not damage a native wild animal, a domesticated species of animal, or species of plant.

(d) An application for a permit under this section must be completed on a departmental form and must include the following:

(1) Information regarding the health and safe handling of the imported wild animal.

(2) The current and historic status of the species in the state.

(3) Information regarding the goal of releasing the specimen.

(4) The ability of the specimen to survive after release and achieve the release goal.

(5) The genetic appropriateness of the released specimen.

(6) Public support for a release.

(7) Anticipated post release impact and management guidelines.

(e) The department may require conditions in the permit that are lawful under IC 14 and this article.

(f) A permit issued under this rule expires one (1) year from the date of issuance.

(g) A wild animal is exempted from the permitting requirements of this section if the animal is possessed under any of the following conditions:

(1) During interstate shipment through Indiana.

(2) By a zoo, carnival, menagerie, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1,

Subchapter A, Parts I through IV.

(3) Following import into Indiana for confinement and exhibit in a zoo or other public display.

*(Natural Resources Commission; 312 IAC 9-10-20; filed May 28, 1998, 5:14 p.m.: 21 IR 3731; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-10-21 Cervidae possession permit**

Authority: IC 14-22-2-4; IC 14-22-2-6; IC 14-22-6-1; IC 14-22-32

Affected: IC 4-21.5; IC 14-22

Sec. 21. (a) Except as provided in subsection (b), this section establishes the requirements that a person must satisfy to possess one (1) or more species of exotic mammals from the cervidae family.

(b) Exempted from this section is an accredited zoological park, circus, carnival, or research facility licensed under 9 CFR Chapter 1, Subchapter A.

(c) An application for a cervidae possession permit for one (1) or more of the following species of exotic mammals in the cervidae family (common names are included for public convenience, but the scientific names control) must be made on a departmental form:

- (1) Deer (all species, except white-tailed deer, *Odocoileus virginianus*).
- (2) Elk (*Cervus canadensis*).
- (3) Caribou (all species).
- (4) Moose (*Alces alces*).
- (5) A hybrid or genetically altered mammal of any of the cervidae family.

(d) Each cage or enclosure will be inspected by a conservation officer before a permit may be issued. An application for a permit under this section must be made within five (5) days after the:

- (1) acquisition of an animal within Indiana; or
- (2) importation of an animal into Indiana.

(e) The enclosure must have a perimeter fence consisting of at least a single eight (8) foot fence. Each cage or enclosure used to house animals shall be large enough to provide each animal with ample space for exercise and to avoid overcrowding. All chainlink or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired. Night quarters and holding pens may not be used as primary housing. The following shall be provided as required for the comfort of the particular species of animal:

- (1) Fresh water.
- (2) Windbreaks.
- (3) Shelters.
- (4) Shade.
- (5) Bedding.

Each animal shall be handled, housed, and transported in a sanitary and humane manner. An enclosure used to house the animals must be provided with sufficient drainage to prevent standing water from accumulating. Upon a request by a conservation officer, any cage or other enclosure must be made available for inspection.

(f) Each animal possessed under this section must be lawfully acquired. At least one (1) of the following shall be presented for inspection upon the request of a conservation officer:

- (1) A receipted invoice.
- (2) A bill of lading.
- (3) Other satisfactory evidence of lawful acquisition.

Documentation in the form of a copy of a valid cervidae possession permit or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of the animals.

(g) A permit holder must report the escape of any mammal possessed under this section to a conservation officer within twenty-four (24) hours. No animals possessed under this section may be released.

(h) A permit holder must comply with all applicable state, local, or other federal laws. An animal possessed under this section may be administered a pharmaceutical product approved by a state or federal agency for the purpose of prevention or treatment of any of the following:

- (1) Malnutrition.

- (2) Illness.
- (3) Disease.
- (4) Injury.
- (5) Stress.

A licensed veterinarian may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia in compliance with all state and federal laws.

(i) A person must not sell a wild animal possessed under this section if the person knows or should know the animal is diseased.

(j) A permit holder must do the following:

(1) Record all transactions by which a wild animal possessed under this section is:

- (A) sold;
- (B) traded;
- (C) loaned;
- (D) bartered; or
- (E) given;

to another person on a departmental form or computerized record.

(2) Keep a copy of the transaction record on the premises of the permit holder for at least two (2) years after the transaction and provide a copy to a conservation officer upon request.

(3) Issue a valid, dated receipt for all animals sold, traded, bartered, or gifted and include the following information:

- (A) The cervidae possession permit number.
- (B) The buyer's and seller's name and address.
- (C) The number of animals sold.
- (D) The species of the animal sold.

(k) A permit expires on December 31 of the year the permit is issued. The permit holder must provide an annual report to the division by February 15. The annual report shall include for each species possessed under this permit the number:

- (1) bought;
- (2) sold;
- (3) born;
- (4) traded;
- (5) gifted;
- (6) of deaths; and
- (7) on hand.

