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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #03-50

DIGEST

Amends 312 IAC 8 that governs public use of DNR properties and 312 IAC 9-2-11 to provide that wild animals cannot be hunted or chased at a state historic site. Effective 30 days after filing with the secretary of state.

312 IAC 8-1-2 **312 IAC 8-2-9**
312 IAC 8-1-4 **312 IAC 8-2-11**
312 IAC 8-2-3 **312 IAC 9-2-11**
312 IAC 8-2-6

SECTION 1. 312 IAC 8-1-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-1-2 Administration

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 2. (a) Except as provided in subsection (b), this article is administered by the department.

(b) This article does not apply to **a person who has contracted with the department, if the person is conducting business of the department, or to any of the following while performing official duties for the department or commission:**

- (1) An employee of the department.
- (2) A member of the commission.
- (3) An employee of the commission.
- (4) A member of the advisory council.
- (5) A member of the museum board of trustees.
- (6) A law enforcement officer.

~~(7) A person who has contracted with the department, if the person is conducting business on behalf of the department.~~
(Natural Resources Commission; 312 IAC 8-1-2; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999)

SECTION 2. 312 IAC 8-1-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-1-4 Definitions

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 9-13-2-196; IC 9-25-2-4; IC 14-8-2-261; IC 14-16-1-3; IC 14-22-11-1; IC 14-31-1

Sec. 4. The following definitions are supplemental to those set forth at 312 IAC 1 and apply throughout this article:

- (1) "Authorized representative" means the director or another person designated by the director.
- (2) "Berry" means the fruiting body of:
 - (A) a blackberry;
 - (B) a blueberry;
 - (C) a dewberry;
 - (D) an elderberry;
 - (E) a gooseberry;
 - (F) a huckleberry;

- (G) a mulberry;
- (H) a raspberry;
- (I) a serviceberry; and
- (J) a strawberry.

(3) "DNR property" means land and water owned, licensed, leased, or dedicated under IC 14-31-1, or under easement to the state or managed by the department. The following areas are, however, exempted from the term:

- (A) Public freshwater lakes.
- (B) Navigable waterways.
- (C) Buildings and grounds (other than those of the Indiana state museum) not located at recreational, natural, or historic sites.

(4) "Fallen cone" means the fruiting body of a coniferous tree that is no longer attached to a living tree.

(5) "Firearm or bow and arrows" means:

- (A) a firearm;
- (B) an air gun;
- (C) a CO₂ gun;
- (D) a spear gun;
- (E) a bow and arrows;
- (F) a crossbow;
- (G) a paint gun; or
- (H) a similar mechanical device;

that can be discharged and is capable of causing injury or death to **a person or** an animal or damage to property.

(6) "Fruit" means the fruiting body of:

- (A) cherries;
- (B) grapes;
- (C) apples;
- (D) hawthorns;
- (E) persimmons;
- (F) plums;
- (G) pears;
- (H) pawpaws; and
- (I) roses.

(7) ~~Green~~ "**Greens**" means the aboveground shoots or leaves of:

- (A) asparagus;
- (B) dandelion;
- (C) mustard;
- (D) plantain; and
- (E) poke.

(8) "Group boat dock" means an artificial basin or enclosure for the reception of watercraft that is owned and maintained by adjacent landowners for their private usage.

(9) "Leaf" means the leaf of a woody plant for use in a leaf collection or similar academic project.

(10) "License" means:

- (A) a license;
- (B) a permit;
- (C) an agreement;
- (D) a contract;
- (E) a lease;
- (F) a certificate; or
- (G) other form of approval;

issued by the department. A license may authorize an activity otherwise prohibited by this rule.

(11) "Mushroom" means edible fungi.

(12) "Nut" means the seeds of:

- (A) hazelnuts;
- (B) hickories;
- (C) oaks;
- (D) pecans; and

(E) walnuts.

(13) "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.

(14) "Public road" means a public highway under IC 9-25-2-4 that is designated by the department for use by the public.