(l) A conservation officer may enter the premises of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit. The conservation officer shall immediately notify the permit holder if the inspection reveals that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and:

- (1) the permit may be suspended or revoked under IC 4-21.5; and
- (2) the wild animals may be confiscated if the permit holder fails to comply with a provision of the permit.

(m) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

- (1) A provision of a permit issued under this section.
- (2) All applicable state, local, or other federal laws.

*(Natural Resources Commission; 312 IAC 9-10-21; filed May 12, 2006, 10:38 a.m.: 29 IR 3346)*

## **Rule 11. Wild Animal Possession Permits**

### **312 IAC 9-11-1 Applicability**

Authority: IC 14-11-4-5; IC 14-11-4-9; IC 14-22-26

Affected: IC 14-11-4; IC 14-22-26-2

Sec. 1. (a) Except as provided in IC 14-22-26-2 or as exempted under subsections (d) and (e), a person must have a permit issued by the department under this rule to possess a wild animal if the wild animal is either of the following:

- (1) Referenced in this rule.
- (2) Listed in this article as an endangered species or a threatened species.
- (b) A separate permit is required for each individual wild animal and applies only to the location stated in the permit.
- (c) A permit issued under this rule expires one (1) year from the date of issuance. If a timely and sufficient application is made for a permit renewal under section 3 of this rule, however, the permit does not expire until the department has entered a final determination with respect to the renewal application.
- (d) A wild animal that is possessed under any of the following licenses is exempted from this rule:
  - (1) A game breeder license issued under 312 IAC 9-10-4.
  - (2) A scientific collector permit issued under 312 IAC 9-10-6.
  - (3) A mammal or bird rehabilitation permit issued under 312 IAC 9-10-9.
- (e) This rule does not apply to the lawful taking or possessing of a wild animal as follows:
  - (1) During a season established under this article.
  - (2) During the first six (6) months from the date of birth, if the animal is the offspring of a wild animal lawfully possessed under this rule.
  - (3) The mammal is possessed by a zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
  - (4) During the interstate shipment of animals through the state of Indiana.
  - (5) As authorized by a permit issued by the U.S. Department of the Interior.
- (f) A person who possesses a wild animal is responsible for complying with all applicable requirements of this rule, including those which govern permit renewals and permit site relocations.
- (g) A person who possesses a wild animal for which a permit is required under this rule, but who does not possess a permit, is subject to the standards, requirements, and sanctions of this rule. (*Natural Resources Commission; 312 IAC 9-11-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2737; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 554*)

### **312 IAC 9-11-2 First permit to possess a wild animal**

Authority: IC 14-22-26

Affected: IC 14-11-4; IC 14-22

- Sec. 2. (a) This section governs the first permit under this rule to possess a particular wild animal.
- (b) A person who wishes to possess a wild animal, described as Class I or Class II under section 5 of this rule, must obtain a permit under this rule before the person takes possession of the animal.
  - (c) A person who wishes to possess a wild animal, described as Class III, must satisfy IC 14-11-4 and obtain a permit under this rule before the person takes possession of the animal. In addition to any procedural requirements, a notice under this subsection must also describe the following:
    - (1) The species of the wild animal.
    - (2) Where the animal will be possessed.
    - (3) The type of enclosure that would be used.
  - (d) A permit application must include a written verification from a licensed veterinarian that the animal appears to be free of disease, appropriately immunized, and in good health.
  - (e) An application must present a plan for the quick and safe recapture of the wild animal if the animal escapes or, if recapture is impracticable, for the destruction of the animal. After notification by the department of an intention to issue a permit, but before the permit is issued, the applicant must obtain the equipment needed to carry out the recapture and destruction plan. The nature and extent of the recapture plan and the equipment needed are dependent on the danger the escaped animal poses to persons, domestic animals, livestock, and other wildlife in the vicinity of the escape.
  - (f) A permit holder who possesses a Class III wild animal must notify the department immediately after the discovery of any escape of the animal.
  - (g) A permit application must be completed on a department form and accompanied by a fee in the amount of ten dollars (\$10).
  - (h) A conservation officer shall inspect the cages or enclosures after the application is received.
  - (i) An application must show the wild animal was lawfully acquired. A receipted invoice, bill of lading, or other evidence approved by the director shall accompany the application to establish compliance with this subsection. (*Natural Resources Commission; 312 IAC 9-11-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2738; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1366; readopted filed*

*Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 555)*

**312 IAC 9-11-3 Renewal permit to possess a wild animal**

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 3. (a) This section governs a renewal permit to possess a wild animal where a permit was previously issued for the same wild animal at the same site under section 2 of this rule.

(b) A person who wishes to continue in possession of a wild animal after the expiration date in the permit must file an application for a renewal permit within thirty (30) days of the expiration date.

(c) An application for a renewal permit must be accompanied by a written verification by a veterinarian which states the following:

(1) The wild animal was observed at least once during the prior year or more frequently if necessary to provide adequate veterinarian care. Frequency of the visits is determined by the attending veterinarian, not the facility.