(15) "Recreation area" means an area that is managed by the department for specific recreation activities.

(16) "Snowmobile" has the meaning set forth in IC 14-8-2-261.

(17) "Vehicle" has the meaning set forth in IC 9-13-2-196(d).

(Natural Resources Commission; 312 IAC 8-1-4; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 552, eff Jan 1, 2000; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1544; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3713)

SECTION 3. 312 IAC 8-2-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-3 Firearms, hunting, and trapping

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-22-11-1

Sec. 3. (a) ~~A person must comply with all federal and state hunting, trapping, and firearms laws.~~

(b) ~~A person must not possess a firearm or bow and arrows at any of the following locations:~~

~~(1) Inside a check station or headquarters building;~~

~~(2) Within a nature preserve unless signs indicate that hunting is authorized;~~

~~(3) On a property administered by the division of museums and historic sites.~~

~~(c)~~ (a) A person must not possess a firearm or bow and arrows **on a DNR property** unless one (1) of the following conditions apply:

(1) The firearm or bow and arrows are:

(A) unloaded and uncocked; and

(B) placed in a case or locked within a vehicle.

(2) The firearm or bow and arrows are possessed at, and of a type designated for usage on, a rifle, pistol, shotgun, or archery range.

(3) The firearm or bow and arrows are being used in the lawful pursuit of either:

(A) a wild animal on a DNR property authorized for that purpose; or

(B) a groundhog as authorized under a license.

~~(d)~~ (b) Except as provided in subsection ~~(c)~~(1), a person must not possess (a)(1), a firearm or bow and arrows at the following locations:

~~(1) Within an area designated for public camping;~~

~~(2) On a fish and wildlife area administered by the division of fish and wildlife, except under the terms of a one (1) day hunting permit and record card obtained from a checking station and possessed by the person in the field for a specified date. This subdivision does not apply to a fishing access site maintained by the division of fish and wildlife.~~

~~may not be possessed on DNR properties within:~~

~~(1) a nature preserve unless hunting is authorized under subsection (c);~~

~~(3) On (2) a property administered by the division of forestry within: museums and historic sites;~~

~~(A) (3) a campground;~~

~~(B) (4) a picnic area;~~

~~(C) (5) a beach;~~

~~(D) (6) a service area; or~~

~~(7) a headquarters building;~~

~~(8) a hunter check station; or~~

~~(E) (9) a developed area: recreation site.~~

~~(4) On a property administered by the division of state parks and reservoirs, except on a reservoir property in accordance with the terms of a one (1) day hunting permit and record card obtained from a hunter sign-in station and possessed by the person in the field for a specified date.~~

(c) A person may hunt on a state forest administered by the division of forestry, a reservoir administered by the division

of state parks and reservoirs, or a wildlife area administered by the division of fish and wildlife. A person using any of these areas must do the following:

- (1) Comply with all federal and state hunting, trapping, and firearms laws.
- (2) On a fish and wildlife area and a reservoir property, obtain a one (1) day hunting permit and record from a checking station. The person must obtain the permit and record while in the field for the authorized date and must, as directed, return them to the department.
- (3) Refrain from hunting on a nature preserve if prohibited by signage posted at the site.

~~(e)~~ (d) Unless otherwise posted or designated on a property map, a person must not place a trap except as authorized by a license issued for a property by an authorized representative. This license is in addition to the licensing requirements requirement for traps set forth in IC 14-22-11-1.

~~(f)~~ (e) A person must not run dogs, except during the lawful pursuit of wild animals, or as authorized by a license for field trials or in a designated training area. A property administered by the division of fish and wildlife may be designated for training purposes without requiring a field trial permit. Only dogs may be used during field trials on a DNR property, except where authorized by a license on a fish and wildlife property.

~~(g)~~ (f) Unless otherwise designated, a person must not discharge a firearm or bow and arrows within two hundred (200) feet of a:

- (1) campsite;
- (2) boat dock;
- (3) launching ramp;
- (4) picnic area; or
- (5) bridge.