(2) The wild animal was properly immunized.

(3) The wild animal appears to have been properly cared for in the following other areas of animal husbandry:

(A) Appropriate:

(i) facilities, personnel, and equipment for pest control, sanitation, quarantine, capture, and restraint; and

(ii) medical observation.

(B) Appropriate handling, tranquilization, and euthanasia was provided under veterinarian guidance.

(C) Nutrition and diets.

(d) A conservation officer may reinspect the cages or enclosures at any time. The conservation officer shall attempt to give a permittee a twenty-four (24) hour notice prior to the reinspection, but, if the officer is unsuccessful in contacting the permittee, the officer may proceed with the scheduled inspection without making any further attempts to notify anyone. No notice is necessary if the officer has reason to believe the health and safety of the animal is in danger if there is a delay. The conditions observed by the conservation officer during a reinspection will be considered in determining whether to renew a permit. (*Natural Resources Commission; 312 IAC 9-11-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2738; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-11-4 Permit to possess a relocated wild animal**

Authority: IC 14-22-26

Affected: IC 14-11-4; IC 14-22

Sec. 4. (a) This section governs a permit to possess a wild animal if a permittee under section 2 or 3 of this rule wishes to relocate the animal.

(b) For a permit to possess a Class III wild animal, the permittee must satisfy IC 14-11-4 before the department may issue a permit to possess the animal at a new location. In addition to any procedural requirements, a notice under this subsection must also describe the following:

(1) The species of the wild animal.

(2) Where the animal will be possessed.

(3) The type of enclosure which would be used.

(c) A new written verification from a veterinarian is not required under this section. (*Natural Resources Commission; 312 IAC 9-11-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-11-5 Classifications of wild animals which require a permit under IC 14-22-26**

Authority: IC 14-22-26

Affected: IC 14-22-26

Sec. 5. The following classifications apply to a wild animal for which a permit for possession is required under IC 14-22-26 and this rule:

(1) Class I includes any wild animal which, because of its nature, habits, or status, is not a threat to personal or public safety.

(2) Class II includes any wild animal which, because of its nature, habits, or status, may pose a threat to human safety.

(3) Class III includes any wild animal which presents a real or potential threat to human safety.

*(Natural Resources Commission; 312 IAC 9-11-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-11-6 Class I wild animals for which a permit is required**

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 6. A permit is required under this rule for the following Class I wild animals:

(1) Rabbit (*Sylvilagus floridanus*).

(2) Squirrel (*Sciurus carolinensis*, *Sciurus niger*, and *Glaucomys volans*).

*(Natural Resources Commission; 312 IAC 9-11-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-11-7 Class II wild animals for which a permit is required**

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 7. A permit is required under this rule for the following Class II wild animals:

(1) Beaver (*Castor canadensis*).

(2) Coyote (*Canis latrans*).

(3) Gray fox (*Urocyon cinereoargenteus*).

(4) Red fox (*Vulpes fulva*).

(5) Mink (*Mustela vison*).

(6) Muskrat (*Ondatra zibethicus*).

(7) Opossum (*Didelphis marsupialis*).

(8) Raccoon (*Procyon lotor*).

(9) Skunk (*Mephitis mephitis*).

(10) Weasel (*Mustela frenata*, *Mustela nivalis*, and *Mustela rixosa*).

*(Natural Resources Commission; 312 IAC 9-11-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-11-8 Class III wild animals for which a permit is required**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-26-6; IC 14-22-34-17

Affected: IC 14-22

Sec. 8. A permit is required under this rule for the following Class III wild animals:

(1) Wolves which are purebred.

(2) Bears (all species).

(3) Wild cats (all species), except feral cats.

(4) Venomous reptiles.

(5) Crocodilians that are at least five (5) feet long.

*(Natural Resources Commission; 312 IAC 9-11-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3676; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

**312 IAC 9-11-9 Classification of endangered species or threatened species**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-26-6; IC 14-22-34-17

Affected: IC 14-22

Sec. 9. (a) If an application is submitted under this rule to possess a wild animal that is an endangered species or a threatened

species, but the animal is not identified in sections 6 through 8 of this rule, the division shall designate the wild animal as being within Class I, Class II, or Class III before the permit is issued.

(b) The division may require that a wild animal possessed under this section is identified with an individually unique transponder, a unique notch, or another method of permanent marking approved by the director. (*Natural Resources Commission; 312 IAC 9-11-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2740; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3676; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **312 IAC 9-11-10 Confining and enclosing wild animals**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-26-6; IC 14-22-34-17

Affected: IC 14-22

Sec. 10. (a) This section establishes general requirements for confining or otherwise enclosing a wild animal which must be demonstrated in an application under this rule. A person who holds a license must maintain compliance with this section while in possession of the wild animal.

(b) All wild animals must have a designated primary enclosure.

(c) All wild animals shall be kept in cages or enclosures and shall be housed in buildings. Walls and restraints affixed to windows, doors, and other means of entry or exit must be as strong as what is prescribed in section 13 of this rule for cage construction.

(d) All cages shall be well braced and, when necessary, securely fastened to the floor or ground and shall utilize metal clamps, ties, welds, or braces of equivalent strength as that prescribed for cage construction.

(e) Except as provided in subsection (f), the cage or enclosure required for a Class III wild animal must also be surrounded by a perimeter chain link fence which is at least six (6) feet high. Fencing material that is equal in strength and durability to chain link may be substituted.

(f) A venomous reptile must be kept in a locked container within a locked building, compound, or enclosure. The premises shall have a notice clearly and conspicuously posted to provide the location of the nearest, most readily available source of appropriate anti-venin and the telephone number of the nearest poison control center.

(g) A wild animal must not be chained or tethered, except under the following conditions:

(1) During training sessions. During these sessions, the wild animal must be under the direct supervision of the permittee or an employee of the permittee. Training may take place only within the perimeter fence, not in public view, and while under strict control of the handler.

(2) During an emergency.

(3) While repairs are being made to the cage.

(h) A Class III wild animal must have secondary housing, for example, a den, shift cage, or transport crate, in which the animal can be secured. The secondary housing must be as strong as what is required for cage construction. The animal may be housed in secondary housing for a set period of time upon the written instructions of a licensed veterinarian.

(i) A modification from the general cage requirements may be granted upon a written finding by the director that the overall welfare of the animal and public safety would be maintained if the modification were implemented. (*Natural Resources Commission; 312 IAC 9-11-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2740; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3676; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

### **312 IAC 9-11-11 General housing requirements and specifications**

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 11. (a) This section provides general housing requirements and specifications which apply to an animal possessed under this rule.

(b) Unless otherwise specified in the license, a cage or enclosure must be completely enclosed.

(c) Wild animals which are compatible with one another may be held in the same enclosure if the required floor space is provided.

(d) Common walls between animals which are not compatible must be constructed so the animals cannot gain access to each other.



- (e) All mammals must have a den or nest box.
- (f) Dens shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments.
- (g) If sunlight is likely to cause overheating or discomfort to an animal, sufficient shade shall be provided to protect any animal kept outdoors from direct sunlight.
- (h) If the ambient air temperature falls below that needed for good health of the animal, an artificial heat source must be provided that is sufficient to maintain the required ambient air temperature.
- (i) If a pool of water is required or used, the floor space occupied by the pool is in addition to the required minimum floor space, unless otherwise specified in the license.
- (j) Night quarters, holding pens, and nesting boxes may not be used as primary housing.
- (k) All chain link or welded wire edges shall be smoothly secured to prevent injury to the animals.
- (l) If a cage is required to be constructed of mesh, unless otherwise specified, the mesh shall be made from welded or woven steel wire or an equivalent material. The floor of such a cage need not be constructed of mesh. Any equivalent strength material may be used.
- (m) An enclosure must be provided with sufficient drainage to prevent standing water from accumulating.
- (n) If a concrete floor is specified in a license, either wood plank flooring or a natural substrate may be used to cover the concrete. (*Natural Resources Commission; 312 IAC 9-11-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2740; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-11-12 Designated wild animals; minimum pen, cage, or enclosure size requirements**

Authority: IC 14-22-26  
Affected: IC 14-22

Sec. 12. (a) Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

(b) The requirements in subsection (a) are subordinate to any requirements contained elsewhere in this rule or in the license. (*Natural Resources Commission; 312 IAC 9-11-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2741; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-11-13 Confining, enclosing, and housing for particular wild animals**

Authority: IC 14-22-26  
Affected: IC 14-22

Sec. 13. (a) This section sets standards for confining, enclosing, and housing particular kinds of wild animals which must be satisfied by a person licensed under this rule.

(b) Rabbits must be provided with the following:

- (1) Bone, wood, or fibrous food to gnaw.
- (2) The walls, roof, and floor of the cage shall be constructed with mesh having openings not more than one and one-half (1½) inches.

(c) Squirrels must be provided with the following:

- (1) Climbing perches.
- (2) Nest boxes with wood shavings or another approved material.
- (3) For fox squirrels and gray squirrels, the walls, roof, and floor of the cage shall be constructed with mesh having openings not more than one (1) inch.
- (4) For flying squirrels, the walls, roof, and floor of the cage shall be constructed with mesh having openings not more than three-fourths (¾) of an inch or one (1) inch by one-half (½) inch maximum mesh.

(d) Beavers must be provided with the following:

- (1) Nest boxes or other sheltered retreats.
- (2) Gnawing logs.
- (3) A pool of fresh water with easy access. Half of the required floor space shall be a pool of water at least two and one-half

(2½) feet deep.

(4) The walls, roof, and floor of the cage shall be constructed of at least eleven and one-half (11½) gauge chain link or the equivalent. A six (6) inch overhang or the equivalent containment may be substituted for a full roof.

(e) Coyotes must be provided with the following:

(1) A sheltered retreat and either a den or an elevated wood platform.

(2) A cage floor shall have a three (3) foot barrier or apron around the inside of the cage. The barrier shall be constructed of one (1) inch by two (2) inch maximum mesh. The mesh shall be made from nonrusting, galvanized welded steel or an equivalent material.

(3) The walls, roof, and floor of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh.

(f) Foxes must be provided with the following:

(1) A sheltered retreat and either a den or an elevated wood platform.

(2) Limbs.

(3) The cage floor shall have a three (3) foot barrier or apron around the inside of the cage. The barrier shall be constructed of one (1) inch by two (2) inch maximum mesh. The mesh shall be made from nonrusting, galvanized welded steel or an equivalent material.

(4) The walls, roof, and floor of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh.

(g) Minks must be provided with the following:

(1) A nest box or sheltered retreat with bedding.

(2) Limbs.

(3) The walls, roof, and floor of the cage shall be constructed with mesh not larger than one (1) inch.

(h) Muskrats must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Gnawing logs.

(3) A pool of fresh water with easy access. Half of the required floor space shall be a pool of water at least two and one-half (2½) feet deep.

(4) The walls, roof, and floor of the cage shall be constructed with mesh which is not larger than one and one-half (1½) inches.

(i) Opossums must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Limbs.

(3) The walls, roof, and floor of the cage shall be constructed with mesh which is not larger than two (2) inches.

(j) Raccoons must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Limbs.

(3) A wading pool or water container appropriate to the size of the animal.

(4) The walls, roof, and floor of the cage shall be constructed with mesh which is not larger than two (2) inches.

(k) Skunks must be provided with the following:

(1) A nest box or sheltered retreat.

(2) The walls, roof, and floor of the cage shall be constructed with mesh which is not larger than two (2) inches.

(l) Weasels must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Limbs.

(3) For long-tailed weasels, the walls, roof, and floor of the cage shall be constructed from mesh which is not larger than one (1) inch.

(4) For least weasels, the walls, roof, and floor of the cage shall be constructed from mesh which is not larger than one-half (½) inch.

(m) Wolves must be provided with the following:

(1) A sheltered retreat and either a den or an elevated wood platform.

(2) The walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with a two and one-half (2½) inch maximum mesh or the equivalent.

(3) A three (3) foot incline at the top of an eight (8) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.

- (n) Bears must be provided with the following:
- (1) For sun bears, Asiatic bears, sloth bears, and spectacled bears, the following:
    - (A) A den with shavings, straw, or a wooden platform or flooring for reclining. The den shall have a floor space of at least four (4) feet by four (4) feet and shall be at least four (4) feet high.
    - (B) A suitable scratching post.
    - (C) An indestructible pool or tub. The pool or tub shall contain at least twelve and one-half (12½) feet of surface area and be at least two (2) feet deep.
    - (D) The walls, roof, and floor of the cage shall be constructed of not less than nine (9) gauge steel chain link.
    - (E) For sun bears, sloth bears, and spectacled bears, an artificial heat source that is sufficient to maintain a minimum ambient air temperature of forty-five degrees Fahrenheit (45°F).
  - (2) For American black bears, European brown bears, and Russian brown bears, the following:
    - (A) A den with shavings, straw, or a wooden platform or floor for reclining. The den shall have a floor space of at least four (4) feet by six (6) feet and shall be at least four (4) feet high.
    - (B) A suitable scratching post.
    - (C) An indestructible pool or tub. The pool or tub shall contain at least twenty-eight (28) square feet of surface area and be at least three (3) feet deep.
    - (D) The walls, roof, and floor of the cage shall be constructed of not less than nine (9) gauge steel chain link.
  - (3) For polar, grizzly, and Kodiak bears, the following:
    - (A) A den with shavings, straw, or a wooden platform or flooring for reclining. The den shall have a floor space of at least six (6) feet by six (6) feet of floor space and shall be at least six (6) feet high.
    - (B) A suitable scratching post.
    - (C) An indestructible pool or tub. The pool or tub shall contain at least seventy-eight (78) square feet of surface area and be at least three (3) feet deep.
    - (D) The walls, roof, and floor of the cage shall be constructed of not less than six (6) gauge steel chain link.
- (o) Cats must be provided with the following:
- (1) For lions, tigers, cheetahs, snow leopards, and their hybrids, the following:
    - (A) A den adequate to provide privacy and comfort for all animals in the enclosure.
    - (B) An elevated wooden loafing platform or an elevated dry natural substrate loafing area large enough for all animals in the enclosure.
    - (C) A tree limb or other suitable scratching block.
    - (D) For lions and tigers, the walls, roof, and floor of the cage shall be constructed of not less than nine (9) gauge steel chain link with a two and one-half (2½) inch mesh maximum or the equivalent. A three (3) foot incline at the top of a fourteen (14) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.
    - (E) For cheetahs and snow leopards, the walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with a two and one-half (2½) inch mesh maximum or the equivalent. For cheetahs, a three (3) foot incline at the top of the eight (8) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.
    - (F) For lions and cheetahs, an artificial heat source that is sufficient to maintain a minimum ambient air temperature of forty-five degrees Fahrenheit (45°F).
  - (2) For black leopards, spotted leopards, jaguars, clouded leopards, mountain lions (also sometimes called pumas or cougars), European lynxes, and their hybrids, the following:
    - (A) Dens large enough to provide privacy and comfort to all animals in the enclosure.
    - (B) An elevated wood loafing platform or an elevated dry natural substrate loafing area within the enclosure.
    - (C) A tree limb or other suitable scratching block.
    - (D) For black leopards, spotted leopards, jaguars, and mountain lions, the walls, roof, and floor of the cage shall be constructed of not less than nine (9) gauge steel chain link with a two and one-half (2½) inch mesh maximum or the equivalent.
    - (E) For black leopards, spotted leopards, jaguars, and mountain lions, a three (3) foot incline at the top of a fourteen (14) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.

- (F) For clouded leopards and European lynxes, the walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with a two and one-half (2½) inch maximum mesh or the equivalent.
- (3) For caracals, Canada lynxes, golden cats, ocelots, servals, jungle cats, fishing cats, and their hybrids, the following:
  - (A) Dens large enough to provide privacy and comfort to all animals in the enclosure.
  - (B) An elevated wooden loafing platform or an elevated dry natural substrate loafing area large enough for all animals within the enclosure.
  - (C) A tree limb or other suitable scratching block.
  - (D) The walls, roof, and floor of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh. Any weld must be as strong as the wire.
  - (E) For golden cats, an artificial heat source that is sufficient to maintain a minimum ambient air temperature of forty-five degrees Fahrenheit (45°F).
  - (F) For jungle cats and serval cats, an artificial heat source that is sufficient to maintain the ambient air temperature of fifty-five degrees Fahrenheit (55°F).
- (4) For margays, leopard cats, pallas cats, marble cats, Geoffrey's cats, African wild cats, European wild cats, jaguarundis, little spotted cats, African black footed cats, sand cats, flatheaded cats, pampas cats, and their hybrids, the following:
  - (A) Dens large enough to provide privacy and comfort to all animals in the enclosure.
  - (B) An elevated wooden loafing platform or an elevated dry natural substrate loafing area large enough for all animals within the enclosure. The top of the den or den box may be designed to meet this requirement.
  - (C) A tree limb or other suitable scratching block.
  - (D) The walls, roof, and floor of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh. Any weld must be as strong as the wire.
  - (E) For pallas cats, an artificial heat source that is sufficient to maintain a minimum ambient air temperature of forty-five degrees Fahrenheit (45°F) shall be provided.
  - (F) For Geoffrey's cats, leopard cats, African wild cats, little spotted cats, African black footed cats, sand cats, flat headed cats, and pampas cats, an artificial heat source that is sufficient to maintain a minimum ambient air temperature of fifty-five degrees Fahrenheit (55°F).

*(Natural Resources Commission; 312 IAC 9-11-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2741; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-11-13.5      Confinement and enclosure requirements for venomous reptiles and crocodilians**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-26-6; IC 14-22-34-17

Affected: IC 14-22

Sec. 13.5. (a) This section sets standards for confining and enclosing venomous reptiles and crocodilians that must be satisfied by a person licensed under this rule.

- (b) A venomous reptile must be provided with the following:
  - (1) The perimeter of the enclosure for a snake less than six (6) feet long shall be at least one and one-half (1½) times the length of the snake. The perimeter of the enclosure for a snake at least six (6) feet long shall be at least two (2) times the length of the snake.
  - (2) For each venomous lizard, a cage with rounded corners must be provided that is at least twenty-four (24) inches long, eighteen (18) inches wide, and fifteen (15) inches high. For each additional lizard, the size of the cage shall be increased by four (4) inches in length and width.
  - (3) All enclosures must be adequately ventilated. The floor of the enclosure shall be constructed of a nonabrasive material. The substrate shall facilitate the ability to maintain a clean and healthy environment. Hiding areas shall be provided for each animal.
  - (4) The containers for venomous reptiles shall be labeled with the common and scientific name (scientific genus and species name) of the species and the number of the animals contained inside. The label shall be legibly marked with the warning: Poisonous or Venomous.
  - (5) Indoor cages shall be fronted with Plexiglas, acrylic, or plate glass at least one-fourth (¼) inch thick. Cages are to be tightly closed at the top, and all doors are to be tightly fitted and securely locked. Cages must be constructed of one (1) of the following:

- (A) Waterproof plywood at least one-fourth (¼) inch thick.
- (B) Concrete plastered over wire.
- (C) Sheet metal.
- (D) Interlocking lumber at least three-fourths (¾) inch thick.
- (E) Fiberglass.
- (F) Plastic.

(6) Outdoor cages or pits shall have floors of concrete or masonry construction at least two (2) inches thick. Sides shall be similar construction at least six (6) inches thick, with a minimum height of four (4) feet from the floor unless completely roofed over by close-meshed wire. The corners of open pits shall be designed or guarded to prevent the escape of reptiles by climbing. Entrance doors accessible to the public shall be kept key locked.

(c) Crocodilians that are at least five (5) feet long must be provided with the following:

- (1) The cage must be at least one and one-half (1½) times as long and wide as each animal in the enclosure.
- (2) The cage walls must be constructed of one (1) of the following:

- (A) Concrete.
- (B) Concrete block.
- (C) Nine (9) gauge chain link or welded wire with no more than two (2) inch by four (4) inch size mesh.

(3) One-third (⅓) of the cage space shall be a pool of water that is deep enough for an animal to immerse itself. If more than one (1) animal is present, the pool shall be large enough so all animals can immerse themselves simultaneously. Pool surfaces shall be made of nonabrasive material, and the pool shall have a drain.

(4) The portion of an enclosure not occupied by the pool shall be covered with nonabrasive material, such as earth or grass.

(5) Crocodilians shall be confined in a manner that precludes them from coming into contact with the public.

(6) The walls of an open pen shall be at least six (6) feet high. If a wall is made of climbable material, such as fencing, the top one and one-half (1½) feet shall be constructed of a slippery, nonclimbable material. A wall shall either be buried deeply enough to prevent escape by digging or shall be fitted with a buried apron. Chain link or welded wire edges shall be smoothly secured to prevent injury to the animals.

(7) The walls of a totally enclosed pen shall have the upper one-half (½) constructed of one (1) of the following:

- (A) Concrete.
- (B) Concrete block.
- (C) Nine (9) gauge chain link or welded wire with no more greater than two (2) inch by four (4) inch size mesh.

Concrete or concrete block shall be used for the lower one-half (½) of the enclosure. A wall shall be buried deeply enough to prevent escape by digging or shall be fitted with a buried apron. Chain link or welded wire edges shall be smoothly secured to prevent injury to the animals.

(d) Notwithstanding section 14(c) of this rule, a person who possesses a venomous reptile or crocodilian that was lawfully acquired by the person, and used for a purpose described in section 14(c) of this rule before September 1, 1999, may continue the purpose where the person files with the department a written petition by November 1, 1999, that demonstrates to the satisfaction of the department:

- (1) the identity of the reptile and its lawful acquisition;
- (2) the purpose to which the reptile has been and would continue to be put;
- (3) precautions to make it unlikely the reptile would pose a hazard to another person or the property of another person; and
- (4) assurances the reptile has been and would continue to be treated humanely.

*(Natural Resources Commission; 312 IAC 9-11-13.5; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3677; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

### **312 IAC 9-11-14 Maintaining a wild animal possessed under this rule**

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 14. (a) A person must not maintain a wild animal in a manner that does any of the following:

- (1) Poses a hazard to public safety.
- (2) Poses a hazard to property of a person other than the permit holder.
- (3) Harms the health of the wild animal.

- (4) Violates this article or the license under which the animal is possessed.
- (b) A person must not possess a wild animal in a condition that is any of the following:
  - (1) Unsafe.
  - (2) Unsanitary.
  - (3) Constitutes maltreatment or neglect of the animal.
  - (4) Allows the escape of the animal.
- (c) A person must not use a wild animal in any of the following manners:
  - (1) For a commercial purpose unless the person is issued a commercial license by the United States Department of Agriculture or the wild animal is an alligator snapping turtle (*Macrolemys temmincki*) lawfully acquired by the applicant prior to January 1, 1998.
  - (2) For a sporting purpose.
  - (3) As a public display.
- (d) A special purpose educational permit must be obtained under 312 IAC 9-10-9.5 before a person uses a Class I, Class II, or Class III wild animal for an educational purpose unless the wild animal is an alligator snapping turtle (*Macrolemys temmincki*) lawfully acquired by the applicant before January 1, 1998.
- (e) A wild animal must be provided with fresh drinking water in clean containers on a daily basis.
- (f) A swimming pool or wading pool that is provided for the use of a wild animal must be cleaned as needed to maintain good water quality.
- (g) Surface water must be adequately drained from a cage or enclosure where a wild animal is possessed.
- (h) A wild animal must be provided with food that is each of the following:
  - (1) Unspoiled.
  - (2) Uncontaminated.
  - (3) Appropriate to the dietary needs of the animal.
- (i) Fecal wastes and food wastes must be removed daily from cages and stored or disposed to prevent noxious odors and insect pests. Hard floors shall be scrubbed and disinfected weekly. Large pens and paddocks with dirt floors shall be raked at least once every three (3) days and the waste removed. (*Natural Resources Commission; 312 IAC 9-11-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2743; filed May 19, 2003, 9:11 a.m.: 26 IR 3324; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 555*)

### **312 IAC 9-11-15 License revocation, seizure of a wild animal, reimbursement for expenses, and escaped wild animals**

Authority: IC 14-22-26

Affected: IC 4-21.5-3-8; IC 4-21.5-4; IC 14-22-26-5

Sec. 15. (a) The department may revoke a permit issued under this rule because of a failure of the permittee to comply with IC 14-22, this article, or a term of the permit. A proceeding under this subsection is subject to IC 4-21.5-3-8.

(b) The department may restrict or suspend a license under IC 4-21.5-4 if:

- (1) an emergency exists with respect to the safety of the public or the health of the animal; or
- (2) the director believes an emergency exists under IC 14-22-26-5(a).

(c) The department may seize a wild animal where:

- (1) an emergency exists under subsection (b); or
- (2) a final order has been made by the commission to:
  - (A) revoke a permit issued under this section;
  - (B) confiscate the wild animal; and
  - (C) provide for its final disposition.

(d) The owner of a wild animal seized under this section is liable for the costs incurred by the department in seizing and holding the animal and for the proceedings under this section. A final order by the commission under subsection (c)(2) shall include a determination of those costs.

(e) The department may destroy a wild animal where the wild animal has escaped and poses an immediate threat to the safety of the public. (*Natural Resources Commission; 312 IAC 9-11-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2744; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**Rule 12. Hunter Education****312 IAC 9-12-1 Applicability**

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

Affected: IC 14-22-11-5

Sec. 1. This rule implements and applies the requirements for hunter education set forth in IC 14-22-11-5. (*Natural Resources Commission; 312 IAC 9-12-1; filed May 27, 1997, 3:50 p.m.: 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-12-2 Mandatory hunter education for an individual born after December 31, 1986**

Authority: IC 14-10-2-3; IC 14-22-2-6

Affected: IC 14-22-11; IC 14-22-35-1

Sec. 2. (a) In addition to the requirements for obtaining a hunting license under IC 14-22-11, an individual born after December 31, 1986, must have successfully completed a course in hunter education by the department or the department's agent under IC 14-22-35-1 and this rule.

(b) As used in subsection (a), "department's agent" includes a person approved to administer a hunter education program in Indiana, as well as a program found by the director to provide hunter education substantially equivalent to an approved Indiana program in any of the following:

- (1) Another state.
- (2) A province of Canada.
- (3) Another country.

(*Natural Resources Commission; 312 IAC 9-12-2; filed May 27, 1997, 3:50 p.m.: 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-12-3 Demonstration of compliance with hunter education requirements**

Authority: IC 14-10-2-3; IC 14-22-2-6

Affected: IC 4-21.5; IC 14-22-11-3; IC 14-22-11-5

Sec. 3. (a) An agent duly appointed by the director under IC 14-22-11-3, or a clerk of a county circuit court, must not issue a hunting license to an individual subject to section 2 of this rule unless the individual demonstrates compliance with subsection (b).

(b) An individual subject to section 2 of this rule may demonstrate successful completion of a hunter education program by any one (1) of the following methods:

- (1) The presentation of a certificate of completion that indicates a hunter education program offered by the department or the department's agent was successfully completed by the applicant. A certificate of completion shall be completed on a department form.
- (2) For a person less than twelve (12) years of age upon completion of attendance at a hunter education course, the presentation of a certificate of attendance that indicates a hunter education program offered by the department or the department's agent has been monitored by the applicant. A license issued under this subdivision authorizes an applicant to hunt only if the applicant is accompanied by a parent or guardian. A certificate of attendance shall be prepared on a department form.
- (3) A statement made under oath or affirmation by the applicant, on a department form, stating the applicant successfully completed a hunter education program approved under section 2 of this rule.
- (4) A properly completed hunting license issued previously to the applicant.
- (5) A final order from the commission under IC 4-21.5 and 312 IAC 3 stating the applicant is entitled to receive a hunting license.

(*Natural Resources Commission; 312 IAC 9-12-3; filed May 27, 1997, 3:50 p.m.: 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

**312 IAC 9-12-4 Notations on license certificate**

Authority: IC 14-10-2-3; IC 14-22-2-6

Affected: IC 14-22-11-3; IC 14-22-11-5

Sec. 4. An agent duly appointed by the director under IC 14-22-11-3, or a clerk of a county circuit court, shall note the following:

- (1) The hunter education course certification number.
- (2) The date the hunter education program was successfully completed by the applicant.
- (3) An indication whether the license is restricted by the terms of section 3(b)(2) of this rule.

*(Natural Resources Commission; 312 IAC 9-12-4; filed May 27, 1997, 3:50 p.m.; 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.; 27 IR 286)*

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