~~(h)~~ (g) A person must not leave a portable tree blind or duck blind unattended except for the period authorized by 312 IAC 9-3-2(j).

~~(i)~~ (h) The following terms apply to the use of shooting ranges:

- (1) A person must not use a shooting range unless the person is at least eighteen (18) years of age or accompanied by a person who is at least eighteen (18) years of age.
- (2) A person must register with the department before using a shooting range.
- (3) A person must shoot only at paper targets placed on target holders provided by the department. All firing must be downrange with reasonable care taken to assure any projectile is stopped by the range backstop.
- (4) Shot no larger than size six (6) must be used on a shotgun range.
- (5) A person must not discharge a firearm using automatic fire.
- (6) A person must not use tracer, armor-piercing, or incendiary rounds.
- (7) A person must not play on, climb on, walk on, or shoot into or from the side berms.
- (8) A person must not shoot at clay pigeons, except on a site designated for shooting clay pigeons. Glass and other forms of breakable targets must not be used on a shooting range.
- (9) A person must dispose of the targets used by the person under section 2(a) of this rule.
- (10) Permission must be obtained from the department in advance for a shooting event that involves any of the following:
 - (A) An entry fee.
 - (B) Competition for cash, awards, trophies, citations, or prizes.
 - (C) The exclusive use of the range or facilities.
 - (D) A portion of the event occurring between sunset and sunrise.
- (11) On a field course, signs and markers must be staked. Trees must not be marked or damaged.

~~(j)~~ (i) A person must not take a reptile or amphibian unless the person is issued a scientific collector license under 312 IAC 9-10-6. Exempted from this subsection are turtles taken under 312 IAC 9-5-2 and frogs taken under 312 IAC 9-5-3 from a DNR property where hunting or fishing is authorized. (*Natural Resources Commission; 312 IAC 8-2-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 553, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3714*)

SECTION 4. 312 IAC 8-2-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-6 Animals brought by people to DNR properties

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-22-11-1; IC 35-46-3-11.5

Sec. 6. (a) A person who possesses a pet **or service animal** must keep the animal caged or on a leash no more than six (6) feet long. A person must attend to a pet **or service animal** at all times. **This subsection does not apply to activities governed by section 3(e) of this rule.**

(b) If a pet **or service animal** appears likely to endanger a person or property or to create a nuisance, the owner may be required to immediately remove the pet **or service animal** from a DNR property.

(c) A person must not take or possess a cat, a dog, or other pet to a:

- (1) swimming beach;
- (2) swimming pool enclosure;
- (3) rental facility; or
- (4) public building.

~~An assistance~~ **A service animal** used by a person with a disability is exempted from this subsection.

(d) A horse tag must be acquired and possessed for each horse that is brought into designated DNR properties from April 1 through November 30. At Brown County and Versailles State Parks and at Salamonie, the horse tag or pass must be prominently displayed on the left side of the bridle.

(e) A person must not allow livestock or domesticated animals to enter or remain upon a DNR property. These animals may be removed by the department and disposed or held at the owner's expense.

(f) A person must not release an animal on DNR property except under license issued by an authorized representative under this subsection. To receive a license, a person must demonstrate the animal is healthy and unlikely to endanger public safety or the environment. A person in violation of this subsection shall reimburse the department for any expenses reasonably incurred.

(g) For purposes of this section, a pet is not a service animal under IC 35-46-3-11.5. *(Natural Resources Commission; 312 IAC 8-2-6; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715)*

SECTION 5. 312 IAC 8-2-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-9 Swimming, snorkeling, scuba diving, and tow kite flying

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 9. (a) A person must not swim, or allow a child or other person in the person's care to swim, other than at the following locations:

- (1) At a designated swimming beach or pool during designated hours.
- (2) **From a watercraft** between sunrise and sunset in an embayment on a reservoir property ~~designated~~ **established under 312 IAC 5-10** as an idle speed zone, but not:
 - (A) in a causeway; or
 - (B) within one hundred (100) feet of a designated launching ramp or other public use facility.

(b) A person must not snorkel, except from a watercraft on a reservoir property and within an embayment designated as an idle speed zone.

(c) A person must not scuba dive unless in compliance with each of the following:

- (1) A license is issued by the department.
- (2) Between the hours of sunrise and sunset.
- (3) A diving flag is displayed to designate the area in use.

(d) A person must not engage in tow kite flying, except during the following periods:

(1) On weekdays from sunrise to sunset.

(2) Except as provided in subdivision (3), on Saturdays, Sundays, or holidays from sunrise until 11 a.m. and from 5 p.m. until sunset.

(3) On:

(A) Memorial Day weekend;

(B) the Fourth of July and a Saturday or Sunday that immediately precedes or follows the Fourth of July; and

(C) Labor Day weekend;

from sunrise until 11 a.m.

(Natural Resources Commission; 312 IAC 8-2-9; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999)

SECTION 6. 312 IAC 8-2-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-11 Campsites and camping

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 11. (a) A person must not place or maintain a camp, tent, or trailer except during periods and at sites authorized by the department for camping. Between 11 p.m. and 7 a.m., a person must not occupy a site other than a designated campsite, cabin, or inn room unless otherwise authorized by a written permit.

(b) No more than six (6) individuals may lawfully occupy one (1) campsite in a family campground unless otherwise approved by an authorized representative.

(c) An individual at least eighteen (18) years of age must register at a campground on behalf of the persons in a group. The responsible person registering for a campsite must remain with the group during the camping period. Campers under eighteen (18) years of age must be accompanied by a person at least eighteen (18) years of age.

(d) A camping fee shall be paid in advance and entitles a group or family to occupy one (1) campsite for one (1) overnight period. The department may provide, on the written fee receipt, restrictions on use of the campsite that supplement the restrictions contained in this article.

(e) Campground occupancy is limited to fourteen (14) consecutive nights unless another period is designated by the department. The property manager **or another designated representative of the department** may extend the duration of the occupancy for a period not to exceed sixty (60) days where a medical need is established. At the end of the camping period, a camping family or group must vacate the property and remove all equipment for at least forty-eight (48) hours.

(f) A person must not lease or sublease a campsite or equipment on-site to another person.

(g) A person must not:

(1) bathe; or

(2) wash a:

(A) pet;

(B) dish or other cooking utensil; or

(C) other personal property;

at a drinking fountain, lavatory, or laundry tub. Dishwater must be disposed through proper sanitary facilities and must not be discharged on the ground. A boat or a vehicle must not be washed in a camping area.

(h) Quiet hours shall be observed from 11 p.m. until 7 a.m.

~~(i) A pet must be caged or leashed within a campsite so as to maintain the pet within the campsite. Section 6(a) of this rule does not apply to this subsection.~~

~~(j) (i) Equine animals and llamas are allowed in a horsemen's campground but are prohibited from entering a family campground.~~

~~(k)~~ (j) A person must not dispose of refuse or garbage, except in a receptacle provided for that purpose.

~~(k)~~ (k) Check-out time from a campground is 2 p.m. on Monday through Saturday and 5 p.m. on Sunday or a holiday. ~~Renewals are due by 10 a.m. on the date of scheduled departure.~~ *(Natural Resources Commission; 312 IAC 8-2-11; filed Oct 28, 1998, 3:32 p.m.: 22 IR 742, eff Jan 1, 1999; errata filed Dec 17, 1998, 9:32 a.m.: 22 IR 1525; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3716)*

SECTION 7. 312 IAC 9-2-11 IS AMENDED TO READ AS FOLLOWS:

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. ~~It is unlawful to~~ **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)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 25, 2003 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to 312 IAC 8 that governs public use of DNR properties and 312 IAC 9-2-11 to provide that wild animals cannot be hunted or chased at a state historic site. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission