

DEPARTMENT OF NATURAL RESOURCES

2008 DIRECTOR'S ANNUAL REPORT

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DATE: October 22, 2008

Forwarded to:
Legislative Council
Indiana Economic Development Corporation

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IC 4-22-2-28.1(k) Responses

IC 4-22-2-28.1(k) Responses

The number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved.

Adjudicatory Proceedings

LSA Document #06-107(F) – One (1) question

Law Enforcement

LSA Document #07-145(F) – One (1) question

Fish and Wildlife

LSA Document #07-735(F) – Three (3) comments; Three (3) complaints; Eight (8) questions

LSA Document #07-659(F) – Three (3) comments; One (1) complaint; Three (3) questions

Lake Construction Activities

LSA Document #07-467(F) – Six (6) comments or questions

Entomology and Plant Pathology

LSA Document #06-570(F) – No comments, complaints, or questions received from small businesses. Small Business Regulator Coordinator was contacted however by a District Fisheries Biologist that a small business continued to sell Brazilian elodea for outdoor water gardens into the summer of 2007. This nursery was holding the plant in an outdoor environment and advertising it as a water garden or pond plant.

LSA Document #07-186(F) – I have compliance agreements with 11 small business who work on Lake Manitou, the only body of water in Indiana known to contain hydrilla. This lake has had a quarantine in place in order to prevent the spread to other waters. Compliance agreements are in place with these small businesses to allow them to perform their work which includes things such as installing boats, boat lifts, and piers, removing or launching boats following maintenance, chemical aquatic vegetation control, and vegetation surveying.

New compliance agreements were issued to all small businesses near the end of this SBRC reporting period. As a result of these new compliance agreements, comments and questions were received from four of the small businesses.

While under the previous compliance agreement, one of the small businesses violated the agreement in the spring of 2008. I had to make contact with the small business to remind them what their compliance agreement required.

The number of complaints or questions reported that were resolved to the satisfaction of the agency and the small businesses involved.

Adjudicatory Proceedings

LSA Document #06-107(F) – Resolved

Law Enforcement

LSA Document #07-145(F) – Resolved

Fish and Wildlife

LSA Document #07-735(F) – All of the complaints were resolved to the satisfaction of the agency and the small business involved. Some of the questions were not resolved for the small businesses and would require additional rule changes.

LSA Document #07-659(F) – All but one comment were resolved to the satisfaction of the agency and the small businesses. Two comments were not resolved and will need to be addressed in future administrative rule changes.

Lake Construction Activities

LSA Document #07-467(F) – Resolved

Entomology and Plant Pathology

LSA Document #06-570(F) – Small Business Regulatory Coordinator immediately made contact with the aquatic plant nursery that was selling Brazilian elodea to notify them that this plant is illegal to possess outdoors and sell for outdoor uses. The district fisheries biologist was at this small business recently and reported that there no longer is Brazilian elodea for sale.

LSA Document #07-186(F) – The violation of the compliance agreement in the spring of 2008 resulted in Small Business Regulatory Coordinator having to contact the small business to remind them of their obligations. The small business failed to remember one of the requirements of the agreement. Once this was brought to their attention, they began complying with all requirements.

As new compliance agreements were issued at the end of the Small Business Regulatory Coordinator reporting period, there were a number of questions concerning the intent of the requirements of the agreement. In some cases the Coordinator had to reword the compliance agreement so that the intent was completely clear by the small business. In other cases, just conversing with them made them comfortable with the requirements.

The total number of staff serving as coordinators under this section during the most recent state fiscal year

There were sixteen (16) staff members serving as coordinators for a total of 39 rules under IC 4-22-2-28.1 during the State fiscal year 2007–2008.

The agency's costs in complying with this section during the most recent state fiscal year

Total cost reported by the small business regulatory coordinators in the fiscal year 2007–2008 is \$2,297.21.

The projected budget required by the agency to comply with this section during the current state fiscal year

The projected budget required by the agency with respect to small business regulatory coordinators, for the current fiscal year 2008–2009, is \$2,371.87.

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LSA Document #08-57(F)

(Administrative Cause Number 08-003W)

Filed with the Publisher: May 29, 2008

Small Business Regulatory Coordinator

Major Felix Hensley, Department of Natural Resources, Division of Law Enforcement,
Indiana Government Center-South, 402 West Washington Street, Room 255D,
Indianapolis, IN 46204, (317) 233-3847, fhensley@dnr.in.gov

Document History

Intent to Readopt Rules: [20080206-IR-312080057RNA](#)

Filed with Publisher: May 29, 2008, 1:53 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On June 26, 2008, the Small Business Regulatory Coordinator, Felix Hensley, filed the following:

Neither the Law Enforcement Division nor I have received any questions, comments or concerns from any small business in reference to the readoption of 312 IAC 5 as of this date 6-26-08.

On July 2, 2008, the Small Business Regulatory Coordinator, Felix Hensley, filed the following updated the record and indicated that a question was received regarding the effective date of the readoption. The information was supplied and inquirer was satisfied.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-57(F) at its May 21, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 21, 2008:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

A “Notice of Intent to Readopt” was published in the Indiana REGISTER on February 6, 2008 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 5 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rule be readopted separately from the general recodification. If such a request is made, the Commission would be required to complete the full rule adoption process for the section. No written request has been received. Where no request is received, the Commission may either submit the rule for filing with the publisher under IC 4-22-2-35 or elect the procedure for recodification under IC 4-22-2. The recommendation is for the Commission to approve submittal of the rule for filing with the Publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule
LSA Document #08-57(F)

DIGEST

Readopts rules in anticipation of [IC 4-22-2.5-2](#), providing that an administrative rule adopted under [IC 4-22-2](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

[312 IAC 5](#)

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

LSA Document #08-57(F)
Intent to Readopt Rules: [20080206-IR-312080057RNA](#)
Filed with Publisher: May 29, 2008, 1:53 p.m.

LSA Document #07-735(F)

(Administrative Cause Number 07-172D)

Filed with the Publisher: April 1, 2008, 10:28 a.m.

Small Business Regulatory Coordinator

Linnea Petercheff, Staff Specialist, Division of Fish and Wildlife, Department of Natural Resources, 402 W. Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-6527, lpetercheff@dnr.in.gov

Document History

LSA Document #07-735(F)

Notice of Intent: 20071107-IR-312070735NIA

Proposed Rule: 20080130-IR-312070735PRA

Hearing Held: February 29, 2008

Approved by Attorney General: March 31, 2008

Approved by Governor: April 1, 2008

Filed with Publisher: April 1, 2008, 10:28 a.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On May 13, 2008, the Small Business Regulatory Coordinator, Linnea Petercheff, filed the following:

The number of comments, complaints, and questions received by the you from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved.

Mute Swans (312 IAC 9-4-2.5): Two

Dog Training Ground Permit (312 IAC 9-10-16): Three

All other rules: None.

The number of complaints or questions reported under subsection (1) that were resolved to the satisfaction of the agency and the small businesses involved.

Five. All of the small businesses were satisfied with the agency's response.

Estimated time spent carrying out your duties as SBRC during the most recent state fiscal year, categorized by LSA Document numbers involved.

Two (2) hours.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-735(F) at its March 18, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated March 4, 2008:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

No member of the public attended the public hearing held on February 29, 2008 at the Indiana Government Center South, Conference Center Room #1, 402 West Washington Street, Indianapolis, Indiana.

b) Comments Received Outside Public Hearing

Mike Wassmer, Wadesville, IN

I am responding to the proposed rule changes. I am in agreement with all changes except letter (g). I do not agree that the birds cannot be possessed in captivity for more than five days. My reasoning is as follows:

- 1) Most breeders offer us discounts to buy larger quantities of birds each time. Therefore, I might buy 50 or more birds at a time with no chance of training dogs if the weather turns bad or work doesn't permit it.
- 2) It would be a hassle for the breeder and buyer to catch and sell birds on a weekly basis rather than buy as I have stated above.
- 3) As long as the birds are taken care of by the buyer, which they will based on how expensive birds are, what is wrong with having your receipt for the birds to verify purchase from the game breeder.
- 4) Finally, in our area we have to travel sometimes more than 50 plus miles to purchase birds to use for dog training. This cost alone would be enough to encourage people to purchase and raise birds illegally which you would not want either. It is just easier to purchase several birds at a time and keep them in captivity until you use them for training. I encourage you not to pass this proposed change!

James C. Cron, Roanoke, IN

The only issue I have with the proposed changes is the one concerning ..."commercial use...". I'm a retired (this year) individual trying to finance my hobby and passions, i.e., bird dogs and quail (bob White). I charge a small fee for people to bring their dogs to my land (>9 acres) and put quail out for their dogs and mentor them through the training process. Occasionally, I'll board and train a dog that needs more repetition than an owner can give. Last year I helped about 6-8 owners and their dogs. I use Bob White quail because I like to hear them whistle in the spring (I'm from the Evansville area originally). It just seems more like spring when you can hear a male give his call. I use about 150 quail per year. Some are sold to a shooting preserve (about 50), some are turned loose there in the spring (about 50 or what's left), 20-30 are shot on property to train dogs. Almost as many are taken by hawks, cats, fox etc...They don't make it back to the call-back cage after release for training. It now sounds like you're asking me to by yet another license. I already have two, that will cost \$100/year. Why is this necessary?

Dick Dunnuck, Shotgun Farm, Waldron, IN

This letter is in response to a letter we recently received from the DNR with proposed changes which are of great concern to us as dog trainers. Our first concern is regarding clarifying that birds cannot be possessed for more than five days. We, as dog trainers, buy 100 or more birds at a time. We do not have room or time to breed birds but we also don't have time to pick up birds every five days. Also due to weather conditions, we could not guarantee that the birds would be used in the five days without just releasing them in the ice, bitter cold, or snow.

Our other concern is regarding clarifying that property cannot be used for commercial purposes. As we train bird dogs for other people, technically we are a commercial enterprise and this would put us out of business. On our five acres, we train dogs and owners to handle their dogs. We are not a shooting preserve nor do we operate as one. Our owners are taken to the field with their dog and a blank gun and learn the commands needed to handle their dog. Your attention to these issues of concern to us would be greatly appreciated.

A.W. Longnecker, Monterey, IN

I am writing in concern for the rules changes that were made for a dog training grounds permit. I am A.W. Longenecker and my training grounds are in Starke County, IN.-(North Bend Twp.) All of the rules seem reasonable except the one that says we may keep birds for no longer than 5 days.

When I have a young dog to work, I buy 30 quail and put them in a recall pen. This recall pen is in the bird dog training grounds field. Some of the birds are released and often not shot and they are recalled back into the recall pen by the birds that remained. They are fed and watered with special feeders and waterers. These birds are usually kept for a period of 60-90 days and remain healthy during this period. Usually within 90 days all of the birds have been shot.

Because I purchase my quail from a quail breeder, I have to purchase a minimum 30 quail at a time. Even if I found another breeder who sold less, it would create a burden for me to continually travel to purchase quail every 5 days.

I believe that this regulation deserves reconsideration. Please respond.

Cory Herendeen, Carmel, IN

I have upland hunting dogs which I train to run both hunt tests as well as train for hunting. I believe the new rule changes will further restrict training of hunting dogs. From my view, there are no necessary reasons for making these changes at this time.

My concerns are with these areas of change:

- 1) Change to (b) - limitation of only one dog training grounds on a contiguous piece of ground.
- 2) Change to (g) - Limitation of 5 day possession of purchased pen raised birds. This is a HUGE concern. Many times, I will have birds left over from one weekend to use the following weekend.

Please take these items into consideration. These provisions have a severe impact on the individual sportsman/hunter that is committed to training their bird dogs and showing our Indiana dog talent in national events.

David C. Tharp, Trafalgar, IN

Co-Chairman of the Legislative Committee of the German Shorthaired Pointer Club of Indiana

I own a German Shorthaired Pointer, and enjoy upland bird hunting on many of Indiana's Fish and Wildlife Areas, as well as private farmland. While Indiana's gamebird population is marginal, we are seeing enough birds to maintain the sport and enjoy our bird dogs. Hopefully Indiana will increase its efforts to rebuild wild quail populations on properties such as Atterbury and Crosley FWA's in the future. I applaud the efforts I see at Minnehaha, Hillenbrand and Goose Pond FWA's.

I am writing to comment on the Dog Training Grounds rule changes, and have the following concerns:

I would strongly encourage that the maximum acreage be increased from 20 acres to 40 acres or more. Pointing bird dogs being trained for the many types of field trials and hunt tests need more room for training. It is very important that they learn to cover the ground the same as in a competition. Also, our dogs are very intelligent, and working them over and over on the same 20 acre parcel causes them to "get wise" on us pretty quick. In other words, 20 acres is not sufficient to properly train a bird dog. It is unclear to me what advantage there is to the 20 acre limit.

I would also like to see the required leg banding rule eliminated. Leg bands, regardless of color, are impossible to see in flight. Furthermore, many birds are unnecessarily stressed and even injured during the pre-release banding process. This causes the birds to fly poorly, further hampering the dog training process, and creates a waste of the pen raised bird resource.

Lastly, I feel very strongly that some game bird release for dog training should be allowed on public properties such as Atterbury FWA. If native species cannot be considered, then at least chukar should be allowed. We are fortunate to have many thousands of acres of FWA in Indiana. Unfortunately, most of these properties are being in large part, wasted.

If you are interested in discussing my thoughts further, I am in Indianapolis on a daily basis, and would be more than happy to meet in person. Also, I am nearly always available by phone.

Thank you for your consideration of my ideas.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule LSA Document #07-735(F)

DIGEST

Amends 312 IAC 9-2-11 to allow qualified individuals to trap the European wall lizard at the Falls of the Ohio State Park. Adds 312 IAC 9-4-2.5 to specify conditions under which mute swans are allowed to be possessed and sold. Amends 312 IAC 9-4-14 to remove the bald eagle from the list of endangered birds. Amends 312 IAC 9-5-11 governing the turtle possession permit. Amends 312 IAC 9-10-16 to address various requirements associated with dog training ground permits. Effective 30 days after filing with the Publisher.

312 IAC 9-2-11; 312 IAC 9-4-2.5; 312 IAC 9-4-14; 312 IAC 9-5-11; 312 IAC 9-10-16

SECTION 1. 312 IAC 9-2-11 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22-6-1

Sec. 11. ~~A person~~ **(a) An individual** must not take or chase a wild animal, other than a fish, in a state park or a state historic site.

(b) An individual qualified under this subsection may trap any European wall lizard (*Podarcis muralis*) from the Falls of the Ohio State Park and the adjacent federal Falls of the Ohio Wildlife Conservation Area in Clarksville, Indiana. In order to qualify under this subsection, an individual must do each of the following:

- (1) Possess a written authorization from the division of state parks.**
- (2) Comply with any terms in the written authorization. These terms shall include a requirement that a European wall lizard can be taken only with approved methods.**
- (3) For the federal Falls of the Ohio Wildlife Conservation Area, comply with any other terms in the written authorization that are required by the U.S. Army Corps of Engineers.**

(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)

SECTION 2. 312 IAC 9-4-2.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-4-2.5 Mute swans

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

Sec. 2.5. (a) An individual may possess a live mute swan only if each of the following is satisfied:

- (1) The swan is pinioned before six (6) weeks of age.**
- (2) The swan is in an enclosure that prevents its escape into the wild.**

(b) A wing of each swan must be pinioned so the:

- (1) metacarpal bones of one (1) wing or a portion of the metacarpal bones are removed; and**
- (2) swan is permanently incapable of flight.**

(c) An individual may sell a live mute swan only if each of the following is satisfied:

- (1) The swan is pinioned by six (6) weeks of age.**

(2) The swan:

(A) is not released into the wild; and

(B) will be held in an enclosure that prevents its escape into the wild.

(3) The individual keeps an inventory of the number of mute swans possessed, including all swans that are born or die, and all transactions by which a mute swan is sold, traded, loaned, bartered, or given to another individual. The individual must issue a valid, dated receipt for all mute swans sold, traded, bartered, or gifted and include the following information:

(A) The name and address of the buyer or person to whom the mute swans were gifted.

(B) The name and address of the seller.

(C) The number of mute swans sold.

(D) The date sold.

(Natural Resources Commission; 312 IAC 9-4-2.5)

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

312 IAC 9-4-14 Endangered species of birds

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22-34-12

Sec. 14. The following species of birds are 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 (*Cygnus buccinator*).

(6) Osprey (*Pandion haliaetus*).

~~(7) Bald eagle (*Haliaeetus leucocephalus*).~~

~~(8) (7) Northern harrier (*Circus cyaneus*).~~

~~(9) (8) Peregrine falcon (*Falco peregrinus*).~~

~~(10) (9) Black rail (*Laterallus jamaicensis*).~~

~~(11) (10) King rail (*Rallus elegans*).~~

~~(12) (11) Virginia rail (*Rallus limicola*).~~

~~(13) (12) Common moorhen (*Gallinula chloropus*).~~

~~(14) (13) Whooping crane (*Grus americana*).~~

~~(15) (14) Piping plover (*Charadrius melodus*).~~

~~(16) (15) Upland sandpiper (*Bartramia longicauda*).~~

~~(17) (16) Least tern (*Sterna antillarum*).~~

~~(18) (17) Black tern (*Chlidonias niger*).~~

~~(19) (18) Barn owl (*Tyto alba*).~~

~~(20) (19) Short-eared owl (*Asio flammeus*).~~

~~(21) (20) Sedge wren (*Cisothorus platensis*).~~

~~(22) (21) Marsh wren (*Cisothorus palustris*).~~

~~(23) (22) Loggerhead shrike (*Lanius ludovicianus*).~~

~~(24) (23) Cerulean warbler (*Dendroica cerulea*).~~

~~(25) (24) Golden-winged warbler (*Vermivora chrysoptera*).~~

~~(26) (25) Kirtland's warbler (*Dendroica kirtlandii*).~~

~~(27) (26) Henslow's sparrow (*Ammodramus henslowii*).~~

~~(28) (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; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA)

SECTION 4. 312 IAC 9-5-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-11 Turtle possession permit

Authority: IC 14-10-2-4; 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) Except as provided in subsection (b), this section establishes the requirements that ~~a person~~ **an individual** must satisfy to possess a turtle that is listed in section 7(c) of this rule.

(b) Exempted from this section is any:

- (1) species of turtle that is possessed lawfully under section 2, 3, or 6 of this rule; and
- (2) endangered species of native turtle that is possessed lawfully under 312 IAC 9-11.

(c) The department shall not issue a permit under this section to possess a turtle that is listed as endangered under section 4 of this rule.

(d) ~~A person~~ **An individual** must be an Indiana resident to receive a permit under this section.

(e) ~~A person~~ **An individual** must submit, on a departmental form, an application for a permit under this section within ten (10) days after taking possession of a native turtle. The application must show the ~~person~~ **individual** lawfully obtained the turtle. For a turtle that was lawfully obtained:

- (1) a receipted invoice;
- (2) a bill of lading; or
- (3) other evidence approved by the director;

must accompany the application. A certificate of veterinary inspection from the state of origin must accompany an application for a turtle obtained outside Indiana.

(f) 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.

(g) A conservation officer shall inspect each cage or enclosure before ~~a~~ **the first** permit can be issued **to an applicant**. A turtle must be:

- (1) quarantined for at least thirty (30) days and display no signs of illness before being placed with other turtles; and
- (2) confined in a cage or other enclosure that:
 - (A) makes escape of the animal unlikely; and
 - (B) 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.

(h) A turtle possessed under this section:

- (1) must not be:
 - (A) bred;
 - (B) sold;
 - (C) traded;
 - (D) bartered; or
 - (E) released into the wild; and
- (2) may be given only to an individual who possesses a permit under this section.

(i) A turtle with a straight-line carapace length of four (4) inches or greater 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. The director may, however, approve a temporary identification method for use on a sick or injured turtle.

(j) A permit holder must not commercially advertise adoption services.

(k) A permit holder must not place a turtle on public display unless the person also possesses an educational permit issued under 312 IAC 9-10-9.5.

(l) 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:

(A) taxa;

(B) number;

(C) carapace length; and

(D) weight;

of each turtle obtained.

(2) The:

(A) complete name;

(B) address; and

(C) 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.

(m) A conservation officer:

(1) may enter the premises of the permit holder at all reasonable hours to inspect:

(A) those premises; and

(B) any records relative to the permit;

(2) shall immediately notify the permit holder if the inspection reveals a turtle is being kept under unsanitary or inhumane conditions; and

(3) may make a second inspection after ten (10) days to determine if any permit deficiency has been corrected that was reported to the permit holder.

(n) A permit expires on June 30 of the **third year following the year in which** the permit was issued.

(o) The permit holder must provide an annual report to the division by July 15 of each year with the following information:

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

~~(2) The:~~

~~(A) complete name;~~

~~(B) address; and~~

~~(C) telephone number;~~

~~of the person from whom a turtle was obtained.~~

~~(3) (2) The date the turtle was obtained.~~

~~(4) (3) The unique passive integrated transponder code of each implanted turtle or another type of unique identification.~~

(p) A permit may be suspended, denied, or revoked and any turtle confiscated, 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; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 5. 312 IAC 9-10-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-16 Dog training ground permit

Authority: IC 14-10-2-4; 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 that~~ 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~~ **ground** 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~~ **The dog training ground must contain at least five (5) and not more than twenty (20) acres.** This land shall not be located within one (1) mile of a state-owned or state-controlled public hunting area. **Only one (1) dog training ground may be licensed by the department on a contiguous tract of land.**

(c) The boundaries of the land permitted under this section must be marked with signs:
(1) at least ~~eighteen (18)~~ **sixteen (16)** inches wide and ~~eighteen (18)~~ **sixteen (16)** inches long;
(2) with a white background; and
(3) **with** one (1) inch high lettering ~~which that~~ states "dog training ~~grounds~~- **ground**".

The signs must be placed ~~no~~ **not** more than five hundred (500) feet apart and along the entire boundary of the dog training ~~grounds~~ **ground**.

(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~~ **ground**. **A person training dogs on a dog training ground shall have in possession a:**

- (1) **bill of sale for the game birds released for training; or**
- (2) **copy of the person's game breeder license.**

(e) A daily record of the training activities on the ~~grounds~~ **ground** 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~~ **ground**.
- (2) The number and species of birds released.
- (3) The number and species of birds taken.

(f) No ~~training activities~~ **quail or pheasants** shall ~~take place~~ **be taken under this section** except between sunrise and sunset.

(g) The ~~grounds~~ **birds** cannot ~~also be used for game breeding~~ **possessed in captivity for more than five (5) days or sold** unless a game breeder license is held under **IC 14-22-20 and** section 4 of this rule.

(h) The ~~grounds~~ **ground** cannot ~~also~~ be used for **any of the following:**

- (1) A field trial, unless a permit is held under section 7 of this rule.
- (2) **A shooting preserve, unless a license is held under IC 14-22-31.**
- (3) **The purpose of possessing or breeding game birds for release unless the person is licensed under IC 14-22-20 and section 4 of this rule.**

(i) **A permit expires December 31 of the year in which the permit was issued.**

(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.**

(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)

LSA Document #07-659(F)

(Administrative Cause Number 07-164D)

Filed with the Publisher: April 4, 2008, 2:56 p.m.

Small Business Regulatory Coordinator

Small Business Regulatory Coordinator: Staff Specialist, Division of Fish and Wildlife,
Department of Natural Resources, 402 W. Washington Street, Room W273, Indianapolis,
Indiana 46204, (317) 233-6527, lpetercheff@dnr.in.gov

Document History

LSA Document #07-659(F)

Notice of Intent: 20071010-IR-312070659NIA

Proposed Rule: 20080130-IR-312070659PRA

Hearing Held: February 26, 2008

Approved by Attorney General: April 1, 2008

Approved by Governor: April 3, 2008

Filed with Publisher: April 4, 2008, 2:56 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On May 13, 2008, the Small Business Regulatory Coordinator, Linnea Petercheff, filed the following:

The number of comments, complaints, and questions received by you from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved.

Possession of furbearing mammals (312 IAC 9-3-14.5): One

All other rules: None.

The number of complaints or questions reported under subsection (1) that were resolved to the satisfaction of the agency and the small businesses involved.

None. The small business was not satisfied with the agency's response.

Estimated time spent carrying out your duties as SBRC during the most recent state fiscal year, categorized by LSA Document numbers involved.

One (1) hour.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-659(F) at its March 18, 2008 meeting. Public comments were received at this meeting. Following is an excerpt from the March 18, 2008 minutes:

Chris Hemphill, President for the Indiana Chapter of Nuisance Wildlife Controllers and Operators, addressed the Commission. “I do want the Commission to know that we have a few things we still feel that we need to work out with some rule changes, mostly just clarifications. As a whole, I think we’re pretty confident on what has been submitted.”

Tim Rose, State Organizer for Fur Takers of America, also addressed the Commission. He said his organization “positively approves of the extension of the skunk season to coincide with the coyote season.” He added, “We are also in support of the new proposed language proposed regarding trap size. We think it will be the language for many many years to come.” Lastly, he referenced 312 IAC 9-3-14.5 regarding possession of hides. He said his organization not opposed to the current rule, “but we are saying that we would like to start talks with the DNR on possession of hides, in a fashion that would help the trapper and the DNR monitor successfully.”

The Chair asked Rose, “So, you would like to do that in a subsequent rule package?” Rose replied, “Right.” The Chair said, “It’s my understanding that there’s been quite a bit of collaboration in working together with the Department with Linnea and others on this whole thing to come to some resolution. I appreciate everybody working together on that.”

Excerpt from Hearing Officer Report dated February 29, 2008:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

The public hearing was conducted as scheduled on February 26, 2008 at the Atterbury Fish and Wildlife Area, 7970 South Rowe Street, Edinburgh, Indiana. Five (5) citizens attended with two (2) citizens offering comments. The following are summaries of the verbal comments offered during the public hearing.

**Tim Rose, Columbus, IN
Fur Takers of America Indiana State Organizer**

We electronically submitted comments previously on most of the proposed rules but we left something out. "We do support the DNR on extending the hunting and trapping season for striped skunks in Indiana to coincide with the coyote season."

Dave Volland, Morgantown, IN

Offered two inquiries seeking clarification of points associated with the size and type of steels traps allowed under the proposed rule amendments. First, Mr. Volland wished to determine whether the use of laminants permanently affixed to the inside of a steel trap would impact the measurement of the jaw spread. Mr. Volland explained that these laminates, which are customarily 3/16 – 1/4 inch in width, are permanently affixed to the jaw and will change the width of a steel trap. If the jaw spread is measured from inside these laminants, this method could be used to permanently modify a trap that as originally manufactured has a jaw spread too large to qualify for use under the proposed rules. For clarification Mr. Volland inquired whether the DNR contemplated that the jaw spread measurement would be taken inside the laminants such that a trapper would be allowed to modify a non-compliant steel trap to be made compliant? Department staff present for the public hearing stated that they would need to discuss this inquiry and provide a response at a later time. The hearing officer requested that this issue also be clarified in the Department's formal response to the public comments.

Mr. Volland indicated his awareness of a proposed language modification that had been offered in the written comments of the Indiana State Trappers Association. Within that proposed language is reference to "securely attached rubber pads." Mr. Volland indicated his familiarity with a brand of rubber pads that are to be secured with tape. His inquiry related to what the Department considered to be "securely attached" and whether tape was satisfactory? Department's Division of Fish and Wildlife representatives, Linnea Petercheff and Mitch Marcus indicated that customarily the rubber pads are secured with bolts or rivets and that is what the DNR would consider to be "securely attached." Both stated that tape was insufficient.

b) Comments Received Outside Public Hearing [JMK: Footnote 1 deleted for the Director's report]

Stu Grell, Attica, IN
Secretary for the Indiana State Trappers Association

I have a couple of suggestions for the rule changes on the Furbearer Rule Package. They are very minor, and are identical changes, and coincide with other verbage changes already proposed.

312 IAC 9-3-18(d) and 312 IAC 9-10-11(B) both use the term "leg hold" and I would like this changed to "foot hold".

Lonnie Phillips, Sheridan, IN

I just recently resigned as the president of the Indiana State trappers assoc., Inc. for family reasons.

However the board has ask me to follow up on the trap size regulations change proposal and be sure the ISTA has input in this decision.

I want to remind the NRC that the ISTA represents the nearly 4,000 licensed trappers of Indiana.

The ISTA met with the DNR , FTA , Indiana furbearer biologist and Indiana conservation officer. We all agreed on the trap size rule change proposal as long as the original wording is modified to the wording of the attached document.

If you should have any questions please feel free to contact me.

ATTACHED DOCUMENT: [Deleted for this Director's Report]

Tim Julien, Indianapolis, IN

Hope all is well with you. Thanks for the time and effort you have put into these regulation changes.

Most of your recommended revisions are acceptable and will be reflected in our official comments during the public comment phase.

I have read over the changes several times and as a whole I would agree on the principle meanings, however there are a few areas I am hoping we can achieve some clarity and simplification.

Paragraph (g)(2)(B) and (C), attempts to describe the process of measuring and those measurements of traps that are acceptable as well as unacceptable in the use of capturing nuisance wildlife. I believe the process used here is unfortunately confusing and will lead to possible problems in the field. I must admit I am not a trapper and my knowledge and use of some of these traps is limited, I will work with Tim however and utilize his knowledge of traps to help word this in a less confusing way while holding to the intended purpose.

I have made comments after each change in your revised recommendations below.

As for everything else we talked about I think I agree with the principles and the wording looks fine. I hope this helps, please let me know if there is anything else. Thank you for your good work.

Chris

Proposed Revised Changes: [Deleted for the Director's Report]

Tim Rose, Columbus, IN

Fur Takers of America Indiana State Organizer

This is the official response from the Indiana Fur Takers of America (437 Indiana Citizens/Trappers that belong to our Organization) Furbearing Mammals (LSA #07-659)

Fur Takers of Indiana "Oppose" the Proposed Regulations:

Section 6 312 IAC 9-3-18

Sec. 18 (a)-(d)

This section needs re-worded/removed and is too confusing for the average/new trapper to understand. Better wording should be explored by the IDNR & Trappers for total compliance/unity.

Section 5 312 IAC 9-3-14-5 Possession of Furbearing Animals Sec. 14-5

The Proposed Regulation should be dismissed and a reversal is in order. Indiana Fur Takers of America strongly believe in free marketing of wild furs. Many States allow Trappers to hold Fur year round (Indiana does not). With rising or declining markets, the Trapper is at the mercy of the Fur Buyer and this puts the Trapper at a disadvantage when marketing Fur on the final weeks of the possession dates. If the market is on a down swing this greatly affects the value of said fur and the trapper is left "holding the bag" so to speak.

Possession dates on wild fur need to be deleted and an accounting system put in place to monitor the Trappers wanting to hold Fur year round & hit the markets accordingly. Other States currently employ such programs for their Trappers. We urge the NRC to do away with the current and proposed holding dates on wild fur. We have generated a simple system for the IDNR to track the holding of wild fur past the season dates. FTA Indiana would work to get this completed with the IDNR if so ordered in a timely fashion.

Wayne A. Langman, Vigo County, IN
Langman's Services

The DNR is attempting to get more interest in harvesting fur bearers by adding hunting to the means of harvest. However shooting the animals described damages the pelt to a point where they will be all but worthless.

Great care has to be taken to avoid any damage to the skins as the current market is so soft that any damage at all costs much of the value to be discounted. This would be counterproductive to the trapper.

Rather than allowing a waste of the animal by allowing shooting, the animal harvest would be better served by letting the trapper have more freedom in marketing his catch by establishing a means to hold fur for the higher markets which come in late spring and summer. Current law requires sale when the market is at its worst.

Look at the number of fur buyers in Indiana. They have all but disappeared. This forces the Hoosier trapper to ship out of state, which means he must have his harvest ready to ship before the deadline and that takes the trapper away from the harvest itself.

If the DNR wants a bigger harvest allow the trapper the time to prepare and market his catch. That will let them make a greater catch and have the desired effect.

Derek Surowiec, LaPorte, IN

Why the rule change on trap sizes? I believe there was nothing wrong with the previous rule of a #3 trap.

Dave Mauer, Decatur County, IN

I feel the possession of furs should be legal for longer than 20 days after season. This would give us more options of selling at the right time for maximum prices.

Please consider this. Thank you.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #07-659(F)

DIGEST

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

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

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

312 IAC 9-3-11 Beavers

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

Affected: IC 14-22

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

~~(b) A person must not possess a beaver except from November 15 until April 4 of the following year. (Natural Resources Commission; 312 IAC 9-3-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539)~~

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

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

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

Affected: IC 14-22

Sec. 12. (a) The season for hunting:

(1) red foxes (**Vulpes vulpes**); and

(2) gray foxes (**Urocyon cinereoargenteus**);

is from noon on October 15 until noon on February 28 of the following year.

(b) The season for trapping:

(1) red foxes (**Vulpes vulpes**); and

(2) gray foxes ~~and~~ (**Urocyon cinereoargenteus**);

~~(3) skunks;~~

is from 8 a.m. on October 15 until noon on January 31 of the following year.

(c) Except as provided in subsection (d), the season for:

(1) hunting:

(A) coyotes (**Canis latrans**); and

(B) striped skunks (**Mephitis mephitis**);

is from noon on October 15 until noon on March 15 of the following year; and

(2) trapping:

- (A) coyotes (**Canis latrans**); and
- (B) striped skunks (**Mephitis mephitis**);

is from 8 a.m. on October 15 until noon on March 15 of the following year.

A coyote must not be possessed from April 5 through October 14 except to provide for its prompt disposal.

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

~~(e) A person must not possess the following:~~

~~(1) A red fox or gray fox except from October 15 until March 20 of the following year.~~

~~(2) A skunk except from October 15 until February 20 of the following year.~~

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

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

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

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

Affected: IC 14-22

Sec. 13. ~~(a)~~ The season for ~~trapping~~ **taking**:

- (1) minks (**Mustela vison**);
- (2) muskrats (**Ondatra zibethicus**); and
- (3) long-tailed weasels (**Mustela frenata**);

is from 8 a.m. on November 15 until noon on January 31 of the following year.

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

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

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

312 IAC 9-3-14 Opossums and raccoons

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

Affected: IC 14-22; IC 35-47-2

Sec. 14. (a) Except as provided in subsection (b), the seasons applicable to raccoons (**Procyon lotor**) and **Virginia** opossums (**Didelphis marsupialis**) are as follows:

- (1) Hunting from noon on November 8 until noon on January 31 of the following year.
- (2) Trapping from 8 a.m. on November 15 until noon on January 31 of the following year.
- (3) Chasing from noon on February 15 until noon on October 14.

(b) A nonresident may:

- (1) hunt raccoons under subsection (a)(1); and ~~may~~
- (2) trap raccoons under subsection (a)(2);

only to the extent that these raccoon seasons in the state of the nonresident are open to Indiana residents.

(c) A person must not do the following:

- (1) Possess a firearm, air rifle, or another device capable of taking a raccoon or **Virginia** opossum while chasing a raccoon or opossum during the chasing season established under subsection (a)(3).
- (2) Remove, attempt to remove, dislodge, or attempt to dislodge a raccoon or **Virginia** opossum from:
 - (A) a tree hollow;

- (B) a hole;
- (C) a den;
- (D) a pocket;
- (E) a cavity;
- (F) a burrow;
- (G) a tile; or
- (H) any other place;

where the raccoon or **Virginia opossum** has secreted itself for security or protection or in which the raccoon maintains a nest or den.

~~(3) Possess an opossum or a raccoon except from November 8 through February 20 of the following year.~~

(d) Notwithstanding subsection (c)(1), a person may possess a handgun in accordance with IC 35-47 while chasing raccoons and opossums under this section if the person:

(1) has a valid unlimited license to carry a handgun:

(A) issued under IC 35-47-2-3; **or**

~~(2) has a valid unlimited license to carry a handgun~~ (B) recognized under IC 35-47-2-21(b); or

~~(3) (2) is not required to possess a license to carry a handgun under IC 35-47-2-2.~~

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

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

312 IAC 9-3-14.5 Possession of furbearing mammals

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

Affected: IC 14-22

Sec. 14.5. (a) A person must not possess the untanned hide or unprocessed carcass of any of the following species that have been lawfully taken for more than twenty (20) days after the close of the hunting or trapping season:

- (1) Red fox (*Vulpes vulpes*).
- (2) Gray fox (*Urocyon cinereoargenteus*).
- (3) Striped skunk (*Mephitis mephitis*).
- (4) Beaver (*Castor canadensis*).
- (5) Mink (*Mustela vison*).
- (6) Muskrat (*Ondatra zibethicus*).
- (7) Long-tailed weasel (*Mustela frenata*).
- (8) Virginia opossum (*Didelphis marsupialis*).
- (9) Raccoon (*Procyon lotor*).

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

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

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

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

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

Affected: IC 14-22

Sec. 18. (a) ~~It is unlawful to~~ **A person must not** take a ~~furbearing mammal~~ **wild animal** with a ~~leg-hold~~ **foot-hold** trap possessing saw-toothed or spiked jaws.

(b) ~~It is unlawful to~~ A person must not take a ~~fur-bearing mammal~~ wild animal with a leg hold foot-hold trap sized number three (3) or larger without offset jaws if the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) is greater than or equal to five and three-quarters (5 $\frac{3}{4}$) inches and the inside width between the trap's hinge posts (Figure 2) is greater than or equal to five and three-quarters (5 $\frac{3}{4}$) inches unless the jaws of the trap have at least a one-eighth (1/8) inch offset (Figure 3), the gap of the offset is filled with securely attached rubber pads, or unless the trap is completely covered by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5).

(c) A person must not take a wild animal with a foot-hold trap set on land if the inside jaw spread perpendicular to the trap's baseplate is greater than six and one-half (6 $\frac{1}{2}$) inches and the inside width between the trap's hinge posts is greater than six and one-half (6 $\frac{1}{2}$) inches.

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

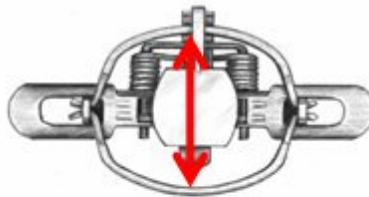


Figure 1
Widest inside jaw spread
perpendicular to the trap's
baseplate

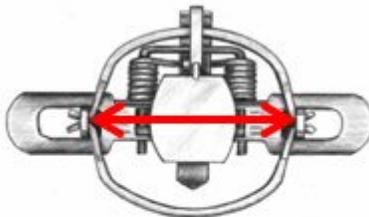


Figure 2
Inside distance between the
trap's hinge posts.



Figure 3

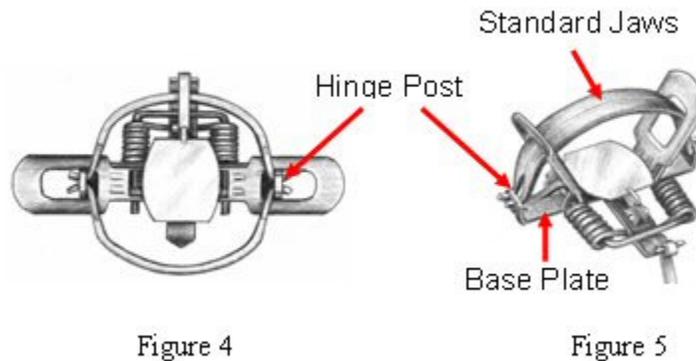


Figure 4

Figure 5

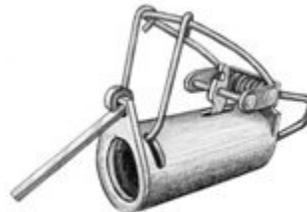


Figure 6

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

~~(e) It is unlawful to~~ (f) **A person must not** take a ~~fur-bearing mammal~~ **wild animal** with a Conibear™, Dahlgren™, Bigelow™, or other ~~killer~~ **similar body-gripping trap** which is ~~seven and one-half (7½) inches or larger in diameter or which~~ **if the widest vertical inside jaw-spread measured at the horizontal center of the trap's jaws and the widest horizontal inside jaw-spread measured at the vertical center of the trap's jaws is either of the following:**

- (1) ~~larger than seven and one-half (7½) inches by seven and one-half (7½) inches if square; or~~
- (2) **larger than eight (8) inches, if round.**

~~Otherwise, unless the trap is~~ **must be** completely covered by water.

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

- (1) at least fifty percent (50%) of the loop of the snare is covered by water; or
- (2) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

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

- (1) by shooting, digging, cutting, or chipping into the:
 - (A) leaf nest;
 - (B) hole;
 - (C) burrow;
 - (D) tree;
 - (E) cavity;
 - (F) pocket; or

- (G) den; or
 - (2) with:
 - (A) the aid of:
 - (i) smoke;
 - (ii) fire;
 - (iii) fumes;
 - (iv) chemicals;
 - (v) a ferret; or ~~other~~
 - (vi) **another** small animal; or
 - (B) any mechanical device, **other than a trap set lawfully**, introduced into the:
 - (i) hole;
 - (ii) burrow;
 - (iii) tree; or
 - (iv) den;
- where the animal is hidden or sheltered.

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

- (1) **where the animal has secreted itself for security or protection; or**
- (2) **in which the animal maintains a nest or den.**

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

- (1) **where the animal has secreted itself for security or protection; or**
- (2) **in which the animal maintains a nest or den.**

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

~~(i) It is unlawful to~~ (l) **A person must not** hunt a furbearing mammal from a boat.
(Natural Resources Commission; 312 IAC 9-3-18; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

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

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

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

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is:

- (1) causing damage or threatening to cause damage to property; or
 - (2) posing a health or safety threat to persons or domestic animals.
- The method of control and disposition of the animal shall be set forth in the permit.

(b) A wild animal taken under this section shall not be:

- (1) possessed for more than forty-eight (48) hours; and
- (2) sold;
- (3) traded;
- (4) bartered; or
- (5) gifted.

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

(d) A person who charges a fee or provides a service to the public for nuisance wild animal control services must obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:

(1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.

(2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit, either:

(A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or

(B) complete thirty-two (32) hours of continuing education as approved by the division.

(3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.

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

(f) A captive animal must be **properly** handled in an expeditious and humane manner in compliance with IC 35-46-3-12 to prevent unnecessary physical injury.

(g) ~~Permittees may use~~ The following **methods may be used to take a wild animal under this section:**

(1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.

(2) Steel and live traps, except for the following as follows:

(A) A foothold trap **that:**

(i) ~~possessing possesses~~ saw-toothed or spiked jaws; ~~or~~

(ii) ~~sized #3 or larger without offset jaws~~ **has the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) greater than or equal to five and three-quarters (5 ¾) inches and the inside width between the trap's hinge posts (Figure 2) greater than or equal to five and three-quarters (5 ¾) inches unless the jaws of the trap have at least a one-eighth (1/8) inch offset (Figure 3), the gap of the offset is filled with securely attached rubber pads or unless the trap is completely covered with by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5); and**

(iii) **has an inside jaw spread perpendicular to the trap's baseplate greater than six and one-half (6 ½) inches and the inside width between the trap's hinge posts greater than six and one-half (6 ½) inches and set on land.**

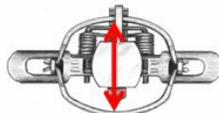


Figure 1
Widest inside jaw spread perpendicular to the trap's baseplate

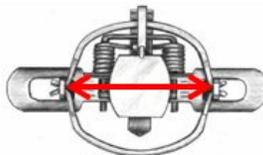


Figure 2
Inside distance between the trap's hinge posts.



Figure 3

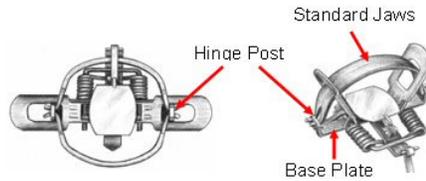


Figure 4

Figure 5

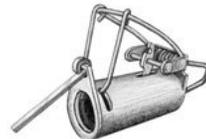


Figure 6

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

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

- (3) Snares with a circumference ~~no~~ **not** greater than fifteen (15) inches unless:
- (A) at least fifty percent (50%) of the loop of the snare is covered by water; or
 - (B) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).
- (4) **Any other methods specified by the permit.**

(h) All traps **including snares** must be checked at least once every twenty-four (24) hours, **and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.**

- (i) The following restrictions apply to the treatment of an animal captured live under this permit:
- (1) When on-site release is not the best viable option, the animal must be:
 - (A) released in the county of capture **with prior consent from the landowner or landowner's agent;**
 - (B) euthanized; or
 - (C) treated as otherwise authorized in the permit.
 - (2) An animal must be euthanized with the:
 - (A) safest;
 - (B) quickest; and
 - (C) most painless;
 available method as recommended and approved by the division of fish and wildlife.
 - (3) Prior consent is required from the:
 - (A) landowner; or
 - (B) landowner's agent;
 before an animal is released on any property.

(j) A permit expires on December 31 of the year the permit is issued. The permittee must maintain a current record to include the following:

- (1) The name and address of the landowner assisted.
- (2) The date assistance was provided.
- (3) The number and species of animals affected.
- (4) The method of disposition.

A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

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

(l) The permit holder shall provide an annual report to the division by January 15 of each year. The report shall list the following:

- (1) The:
 - (A) number; and
 - (B) species;of animals taken.
- (2) The county where the animal was captured.
- (3) The method of disposition.
- (4) The county where released (if applicable).

(m) A permit issued under this section may be suspended or revoked if the permittee does the following:

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

(n) No permit shall be issued under this section:

- (1) for the control of a migratory bird except a mute swan;
- (2) for a wild animal that is identified under this article as:
 - (A) an endangered; or
 - (B) a threatened;species; or
- (3) if granting the permit would violate a federal law.

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

LSA Document #07-646(F)

(Administrative Cause Number 07-176W)

Filed with the Publisher: April 24, 2008, 1:44 p.m.

Small Business Regulatory Coordinator

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Document History

LSA Document #07-646(F)

Notice of Intent: 20071003-IR-312070646NIA

Proposed Rule: 20080123-IR-312070646PRA

Hearing Held: February 20, 2008

Approved by Attorney General: April 18, 2008

Approved by Governor: April 24, 2008

Filed with Publisher: April 24, 2008, 1:44 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On May 13, 2008, the Small Business Regulatory Coordinator, James Hebenstreit, indicated by email that no comments, questions, or complaints have been received regarding this rule.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-646(F) at its March 18, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated February 26, 2008:

...

3. Public Hearing and Other Comments

The public hearing was convened as scheduled on February 20, 2008 in Room 501, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana. No member of the public appeared for the hearing.

Inquiries were received by telephone from citizens who expressed interest in the proposed rule amendments and who suggested they might wish to comment. Consistently with the public hearing notice included on the Commission's webpage, the citizens were informed the comment period would remain open until February 25, 2008. In the end, no comments were received outside the public hearing.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #07-646(F)

DIGEST

Amends 312 IAC 6-2-6, 312 IAC 8-2-13, and 312 IAC 11-2-12, which define "marina" on navigable waters, lakes on DNR properties, and public freshwater lakes, to remove parallel provisions that state a structure with docks would qualify. Effective 30 days after filing with the Publisher.

312 IAC 6-2-6; 312 IAC 8-2-13; 312 IAC 11-2-12

SECTION 1. 312 IAC 6-2-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 6-2-6 "Marina" defined

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

Affected: IC 14

Sec. 6. "Marina" means a structure that:

(1) can service simultaneously at least five (5) watercraft; and

(2) provides, for a fee, one (1) or more of the following:

(A) Watercraft engine fuel.

~~(B) Docks.~~

~~(C)~~ (B) Watercraft repair.

~~(D)~~ (C) Watercraft sales or rental.

(Natural Resources Commission; 312 IAC 6-2-6; filed Sep 11, 1997, 8:50 a.m.: 21 IR 368; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Apr 24, 2008, 1:44 p.m.: 20080521-IR-312070646FRA)

SECTION 2. 312 IAC 8-2-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-13 Marinas and wastewater holding facilities for watercraft

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

Affected: IC 14

Sec. 13. (a) As used in this section, "marina" means a structure that:

(1) services simultaneously at least five (5) watercraft; and

(2) provides, for a fee, one (1) or more of the following:

(A) Watercraft engine fuel.

~~(B) Docks.~~

~~(C)~~ (B) Watercraft repair.

~~(D)~~ (C) Watercraft sales or rental.

(b) Except as provided in subsection (d), a person must not operate a marina unless the person provides a pumpout that is in good working order and readily accessible to patrons of the marina and secures and maintains one (1) of the following:

(1) A license under 327 IAC 3-2 for the construction and operation of a wastewater treatment facility or sanitary sewer.

(2) A license under 410 IAC 6-10 for the construction of a commercial on-site wastewater disposal facility.

(3) An alternative written approval for wastewater disposal from an authorized governmental agency.

(c) The requirements of subsection (b) shall be made a condition for a license issued by the department to:

- (1) construct a new marina; or ~~to~~
- (2) modify an existing marina.

(d) A person may apply to the division of law enforcement for an exemption from subsection (b). The exemption shall be granted, for a period not to exceed five (5) years, where the person demonstrates either of the following:

- (1) The marina is designed to serve exclusively watercraft that are neither required nor likely to be equipped with a marine sanitation device.
- (2) The operator of the marina has entered a binding agreement with another marina or similar facility along the waterway to provide pumpout services where the other marina or similar facility:
 - (A) maintains a lawful pumpout as described in subsection (b);
 - (B) is in proximity to the marina seeking the exemption so patrons to be served at a pumpout, which would otherwise be required at the exempted marina, would not be significantly inconvenienced; and
 - (C) has sufficient pumpout capacity and accessibility to effectively serve the patrons of both parties to the agreement.

(Natural Resources Commission; 312 IAC 8-2-13; filed Oct 28, 1998, 3:32 p.m.: 22 IR 743, eff Jan 1, 1999; filed Jul 22, 2004, 10:05 a.m.: 27 IR 3886; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Apr 24, 2008, 1:44 p.m.: 20080521-IR-312070646FRA)

SECTION 3. 312 IAC 11-2-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-2-12 "Marina" defined

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-15; IC 14-26-2

Sec. 12. "Marina" means a structure that:

- (1) can service simultaneously at least five (5) watercraft; and
- (2) provides, for a fee, one (1) or more of the following:
 - (A) Watercraft engine fuel.
 - ~~(B) Docks.~~
 - ~~(C)~~ (B) Watercraft repair.
 - ~~(D)~~ (C) Watercraft sales or rental.

(Natural Resources Commission; 312 IAC 11-2-12; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2221; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Apr 24, 2008, 1:44 p.m.: 20080521-IR-312070646FRA)

LSA Document #07-595(F)

(Administrative Cause Number 07-193E)

Filed with the Publisher: May 7, 2008, 12:45 p.m.

Small Business Regulatory Coordinator

Megan Abraham, Division of Entomology and Plant Pathology, Department of Natural Resources, Indiana Government Center South, 402 West Washington Street, Room W290, Indianapolis, IN 46204, (317) 234-5182, mabraham@dnr.in.gov

Document History

LSA Document #07-595(F)

Notice of Intent: 20071003-IR-312070595NIA

Proposed Rule: 20071226-IR-312070595PRA

Hearing Held: January 31, 2008

Approved by Attorney General: April 29, 2008

Approved by Governor: May 7, 2008

Filed with Publisher: May 7, 2008, 12:45 p.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator:

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On May 14, 2008, the Small Business Regulatory Coordinator, Megan Abraham, filed the following:

I have checked with our staff and at this point there is nothing to report. The Division of Entomology and Plant Pathology has not received any questions, comments, or complaints from small businesses with respect to the addition of Switzerland County to the Pine Shoot Beetle quarantine area.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-595(F) at its March 18, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated February 28, 2009:

...

2. Report of Public Hearing

The public hearing was convened as scheduled on January 31, 2008. No member of the public appeared for the public hearing. No public comments have been received throughout the rule amendment process.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #07-595(F)

DIGEST

Amends 312 IAC 18-3-12, which governs standards for the control of the larger pine shoot beetle, by adding Switzerland County to the Indiana state quarantine area. Effective 30 days after filing with the Publisher.

312 IAC 18-3-12

SECTION 1. 312 IAC 18-3-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 18-3-12 Control of larger pine shoot beetles

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 12. (a) The larger pine shoot beetle (*Tomicus piniperda*) is a pest or pathogen. This section governs standards for the control of the larger pine shoot beetle in Indiana.

(b) Except as provided in subsection (c), the division has determined Indiana is an infested area where the larger pine shoot beetle is present.

(c) Exempted from subsection (b) are the following counties:

- (1) Clark.
- (2) Clay.
- (3) Crawford.
- (4) Daviess.
- (5) Dubois.
- (6) Floyd.
- (7) Gibson.
- (8) Greene.
- (9) Harrison.
- (10) Jackson.
- (11) Jefferson.
- (12) Knox.
- (13) Lawrence.
- (14) Martin.
- (15) Ohio.
- (16) Orange.
- (17) Perry.
- (18) Pike.
- (19) Posey.
- (20) Scott.
- (21) Spencer.
- (22) Sullivan.
- ~~(23) Switzerland.~~
- ~~(24)~~ (23) Vanderburgh.
- ~~(25)~~ (24) Warrick.
- ~~(26)~~ (25) Washington.

(d) The following items are regulated articles:

- (1) The larger pine shoot beetle in any life stage.

- (2) Entire plants or parts of the genus pine (*Pinus* spp.). Exempted from this subdivision are plants that conform to each of the following:
- (A) Are less than thirty-six (36) inches high.
 - (B) Are one (1) inch in basal diameter or less.
- (3) Logs and lumber of pine with bark attached. Exempted from this subdivision are logs of pine and pine lumber with bark attached if the:
- (A) source tree was felled during the period of July through October; and
 - (B) logs and lumber are shipped from the quarantined area during the period of July through October.
- (4) Any other article, product, or means of conveyance if determined by the division director to present the risk of spread of the larger pine shoot beetle.
- (e) The following actions are ordered within the infested area:
- (1) The movement by a person of a regulated article to a destination outside the infested area is prohibited, except under the following conditions:
 - (A) A thorough examination of all nursery stock takes place on a piece by piece basis.
 - (B) A statistically based examination of Christmas trees is made according to the following schedules:

TABLE 1. PAINTED (COLOR-ENHANCED)
PINE CHRISTMAS TREES¹

No. of Trees in Shipment	No. of Trees to Sample	No. of Trees in Shipment	No. of Trees to Sample
1 – 72	All	700 – 800	120
73 – 100	73	801 – 900	121
101 – 200	96	901 – 1,000	122
201 – 300	106	1,001 – 2,000	126
301 – 400	111	2,001 – 3,000	127
401 – 500	115	3,001 – 5,000	128
501 – 600	117	5,001 – 10,000	129
601 – 700	119	10,001 or more	130

¹If a pine shoot beetle is detected in any one (1) of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the shipment will be allowed to move with a limited permit. The limited permit must state, "All trees that remain unsold as of December 25 must be destroyed by burning or chipping, or must be fumigated prior to January 1.".

TABLE 2. NATURAL (UNPAINTED)
CHRISTMAS TREES¹

No. of Trees in Shipment	No. of Trees to Sample	No. of Trees in Shipment	No. of Trees to Sample
1 – 57	All	501 – 600	80
58 – 100	58	601 – 700	81
101 – 200	69	701 – 1,000	82
201 – 300	75	1,001 – 3,000	84
301 – 400	77	3,001 – 10,000	85
401 – 500	79	10,001 or more	86

¹If a pine shoot beetle is detected in any one (1) of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the shipment will be allowed to move with a limited permit. The limited permit must state, "All trees that remain unsold as of December 25 must be destroyed by burning or chipping, or must be fumigated prior to January 1.".

- (C) Following the examination, a determination is made that no life stages of the larger pine shoot beetle are present. The determination must be accompanied by either of the following:
- (i) A certificate of inspection approved by the division.

- (ii) A certificate or similar authorization issued by the U.S. Department of Agriculture under a parallel federal quarantine.
- (D) The certificate for the absence of the larger pine shoot beetle must be attached to and remain on the regulated articles until the articles reach their destinations. This requirement is, however, satisfied if the:
 - (i) certificate is attached to the shipping document; and
 - (ii) regulated article is adequately described on the shipping document of the certificate.
- (2) A regulated article originating outside the infested area may move through the infested area without a certificate of inspection if the point of origin of the regulated article is indicated on the waybill or shipping documents and transportation conforms with this subdivision. Passage through the infested area must be made without stopping, except for refueling or traffic conditions, and shall be conducted within either of the following conditions:
 - (A) The ambient temperature is below fifty (50) degrees Fahrenheit.
 - (B) The regulated article is carried in an enclosed vehicle with an adequate covering to prevent access by the larger pine shoot beetle. Examples of an adequate covering include canvas, plastic, or loosely woven cloth.
- (3) A regulated article originating outside the infested area that is:
 - (A) moved into the infested area; and
 - (B) exposed to potential infestation by the larger pine shoot beetle;
 is considered to have originated from the infested area. Any regulated article under this subdivision is controlled by subdivision (1).
- (4) The movement of a regulated article from an infested area through any noninfested area to another infested area is prohibited without a certificate for the absence of the larger pine shoot beetle except where both of the following conditions are met:
 - (A) Passage through a noninfested area is made without stopping, except for refueling or traffic conditions, if:
 - (i) the ambient temperature is below fifty (50) degrees Fahrenheit; or
 - (ii) in an enclosed vehicle with an adequate covering to prevent access by the larger pine shoot beetle.
 - (B) The waybill or shipping documents accompanying any shipment of regulated articles within or through Indiana indicate the county and state of origin of the regulated articles.
- (5) Any regulated article imported or moved within Indiana in violation of this section shall be immediately removed from any noninfested area or destroyed. The expense of compliance with this subdivision is the joint and several responsibility of any person possessing or owning the regulated article. Compliance with this subsection shall be performed under the direction of the division director.
- (6) In addition to the penalty set forth in subdivision (5), a person who violates this section is subject to any administrative, civil, or criminal sanction set forth in IC 14-24 and this article.
- (7) This section does not preclude the division director from issuing any permit under section 3 of this rule.

(Natural Resources Commission; 312 IAC 18-3-12; filed Nov 22, 1996, 3:00 p.m.: 20 IR 950; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1273; filed Feb 9, 1999, 4:16 p.m.: 22 IR 1945; filed Apr 4, 2001, 3:02 p.m.: 24 IR 2404; filed May 16, 2002, 12:28 p.m.: 25 IR 3049; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 19, 2003, 8:50 a.m.: 26 IR 3313; filed May 25, 2005, 10:30 a.m.: 28 IR 2951; filed Feb 27, 2007, 2:23 p.m.: 20070328-IR-312060134FRA)

LSA Document #07-542(F)

(Administrative Cause Number 07-031T)

Filed with the Publisher: March 4, 2008

Small Business Regulatory Coordinator

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Document History

LSA Document #07-542(F)

Notice of Intent: 20070829-IR-312070542NIA

Proposed Rule: 20071107-IR-312070542PRA

Hearing Held: December 19, 2007

Approved by Attorney General: March 3, 2008

Approved by Governor: March 4, 2008

Filed with Publisher: March 4, 2008, 12:27 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On March 7, 2008, the Small Business Regulatory Coordinator, Jennifer Kane, filed the following:

No comments, questions, or complaints have been received from a small business with respect to the referenced rule.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-542(F) at its January 22, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated December 19, 2007:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

The public hearing was convened as scheduled on December 19, 2007. Steve Morris, Director of the Department of Natural Resources, Division of Outdoor Recreation, attended the public hearing. No member of the public appeared for the public hearing. No public comments were received prior to the public hearing or after the close of the public hearing on December 19, 2007.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #07-542(F)

DIGEST

Amends 312 IAC 6.5-1-5 under the article assisting in the registration of an off-road vehicle or snowmobile to establish a fee for a duplicate certificate requested under IC 14-16-1-15. Effective 30 days after filing with the Publisher.

312 IAC 6.5-1-5

SECTION 1. 312 IAC 6.5-1-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 6.5-1-5 Fees

Authority: IC 14-10-2-4; IC 14-16-1

Affected: IC 14-16-1

Sec. 5. In addition to the fees established by IC 14-16-1, the following fees apply:

(1) Thirty dollars (\$30) for each registration renewal requested under IC 14-16-1-11.

(2) Six dollars (\$6) for each replacement decal requested under IC 14-16-1-11.5(b).

(3) Fifteen dollars (\$15) for each change of address requested under IC 14-16-1-14(d).

(4) Thirty dollars (\$30) for each transfer of ownership requested under IC 14-16-1-14(e).

(5) Fifteen dollars (\$15) for each duplicate certificate requested under IC 14-16-1-15.

~~(5) (6)~~ Thirty dollars (\$30) for each of the first two (2) registrations requested by a manufacturer or dealer under IC 14-16-1-16(a).

~~(6) (7)~~ Thirty dollars (\$30) for each registration requested by a manufacturer or dealer under IC 14-16-1-16(a) that is subsequent to those requested under subdivision ~~(4)~~; **(6)**.

(Natural Resources Commission; 312 IAC 6.5-1-5; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16; filed Mar 4, 2008, 12:27 p.m.: 20080402-IR-312070542FRA)

LSA Document #07-486(F)

(Administrative Cause Number 07-107A)

Filed with the Publisher: March 4, 2008, 12:31 p.m.

Small Business Regulatory Coordinator

Stephen Lucas, Natural Resources Commission, Indiana Government Center-North, 100 N. Senate, Room N501A, Indianapolis, IN 46204, (317) 233-3322, slucas@nrc.in.gov

Document History

LSA Document #07-486(F)

Notice of Intent: 20070815-IR-312070486NIA

Proposed Rule: 20071205-IR-312070486PRA

Hearing Held: December 31, 2007

Approved by Attorney General: February 29, 2008

Approved by Governor: March 2, 2008

Filed with Publisher: March 4, 2008, 12:31 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On March 10, 2008, the Small Business Regulatory Coordinator, Stephen L. Lucas, filed the following:

No comments, complaints or questions were received with respect to this rule adoption from any source.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-486(F) at its January 22, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated December 31, 2007:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

The public hearing was convened as scheduled on December 31, 2007. No persons attended the public hearing. No public comments were received prior to the public hearing or after the close of the public hearing on December 31, 2007.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #07-486(F)

DIGEST

Amends 312 IAC 1-1-4, 312 IAC 1-1-24, 312 IAC 3-1-3, 312 IAC 3-1-18, 312 IAC 5-1-2, 312 IAC 5-10-6, 312 IAC 9-5-7, 312 IAC 9-10-6, 312 IAC 14-2-7, and 312 IAC 16-5-13 to make numerous technical corrections to rules of the Natural Resources Commission, including changing the address of its Division of Hearings. Effective 30 days after filing with the Publisher.

312 IAC 1-1-4; 312 IAC 1-1-24; 312 IAC 3-1-3; 312 IAC 3-1-18; 312 IAC 5-1-2; 312 IAC 5-10-6; 312 IAC 9-5-7; 312 IAC 9-10-6; 312 IAC 14-2-7; 312 IAC 16-5-13

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

312 IAC 1-1-4 "Board" defined

Authority: IC 14-10-2-4

Affected: IC 14-9-6-1; IC 25

Sec. 4. "Board" means each of the following:

(1) Advisory council ~~for~~ **refers to the bureau of lands and cultural resources.**

~~(2) advisory council for the bureau of water and resource regulation. established by IC 14-9-6-1.~~

~~(3) (2) Board of trustees for the division of state museums and historic sites.~~

~~(4) (3) Commission.~~

~~(5) (4) Historic preservation review board.~~

~~(6) Soil conservation board.~~

~~(7) (5) Surface coal mine reclamation bond pool fund committee.~~

(Natural Resources Commission; 312 IAC 1-1-4; filed Dec 1, 1995, 10:00 a.m.: 19 IR 656; readopted filed May 8, 2001, 3:51 p.m.: 24 IR 2895; readopted filed May 29, 2007, 9:42 a.m.: 20070613-IR-312070111RFA; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA)

SECTION 2. 312 IAC 1-1-24 IS AMENDED TO READ AS FOLLOWS:

312 IAC 1-1-24 "Navigable" defined

Authority: IC 14-10-2-4

Affected: IC 4-21.5; IC 14-29-1-2; IC 25

Sec. 24. (a) "Navigable" means a waterway that has been declared to be navigable or a public highway by one (1) or more of the following:

(1) A court.

(2) The Indiana general assembly.

(3) The United States Army Corps of Engineers.

(4) The Federal Energy Regulatory Commission.

(5) A board of county commissioners under IC 14-29-1-2.

(6) The commission following a completed proceeding under IC 4-21.5.

(b) To assist in the administration of this title, a "Roster of Indiana Waterways Declared Navigable **or Nonnavigable**" is ~~set forth~~ **published at 15 IR 2385. DIN: 20061011-IR-312060440NRA.** This roster is not dispositive of whether a waterway is or is not navigable.

(Natural Resources Commission; 312 IAC 1-1-24; filed Dec 1, 1995, 10:00 a.m.: 19 IR 658; readopted filed May 8, 2001, 3:51 p.m.: 24 IR 2895; readopted filed May 29, 2007, 9:42 a.m.: 20070613-IR-312070111RFA; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA)

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

312 IAC 3-1-3 Initiation of a proceeding for administrative review

Authority: IC 14-10-2-4; IC 25-31.5-3-8

Affected: IC 4-21.5-3-7; IC 4-21.5-3-8; IC 4-21.5-4; IC 14-34; IC 14-37-9; IC 25

Sec. 3. (a) A proceeding before the commission, under IC 4-21.5, as well as administrative review of a determination of the Indiana board of licensure for professional geologists or the Indiana board of registration for soil scientists, is initiated when one (1) of the following is filed with the Division of Hearings, Indiana Government ~~Center-South, 402 West Washington Street, Center-North, 100 North Senate Avenue, Room W272, N501~~, Indianapolis, Indiana **46204**:

- (1) A petition for review under IC 4-21.5-3-7.
- (2) A complaint under IC 4-21.5-3-8.
- (3) A request for temporary relief under IC 14-34.
- (4) A request to issue or for review of an issued emergency or other temporary order under IC 4-21.5-4.
- (5) A request concerning an integration order under IC 14-37-9.
- (6) An answer to an order to show cause under section 5 of this rule.
- (7) A referral by the director of a petition for and challenge to litigation expenses under section 13(g) of this rule.

(b) As soon as practicable after the initiation of administrative review under subsection (a), the division director shall appoint an administrative law judge to conduct the proceeding.

(Natural Resources Commission; 312 IAC 3-1-3; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1317; filed Oct 19, 1998, 10:12 a.m.: 22 IR 749; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1543; filed Aug 29, 2002, 1:03 p.m.: 26 IR 8; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA)

SECTION 4. 312 IAC 3-1-18 IS AMENDED TO READ AS FOLLOWS:

312 IAC 3-1-18 Petitions for judicial review

Authority: IC 14-10-2-4; IC 25-31.5-3-8

Affected: IC 4-21.5-5-8; IC 14; IC 25

Sec. 18. (a) A person who wishes to take judicial review of a final agency action entered under this rule shall serve copies of a petition for judicial review upon the persons described in IC 4-21.5-5-8.

(b) The copy of the petition required under IC 4-21.5-5-8(a)(1) to be served upon the ultimate authority shall be served at the following address:

Division of Hearings

Natural Resources Commission

Indiana Government ~~Center-South~~ **Center-North**

~~402 West Washington Street, 100 North Senate Avenue, Room W272 N501~~

Indianapolis, Indiana 46204

This address applies whether the commission or an administrative law judge is the ultimate authority.

(c) Where the department or the state historic preservation review board is a party to a proceeding under this rule, a copy of the petition required under IC 4-21.5-5-8(a)(4) to be served upon each party shall be served at the following address:

Director
Department of Natural Resources
Indiana Government Center-South
402 West Washington Street, Room W256
Indianapolis, Indiana 46204

(d) Where the Indiana board of licensure for professional geologists is a party to a proceeding under this rule, a copy of the petition required under IC 4-21.5-5-8(a)(4) to be served upon each party shall be served at the following address:

Indiana State Geologist
Indiana University
611 North Walnut Grove
Bloomington, Indiana 47405-2208

(e) Where the Indiana board of registration for soil scientists is a party to a proceeding under this rule, a copy of the petition required under IC 4-21.5-5-8(a)(4) to be served upon each party shall be served at the following address:

Office of Indiana State Chemist
Purdue University
1154 Biochemistry
West Lafayette, Indiana 47907-1154

(f) The commission and its administrative law judge provide the forum for administrative review under this rule. Neither the commission nor the administrative law judge is a party.

(Natural Resources Commission; 312 IAC 3-1-18; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1323; filed Oct 19, 1998, 10:12 a.m.: 22 IR 750; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1544; filed Aug 29, 2002, 1:03 p.m.: 26 IR 9; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA)

SECTION 5. 312 IAC 5-1-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-1-2 Licensing functions; administrative review; addresses

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3
Affected: IC 4-21.5-1-15; IC 14

Sec. 2. (a) Unless otherwise specified, the division director (or a delegate of the division director) makes the initial determination for any license issued under this article.

(b) The address of the central office for the division is as follows:

Division of Law Enforcement
Department of Natural Resources
Indiana Government Center-South
402 West Washington Street, Room W255-D
Indianapolis, Indiana 46204

(c) The commission is the ultimate authority for the department under this article. A request to the commission for administrative review of an initial determination by the division of law enforcement must be addressed as follows:

Division of Hearings
Natural Resources Commission
Indiana Government ~~Center-South~~ **Center-North**
~~402 West Washington Street,~~ **100 North Senate Avenue,** Room ~~W272~~ **N501**
Indianapolis, Indiana 46204

(Natural Resources Commission; 312 IAC 5-1-2; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2364, eff Jan 1, 2002; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA)

SECTION 6. 312 IAC 5-10-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-10-6 Huntington Lake (also known as J. Edward Roush Lake); special watercraft zones

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-3-18; IC 14-15-7-3
Affected: IC 14

Sec. 6. The following zones are established for Huntington Lake (**also known as J. Edward Roush Lake**) where a person must not operate a watercraft in excess of idle speed:

- (1) On an embayment.
- (2) Within two hundred (200) feet of a shoreline.
- (3) Within the timbered area:
 - (A) on the north side of the lake; and
 - (B) downstream from County Road 200E.
- (4) Upstream from County Road 200E.

(Natural Resources Commission; 312 IAC 5-10-6; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2383, eff Jan 1, 2002; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA)

SECTION 7. 312 IAC 9-5-7 IS AMENDED TO READ AS FOLLOWS:

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

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

- (1) sale;
- (2) transport for sale; or
- (3) 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:
 - (A) college;
 - (B) university; or
 - (C) 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) Northern 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) Southeastern chorus frog (*Pseudacris feriarum*).
- (33) Western chorus frog (*Pseudacris triseriata*).
- (34) Crawfish frog (*Rana areolata*).
- (35) Plains leopard frog (*Rana blairi*).
- (36) Bullfrog (*Rana catesbeiana*).
- (37) Green frog (*Rana clamitans*).
- (38) Northern leopard frog (*Rana pipiens*).
- (39) Pickerel frog (*Rana palustris*).
- (40) Southern leopard frog (*Rana utricularia*).
- (41) Wood frog (*Rana sylvatica*).
- (42) Eastern snapping turtle (*Chelydra serpentina serpentina*).
- (43) Smooth softshell turtle (*Apalone mutica*).
- (44) Spiny softshell turtle (*Apalone spinifera*).
- (45) Alligator snapping turtle (*Macrochelys temminckii*).
- (46) Eastern mud turtle (*Kinosternon subrubrum*).
- (47) Stinkpot turtle (*Sternotherus odoratus*).
- (48) Midland painted turtle (*Chrysemys picta marginata*).
- (49) Western painted turtle (*Chrysemys picta bellii*).
- (50) Spotted turtle (*Clemmys guttata*).
- (51) Blanding's turtle (*Emydoidea blandingii*).
- (52) Common map turtle (*Graptemys geographica*).
- (53) False map turtle (*Graptemys pseudogeographica*).
- (54) Ouachita map turtle (*Graptemys ouachitensis*).
- (55) Hieroglyphic river cooter (*Pseudemys concinna*).
- (56) Eastern box turtle (*Terrapene carolina*).
- (57) Ornate box turtle (*Terrapene ornata*).
- (58) Red-eared slider (*Trachemys scripta elegans*).
- (59) Eastern fence lizard (*Sceloporus undulatus*).

- (60) Slender glass lizard (*Ophisaurus attenuatus*).
- (61) Six-lined racerunner (*Cnemidophorus sexlineatus*).
- (62) Five-lined skink (*Eumeces fasciatus*).
- (63) Broadhead skink (*Eumeces laticeps*).
- (64) Ground skink (*Scincella lateralis*).
- (65) Eastern worm snake (*Carphophis amoenus*).
- (66) Scarlet snake (*Cemophora coccinea*).
- (67) Racer (*Coluber constrictor*).
- (68) Kirtland's snake (*Clonophis kirtlandii*).
- (69) Ringneck snake (*Diadophis punctatus*).
- (70) Midland rat snake, also known as the black rat snake (*Elaphe spiloides*).
- (71) Western rat snake (*Elaphe obsoleta*).
- (72) Western fox snake (*Elaphe vulpina*).
- (73) Mud snake (*Farancia abacura*).
- (74) Eastern hognose snake (*Heterodon platirhinos*).
- (75) Prairie king snake (*Lampropeltis calligaster calligaster*).
- (76) Black king snake (*Lampropeltis getula nigra*).
- (77) Eastern milk snake (*Lampropeltis triangulum triangulum*).
- (78) Red milk snake (*Lampropeltis triangulum sypila*).
- (79) Copperbelly water snake (*Nerodia erythrogaster*).
- (80) Diamondback water snake (*Nerodia rhombifer*).
- (81) Northern water snake (*Nerodia sipedon*).
- (82) Rough green snake (*Opheodrys aestivus*).
- (83) Smooth green snake (*Opheodrys vernalis*).
- (84) Bull snake (*Pituophis catenifer sayi*).
- (85) Queen snake (*Regina septemvittata*).
- (86) Brown snake (*Storeria dekayi*).
- (87) Red-bellied snake (*Storeria occipitomaculata*).
- (88) Southeastern crowned snake (*Tantilla coronata*).
- (89) Butler's garter snake (*Thamnophis butleri*).
- (90) Western ribbon snake (*Thamnophis proximus*).
- (91) Plains garter snake (*Thamnophis radix*).
- (92) Eastern ribbon snake (*Thamnophis sauritus*).
- (93) Common garter snake (*Thamnophis sirtalis*).
- (94) Smooth earth snake (*Virginia valeriae*).
- (95) Northern copperhead (*Agkistrodon contortrix*).
- (96) Cottonmouth (*Agkistrodon piscivorus*).
- (97) Timber rattlesnake (*Crotalus horridus*).
- (98) 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:

- (1) to move, carry, or ship by any means; and
- (2) 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) The following are exempted from this section:

(1) 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.

(2) A sale made under a reptile captive breeding license governed by section 9 of this rule.

(3) The sale to and purchase of reptiles or amphibians by a:

(A) public school accredited under IC 20-19-2-8; or

(B) nonpublic school **recognized under IC 20-19-2-10 and** accredited under IC 20-19-2-8. ~~and IC 20-19-2-10.~~

This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.

(4) The sale and purchase of a:

(A) bullfrog (*Rana catesbeiana*) tadpole; or

(B) 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 subdivision, "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.

(h) 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; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA)

SECTION 8. 312 IAC 9-10-6 IS AMENDED TO READ AS FOLLOWS:

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 20-19-2-8; IC 20-19-2-10; 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:

(A) drug;

(B) vaccine;

(C) steroid;

(D) microorganism; or

(E) 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:
 - (A) public school accredited under ~~IC 20-1-1-6~~, a **IC 20-19-2-8**;
 - (B) nonpublic school **recognized under IC 20-19-2-10** and accredited under ~~IC 20-1-1-6~~ or ~~IC 20-1-1-6.2~~, **IC 20-19-2-8**; or a
 - (C) 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) a provision of a license issued under this section; **or**
~~(2) fails to comply with (B) IC 14-22-22-2;~~
~~(3) (2) provides false information on the license application and report;~~
~~(4) (3) 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; **or**~~
~~(5) (4) collects or releases a specimen that is likely to threaten the welfare of the:~~
(A) wild animal population; or
~~(6) collects or releases a specimen that is likely to threaten the welfare of the (B) 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; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA)

SECTION 9. 312 IAC 14-2-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 14-2-7 "Division of hearings" defined

Authority: IC 25-36.5-1-9

Affected: IC 25-36.5-1

Sec. 7. "Division of hearings" refers to the division of hearings of the commission. The address for the division of hearings is as follows:

Division of Hearings

Natural Resources Commission

Indiana Government ~~Center South~~ **Center-North**

~~402 West Washington Street,~~ **100 North Senate Avenue,** Room ~~W272~~ **N501**

Indianapolis, Indiana 46204

(Natural Resources Commission; 312 IAC 14-2-7; filed May 27, 1997, 3:50 p.m.: 20 IR 2745; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA)

SECTION 10. 312 IAC 16-5-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-5-13 Disposal of salt water and other waste liquids

Authority: IC 14-37-3

Affected: IC 14-28-1; IC 14-28-3; IC 14-37

Sec. 13. (a) To prevent surface or underground pollution, ~~no~~ a person ~~shall~~ **must not** dispose of a fluid that results from the development or production of a well for oil and gas purposes except as approved by the division.

(b) Evaporation pits are prohibited.

(c) A pit may be authorized under a permit for oil and gas purposes for backwash water, for emergency use, or in connection with a Class II well, if the pit:

(1) is surrounded by walls that prevent the entry of surface drainage from adjacent areas;

(2) is located at least one hundred (100) feet from any:

(A) stream;

(B) river;

(C) lake; or

(D) drainage way;

(3) conforms ~~with~~ **to** IC 14-28-1, IC 14-28-3, and ~~310 IAC 6-1~~ **312 IAC 10** and is constructed to prevent flooding during a regulatory flood;

(4) is:

(A) constructed according to plans approved by the division, including the placement of an impermeable liner; and ~~is~~

(B) found by a commission representative to conform to the plans before utilization;

(5) is maintained so that the level of contained fluids in the pit ~~are~~ **is** kept at least two (2) feet below the top of the pit wall having the lowest elevation; and

(6) conforms to all other requirements of law, including those pertaining to Class II wells.

(d) Fluids shall be removed from an emergency pit as soon as the emergency can be abated.

Construction or maintenance of a pit other than as provided in subsection (c) and this subsection may result in revocation of any permit for oil and gas purposes associated with the pit.

(e) Any pipe that conveys water or a fluid from or to a well for oil and gas purposes shall be kept in good repair and free from leaks. No discharge of water or a fluid shall occur between the place of origin and the authorized place of disposal.

(Natural Resources Commission; 312 IAC 16-5-13; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2342; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA)

LSA Document #07-467(F)

(Administrative Cause Number 06-060W)

Filed with the Publisher: March 4, 2008, 12:22 p.m

Small Business Regulatory Coordinator

Stephen Lucas, Natural Resources Commission, Indiana Government Center-North, 100 N. Senate, Room N501, Indianapolis, IN 46204, (317) 233-3322, slucas@nrc.in.gov

Document History

LSA Document #07-467(F)

Notice of Intent: 20070801-IR-312070467NIA

Proposed Rule: 20071107-IR-312070467PRA

Hearing Held: December 7, 2007

Approved by Attorney General: March 4, 2008

Approved by Governor: March 4, 2008

Filed with Publisher: March 4, 2008, 12:22 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On March 7, 2008, the Small Business Regulatory Coordinator, Stephen L. Lucas, filed the following:

No comments, questions or complaints have been received from a small business with respect to the referenced rule.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-467 at its January 22, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated December 11, 2007 :

...

2. Public Hearing

The public hearing was conducted as scheduled on December 7, 2007 in the Department of Natural Resources Field Office, 100 West Water Street, Michigan City, Indiana. The hearing was attended by Maj. Felix Hensley, Indiana State Boating Law Administrator; 1st Sgt. William Snyder for District 2 (Northeast Indiana); 1st Sgt. Thomas Torsell, Jr.(Northwest Indiana); Ann Knotek of the DNR's Office of Legal Counsel; and, Brian Breidert of DNR's Division of Fish and Wildlife. Maj. Hensley said having the concept put in black and white would help Conservation Officers who were attempting to communicate options to citizens. First Sgt. Snyder reflected that the proposed rule section would underline how the Division of Law Enforcement can resolve conflicts among neighbors seeking to use the sometimes crowded shorelines of public freshwater lakes. First Sgt. Torsell said the rule section would be another "tool in the toolbox" for dealing with neighborhood conflicts over the usage of public freshwater lakes. Ann Knotek reflected that the rule section was a focused solution and one that was clearly anticipated by the Indiana General Assembly. The hearing officer stated he would seek at final adoption to modify the cross-reference in proposed 312 IAC 11-3-4(c)(5) and to make its intent more transparent. This matter is discussed in the Analysis which follows. No member of the public appeared for the public hearing, and no citizen comments were received outside the public hearing.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #07-467(F)

DIGEST

Adds 312 IAC 11-3-4 to implement IC 14-26-2-23(e)(2)(A), which authorizes the Natural Resources Commission to provide, by rule, for the common use of structures on a public freshwater lake if needed to accommodate the interests of landowners who have property rights abutting the lake or rights to access the lake. Effective 30 days after filing with the Publisher.

312 IAC 11-3-4

SECTION 1. 312 IAC 11-3-4 IS ADDED TO READ AS FOLLOWS:

312 IAC 11-3-4 Common usage where needed to accommodate landowner property rights

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-11-4; IC 14-15; IC 14-26-2

Sec. 4. (a) This section applies where common usage is needed to accommodate the interests of landowners that have either:

- (1) property rights abutting a lake; or**
- (2) rights to access the lake.**

(b) If the placement of multiple structures is found to result in interference to the property rights of a landowner, the department (or, on administrative review, the commission) may require licensure to be conditioned upon common use and maintenance of a structure.

(c) Common use and maintenance may be implemented through any of the following persons:

- (1) A corporation.**
- (2) A limited liability company.**
- (3) A partnership.**
- (4) An association.**
- (5) A county, city, town, or township.**
- (6) Another person providing for common ownership and determined by the department (or, on administrative review, by the commission) to be capable of serving the purposes of this section.**

(d) A person who refuses to participate in a process for common usage, established under this section, may be denied:

- (1) a license by the department; and**
- (2) access to the common structure by the person identified under subsection (c).**

(Natural Resources Commission; 312 IAC 11-3-4; filed Mar 4, 2008, 12:22 p.m.: 20080402-IR-312070467FRA)

LSA Document #07-449(F)

(Administrative Cause Number 06-137N)

Filed with the Publisher: March 11, 2008, 9:34 a.m.

Small Business Regulatory Coordinator

Lee Casebere, Assistant Director, Department of Natural Resources, Division of Nature Preserves, Indiana Government Center-South, 402 West Washington Street, Room W267, Indianapolis, IN 46204, (317) 232-4053, lcasebere@dnr.in.gov

Document History

LSA Document #07-449(F)

Notice of Intent: 20070725-IR-312070449NIA

Proposed Rule: 20071017-IR-312070449PRA

Hearing Held: December 3, 2007

Approved by Attorney General: March 7, 2008

Approved by Governor: March 10, 2008

Filed with Publisher: March 11, 2008, 9:34 a.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On March 13, 2008, the Small Business Regulatory Coordinator, Lee Casebere, filed the following:

I received no comments, questions, or complaints from small businesses with respect to this rule.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document 07-449(F) at its January 22, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated December 12, 2007:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

The public hearing was convened as scheduled on December 3, 2007. Persons from the DNR's Division of Nature Preserve, John Bacone, Director, and Lee Casebere, Assistant Director, attended the public hearing. No member of the public appeared for the public hearing to offer comment. No public comments were received after the close of the hearing on December 3, 2007.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule LSA Document #07-449(F)

DIGEST

Amends 312 IAC 8-2-3 governing hunting on Department of Natural Resources properties to give to the director of the Division of Nature Preserves the authority to allow hunting on a dedicated state nature preserve without the need of an emergency rule. Effective 30 days after filing with the Publisher.

312 IAC 8-2-3

SECTION 1. 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; IC 14-22-2-6

Affected: IC 14-22-11-1; IC 35-47-2

Sec. 3. (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) a rifle;
- (B) a pistol;
- (C) a shotgun; or
- (D) an archery;
range.

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

- (A) A wild animal on a DNR property authorized for that purpose.
 - (B) A groundhog as authorized under a license.
- (4) The person possesses a handgun on a DNR property other than a reservoir owned by the U.S. Army Corps of Engineers or Falls of the Ohio State Park:
- (A) with a valid unlimited license to carry a handgun:
 - (i) issued under IC 35-47-2-3; or
 - (ii) recognized under IC 35-47-2-21(b); or
 - (B) pursuant to an exemption to handgun licensure requirements as authorized under IC 35-47-2-2.

(b) Except as provided in subsection (a)(1) or (a)(4), a firearm or bow and arrows may not be possessed on DNR properties within any of the following:

- (1) A nature preserve unless hunting is authorized under subsection (c).
- (2) A property administered by the division of state museums and historic sites.
- (3) A campground.
- (4) A picnic area.
- (5) A beach.
- (6) A service area.
- (7) A headquarters building.
- (8) A hunter check station.
- (9) A developed recreation site.

(c) A person may hunt on **the following DNR properties:**

- (1) A state forest administered by the division of forestry, **including a portion of a state forest that is a nature preserve.**
- (2) A reservoir **property** administered by the division of state parks and reservoirs. ~~or~~
- (3) A wildlife area administered by the division of fish and wildlife, **including a portion of a wildlife area that is a nature preserve.**
- (4) **A nature preserve not otherwise approved for hunting under this subsection if approved in a written authorization by the director of the division of nature preserves.**

(d) A person ~~using hunting on~~ any of ~~these the~~ areas **described in subsection (c)** must do the following:

(1) Comply with all federal and state:

- (A) hunting;
- (B) trapping; and
- (C) 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:

- (A) retain the permit and record card while in the field for the authorized date; and
- (B) as directed, return them to the department.

(3) Refrain from hunting on a nature preserve if prohibited by signage posted at the site.

~~(d)~~ (e) 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 requirement for traps set forth in IC 14-22-11-1.

~~(e)~~ (f) A person must not run dogs, except:

- (1) during the lawful pursuit of wild animals; or
- (2) 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.

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

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

~~(g)~~ (h) A person must not leave a portable tree blind or duck blind unattended except for the period authorized by 312 IAC 9-3-2(1).

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

(1) A person must not use a shooting range unless the person is:

- (A) at least eighteen (18) years of age; or
- (B) accompanied by a person who is at least eighteen (18) years of age.

(2) A person must:

- (A) register with the department; and
- (B) pay any applicable fees;

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 not larger than size 6 must be used on a shotgun range.

(5) A person must not:

- (A) discharge a firearm using automatic fire;
 - (B) use tracer, armor-piercing, or incendiary rounds;
 - (C) play on, climb on, walk on, or shoot into or from the side berms; or
 - (D) 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.
- (6) A person must dispose of the targets used by the person under section 2(a) of this rule.
 - (7) 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 any of the following:
 - (i) Cash.
 - (ii) Awards.
 - (iii) Trophies.
 - (iv) Citations.
 - (v) Prizes.
 - (C) The exclusive use of the range or facilities.
 - (D) A portion of the event occurring between sunset and sunrise.
 - (8) On a field course, signs and markers must be staked. Trees must not be marked or damaged.

⊕ (j) 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:

- (1) turtles taken under 312 IAC 9-5-2; and
 - (2) 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; filed Sep 19, 2003, 8:14 a.m.: 27 IR 456; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 461, eff Jan 1, 2006; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; filed Mar 11, 2008, 9:34 a.m.: 20080409-IR-312070449FRA)

LSA Document #07-192(F)

(Administrative Cause Number 07-004H)

Filed with the Publisher: July 19, 2007, 12:30 p.m.

Small Business Regulatory Coordinator

Stephen L. Lucas, Director, Natural Resources Commission, Division of Hearings, 402
West Washington Street, Room W272, Indianapolis, Indiana 46204; 317-233-3322;
slucas@nrc.IN.gov

Document History

LSA Document #07-192(F)

Intent to Readopt Rules: 20070328-IR-312070192RNA

Filed with Publisher: July 19, 2007, 12:30 p.m.

Posted: 08/08/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On August 23, 2007, the Small Business Regulatory Coordinator, Stephen Lucas, filed the following:

Thank you for your inquiry. No comments, questions or complaints have been received from any person with respect to this rule recodification.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-184(F) at its July 17, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated June 20, 2007:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

A “Notice of Intent to Readopt” was published in the Indiana REGISTER on March 28, 2007 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 22 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rule be readopted separately from the general recodification. If such a request is made, the Commission would be required to complete the full rule adoption process for the section. No written request has been received. Where no request is received, the Commission may either submit the rule for filing with the publisher under IC 4-22-2-35 or elect the procedure for recodification under IC 4-22-2. The recommendation is that the Commission approval submittal of the rule for filing with the publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule
LSA Document #07-192(F)

DIGEST

Readopts rules in anticipation of [IC 4-22-2.5-2](#), providing that an administrative rule adopted under [IC 4-22-2](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

[312 IAC 22](#)

SECTION 1. UNDER [IC 4-22-2.5-4](#), THE FOLLOWING ARE READOPTED:

[312 IAC 22](#)HUMAN REMAINS, BURIAL OBJECTS, AND ARTIFACTS

LSA Document #07-186(F)

(Administrative Cause Number 07-168E)

Filed with the Publisher: November 16, 2007, 1:44 p.m.

Small Business Regulatory Coordinator

Doug Keller, Aquatic Nuisance Species Coordinator, Department of Natural Resources, Division of Fish and Wildlife, Indiana Government Center-South, Room W273, 402 West Washington Street, Indianapolis, IN 46204, (317) 234-3883, dkeller@dnr.in.gov

Document History

Notice of Intent: 20070328-IR-312070186NIA

Proposed Rule: 20070606-IR-312070186PRA

Hearing Held: July 23, 2007

Approved by Attorney General: November 1, 2007

Approved by Governor: November 15, 2007

Filed with Publisher: November 16, 2007, 1:44 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

The Small Business Regulatory Coordinator did not provide a record as required by IC 4-22-2-28.1(i).

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-186(F) at its September 18, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated August 10, 2007:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) **Public Hearing Comments**

No public comments were received with respect to the proposed rule during the public hearing.

b) **Comments Received Outside Public Hearing**

No public comments were received outside the public hearing.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #07-186(F)

DIGEST

Adds 312 IAC 18-3-21, under the article pertaining to entomology and plant pathology, to regulate Hydrilla (*Hydrilla verticillata*) as a pest or pathogen, to prohibit the possession of Hydrilla, including the transport of Hydrilla on aquatic equipment, and to give the Department of Natural Resources authority to regulate an infested body of water to prevent the movement of Hydrilla to other waters. Effective 30 days after filing with the Publisher.

312 IAC 18-3-21

SECTION 1. 312 IAC 18-3-21 IS ADDED TO READ AS FOLLOWS:

312 IAC 18-3-21 Control of hydrilla (*Hydrilla verticillata*)

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 21. (a) Hydrilla (*Hydrilla verticillata*) is a pest or pathogen. This section:

- (1) governs the standards for the control of Hydrilla; and**
- (2) applies to any part or life stage of Hydrilla.**

(b) Except as provided in subsection (d), a person must not do the following:

(1) Possess, sell, offer for sale, gift, barter, exchange, or distribute Hydrilla.

(2) Allow Hydrilla to infest any:

- (A) lake;**
- (B) river;**
- (C) pond;**
- (D) outdoor water garden;**
- (E) waterway; or**
- (F) aquarium.**

(3) Transport Hydrilla on or within any:

- (A) boat;**
- (B) trailer;**
- (C) motor vehicle;**
- (D) bait bucket;**
- (E) fishing gear;**
- (F) creel;**
- (G) tackle;**
- (H) tackle box; or**
- (I) other aquatic appurtenance.**

(c) A person who owns property that is infested with Hydrilla must take lawful efforts to eliminate the species.

(d) Exempted from this section are the following:

(1) A person who possesses Hydrilla under a permit issued by the state entomologist for:

- (A) scientific research;**
- (B) a contained use; or**
- (C) education.**

(2) A person engaged in a project approved by the state entomologist for the destruction of Hydrilla.

(e) Any lake, river, or other waterway in which Hydrilla is located is regulated to prevent the dissemination of Hydrilla to other waterways.

(f) A person who discovers Hydrilla in a lake, river, or other waterway must report the discovery to a department fisheries biologist or at the following address:

**Department of Natural Resources
Division of Fish and Wildlife
Aquatic Nuisance Species Coordinator
402 West Washington Street, Room W273
Indianapolis, IN 46204**

(g) The report required under subsection (f) must include each of the following:

- (1) The location of the discovery, including the name of the county and the waterway.**
- (2) The date of the discovery.**
- (3) Contact information for the person making the report, including the telephone number and address.**

(h) After preliminary review of a report submitted under subsection (g), the department may consult with an expert identifier for confirmation.

(i) The state entomologist or his or her designee may issue a compliance agreement to establish the means by which a person achieves compliance with this section.

(j) The state entomologist may issue a permit to a qualified applicant to engage in:

- (1) scientific research;**
- (2) a contained use; or**
- (3) education.**

If appropriate to the purposes of this section, the state entomologist may issue an order to modify a permit issued under this subsection. (*Natural Resources Commission; 312 IAC 18-3-21*)

LSA Document #07-184(F)

(Administrative Cause Number 07-003H)

Filed with the Publisher: July 19, 2007, 12:28 p.m.

Small Business Regulatory Coordinator

Stephen L. Lucas, Director, Natural Resources Commission, Division of Hearings, 402
West Washington Street, Room W272, Indianapolis, Indiana 46204; 317-233-3322;
slucas@nrc.IN.gov

Document History

LSA Document #07-184(F)

Intent to Readopt Rules: [20070328-IR-312070184RNA](#)

Filed with Publisher: July 19, 2007, 12:28 p.m.

Posted: 08/08/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On August 23, 2007, the Small Business Regulatory Coordinator, Stephen Lucas, filed the following:

Thank you for your inquiry. No comments, questions or complaints have been received from any person with respect to this rule recodification.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-184(F) at its July 17, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated June 20, 2007:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

A “Notice of Intent to Readopt” was published in the Indiana REGISTER on March 28, 2007 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 21 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rule be readopted separately from the general recodification. If such a request is made, the Commission would be required to complete the full rule adoption process for the section. No written request has been received. Where no request is received, the Commission may either submit the rule for filing with the publisher under IC 4-22-2-35 or elect the procedure for recodification under IC 4-22-2. The recommendation is that the Commission approval submittal of the rule for filing with the publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule
LSA Document #07-184(F)

DIGEST

Readopts rules in anticipation of [IC 4-22-2.5-2](#), providing that an administrative rule adopted under [IC 4-22-2](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

[312 IAC 21](#)

SECTION 1. UNDER [IC 4-22-2.5-4](#), THE FOLLOWING ARE READOPTED:

[312 IAC 21](#) ARCHAEOLOGY [*sic*, *ARCHAEOLOGICAL*] REVIEW AND RECOVERY

LSA Document #07-29(F)

(Administrative Cause Number 06-154L)

Filed with the Publisher: November 16, 2007, 1:43 p.m.

Small Business Regulatory Coordinator

Lt. Col. Samuel Purvis, Executive Officer, Department of Natural Resources, Indiana Government Center-South, 402 West Washington Street, Room W255D, Indianapolis, IN, 46204, (317) 232-4010, spurvis@dnr.in.gov

Document History

Notice of Intent: 20070131-IR-312070029NIA

Proposed Rule: 20070711-IR-312070029PRA

Hearing Held: August 9, 2007

Approved by Attorney General: November 5, 2007

Approved by Governor: November 15, 2007

Filed with Publisher: November 16, 2007, 1:43 p.m.

Documents Incorporated by Reference: None Received by Publisher

Posted: 12/12/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On November 21, 2007, the Small Business Regulatory Coordinator, Lt. Samuel Purvis, filed the following:

I have not received any comment, questions, or complaints from any small businesses in regards to this rule.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-029(F) at its September 18, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated August 31, 2007:

...

A. Public Hearing Comments

The following are summaries of citizen comments received at public hearing:

Joseph Skelton of Lake of the Woods observed that a “300 foot pier, that’s a very expensive pier. I don’t know how many people on the lake can afford that. I wonder if having the whole zone, somebody could just apply for a longer pier.”

The hearing officer responded that his belief was the current statutory structure would not generally allow for a new 300-foot pier. He agreed a rule might be written that would allow for piers of this length, by permit, on an individual basis. For this result to be accomplished, there would need to be accompanying buoy markers to establish restrictive speed limits. If there were only one or two piers requiring extraordinary length, the suggested approach might be feasible. If lengthy piers were to be characteristic of a particular area, individual licensure and buoying might be unwieldy and not significantly different in effect from the rule proposal. “You’d have to think about how to write” a rule as Skelton suggested, and “it might present some enforcement issues.”

Skelton asked whether buoy markers would be required. The hearing officer responded that to be enforceable on Lake of the Woods, there would have to be buoys that conformed to navigational standards. These standards were developed by the U.S. Coast Guard and are also set forth in Commission rule. “They are white buoys with orange markings.”

Skelton asked, “We have to supply the buoys, the state would not supply the buoys?”

The hearing officer responded, “That’s a fair question. I don’t have the answer to it.” He suggested the Department of Natural Resources should follow-up with a response later.

Skelton observed that longer piers are allowed on Bass Lake in Starke County. “The problem they have is riparian owners with piers that run into each other.” The hearing officer responded that Skelton’s concern was legitimate. Disputes between riparian owners and the placements of piers and other structures in public freshwater lakes is “probably the biggest part of the business” of the Commission’s Division of Hearings at this time. Longer piers can aggravate the problem because the potential for intersecting piers increases. The hearing officer said Bass Lake had not, however, been a particularly active site for litigated pier disputes, perhaps because most of Bass Lake’s shoreline is relatively straight. Disputes are more common in coves and in artificial channels connected to lakes. The areas suggested for idle speed zones on Lake of the Woods are mostly along long relatively straight shorelines, so there might not be a great increase in this type of problem, but there is a potential for more disputes between riparian owners as piers lengthen. These same concepts were applicable whether a routine pier was authorized under a general permit or a pier requiring an individual DNR permit, such as a group pier.

Joe Skelton asked whether a rule could be eliminated if it approved ineffective or counter-productive. The hearing officer responded, “Yes, it could be repealed or modified through exactly this same process.” [Joseph Skelton provided supplemental comments by email, and these are set forth later in this Report.]

John Oswald of Lake of the Woods stated that “he was instrumental working with the [property owners’] association and getting Lt. Sullivan out there to really start the process, the problem being there are a lot of lengthy piers.... A lot of homeowners in that [proposed eastern restrictive boating] zone already have 175 foot or longer piers. Now, to preserve the opportunity of the potential for a recreational lake, the longer piers are essential for them to recreate with speed boats. You need the depth to get the lift in so you can get the boat off the lift. I’m all for the proposal for the 300 foot rule.... Also, the issue is safety. Running

along that area, there are such shallow areas where there are some pretty good sized rocks sticking up. I think that will really help to cut down some of the boat damage.”

In responding to comments urging that a zone not be established on the south end of the lake, Oswald said he agreed that western half of the zone was possibly unnecessary, but he recommended that it be approved for at least the eastern half along the south end. He said, “I know there are some extended piers” in the eastern half with a sand bar into the lake.

Tom Rzepka of Lake of the Woods said he thought the rule proposal was “right on” with respect to the proposed idle speed zone along the eastern shore of the lake. With respect to the zone proposed along the south shore, however, “I don’t think you have any need for it at all. I don’t think it makes any sense.”

Rzepka recommended that the Commission consider starting a new rule adoption process to establish three “ecozones” to restrict boating operations. One would be in the south. “The one that scares me most though, as far as a safety concern,” however, would be out from a ditch entering a bay on the west side of the lake and near its center north and south. The third would be on the northern end of the lake.

Bill Reest of Lake of the Woods stated, “I grew up on the lake. I’m 75 now, and I’m interested in just seeing what this is all about. I’d like to know who is going to enforce this.” Reest said “you don’t see Conservation Officers on the lake.”

The hearing officer responded that any state law enforcement officer with jurisdiction over the geographic area could perform enforcement. These would typically include the Indiana State Police Officers, the Marshall County Sheriff and his Deputies, and DNR Conservation Officers. In some jurisdictions, Deputies Sheriff take a major role in law enforcement on lakes. On Lake of the Woods, as a practical matter, most enforcement would probably be performed by Conservation Officers. The hearing officer said Conservation Officers are probably on the lake more than Reest realized but probably not as much as Reest would like or they would like. The resources of Conservation Officers are sorely stretched.

Marvin Houin of Lake of the Woods said he owns real estate on the south side and on the west side of the lake. He said he agreed with Tom Rzepka that an idle zone was unneeded on the south end. A boat channel within the lake provides adequate access to persons on the south end.

Houin asked whether a topographic map of depths of the lake was reviewed prior to establishing the proposed expanded idle speed zones. Lt. Sullivan responded that he was uncertain because the Conservation Officer who prepared the proposal was on vacation and currently unavailable, but he would follow-up and subsequently provide an answer.

Houin asked how many buoys would be placed to identify the idle speed zones. The Department of Natural Resources indicated it would review this question and provide a subsequent response. The hearing officer added that if Houin had a suggestion as to the density of buoys, he would place the suggestion in the report to the Natural Resources Commission. Houin responded, “I’d say maybe every 500 feet.”

Sue Ferrell of Lake of the Woods said she and her family lived along the shoreline on the east side of the lake. She said the property was near the center of the proposed expanded idle speed zone along the eastern shore, and the area of the lake adjacent to this property was particularly shallow. She expressed general support for the rule proposal but concerns her family’s pier might exceed 300 feet long. Farrell said she hoped a rule could be approved by the Commission in a way that would help her and her neighbors without excessively impeding boating activities on the lake. [Sue Ferrell provided supplemental comments by email, and these are set forth later in this Report.]

B. Written Comments (August 1 through August 23, 2007)

The following are the substantive portion of written comments (including email comments) received from August 1 through August 23, 2007, the final day set for the receipt of comments:

Kim and Carol Hochstetler of Lake of the Woods sent an email dated August 1, 2007:

We write this letter with great concern over the request to allow piers to be built up to 300 feet from shore at Lake of the Woods. Granting this request would jeopardize the safety of lake users and limit lake usage overall. Lake of the Woods is a public lake with hundreds of residents and thousands who enjoy it for recreational use each year.

The gravest problem with extending the pier limit is the safety of those living with the pier. Currently, numerous residences with piers have buoys and/or rafts anchored at distances further from the shore than their pier length. Children, and even adults, swim and play in this area; in general, many lake users swim beyond the length of their pier. With a 300-foot long pier, it is very probably that children will play up to another 100 feet past the pier; this they would be swimming up to 400 feet from shore. This puts them at greater risk for being in the path of motorboats. On weekends and holidays, many motorboats with drivers of various ranges of experience are on the water. Whether it is a veteran lake user accustomed to driving a typical path at a legal distance from shore or an inexperienced driver not watching with extra care, a boater could more easily hit those swimming at such a distance from shore. Extending piers only encourages people to swim farther from shore, increasing the risk of accidents.

Another problem with permitting piers to extend to 300 feet is the amount of lake available for all to use. If an extension does benefit anyone, it is only those who reside from where the pier extends. Consequently, all other lake users will be limited in what they can enjoy at Lake of the Woods. Legally the pier may be "public," but de facto the use is private while the result is a reduction in lake area for public use. The 300-foot pier allowance could substantially reduce the amount of lake available for fishers, boaters, water-sports enthusiasts, and others. For a public lake, such an ordinance would unfairly benefit only a few while limiting the greater public good.

Finally, even on an individual basis, such a drastic pier length is unnecessary. Several types of boats, including inboards, jet boats, jet skis, pontoons, and non-motorized boats, can go across 2-foot deep water. The Lake of the Woods is a natural lake; thus the depth and drop-off from shore are not constant for each lake property. Nevertheless, the lake is public and its rules should protect and benefit all who use it. Keeping the pier-length regulation as is best serves the recreational and safety needs of all lake residents and users.

Gerald Sus of Lake of the Woods sent an email dated August 6, 2007:

My name is Gerald Sus. I have a home on Lake of the Woods. I am very much in support of the new rule on dock length. Without this rule I may as well have a home off the lake. Taxes are \$1000 cheaper off the lake and without this rule I do not reach 2.5 ft of water for 200 ft. I feel the rule should be measured at summer pool for 3 ft. not winter pool. In light of the fact that we do not get access to the Indiana full boating season we have a good chance of never seeing summer pool since the dam does not get closed till May 15. Please support our position as without this change we are being unfairly taxed and not given access to the lake in the same way as the majority of Indiana lakes. Thanks for your support on this matter.

Rick Farrell of Lake of the Woods sent an email dated August 10, 2007:

Yesterday, during the Lake of the Woods "dock length"... [rule proposal] meeting in Plymouth, my wife Sue Farrell spoke on my behalf. She related my statement that our

dock is presently “300” feet in length and requires an additional 30 feet in length to reach 3 feet in water depth. At home that evening, she expressed the comments of other residents present at the meeting that I was in error in my measurements.

I subsequently used a tape measure and re-measured the dock distance. To my embarrassment, I determined I indeed was wrong! Our dock is “265” feet in length and requires an additional 30 feet in length to reach a 3 foot water depth. A total of 295 feet!

I apologize to you, the meeting attendees, and my wife, for my miscalculation.

Sue and I are 100% in support of the pending 300 foot dock length ordinance!

Sue Ferrell of Lake of the Woods sent an email dated August 17, 2007, which said in substantive part: “Yes, I do support the rule proposal and our pier does not exceed the 300 feet.”

Joseph Skelton of Lake of the Woods sent an email dated August 19, 2007:

In regards to creating a 300’ pier rule for Lake of the Woods, Marshall County, I feel it is just a band aid solution to pacify a few residents and make the DNR look as if they are doing something for Lake of the Woods.

The real solution is giving us back our 12” of water or at the very least giving us the dates other lakes have and what we had prior to 1986 (prior to 1986 they opened the dam on November 15th and that was OK with the local farmer). Changing the dates as to when we open and close the dam will solve the pier length problem and not cost anyone anything. Right now we open the dam on September 15th and close it on May 15th, which only gives us four months (even less if you factor out that it takes two weeks to reach the normal lake level). The recreational season for Indiana is April 1st to November 1st.

Later on the same day, he wrote:

I feel that the plan Conservation Officer Kaser developed should stay intact. At the hearing it was debated to remove parts of the south end of Lake of the Woods from the rule. Officer Kaser was not present to defend his plan, but I know he put in a lot of time, thought and work surveying the area. I am sure the residents in that area would like to extend their pier out further if need be. I know the area is very shallow and has a lot of rocks. Residents in this area already put their own flags out marking the rocks and shallow area. The farmer who said he owns a lot in this area does not own property on the lake and has not been on the lake in years. He stated at other hearings he does not go on the lake because there are too many boats. Others looked at it from a fishing boat stand point rather than a speed boat pulling a skier stand point.

Eliminating this southeast area from the rule could prove to be a big safety hazard for boats. For this reason, I feel, it should remain included in the Pier Rule.

Maynard and Louise Hochstetler of Lake of the Woods wrote in a letter mailed on August 20, 2007:

We are greatly concerned over the recreational changes proposed for the Lake of the Woods. As a lakeshore property owner and warm-season user of the lake since 1962, we are opposed to the proposed changes for the following reasons:

- 1) Lake of the Woods is a public access lake. The rules of the lake should be consistent with other Indiana public access lakes. Different rules for certain lakes would be difficult for the DNR to police and difficult for the public to know.

2) A large majority of the property owners would not extend their piers beyond normal length. A few 300-foot piers (the length of a football field) would be a lake hazard to both the piers and the boats. It's an accident waiting to happen.

3) None of the boats currently on Lake of the Woods need 3 feet of water to get across. Inboards, outboards, inboard/outboards, fishing, and sailing boats can operate safely at slow speeds in 2 feet of water.

4) The proposed 350 feet from the shore at idle speed would force the boat traffic into a much smaller and congested area. We cannot imagine dropping skiers and tubers 350 feet from shore. Someone would be sure to get hurt.

We do not need special operating rules for a few recent newcomers to the lake. They knew the rules and characteristics of the lake before they located there.

In closing, we ask that you keep the pier length and speed regulations as at present, thereby providing the safety and recreational needs of all lake residents and users.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule LSA Document #07-29(F)

DIGEST

Adds 312 IAC 5-6-6.5 to govern special watercraft standards and the placement of temporary structures on Lake of the Woods in Marshall County, to approve, on designated portions of Lake of the Woods, temporary piers and boat lifts for as long as 300 feet from the shoreline or water line, as otherwise provided under 312 IAC 11, and, for those locations, the idle speed limit for watercraft is extended to 350 feet from the shoreline or water line, and the defined term "shoreline or water line" is made specific to the legal elevation of Lake of the Woods during the primary boating season. Effective 30 days after filing with the Publisher.

312 IAC 5-6-6.5

SECTION 1. 312 IAC 5-6-6.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 5-6-6.5 Lake of the Woods; special watercraft zones and temporary structure standards

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-15; IC 14-26-2-4

Sec. 6.5. (a) Notwithstanding 312 IAC 11-3-1(b)(5), a temporary pier or boat lift is authorized on Lake of the Woods in Marshall County by a general license under IC 14-26-2 if the structure conforms with both of the following:

(1) Satisfies 312 IAC 11-3-1(b)(1) through 312 IAC 11-3-1(b)(4), 312 IAC 11-3-1(b)(7), and 312 IAC 11-3-1(b)(8).

(2) Extends not more than either of the following:

(A) One hundred fifty (150) feet from the shoreline or water line and satisfies 312 IAC 11-3-1(b)(6).

(B) Three hundred (300) feet from the shoreline or water line and does not extend over water that is continuously more than three (3) feet deep at either of the following locations:

(i) From a point at the shoreline or water line at 16 T 0564236 UTM 4587255 clockwise to a point at the shoreline or water line at 16 T 0564816 UTM 4585984.

(ii) From a point at the shoreline or water line at 16 T 0565073 UTM 4585166 clockwise to a point at the shoreline or water line at 16 T 0564606 UTM 4585044.

(b) A person must not operate a watercraft in excess of idle speed within three hundred fifty (350) feet of the shoreline or water line for the areas identified in subsection (a)(2)(B).

(c) As used in this section, "shoreline or water line" means the line formed under IC 14-26-2-4(1) at eight hundred three and eighty-five hundredths (803.85) feet, National Geodetic Vertical Datum of 1929 (NGVD-29).

(Natural Resources Commission; 312 IAC 5-6-6.5; filed Nov 16, 2007, 1:43 p.m.: 20071212-IR-312070029FRA)

LSA Document #07-23(F)

(Administrative Cause Number 06-168D)

Filed with the Publisher: September 6, 2007, 12:20 p.m.

Small Business Regulatory Coordinator

Linnea Petercheff, Staff Specialist, Division of Fish and Wildlife, Department of Natural Resources, 402 W. Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-6527, lpetercheff@dnr.in.gov

Document History

Notice of Intent: 20070117-IR-312070023NIA

Proposed Rule: 20070404-IR-312070023PRA

Hearing Held: May 15, 2007 and May 16, 2007

Approved by Attorney General: August 30, 2007

Approved by Governor: September 6, 2007

Filed with Publisher: September 6, 2007, 12:20 p.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator:

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On September 11, 2007, the Small Business Regulatory Coordinator, Linnea Petercheff, filed the following:

No comments, questions or complaints were received from small businesses with respect to the rules in 312 IAC governing the possession of handguns while visiting DNR properties and while hunting deer and turkeys and chasing raccoons.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-23(F) at its July 17, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated June 8, 2007:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

Two public hearings were scheduled and conducted with the first occurring on May 15, 2007 at the Miami County Fairgrounds and the second occurring on May 16, 2007 at the Spring Mill State Park Inn. Both of the public hearings began at 6:00 p.m. EDT.

May 15, 2007

Approximately twelve (12) individuals attended the May 15, 2007 public hearing with eight (8) offering comments as follows:

Mike Fauber: I am 100% for this, I never could understand why if you have a permit you can't carry in the forest. I've had a couple of instances where I'd wished I had it with me. A criminal could care less where he is allowed to carry a handgun anyplace that he's not supposed to and if someone legal to carry a handgun is around a criminal might be deterred.

David Fauber: I too want to voice the opinion of 100% support. I think it's a very good idea, I was very pleased to hear about it and I just hope it continues.

Jerry Wehner: 100% support for the measure. In spite of all the hype from the news media about how the parks were going to become shooting ranges, I haven't heard of that happening and I don't think it will be a problem.

Bob Harshman: I am 100% for the measure.

Daniel Heflin: I believe it should be allowed to expire. We need to look at other states and see what their policies are.

Robert Riestler: Speaking on behalf of Christian Churches in Indiana that regularly use the State Parks. My preference would be that the temporary rule be allowed to expire and that this not be allowed. There are places in the State where even though it's legal to carry a handgun, we say these ought to be safe zones. Schools are one of those places, public libraries are one of those places, churches are one of those places and there are probably a few others that I don't know about. I think the State Parks are an Indiana treasure that we ought to let them be safe places for families and children. It seems like State Parks are too valuable a commodity. I want to respect hunters. If there's a reason a hunter needs one in the State Park then that's fine, but I'm not hearing that from anybody. All I'm hearing is the need to protect yourself and all the times I've been in a State Park I've never felt like I needed to protect myself from anyone. Mr. Riestler commented additionally that he understands the rule in its present form allows a person to lock a handgun in a case or vehicle while visiting a State Park and noted that this provision would allow a person to carry their handgun while traveling to an from the property but requires the handgun to be secured upon arrival.

Ed Crago: I'm 100% for it. I've been out several times that I've had to climb trees to get away from dogs. There are packs of dogs around the reservoirs too. I'm 100% for it.

Rita DeBard: I'm 100% for it. I carry for personal protection. You have to decide when you leave home if you are going to visit a state property because there is no place to check guns when we come to one of the properties. Basically what you're doing is denying me the ability to carry my gun from my house to that state property and I don't think that's right because the State is charging me to have that permit to start with and then denying me the right to carry it on the way unless I lock it in my car and then it's still probably not legal and it's certainly not the safest place for it to be on a state property because they're breaking into cars all the time. You can't leave anything in your vehicle if you expect it to be secure. Ms. DeBard added that she has faced armed individuals, whether during hunting season or not, at the Salamonie Reservoir property and it doesn't make me happy that I am the only one precluded from having a firearm. It doesn't make any sense to me that a sixty year old woman with a permit to carry cannot go over there with a gun when everyone else is armed.

May 16, 2007

Fourteen (14) individuals attended the May 16, 2007 public hearing and each individual in attendance offered comments as follows:

Joseph Viray: I'm here representing myself as well as a fledgling grass roots organization called Gun Owners of Indiana. We wholeheartedly support the temporary change and we encourage the Natural Resources Commission to make it permanent. It makes sense in ... Mr. Hupfer made a very good case when he presented it. I don't think I could say anything that he didn't say already. It's a good idea...it's late, but we want it to happen.

Mr. Viray provided this follow-up comment. The second amendment was mentioned several times and that is certainly pertinent here but also we should always keep in mind that the Indiana Constitution is more pertinent to us, as Hoosiers. Article I, Section 32, says the people have the right to bear arms to defend themselves and the State. It doesn't say anything about except in State Parks or except for here, except for there. More importantly these laws don't bring us these rights... we have these rights inherently and sometimes there are legal obstacles to exercising those rights which is the way the administrative regulations of the DNR were

previously and will be again if this doesn't become permanent and that is a very bad thing. And when you talk about these things in terms of need that goes against everything about being an American and personal responsibility. We have the right to protect ourselves...it's not based on need. If I want to have a gun that's enough justification. That's the way it is. As long as I'm not hurting somebody else, which I won't unless they are trying to hurt me, I don't think it should be an issue.

Randall Kratzer: President of the Indiana Coonhunters Association. We're in full support of this proposal. We see no reason why you shouldn't be able to possess firearm as long as you're properly licensed to have one. Some of our concerns are when you're out here hunting is running into these meth labs, this and that. You can get in some bad situations and when you're out there with nothing at all you're at the mercy of nature.

Monte Meyers: I can only echo the comments of the two speakers before me. My purpose in being here is mainly... I'm just about beyond the hunting stage but I've been a handgun carrier for close to 40 years, licensed, and it's a defensive thing I'm concerned with more than hunting. Although I fully support the idea of being able to carry your firearm if you're properly licensed whether you're hunting, hiking, horseback riding or whatever the case may be. That's my feeling.

Mr. Meyers added this follow up comment. I too believe the State Parks are safe but I'm not foolish enough to think that everyplace is safe. I thought airlines were safe until 9-11. I do know that personal responsibility is a personal thing. I don't know a perpetrator anywhere who will lend you a cell phone and let you make a call while you're being accosted. You have to do it yourself if you're going to do it and State Parks are no different. It's a place where people go...the human element is there and the good, the bad, and the ugly are there too.

Bill Walters: I'm rising to object to the portion of the rule that pertains to State Parks. By way of background I was Director of State Parks for twelve years here in Indiana, 23 years with the Indiana Department of Natural Resources, and 14 years with the National Parks Service and the justification for this rule, and I'll quote it, was that "it allows a person to carry a handgun for the purpose of personal protection while on the DNR property." As I say, I'm specifically talking about State Parks...if State Parks are so unsafe that we need to make sure we carry a handgun we better inform the public of how unsafe they are and then we better make sure we close them until we have law and order restored. I don't think State Parks are unsafe so I see no reason why, unless the State Park is open for hunting and I know there are times when it is then it would be permissible to carry a handgun, but for someone who is in the campground to carry a handgun I think presents a danger to a number of people. If you camp in campgrounds you know that at times some people consume beverages that create stress. Law Enforcement officers are trained to deal with that. We have in State Park Campgrounds patrolmen who go through who don't have a weapon. There are going to be confrontations occur that I think will lead to some very dangerous situations. I've talked to some law enforcement officials...they question the necessity of this in State Parks. National Park Units, US Fish & Wildlife Refuges, US Corps of Engineers sites all federal buildings and all post offices prohibit the carrying of a concealed weapon. Concealed weapon permits vary from State to State. There is no competency test in many States there is nothing that would ensure that the person who had that weapon would be able to discharge it properly. I would hope that the Commission would strike that portion as it relates to State Parks. I don't have a quarrel with reservoirs, forest properties or even State Parks when there is hunting taking place but I certainly do at other times.

Mr. Walters also provided written comment:

Bill and Ann Walters
3162 N. Hoover Road -Nashville, Indiana 47448
May 15, 2007

Indiana Natural Resources Commission
Indiana Government Center South
402 W. Washington St. Room W272
Indianapolis, IN 46204-2739

To the members of the Indiana Natural Resources Commission

I am writing concerning the proposal to make permanent the rule change to allow handguns at DNR properties. I submitted comments earlier regarding the preliminary adoption of this rule as well as raising questions about it in a letter to the Governor's office. Since I have never received any response from the Governor's office or DNR regarding my earlier questions about this proposed rule, I will be repeating some of my concerns in this letter. I am specifically focusing my comments on this rule extending to state parks.

By way of background, I worked for the Department of Natural Resources for 22 years from 1967 to 1989. For the last twelve years of that service, I was Director of Indiana State Parks. I finished my career working for the National Park Service (NPS) until I retired in 2002. My last assignment with NPS was as Chief of Staff in Washington, DC. I believe I have a unique perspective to comment on this issue.

I am very concerned about this proposed action to allow possession of handguns in state parks. The rationale provided by DNR for this action is that it "allows a person to carry a handgun for the purpose of personal protection while on a DNR property." If in indeed state parks are so unsafe that citizens should be armed, arming citizens will only further create unsafe conditions. I visit our state parks often and have never felt the need to carry a handgun. Have our state parks deteriorated in terms of visitor safety to such a point that one needs to carry a handgun while camping or picnicking to protect himself or herself? If so, the general public should be made aware of this serious situation and parks closed until law and order are restored.

I believe, contrary to the justification for this proposed rule, that state parks are safe places. While some crime does occur on parkland, such statistics are far lower than the rest of the state in general. Right to carry arms does not reduce crime. Visitors are not reassured by the presence of other visitors carrying weapons, when in fact the opposite is true.

But what is more troubling than faulty justification for the proposed change is the potential it presents for danger in state parks. I know there are times when there is a need for enforcement in state parks. For years, the approach of utilizing Conservation Officers who as you know, are trained law enforcement officers has worked well when unarmed patrolmen and park employees cannot obtain compliance from park visitors. With this change in the regulations, it opens the door for citizens to carry handguns on state park properties and will create significant danger for Conservation Officers and unarmed park employees.

If by extension of this regulation park employees can also carry handguns, then the opportunity to escalate a dangerous situation will get worse, since park employees are not trained law enforcement officers.

In my conversations with law enforcement officers, they expressed concern with this proposed rule change. They see no need for it and state that it could lead to significant incidents. If armed citizens attempted to assist one of the DNR law enforcement officers during a volatile situation, it could put that citizen or officer's life in jeopardy rather than providing law enforcement assistance.

As I am sure you are aware, there are wide differences nationally in the criteria to obtain a permit to carry a concealed weapon. Most states do not require regular competency testing.

The National Park Service units, US Army Corps of Engineers sites, US Fish and Wildlife Service Refuges and all federal buildings and post offices do not allow a person to carry a concealed weapon. Why is it necessary for Indiana State Parks to permit this?

I urge the Commission to reject this rule.

Thank you very much for your consideration of my comments.

Sincerely,



William C. Walters

Jerry Wehner: President of the Indiana Rifle and Pistol Association. Some of the objections I hear to this is that people tend to want to equate carrying a gun with shooting a gun that the parks are going to become shooting ranges and become like the old west. I suppose if you carry that a little farther it would be like saying if you wear your seatbelt in your car you feel fairly safe so you'll tend to drive recklessly. I don't believe the two are tied together at all. Law abiding citizens are going to follow the law anyway, criminals are not going to check their guns when they come into the State Parks.

Matt Jones: I'm for the proposal. If you're legally licensed to carry one, I don't know why the protection of yourself or your family or others in the State Park or anywhere else should have a bearing on where you're at. If you're licensed to carry it you should be able to carry it wherever you want to carry it.

Aron Bright: I'm in favor of this becoming permanent, particularly the part about being able to carry in State Parks. I'm not familiar with State Parks in the southern and northern ends of the State but in the central part of the State the closer you are to Indianapolis, especially during months when its warm the more unsafe it is. If anyone in the vicinity of one has a police scanner they could listen to all of the things going on. I would like to add to that, I think it's irresponsible on the part of the Department of Natural Resources to have security that would be unarmed in these campgrounds dealing with some of the people who frequent those places in the summertime. I'm in favor of the second amendment, I'm in favor of the right to carry a firearm if you're legally licensed and I want to voice that support.

David Smith: Member of the Sycamore Valley Gun Club and a certified pistol instructor. I echo the comments of the many here who seem to be in favor of this provision. The best research I'm aware of is from Professor Gary Kleck of the University of Florida tells us that perhaps as many as two million times a year the presence of a firearm in the hands of a law abiding citizen prevents crime, not necessarily because it was discharged...the mere presence of the firearm is sufficient to deter the crime. While a certain idealism suggests the establishment of gun free zones is maybe a nice idea, it unfortunately can disarm only the law abiding citizens. The bad guys are notorious for breaking rules to start with plus it plants the idea in their head that any of their potential victims are likely to be unarmed. Since most bad guys don't want the possibility of being shot at they will tend to prefer locations where they know the victims don't have weapons for personal protection. I think we saw the tragic results of that recently at Virginia Tech where they had created a gun free campus just a year ago. Many if the member of the student gun club lamented the fact that they were no longer permitted to carry their firearms and it might have made some difference both in terms of the perpetrator's attitude towards finding that shooting victims was like fish in a barrel versus the possibility that one of them might be carrying a concealed weapon. The presence of a gun and the shooting of a gun are two entirely different topics.

Mr. Smith offered this follow up comment. Law enforcement officers carry firearms for their own personal protection. Uniformed officers are unfortunately often a target and it would be foolish not to be able to defend yourself when confronted with that sort of thing but as we've also discussed ordinary citizens sometimes find themselves with a similar problem. Law enforcement officers have an especially difficult time knowing that they are often a target. My understanding of the statistics is that in terms of a wrongful shooting, for lack of a better term, it is ten times more likely to occur at the hands of a uniformed officer than it is an armed civilian. It seems to be easier for the armed civilian who is not an overt target to recognize a "bad guy" when he sees one.

Bob Hunsicker: I second everything this gentleman just said because I support everything he said. Along with a few others who wish to exercise our second amendment rights. The thing I was listening to very adeptly at this gentleman who has a lot of experience with the forest service, both state and national, and those of us who have license to carry a handgun we carry them on a daily basis sometimes throughout our lives in cities as well as in rural areas. And if we can do it in those particular environments, certainly when we're in a beautiful state forest like this where there's less people, why would that create any more hazard than it would be if we were in the city. We have a right to carry a gun, either concealed or exposed, throughout the State of Indiana, and certainly we should be able to do that, if we are licensed by the State, to do that in State Parks.

Mr. Hunsicker added later that we don't have enough law enforcement officers at State Parks to really do that in an adequate way because there is so much area to be covered. So those of us who are licensed and equipped with the knowledge and skill to carry a handgun certainly we can be a supplement to that law enforcement simply by having a gun we can use for defense if we have to. The wonderful DNR men and women we have serving our State Parks can't cover it all and I think this is just an adequate supplement to that.

Shirley Shick: Member Sycamore Valley Gun Club. I certain want the proposal passed. My one thought is that definitely in the parks because I'm a grandmother, and a mother, and I remember in McCormick's Creek when a lady was in the area and was kidnapped and I think had she had the opportunity to carry a weapon she would have probably prevented that.

Charles Shick: I would like to echo things I've heard here. I think you're talking to a lot of law abiding citizens here who favor the second amendment. Freedom is not free and this is what we're fighting for. I'm in favor of this and I would certainly hope that we do not have to check our firearms at the gate when we go to a State Park. That's pretty ridiculous as far as I'm concerned.

Ron Calvert: I have a lifetime hunting license and personal protection permit. Those don't come without legislation and consideration from three branches of government. You don't just walk in and pick up a personal protection permit. I don't have mine on me tonight. I'm like some of these other gentlemen I carry it everywhere I go but it certainly does limit me...I feel funny not having it on. But I knew I would be here tonight so out of respect I didn't do it. I find it odd that when you do need somebody from a law enforcement agency to show up at a campground they show up armed with a weapon. 99.9% of the time it's never pulled out. I do a lot of hunting, I'm out in a lot of areas, I do a lot of bow hunting, a lot of times on different occasions it would have been nice sometimes when you run into coyotes to have felt like you could reach something a little better. I am in support of the passage of this.

Steve Calvert: I concur with everything that everyone has said. I can go a little further. In the late 90's I did some research with regard to armed citizens and law enforcement people. At that time, statistics said that there was one law enforcement officer proportionately for every 36 square miles of area. This was broad spectrum across the country. Additionally, at that time there was one law enforcement officer for every 2,800 people so we all need to be reminded, not that we aren't, that we are the frontline of people. We look to, respect, and count on the law enforcement agencies, but we all know that they can't be there...they do not have the responsibility, or a liability, to provide us with protection. We don't call it self-defense, personal protection and concealed carry for nothing and as long we, as responsible people, stay within those parameters there's absolutely no reason why we should not be not only allowed to continue to carry, and represent our own safety but we should be motivated and encouraged to continue.

Wilburn Smith: I think the change in rules was a good thing. I haven't heard of anybody being accidentally shot in the State Parks. I really don't see any reason for our constitutional rights to be taken away.

b) Comments Received Outside Public Hearing

On September 21, 2006, the following persons wrote by email:

Barbara Kurman norseblond@yahoo.com

What are you thinking? I read where it was contemplated that the ban on concealed weapons might be lifted!

You're more concerned with bringing in firewood into the parks than you are about any old Joe Blow walking around with a gun?

If there are people in our parks with concealed weapons and desire to rob or hurt or intimidate visitors, it would seem the appropriate people to handle these situations would be a trained and armed ranger. Let the NRA become altruistic and offer to train and arm the rangers. I cannot think of taking my grandchildren into a state park where I could meet some nut with a gun. There is no hunting allowed, is there? There is no gun range, is there? There are no dangerous animals, are there? So why need a gun?

Nathanael Bjork chuckbjork@yahoo.com

I strongly support the DNR's proposed rule to allow concealed carry permit holders to legally carry their side arms while hunting on DNR property. If there is any way private citizens can help to make this rule permanent, please let me know.

On September 25, 2006, the following persons wrote by email:

Travis Williamson trawilliamson@yahoo.com

I would like to take this time to ask you to consider opposing Director Hupfer's plan to lift handgun restrictions. I am in agreement with him that a permitted handgun owner should be allowed to carry his/her firearm on their person when at state parks, DNR reserves and such. However, I am in complete disagreement with Director Hupfer in his plans to allow people to carry handguns with them during archery season (deer and turkey) and dog running season (raccoon). Ask yourselves while the original law prohibited the carrying of firearms during these periods. Have those reasons changed? I say no, and they never will. Carrying a firearm during a season in which firearms are not a legal weapon to use only increases the temptation to use that firearm in a manner that goes against the grounds of fair chase. The DNR has determined that the unlawful taking of an animal whether it be in season or by illegal means is considered to be poaching and illegal. Yet this proposal by Director Hupfer is facilitating this illegal activity by allowing firearms in the field when they are not allowed to be used to take game. Many hunters would not use a pistol in bow season to illegally shoot a deer, but should just a hand full abuse this proposal, it would be a hand full too many. Carrying a handgun is a right given by the 2nd Amendment. Hunting on the other hand is a privilege, not a right. Privileges come with certain rules and guidelines. If a person wants to carry a pistol, then by all means go ahead, but to "archery" hunt while carrying a pistol is a ludicrous proposal at best. In the name of fair chase and the honor of the hunt, please do not allow Director Hupfer's proposal to allow people to carry handguns into the field during season's in which handgun's are not allowed.

Rebecca A. Richardson rebecca.richardson@bakerd.com

I read with great concern of the director's plan to permit handguns to be carried in state parks. The folly of this could not be more apparent. Clearly, the only people who elect to carry handguns will be those who intend to use them. Director Hupfer seems to be unaware of the significant risks this creates in our much-used state parks and recreation areas. Is he oblivious to the damage that can be done to innocent people by a stray bullet or a gun in the hands of someone who is ill-trained in their use, who is careless, or who is intoxicated? Must someone die or be seriously injured before the ridiculousness of this rule change is apparent?

If Director Hupfer believes that our state properties are so dangerous (due to presence of meth manufacturers or otherwise) that citizens must be armed to visit safely, why is he not addressing that problem? I urge you, indeed I beg you, to overturn this stupid action on the part of the Director.

On September 26, 2006, the following persons wrote by email:

Nancy Fischer green@redjellyfish.net

I am writing to ask the commission to block Kyle Hupler's decision to allow handguns into state and county parks. This incomprehensible ruling is antithetical to the use of these recreational facilities. I am even more disinclined to visit the parks (no \$4 for 45 min. of jogging for me anymore), now that I can't be sure that I will be safe from a stray bullet.

I also request that the ban on canned hunting be enacted...and quickly. No other enterprise would be given twelve years to shutdown. Even two years is too long for the hapless animals that cannot escape.

These two decisions put Indiana in a bad light. With so much beauty to enjoy, efforts should be made to ENCOURAGE people to take advantage of the state's natural resources, not make them fearful for their lives.

Doug Taylor dougtaylor@mail.com

I want to applaud Director Hupfer for this change. With the number of both wild dogs and coyotes in our area I've always felt vulnerable while I was using my bow. This will make me a little more at ease.

On November 6, 2006, the following person wrote by email:

David Riggins david.riggins@co.shelby.in.us

I support the changes to allow handguns in the State Parks. It never made sense to me to allow a person to go to Yellow Wood State Forest and lawfully carry a handgun around the property, but the moment he enters Brown County State Park just a few miles down the road, he is suddenly a criminal? I am a law enforcement officer and trust me, we have enough to do already. Changing the rule would be a good thing.

On November 9, 2006, the following person wrote by email:

William C. Walters wrote by regular mail and by email on November 9, 2006 from Nashville, Indiana and bill_walters@sbcglobal.net

Previously scheduled surgery on Monday November 13th will prevent me from appearing in person to present my comments regarding item 8 on your November 14th agenda. I am specifically commenting on the consideration for a request for preliminary adoption of amendments to 312 IAC 8-2-3 governing the possession of handguns on DNR properties and my comments are only focused on this rule extending to state parks.

By way of background, I worked for the Department of Natural Resources for 22 years from 1967 to 1989. For the last twelve years of that service, I was Director of Indiana State Parks. I finished my career working for the National Park Service (NPS) until I retired in 2002. My last assignment with NPS was as Chief of Staff in Washington, DC. I believe I have a unique perspective to comment on this issue.

I am very concerned about this proposed action to allow possession of handguns at state parks. The rationale provided by DNR for this action is that it "allows a person to carry a handgun for the purpose of personal protection while on a DNR property." If in indeed state parks are so unsafe that citizens should be armed, arming citizens will only further create unsafe conditions. I visit our state parks often and have never felt the need to carry a handgun.

But what is more troubling than faulty justification for the proposed change is the potential it presents for danger in state parks. I know there are times when there is a need for enforcement in state parks. For years, the approach of utilizing Conservation Officers who as you know, are trained law enforcement officers has worked well when unarmed patrolmen and park employees cannot obtain compliance from park visitors. With this change in the regulations, it opens the door for citizens to carry handguns on state park properties and will create significant danger Conservation Officers and for unarmed park employees.

If by extension of this regulation park employees can also carry handguns, then the opportunity to escalate a dangerous situation will get worse, since park employees are not trained law enforcement officers.

In my conversations with law enforcement officers, they expressed concern with this proposed rule change. They see no need for it and state that it could lead to significant incidents.

I urge the Commission to amend the proposal to eliminate state parks from the provision.

On May 17, Walters again wrote by email:

I am writing as a follow-up to the hearing on May 16th regarding the proposed permanent rule making regarding handguns on DNR properties. I have already submitted written comments, but want to add to them based upon an issue brought up at the hearing at Spring Mill State Park. The question was raised by one of the witnesses about having to check a gun at a state park if the rule was amended to prohibit carrying a gun on a state park. No one from DNR responded to that question.

It is my understanding according to the current rules and regulations published on trail guides given to each visitor that "any firearm, BB gun, air gun, CO2 gun, bow and arrow, or spear gun in possession in a state park must be unloaded or un-nocked and stored in a case or locked within a vehicle except when participating in an activity authorized by written permit."

I see no reason why that rule is not sufficient to allow individuals who have a permit to carry a gun to bring it into a state park without the need to carry it on oneself. Why is it necessary for individuals to walk around a state park with a loaded gun and at times, displaying it except to intimidate others.

I am asking the DNR Commission to eliminate this proposed rule as it relates to state parks and continue to utilize the rule quoted above.

On November 29, 2006, the following persons wrote by email:

Josh Brosmer (joshbrosmer@idem.in.gov); **Ken Bacon** (k_bacon@insightbb.com):

I would also like to offer my support of the newly proposed concealed carry in state parks rule and the proposed rule to allow pistol caliber rifles as legal weapons during firearms season. I was glad to see our rights for self defense and personal protection were returned to us and I hope that this rule change will become permanent.

On February 13, 2007, the following person wrote by email:

Jena Lee legislature.isrpa@gmail.com

The members of IRRPA would like to thank Natural Resources Commission for the preliminary adoption of this rule last year and would like to express our support for adopting it into a permanent one. We believe this rule change would positively affect the hunters' safety and their peace of mind. Here are some of the reasons we support this proposal:

- **Constitutional Right** - This rule allows the hunters to exercise their constitutional right to personal defense in the field just as they can in most other situations.
- **Personal Defense** – The need for personal defense exists in the field just as it does in our daily living. This rule allows the hunters to fulfill that need.
- **Proper Equipment** – Hunting equipment is often intended for a single shot on game animals, which is usually poorly suited for personal defense. A handgun is far better suited, if a need for personal defense arises.
- **Protect Property** – Prior to the temporary adoption of this rule, hunters had to leave their personal defense handguns in their vehicles while hunting. Since their vehicles were often parked in remote areas, this increased the chances of possible theft of such guns. This rule makes it easier for hunters to keep their handguns safe.
- **Reduced Vulnerability** – Being able to carry one's handgun reduces the level of vulnerability that the hunter faces during the transition from the field to the vehicle or to the residence.

Thank you for your consideration of our support. If you have any questions or concerns, please contact us at legislature@ispra.org.

On February 14, 2007, the following person wrote by email:

Gerald Wehner gwehner@seidata.com

My observations:

- Only law abiding citizens apply for gun permits
- Once they get the permits they tend to remain law abiding
- I have not heard of any major problems with the temporary rule

Therefore I would respectfully request that the NRC makes the rule permanent.

On April 6, 2007, the following persons wrote by email:

Aaron Randall randall25@sbcglobal.net

I would very much like to see this proposal become law. I primarily deerhunt with a bow and have had several uncomfortable encounters with coons and coyotes while hunting. It would be nice to be able to carry a handgun to dispatch sick or otherwise threatening animals when reaction time would not allow me to use my bow effectively. Also, some game laws sometimes put undue restrictions on otherwise honest, law-abiding outdoorsman. I would argue that regulation such as this one or very strict spotlighting rules only affect those of us who have enough respect of the law to follow it. Regulations outlawing carrying a handgun while bowhunting or spotlighting deer do not reduce incidences of poaching because poachers don't obey laws anyway. In my humble opinion, stepped up enforcement and stiffer punishments for offenders would be more effective than laws made to prevent lawbreakers from breaking another law.

Troy Dalton dalton32@tls.net

I think it's a must to protect yourself. This day and age you can never be too safe. There is some unfriendly people out there that don't care what they do to you or your kids. Being able to carry a handgun for PPT is a good thing. Like I said, you can't never be to safe.

On April 19, 2007, the following persons wrote by email:

Larry Sweet LarryS@thml.com

I am in favor of extending or making this rule permanent, allowing handgun carry while in the field.

Lynn Imel Lynn.Imel@mgh.net

Handguns have not created any issues for residents. I support the use of handguns in the field and appreciate the use of handguns as an alternative for some handicapped people and for sport.

Pete Drum petedrum@iquest.net

I support making permanent the temporary rule permitting carrying of handguns by properly licensed persons on DNR properties, and for specified hunting activities.

Cleone Downing cleone_downing@yahoo.com

We want that bill to pass to carry handgun while hunting with self protection handgun permit.

Kevin Van Arsdale Kevin@javaexpress.us

Simple: If you have a valid and legal handgun permit you should be allowed to carry that handgun were and when ever you wish. This should include DNR properties and any legal hunting seasons. I personally do not own or have a valid or legal handgun permit, and for that matter do not own any handguns, but I do believe that you should be able to carry a handgun as long as you follow the laws for your area. Period! My family and I do hunt and we do own firearms. We follow all legal and ethical laws that each state

issue's. We have enough gun laws on the books in the United States and I think we do not need anymore! We do need a better way of upholding the one's that we do have already though.

James H. Madison madison@indiana.edu

Please, please, no handguns ever in state parks or other DNR properties.

Malcolm Duncan wmd@clearlearning.com

I support the proposal to make the rule allowing for the carrying of handguns for personal protection on DNR properties permanent.

Liz Flaherty lflaherty@comteck.com

Please, no handguns for hunters--or for anyone else in our parks other than law enforcement.

J.Bradley Thurston thurstonbrad@yahoo.com

I support the rule allowing hand guns to be carried.

Jason Meyer jmeyer@bearvai.com

I will not be able to attend these hearings at these two locations, but wanted to voice my opinion that I am in favor of this rule change.

Larry Easterday kc5zep@comcast.net

As a hunter who will carry a handgun for personal protection after my application is processed, I agree with the rule change and agree that this rule change should be made permanent.

David Himm bloomingtoniron@sbcglobal.net

I would be pleased to see this temporary rule authorizing the possession of handguns on DNA property made permanent.

Chris Reinhart ccr3@daimlerchrysler.com

Please add me on the list of Hoosiers in favor of the DNR proposal to allow carrying of handguns.

Don Ritschard rit1204@datacruz.com

As a licensed handgun permit holder, I see no reason to restrict taking a gun in the field. To be granted a license, you have already passed a background check, etc. If a person wants to poach an animal with a gun during bow season, he is probably not going to use a .38 with a four inch barrel anyway.

Kevin J. Spires spiresk@purdue.edu

If this means people would be allowed to carry handguns any time (other than hunting) onto DNR properties, I think it's a very bad idea! Why invite trouble? Specifically, the changes would permanently allow individuals with handgun licenses for personal protection to carry a handgun on DNR properties. The other changes involve hunting activities on both private and public land. Those with handgun licenses for personal protection would continue to be able to carry such firearms when hunting wild turkeys or when hunting deer with a bow and arrow. Similarly, properly licensed individuals would also be able to continue to carry a handgun when running dogs for opossums and raccoons during the chasing season. Previously, DNR rules prohibited carrying licensed handguns in these instances. These proposals allow a means of personal protection while hunting or visiting a DNR property.

As for hunting.....you should make sure that everybody (those that don't hunt) knows that people are hunting on the grounds so as nobody gets shot! I don't want to be at a park while people are hunting!

Eric Burris eyecare@psci.net

You might as well include waterfowl hunting in the handgun legislation changes. I'm sure that will become an issue as well.

Peggy Hobson phobson@visitkokomo.org

I urge you to let this temporary rule authorizing the possession of handguns expire. Possession of handguns in our parks is not hospitable from a tourism standpoint. And it certainly is not safe.

Mary Brown mary.brown.mbl@roche.com

The ability of people to carry handguns into parks makes me think twice about taking my family there.

Jerry Hartley jhartley@leeandryan.com

I support the ability for licensed individuals for carrying personal protection weapons/handguns to do so while hunting on private and public lands in the state of Indiana. This rule should be made permanent.

Gordon D Craig craig_gordon_d@lilly.com

Thank you for your notice on the hearing. I cannot attend but would like to add my support for the proposal to allow possession of handguns on all DNR property and during hunting.

If the department has any say about it at the federal level, I would also encourage you to support possession of a handgun in the national park system. I noticed how heavily armed the Conservation Officers were at Glacier National Park against bears and other wild animals and yet they ban the public from the same right to personal protection. It doesn't make sense.

Jim Clark clark@nlci.com

I would just like to let you know that I support making permanent the law allowing properly licensed individuals to carry a handgun while hunting deer and turkeys and in state parks.

Vania T. Hutson iva_hutson@yahoo.com

I and my family (husband and two children, and my mother) visit DNR camping areas at least 5 times a year. We camp at Turkey Run, Spring Mill, Patoka Lake, Brown County and other properties of DNR. We believe that allowing people to bring guns to DNR properties such as campgrounds and hiking trails will create unsafe conditions.

There are many teenagers and children at the campgrounds and hiking trails, especially during the summer, and tents are not a safe place to store a gun, while taking a shower or sleeping. We have never witnessed or found ourselves in a situation in which we have needed a gun for protection during the past 10 years we have been camping at DNR properties. Often gun ownership escalates a conflict or a situation that could otherwise be avoided. Also tents are not protective like homes and if there was an accidental or intentional shot fired at a campground, innocent adults or children could be harmed.

DNR properties should promote the safety of animals and people and should be inviting and safe places to have fun and observe Nature. They should not be places where people can bring handguns, there is no need for them.

We really hope that handguns will not be allowed in campgrounds and hiking trails owned by DNR. We hope that DNR values our safety above all other concerns.

Chuck Sims csims@firstgroupengineering.com

The handgun ruling allowing a handgun to be carried while hunting turkeys, bow hunting, etc. has been a long time coming. It would be good for some common sense to be incorporated into the IDNR rules.

Charles Wheeler CWheeler@ctbinc.com

Yes, I strongly support the rules changes to allow a person with a valid personal protection permit to carry a handgun on DNR Property and while in the lawful pursuit of game in season.

Loren C Lovegrove Lclovegrove@aol.com

VT had a no gun policy and thereby nobody was able to take this killer out while he was in the process of doing his thing. I think the constitution allows everyone to arm themselves if they so desire. With no morals or respect for God being taught we must have a way to take out the thug and gangster who desires to do us harm. The police can't be everywhere and if they are caught, the judicial releases them to prey on us again and again. Yes to hand guns wherever you go.

Bill Reno Bill.Reno@ihbrr.com

I write this as support for the right to carry a handgun when properly licensed. When on DNR property.

Brian Morgan mm_photo@sbcglobal.net

I support the proposal to keep the rights in place. I am a bow hunter and have been relieved to know that my right to protect myself while bow hunting is legal. The amount of security that only a handgun can provide is immeasurable! I know of a few people who have come upon drug addicts (crystal Meth) on a dead end road they hunt on at 4:00 a.m.

Or have come back to their truck to find that other people are there drinking and shooting off guns. I don't think the law could hurt anything. I also don't think true hunters will be taking advantage of this law. To forbid the right to carry is a direct slap in the face to the law abiding people/hunters of the state. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Phil Collier Philcollier4@wmconnect.com

I am a United Methodist pastor who has fond memories of hunting as a youth. (I do not own a handgun, nor do I plan to purchase one, although I occasionally shoot a cap and ball pistol at paper targets!)

You may soon hear United Methodist Church "officials" seeking to ban the use of handguns in Indiana as now provided for by current legislation. Please be aware that these officials (including our bishop) do not necessarily speak for all United Methodists, pastors included. There is no vote taken by clergy or laity when an "official" stance is taken on specific pieces of legislation. The stances on all social issues often only reflect the opinions of those who are in leadership positions. Even in light of the tragedy at Virginia Tech, I urge you to allow the law to stand as it is, unless there is some way to increase public safety without taking away the right we now have to use hand guns for hunting game.

Vern Strong vstrong@SixDisciplines.com

I would like you to know that I'm in favor of permanently allowing individuals with handgun licenses to carry a handgun on DNR properties and while hunting deer and turkey or chasing opossums and raccoons.

Larry Carothers ldcarothers@comcast.net

I agree with this proposal.....even though the timing with this Virginia Tech episode is unjust.

1) at DNR properties (2) while deer hunting, (3) while turkey hunting, and (4) while chasing opossums and raccoons.

Chris Calentine, Tae Calentine, calentine@maplenet.net

We are located in NW Indiana, lots of acres here under the DNR. I believe that we as licensed and consciences hand gun owners should be able to carry personal protection in all places in the state other than the obvious, banks, court room, etc. Should the problem on the DNR land be two legged, four legged, or slither on the ground, I personally feel safer when I am armed. When it's against the law to carry fire arms, only the criminals will carry them.

Michael Ward Michael.Ward@atg.in.gov

I have been hunting and fishing in Indiana for a little over 40 years and I have always felt as though I was taking an unnecessary risk when I entered the woods without a handgun. Especially during bow season, but at any time in the remote areas we traverse as hunters, there are times when it is necessary to protect ourselves. The situations are limitless, but suffice it to say that I am supportive of the proposal permanently allowing the carrying of a handgun on DNR properties.

Allen Hughes allen5854@yahoo.com

I find no reason not to allow hand guns in these areas, if the person has the correct permit. I have been hunting since I was able to walk almost. I haven't hunted in a while but still enjoy plinking, skeet shooting etc. I think if the people have taken the time to get their permits they are honest law abiding citizens not willing to risk losing their permits by doing something inappropriate.

Mark Fasel faselm@fishers.in.us

For the record I strongly disagree to allow handguns to be carried on DNR properties outside of legal hunting weapons. I have a hard time believing that people need to be armed in addition to what they will be hunting with for personal protection. I feel the statistics of hunter accidents will greatly increase with most carrying a pistol just because they can in addition to the vast amount of other gear one carries when hunting (Deer especially). I fear accidental discharges will occur and not to mention the hunters that have not seen any game shooting up the woods just to be shooting. I strongly disagree with this proposal. The DNR properties are for everyone and should not cater to those who want to carry handguns especially in family environments with children around, which will most likely have access to those weapons due to sleeping in campers and tents. Thanks for the opportunity to voice my opinion and keep up the good work! We have some of the best DNR properties of any state I have visited and they have been well managed for maximum enjoyment of campers, fishermen, hunters, and outdoorsmen and women.

Wesley George Crawford crawfor@purdue.edu

I support the extension of the handgun carry rule that was implemented last fall. It makes sense to allow holders of handgun carry permits to carry them in the woods during seasons.

Lloyd Roberts lroberts@reliance-medical.com

First I'd like to comment about the locations of these meetings, I think that these should be held thru out the state of Indiana first of all and not just in two locations as proposed now. It's just to far for one to drive from S.E. INDIANA where I live at to say Peru or Mitchell, it would benefit all sportsmen a lot better if say there was a meeting held in each part of the state, like one in say Lawrenceburg to cover the S.E. part of the state. There is no way that a working person can make these meetings or at least enough people to make a difference. Secondly a person that has a permit to carry a handgun for personal protection SHOULD be able to carry his or her hand gun on DNR properties, deer hunting, turkey hunting or for as that matter goes where ever he or she decides to carry that firearm.

Alfonso Gallegos alg.co@sbcglobal.net

Is there a necessity for handgun carrying in a state park? Have there been instances where a handgun was needed for protection in the past? My fear is the people will now have a convenient way to kill animals for fun.

Joe J. Lauritsen Joe.Lauritsen@Nav-International.com

I am an Indiana resident / tax payer / active voter, who holds an Indiana hunting licenses and Indiana personnel protection permit. I would like to report for the record that I am in favor of the proposed changes that would permanently allow individuals with handgun licenses for personal protection to carry a handgun on DNR properties.

Charles Wagner wagnor@netnitco.net

I am 56 years old and have hunted all my life. There are no bear or wild cats in Indiana. Handguns are useless. If this was Michigan I would say yes. I was born and raised in Texas and moved here twenty years ago. If this was Texas I would say yes because of the wild cats. In fact as far as I am concerned there is no need for handguns while deer hunting also. One man's opinion.

James Thompson lakotahjim@yahoo.com

I have been a licensed concealed carry permit holder for over 20 years. While I have never been forced to use a handgun for personal protection, it always comforting to know I have the ability to protect myself and my family. While the State Parks and other DNR facilities are relatively safe, there is never a guarantee of safety. I applauded the DNR decision to allow licensed citizens to carry handguns on DNR properties, and think it was a major step to recognize that licensed residents are part of the solution, not part of the problem. In my corporate career, I learned that if you treat people like adults, most will act like adults. This is no different. When in remote areas of some state parks, I always carried my gun. I did not want to make my family vulnerable to any threat and would rather be arrested than dead. I am sure there are many who were not in favor of the DNR decision, and I am also certain that was no surprise to the DNR. It took courage to extend 2nd Amendment rights (or not deny these rights) to people on DNR property and you have the thanks of many, many law abiding Hoosier gun owners. Obviously, I support the Rule being made permanent and thank you for taking the lead on an important issue.

Larry Walter beaglerboy25@sbcglobal.net

I strongly believe that people should be allowed to carry handguns if they are legally doing so. I see nothing wrong with people carrying handguns on DNR properties. I do believe that if a person is responsible enough to go and get his personal protection permit to carry a handgun then they are and will use the privilege wisely. With the recent out breaks of violence in schools, how much longer will it take for it to happen in other places? I personally feel that it is a constitutional right and that restrictions are needed for safety of others as well. I personally do not carry handguns and really am not too interested in them. However, with the changes in society and rising concerns of protection against people like the south Korean student at VT. I am encouraged more and more to apply for my handgun permit. I more then likely will not. I would suggest that if handguns would be allowed on DNR properties that everyone entering a DNR property carrying a handgun should first notify the DNR land manager or gate personal. I say this due to the camping

available with the DNR State owned campgrounds. I feel that this would be strictly a measure to protect other campers as well. The DNR personal would be more aware of the hazards then within the park. They would also be alert then as to which campers did have handguns should a problem arise, or campers get unruly. This would then be a protective matter for the DNR personal, allowing them to better handle situations that may arise.

Shannon Farrell srfarrell@comcast.net

I am opposed to any legislation which allows individuals to carry handguns on DNR properties, or while hunting. Carrying handguns is a dangerous practice and has repeatedly shown to be more likely used to cause injury to innocent bystanders than in protection or self defense. I would like for my family to be safe when visiting DNR properties and know that is more likely when other individuals are not carrying any firearms. Carrying handguns should be strictly prohibited, except by trained law enforcement personal.

Wilma Bailey WBAiley@cts.edu

I am writing to express my opposition to carrying handguns on DNR property or to hunt game. I would personally fear walking or hiking on DNR property knowing that persons with handguns are also on the property. I would be afraid that the person would shoot me by accident.

Steve Dickover sjdkd@sbcglobal.net

Please allow permanently allow individuals with handgun licenses for personal protection to carry handguns on DNR properties and to carry them when hunting deer with a bow and while hunting turkey and while running dogs for raccoons and opossums. I have had a personal protection permit since 1987.

James Crick James.Crick@kindredhealthcare.com

I am in favor of allowing people holding valid licenses to carry their firearms during the seasons listed on your notice. The fact that these people have taken the time to obtain the license, is probably indicative of the type of person they are. The people most likely to abuse this privilege, are the same type of people who will carry the handgun anyway. I would also like to say that since retiring from the Marine Corps in 2004, I have thoroughly enjoyed the facilities provided by the Indiana DNR. You do a great job in managing our natural resources.

Mike Hartigan MHartigan@vinu.edu

I am in favor of allowing law abiding concealed weapons permit holders to carry a handgun while turkey or deer hunting or anything else. Giving up our God given right of self defense is absurd. Thank you for allowing me to express my opinion.

Richard Hagemier easyonmenow@yahoo.com

I think that everyone with the proper training and licenses should able to protect themselves at all times.

Robert Rodman rkjde@yahoo.com

I am hopeful that you will continue to allow licensed handguns on DNR properties.

I am an avid birdwatcher and hiker. I greatly enjoy the Indiana parks and properties. As a native Hoosier I take great pride in the quality and quantity of the DNR offerings throughout the state. It seems the more I travel outside of Indiana, the more I appreciate how well the parks and properties are maintained right here at home.

I am also a husband and father of four. I am a professional with a masters degree as well as other post-graduate work. I love the arts and theater. I am a voracious reader and am active in my faith community. The only reason I say all this is to make the point that I am not a "kook" who likes to shoot things while waving a Confederate flag. I don't have a pickup truck and I don't even like country music. I am offended by the stereotypes.

But, I am also a licensed handgun owner. At times I have been threatened by large "farm" dogs and packs of dogs while I have been out in the countryside. I have also felt threatened by groups of individuals who were obviously not on DNR property to enjoy the scenery. Although the odds of having to use a weapon for self-defense are slim, I feel that I have a right to legally carry a weapon in areas that are often remote and not regularly patrolled. I feel I have a responsibility to my wife and four kids who often accompany me on my excursions.

I believe in gun safety and thorough background checks. I don't agree with the NRA an many issues. But I do believe that I have a right to carry a handgun on DNR property and support your efforts to make it permissible on a permanent basis.

Jeremy Strueh jstrueh@sigecom.net

I just wanted to drop an email in support of this proposal to allow CCW in DNR properties. I have a CCW permit and like to camp in many DNR properties. Carrying my weapon while camping, makes me and my family feel safer. It always help to protect against stray, wounded, wild, rabid animals.

Tom Owens teo56@csinet.net

This is a great proposal and hunters with personal carry permits should be allowed to carry a handgun while hunting if they posses a carry permit or are law enforcement officers. I have always felt that way. Why punish the good.

Leland R. Gibson hunter@rtccom.net

I am strongly in favor of carrying handguns while hunting and on DNR property with a legal permit.

Larry Huffman lare75@yahoo.com

When this policy was announced I quit going to DNR facilities. I don't want to risk my life or any children's lives by being in a DNR park with other people carrying guns. Since the rule was announced, I camp only on private land where I know everyone is safe from guns. Please reverse this rule and bring back a feeling of safety to our public resources.

Aaron Nedd padishar123@mchsi.com

I saw the email from the DNR on this issue...I just wanted to comment/vote that I strongly encourage the DNR to make the law permanent. Citizens that lawfully possess handguns and possess a personal protection permit should not be limited by the DNR and should be able to protect themselves while hiking, hunting, or camping.

Aaron Meyer aj_meyer@mac.com

As an Indiana deer hunter and one that also has an Indiana handgun permit, I request that handgun permit holders be allowed to carry a handgun while hunting here in Indiana.

Handgun permit holders are some of the most law abiding citizens, and there is no need not to allow us to carry a handgun during a hunt for personal protection. According to William Sturdevant, unpublished study reported in August 2000 edition of America's 1st Freedom, people with concealed carry permits are: 5.7 times less likely to be arrested for violent offenses than the general public, plus 13.5 times less likely to be arrested for non-violent offenses than the general public. According to Texas Department of Public Safety and the U.S. Census Bureau, reported in San Antonio Express-News, Sept. 2000, in Texas, citizens with concealed carry permits are 14 times less likely to commit a crime. They are also five times less likely to commit a violent crime.

David Morris David.Morris@e-hps.com

I fully support a permanent rule change to allow properly licensed individuals to carry handguns on DNR property during a deer or turkey hunt. Also, while running dogs for opossums and raccoons during the respective chasing season(s). In another state the ability to carry a handgun while hunting in deep woods helped me out of a dangerous situation in dealing with wild dogs.

Phil Ferguson jpr@evansville.net

I think this makes a lot of sense. Anyone who has a personal protection permit, you would hope, is responsible enough to be trusted on state property and while hunting with a concealed secondary handgun. It is not clear why this rule of limiting the carrying of the gun was written originally, but I feel this should be changed.

James E. Justice James.Justice@nortonhealthcare.org

I think the new rule is of benefit and support it but do have reservations that some people will use the handgun to poach wildlife.

Larry York larry.york@supremecorp.com

I believe the right to defend yourself should not be denied. Those individuals who have demonstrated to be responsible law abiding adults should not be prohibited from their right to personal protection no matter where they are.

I am a resident of Michigan, however I do also hunt in Indiana. In Michigan, in order to obtain a concealed carry permit, there is a required 12 hour training class. 8 hours of classroom and 4 hours of this are devoted to actual shooting range time. These classes are taught by certified instructors and include legal advice and possible consequences for using deadly force for personal protection. Citizens possessing concealed carry permits are model citizens if they are from Michigan as their background checks are carefully reviewed and must be approved by the county gun board.

I believe the only persons that benefit from so called "Gun Free Zones" are criminals that have no respect for the law. They know that there is no one to challenge them in a Gun Free Zone, at least not until the police arrive. Just look at what happened at VA Tec.

For Indiana residents, I urge anyone that does have a concealed carry permit to take a firearm safety class and be sure they practice with their firearm and become proficient and accurate with it. It is not the time to get familiar with a firearm in a life threatening situation.

I think allowing concealed carry permit holders should be allowed to carry their firearms when hunting as proposed in the proposed bill.

Frances Overman woverman@indy.rr.com

Please make this temporarily rule permanent.

Kevin Pensinger Pensingers@OnlyMyEmail.com

These changes are unnecessary in the extreme. People engaged in hunting activities such as deer / turkey are already carrying much more powerful weapons than handguns - or IF carrying a handgun as a deer hunter - a much more powerful handgun than the typical 9mm - 45ACP weapon typically carried concealed. Note that the VAST majority of concealed carry handguns may NEVER be used to shoot (even if dispatching wounded) a deer or turkey without violating criminal laws even under the proposed rules. I the sportsman is not venturing outdoors with "only" a 12 gauge shotgun to defend themselves than they should remain indoors.

I believe that the reason for banning the carry of concealed handguns in our campgrounds is to protect the public from the consequences of a volatile mix of alcohol and readily available weapons. While some problems with weapons violations exist even under the prior rule I believe that liberalizing the carry of concealed weapons into our campgrounds only serves to potentially endanger citizens and conservation officers.

Timothy E. Baltz Gr8Putz@aol.com

I definitely think they should be allowed in these circumstances.

Bob Matt bobmatt@prodigy.net

I am in 100% agreement with the proposal allowing carry of a personal protection weapon while hunting. I ask that the driving force behind this proposal be extended or directed at the same issue while moving about on off road vehicles. It's OK going – in a car or truck, and OK while hunting—in the tree, but not between the truck and the tree, if an off road machine is used. Just doesn't make sense.

John Totten, Jr. jmtotten@verizon.net

I support making the regulation, as explained in your e-mail, permanent.

Keith and Kathy May may.kk@sbcglobal.net

I would appreciate you including this in public comments. I do not believe handguns should be used to hunt because I do not feel that the kill would be quick and humane. However, I do believe that people licensed to carry a handgun for personal protection should be allowed to carry anywhere they go. I also would add that I feel there should be harsher punishments for people not licensed, who carry anyway on restricted properties.

Kevin Stirratt kstirratt@verizon.net

I am absolutely in favor of allowing handguns to be carried. This is a safety issue, especially when carrying a weapon like a bow and arrow.

Margaret A. McGovern brokermcgovern@gmail.com

My family and I visit state parks often. We camp, hike, and generally enjoy getting back to nature. I have always felt safe in our Indiana State Parks and cannot imagine why anyone would feel it necessary to carry a handgun in a state park for personal protection. Knowing that others around me are carrying handguns makes me feel uncomfortable no matter where I am. Knowing that others at our Indiana State Parks might be carrying handguns will take away that feeling of security I have always enjoyed when visiting our parks.

Thomas E. Neuhaus, Jr. mystichawk@verizon.net

I personally believe it's a great rule and support it fully. I've had a carry permit for years and have never liked the idea of being unable to defend myself just because I was hunting or enjoying a walk in the woods! I do not believe it's the law abiding (permit holders) that are going to cause any trouble in the first place, but one never knows when one might run into a thief, trespasser, poacher, meth lab owner etc. that's not to happy to be discovered! Hopefully no one will need it but it's a nice piece of mind.

Lee Tuggle ltuggle@mccormickins.com

Just wanted to voice my support for this rule change proposal. I feel we should be able to carry handguns while involved in these activities and while on DNR properties, as long as we are properly licensed.

Eddie Cansler eddiecansler@yahoo.com

I would first off like to thank the individuals in charge for giving an advance notice of the hearings and allowing us the opportunity to voice our opine either at the hearings or through email. First and for most I am a hunter and have a personal protection permit. At the present time I do not carry a handgun while hunting, but I personally believe that it is the right of an individual to carry one if they so desire if they have the permit to do so.

Another issue is the right to carry a handgun on state ran parks should be allowed if an individual holds a valid personal protecting permit. I truly appreciate you taking the time to read my comment and taking it into consideration in your decision making process. I hope and pray that the right decision will be made.

Tom Johnson tcj1245@tls.net

I surly think a hunter should be allow to have in there possession a handgun while visiting DNR property, while hunting deer with bow and arrow, chasing raccoons and opossums, and while turkey hunting as long as they have a personal protection permit.

Matt Morris res1rgzg@verizon.net

I support allowing those persons licensed to carry a handgun for personal protection to do so while engaging in hunting and other activities on IDNR property. The right to defend one's self should not end when you are on state property engaged in a lawful activity.

Will and Loretta Lewallen lewal@iquest.net

My husband and I would like to comment on the handgun ruling. We do not think people should be allowed to carry handguns on DNR property. There will be many more shootings of humans on DNR property both accidental and intentional if this law is permanently enacted. Please consider removing this law. We would feel uncomfortable using DNR property for recreation purposes knowing that people on the trails were carrying a concealed weapon. We do not have guns and don't feel they are necessary for our protection.

Brian Cohee goat1966@sbcglobal.net

I think that these rules should become permanent. I think that people with proper permits and licenses should be able to carry and possess thier handguns while on DNR properties and in those specific hunting situations.

Paul Ellermets pellermets@gmail.com

I vote yes! I am a dedicated fanatic bow hunter -- 25 years of bow hunting ---
I love the quiet fun of bow hunting. I also have encountered cougars while bow hunting.

Side note: I graduated from VA Tech in 1980. I spent my first year in East A.J. Dormitory. If a student or teacher had a handgun with them on the day of the mass murders – many lives might have been saved! The right to keep and bear arms needs to be a new way of life and liberty again in this new terrible world we live in. I plan on doing this. I plan on protecting myself, my family, and my friends. I plan on doing it legally.

Rob Heath heathbar@lightbound.com

Anything to allow people to protect themselves and our country is a good thing. As a Police Officer I took an oath to protect people's rights and all too often Government and the uneducated try to restrict our rights and freedoms. The current situation in Virginia should be a wake up call that if just one of the students or teachers would of been allowed to be armed, the death toll might of not been as bad. Please pass this because it is the right thing to do.

Don Ritter don.ritter@roche.com

Please accept this email as my official comment to the Handgun Possession Rule Proposal. I fully support and welcome the proposed changes as outline in the Handgun-Related Administrative Rule Package. Additionally, I support the rule changes to be applied to private lands, in addition to DNR properties.

Bob Jackson bjackson9@yahoo.com

I am 100% in favor of making Permanent the ability to carry legal Handguns on DNR Property and while hunting Turkey, Bow Deer Hunting and at other times!! People should have the right to Personal Protection while involved in activities on DNR Property! I am a property Owner, Licensed Handgun carrier, and Life Member of the NRA.

James Jackson bjackson9@yahoo.com

I am in favor of making the right to carry handguns on DNR Property while hunting and at other times permanent.

Bill Cummings grosvenor3@juno.com

The timing for this is excellent, as our country has just this week seen what handguns can do.

James H. McShane III JimMac3817@aol.com

As a long time camper in the State of Indiana campgrounds, I think this idea is absolutely insane. After what just happened at Virginia Tech, I cannot see the necessity for carrying guns in to a family campground. I will not utilize Indiana State Parks again if this passes. It adds an unacceptable risk to myself and my family in a place that should be a safe haven to enjoy. You may not approve drinking in these places, but it goes on anyway and heightens the possibility of a argument or individual going out of control and with a hand gun available, a death or multiple deaths may occur. Again, this is an absolutely insane idea that takes away from the security of all individuals camping in Indiana State Parks.

Ed Locke lockel@comcast.net

I see no compelling need for allowing more guns onto DNR property. The more guns the more chances for accidents. Hunters should carry the proper weapons for their prey but nothing more. Just look at the case in Indy recently where a man shot at a fleeing burglar and shot a little girl instead. How long till that happens in one of our parks?

Mr. and Mrs. Charles Duke cmduke@citznet.com

First please accept my apologies for not being able to attend either of the hearings due to prior obligations. However it is my hope that you will take my husband and my views and opinions into account when making your decision on the upcoming laws permitting the carrying of hand guns.

It has always been our belief that we as US citizens should have the right to protect ourselves and our children. In the past there have been events that would lead us to believe that this is even more important now than ever to carry a fire arm while on the reservoirs. These events include the most recent finding of a six foot alligator in Adam's county and the suspected cougar filmed roaming behind a farmer's home. We often enjoy the reservoir property with our children taking walks and fishing. We believe that as responsible parents it is our duty to protect or children in any way possible and with out a fire arm that would be next to impossible if ever faced with such large animals as described above.

Susan Yost syost1721@sbcglobal.net

Please explain to me how carrying firearms in a state park where there are families with small children is a safe and effective way to provide a healthy environment for our Indiana citizens! Indiana State Parks should be providing a haven for our camping families away from violence and stigma of killing that firearms exemplify. Is there no place in our society for the peace and beauty of a wooded hike without the fear of being shot for game?

Tracy Kiefling gspowner@msn.com

I live in Vigo County and think anyone who has a personal protection permit to carry a handgun should be able to carry while on a DNR property. The state law lets a person with a permit carry a handgun for protection they should have the right even if they are hunting without a firearm to carry a handgun for protection. With all the Meth labs that are being operated in rural areas you need to be able to protect yourself. I have came across what were remnants of Meth labs while hunting in wooded areas of DNR properties.

Howard Evans HLEvans@teamfishel.com

If a person is legal to carry a handgun at any other time, why not make it legal to carry at anytime on DNR property or private property. Makes sense to me...I am in favor of this rule. If caught using a handgun illegally...They should be prosecuted to the fullest extent of the law and then some!

David Forwalt dforwalt@yahoo.com

I believe that a person should be able to carry a handgun while hunting with another weapon on private or state property. Because it can be used for protection. Such as one year while hunting deer with a bow a pack of coyotes chased me up a ladder stand and if I would have had a pistol I could of used it. Instead I had to wait for them to leave my stand. And they were trying to climb up my ladder to get me. So I think we should all carry a handgun while hunting and use it for safety or protection.

Alan Morrison alnlori@tls.net

Keep the rule. At a minimum, keep the rule for private property. Properly licensed individuals should be able to carry a handgun while hunting on DNR properties as well.

Robert Augustine augie_46562@yahoo.com

This is a reasonable proposal. Make it permanent.

Dave Spaulding dcvfw@aol.com

As a Viet-nam Veteran of the United States Marine Corps, I will not be able to attend the scheduled meetings involving handguns. I sincerely believe that there are those who have earned the right to bare arms, just as our constitutional rights state. There is also those who abuse the privilege, or exploit the right to bare arms.

Those who enjoy the outdoors and love to experience Mother Nature, usually have the proper ethics too carry a handgun for safety and protection. I feel there should be a required hand gun course, just like hunters education and archery education. On the other hand, there are those that ignore rules and enjoy firing their weapons at anything that moves. They have little or no morals at all, and personnel property of others are not their concern. With this in mind, I strongly suggest the Handgun ethic education permit. Those who qualify will have a certain endorsement on their Hunting and Fishing License. Those that do not take the course, or are unable to qualify to admittance of the course will not be qualify to carry in a handgun during the firearms season.

Taylor W. Burton-Edwards burtoneidwards@yahoo.com

Given the recent tragedy at Virginia Tech, which is only one sign of the massive over marketing and availability and acceptability of handguns in our nation, I would urge that this provision allowing persons to carry handguns on DNR properties, for any reasons, unless they are in law enforcement, not be extended.

Adam Burk adam@customgroup.biz

I support making the rule permanent. Hunters should be able to carry a handgun with a valid concealed permit.

David Green davidfgreen@sbcglobal.net

I think it is appropriate to allow people, authorized to carry hand guns, the right to carry them while visiting DNR properties. It is wise.

Mark Hankins mbb_han@earthlink.net

I received an e-mail about the hearings on the handgun carry on DNR lands. As I cannot make the meetings that are scheduled I wish to say that I am 35 years old and have carried a handgun since I turned 18 years old. I do not carry it to show of or threaten anyone I simply carry my handgun for the sole purpose that if I would ever need it I would have it. I think that it is very wrong for anyone to tell me that I can not carry my personal protection on their property or have it inside their building, with exception of an employee taking a gun to work or a High School student taking one to school. Just think if one person at VA Tech had been carrying a concealed weapon a lot of lives might have been saved. I think that the only people that should be aloud to carry a handgun should have to get a permit just like I did. I don't want to carry a big gun out in public for everyone to see but if a lot of people started carrying concealed weapons and the terrorists and nut jobs were aware of it I think they would think twice about pulling guns out and opening up on unarmed people.. I am not sure who said it but someone once said "If guns are outlawed, only Outlaws will have them" If we continue to unarm America we are asking for the terrorist and wackos to just open up on crowds of people, BUT if these people don't know who is armed and who is not they might think twice and a lot of innocent lives could be saved..

Delilah L. Williamson loonie4757@sbcglobal.net

No. No. A million times no. Why do you feel it necessary to kow-tow to the gun nuts in this state? Apparently you don't know how much drinking goes on in the parks in this state! That is all we need some hill jack getting drunk, getting stupid or angry and deciding that he or she needs to fire off a few hundred rounds of ammo.

What are you going to do when (A) one of those rounds hit another person? (B) When somebody sues your happy ass when they (or someone they love) is injured or killed because of this bone headed idea!

Are you willing to take responsibility for that? Do you have the courage to say no to this stupid idea, do you have the courage to stand up against the political jockeying on the part of a bunch of nuts who believe that everyone needs to have enough guns to arm the 101st Airborne Division? When the guns come in, I will be taking my tent and my park fees elsewhere. Now, let Mitch privatize that!!!

Mike Oeding moeiding@fullnet.com

I am in favor of the rule as it is written. I feel that people with hand gun permits are responsible people and should be allowed to protect themselves. I will not be able to attend either meeting and would want to add my voice to be in favor of passage.

Dennis Schmidt dennisaircare@yahoo.com

I am FOR the rule proposal. Thank you for passing this on.

Mike Barrett barrettm2001@yahoo.com

I am in favor of anyone who has a handgun carry permit, being able to have in possession a handgun at all times.

William R. Toborg billt5j@verizon.net

Thank you for allowing us to reply our thoughts to you on carrying handguns, if you are licensed for concealed carry on DNR property. I think it should be allowed.

Tom Biniecki tomb@pwrtc.com

I think as long as the person has the license for conceal carry, they should be allowed to. It's for personal protection and there are a lot of weird people out there.

Keane Moody keanes85alfa@sbcglobal.net

I feel that the carrying of handguns by licensed individuals on DNR property or while hunting deer with a bow or hunting wild turkeys should be allowed, but those hunting on DNR properties where they have to obtain a permit and sign in to hunt should be required to disclose their intention to do this on a separate sheet put into a locked drop box accessible only by DNR personnel and Indiana Conservation Officers, just so the personnel and CO's know that the individual is licensed and has a lawfully possessed handgun in his/her possession while hunting on the DNR property, to help avoid any accidents. Further, those individuals who decide to carry a handgun need to be required to disclose this immediately to any clearly identifiable DNR personnel or CO's who approach them for whatever reason. Just a thought from a licensed individual (who does not see the need to carry my handgun while hunting) but has few qualms about its allowance.

Ron Wiles Hunter61751@aol.com

I am in favor of the proposals.

Guy Shutt glshutt@ffni.com

I do not feel that any handgun should be carried on DNR property at any time. DNR should set an example for all other recreational areas of our country to follow not lead the way to more guns.

Randy Clifton rnc@onlyinternet.net

I am a strong supporter of the 2nd Amendment and would like to see this adopted as a permanent rule for all DNR properties. You can't be sure about people anymore and would allow a person with a permit a little more sense of security.

Donald Kramer remark65@sbcglobal.net

My wife and I are both opposed to any more guns being allowed in and semi or public places. Yes they will be carried by the NRA types and others but to "legalize" the carrying of a hand gun any more than IN has is stupid and dangerous. Also, who could I sue if some nut shot off a handgun and it hit and auto or home or a group picnicking. I want to be able to sue for illegal carrying of hand gun in any place that I or my friends might be. I suppose that this comment is a waste of my time but at least I responded to the request for comments.

Richard J. Dietz Dietzrdietz@aol.com

I approve of the proposal to permit licensed handgun owners to carry their personal protection hand guns while hunting, If they have a personal protection handgun permit.

Andrew D. Harless andrew.harless@pepsiamericas.com

I believe that the ruling on the ability to carry a legally licensed handgun while hunting wild turkey, deer during archery and raccoons is a very good idea and needs to be permanent. However, with recent events around the world involving guns and public places, I do not believe a handgun should be allowed on DNR properties. I enjoy family time at DNR properties and don't want my family around someone untrained or mentally unstable being allowed a handgun in these areas.

Jerri Keller jerri.phil@sbcglobal.net

The DNR statement below says: "These proposals allow a means of personal protection while hunting or visiting a DNR property."

I, as a regular DNR property user, camper, state park pass member and Indiana wildlife license plate subscriber, feel it is an unnecessary danger to all when a few are carrying handguns for personal protection. If the public hearing statement above is referring to a visitor (who is not hunting): I ask, "Personal protection from what or whom?" If it is from a wild animal, I feel a visitor using a handgun as a means of personal protection is grossly out of proportion to the threat. The visitor has purposely entered wild animal territory (which is very small in comparison to human territory). It would not be natural wilderness without wild animals. Consequently, there will be an element of danger. If a visitor was afraid of an animal and had a handgun the visitor would be more likely to use it and kill the animal. Visitors do not need handguns to protect themselves from animals on DNR property which is specifically set aside as wild animal habitat.

If the statement is referring to personal protection from another human: That concept should not even be considered here. Handguns kill easily. Visitors or hunters do not need handguns to protect themselves from other visitors. The DNR properties are designed to be areas of natural beauty and respite for visitors. A DNR property visitor should never be placed in risk of personal injury due to others carrying handguns.

If the statement above is referring to the hunter: Needing a handgun for personal protection while hunting is an absurd statement. The hunter entered the area with the intent to kill. It's similar to saying a bomber needs to carry a handgun to protect himself against the bus passengers in case they should turn against him....If a hunter wants to kill the animal then the hunter should face the consequences - the animal will fight for its life and the hunter might get hurt. That is a risk of hunting and the purpose for developing safe hunting skills without the use of a handgun. Hunters do not need handguns to protect themselves from wild animals on DNR property.

I am against having handguns on DNR property at any time and during any hunting periods. Handguns are easy to carry, conceal and use. Handguns pose an unnecessary risk to others who enjoy and finance DNR properties. Keep handguns out of all DNR properties.

Rodger Popplewell pops@adamswells.com

I would favor allowing patrons to carry a hand gun on DNR grounds as long as they legally possess a personal protection permit issued by state government.

Steve Schmoll sschmoll232@earthlink.net

It makes complete sense to allow these changes. As a personal protection handgun permit holder, the State has deemed said person fit to carry a handgun on their person in pretty much any venue except in some government buildings. As long as the handgun being carried is, where the law specifies, not being used to take game improperly, I see no problem with the rule changes. In addition, these rules would also apply to DNR property with a shooting range. It make sense to allow these handguns on other parts of the property as well, as some of these properties also feature campgrounds and lodges. One could visit the shooting ranges on these properties and still be within the law in carrying at the campground or lodge as well.

On a personal note, I prefer to go armed whenever I'm out and about. The State has deemed me a "proper person" so to speak and have issued me the proper permit. It's just much easier, and safer in my opinion, to be allowed to carry my concealed handgun while I'm hunting. That way, I don't need to leave my handgun in the car while I'm out hunting risking theft of that handgun. Also, I want to thank those in charge for making the public more aware of these rule changes, and allowing the opportunity to speak on behalf of making these changes permanent.

Jerry Hesselink JHesselink@aol.com

What are you doing? You are considering to allow handguns to chase Racoons in State Parks or Camp Grounds? What about the safety of Campers and children? Seems to me that hearings should be to insure the ban on all hand guns from use in or near State Parks.

Rosemary Acito racito@sbcglobal.net

I am responding to an e-mail I received about handguns in state parts. I am completely opposed to allowing any sort of handgun in a state park, even if the person is licensed to carry. I take my kids camping at state parks, and don't want the person next to us have a handgun in his camper.

Brian Dowers techjunkie@sbcglobal.net

I am seeking clarification on this rule change. As a hunter I would like to be certain of what the rule is allowing and not allowing. Does this rule allow a hunter to carry a legally owned and licensed handgun during Deer and Turkey seasons only while hunting with a bow? For instance if I am hunting deer with a Muzzleloader would I also be allowed to carry a 9mm pistol for personal protection if I have an Indiana Personal Protection handgun permit or do I have to be hunting with a bow?

I realize the initial rule change mentioned while hunting with a bow, however, a call to the DNR provided conflicting information, the information provided during the phone call indicated that as long as the pistol was legally obtained and the hunter had an Indiana Personal Protection Permit, the a pistol of any caliber could be carried regardless if the hunting weapon was a gun or bow. I certainly support the rule change either way, however, I want to be sure I understand it and am not in violation of any hunting regulation.

Mary D. Kraeszig kittydoc1@earthlink.net

I cannot state in strong enough terms my opposition to the proposed rule that would allow handguns to be carried by certain hunters or for certain purposes on DNR properties. I come from a long line of hunters, and personally own a handgun, but there is absolutely no need for anyone to carry a handgun on DNR property. There is no legitimate use for a handgun that cannot be accomplished with a rifle. However, a handgun can be hidden and used by sick people for terrible purposes, as we saw tragically at Virginia Tech this very week. Please keep handguns out of Indiana state parks and other DNR properties.

Harold Bowman habow2@aol.com

You certainly have my vote for the carrying of (license to carry) handguns on DNR property. The "right to carry" a hand gun should not in any way be prohibited as to the location in the state of Indiana. I have always felt that it would only be humane, to an animal that was wounded by arrow or a misplaced gunshot, to dispatch it by a shot from a hand gun.

Doug Taylor dmt56@pngusa.net

I would like to see the pistol permit to carry handguns during the mentioned activities passed, allowing licensees to carry.

Dan Harrelson danjqv@aol.com

I think we should be allowed to carry handguns when hunting if you have a valid permit.

Ralph Bane II ralphb72@gmail.com

Thank you for allowing comments to be emailed about the proposed rules. This is a great service to those who can not get to either public meeting.

I think that not only should the current rules be made permanent, I also think that at no time should you restrict any persons ability to carry a handgun if they are so licensed. I am fairly new to hunting and also just got my permit to carry last fall but I served in the Army for 12 years and I do not want to have to remove my sidearm for hunting at any time. I have worked hard to keep a good reputation, a clean record, served my country well at the risk of loosing my life and my family, and paid a good sum of money to get a lifetime license to carry a handgun. From what I am reading, there will still be some times when hunting that people would not be

able to carry a handgun with a license? Perhaps I am mistaken but I did not read anything about squirrel/rabbit hunting, maybe there was already no restrictions during those times as I said This is my first year I will have both a hunting and fishing license. I got the hunting also this year because I have a friend that hunts and also because of the combo, get the state some extra federal money thing on the Internet license selling site. Anyway, I digress. My thoughts are to make the new rules permanent but if there are any other restrictions to license holders, those should be removed also.

Kent Davis akdavis1@sbcglobal.net

This is in reference to carrying licensed hand guns while on DNR property and while hunting. I feel that it is almost a necessary thing to be allowed to do these days. I, along with many, many other people, love to be out in the woods. I love hiking through the woods, hunting and fishing. Being able to protect yourself is so very important. With all the drug makers, drug dealers, and just everyday law breakers going to more secluded areas to their illegal activities, it puts more of us at a much greater risk of needing to defend ourselves. As we all know, law enforcement can not be everywhere to protect us, so we must be allowed to help protect ourselves. If I am able to make it to Southern Indiana meeting, I would love to stand up and talk in favor of being able to carry hand guns to protect ourselves. Please make this a permanent thing to allow us to protect ourselves. If I can be of any further assistance, please let me know, I would be happy to help in any way that I can.

Dale Lewis dale@trailcam.net

I do believe the right to carry handguns by licensed law abiding hunters should be permitted for a allot of reasons. Most important reason first is the 2nd amendment, that alone should be enough for the Indiana DNR. Enough said on that. I have encountered dogs in the deer woods on several occasions and it is just by sheer luck I have not been bitten or worse mauled. In the bow season, no one can see an arrow fly for help especially after dark! Cell phones are worthless in the deer woods, there is no signal where I hunt.

I'm not sure what the real issue is with hunters carrying legally lichened handguns is, I can only speculate, scared or worried Conservation Officers? Our gun laws are pretty stiff as they are. The DNR should have a policy of prosecuting to the fullest extent if handguns are used for poaching or an officer is threatened. We should as a united state (Indiana) hold close to our heat and soul the right to carry a firearm. The outdoors men of Indiana pay the bills and our right to legally bear arms should be upheld with honor not skepticism.

Keith, Katherine, Amelia, Sergio and Amelia Kubicek Kkubicek2@aol.com

We are against people being allowed to possess handguns in our state parks; except on the days they have planned hunts (e.g. deer hunts in Nov.). Otherwise, they should be banned.

Rick Edgar edgar.rick@gmail.com

I would definitely like to see the DNR property's and State Parks opened up to individuals who are licensed to carry hand guns. We love to camp in the State Parks and if your on extended travels you most likely will have the hand gun with you. What do you do with it while camping at the park? You're legal till you enter the park property and then your not. These areas should be open to those who have the permits. Thanks for the opportunity to speak on this issue. Also appreciate the e newsletter with the information. Otherwise would never have known this was available.

Dr. Gerard A. Jansen gaj55@mchsi.com

I am unable to understand why something so unrelated, carrying a handgun while hunting with other weapons, was ever brought into the hunting regulations. I have a personal protection permit and rarely carry a handgun - but if I did - why would I use it for a non-handgun endeavor?

Poachers are poachers, hunters are hunters, please show some respect for those obeying our laws. I believe the hunting citizens of our State will choose to follow the season as described and not pull out a handgun just to shoot something.

Dan Shields ddshields@comcast.net

You've got to be kidding me. Handguns for what? In case the opossums turn back and fight? What? We don't need handguns of any kind on DNR properties while they are open to the public. When properties are closed for hunting, and everyone present is armed, perhaps. But not when I'm there with the kids in my family. No way!

John Moor jlmoor@sbcglobal.net

I fully support allowing licensed individuals to carry handguns under the proposed rule change. I see no reason to restrict the carrying of handguns on DNR properties when the state has licensed them to carry a gun throughout the state. Please make this rule change permanent.

Bill Schwab theschwabfamily@verizon.net

I would like to say that I feel that anyone who obtains a concealed carry permit should be allowed to possess a concealed handgun in our state parks and while hunting and for personal protection. The likelihood that one may stumble upon a Meth lab or into someone's marijuana patch is enough reason for me to want to have a sidearm while hiking etc. But I also think that if someone misuses that right lets say to illegally take wild game, they should lose their hunting privileges for life as well as their concealed carry permit.

Jeff Kochis jkochis33@comcast.net

Although I do not usually comment on things of this nature, I feel compelled to support the public's possession of handguns on State park property during these activities provided that the person possessing the handgun is duly licensed to carry the gun. I really do not understand what the fuss is about? What real difference would an additional gun make (the person is already in possession of a long gun anyhow!).

Chuck Brooks glocker30@embarqmail.com

Please consider this email as affirmative, wholehearted support for the permanent rule proposals to allow handguns to be carried (1) at DNR properties (2) while deer hunting, (3) while turkey hunting, and (4) while chasing opossums and raccoon.

Tom Bryan TomBryan@wtbryan.com

It might be good to consider allowing permittees and law enforcement officers to carry at all times when hunting anything. Certainly better than leaving their firearm in their vehicle and subject to theft if their vehicle is broken into. Less handling too. It does not make much difference whether they have one or two firearms on or with them, however it sure eliminates that their firearm will be stolen from an unattended vehicle, generally parked alone in secluded areas.

Richard Balis rwb60632@comcast.net

No to carrying handguns on DNR property. If an individual feels he needs a handgun for protection while visiting a DNR property he should stay home where he can feel safe. I would not be comfortable with people walking around with hand guns while visiting a State Park.

David Poindexter drpoin@yahoo.com

I am 100% for allowing Concealed Weapons Permit holders to carry at any time in any place!

Gerald Hébert usareform@yahoo.com

I urge the DNR to make permanent the rules allowing licensed to carry Indiana handgun owners to carry on DNR properties (and anywhere and at anytime). I would also support the right to carry in church, in schools or any kind, and if one desired, in the bath tub. Article 1, Section 32 of the Indiana State Constitution clearly states, "The people shall have the right to bear arms, for the defense of themselves and the State." I feel the State Constitution means what it clearly says. Nothing is said in either our State or Federal Constitutions about any exceptions. Had the founders directives on this issue been followed all along, across the nation, the number of casualties at such places as Virginia Tech recently would have likely been greatly reduced.

On April 20, 2007, the following persons wrote by email:

Mike Hardesty mrh@mhardesty.com

I am asking that we be able, as a permanent rule, be allowed to carry handguns while hunting deer, etc.

Daisy Haack daisyhaack@yahoo.com

After Virginia Tech - can't we learn a lesson about hand guns. No hand guns in our parks!

Chris Ludwig cjludwig@fuse.net

Please make this a permanent rule!

Suzie and Ken Wallach kutchfrank@iquest.net

I will not be able to attend the hearings but feel that allowing individuals to carry hand guns in state parks for personal protection in state parks is unnecessary.

W.B. Alter jamwba@yahoo.com

I would like to register my opinion as an Indiana citizen on the issue of handgun carry on DNR land. I can see no reason why citizens who have had background checks and fingerprints done in the course of obtaining a license to carry should be denied the state government's permission to exercise their Constitutional rights to keep and bear arms. They do so for whatever peaceable reason they may choose, whether it be personal protection or simply a desire to do so. Please enter your votes in accordance with the Constitutions of the State of Indiana and of the United States and remove this needless stumbling block which serves only to empower criminals who will be armed in spite of any law to the contrary.

Steve Nevius snevius@onlyinternet.net

I am for the proposal to allow properly licensed to carry hand guns on DNR property.
What if just one Virginia Tech student in one of those classrooms had personal protection!

Don Hylemon ckc@netnitco.net

I can not attend the meetings, but my opinion of this rule is as follows. A person who can already carry a handgun legally has superseded the requirements necessary to be able to carry that gun while hunting. Unless that person can be shown irresponsible to follow the rules, then he is not capable, and should not be able to carry the handgun anyway. Summarizing, it only makes sense that an individual who can legally carry a handgun is responsible enough to carry it hunting too.

Gary Schwartz gschwartz@bhmsd.k12.in.us

I would support the rule change to permanently allow handguns to be carried at DNR properties.

Randy Ostendorf ostra@woodmizer.com

I have a friend that is a CO and I know his concern about the possibility of a higher poaching rate and I being a past reserve deputy knowing the issues on spotlighting and the possibilities their. I still feel if anyone has a handgun permit they should be able to carry it anywhere and anytime. It is their choice to choose what they do. If they choose to commit a crime, that is their choice and they already know that they are going to face the consequences! So yes I am for carrying handguns at all times.

Robert Geyer rokim1992@sbcglobal.net

This citizen strongly supports an individual's right to carry a handgun for personal protection while hunting or while on public land. I regularly hunt, fish, and camp with my family, and not being allowed to do so will compromise the safety of my wife and children should an armed criminal fail to observe the law and threaten us with violence. Please make this rule permanent and authorize a permanent rule to allow the carry of concealed weapons.

Kent Prouty kleonp@localnet.com

I strongly support the permanent rule change to allow legal persons to carry a hand gun while hunting.

Jason Pine jaspin@smallpartsinc.com

I fully support the new rule to allow properly licensed individuals to carry a handgun while hunting and I am willing to do anything needed to back this rule and help the DNR in making it permanent.

Andrew Strack astrack@pizzahutfwi.com

I am wholeheartedly in favor of allowing licensed persons being allowed to carry handguns on DNR property. Due to the isolated nature of most DNR lands, personal protection is a high priority to me and my family. I do not think that it is wise to allow the possession of handguns while turkey or deer hunting. I think that these are two unrelated issues.

Jason Stone jstone@dlz.com

I support the rule proposals to allow handguns to be carried (1) at DNR properties (2) while deer hunting, (3) while turkey hunting, and (4) while chasing opossums and raccoons. Indiana should not in any way limit or infringe upon the rights of American citizens described in the Second Amendment of the United States Constitution, simply because one may be hunting, or enjoying a DNR property. There are already laws on the books that address what one can and cannot do with a firearm. Where a person happens to be, or what they happen to be doing while exercising their rights is irrelevant.

Rob Slone rs lone@riverview.org

I have heard that mountain lions and feral hogs have been seen in southern Indiana as well as more numbers of snakes. In the interest of self protection I think that hunters should be able to carry a side arm in the field.

Jeff Barto Jeff.Barto@wareinc.com

I am for being able to carry as long as you have a permit. This is not the forum to exchange thoughts on what could be carried, who should be permitted. That's why I hesitated and thought a day before answering. I can clearly see both sides of this issue.

Arlie Jones arlie.jones@insightbb.com

I would like to see the handgun carrying issue at DNR sites made a permanent allowance of carrying them while hunting on DNR sites.

Randy Bolinger rbolinger@insightbb.com

Since I am unable to attend either upcoming hearing on the subject, I wanted to drop a brief note in support of this initiative. I am an active bow hunter and concealed carry permit holder. I fully agree that responsible, licensed adults should maintain their right to carry and protect themselves while on public property in pursuit of recreation. I have occasionally bow hunted remote portions of Indiana and encountered (closely) a few stray/wild dogs and the occasional coyote. The encounters passed without incident, but it sure would have been less stressful and afforded a sense of reassurance to have had a .22 in my pack should things have gone badly.

Randy Spence rspenceus@yahoo.com

I would like to be counted as a supporter of right-to-carry on State Park lands and while doing other hunting activities. When you are on a trail in a state park, you are at risk of an assault being so far from help or other people, women would benefit from this greatly as some 'go it alone' on such things as hiking ,trail biking, camping. You may not need a pistol for 20 years, but there's that one time, one 'nut' to change that, I've seen 'mean' guys in the parks & National forest lands that was scoping my camp out and the women. Some dont believe there is a need and laugh at the proposal; they must not get out much. I must tell of one time me & 3 others was canoeing on Blue River ,got out at a landing in a park area, a crazy acting guy started yelling at us as we passed before that but we had to get within 200 yards of his camp at our truck, he was threatening us with a Rottwieler ,saying he was going to let it go and that dog was wanting blood!, but I had a pistol in a fanny pack and was ready, but didn't need it luckily, the other guys didn't know I had it but sighed relieve when I told them .

Frank Duncan fsduncan@ameritech.net

I am unable to attend either meeting due to personal commitments. I would like to say: It was ridiculous to impose a rule about carrying hand guns on people carrying shotguns (and or bows). It is indeed a sorry state of affairs that men need to carry hand guns for protection but such is our lot in life. Please, allow us the additional security of a hand gun when we are far a field with no reasonable hope of police protection. It is necessary for responsible citizens to protect themselves at times like this. The addition of a hand gun has many times been the difference between life or death. Make the rules change permanent.

Kim Hahn ohahna@yahoo.com

I love to take my grandchildren camping at the State Parks. I never felt in danger while visiting. I do not understand the need for people to carry handguns. I would feel safer knowing that people could not carry hand guns in to the parks. Thanks for letting me voice my opinion.

Gene Ross geneross@psci.net

I think it would be great if you would pass this issue. Keep up the good work.

Kurt Barhydt klbarhydt@comcast.net

Yes I'm in favor of making the rule permanently concerning carry in of hand guns while hunting with archery equipment, deer hunting, turkey hunting. I hunt all types of game and do have carry permit so I carry my gun in the woods also.

Michael S. Hines mshines@purdue.edu

I believe you should honor the intent and meaning of our amendments to the U.S Constitution which allow for the ownership and use of private weapons. I urge you to make the temporary rules allowing the carrying of licensed handguns on DNR properties to become permanent.

Barbara Simpson barbsimp@comcast.net

I am in favor of legislation to allow handguns to be carried on DNR properties if the individual carrying the gun has a personal protection permit. There should be restrictions on discharging a handgun for target practice on DNR property unless that target practice is on an established shooting range.

Dick Pigati dpenter1@crtc.com

I'm all for people with a valid gun permit to carry their weapon at all times. My motto: It is better to have the weapon and not need it, as to need it and not have it.

Stu Grell oneturkeyhunter@yahoo.com

I want to say that I completely support the carry of handguns while deer and turkey hunting, and in state parks. As a Hunter Education Instructor I'm seeing lots of good training in safety areas and very responsible youngsters out in the field.

Amy Stark astark@indiana.edu

Thank you for the opportunity to comment on the proposed changes in handgun policy in Indiana's DNR properties. In light of this week's events, and the ubiquitous national discussion of handgun policies, I am appalled that DNR would consider this policy. The Department of Natural Resources properties are the property of all Indiana residents, not just those who choose to hunt. Is there such a problem with safety in DNR-owned property that the Commission needs to encourage "personal protection" with handguns while visiting them? I am not a hunter, although most of the men in my family hunt occasionally. My complaint is not to disallow hunting on private or public land. I do take issue, however, with the Natural Resources Commission's decision to allow handguns.

Jeff Tice jrtice@cicindiana.com

With this correspondence I would like to register my opinion in favor of the permanent proposals to allow handguns to be carried (1) at DNR properties (2) while deer hunting, (3) while turkey hunting, and (4) while chasing opossums and raccoons. I do not think a man's right to bear arms ends when he enters DNR properties such as state parks or when he is bow hunting deer. The temporary rule lifting the previous restriction restores our constitutional rights and should be made permanent.

Phillip Sisk phillip.sisk@AES.com

I am very in favor of handguns in the hands of responsible people. I have a permit to carry and am glad to be able to protect myself and my family. At times, I have thought that I sure would like to have a gun with me. There are times when a gun in the hands of the right person at the right time could have stopped a serious crime or massacre. "Virginia Tech." The more that law abiding citizens are allowed to use their rights, the more we will all be safe. Thank you for your consideration. Vietnam Combat Veteran; NRA member, and proud to an American.

John Osgatharp josgatharp@vitessecorp.com

Adopting a permanent legal means of allowing bow hunters on state property to carry handguns is extremely important if you take into account an incident like what happened to me last year. While in a tree stand in Ravinia woods armed with only my bow an individual entered the woods and began firing up through the trees at no apparent target right in my direction. This was with a shot gun and I assure you this person was not shooting at squirrels. After I shot and my presence known the person continued firing. I moved my climbing stand around the tree to attempt to have cover. Having a handgun would have at least allowed me to warn the individual I was armed.

Sally Oness soness@portage.k12.in.us

I recently received an email regarding a hearing to allow hunters to carry handguns for personal protection while hunting. What are you people thinking???? The fact that hunting of any kind is allowed on property purchased and maintained by tax payers is an atrocity. Now you want to let these people carry handguns as well. What on earth for??? The only ones in need of protection are the innocent animals these people kill. My answer is "no way." A better idea would be to allow the public a vote: Do you feel hunting of any kind should be allowed in state parks or on any state or government owned property? Let the majority rule. I suspect that answer would be a resounding "no" also!

What are you people thinking???? The fact that people are allowed to hunt animals on property purchased and supported by taxpayers money is atrocious and now you want to allow these people to carry hand guns for personal protection. Who on earth are they protecting themselves from, each other??? The only ones needing protection are the animals. IF it is so unsafe that they have to have hand guns to protect themselves, maybe they shouldn't be there in the first place? My suggestion is to hold a public vote on whether or not people approve of open hunting in state and national parks. I suspect the answer would be the same as my answer to the question of hand guns..."NO WAY." That will eliminated the need to worry about who can and can't carry hand guns while they hunt!

Don Murphy Donmurphyf460@aol.com

I personally fill that any law abiding citizen should be able to carry a handgun anytime. With proper back ground check and License.

Frank LaGreca flag@seidata.com

Don't see a need to "Carry" on DNR property & especially_* NOT*_ on private (other than landowner) property. If you've ever had a confrontation with a trespasser, you would understand the tenuous situation it can be. Simple scenario: Landowner ticked that you have trespassed and the trespasser attempting to justify what he has done. Tempers flare, (I know, having been on the owners side) and you have a bad situation. Admittedly, this may be rare, but...why allow it to be a possibility. Why do we need this "Carry in field for protection law" at all. What are we protecting ourselves from, in the first place? We have no man-eating animals that I know of in IN. Perhaps, you could run across a mean dog but you already have a weapon in your possession to handle it. Therefore, my vote is (No).

Michael L. Axsom axsom@dmrtc.net

I am writing to comment on the proposal to permanently allow otherwise qualified individuals to carry handguns on DNR property. My comments come from a variety of perspectives. I am a hunter, holder of a personal protection permit, an Indiana Hunter's Education instructor and the Superintendent of the county parks department that operates West Boggs Park near Loogootee. I support the move to make this rule change permanent. As the primary gatekeeper for our outdoor heritage in this state, IDNR should remove itself from the conflict that the previous ban of such firearm possession by qualified individuals created. While we all struggle to try to maintain that heritage in an age where a large and dedicated anti-gun lobby is intent on taking advantage of every opportunity to place gun ownership in a bad light, the last organization that should be helping them is probably IDNR. It is not now, and was not in the past, a logical position for IDNR to be in.

We all know that whatever rules are in place, there will people who violate them. Some one will take advantage of these rules changes and do something like try to kill a deer with a .38 special. That act by that person will be the result of a thought process that should not be projected onto rest of our public; and for which no rule or law will alleviate. Preventing honest and respectful people from exercising their full complement of rights including that of self defense is not excused by the desire to prevent thoughtless acts by thoughtless people. I for one applaud IDNR for coming to this point in our history, in which that error is being corrected.

Gary Coffey gar@cctcblue.com

I thank allowing a person with a valid permit to carry a hand gun in or on DNR State Parks and State forest is a VERY GOOD IDEA. And should be allowed to match Indiana State Constitution and the right to Carry! I am 100 % for it! Please enter Me as a "Yes Vote"

Dan Shaver dshaver@tnc.org

I would like to express my support of the rule that permits people with handgun licenses to carry firearms on DNR property and in the filed pursuing hunting opportunities. Past rules have put law abiding citizens in conflicting situations forcing them to choose between the personal protection of themselves and their families or violating a rule that contradicts their state handgun license. I would encourage the IDNR and the State of Indiana to make this interim rule permanent.

Paul B. Brown pb@purdue.edu

I fully support the right to carry licensed handguns on state property, as described in the most recent Wild Bulletin. How can we restrict carrying legal firearms in certain parts of the state, but allow it everywhere else? Restricting handguns on certain state properties would be extremely difficult to enforce. Additionally, if someone was arrested for carrying a legal handgun in those restricted areas, there is a high probability those individuals are law abiding citizens, who simply were not aware (no excuse) or happened to stop by and visit a state property. I suggest the intent of our laws is to restrict actions we consider harmful to the public and not promulgate laws that are unenforceable and likely to cause harm to those who abide by laws and gain permission to carry handguns.

John Rowe gamjabbar@indy.rr.com

I have always been a bit concerned for my safety while bow hunting. I applaud the idea of allowing handguns to be carried under these circumstances.

Paul K. Braun paul@paulkbraun.com

I was worried when I first read the headline, in the wake of recent events. After reading the text, I am proud of the state of Indiana. Enabling the Law abiding - Thank you. It is a welcome relief from the finger pointing & other legislative personal agendas carried out in America today. I appreciate that the DNR is proactive in enabling those who respect the law of the land to carry on the freedoms our forefathers sacrificed dearly for. I look forward to seeing the outcome out these hearings

Rick Oliphant pam@pizzahutfwi.com

Being a private land owner and a hunter, I feel I should be allowed to carry a licensed handgun even during firearms season as well as during archery season. Confronting trespassers can sometimes be unnerving when you are not able to defend yourself.

Scott Nethery scottnethery@yahoo.com

I will be out of state on the days that the hearing will take place. However, my comments are probably similar to the comments that others will have. "I do not wish that any laws be changed for individuals whom are either 1.) a person carrying on there person a valid Indiana Hunting/Fishing license or 2.) a person carrying a personal protection permit issued by the state of Indiana or a state that Indiana recognizes as a valid permit."

I would hope that a person carrying both of the creditals listed above would have the respect and decency to not abuse such rights. However, punish someone to the maximum penalty possible for abusing such rights so the rest of us law abiding hunters and fisherman will not have new laws stressed upon us.

John H. Wilkins jhwilkins3@bsu.edu

Please no handguns. This only increases chances of accidents and abuse. Not needed.

Phil King philk@eni.com

As a licensed handgun owner, I see no issue with responsible

people carrying a handgun on these properties.

Ralph Perry RCVLPerry@ma.rr.com

I vote yes to personal protection carry of handguns during all seasons and areas in the state of Indiana by legally licensed citizens.

Jeff Fox jfox@HJSpier.com

I vote that those licensed to carry handguns be allowed to on DNR property.

Ray Horine ray.horine@sandvik.com

I support the proposal to allow legally licensed personnel to carry handguns in the listed locations. Please add this to your support. Many thanks and keep up the good work.

Dean Gettelfinger gettelfingerins@mindspring.com

I think the new rule to be able to carry a handgun while hunting should be allowed. I never did understand why they made the law against it in the first place. It doesn't make any since that I can carry it with a permit for personal safety but I can't carry it while I bow hunt for the same personal safety.

Tom Cashbaugh tcashbaugh@koontz-wagner.com

I in favor of the law to allow carrying a handgun

Barbara Stewart bstewart@kelleyconstruction.com

In spite of the damage that guns can do, the gun is not the problem people are. Handguns should be allowed to be carried in the State Parks by people that are legally able to do so. There is no way to prevent the misuse of anything, look at what has been done with cold medicine.

Jim Morrow Jim.Morrow@infarmbureau.com

I can't make it to one of the public hearings, but I would like to see these temporary handgun rules be made permanent.

Cecil Wynalda cwynalda@sbcglobal.net

I'd like to comment on the proposal to make the rule permanent to allow registered owners of handguns to carry such weapons on DNR properties. It seems to me that DNR properties are set aside as sanctuaries to be enjoyed by the citizens of the great state of Indiana. What earthly purpose is served by allowing citizens to carry handguns in such places? The only purpose that I can come up with is for those responsible for law enforcement to carry such firearms in the conduct of their duties. Recently, I happened to catch a bit of a talk radio program in which an individual maintained that the right to bear arms insured civility and mutual respect in our society. If what we see and read in the news reporting process about how citizens use handguns is civility and mutual respect, my civics teachers were out in left field. In my judgment, allowing citizens to carry firearms onto DNR properties violates the sanctity of such places for the enjoyment of the citizens of the state.

J. Kathryn Jenkins kjenkins@kathyjenkins.com

I absolutely oppose a decision to allow people to bring guns into State Parks regardless of whether they have permits and/or have been hunting. These are areas set aside for the safe and responsible enjoyment of the outdoors by all people including children and families. I can see no significant reason that people need to bring guns into the Parks and many, many reasons that the presence of guns in the Parks could pose danger to people enjoying nature there. Surely the events of this week should call into the question the wisdom of many of our gun regulations and it hardly seems wise to expand where people can legally take guns.

Michael Schone mschone@prffc.com

I am writing this email in support of the proposed policy to allow people with properly documented carry permits to carry handguns on DNR properties. I believe that this should be allowed as a normal course of business as the proposals do allow a means of personal protection while hunting or visiting a DNR property. I appreciate your consideration of these measures,

Mary and Mark Grove mgrove2@iupui.edu

We are totally opposed to allowing guns in Indiana state parks. We have annual passes to state parks and use them frequently for enjoying peace, nature's beauty, recreating with friends and family, and respite from the city life. That peacefulness would be destroyed if guns are allowed in the state parks. You may get the opposite opinion from gun sellers, the gun lobby, and the minority of Indiana citizens who possess guns for legal or illegal purposes, But please remember that families and peace-loving citizens make up the majority of park users. For our sake, keep Indiana State Parks peaceful and gun-free!

John H Reynolds Sr. Dojorey@aol.com

I'm witting to comment on the new rule change allowing gun permit licensed hunters to carry while bow hunting. I AM 100% in favor of this rule. I have been licensed to carry for over 35 years & until last year I was denied my (state & federal) constitutional rights. Please pass this new rule.

David Keith davidkeith84@sbcglobal.net

As a handgun permit holder, I feel compelled to offer my opinion on this issue. I am an avid bowhunter. During the last few seasons, I have encountered many wild dogs in the field, usually running in a pack. A handgun just makes it a little safer. Thank you for taking the time to read my input.

Kenneth W. Krasavage KenKhunt@aol.com

The purpose of this email is to endorse the making of a permanent rule that would allow properly licensed, law abiding sportsmen to carry a concealed handgun for personal protection on DNR property at any time they are there for any legitimate reason including

hunting, fishing, or just hiking when there is no open hunting season. Additionally, I endorse the carrying of a concealed handgun by properly licensed individuals during any legitimate hunting activity in any area of the state where hunting is permitted.

Rosemary Halsema hiker44@netzero.net

The new changes make perfect sense to me.

Dennis Matusiak dennis@dcmsservices.net

I do not agree with hand guns on DNR property. DNR property is us by the public. There is a chance that a bystander could be accidentally shot. DNR property is used for camping, picnic's etc and some hunter could fire a gun and a stray bullet hit someone. I am not for hand guns to be carried on DNR property.

Bill Wright bwright02@hughes.net

I live in ECI and I support the measure to allow handguns to be carried: (1) at DNR properties (2) while deer hunting, (3) while turkey hunting, and (4) while chasing opossums and raccoons.

Michelle Pugh and Family shellrbw3@yahoo.com

I am emailing in concern of the handgun- related rule package! I feel this is going to cause a lot of disruption in the state parks as far as family things: camp grounds, swimming, fishing, etc. I am not opposed to people caring them when they are hunting for their protection but you have to think, that is a contained open area where you will not find children. My main concern is the children's safety. I don't want to have to worry about a person getting angry and might have something to drink earlier and then hearing a gun fire off when I am next to there camp sight b/c someone got mad about something foolish.

If everybody is so wrapped up in their "Personal Safety" then we might need to look into getting more employees at these state rec. parks and boost up the security a little bit. But as far as the handgun when hunting game for protection, I have no problem. I also think you guys need to be getting a public opinion about this before making a decision because there are lots of family's every year that take family trips to these parks and need to be aware of what is going on. You need to think about this also, if you are not allowed to carry a handgun into a court-room or other well populated gov. places, then why at a state park??? I hope you take my opinion into consideration during this voting process. If it is voted "for" you can count on me and my family ,who are religious state parkers every year will not be going to them.

Stephen Dobzynecki DOBZYNECKI40@aol.com

Are these people allowed to camp with these hand guns? I am a little concerned if this is true. With all the families and children around this could be a bad situation if the parties are consuming alcohol, a concerned camper.

Mr. and Mrs. Mark Phillips lmk25@surfmk.com

Please vote in favor of the licensed handgun owners being able to carry a handgun on DNR property. Most licensed carriers are law abiding citizens that have followed the rules to be able to carry a hand gun and should have the right to carry personal protection at all times!

Beverly Monts bmonts@butler.edu

How in the world can anyone in his/her right mind even consider this question? The noise and danger of guns clearly has absolutely no place in our public parks system, except for use by authorized personnel in ensuring safety. I say this as an individual who is all for hunting and all sportsmen's things. Just not on DNR property.

Thomas Temple tcetem@yahoo.com

I believe that if you have a Personnel Protection Permit then you should be allowed to carry {concealed} your Hand gun under any situation as described in 1, 2, 3 and 4. If you do not have one then you are under the previous laws as before September 2006.

Todd Mossoney tfmoss4@netscape.net

I think it is a good idea to be able to carry your gun while hunting or have it at the parks. I also think we should be able to carry our pistols for self defense while on youth hunts.

Van Blades bblades337@aol.com

I am for the temporary rule to be made a permanent rule allowing handguns to be carried (1) at DNR properties (2) while deer hunting, (3) while turkey hunting, and (4) while chasing opossums and raccoons.

Luke Aram laram1@comcast.net

I am writing in response to the proposed rule to allow handguns to be carried on DNR properties. I am generally in favor of personal liberties; however, in this case I am very concerned. My family and I enjoy DNR properties year round, using them for hiking, fishing, camping, and swimming. When my family has visited during hunting season, we are fearful for our lives. Our own Vice President demonstrated the dangers of hunting. I believe the choice to enter that danger should be voluntary, and not forced onto everyone who enters our parks.

The parks are often over crowded during hunting season, and many of the gun owners are not as cautious as they should be. I believe a gun owner has every right to pursue his hobbies on his own land. However, I strongly believe public land should be open and safe for everyone.

Alicia Padgett AliciaP269@cs.com

With my husband being a victim of tree stand theft several times now over the past 3 years, I strongly believe that he should be able to carry a weapon on his person for his protection while hunting. A sport that he has come to love over the years. As a wife I worry for his safety while he is out where there is no form of communication or immediate help.

Bill Borman wrborman@yahoo.com

I think this should be made permanent; it should have been made legal for a licensed person to carry under these conditions a long time ago,

William Morgan AirCoTek@mail.com

I strongly support the permanent rule proposals to allow handguns to be carried (1) at DNR properties (2) while deer hunting, (3) while turkey hunting, and (4) while chasing opossums and raccoons as outlined in your DNR News Letter of April 7, 2007.

Suzanne Murray candsmurray@verizon.net

I am writing to express my opposition to the proposal to permanently eliminate the restriction on the carrying of handguns on DNR properties. I am a lifelong resident of Indiana. As a young person, I lived near what is now Ouabache State Park. (In earlier years, it was the Wells County Game Preserve.) I visited the park often, participating in youth events, hiking, enjoying the wildlife, etc. As a parent, my husband and I frequently took our family on camping trips to many of Indiana's State Parks. Now, as a soon-to-be retiree, I am looking forward to the opportunity to introduce my grandchildren to the joys of camping and to an appreciation of the wonderful natural resources found in our state's many beautiful parks.

I have a difficult time understanding why some citizens of Indiana feel a need to carry a firearm for "self-protection" while visiting areas that have been set aside for residents to experience and to reflect on the beauties of nature. Weapons represent violence. Obviously, we can never be completely secure from violence, but why can we not, at least legally, attempt to preserve the ideals of peacefulness symbolized by the reservation of small portions of our natural lands for future generations? Perhaps those residents, who feel their personal safety is at risk in our parks, should spend their time elsewhere.

I do not know the history of this regulation. Evidently, at one time, there was recognition that it was important to limit the carrying of handguns in some locations, including DNR properties. Why there is now a sudden need to change this restriction, I do not understand. I suspect, however, that this has come as the result of pressure from a small minority of gun owners. Sadly, most of the rest of us are just too busy to notice or to make our views known.

I would ask that those making this decision consider all the residents of Indiana, especially the families and children who use our state parks and other DNR properties for camping, relaxation, and recreation. Please choose to maintain them as the peaceful oases that they were meant to be by rejecting this plan to allow the carrying of handguns on these properties.

On April 21, 2007, the following persons wrote by email:

Chuck and Denise Rocek chuckrocek@yahoo.com

I understand a temporary rule is expiring. The temporary rule has allowed hunters and others to carry a personal hand gun with them in Indiana DNR locations. I would be saddened to think IDNR will allow this rule to expire now or in the future. I am in support of the choice to carry a hand gun on DNR property and would be in support of making the policy a permanent rule.

Michael L. Davis Dumbluck5@aol.com

I feel the authorization for carrying a handgun under these circumstances is well founded. I spend a lot of time in the outdoors and have walked up on a meth lab. Knowing the type of people that are associated with this kind of activity, I was glad to have a handgun with me. In today's social environment you can never be to careful. I fully support this ruling!

Dale Jalove djjalo67@comcast.net

I am for the proposal for allowing handguns to be possessed while hunting the game stated.

Dale Cooper dmcoop3@netzero.net

I support this proposed rule, however, I believe the most important groups that needs to support it are DNR game wardens and law enforcement. If they are opposed to it, I would not recommend institution of the rule. I possess a concealed handgun carry permit and despite the fact that I am already carrying a gun for hunting, I believe that a concealed handgun is valuable for personal protection while hunting. I also believe that if a person can be trusted to carry a weapon while hunting, it should not matter what that weapon is or how many of them they have. I am not aware of any statistics to suggest that carrying concealed weapons while hunting is associated with criminal activity. However, I believe that if the potential that concealed weapons are being carried were to interfere with a law enforcement officer's ability to do their work, and if the law enforcement officers were able to give examples of substantial problems they have experienced in this area, that we need to defer to their experience. I make the point of providing examples, and that those examples be substantial, because I do not believe we should regulate to cover rare events, or perceived problems.

Richard Lowrance mokwaw@yahoo.com

I agree that these rules should be made permanent. Personal protection is important no matter where a person may be.

John Sylvester Coy jcoy2@yahoo.com

I think you should make the temp. rule permanent for licensed handgun carrying.

Mike Frye mafrye@surfbest.net

I'd like to ask you to please make the new handgun rules permanent for several reasons. For one, I love the outdoors, I enjoy fishing, bow & gun hunting as well as mushroom hunting, camping and motorcycling. Although I've always been intrigued by the

Green/Sullivan properties I would not bow hunt, fish or mushroom there until this regulation was changed. I was too worried about accidentally walking up on a meth lab or something similar. We all know that this area has been in the news too many times in past years. Thanks to your regulation change, my sons & I hunted this area quite a bit last year. I would like to do so again this year but I won't if this is allowed to drop.

Also as motorcyclists my wife and I ride over much of the state in the warm months but had always avoided the state parks because of the ban on our carry gun. When motor cycling you can't "roll up your windows and lock your doors" if you feel threatened so having a carry permit and firearm is important. Yet to legally enter a state park we would have had to stop at the entrance, dismount the bike, unload our firearm and lock it and the clip up in opposite saddlebags. Doing all this along the side of the road could easily have alarmed the public or the park officials. Because of this, some of the states prettiest areas such as Brown County state park were off limits to us before this rule change. If you change this back then you should at least offer firearm storage at the gates of all DNR properties.

Roy Rheinke rheinke@fourway.net

It has always been my STRONG opinion that my personal protection license rights should NOT be restricted by my hunting related activities. I encourage and applaud DNR for your reasonable approach on making this a permanent ruling.

Tom and Maureen Butler tandmbutler@onlyinternet.net

What is the healthy use of a gun? What positive outcome would come from allowing guns at DNR property? As a lifetime resident of Indiana and an annual pass purchaser for more than 25 years, I am absolutely opposed to allowing guns on DNR properties. The historic "no gun" policy makes the properties natural and safe for users who appreciate the peaceful experience of a visit.

I insist on my right to visit public property without potential for human-caused violence to visitors or wild inhabitants. Keep the DNR natural and safe for us, please. Ban handguns. Many nature-appreciating residents are counting on you to make a humane and reasonable decision and not to be influenced by organizations that use power and intimidation. Base your decisions on the wisdom of Muir, Thoreau and other naturalists and NOT on fear. Take the courageous position for everyone's sake.

Stephen Wright boilerdoc2@yahoo.com

Please support the proposal to allow CCW permit holders to have their handguns on State DNR property. As a permit holder, and considering recent events, it would seem logical to allow us to help defend ourselves and fellow Hoosiers, whenever and wherever needed.

Marianne R. Young bmyoung47591@sbcglobal.net

I cannot tell you the deep sigh of relief I breathed last September when I received and read the email from the DNR regarding the new rule changes for carrying handguns on state property. I am a woman hunter with over 25 years experience in the woods. My husband introduced me to deer hunting in 1981 and that first excursion has evolved into a lifelong passion. But until deer archery season last year I've always approached my time in the field with a certain amount of trepidation, especially during the archery season when I felt particularly vulnerable being alone in the woods.

Thankfully someone is finally considering the needs of the law abiding gun owner and not simply issuing rules and restrictions because of those few who choose to abuse the privilege. I'm so hoping the temporary ruling becomes a permanent one and am very grateful to those responsible.

Jeff Zacarias medzac45@yahoo.com

I strongly agree that we should be able to carry our handguns for personal protection while on DNR property and while hunting.

Theresa Pilipovich tpilipovich@aol.com

I feel that we should be able to carry a hand gun with the understanding that there would be rules to follow and they can only be carried when that season calls for. It would make it hard for the rest of us that want to follow the rules therefore everyone should follow the same rules. Thank you for all the e-mails. You all are doing a great job keep up the good work.

Neil A. Clayton na.clayton@sbcglobal.net

I wanted to express my support for the proposed handgun related rule proposals to allow possession of a handgun.

Thomas Cedarstaff tcedarstaff@comcast.net

I will be unable to attend either public hearing, but would like to voice my support for the rule change to allow concealed carry of handguns for personal protection while hunting.

Carrie Ruel-Flores carrierflores@gmail.com

If persons who are hunting game already have rifles, why does anyone need to have hand guns? If this rule allows handguns in public parks when and where there is now hunting allowed, I do strongly object. Against what or whom would handguns be useful in self-defense? When has there ever been an incident in our parks that having a handgun would have been advantageous? If handguns are allowed, there will be tragic incidents and then families will be afraid to go to our parks. I would appreciate seeing a response to these questions in the Pharos-Tribune after the meetings.

On April 22, 2007, the following persons wrote by email:

William Houk w.houk@sbcglobal.net

I am opposed to people carrying hand-guns on DNR property for any reason other than target practice. Concealed weapons have no business on our public lands. I would recommend that we return to the original position and prohibit carrying hand-guns (even if the person has a PPP).

Glenn Wesbecher gwpaddle@sigecom.net

I believe the having a hand gun while hunting if licensed is good. One time a rapid dog had my wife and kids trapped in a tent. When you carry regularly your weapon becomes part of getting dressed like a watch. The new rule should help the active elderly continue to enjoy the outdoors.

Mike Stauffer HorseTrailrider@worldnet.att.net

I would like to state that I am in favor of current DNR handgun policy. I would like to see the policy become permanent.

Vickie May v2000att@sbcglobal.net

Please no guns in the state parks.

Gene Arnold gene1985@sbcglobal.net

I agree to make this handgun info permanent.

Jay Stinson stinbug55@yahoo.com

I think you should be allowed to carry your handgun when your doing these other hunting activities, I've had more people threaten me when me and my daughter where Coon hunting than any other time of my life.

Brian Capps brian.capps@insightbb.com

I think it should be legal to carry a handgun while on state property, etc. I do not believe this will place anyone in jeopardy and may indeed enhance public safety. If only someone other than the murderer had been armed at Virginia Tech...

Mike Shaffer mrmoose@maplenet.net

I am in favor of allowing the carry of handguns to continue while archery hunting. In fact I find it strange that a person who is considered responsible enough to carry a handgun in a public market should be restricted from carrying such a weapon in the woods under any circumstances. I also find it strange that the regulations do not allow me to carry a small game pistol for squirrels while hunting deer with a ML rifle. Being able to take advantage of whichever legal game presents itself would seem to be a quite useful thing indeed.

Mike Nicoloff mkoff@sbcglobal.net

Should make permanent changes to allow handguns to be carried in the previously mentioned instances.

Scott Smith Scottevasmith@aol.com

I think anyone with a personal protection permit should always be allowed to carry their gun while hunting. I like the temporary ruling and think it should become permanent.

Terry Swoverland terry_swoverland@yahoo.com

I Love this state! As far as lawful carry of handguns, this is one of the few states that use common sense. I think it would be a great thing to allow us law abiding citizens an extra measure of protection while being out in the woods and often alone. I am and have been a reserve deputy for Kosciusko County for the last eight years and I have found that hunters/shooters and those with handgun permits are among the most responsible people you will have the pleasure to know. I myself was a member of a Christian gun club for over ten years and met many fine people while learning and instructing firearms.

John Shaffer Moon2932@aol.com

I am for carrying a hand gun while bow hunting & turkey hunting, with license, of course. Put me down for it.

Jim Bond jcbond@verizon.net

I am for allowing the possession of hand guns with gun permit while hunting deer in bow, gun, and muzzle loader seasons.

On April 23, 2007, the following persons wrote by email:

William J. Ruffin wjr175@yahoo.com

I support the right of individuals to carry handguns on DNR property.

Ross Keasling ross@prs-ins.com

I am in favor of allowing law abiding individuals whom are permitted to carry a handgun the right to do so on State Properties.

J.P. Weisheit director@psci.net

I retired as Assistant Chief of Police at Jasper P.D. after 28 years. I am currently the Director of Community Corrections in Dubois County. I have been hunting for many years. I have never seen any problems arise in the field with handguns. I believe the majority of our hunters are pretty responsible. Why allow some hunters to carry a handgun but limit others. I don't see a problem with allowing all hunters to carry a handgun. I guess the question would be, have there been problems with the hunters who are currently permitted to carry a handgun? If the answer is no then I would not anticipate any problems if all hunter were carrying handguns.

Michael Krichbaum mk@tctc.com

I wanted to state that I think allowing the carrying of handguns is a good idea during these and all outdoor activities. My son was bitten by a dog while out hunting. With people acquiring dogs such as Pitt bulls and rottweilers in record numbers & then dumping them out "in the country" when they no longer want them, not to mention all the meth labs being found out in remote areas, and probably 100 other good reasons, I think this is a great idea for properly licensed individuals protection!

Andy Wickham ahwathome@hotmail.com

I am writing to express my Support for the Handgun Possession Rule

Proposals, <http://www.in.gov/dnr/fishwild/about/HandgunRulesPublic.pdf> I feel that the proposed changes to allow permit holders to carry a handgun for personal protection in our state parks are clearly addressed and are beneficial to our communities. This I think is a good example of government working to support the needs and desires of the people.

I went deer hunting for the first time last fall (without any luck), but I am also active shooter and I also enjoy visiting the stake parks and forests as often a occasion permits with my wife and children. I am glad to say that the facilities and staff are truly top notch, and we always leave with more plans to go back. The kids' fishing clinic at the State Fair was absolutely their favorite. The Handgun Possession Rule Proposals shows that the people who are the DNR care about our concerns and are listening.

Nick Stratman lakemannick@yahoo.com

I am writing in reference to the law that allowed handguns to be carried while hunting. My personal opinion is that if someone has a personal protection permit that they should be allowed to carry a handgun when hunting. It is in this situation when one may encounter a situation where a handgun is necessary. The woods are a place where many dangers could be encountered and therefore should be a place where sportsmen are allowed to protect themselves. With the ever expanding use of meth and meth labs being found almost anywhere, including rural wooded areas, a handgun could prove to be an essential part of a hunter's toolkit.

Jeff Emmons jle1991@gmail.com

This change allowing handguns to be carried in State Parks is a bad idea. I enjoy camping and now I have to worry about the guy next to me who decides to drink and play with his handgun, or gets a rude surprise from a raccoon and uses his handgun in self defense. Keep handguns out of the parks and campgrounds except for law enforcement!

Charlene and Jack Binion jcbinion@sonicwave.net

I support permanently allowing individuals with handgun licenses for personal protection to carry a handgun on DNR properties.

Alan Elliott aelliott_warrior@yahoo.com

I believe that personal licenses should apply to DNR properties. I feel that the rights of the American citizen should extend from Mexico to Canada and from Atlantic to Pacific. People that are capable of carrying protect are able to be allowed to carry responsibly wherever it is they choose to go. The woods, whether you are hunting or camping, is one of the places that warrants protection the most. You have a tough decision to make; I pray you will be guided to the correct answer.

Doug Allman dna1975@embarqmail.com

I do not support the change as people will take raccoons out of season as well as deer during archery season and turkey illegally. There is no need for the change as there has been no problem or perceived one. The DNR is creating more problems for enforcement and inviting more illegal activity that it has trouble enforcing now. The publics perception of guns in the State Parks has not been well received and if Ft. Harrison would ever become a public urban, hangout I can not see additional guns being a plus.

Lastly this press release does little to explain what change is taking place and how it will effect the public. As an example hunting deer with a handgun is not illegal but having one on you in archery season is. This is a poor attempt at educating the public on what changes the DNR is proposing. Why no hearing in Indy where most of the people live in our state? A poor example of good Government.

Herbert Goshen cgosh@netdirect.net

I believe you should continue to allow handguns on DNR property as you have this last year.

Nicholas Ludwig nsleeper97@excite.com

I live in Charlestown (Cark County), but I hunt Memphis (Clark County) and where I hunt there is an over abundance of coyote's. I've had a couple of close encounters, but two buddies of mine have actually been surrounded by a pack of them during bow season while hunting in Harrison County luckily they were able to finally scare them off. Thats why I think it's a good idea to be able to carry a concealed handgun for cases just like these.

William Wilson ww04997@yahoo.com

I am mailing you to let you know that I am in favor of carrying hand guns on DNR properties and would like to see these changes made permanant.

James Hoel jameshoel@verizon.net

I would just like to say that I'm very pleased that this law is being discussed. I am a personal protection permit holder and lawfully own several handguns. I am also an avid hunter of both whitetail and wild turkey and hunt both public and private lands. It has long been my opinion that I should, by right, be allowed to carry my handgun in these situations. I never understood the beauracracy (or hypocrisy) of being told by one segment of state government that I have a right to carry my handgun and then that very same right be made unlawful by another segment of the same government. If you're asking, I vote for this law to be made permanent!

Bryan Smith sheilah05@peoplepc.com

I feel that being able to carry a hand gun during turkey & deer season is a good idea. I would like to see this law put in place.

Cynthia Harmon Cporkey46203@aol.com

Allowing guns in DNR properties will be a disaster awaiting to happen. Camping will never be the same. It will no longer be fun, safe, quiet and a peaceful environment for the family. It will turn into a circus of people wanting to shoot their guns at anything that moves while drinking their alcohol. I just hope it doesn't take a lost of ones life before you realize the mistake of having guns in the parks. Instead of enjoying yourself we are going to have to worry about if the people next to us have a gun or not. And are they the responsible type or the crazy type. Because we already know and seen that any one can get a gun and it only take 10 to 20 minutes. When are people going to put their foot down and say enough is enough?

Michael Swafford MSwafford@dnr.in.gov

I believe in protecting the rights of the citizens of the State and that includes carrying handguns. However, we also have to have sensible rules and regulations that keep everyone safe and prohibiting firearms in our state parks is one of those sensible rules. During weekends campers are elbow to elbow and several of them consume alcohol. Guns and alcohol don't mix and when people are so close together an innocent person can be shot by an irresponsible person. Safety must come first. Our job is protecting the people we serve and when they visit our properties people have that expectation.

If this rule passes, it will not only allow people to carry their firearm concealed but also on their hip. There are those people who will do just that. I don't believe the vast majority of people who visit our parks want to see someone carry a gun on their hip. That's not what you go to a park to see. Another problem will be the confusion that comes with Reservoir Property and State Park Property. Since the Core of Engineers are involved with reservoir property, it is my understanding that guns will not be permitted in the campgrounds. Visitors will not understand the difference and enforcement will be difficult. We need to keep things simple. I have asked a lot of people about this issue and no one I spoke to believes there is a reason to change the current rules that prohibit firearms.

Jon Bowden jonguns@sbcglobal.net

I think that the proposal to allow personal protection carriers to carry concealed in the state parks and all DNR properties and on public and private land when hunting, is a step in the right direction. To allow the people to protect themselves when camping, jogging or any of the other activities people do when visiting any of these recreational areas in our great state, is not only a good move but the right move I am also in support to allow our hunting sportsmen the same right. By showing the public in our state and other states that the legal law abiding citizen who carries concealed is of no threat. Maybe other states that don't already allow their citizens the right to protect themselves and their families will see that it can work. Remember: "guns have only two enemies, rust and politicians". Guns in the right hands kill no one.

On April 24, 2007, the following persons wrote by email:

Michael and Christine Talabay cmtlby@netmitco.net

We are vehemently opposed to carrying handguns on DNR properties. We feel this will cause more problems for everyone. It seems we have too many problems as it is in society with accidental shootings as well as people feeling justified in shooting others. What danger is there on DNR properties that a person would feel need for protection with a hand gun? We enjoy DNR properties...a time to be a part of nature. We feel threatened at the thought of this change in rules.

Louis Bailey louisbailey24@yahoo.com

As an avid hunter and fisherman, I support most decisions made by the DNR, however, I am totally against the carrying of handguns by licensed individuals while hunting with other weapons, and at any time on DNR properties such as campgrounds etc. The reason for this is simply that if a person is already hunting with a weapon, why would they need to carry a handgun for personal protection? Also, on State properties such as campgrounds etc., these places are there to get away from the pressures of everyday modern life, including the need to carry arms. In addition, at most campgrounds now days, there seems to be an increase in the use of alcohol, and when a disagreement does break out in these settings, firearms should not be accessible.

It just takes away from the family atmosphere that most people who utilize these facilities seek. In closing, I want it noted that I stand opposed to the proposition allowing the carrying of handguns in the instances mentioned, and would like to see more conservation officers hired, or at least more personnel patrolling these areas, as if this were to take place, then the need to carry for protection would diminish, as it is a proven fact that when authorities show their presence, crime goes down.

Mark Nienaber nienaber@verizon.net

Please put me down as supporting the permanent changes in these regulations.

James Goerges jrgoerges@earthlink.net

I am fully in favor of making the regulation permanent.

Mark Moore mandsindiana@yahoo.com

I think this is a very good idea, there are those out there who don't care where they go or what they carry, I have had to run 2 individuals off our property and had 2 tree stands stolen I am older and a permit holder I always fell safer when I am carrying my sidearm

Mike McFadden Mkydude1@aol.com

I think this would be an excellent idea! I coon hunt as well as coyote .Some times in the river bottoms I run into people .Once a person with a meth lab and they had guns .i reported it but they left shortly after .

Wade Miller wdm0624@earthlink.net

I am writing in regard to the proposed rule on allowing individuals to carry and possess handguns with them while hunting turkey, deer with a bow, and etc. I myself would like to make this rule permanent and keep allowing carry guns while hunting on state property for people who have a valid personal protection carry license.

Gerald Willis geraldpwillis@yahoo.com

I feel that the proposed changes to allow permit holders to carry a handgun for personal protection in our state parks are clearly addressed and are beneficial to our communities. This I think is a good example of government working to support the needs and desires of the people. I would like nothing more than to take my family (now with two young children) camping, but I will not until I can have a handgun with me for their protection.

On April 25, 2007, the following persons wrote by email:

Harry Stout stoutceo@webtv.net

I will feel much safer on DNR property.

Steven T. Bloomer bloomstv@aol.com

I do not think the use of handguns for turkey hunting is valid. The use of handguns should be authorized if this is going to be the weapon of harvest, otherwise it should not be allowed.

Brent D. O'Neal boneal@northamericanstainless.com

As a lifelong resident of Indiana and a Concealed Carry Permit holder for twenty-five years, I believe a properly licensed individual is entitled to carry a handgun regardless of his/her activities. Most if not all permit holders will follow the letter of the law at all times anyway. One's activities should have no bearing on when they can or cannot protect themselves. I'm glad to see that some of our law-makers are using common sense to eliminate restrictions on the law abiding citizens of this great state. If we would just put more "bite" into the law-breakers, we may make some headway in bettering our society. Thank you for the opportunity to express my comments.

Bill Hill Billjhill@aol.com

I would vote yes for carry. You just don't know who may be in the woods.

Steve and Angela Clark steve.clark05@insightbb.com

I fully support the right to carry a handgun while enjoying our DNR parks. My family and I are avid campers who utilize our State Park and Reservoir campgrounds from March to November. I feel it is important that I can legally defend my family if the need should arise. We have been campers since our daughter was 3 (she will turn 9 this year) and although there has never been a need to defend ourselves I firmly believe that we have the right to. Both early and late in the camping season we are sometimes the only one's in a particular section of the campground and with no cell phone coverage we are on our own if there's trouble. It is the same when we are hiking. I believe that if I am licensed to carry a handgun in Indiana I should also be able to do so on DNR properties.

Scott Holt Sscottholt@aol.com

I think being able to carry a concealed weapon on DNR properties should be allowed. I spent 20 years in the Marines and when I lived in Asheville N.C. A college student was raped and killed by someone and a hunter found her in the Pisgah National Forest tied to a tree. If she would have had a pistol on her, she may be alive today. I think responsible citizens should be able to carry a concealed weapon on DNR properties. We have too many laws restricting our lives today and this world is not getting any safer. There is not enough law enforcement to keep us safe. We need the means to keep ourselves safe. Ret. Gunnery Sergeant, USMC

On April 26, 2007, the following persons wrote by email:

Walt Woolfolk Walt@taylordistributing.com

The hunter with a handgun is the wild turkey. I have respect for trained and responsible hunters. But a "hunter" carrying a handgun is neither and is justly recognized by real hunters as dangerously paranoid. No to unreasonable fear and handguns. Yes to sanity and courage in the face of reasonable fear.

Paul E. Carlson pecarlson1@msn.com

I am wholeheartedly in support of making handgun carry on DNR properties permanently authorized.

John A. Albright johnnwen@aol.com

I agree with the proposed new rules on handguns on DNR property.

Rex Remington Rex.REMINGTON@valeosylvania.com

Please let me state that I am in favor of making the rules permanent to allow handguns to be carried (1) at DNR properties (2) while deer hunting with bow, (3) while turkey hunting, and (4) while running dogs for chasing opossums and raccoons.

Robert S Schmidt Jr. rsschmidtjr@yahoo.com

My opinion is that a concealed carry permit holder should have the right to carry at all times and places. This notion that a "gun free zone" exist is fiction. All gun free zones become someone's target eventuality! As a permit holder one should not have to disarm to go onto DNR properties or to hunt or fish. You have tried it for a time already, I ask that it continue forever.

Phillip A Ashby ashbyphil@juno.com

I support making permanent the temporary rule authorizing the possession of handguns while participating in these activities was authorized last September and is set to expire this year.

Aaron Bell fireman724@psci.net

I believe this is a very important proposal. I have encountered many wild dogs and coyotes while bow hunting, and have come close to being attacked. This rule would bring my family and myself more comfort if I were able to protect myself if needed. We, the ones who carry lawfully, can benefit greatly from this.

Michele C. Smith histag@comcast.net

I am totally opposed to allowing handguns on DNR properties. We camp at various Indiana State Parks and enjoy being outdoors hiking during our visits. The idea of someone carrying a handgun in the same camp ground is very upsetting. I am worried that handguns in the parks will result in accidental shooting of people visiting the parks. I will not visit DNR properties if they are so unsafe that people feel like they need to carry a gun while in the park. We'll do our camping and hiking in neighboring states. It's outrageous!

Rebecca S. Slough sloughbs@yahoo.com

I am in favor of allowing persons with a license to carry a handgun on DNR properties. I am not currently licensed to carry, but have been thinking of doing so. My husband is licensed in Ohio and it bothers me that he is not allowed to legally protect us in many situations. Although I am not a resident of Indiana, I frequent your state parks and have done a considerable amount of camping in your state parks. Knowing a fellow responsible camper might have a weapon with him would not deter me from camping or hiking...I might even go more without the worry of how to protect myself and family. Thank you for your time in pursuing this right of all Americans!

Timothy A. Towasncki tskeys@yahoo.com

I am in favor of allowing lawful citizens to carry a handgun while on DNR property. I am a law enforcement officer with 28 years experience (and a firearms instructor) and see no reason why a person who possesses a valid carry permit cannot lawfully carry a handgun while hunting.

Frank A. Beck Frank.Beck@ge.com

I got an email about carrying handguns while turkey hunting. I only got to see part of this. Could you please tell me if it is legal to carry or not. I do have a personal protection license. Thank you for any help you can give.

On April 27, 2007, the following persons wrote by either email or regular mail:

Marion Yoder MYoderETK@aol.com

We won't be visiting Indiana State Parks for our family reunions again if this passes. How ridiculous!

Eric F. Peter EPETER001@indy.rr.com

I would like to voice my support for making the rule authorizing legal possession of handguns on DNR property and while hunting permanent. I already have plans to be out of town during the public hearings on May 15 and 16, but would like to show my support for the change. My wife and I frequently visit Indiana parks, and I believe not having to give up that particular right to do so is a positive step.

Leonard Rick len@easternexpressinc.com

It would only make sense to adopt this rule as permanent. To be Licensed by the State to Carry a Handgun, and then to be told you cannot Carry in numerous places kind of defies the logic of it. If after being checked by all the Authorities as far as criminal background, etc., you are issued a Permit, it should be valid anywhere in the State of Indiana.

Dale Smith dsmith@arvinsango.com

I support the new handgun law.

Derek Allen dallen@arvinsango.com

Those choosing to carry handguns while hunting should be allowed that have personal protection permit.

Wayne P. Bruzzese wbruzzese@starbullets.com

I am writing to request your support regarding making permanent the temporary order allowing gun permit holders the right to carry on DNR properties. As a permit holder and gun owner, I would like to make sure that I, and other Indiana residents, can defend ourselves wherever we are if needed.

Michael Foster Greenwood, Indiana

I do not think the DNR should place any restrictions on my right to carry a handgun for personal protection and security. I support the rule changes.

On April 28, 2007, the following persons wrote by email:

Matt Miles local60carpenter@yahoo.com

I fully support the decision to allow licensed citizens to carry handguns on all DNR properties.

I am writing to request a vote to approve the rule change proposal before you to "allow a person to carry a handgun for the purpose of personal protection while on a DNR property."

Paul R. McFeaters md2in@aol.com

I strongly support the idea of eliminating an infringement upon law abiding persons to keep and bear arms while engaged in hunting and other legal activities afield.

We recently grieved for the loss of 32 people who were gunned down on the Virginia Tech University campus. These unfortunate victims were legally prohibited from possessing the means to protect themselves from a mass murderer. If there can be any good that comes out of the tragic end to their lives, it is that government leaders admit that since police cannot always protect their constituents from madmen, they will free them to provide their own protection.

Experience proves that nearly the entire population of Hoosiers who hold a license to carry a handgun are safe, responsible, and not a danger to society. I believe the the Commission can approve the rule change confident that no user of a DNR property, armed or not, is in any more danger than under the current rule.

On April 29, 2007, the following persons wrote by email:

Justin Jeffress jeffress77@yahoo.com

I am in favor, completely, for the allowance of the personal handgun for protection everywhere and anywhere in the United States. I think it is extremely wrong to prohibit the carrying of handguns for personal protection, and I am very pleased that Indiana does a god job of recognizing the benefits of upholding our 2nd Amendment rights. These men and women who, intelligently, choose to arm themselves for their protection and for the protection of other innocent bystanders are making the best decision they can make in a world rampant with violent crime. I think that opposing arguments that may be subject to question do nothing to stop the real criminals.

Those anti-gun enthusiasts, who believe that our citizens and law enforcement officers are safer with stricter gun laws do not understand the simple fact that the criminals are going to be criminals no matter what laws are passed. If a man intends to use a gun to commit a crime, he will do so. If a man intends to use his gun to protect innocent people, like himself, he should be allowed to do so. Why should the thousands of law-abiding citizens be subject to more strict laws that aren't going to be obeyed by the criminals anyway? As a man who loves his country, and loves the outdoors, I respect all of the laws that are enforced. If I was not allowed by law to carry my gun, I would not do so, because I am a law abiding citizen. The man who plans on murdering a DNR officer, robbing a convenience store, raping an innocent girl, or violently harming another individual's life is already committing a heinous crime. Why, I ask, would this man not commit another crime by having an illegal weapon with him, also? Basically, more gun laws, do not stop criminals from being criminals, they just stop law-abiding citizens with families from protecting themselves. If I am spending quality time in the woods, hunting, with my younger brother, father, son, or daughter, shouldn't I be allowed to save their lives if a criminal maniac thought he was going to add another victim to the death toll? Ask the students at Virginia Tech if they think they should have been able to protect themselves. Do 33 more people have to die for our politicians to realize this?

I would like for my words to be heard at the hearing, if that is possible. I appreciate your concern for our concerns as citizens.

Michael Z. Williamson daggers@iquest.net

Specifically, the changes would permanently allow individuals with handgun licenses for personal protection to carry a handgun on DNR properties. I support this.

Gerald D. Castner JERRYSBAD@aol.com

In favor of the handgun and DNR property rule change.

On April 30, 2007, the following persons wrote by email or by regular mail:

Joseph Viray rhino@link2000.net

The purpose of this letter is to express my support of the Indiana Department of Natural Resources (DNR) Handgun-related Rule Proposals and to strongly urge the Natural Resources Commission (NRC) to make the temporary rules changes permanent. For far too long DNR has maintained ill-conceived administrative regulations pertaining to defensive firearms that clearly conflicted with the Indiana Constitution (Article 1, Section 32) and were an egregious violation of individual liberty. Eliminating all of the restrictions was long overdue and NRC must act to make the changes permanent.

For years I refused to purchase an Indiana hunting license primarily due to the restrictions placed on possession of defensive firearms while hunting. Because of the stalwart efforts by former DNR director Kyle Hupfer in temporarily eliminating those regulations as well as those related to DNR properties in general, I chose to purchase a hunting license late in 2006. I did so solely to express my support for the rules changes, as I did not intend to use the license to hunt.

MrHupfer did the right thing by using his authority as director of DNR to temporarily eliminate most of the rules preventing law-abiding citizens from protecting themselves while on DNR property and/or hunting. We should commend him for his efforts to reduce those infringements on our rights. Please do the right thing as well by making the rules changes permanent.

Jack Mathes jackmathes@insightbb.com

Make the temporary rulings permanent. There is no more likelihood of anyone going on a killing spree in a State Park than anywhere else. Prohibiting handguns (firearms) on the other hand somewhat guarantees a "free zone" for those that wish to do others harm (just as the "free fire" zones created by prohibiting firearms around schools) only at DNR properties, the isolation of the trails, etc. increases the possibility of problems. Be assured, there are many people that have handgun permits keep them in campers anyway.

Gary W Thomas II garywthomas2@hotmail.com

I am a citizen of Indiana with a "Concealed Carry License" (for handguns) as issued by the Indiana State Police. I've had my permit for well over 13 years (multiple renewals), and consider it an invaluable right. I am also an avid outdoorsman that frequents Indiana's State Parks. As such I would urge DNR to permanently lift the ban on handguns in our State Parks.

Nancy C. Popowics FrankPop@aol.com

Please be advised my family and I are VEHEMENTLY opposed to rule proposals or laws that allow "a person to carry a handgun for the purpose of personal protection while on DNR property," "as long as that person has a valid unlimited license (also known as a personal protection license).

The inherent basis of our government and a civilized society is that we rely on police, park rangers, and security protection people to provide us with protection. The proposed ruling means that it is NOT SAFE for us, and all law abiding citizens who do not have a gun, and do not want a gun, to go to Indiana State Parks and the Indiana State Museum, which is also under the DNR umbrella. If the opinion of the DNR is that their properties are not reasonably safe to go to without a handgun, then we want them closed. If main stream non gun carrying citizens, of all ages, are not safe at DNR properties, closure of these properties will save us tax dollars. In the event, that gun carrying under any circumstances is approved, we will plan to go to out of state parks, and will no longer volunteer at the Indiana State Museum, because the DNR feels it is unsafe to be in these places without a gun.

In closing, it is against the law to carry a gun onto an airplane, into the Indiana Statehouse building, the United States Federal Building and onto school properties. We insist that it to be against the law to carry guns of any kind onto DNR properties. It is the job of the DNR to protect us, not just to maintain the trees, the animals and the concrete building called the Indiana State Museum.

Ben Sloan christianninja@gmail.com

I wish to express my adamant support for making the temporary rule allowing citizens to carry handguns while hunting or on DNR property permanent. No area is completely safe, and an individual's innate right to protect himself does not stop at DNR lines. Furthermore, I am very skeptical of the efficiency of disallowing said rights as an instrument for preventing unlawful activity. There is no logical counterargument against the continuation of this rule.

Bruce Hanson bbhanson1953@yahoo.com

I am a legal hand gun owner with a Indiana gun permit. It has always been a good idea in my opinion to let LICENCED gun owners to carry in State Parks.

Kevin J. Hamernik kjhamernik@hamernik.com

Thank you for this opportunity to comment in advance of the May 15 and 16 hearings on the above matter. I and other close friends of mine are in favor of passing the changes to the IC which would allow the possession of a handgun under the proposed limiting conditions. It is my opinion that doing so will provide additional safety not only to those bearing the handgun but to those around them and may further help to avoid tragedies that have been seen in states such as Wisconsin and Michigan over the years.

Tony Huffman tony338@hrtc.net

I support the carrying of handguns while engaged in D.N.R. activities and while on D.N.R. properties. Law abiding citizens should be permitted to protect themselves at all times.

Susan Laughbaum Wadesville, IN

I would like to take this opportunity to ask that the DNR would make permanent the right to bear arms in state/national parks, not just at certain times, but all the time. Law abiding citizens who have the appropriate papers to protect themselves should have that right wherever they might be. There is no need to be scared of them, only those who obtain guns illegally.

Vince Frazier Mt. Vernon, IN

Please make permanent the executive order which allows firearms to be carried on state property.

Jim Tomes Wadesville, IN

I'm urging that the DNR make permanent the ability for people to carry their firearms on state property. This allows for citizens to protect themselves.

Steve Davis Wadesville, IN

I urge you to make permanent the decision to allow licensed gun owners to carry their weapon on state property. This is a very good decision and should not be temporary.

Mary Davis Wadesville, IN

I urge you to make permanent the decisions to allow citizens to carry their guns on state ground. I do think this will keep our grounds save.

Michael Knott Evansville, IN

Please pass legislation to allow licensed gun owners to carry in our Indiana state parks. We need the ability to protect ourselves no matter where we are at.

Pam Knott Evansville, IN

Please pass a vote to allow us to carry our firearm in state parks. If we have a valid gun permit, we should be able to protect ourselves no matter where we are.

Paul Abramson Evansville, IN

Thank you for your service to Indiana and for reading my concerns. I would like for the DNR to make permanent a citizen's right to carry firearms on state property.

Amy Miller Owensville, IN

I feel it should be a permanent thing to allow firearms on state property to control animal population and for people to protect themselves if need be while on state property.

Jason Thorpe Ferdinand, IN

The reason I should be able to carry my firearms in state parks is because it my right not revocable by government. I need to carry, to protect myself and my family. Gun control kills women and children. Ask the Jews.

Thomas Grisham Evansville, IN

The people of this state have a right to defend themselves that does not end at the entrance to a state park.

Tal Jennings Evansville, IN

I think that allowing hand guns in state owned areas is good for many reasons such as safety and protection. I do not see it to harm anything or anyone. I personally think that it is a good idea and is very safe. I think that it is a great ideal that our great state of Indiana has the foresight to allow its citizens to lawfully carry firearms in our state parks.

Keith Murray Evansville, IN

I am writing to encourage you to make permanent the right of law abiding citizens to carry a concealed firearm on state (public) property. To prohibit me to do so is an infringement on my constitutional rights that I will not tolerate. My rights are not granted by government; rather, it is your responsibility to protect them from usurpation.

George Shultz Indianapolis, IN

I want to take the time and write this panel to encourage the right of individuals to carry on state park facilities with a license.

Rob Cornoyer, II Princeton, IN

As a resident of the state of Indiana and licensed handgun owner, I am asking you and those that are involved in decisions concerning ordinances pertaining with state owned parks that we the people be allowed to carry our firearms permanently in state parks. I am a firm believer in the 2nd Amendment. I am of the belief that an armed society is a polity society.

Thomas Holbrook Mt. Vernon, IN

I would like to continue to carry my firearm in the state parks and other state owned property.

Margie Tomes Wadesville, IN

I would appreciate your consideration to make permanent the right of carry license holders to carry on state park facilities. During this past year, no one has been hurt by a gun in state parks.

Ray Laughbaum Wadesville, IN

I would like to encourage the DNR to make permanent the ability of law-abiding citizens to carry firearms on state property.

Mark Oldham Evansville, IN

I believe in Indiana's interest we should be able to carry firearms in our state parks legally for protection. Please make this a permanent ruling.

Diana Armstrong Evansville, IN

Last year, Gov. Daniels made it legal for those of us with carry permits to now carry our handguns in Indiana state parks. I request that you make this permanent so I can protect myself while I am in the park. Whether the danger is from an animal (bear?) or a psycho like the man who killed 30+ at VA Tech, I must have the right to protect my family.

Ron Smith Ft. Branch, IN

The Indiana Constitution recognizes my right to be armed to defend myself and my family. As a citizen of Indiana duly licensed to carry a firearm, I should be allowed to carry on state owner property. Please make a permanent change to our rules to allow license to carry holders to carry.

Jim Rittenhouse Evansville, IN

I feel it is important to continue the Governor's order regarding legal firearms carry in the state parks. This will stop the possibility of mass slaying.

John Miller Owensville, IN

I would like to ask that you make the ability to carry a firearm on state property permanent. I do not feel that because I choose to go camping that I should have to surrender my constitutionally guaranteed right to self protection.

Nick Tomes Wadesville, IN

I am writing to request that the executive order allowing citizens to carry their firearms on state property be made permanent. This land belongs to us and all citizens have the right to bear arms anywhere for protection.

Sue Wink Evansville, IN

I would like to see you make permanent the right for people to carry their firearms on state owned property. The law abiding license carrying citizens should be allowed to carry anywhere.

Michael St. Clair Hiland Indianapolis, IN

I ask that carrying a licensed firearm become permanent practice. It is merely public safety in DNR/public parks.

Michael Chandley Evansville, IN

I respectfully ask you to make permanent the right to carry firearms on state property. The state of Indiana is a wonderful place to live; laws like this would make it better.

Betty Rittenhouse Evansville, IN

I am writing this note to you to keep permanent the Governor's order to be able to carry firearms in state parks.

Connie Thorpe Ferdinand, IN

It is my understanding the question of allowing firearms on DNR property is to become permanent. I urge you to make this a permanent change. Everyone has the right to be able to protect themselves.

Glen Kissel Evansville, IN

I support making permanent the right to carry firearms on state property here in Indiana.

Larry Miller Evansville, IN

I request that the decree that give Indiana citizens the right to carry firearms on state parks and property.

Chris Politano, Evansville, IN

Thank you for allowing concealed carry on state park grounds. I'm proud to live in a state that upholds its citizens' rights especially the right to self-defense. It would be great if this ruling would be made permanent.

Tony James Mt. Vernon, IN

We should carry guns in state parks. You do not know what you may walk up on.

On May 1, 2007, the following persons wrote by email or by regular mail:

Lisa Reynolds lisareynoldspianist@yahoo.com

I would like to register my vehement opposition to the proposal to allow handguns to be carried on DNR properties. I regularly visit many DNR properties all over the state for hiking, boating, picnicking and camping. I am a woman and I often hike alone. I already do so with considerable trepidation for fear that a hunter might mistake me for a deer, or simply fail to be cautious when shooting near hiking and camping areas. Handguns serve no purpose in hunting animals. Your own rule proposal says they will be "for personal protection." They are only useful for shooting people at close range and for concealing them. You don't have to conceal a hunting rifle from a deer. If I have to worry that hostile people in the parks might shoot at each other, or even shoot at me, I will feel far less safe, and the woods will be far less peaceful. I might be afraid to go there if I thought that every random hiker I come across could be carrying a gun. It would not make me feel any safer to carry one myself, as I might either shoot myself or someone else by accident, or have someone attack me and take it away and then shoot me with it. I refuse to own a gun, and I don't think that I should have to in order to protect myself from all the other people who have them. At least out in the woods or on a peaceful lake, I should be able to avoid the possibility of urban-style violence.

Joe McDill jmcdill@salemschools.com

I would like to go on record as being very much in favor of the proposed D.N.R. rule changes concerning handguns carried in the field while hunting .As I studied the proposals however, I felt they could , and should, be expanded further .I believe handguns for protection should be legal in most situations , not some. One example in particular is carrying a handgun while muzzle-loader hunting deer. Any misuse of the handgun I.E. shooting game out of gun season, or with unapproved caliber etc. is already covered and punishable by law .The mere carrying of a handgun should not be a crime, only if it is misused! Innocent until proved guilty? Another thing I saw no mention of, a land owner on his own property should not need a permit. I have never felt it was any body's business if I carried a handgun on my own land, hunting or not.

Michael G. Wilson SL17blu@aol.com

Distance prevents me from attending the hearings, however, being a strong believer in the second amendment to our Constitution of The United States of America, and a conceal-carry handgun permit holder for over twenty years, I urge you to pass this resolution for not only the protection it would provide each citizen, but because of the right to do so as provided by the above. We are unique in that while other countries are banning and destroying the right to bear arms of its citizens, the great majority of the people in the United States of America, and Indiana, are proud of our free heritage, and our right to bear arms. And, we are making changes at the voting polls.

Wayne Ryan ryanwj@sbcglobal.net

I am in favor of continuing permanently the right for persons who have an existing personal protection permit to be able to carry for personal protection on all DNR properties.

Ronald Steele rsteale30@msn.com

This makes sense to me for several reasons. First, it allows the hunter and/or visitor to have personal protection available to them when on DNR properties. These properties are not immune from crimes against persons. Second, the hunters should be allowed to carry handguns in order to humanely kill any wounded animal, especially during bow hunting season. Third, the Constitution of the State of Indiana, Article 32 of the Bill of Rights states, A person shall have the right to keep and bear arms in the defense of themselves and the State (paraphrased)". This actually makes any other rules/regulations governing ownership and carrying of firearms moot since the word shall means that the person has that right and rights, under the Constitution (state and federal) cannot be subject to further regulation.

Michael Massie Mt. Vernon, IN

Please make permanent Governor Daniels' executive order that allows folks with concealed carry permits to carry a handgun on DNR property. It would be an asset to have folks authorized to carry a firearm in possession of a firearm at all times. Honest citizens that go to the trouble of getting state permission to carry a firearm are the law abiding element in the state.

Donald Wink Evansville, IN

I would like to see the Governor's Directive allowing carry guns in state parks made permanent. Legal, of course. Maybe I've seen too many movies but I will not go into any remote areas without one. One never knows what kind of creature could be encountered – two or four legged.

On May 2, 2007, the following persons wrote by email:

Joe West Joel_A_West@whirlpool.com

I am very much in favor of allowing hunters with a valid personal protection permit to carry sidearms while hunting deer, turkey or any other outdoor activity. It is sad to say but unfortunately the meth makers and other drug makers/growers have found that the great outdoors creates a wonderful place for them to break the law with little chance of being caught. I know that in my own situation I would feel better if I had my Colt on my belt while I hunted on public land. My family was involved in a situation a couple of years ago where my Brother-in-law went hunting one morning on some property we own and when he arrived that morning alone and armed with only a muzzle loader he encountered three young men who were not only trespassing on our property they were also in the middle of cooking a large batch of Meth. Fortunately my Brother-in-law was able to back away after acting like he did not know what was going on. He then called the Sheriff and these boys were arrested after a chase through the woods and the use of a K - nine unit. This worked out OK but things could have went wrong and he could have been attacked by these young men and if they would have attacked he would have been defenseless because he could not carry a handgun while he was muzzleloading. As I said before it is sad that it has come to this but this is the world we live in. I hope that we continue to allow handguns to be carried by valid permit holders.

Erik Epp eepp@purdue.edu

I was reading over the proposed changes to permit the carrying of hand guns on DNR property for personal protection, as described on <http://www.in.gov/dnr/fishwild/about/rules.html> and wanted to voice my support of the changes.

On May 3, 2007, the following persons wrote by email or regular mail:

Chris Hall chall@AMERIQUEAL.COM

am not sure if this were I send my vote to or not am not going to be able to make it to the meetings I would very much agree with a new law to be able to carry a hand gun when hunting and on state property am a lifetime hunting and fishing license holder and have enjoyed it my hole life and I also like to carry a handgun for self defense

Kirk Beckham kirk@SEEMAC.COM

My feelings are more directly related to DNR properties. I have been camping on DNR properties with my family for the last 3 years. There have been times in recent national news that strike fear in me. My concern has been safe havens for criminals: A camping area where the criminal knows it is illegal to carry a firearm, so he or she has unarmed victims. As I camp this summer and watch my 3 daughters aged 7, 5 and 4 head toward the playground or the restrooms, one of my parental thoughts will angle toward: Is there a criminal targeting this area? I would like to be able to enjoy my camping experience by knowing that there are legally armed campers able to keep a criminal from getting out of control. Thank you for bringing this topic up for discussion. I hope that legally armed citizens will be able to exercise their second amendment rights on DNR properties.

Josh Scott SCOTTS@seidata.com

Allow licensed individuals to carry handguns at all times.

Eric W Peterson PETERSON_ERIC_W@LILLY.COM

Why would anyone agree with this idea. Aren't we aware by now that we really don't need MORE handguns, let alone while carrying a rifle? And why do you need to carry a handgun, while carrying a rifle? Is this just for convenience? And wouldn't this open the door to just start shooting prey with a handgun. I mean really how powerful is the NRA?

Put me down as against. And, no I am not against hunting/hunters etc.

Andy Bauer Mt. Vernon, IN

I feel that the Governor's Executive Order to allow firearms to be possessed on all state owned or public property should become a permanent law. It is a proven fact firearms save lives.

On May 4, 2007, the following persons wrote by regular mail:

Randy Van Wagner LaGrange, IN

I am writing to support the rule allowing properly licensed individuals to carry handguns in state parks and while hunting. I think that people with personal protection handgun licenses should be allowed to carry them at all times. I do not see a good reason to exclude state parks.

Michael D. Gibson Columbia City, IN

I am writing to express my support for the continuation of the right to carry concealed firearms in the Indiana state park system. I am a responsible citizen and have been a concealed weapon license holder for a good number of years. If you restrict the honest man's

right to bear arms, that will leave just the human predators with the guns, for whom the law means nothing to begin with. Please continue to uphold the upstanding citizen's right to bear arms in our state parks.

Tod Erbaugh terbaugh007@sbcglobal.net

I am writing in support of the right to carry on DNR properties for the purpose of self protection. In instances especially those associated with being in "the wild" individuals need the ability to protect themselves from such things as wild dogs or rabid animals they may come in contact with in a wooded environment. Please consider the passing of a permanent allowance to carry on DNR properties. In my opinion there should be no fear of permit carrying individuals possessing hand guns on DNR properties. Problem individuals who mis-use firearms who intend to do harm, will do so whether a "rule" is in place or not. These circumstances therefore would not be diverted by a rule banning handguns by permit holders. The only result would be to limit the ability of law abiding citizens to defend themselves from individuals or animals intended on harmful activities.

Alan Wheeler awheeler@AMERIQUAL.COM

I have recently taken advantage of the offer for the life time hand gun license. I am very much in favor of permitting those of us who legally carry a hand gun for personal protection to possess such fire arm while hunting during a non fire arm season. In my absence from the upcoming hearing relating to this issue, can I please have my voice heard in favor of the law?

Bill Spencer tallwind@comcast.net

I am strongly in support of continuing this practice. In this day and age you, nor I know what we may encounter while hunting the woodlands of Indiana. I, for one, would hate to stumble in to a drug operation of any kind while hunting. I feel that this scenario can and does happen. I wish to have the ability to defend myself should such an occasion arise. I can not do this if restricted by carry rules and regulations that do not allow me the right of self protection. Regardless if we are hunting with a bow or a gun on State Ground or Private. Most responsible sportsmen and women understand and accept the concept of fair chase and abide by it every time we hunt. Truly we carry a heavy responsibility every time we strap on our personal protection weapon. It comes with a burden of responsibility far beyond just hunting. Each Person that chooses to carry a weapon for personal protection is actually more concerned with doing things right and would not "in my Opinion" use that weapon illegally simply because the right to carry is so jealously guarded by all who choose to do so.

Ron Necco Rwnecco@aol.com

I would like to say that I agree with the proposed options to allow carrying of handguns on DNR properties except certain situations such as the carrying of handguns while deer hunting, if the only weapon being used is not a handgun.

I am an avid hunter and firmly believe in the right to bear arms but in this situation I think sometimes it should be limited to certain activities

I also would like to say that I do not think that handguns belong on DNR properties that do not allow hunting or that hunting is not in season, such as the Dunes State Park and other state parks that many people congregate for the purpose of camping and family gatherings and not for outdoor sports that require such weapons.

On May 6, 2007, the following person wrote by email:

Sam Goodwin slamminsam413@yahoo.com

I will not be able to attend these hearings but wanted to voice my opinion.

I think licensed handgun owners should have the right to carry their handguns when hunting. There are special circumstances in which a handgun might just save someone's life. For instance a bow hunter falls from his tree stand and breaks his leg; now firing a bow will not draw anyone's attention but a gunshot in bow season will get a response.

That is my opinion.

On May 7, 2007, the following persons wrote by email or regular mail:

Leonard Gray leonardgray@kconline.com

I am 74 years old and have carried a hand gun (so does my wife a little later) since I was 16 years old either with a Permit or a Hand Gun License for personal protection. As you know the world isn't as safe as it use to be. I haven't hunted for many years and think the people who do should have a way to protect themselves when Hunting. It is to bad but People do kill People even when Hunting. The Police forces, Firemen, and the DNR are our most favorite organizations to support. We need them all.

Daniel G. Flory dflory@gmail.com

I simply wanted to express that I was very pleased that the DNR lifted the administrative ban on carrying handguns in state parks. I understand that meetings will be taking place in the middle of this month to revisit the issue. As an avid user of Indiana's State Parks and a responsible citizen, I urge you to keep the ban lifted and allow the carrying of handguns in State Parks by those who have Indiana permits.

Tony Roberson sabot7797@yahoo.com

I would like to make a comment on the "Handgun-Related rule package. I feel it is OK for me to go into a store, mall, or public place other than an airport with a handgun as long as I have a permit. But I cannot go camping with my family to a state park and carry my handgun even if I have a permit. I feel I still should be able to protect my family in a state park. There are crazy people out in this world and they don't care where you are at. The previous law keeps the honest people honest not the criminals. We all live outdoors,

Joseph Riggs jsriggs@hughes.net

The idea of not being able to carry a defensive weapon in a State Park seems to be ignorant of facts. What is it exactly about the borders of a State Park that makes it so safe that I would no longer need any protection? Please use common sense and make sure this ban expires permanently.

Earle R. Wolfe, Jr. earle.wolfe@navy.mil

It is my opinion that any properly licensed individual should be allowed to legally carry a handgun on DNR properties for the purpose of personal protection at any time. On the other hand, it is also my opinion that if any individual abuses this privilege, and uses a handgun in a manner that is reckless or in violation of a law, they should permanently lose their ability to carry a handgun, and be prosecuted to the fullest extent of the law if applicable. I am definitely in favor of making the temporary rule a permanent one, allowing individuals with handgun licenses to carry across the board.

On May 9, 2007, the following person wrote by email or by regular mail:

Zach Bell zachbell1978@mchsi.com

I am writing to request a vote to approve the rule change proposal before you to "allow a person to carry a handgun for the purpose of personal protection while on a DNR property."

I strongly support the idea of eliminating an infringement upon law abiding persons to keep and bear arms while engaged in hunting and other legal activities afield.

We recently grieved for the loss of 32 people who were gunned down on the Virginia Tech University campus. These unfortunate victims were legally prohibited from possessing the means to protect themselves from a mass murderer. If there can be any good that comes out of the tragic end to their lives, it is that government leaders admit that since police cannot always protect their constituents from madmen, they will free them to provide their own protection.

Experience proves that nearly the entire population of Hoosiers who hold a license to carry a handgun are safe, responsible, and not a danger to society. I believe the Commission can approve the rule change confident that no visitor to a DNR property, armed or not, is in any more danger than under the current rule.

Tom Euson Laurel, IN

I wish to express my strong support for making permanent the rule allowing individuals with handgun licenses to carry handguns on public and private land while hunting deer (bow and arrow) and turkey and during opossum and raccoon chasing seasons. This is a sensible rule that will greatly improve hunting safety and personal safety. I urge you to vote in support of this rule.

On May 10, 2007, the following persons wrote by email, regular mail, or commented by telephone:

Daniel Moulder minuteman32@hotmail.com

I am very much in favor of making the temporary changes permanent! In as much as a license to carry handguns is more directly related to self defense, as opposed to hunting (unless licensee has a hunting/target carry permit), this change makes perfect sense. I have always believed that the restrictions that were in place for so long made no sense.

Considering that numerous areas that the IDNR manages are fairly remote, with little access to 911 or other emergency services, the ability to have the most effective self defense tools immediately available is invaluable.

By prohibiting the possession during these times, the law abiding citizens are deprived of this not only during this activity, but going to & from them.

This is also true for running dogs, hunting with a bow or numerous other activities. A legally carried handgun, available for immediate use, could be used to stop hostile, aggressive actions from predators of the two and four legged variety. They could also be useful in putting down an injured animal, as well. I was very pleased when these restrictions were suspended and am hopeful that you will make them permanent.

Sheila D Connelly grammy846@comcast.net

As a citizen of Indiana for the past 46 years, and a frequent visitor to many of the DNR properties, I fail to see the reason a person needs to carry a hand gun in these areas.

These locations are frequented by numerous children, and older people. And shooting accidents do happen every single day. As a geocacher, I would hate to be rummaging around in the woods and step into an area with a person who feels the need to protect themselves with a hand gun. Hunters, already being armed, don't need that type of protection. Since hand guns are designed primarily for killing humans, I don't see why a hunter would need one.

Furthermore, I believe if a person is truly afraid, and feels the need to be armed in public, the DNR lands are one of the worst places they could be. After all, most people enjoy these natural areas for their serenity and privacy. Campgrounds are simply not secure enough to have to endure this burden. And I don't think the game wardens should have to shoulder the responsibility of possible irresponsible gun owners.

Dan Stevens dstevens@dlz.com

People with handgun personal protection permits should be allowed to carry handguns for self defense while visiting DNR property or while archery hunting. Since these activities are conducted in remote areas people should be legally able to carry a means of protecting themselves. Otherwise law abiding hikers and archery hunters would be known to be unarmed and would be easy targets for criminals.

Jon E. Turner Bluffton, IN

I am 67 years old; I would hope you give approval to allow hand gun carried in Indiana State Parks. As a walker that walks lots of miles in state parks, sometimes by myself. It is nice to have some protection if needed.

Marty Benson, DNR Public Information Officer, received comments by telephone, and forwarded by email the following:

Mary Maxwell

"She does not think its right or needed to have handguns in state parks. She sees no reason to allow it."

Vince Slack

"[Vince Slack] expressed that he supported be able to carry a registered handgun at state parks. He has a permit and is able to carry one most everywhere else and does not see why state parks should be excluded."

On May 11, 2007, the following persons wrote by email or regular mail:

Jeremy Miller j_miller@myway.com

I am writing to express my support for making the temporary rule change permanent. Many times while hunting, during the archery season in particular, I have felt uneasy being only armed with stick and string, a single-shot shotgun or muzzleloader. While coyotes and other "predators" predominantly do not prey upon humans, the possibility of serious injury while out of earshot from other people could make me the wounded rabbit call for a pack. My largest concern is for protection from others. Indiana has a very serious drug problem. Guess where people grow their dope and cook their meth most often? Off the beaten path were most of us hunt or hike is where. Any person who would voluntarily ingest this poison has no sense. If it is their only income you cannot convince me that they would not kill to ensure their continued "business." Why should I be forced to give into their wishes while taking part in a honorable and LEGAL activity while they drain the brains of and ruin our society? I can carry a loaded handgun into a crowded mall or restaurant. Why should I be forced to disarm and be defenseless while in the woods (usually alone) or on DNR property (much less crowded than a mall)?

John K. Johnson korijohnson@sbcglobal.net

While I am in favor of the right of law abiding citizens to legally carry handguns in general for personal protection, I am opposed to the idea of making the temporary rule for carrying a handgun on DNR properties or during various forms of hunting a permanent one.

1. (considering the change for carrying a handgun on DNR properties) - I do not support this change to adopt into a permanent ruling! There are many places where a handgun may not be lawfully possessed (schools, federal buildings, etc.) and I believe that DNR properties should also be included on this list for the overall safety of state employees as well as the overall safety of the general public.
2. (considering the change for carrying a handgun during bow hunting for deer, while turkey hunting & while chasing opossums and raccoons during the chasing season) - I do not support the change to adopt into a permanent ruling! I believe this change could potentially open the door for an even greater number of pouching instances.

Eldon and Marlene Versteeg emversteeg@verizon.net

We are definitely against gun concealment in the state parks.

Derek Pontious justthecross@rtcol.com

I'm just another hunter who would feel much safer in this day and age we live in while I am in the woods given the right to carry my personal protection pistol legally of course.
Just another legally armed citizen.

David Williams williams4152@sbcglobal.net

Regarding the public hearings on carrying handguns on DNR properties, I am a rabbit hunter and I like to run my dogs in the off season. I would like to be able to carry a handgun for personal protection also.

On May 12, 2007, the following persons wrote by email:

Bill Capehart william.capehart@gmail.com

I am very much in favor of the proposal. I currently posses a concealed weapon permit, love camping, and have a large family. It seems only proper for me to be able to take my firearm camping.

On May 13, 2007, the following persons wrote by email:

Steve Lemons salemons@yahoo.com

At this time I don't hunt but request removal of any restrictions on when and where individuals with handgun licenses can carry. I would not use my handgun for hunting unless it was specifically approved. All my fellow carriers that I know wouldn't break the rules, were pretty trustworthy.

On May 15, 2007, the following persons wrote by email or commented by telephone:

Mark Stines papawmark@sbcglobal.net I have a total of six people that hunt here on my property and we all believe that this rule should be made a permanent law. We've had numerous run-ins with wild dogs and an over aggressive pack of coyotes, plus the occasional Copperhead. So we are for what ever will make our hunting a little safer.

Marty Benson, DNR Public Information Officer, received comment by telephone, and forwarded by email the following:

Dorothy Graven Valparaiso, IN

"There was a call from my voice mail this morning from Dorothy Graven of Valparaiso saying she was against handguns at Dunes State Park."

John Bush gunlace@yahoo.com

I would strongly urge the DNR to adopt the rules allowing the carrying of handguns on their properties by anyone licensed to carry a concealed handgun.

Thomas W. Gerkin Murphyshoals@aol.com

I firmly support these rule changes for people with personal protection permits. I feel there is no reason why an individual should give their right of personal protection because of where they may be. I am 65 years old and have had a permit most of my adult life.

On May 16, 2007, the following persons wrote by email:

Josh Brosmer brosmerj@gmail.com

I am writing to request approval of the rule change proposal before you to allow a person to carry a handgun for the purpose of personal protection while on a DNR property. I strongly support the elimination of an infringement upon law abiding persons to keep and bear arms while engaged in hunting and other legal activities.

Evidence and experience shows that nearly the entire population of Hoosiers who hold a license to carry a handgun are safe, responsible, and not a danger to society. I believe the Commission should approve the rule change with complete confidence that no visitor to a DNR property, armed or not, is in any more danger than under the current rule.

Sue Vernier rsav1@juno.com

I request that all Indiana State Parks be EXCLUDED from the proposed amendments governing the possession of handguns on DNR properties. If the possession of a handgun is not allowed in the Legislative Assembly or the Governor's residence, then I as an ordinary citizen of Indiana should have the same protected privilege as the politicians. I should be able to enjoy my surroundings (as the politicians get to enjoy theirs) in a State Park free of the worry that someone might consider me a "threat to their personal safety" and act accordingly.

For many years now, my husband and I have sought the safety of State Parks to do our hiking during the gun hunting season in Indiana. I do not object to hunting and consider it essential to the good health of the natural resources. Because of the no-hunting policy (except during special deer reduction events) at State Parks, I accept the inconvenience of restricting my hiking to the parks and staying out of the forests and fish and wildlife areas during hunting season. The proposed rule change allowing handguns in State Parks would change that sense of well-being.

The majority of us who do not carry weapons should have at least one public place without the discomfort and worry of whether our fellow citizen is carrying a weapon whose general purpose is to kill another human. The Second Amendment protects the collective right of states to arm their militias; it does not provide a fundamental right of individuals to arm themselves. That is a privilege subject to the rules and regulations of the state and should not be construed to allow use at all times and all places.

Joshua Streiff techres@kiva.net

Please register my strong support for the current rules that allow for individuals with Indiana Personal Protection Permits to carry their firearms concealed in state parks and the push to make those changes permanent. As one who has a carry permit, and as one who has a family with small children, I have never understood the general ban on handguns in state parks. Given the fact that firearms are allowed for hunting in the parks, and given the fact that 300,000 individuals have these permits and carry handguns daily without incident or disturbance, why the parks would exclude them from carry has never made logical sense to me. If we can be trusted in grocery stores, playgrounds, malls, and movie theaters, why not trust us when on the trails of Brown County state park?

I have begun going to the state parks in earnest since last winter, in part due to the rule change that allows me to be able to protect my family in the extremely unlikely event of a danger posed by a four legged animal or a two legged person. I do not say this in any way to say that I would not return if handguns are again banned, but as a general rule I do not go places where I am disarmed and thereby unable to protect myself. This is especially true if no replacement protection is offered and present.

I am very thankful that you are considering that these changes are made permanent. I, for one, will welcome and appreciate them and consider them a warm welcome to those of us who are serious about our firearm rights as well as a warm show of appreciation for the hunters who have graced Indiana state parks for decades.

On May 17, 2007, the following persons wrote by email or commented by telephone:

Chad Dailey daileychad@comcast.net

I am a citizen of Indiana and a sworn police officer with the Indianapolis Metropolitan Police Department. When I became a police officer I swore to protect and serve the rights of citizens, not each individual citizen. The courts have ruled over and over that a private citizen does not have a constitutional right for a government to protect them from violence committed by another citizen. A government only has a duty to protect a society in general.

One of the rights that I and every police officer protect and ultimately may die for is the right for citizens to carry a firearm. An officer more than anyone knows that calling 911 and waiting for police to arrive is not an effective method of self defense and even more so in out of the way locations. For every 911 dispatch that a police officer receives involving a violent criminal, a citizen first had contact with that same violent criminal, otherwise police would not have been called in the first place. A police officer would not even think of dealing with that violent criminal without the option of having their handgun on their duty belt. Good law abiding people should not be subjected to anything less.

Each person is responsible for their own safety. It is governments' job to ensure that they do not interfere with that individual responsibility. Providing law abiding citizens with the option of protecting themselves with a handgun while visiting DNR properties, is clearly a judicial use of government authority. Permitting a citizen to choose to possess (and use if needed) a handgun on DNR properties is not only a great way to support the people of Indiana but an opportunity to honor the men and women in law enforcement that have been killed in the line of duty protecting a citizens right to carry a firearm.

Marty Benson, DNR Public Information Officer, received comment by telephone, and forwarded by email the following:

Alton B. Custer Valparaiso, IN

He is against concealed handguns in the state parks. He said that it is bad enough when people get drunk and loud at night but to bring concealed handguns into the equation is not a good idea.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #07-23(F)

DIGEST

Amends [312 IAC 8-2-3](#) to allow handguns possessed in accordance with [IC 35-47](#) to be carried on DNR properties. Amends [312 IAC 9-3-2.5](#), [312 IAC 9-3-3](#), [312 IAC 9-3-4](#), [312 IAC 9-3-14](#), and [312 IAC 9-4-11](#) to authorize handgun possession in accordance with [IC 35-47](#) to be carried while hunting deer during special youth season, hunting deer by firearms, hunting deer by bow and arrow, chasing raccoon and opossum, hunting wild turkey, and to identify the types of licenses under which deer may be hunted during the special youth season and by firearms. Effective 30 days after filing with the Publisher.

[312 IAC 8-2-3](#); [312 IAC 9-3-2.5](#); [312 IAC 9-3-3](#); [312 IAC 9-3-4](#); [312 IAC 9-3-14](#); [312 IAC 9-4-11](#)

SECTION 1. [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 14-22-2-6](#); [IC 14-11-2-1](#)

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

Sec. 3. (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) a rifle;

(B) a pistol;

(C) a shotgun; or

(D) an archery;

range.

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

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

(B) A groundhog as authorized under a license.

(4) The person possesses a handgun on a DNR property other than a reservoir owned by the U.S.

Army Corps of Engineers or Falls of the Ohio State Park:

(A) with a valid unlimited license to carry a handgun:

(i) issued under [IC 35-47-2-3](#); or

(ii) recognized under [IC 35-47-2-21\(b\)](#); or

(B) pursuant to an exemption to handgun licensure requirements as authorized under [IC 35-47-2-2](#).

(b) Except as provided in subsection (a)(1) **or** (a)(4), a firearm or bow and arrows may not be possessed on DNR properties within any of the following:

(1) A nature preserve unless hunting is authorized under subsection (c).

(2) A property administered by the division of **state** museums and historic sites.

(3) A campground.

(4) A picnic area.

(5) A beach.

(6) A service area.

(7) A headquarters building.

(8) A hunter check station.

(9) A developed recreation site.

(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:
 - (A) retain the permit and record card while in the field for the authorized date; and
 - (B) as directed, return them to the department.
- (3) Refrain from hunting on a nature preserve if prohibited by signage posted at the site.

(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 requirement for traps set forth in [IC 14-22-11-1](#).

(e) A person must not run dogs, except:

- (1) during the lawful pursuit of wild animals; or
- (2) 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.

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

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

(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\(1\)](#).

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

- (1) A person must not use a shooting range unless the person is:
 - (A) at least eighteen (18) years of age; or
 - (B) accompanied by a person who is at least eighteen (18) years of age.
- (2) A person must:
 - (A) register with the department; and
 - (B) pay any applicable fees;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 not larger than size 6 must be used on a shotgun range.
- (5) A person must not:
 - (A) discharge a firearm using automatic fire;
 - (B) use tracer, armor-piercing, or incendiary rounds;
 - (C) play on, climb on, walk on, or shoot into or from the side berms; or
 - (D) 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.
- (6) A person must dispose of the targets used by the person under section 2(a) of this rule.
- (7) 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 any of the following:
 - (i) Cash.

- (ii) Awards.
- (iii) Trophies.
- (iv) Citations.
- (v) Prizes.
- (C) The exclusive use of the range or facilities.
- (D) A portion of the event occurring between sunset and sunrise.
- (8) On a field course, signs and markers must be staked. Trees must not be marked or damaged.

(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:

- (1) turtles taken under [312 IAC 9-5-2](#); and
- (2) 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; filed Sep 19, 2003, 8:14 a.m.: 27 IR 456; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 461, eff Jan 1, 2006; filed Jul 11, 2006, 9:04 a.m.: [20060802-IR-312060009FRA](#); filed Sep 6, 2007, 12:20 p.m.: [20071003-IR-312070023FRA](#))

SECTION 2. [312 IAC 9-3-2.5](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-2.5](#) Hunting deer during special youth season

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

Affected: [IC 14-22-11-1](#); [IC 14-22-11-10](#); [IC 14-22-12-1](#); [IC 14-22-12-7](#); [IC 35-47-2](#)

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:

- (A) [IC 14-22-11-10\(b\)](#);
- (B) [IC 14-22-12-1\(a\)\(24\)](#);
- (C) [IC 14-22-12-7\(a\)\(4\)](#); or
- (D) [IC 14-22-12-7\(a\)\(5\)](#).

(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 **as follows:**

(1) Except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

~~(f) A youth hunter must not hunt deer~~ (2) 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~~ (3) 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 **(4) With a firearm** under this section **except as follows:**

~~(1)~~ **(A)** A shotgun:

~~(A)~~ **(i)** must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile; and

~~(B)~~ **(ii)** may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.

~~(2)~~ **(B)** A muzzleloading gun must be .44 caliber or larger, loaded with a bullet at least .357 inch or larger. A muzzleloading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzleloading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzleloading gun must be capable of being loaded only from the muzzle, including both powder and bullet. A muzzleloading gun may be possessed in the field outside lawful shooting hours only if:

~~(A)~~ **(i)** for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or

~~(B)~~ **(ii)** for flintlock firearms, the pan is not primed.

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

~~(i)~~ The following requirements apply to the use of **(5) With** archery equipment under this section **except as follows:**

~~(1)~~ **(A)** No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.

~~(2)~~ **(B)** Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

~~(3)~~ **(C)** Poisoned or explosive arrows are unlawful.

~~(4)~~ **(D)** Bows drawn, held, or released other than by hand or hand-held releases are unlawful.

~~(5)~~ **(E)** 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)~~ **(F)** No portion of the bow's riser (handle) or any:

~~(A)~~ **(i)** track;

~~(B)~~ **(ii)** trough;

~~(C)~~ **(iii)** channel;

~~(D)~~ **(iv)** arrow rest; or

~~(E)~~ **(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.

~~(j)~~ The following requirements apply to **(6) With** the use of a crossbow under this section **except as follows:**

~~(1)~~ **(A)** No youth shall use a crossbow:

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

~~(B)~~ **(ii)** that does not have a mechanical safety.

~~(2)~~ **(B)** 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)~~ **(f)** 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.

(g) Notwithstanding subsection (d), the adult accompanying the youth hunter as authorized under this section may possess a handgun in accordance with IC 35-47 if the adult:

(1) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;

(2) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b); or

(3) is not required to possess a license to carry a handgun under IC 35-47-2-2.

(Natural Resources Commission; 312 IAC 9-3-2.5; filed May 9, 2006, 2:25 p.m.: 29 IR 2943; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA)

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

312 IAC 9-3-3 Hunting deer by firearms

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

Affected: IC 14-22-11-1; IC 14-22-11-10; IC 14-22-12-1; IC 14-22-12-7; IC 35-47-2

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

(1) issued a license to hunt deer by:

(A) firearms under IC 14-22-12-1(a)(12) or IC 14-22-12-1(a)(15) during the season established in subsection (b); or

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

(2) issued a:

(A) lifetime license under ~~IC 14-22-12-7~~ IC 14-22-12-7(a)(4) or IC 14-22-12-7(a)(5) before July 1, 2005, during the seasons established in subsections (b) and (c); or

(B) youth yearly consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24); or

(3) hunting by the use of firearms under IC 14-22-11-1.

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

(1) The firearms season using:

(A) shotgun;

(B) shotgun with rifled barrel;

(C) handgun;

(D) muzzleloading gun;

(E) muzzleloading handgun; or

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

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

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

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

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

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

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

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

(e) A person must not do the following:

(1) Hunt deer unless that person wears hunter orange.

(2) Possess bow and arrows while hunting under this section.

(f) ~~The following requirements apply to the use of firearms~~ **A person must not hunt deer with a firearm under this section except as follows:**

(1) A shotgun:

(A) must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile; and

(B) may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.

(2) A handgun must:

(A) conform to the requirements of IC 35-47-2;

(B) have a barrel at least four (4) inches long; and

(C) fire a bullet of two hundred forty-three thousandths (.243) inch diameter or larger.

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

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

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

(4) A rifle must: ~~fire a cartridge that meets the following specifications:~~

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

(6) Notwithstanding subsection (f)(2), a person may possess a handgun in accordance with [IC 35-47](#) while hunting deer under this section if the person:

- (A) has a valid unlimited license to carry a handgun issued under [IC 35-47-2-3](#);**
- (B) has a valid unlimited license to carry a handgun recognized under [IC 35-47-2-21](#)(b); or**
- (C) is not required to possess a license to carry a handgun under [IC 35-47-2-2](#).**

(Natural Resources Commission; [312 IAC 9-3-3](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Jun 29, 2007, 2:30 p.m.: [20070725-IR-312060272FRA](#); filed Sep 6, 2007, 12:20 p.m.: [20071003-IR-312070023FRA](#))

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

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

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

Affected: [IC 14-22-11-1](#); [IC 14-22-11-10](#); [IC 14-22-12-1](#); [IC 14-22-12-7](#); [IC 35-47-2](#)

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:

- (A) [IC 14-22-11-10](#)(b);
- (B) [IC 14-22-12-1](#)(a)(14);
- (C) [IC 14-22-12-1](#)(a)(17);
- (D) [IC 14-22-12-1](#)(a)(24);
- (E) [IC 14-22-12-7](#)(a)(4); or
- (F) [IC 14-22-12-7](#)(a)(5);

and is supplemental to section 2 of this rule; or

(2) hunting by the use of bow and arrows under [IC 14-22-11-1](#).

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

(1) early bow season is from October 1 through the firearms season (set forth in section 3(b) of this rule); and

(2) late bow season from the first Saturday after the firearms season through the first Sunday in January.

(c) The urban deer season is:

(1) from September 15 through the firearms season (set forth in section 3(b) of this rule); and

(2) during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

(d) The seasonal limit for hunting under this section is one (1) deer of either sex. After August 31, 2012, a person must not take an antlered deer by means of a crossbow.

(e) A person must not hunt deer under this section **as follows:**

(1) 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~~ (2) Unless that person wears hunter orange. However, this ~~subsection~~ **subdivision** does not apply:

~~(1)~~ (A) before the commencement of the firearms season set forth in section 3(b) of this rule; and

~~(2)~~ (B) after the muzzleloading gun season set forth in section 3(c) of this rule.

~~(g) A person must not hunt under this section~~ (3) 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~~ (4) **Except as follows:**

~~(1)~~ (A) No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.

~~(2)~~ (B) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

~~(3)~~ (C) Poisoned or explosive arrows are unlawful.

~~(4)~~ (D) Bows drawn, held, or released other than by hand or hand-held releases are unlawful.

~~(5)~~ (E) 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)~~ (F) No portion of the bow's riser (handle) or any:

~~(A)~~ (i) track;

~~(B)~~ (ii) trough;

~~(C)~~ (iii) channel;

~~(D)~~ (iv) arrow rest; or

~~(E)~~ (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.

~~(f)~~ (f) Notwithstanding subsection ~~(h)~~, (e)(4), 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.

~~(g)~~ (g) 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.

(h) Notwithstanding subsection (e)(3), a person may possess a handgun in accordance with [IC 35-47-47](#) while hunting deer under this section if the person:

(1) has a valid unlimited license to carry a handgun issued under [IC 35-47-2-3](#);

(2) has a valid unlimited license to carry a handgun recognized under [IC 35-47-2-21\(b\)](#); or

(3) is not required to possess a license to carry a handgun under [IC 35-47-2-2](#).

(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; filed Jun 29, 2007, 2:30 p.m.: [20070725-IR-312060272FRA](#); filed Jul 10, 2007, 2:09 p.m.: [20070808-IR-312060572FRA](#); filed Sep 6, 2007, 12:20 p.m.: [20071003-IR-312070023FRA](#))

SECTION 5. [312 IAC 9-3-14](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-14 Opossums and raccoons

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

Affected: [IC 14-22](#); [IC 35-47-2](#)

Sec. 14. (a) Except as provided in subsection (b), the seasons applicable to raccoons 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 **do the following**:

(1) 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~~ (2) Remove, attempt to remove, dislodge, or attempt to dislodge a raccoon from:

(A) a tree hollow;

(B) a hole;

(C) a den;

(D) a pocket;

(E) a cavity;

(F) a burrow;

(G) a tile; or

(H) any other place;

where the raccoon has secreted itself for security or protection or in which the raccoon maintains a nest or den.

~~(e) A person must not~~ (3) Possess an opossum or a raccoon except from November 8 through February 20 of the following year.

(d) Notwithstanding subsection (c)(1), a person may possess a handgun in accordance with [IC 35-47](#) while chasing raccoons and opossums under this section if the person:

(1) has a valid unlimited license to carry a handgun issued under [IC 35-47-2-3](#);

(2) has a valid unlimited license to carry a handgun recognized under [IC 35-47-2-21\(b\)](#); or

(3) is not required to possess a license to carry a handgun under [IC 35-47-2-2](#).

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

SECTION 6. [312 IAC 9-4-11](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-11 Wild turkeys

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

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

Sec. 11. (a) Except as provided in subsection (c), the spring season for hunting and possessing wild turkeys:

- (1) is from the first Wednesday after April 20; and
- (2) continues for an additional eighteen (18) consecutive days.

(b) The fall season for hunting and possessing wild turkeys with a bow and arrows:

- (1) is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday after October 14; and

(2) 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 shall be determined by the director on an annual basis to prevent interference with military training exercises.

(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 **do the following**:
(1) Hunt wild turkeys except between one-half (½) hour before sunrise and sunset.
~~(f) A person must not~~ (2) Take a wild turkey except with the use of one (1) of the following:
(+) (A) A shotgun or muzzleloading shotgun:
(A) (i) not smaller than 20 gauge; and
(B) (ii) not larger than 10 gauge;
loaded only with shot of size 4, 5, 6, 7, or 7½.
(-) (B) A bow and arrows, including crossbows as defined in ~~312 IAC 9-3-4(j)~~, **312 IAC 9-3-4(g)**, with the following restrictions:
(A) (i) A person must not use a:
(+) (AA) long bow; or
(+) (BB) compound bow;
of less than thirty-five (35) pounds pull.
(B) (ii) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
(C) (iii) A person must not use a:
(+) (AA) crossbow of less than one hundred twenty-five (125) pounds pull;
(+) (BB) crossbow unless it has a mechanical safety; or
(+) (CC) poisoned or explosive arrow.
(D) (iv) No portion of a bow's riser (handle) or:
(+) (AA) track;
(+) (BB) trough;
(+) (CC) channel;
(+) (DD) arrow rest; or
(+) (EE) 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) (v) Before or after lawful shooting hours, a person must not possess a:
(+) (AA) long bow;
(+) (BB) compound bow; or
(+) (CC) crossbow;
in the field if the nock of the arrow is placed on the bow string.
~~(g) A person must not~~ (3) Hunt wild turkeys in the:
(A) fall season except in a county the director designates on an annual basis by temporary rule; or ~~in the~~
(B) spring season in Henry County.

(+) (f) The special youth season for hunting wild turkeys under this subsection is two (2) consecutive days beginning on the Saturday immediately before the start of the spring turkey season in subsection (a). As used in this subsection, "youth" means an individual who is less than sixteen (16) years of age on the date of the hunt. A youth who hunts a wild turkey under this section must be accompanied by an adult who is at least eighteen (18) years of age. An adult accompanying a youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field. The seasonal limit for hunting turkeys under this subsection is one (1) bearded or male wild turkey. A youth hunter who takes a turkey under this subsection must not take another turkey during the spring turkey season in the same year.

(+) (g) The use of:

- (1) a dog;
- (2) another domesticated animal;
- (3) a live decoy;
- (4) a recorded call;
- (5) an electronically powered or controlled decoy; or
- (6) 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 normal agricultural practices.

~~(h)~~ **(h)** A person must not possess a handgun while hunting wild turkeys **or while accompanying the youth hunter during the season established in subsection (f) unless the person possesses a handgun in accordance with [IC 35-47](#) and:**

- (1) has a valid unlimited license to carry a handgun issued under [IC 35-47-2-3](#);**
- (2) has a valid unlimited license to carry a handgun recognized under [IC 35-47-2-21\(b\)](#); or**
- (3) is not required to possess a license to carry a handgun under [IC 35-47-2-2](#).**

~~(i)~~ **(i)** Except as provided under [IC 14-22-11-1](#) and [IC 14-22-11-11](#), a person must not hunt:
(1) wild turkeys unless possessing a completed and signed license bearing the person's name; or
(2) with a wild turkey license issued to another person.

~~(j)~~ **(j)** A piece of paper must, immediately after taking a wild turkey:

- (1) be attached to a leg of the turkey directly above the spur; and
- (2) state the:
 - (A) name and address of the person;
 - (B) license number (if applicable);
 - (C) date; and
 - (D) sex;

of the wild turkey taken.

~~(k)~~ **(k)** A person who takes a turkey must do the following:

(1) 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:

- (A) records the permanent seal number on the log; and
 - (B) collects the piece of paper described in subsection ~~(j)~~ **(j)**;
- the person is provided with that seal.

(2) Immediately and firmly affix the seal to the leg of the turkey as follows:

(A) Directly above the piece of paper described in subsection ~~(j)~~ **(j)** for a turkey taken during the spring season.

(B) Through a section of skin or flesh to prevent its removal (without cutting the seal or the body part to which it is affixed) for a turkey taken in the fall season.

The permanent 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)~~ **(l)** 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; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Jan 8, 2007, 9:11 a.m.: [20070207-IR-312060193FRA](#); filed Sep 6, 2007, 12:20 p.m.: [20071003-IR-312070023FRA](#))

LSA Document #06-605(F)

(Administrative Cause Number 07-085A)

Filed with the Publisher: September 6, 2007, 12:09 p.m.

Small Business Regulatory Coordinator

Maj. Samuel Purvis, Indiana State Boating Law Administrator, Department of Natural Resources, Indiana Government Center-South, 402 West Washington Street, Room W 255D, Indianapolis, IN 46204, (317) 232-4010, spurvis@dnr.in.gov

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SMALL BUSINESS REGULATORY COORDINATOR RECORD

The Small Business Regulatory Coordinator did not file a record.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #06-605(F) at its July 17, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated May 23, 2008:

...

2. Public Hearing

The public hearing was conducted as scheduled on May 7, 2007 in the Northeast Regional Field Office, Department of Natural Resources, Columbia City, Indiana. No member of the public appeared. The hearing was attended by Maj. Felix Hensley, Indiana State Boating Law Administrator; 1st Sgt. William Snyder; Ann Knotek of the DNR's Office of Legal Counsel; and, Jed Pearson of DNR's Division of Fish and Wildlife. No citizen comments were received following the May 7 public hearing.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #06-605(F)

DIGEST

Amends [312 IAC 11-5-2](#), which governs lawful nonconforming uses for structures subject to licensure under [IC 14-26-2](#) (commonly known as the "Lakes Preservation Act"), to provide greater specificity to the processes used to evaluate lawful nonconforming uses; to specify that the person claiming a lawful nonconforming use has the burden for establishing conformity; to clarify that the Department of Natural Resources has the burden for establishing that a lawful nonconforming use should be terminated if the department contends it poses a nuisance or has been abandoned; to clarify that a temporary structure can qualify as a lawful nonconforming use; to acknowledge that the seasonal removal of a structure does not constitute abandonment; to provide that a person who wishes to assert the benefits of a lawful nonconforming use for a pier that exceeds 150 feet long (or that exceeds 300 feet on Bass Lake in Starke County) must submit documentation by January 1, 2010; to specify that an abandoned structure is disqualified from treatment as a lawful nonconforming use; and to clarify that the department must issue a complaint or seek emergency relief based upon a contention a lawful nonconforming use must be removed, but the department may serve a notice of violation if an unlawful nonconforming use is placed or maintained or if a lawful nonconforming use is modified or repaired without authorization. Effective January 1, 2008.

[312 IAC 11-5-2](#)

SECTION 1. [312 IAC 11-5-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 11-5-2](#) Lawful nonconforming uses

Authority: [IC 14-10-2-4](#); [IC 14-15-7-3](#); [IC 14-26-2-23](#)

Affected: [IC 4-21.5-3-5](#); [IC 4-21.5-3-8](#); [IC 4-21.5-4](#); [IC 14-25.5-2](#); [IC 14-26-2-5](#)

Sec. 2. (a) A structure or facility that was lawfully placed before the effective date of a **provision of:**

- (1) [IC 14-26-2](#); or
- (2) a section of:
 - (A) [312 IAC 11-3](#);
 - (B) [312 IAC 11-4](#); or
 - (C) this rule;

including a structure or facility lawfully placed under a section of [310 IAC 6-2](#) before its repeal, which would be unlawful if placed after that date, is **eligible for qualification under this section** as a lawful nonconforming use.

(b) **This subsection governs the establishment of a lawful nonconforming use as follows:**

- (1) **A person who claims a lawful nonconforming use has the burden of proof for establishing:**
 - (A) **the existence of the use; and**
 - (B) **that the use was lawful;****when the new or amended statutory or rule section became effective. Except as provided in subdivision (2), a use must have been in existence when the new or amended section became effective and not merely at some time before it became effective.**
- (2) **If a rule section that governs the placement of a temporary structure becomes effective outside the boating season, but a temporary structure was used during the previous boating season, the use is considered to have been in existence when the section became effective. As used in this subdivision, the boating season is from April 1 through October 31.**
- (3) **The department may consider the following documentation in determining the existence of a lawful nonconforming use:**
 - (A) **Ground level or aerial photographs.**

- (B) Blueprints or engineering drawings.
- (C) Pier installation company records.
- (D) Inventories of piers that are nonconforming uses. These inventories shall be maintained by the department's division of law enforcement at the district headquarters for the district in which the structure is located.
- (E) CAD drawings.
- (F) Deeds, plats, and similar recorded documents.
- (G) Adjudications by the commission or by a court, including those determining the intent or consequence of an easement.
- (H) GPS units or range finders.
- (I) USDA documentation.
- (J) County GIS programs and documentation.
- (K) Statements from riparian owners and others familiar with the site may also be considered, but a determination may not be based solely on those statements.
- (4) Except as provided in subdivision (5), a person may deliver a written request and supporting documentation in support of a claim to any lawful nonconforming use that arises under [IC 14-26-2](#) or this article. Except as provided in subdivision (5), a person who does not deliver a request under this subdivision is not prohibited from asserting the benefits of a lawful nonconforming use as an affirmative defense or otherwise in a proceeding under [IC 4-21.5](#).
- (5) A person must satisfy this subdivision in order to retain the status of a lawful nonconforming use for a pier that is longer than one hundred fifty (150) feet (or, for a pier on Bass Lake in Starke County, longer than three hundred (300) feet). By January 1, 2010, the person must deliver, to the department's division of law enforcement at the district headquarters for the district in which the lawful nonconforming use is located, a written request and supporting documentation sufficient to demonstrate the existence of the lawful nonconforming use.
- (6) The department shall provide notice under [IC 4-21.5-3-5](#) of a determination that a structure qualifies or does not qualify as a lawful nonconforming use under subdivision (4) or (5).
- (7) The department shall maintain a public file or files to memorialize any determinations under this subsection. The department may include in the file a determination that a structure qualified or did not qualify as a lawful nonconforming use even if the determination was made before the effective date of this subsection.

(c) This subsection governs the maintenance of or modification to a lawful nonconforming use as follows:

(1) Except as provided in subdivision (2), a lawful nonconforming use may be maintained, but the use cannot be modified or repaired unless a person satisfies the requirements of [IC 14-26-2](#) and this article that are in effect at the time of the modification or repair. In performing modification or repair under this subdivision, the:

- (A) location;
- (B) size; and
- (C) configuration;

of the use must be maintained.

(2) The department may authorize a modification or repair to a lawful nonconforming use if it determines that the resulting change to the:

- (A) location;
- (B) size; or
- (C) configuration;

would better serve a public right or a vested right, as referenced in [IC 14-26-2-5](#), than does the existing lawful nonconforming use.

(d) This subsection governs the removal of a lawful nonconforming use as follows:

~~(b)~~ (1) The director or the director's designee may order the removal of a lawful nonconforming use ~~under subsection (a)~~ if the structure or facility is either of the following:

~~(+)~~ (A) A nuisance that adversely affects **any of the following**:

~~(A)~~ (i) Public safety.

~~(B)~~ (ii) Natural resources.

~~(C)~~ (iii) Natural scenic beauty. ~~or~~

~~(D)~~ (iv) The water level of a public freshwater lake.

(B) Abandoned.

~~(2)~~ (C) Modified in a manner for which a license is required under [IC 14-26-2](#) or this rule, **but for which no license has been obtained.**

(2) The department has the burden of proof to establish a lawful nonconforming use should be removed under this subsection.

(3) A structure adversely affects public safety under subdivision (1)(A)(i) if the structure is any of the following:

(A) Except as provided in clause (B), extended or located more than one hundred fifty (150) feet lakeward from the shoreline or water line.

(B) For Bass Lake in Starke County, would violate [312 IAC 5-6-3\(a\)](#).

(C) Submerged or otherwise obscured from the view of a boater or other person using a lake.

(D) In a derelict condition. A structure is in a derelict condition if:

(i) so neglected by the owner that it has become ineffective for the intended purposes; or

(ii) following a reasonable inquiry, the owner of the structure cannot be identified.

(4) Generally, a use is abandoned if not exercised for a period in excess of one (1) year. A person may, however, present evidence of special factors that would reasonably excuse a failure to maintain the use. These factors include the following:

(A) Pending litigation relating to the lawful nonconforming use.

(B) Unusual environmental conditions.

~~(e)~~ (e) **[IC 4-21.5-3-8](#) controls** an order issued under subsection ~~(b)~~ ~~is controlled by [IC 4-21.5-3-8](#)~~ (d) unless an emergency exists, in which event ~~[IC 4-21.5-4](#) may be applied.~~ **applies.**

(f) Notwithstanding subsection (e), the department's division of law enforcement or the department's division of water may issue a notice of violation under [IC 14-25.5-2](#) for either of the following:

(1) The placement or maintenance of an unlawful nonconforming use.

(2) The unauthorized modification or repair of a lawful nonconforming use.

~~(g)~~ (g) Nothing in this rule affects the department's right to seek injunctive or other relief under [IC 14-26](#) or another applicable law.

(Natural Resources Commission; [312 IAC 11-5-2](#); filed Feb 26, 1999, 5:49 p.m.: 22 IR 2228; filed May 11, 2004, 9:00 a.m.: 27 IR 3065; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 6, 2007, 12:09 p.m.: [20071003-IR-312060605FRA](#), eff Jan 1, 2008)

SECTION 2. SECTION 1 of this document takes effect January 1, 2008.

LSA Document #06-572(F)

(Administrative Cause Number 06-185D)

Filed with the Publisher: July 10, 2007, 2:09 p.m.

Small Business Regulatory Coordinator

Linnea Petercheff, Staff Specialist, Division of Fish and Wildlife, Department of Natural Resources, 402 W. Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-6527, lpetercheff@dnr.in.gov

Document History

LSA Document #06-572(F)

Notice of Intent: [20061213-IR-312060572NIA](#)

Proposed Rule: [20070221-IR-312060572PRA](#)

Hearing Held: March 27, 2007

Approved by Attorney General: June 28, 2007

Approved by Governor: July 10, 2007

Filed with Publisher: July 10, 2007, 2:09 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 16, 2007, the Small Business Regulatory Coordinator, Linnea Petercheff, filed the following:

No comments, questions, or complaints were received from small businesses with respect to the rules governing the management of wildlife that extends the expiration date of the restriction of taking one antlered white-tailed deer per year in 312 IAC 9.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-146(F) at its May 22, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 25, 2007:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

The following are paraphrased from verbal comments offered during the public hearing.

Tom James: I am here representing the Indiana branch of the Quality Deer Management Association. I'm currently serving as vice president. We are here to represent approximately 500 members statewide and approaching 50,000 members nationally. On the state level we unanimously support the one buck rule. Current structuring of our deer season with the shotgun season length and timing we feel while that is in place the one buck rule is a great way to limit the harvest of younger bucks. If the Department ever considered either shortening or moving the season out of what we consider to be the peak rut in Indiana we would support that as well and look at possibly recommending going back to more than one or "two-buck" limit. Under the current season structuring we feel this is the best way and have seen good results.

Will Ditzler: I'm not representing Quality Deer Management Association, although I am a member. I've predominantly been an archery hunter for about fifteen years and I think a lot the people in the deer hunting community are naturally migrating towards being more selective in having quality versus quantity on bucks. The only thing I would add is my opinion in support of liberal doe regulations and promoting the harvesting of does to help to have a balanced age and sex structure. From my standpoint it's not about trophy buck management, although it's nice to have that opportunity. I work for JF New and work with a lot of wildlife biologists and scientists and my perspective is that from a biological standpoint I think there's a lot of reasons for DNR to have proactive regulations that are not necessarily what historical regulation are. I would like to compliment the DNR for having the initial five year period because I think that is a progressive move to try something different. Being a resident of Indiana, I'm proud of our DNR for trying to do things and experiment with things and again another point I would like to make in support of this is that I looked at the survey the DNR did. It looked to me like the hunter support for this was quite strong. Actually probably surprisingly so because I didn't know how many other hunters would have the same position as QDMA but I felt pretty good about the percentages that were either strongly in support or in support of it so that therefore I would use that as a reason for the DNR to, if biologically you're saying maybe there's not strong evidence at this point, if the hunter community is in support to that degree lets do another five years to give the thing more time. I think only in the last two to three years have I seen results of what started five years ago. I think five years is too short to be able to assess what the long term impact will be on the age class of male deer. So I am a strong proponent of continuing the one buck rule for another five years.

b) Comments Received Outside Public Hearing

On October 4, 2006, the following persons wrote by email:

Farrel Weisheit fweisheit@yahoo.com

I am a strong backer of the 1 buck rule. I have seen more larger bucks in the past couple years. This is making a big difference. I have always told my hunting buddies to be more selective.

Mike Holder mdh920@aol.com

I agree with the 1 buck policy however I am in favor of the "Earn a buck" (must tag a doe prior to taking a buck) system I understand other states have. I think you could increase the bucks to 2 under this system and still have the desired effect of thinning out does.

Thanks for the increased antlerless quotas and the dropped 2nd tag price.

On October 6, 2006, the following persons wrote by email:

Brad Herr krayzie_bone86@hotmail.com

Hi, I am writing to voice my opinion on the OBR discussion you will be having next week. I will not be able to attend but wanted to give my 2 cents anyway.

I did not receive a survey unfortunately, and it is my understanding that many people did not receive one based on several different factors. I do not believe this survey was a random selection from the database but that's another issue. I also find it somewhat comical that about 70 percent of the people who were surveyed said they supported the OBR, but then another 54 percent said they didn't mind a 2 buck trial? Which is it? Maybe they just don't really care or maybe the questions were just badly worded. If people like OBR so much, then why do 54 percent not have a problem with a 2 buck trial???

I myself would like to see the 2 buck trial put into place and then after that let's look at the numbers and see where we stand. I see absolutely nothing in any of the harvest numbers right now that suggests we need to make OBR permanent. So, since nearly 80 percent of the people who support OBR have no problem with a 2 buck trial, why not do the 2 buck trial and make some informative decision based on that?

Greg Russell hunter480@ccrtc.com

Is there anyone taking opinions about the silly one buck rule?

I've heard from a good source that the DNR did a survey, (I'm a Lifetime License holder-I didn't get a survey), to determine what Indiana hunters want in regards to keeping the obr, or returning to legally killing 2 bucks per season.

I am totally against the obr and would like to have my voice heard.

Dan Fuhs boar@fullnet.com

I am a bow hunter and a firearms hunter. I support the one buck rule as I have seen the "quality" of the buck herd improve. I want the commission to know that I also harvest 2 to 3 does per year. Please don't let overall deer population affect your decision to change the rule back to 2 bucks. The number one influence on does not being taken and the herd not being reduced is the price of the extra deer tags. Most people won't spend the money to kill more does. Please keep the one buck rule in effect.

Cole Heichelbech cole@jasperseating.cm

As a bow hunter I would like to let you know that I support the One Buck rule being adopted permanently. The areas in which I hunt have benefited greatly in the past five years. We document and log all of our sightings while on stand. When we make our entries into our log after every hunt we separate the deer by age class as well as logging does separate from fawns. Positive changes have occurred on our properties in age structure, fawn recruitment and buck to doe ratio as well as reducing the herd to a manageable abundance. Every year we have seen this gradual improvement and I hope we can continue to build upon the positive direction we are currently moving. This is not about producing trophy bucks (although that is a beneficial result) it is about managing a deer herd for its optimum health and population. Our efforts also include harvesting as many does as legally possible to keep the deer herd in check. Please make your decision based on what is best for the deer.

On October 7, 2006, the following person wrote by email:

Rick Giesler rgiesler@psci.net

I would like to go on record proposing that that "one buck rule" be extended indefinitely.

On October 12, 2006, the following persons wrote by email:

Nate Howett nahowett@warsaw.k12.in.us

I was unable to make it to the meeting on Tuesday. I am in favor of keeping the OBR to continue a strong and healthy deer herd.

Howett also wrote on March 20, 2007,

I am expressing the concern of canceling the one buck rule. I am in favor of continuing the present practice of only being able to harvest one buck per hunting season. I have found in my own hunting experiences that I have had the opportunity to see more mature bucks in the woods. Along with harvesting does, we are seeing a healthier deer herd in northern Indiana

Charles Paddock cpaddock@CSNLLC.com

I was given this email address & I hope it is the right one but I just wanted to voice my opinion that the One Buck Rule is great & we have seen a big change in the age class of the bucks we have been seeing we would like to keep it.

I had a buddy tell me that he has seen a big difference in the size bucks that are brought to his taxidermist shop to be mount in the last year or two.

Paddock also wrote on February 27, 2007

I am in favor of the one buck rule to be extended for another 5 years.

On October 16, 2006, the following persons wrote by email:

Russell D. McCoy rdmccoy@csinet.net

I am writing to say that I would like to see the "one buck rule" stay in effect. I am a lifetime license holder & therefore would cost me nothing to harvest 2 bucks, however I feel that the rule has served the purpose it was intended for, (to keep hunters from taking young bucks) & should continue. If you're a trophy hunter then one buck should be enough & meat hunters would be better off harvesting a nice doe rather than a young buck. My son Russell M. McCoy, & son-in-law Joseph Kantowski who are also lifetime license holders, are of the same opinion.

Michael Heastan rac.mac@comcast.net

I would like to comment on a article I read in the Fort Wayne Sunday newspaper Oct. 15, 2006 reference the 1 Buck rule. I believe this has helped with more sightings of older, mature, BIGGER Bucks. I truly enjoy venison, but I also like to see that wall hanger coming towards the tree stand.

On October 25, 2006, the following person wrote by email:

John Hayes elkhunt@ligtel.com

I am and have been a deer hunter since the first legal season was adopted by state Indiana. For once Indiana had made a positive move by the adoption of the 1 buck rule and know want to go back to 2 buck rule. The two guys in charge obviously done hunt as they say they don't see any change by having the one buck rule. They need to get out from behind their desks and talk to the deer hunters of this state. It does and is making a significant difference in the quality of buck being seen and taken. There is a reason the surrounding states pocket more revenue for their dnr coffers hunters are willing to pay for out of state licenses. Further it is not about heard control that makes killing 2 bucks logical in any format. It is about doe population. Change your doe limits and allow more to be harvested as they have done in surrounding states. Allow out of state hunters to kill either a doe or buck or both when they hunt Indiana. Do not reenact this rule. I also represent twenty hunters in Noble County in quality deer management group.

On October 30, 2006, the following person wrote by email:

Mike Bartlett cybilbartlett@sbcglobal.net

I am against the one buck rule most guys who started bow hunting when I did, did so to have a chance at taking a extra buck. I am guessing most youngsters introduced to hunting will not be taking up bow hunting in the future. I think everyone should have been contacted about this. Also when you can take 8 button bucks in one county something is wrong, also many hunters get a buck opening day then have the landowner tag it. There ARE TOO MANY LOOPHOLES IN THE SYSTEM.

On October 31, 2006, the following persons wrote by email:

Darrell Bade imbullseye@mcleodusa.net

After reading an article in the Bedford Times-Mail this weekend about the One Buck Rule, I thought I would let my opinion be known. I have been hunting for 20+ years and hunt for a hobby and for meat for the freezer. I do not like the One Buck Rule. While never being a trophy hunter I would take the opportunity to harvest a trophy if the situation presented itself. But since I mainly hunt for the meat and fun I am faced with the problem early in the season with whether to shoot a smaller buck or pass. Since I am not a trophy hunter I usually take the smaller buck, but this then does not give me the opportunity to shoot a trophy buck later in the year if the situation presents itself. The article I read quoted Jim Mitchell as saying there was no biological reason for the One Buck Rule, it was just a matter of what hunters wanted. This is one hunter that wishes that it was the way it used to be and a buck could be shot during the archery season and during the firearms season. To me we need to control the deer population and keep hunters interested by giving them more chances to harvest a deer rather than worrying about the trophies that some hunters need to prove how great of a hunter they are.

Ron Means ronmeans@rnet.net

I am strongly opposed to the one buck rule. The special interest groups are only interested in trophy bucks. Instead of this rule being imposed across the state, why not have it on DNR properties only. The opinions of certain groups should not force unwanted rules upon the rest of us sportsmen/women. The small survey the DNR conducted is in no way a reflection of what the rest of the sportsmen/women feel about this issue.

On November 2, 2006, the following persons wrote by mail:

Ron McKee; Martinsville, Indiana

The Sunday Hoosier Times 10/29/06 had an article about the one buck rule. According to the article the DNR sent out over 10,000 surveys asking about the one buck rule. I don't know anybody that got one of these surveys.

I would like to register my vote against the one buck rule—please go back to the one buck with bow and one buck with gun. Unfortunately there are some putting too much value on antlers. I like shooting a big buck as much as anybody, however I've seen what being known as a trophy state has done for other states.

I personally can't afford \$1,000 - \$1,500 and up per year to rent hunting space. Leasing private land to hunt on in Indiana is coming—being known as a trophy state will not only speed it up but bring competition from out of state. Those that can't afford leases will be forced onto state property which will be over hunted and dangerous with gun.

At a time when hunters need to get more people interested in hunting to combat the anti-hunters, we should not be interested in antlers; instead we need to keep hunting affordable for all. Hunting is our heritage—not a rich man's game. I ask the DNR to help protect this for us. I'm interested in hunting, not antlers. Please say no to the one buck rule. No hunting land means no hunting—seems simple to me.

Ron McKee also wrote on March 18, 2007

Say "No" to the one-buck rule. The trophy hunters that are pushing the one-buck rule may be rich enough to either buy their own hunting land or be able to lease hunting rights from the outfitters that will tie up private hunting land. All one has to do is look at surrounding states that are considered trophy states. Leasing is coming to Indiana anyway. There is no reason to hurry it up. There is not enough room on state property for everyone to hunt safely if leasing hunting rights gets a real hold on Indiana hunting. We are at a time when we need to be getting more people interested in hunting not making hunting only for the rich.

Another way to look at the one buck rule is: It has caused more people to poach than any other law. I'm a Christian and try to live right, which includes obey the law of the land, even if I don't agree with it. However, if you could check out all listed buck harvests by landowners all over the state and weed out those that don't even hunt, you'd see what I mean. Please say "no" to the one-buck rule.

On November 8, 2006, the following persons wrote by email:

Rod DeRoo rldzeppelin@hotmail.com

I do not agree with another 5 years of the one buck rule. The 5 years we have now have shown no difference in the deer herd, only to takeaway harvests from 2 season hunters. Why should all of Indiana's hunters be forced to have "trophy laws" pushed on us because of a vocal minority? A lot of states have multiple buck seasons with no detriment to the deer herd. Isn't that what we're supposed to be worried about? The deer herd?

DeRoo also wrote by email on November 28, 2006

A one buck rule will not make a single season deer hunter anymore selective, when the deer hunter only dedicates one or two weekends to deer hunting, they will tend to shoot any legal deer as soon as the opportunity presents itself.

If Indiana is going to keep the one buck rule the state should sell one buck tag that is good for all three parts of the deer season. Buck tags with a 3 week shelf life does not promote selectiveness and is counter productive with a one buck rule. Furthermore, all the OBR has accomplished is a shift in harvest data from archery harvest to firearms harvest. We are killing more bucks now than before the OBR, so why even have the rule? It does nothing but eliminate the chance for an archery hunter to harvest a buck. Because like it or not, we are all out there to kill bucks. We do kill does, but bucks, and the opportunity to put one on the ground is why we hunt.

I cannot support the One Buck Rule. It is purely the voice of a vocal community wanting bigger antlers. How does that help manage the herd in Indiana?

DeRoo also wrote by email on March 10, 2007

Indiana does not need a "One Buck Rule". If the goal is to control the deer herd, wouldn't another deer(buck), help facilitate that? The OBR was forced upon us by the Indiana Deer Hunters Association just because "they" wanted bigger antlered deer. Why should the rest of us be denied opportunity because of their wants?

Johnathan Spencer jspencer@ewsc.k12.in.us

Please consider extending the One Buck Rule for another 5 year period. We are hearing and seeing so many more bucks that are reaching maturity since the initial 5 year period. Each year I see more total bucks and I am also seeing so many more large whitetail bucks than ever before! Please let the One Buck Rule continue as Indiana is starting to become one of the whitetail secrets in America.

Anthony Quinn anthquinn@hotmail.com

The one buck rule should be instated for longer than five more years...I would like to see it forever...also would like to see the firearms season shortened in length...to long...

Doug Leslie dleslie217@aol.com

Wanted to voice my support for the OBR. I am an avid deer hunter who has seen the positive results of the OBR. I can only hope that the OBR continues in Indiana. The quality and size of our Indiana bucks can only continue to improve with this program in place.

Eric Williams e.s.williams@earthlink.net

Just wanted to voice my SUPPORT of the "one buck rule". As a dedicated hunter that practices QDM on 800 acres in Owen County, I have noticed an improvement in the number of bucks since the rule began. Less bucks are being killed on the outskirts of the property I manage, which is good. More work needs to be done, but it is working.

Williams also wrote on February 25, 2007

My name is Eric Williams, just wanted to let you know the positive effects of the "one buck rule" I have witnessed where I hunt in Owen County along the White River, near Freedom. Thank you for continuing a

great rule that allows the buck to doe ratio to improve. I have been seeing more and bigger bucks in the areas I hunt in Owen and Johnson counties since the rule has been instituted.

Josh Schmitt white99@yahoo.com

I understand there will be a One-Buck-Rule (OBR) meeting within the next couple of weeks. For many years I have often wanted to hunt for bucks like individuals have been able to in Ohio, Illinois, Iowa, etc., and now with the OBR in full effect, I feel I am able to do that. OBR has caused a significant increase in the quality of bucks I am seeing over the past few years compared to when I first started hunting. Please do not bend to the pressure of going back to a 2 buck rule (most of the pressure would come off of increased sales of a 2nd tag), because you would be causing an injustice to all serious deer hunters in Indiana.

My feeling is that if someone wants to shoot a 2nd buck, shoot a 2nd doe instead. Help control the population, but more importantly, let the yearling bucks have a chance to survive and mature! KEEP OBR!!

Jay McIntyre jdmcintyre1042@yahoo.com

Please keep the One Buck Rule in Indiana. As someone who is new to hunting, I think it will only improve the perception of the sport and the joy of the hunt. Keep the OBR!

McIntyre also wrote by email on March 8, 2007

As a new hunter, I'd like to voice my support for the OBR. In this off-season I have seen more deer than ever before. I largely believe this to be a result of the OBR in effect. Please extend it 5 more seasons to strengthen the herd and our great state's outdoor opportunities.

On November 9, 2006, the following person wrote by email:

Michael N. Rasmussen hoosiertaxidermist_99@hotmail.com

I am submitting this email to tell you all that the one buck limit shouldn't be put back into effect. We need to thin out the herd in a way that does not hurt it, if the one buck limit is put back into place it will for every two antlerless deer taken a buck needs to be taken also with the increase in antlerless harvest areas where you can take more than two antlerless deer you need to take a buck many pro hunters i.e. (Realtree, outdoor secrets, etc.) have said this. Please in areas where more than two antlerless deer can be taken allow for one more buck to be taken. At \$24.00 if you were to allow one extra buck to be taken i.e. La Porte co. 8 antlerless can be taken that creates a revenue for the state of around 129.00 that's with the discounted tags it would make a lot of revenue for the state to do something like this instead of putting the one buck limit back into effect. Please try this out for one year I believe this would work better for the state. Try a points system for antlerless deer like Iowa has.

On November 11, 2006, the following persons wrote by email:

Anthony Withrow wrote by email on November 11, 2006 from wthrow@aol.com

I support extending the crossbow during late archery. Also I think the crossbow should be legal during the early season as well for anyone that chooses to hunt with one.

Robert Stout wb9eck@tds.net

The use of a Crossbow should be a personal choice. The govt. and archery/gun club should have nothing to say about it.

Make crossbows legal for anyone who chooses/needs to use one during the entire archery season. The gun/archery clubs already don't like govt. It'll make tons of other people very happy.

Adam William Henderson grizzlyadam@copper.net

I support the unlimited use of crossbows during archery seasons, without special regulations concerning them as contrasted with vertical archery equipment. Crossbows are bows; they are ballistically similar, and offer little advantage over modern compounds.

Hunters should have their choice of safe and efficient weapons to use during various seasons, without being subjected to the controls championed by exclusivists who want to keep seasons all to themselves.

Legalize the crossbow during all archery seasons, without different restrictions on what deer may be taken.

Also, consider reducing the exorbitant fees charged to non-resident hunters during deer seasons. There is no justification for these prohibitive license costs, and the high cost only hurts hunting in our state. It really is far too high, and only steers hunters away from Indiana.

Darrell Short weasel01@peoplepc.com

I'm in favor of the buck during the late crossbow season. How can I get more information on this? Is it legal to kill a buck during the regular season, and during the late crossbow.

Robert Reid gaturkeyhunter@msn.com

Please allow the use of crossbows in the entire archery season, the same thing was said here in Georgia that it would ruin the archery season if crossbows were made legal which it hasn't. There should not be one group that they should have all the woods to themselves. So please make it legal to use a crossbow.

Randy Sims rcjjs@mlec.net

It should be a personal choice made from all individuals and crossbows should be made legal for all of Indiana's archery season for anyone who needs/wants to use one.

On November 12, 2006, the following person wrote by email:

Rick Hutson 4seasons@cox.net

Crossbows were recently passed by my state. At first I didn't want them but after actually trying one I changed my views. I had been guilty of believing the opponents stories. Anyway the results here in VA are 100% positive. The additional license fees helped the game dept and the impact on seasons and game harvest did not change. Win, win for all. I hope you keep the xbow season and really would like to see it for the entire season.

On November 14, 2006, the following persons wrote by email:

Dean R. Weimer deanweimer43@yahoo.com

I just would like to thank the NRC and IDNR for not only implementing the One Buck Rule initially, but also having the foresight to continue it for another 5 years. Although controversial to some in our state, the OBR has done nothing to hurt the deer population and has done everything to improve the adult buck age structure statewide. For years, the male segment of the herd was over-harvested, causing many problems within the herd. First and foremost, the overpopulation of the herd; among other things. Continuing the One Buck Rule was an excellent decision. I would like to thank the IDNR for listening to the constituents of this great state who responded positively to a progressive and modern approach to deer management in Indiana.

Weimer also wrote by email on November 15, 2006

The One Buck Rule is the best thing that has happened for Indiana's deer herd since the inception of the modern deer season in 1951. Historically, Indiana's bucks have been over-harvested under a multiple buck allowance; and, in conjunction with the longest firearms season(s) combined in the lower Midwest. Indiana's 32 combined days of firearms hunting is the longest combined season and no doubt contributed to the lack of an older age structure in the past as well.

Also noteworthy is the increase in the antlerless deer harvest since the mid 1990s. This also plays into the increase in buck age structure that we've witnessed in the last several years. It is well-documented by whitetail biologists nationwide that harvesting more doe deer, will help improve the age structure (and antler development) of bucks as well. The Buck:Doe ratio is also pulled tighter to a 1:1,1:2 desired number that was intended by Mother Nature.

There are two main reasons that the One Buck Rule needs to be kept indefinitely under the current Indiana firearms season(s) format. They are 1) Limiting hunters to a single buck causes individuals to be more selective in their harvest, and 2) Those individuals who do harvest their one buck, but want to continue to hunt, will no doubt be more likely to harvest more antlerless deer. Most likely, this antlerless deer is an adult doe; which in turn helps in the overall management of deer statewide. Thank you so much for considering the continuation of a rule that has done nothing but improve the overall deer herd and consequently the deer hunting experience statewide in Indiana. This is modern, progressive deer management at work.

Anthony Rothgerber anthonyr@psci.net

I think if we are going to keep the OBR we need to do something about the tag situation. Currently if you fill your buck tag during any season other than firearms you lose an antlerless tag. For example, where I live in Perry County with my lifetime license I can harvest 2 archery, one firearm buck and 2 bonus antlerless and 1 ML for a total of 6 deer however if I use an archery tag or the ML tag for a buck I am only allowed to harvest 5 deer this season. Perhaps we need a bucktag that is good for the entire season and not take away from the harvesting of antlerless deer which has become a necessity to maintain herd balance. Open to suggestions on this problem.

On November 15, 2006, the following persons wrote by email:

Keith Klemm krklemm@mchsi.com

I just want to add my support for keeping the One Buck Rule for another 5 year period.

Bill Reiman bill@reiman-insurance.com

I would like to state my support of extending the OBR, as per there commendation. I do not feel this takes away any opportunity regardless of weapon. I only bow hunt throughout the season. I think it gives all hunters the same opportunity regardless of their weapon of choice. On another note, I applaud the decision of increasing limits on bonus tags, this will go along way of reducing the doe population.

Tracy Grider trgrider@hoosieroutdoorsman.com

I have been reading about the 1 buck ruling and I do think it is a worthwhile effort to help improve the male end of the herd. But all in all and you might speak with some biologists and they may agree that there is more that needs to be added to this. Such as doing away with the antlerless permit and making it a straight doe only permit so that hunters aren't taking button bucks and spikes which is in turn draining the genetics from the herd. As far as the 1 buck ruling why not implement a point limit say a 6 point or better deer to take for a buck? This will give the younger deer a chance to grow and pass on their genes as the rut comes and goes. As a hunter the 1 buck rule is a good one but it could stand some fine tuning that would make the 5year implementation more productive and the end results more visible.

Randall Higgins randall.higgins@insightbb.com

I was very disappointed to see in the minutes for November that a restriction on taking an antlered deer with a crossbow will be in place beginning in 2012. With the current restrictions already in place (primarily that a crossbow cannot be used in early archery season), it becomes more and more difficult to fill a tag for those of us who choose not to use firearms of any type for hunting. Any chance such a restriction will be removed before 2012?

Higgins also wrote on March 9, 2007

I am in favor of leaving the One Buck Rule as-is. It seems to be working well and keeping the herd population at a good number.

Although my address indicates my Ohio residence I have owned and operated a small farm and in Switzerland county for about 30 yrs. Since my family is from SE Indiana I have enjoyed all aspects of the outdoors in SE Indiana all my life {61 yrs}.

On November 16, 2006, the following persons wrote by email:

Carla Nussbaum chapmanacres@mchsi.com

I would like to express my opinion on keeping the One Buck Rule in place. The last 5 years have been very exciting for me as I have seen our friends and family enjoy deer hunting like never before. The Bigger Bucks we are seeing and get a chance to take during hunting or photograph during the year is very exciting now that the One Buck Rule has been in place. Please do all that you can to keep this Rule for as long as you can. It's now getting exciting to see big bucks in Indiana and would hate to see this ruined.

Paul Vice inarcher@compugate.com

I support making the one buck trial into a one buck regulation. We don't need another five year trial or a sunset on a new regulation. The administrative rule change process is available if this rule needs to be revisited in the future. Please put this to rest...

On November 17, 2006, the following person wrote by email:

Eric Laird elaird@visteon.com

I just wanted to give my overwhelming support to the continuation of the one buck rule in Indiana. The quality of bucks I am seeing in the woods is unbelievable. These types of animals were unthinkable in my area as little as 3 years ago.

On November 21, 2006, the following person wrote by email:

Jason McClain wrote by email on November 21, 2006 from sportsmanscove@mchsi.com

I wanted to let you know that I strongly disagree with the 1 buck rule, and would like to see it return to a 2 buck rule.

On November 27, 2006, the following persons wrote by email:

Tim Nussbaum tim.nussbaum@bowcenter.org

Just wanted to send in a message that I STRONGLY encourage the DNR to KEEP the One Buck Rule in Indiana for years to come. It has improved our buck hunting experiences here in Indiana like no other rule before. Thank you for the trial period.....let's make it permanent now.

Tim Loe taloe@hotmail.com

Just showing my support for the One Buck Rule.

Bud Fields budfields.1@netzero.net

In response to the One Buck Rule and the apparent need to keep it active I would like to express my personal opinion.

When the OBR was first instituted, I was OPPOSED to it and even after the trial period, I am STILL OPPOSED TO IT.

I am retired and I hunt practically EVERY DAY of the deer seasons and I can honestly state that I have NOT noticed ANY increase in the total numbers of bucks in my hunting area let alone any increase in antler size.

I AM NOT a trophy deer hunter and I would rather harvest a deer for the freezer than a wall hanger.

Also, I am a "Multi-Season" hunter and with the increase of license fees, I can easily invest well over \$200 for hunting license. If I wanted to put that much in license, I would hunt neighboring states that have a higher deer population.

Also, the last three years I have noticed a DRASTIC INCREASE in total numbers of deer I have seen during my hunts and I feel that is a direct result of the OBR and the hunters are shooting too many does since they can only shoot one buck per season.

I feel IF the hunter is required to purchase a license for all the different deer seasons and at the price of \$24.00 per license, the state should at least allow the hunter to harvest MORE than one buck.

IF the "high-dollar hunters" want to chase their MONSTER BUCKS for the wall and satisfy their ego, that is fine with me but DO NOT allow their money and interests control what the "little guy" can do.

Fields also wrote on March 29, 2007

As a LIFE TIME Indiana resident and a veteran deer hunter for over 43 years, I must express my dissatisfaction with the proposed ONE BUCK RULE here in the state of Indiana.

I CANNOT believe the Indiana Department of Natural Resources is allowing the Indiana Deer Hunters Association to influence them into adopting this idiotic ONE BUCK RULE. NOT every hunter in this state is interested in ANTLERS opposed to venison and with the ever increasing fees that occur; it is difficult for many of the older hunters to come up with the increase in funds.

IF the state of Indiana is going to raise the fees and control the number of deer taken, the LEAST they can do is allow the hunter the option to take MORE than ONE BUCK. When I started deer hunting in the early 1960's, you could purchase a license for firearms and another for archery approximately \$5.00 each. Now, you need a license for EVERY season and weapon you hunt plus another license for additional deer.. It is very easy for a hunter to invest well over \$100 for license.

I firmly believe Jim Mitchell should be allowed to conduct a TWO BUCK trial and see the results of that... I make numerous speaking engagements throughout the Kokomo area and I have had people tell me they will NOT continue to support the DNR efforts of a OBR. They will start hunting out of state again. That is NOT what the state of Indiana wants. Lose revenue that could remain here.

Woody Williams asats@sigecom.net

The One Buck Restriction

Why do we have a One Buck Restriction?

The One Buck Restriction provision was enacted in response to individuals and two vocal deer hunting groups. The groups have a very limited membership (from 200 to 350 members) and do not represent the Indiana deer hunters. The only people they represent are their own members and not all of them

If this rule was put into effect for the health of the herd we would have absolutely no problem with it. It was put into effect in an attempt to grow some "trophies" against the better judgment of our own state biologist. As a long time deer hunter in the state of Indiana I can tell you that the "trophies" were already out there. All one had to do was hunt them.

The One Buck Restriction is contrary to the IDNR deer management plan.

In the Indiana Whitetail Deer Management Plan there is a stated goal of –“To **maximize hunting and viewing opportunities** while maintaining a deer population at a level consistent with ecological, social, and economic values of the people of Indiana.” The One Buck Rule has taken away a lot of **hunting opportunity** for individuals. Those hunting opportunities had very little effect on the health of the herd. So the One Buck Rule is contradictory to the Indiana Deer Management Plan.

Loss of revenues

Recently the deer license sales were down over 89,000. That is a lot of lost opportunity and revenue for the state for absolutely no return.

In an IDNR statewide deer hunter survey a major reason why the deer hunters bought less deer tags was because of the One Buck Restriction. Even though only about 5 to 6 thousand deer hunters “doubled up “ a year there were is the neighborhood of 20,000 hunters buying that second buck tag. That is a big loss in tag

sales revenues. It is also a big loss in associated spending when the deer hunters stay home after taking their one and only buck that includes purchasing of hunting equipment, gasoline, food, motels, etc.

Impact on archery

According to some archery manufacturer representatives the OBR has had a major impact on archery dealers throughout the state. That is evidenced by a 25% drop in retail sales in Indiana that is unprecedented in archery sales in the state. This rule hurts bowhunting at a time when the animal rights people are taking dead aim at bowhunting as their next target.

The casual bowhunter (primarily a gun hunter) are just sitting out the early archery season and waiting until gun season when the weather is cooler, leaves are off the trees, the rut is on and the big bucks are moving. In other words - waiting until prime time.

I have talked to a lot of deer hunters and almost without fail this is brought up when the huge decrease in deer (mostly antlered) harvested in early archery season is discussed.

In my area the early season is getting more and more like the late season - very few bowhunters out.

I've promoted archery and archery hunting for close to 40 years and I hate to see anything that is detrimental to the sport. Taking away that second tag affected the two-season bowhunter and in some cases they are hanging it up.

This comes at a time when the animal rights people have declared war on bowhunters. Do we not think we need all the help we can get?

Think about new deer hunter starting out - What incentives are there for a new hunter to pick up a bow and go bow hunting if we have a One Buck Restriction? Most, if not all, would just pick up the more efficient gun.

Since 80% of all bowhunters started out as gun hunters, what incentive is there for a gun hunter to pick up a bow and go bow hunting if we have a One Buck Restriction?

Again, it is a loss of hunting opportunity.

The deer age shift

All hunter surveys that I have seen indicate that deer hunters are getting older with the average age going up one year every year. With that increasing age average comes more deer hunting experience **AND** selectivity of what we will and will not shoot. These are documented facts.

I do believe that all states are seeing an deer population age shift and more "trophy bucks". State records are falling and numbers of trophy bucks increasing in numerous states every year. It is not just an Indiana phenomenon on the increase of such deer. Since this is across the board from state to state one can assign the aging, more experienced and more selective deer hunter as a major reason. I think a lot of us practice QDM in our own right by accepting a challenge to hunt a more mature buck than the year and half olds.

Keep in mind that these states all have various rules, season and bag limits, but the common thread is they are all experiencing an age shift in hunters and deer.

This is spelled out rather well in comparing the state of Tennessee's deer age graph with an age graph of our own. The trend is very, very similar. Keep in mind that Tennessee has a three-buck limit as opposed to our one-buck limit trial.

Tennessee age graphs

[CHARTS OMITTED FOR PURPOSES OF THIS INSTANT SBRC REPORT]

Indiana age graphs

[CHARTS OMITTED FOR PURPOSES OF THIS INSTANT SBRC REPORT]

As you can see Tennessee's percentage of 2 ½+ bucks is still increasing as ours has went flat the last two years.

Tennessee has a three-buck limit and we have a one-buck limit and they are doing as well, if not better than we are in achieving an age shift in the herd.

Hunters are more educated than ever before, TV, magazines, videos, books and the internet has opened a whole new world. Not only to hunting tips and methods but also in biology and management of deer

The progress has been slow, but is accelerating pretty quickly now. To some that is still not fast enough and want to impose some sort of restrictions on all hunters. Keep in mind RESTRICTIONS means just that. We are RESTRICTING another hunter.

We need to ask ourselves is that a wise thing to do in an age of declining hunter numbers and dwindling IDNR revenues? Especially since the age shift is going in the right direction already.

What to do?

Undoubtedly the poll/survey by the state's deer hunters came back in favor of extending the One Buck Restriction as the one-season deer hunters gave up nothing in this trial. Since they only hunt one season and could only kill one buck anyway it had no effect on them. They will vote to keep it and that will introduce a bias. I don't believe that we should "vote" on the amount of hunter opportunity that the IDNR provides that would not effect a majority of hunters, but would be at the expense of the minority.

In order to "maximize hunting opportunities" for all hunters as spelled out in the IDNR deer management plan and to regain that loss of deer tag revenues the ideal course of action would be to return to the two-buck limit of one buck with archery equipment and one buck with a firearm.

The herd did rather well for a long time under a two-buck limit.

A possible compromise solution –

Have the second buck antler restricted.

Since the major reason that the One Buck Restriction proponents wanted this trial was because some deer hunters were killing two yearling bucks a year, limit the second buck to a certain specification. In other words – any buck for the first buck and some sort of antler restrictions (width or points) on the second buck.

That way hunters would regain that lost opportunity and the IDNR would regain lost tag revenues while satisfying the goal of the proponents of not killing 2 year and a half old bucks.

This could also be accomplished on a 5-year trial basis as was the One Buck Restriction trial. At the end of that 5-year period the data from Indiana and other states will become more apparent as to what we are really seeing rather than indian deer hutners basing their decisions on anecdotal evidence.

Joe Bacon Jbwhttail@aol.com

I fully support the IDNR's proposal to extend the One Buck rule for an additional five years and to continue it until a survey of hunters(deer hunters) exceeding 50%request a reversal.

Deer hunters in Indiana and across the Nation are tired of deer management for maximum numbers. We are tired of a constant battle with landowners and Farm Bureau over what deer numbers are acceptable. We in Indiana are frustrated that in or about 1995 we had an "acceptable" deer herd after reductions starting in 1986, we want a even age/even sex ratio deer population maintained to an acceptable social carrying capacity. To reduce the deer herd and then gradually increase the population(for hunters or financial purpose) is unacceptable!

We have a deer biologist who holds a doctorate in deer biology and management. He should be charged with the responsibility to manage for acceptable numbers and even age and sex ratio that the majority of deer hunters want per IDNR's own survey.

Keep the One Buck Rule and direct the deer biologist to maintain and make public, herd size estimates, accurate age structure data, as well as reliable data for bonus county permits. For too long we have been hiding numbers to provide "opportunity".

Rick Clough savagehead@sbcglobal.net

This e-mail is in response to a thread on IndianaSportsman.com concerning the one buck rule extension. I for one would like to see the OBR a permanent thing. I also feel that there is no need to raise county doe quotas, as it stands, they are liberal enough. I feel by raising doe quotas it will be detrimental to the hunting experience if the herd is reduced to record lows. I feel that is where we are headed. I feel as if we have went to far this year by doubling the quotas in many areas. And are the lifetime licenses coming back? Tell me yes!!!

Paul Goodpaster goodyz71@hughes.net

Just a note to let you know that since I cannot take off work to attend the meetings you have had recently regarding the one buck rule, please let this email serve notice that I am against it.

Goodpaster also wrote on March 8, 2007

Please let it be known that I am against the one buck rule. I would much prefer the rule to go back to allow us to harvest one buck during archery season and one buck with either shotgun or muzzleloader.

On November 28, 2006, the following persons wrote by email:

Kevin Ailes kailes1@comcast.net

Please consider my comment regarding Indiana's "One Buck Rule".

I don't beleive the rule is helping build a better herd, therefore the rule should either be ended or other adjustments need to be made.

A one buck rule will not make a single season deer hunter anymore selective, when the deer hunter only dedicates one or two weekends to deer hunting, they will tend to shoot any legal deer as soon as the opportunity presents itself.

If Indiana is going to keep the one buck rule the state should sell one buck tag that is good for all three parts of the deer season. Buck tags with a 3 week shelf life does not promote selectivness and is counter productive with a one buck rule.

Natural Resource Departments should be creating opportunity for the hunter, the one buck rule reduces opportunity. To counter act the reduced opportunity the one buck rule created, additional opportunities should be added in the October part of the deer season. A October muzzleloader weekend and or the legalization of crossbows in October would create additional opportunity and create more multi season deer hunters.

I can't support the One Buck Rule unless the department adds additional opportunity.

Loyd Roberts lroberts@reliance-medical.com

This to let you know that I'm another hunter AGAINST the OBR, I think it should be done away with totally and let INDIANA hunters hunt deer the way we use to do it back when I first started hunting in 1964.

Ted Wensink theodore.wensink@dometicusa.com

I am in favor of the extension for the restriction of the one buck per year proposal.

I do believe the current tag structuring needs to be revised so shotgun permits can be for either buck or doe on the same tag.

Derek Craig derek.sfe@verizon.net

I would like to voice my support for the One Buck Rule (OBR). As a multi-season hunter, I feel in no way have I been cheated or lost opportunity through the implementation of the OBR. In fact, I feel that OBR has provided opportunity for hunters as one hunter elects to pass up a buck so that it may either mature or provide a harvest opportunity to another hunter. In the past 5 seasons I have seen a noticeable increase in the number of mature (3.5 year and older) bucks that I am seeing in my hunting area. In fact, I have been fortunate enough to harvest my three largest bucks (two 3.5 year and one 4.5 year old) during the OBR period. OBR is not the total solution to improving the quality of bucks in our state, but it is an effective tool in that goal.

I would also like to address the season structure. In my opinion, the firearms season needs to be shifted to the end of November and be shortened by a week. Same with muzzleloader season. It needs to be shortened and shifted later in the season. A look at two surrounding states, Ohio and Illinois shows that a shorter and later firearms seasons can still effectively manage the deer herds. Our current firearms season falls in the prime rutting time and adds to the slaughter of the buck deer.

I would also like to see a restriction in the number of shot gun shells that hunters are allowed to have in their guns. A plug rule needs to be implemented similar to waterfowl. There is no need for a hunter to go a field with 5 or more rounds in his gun. This leads to the needless spraying of lead at running deer resulting in wounded deer and a potentially dangerous situation in already over crowded woods.

I would also recommend that the State go to a deer license rather than a sex specific license for the gun season as it is now. A simple deer license in itself will greatly impact the harvest of does in the state. The "brown and downers" as they are called, simply want a deer. By forcing them to buy an antlered tag and then a second tag for a doe, the State is forcing many of these hunters to make a financial decision and they will only buy the buck tag. The result is that they shoot the first 1.5 year old buck that strolls through after they have been forced to pass on several does.

I greatly appreciate the work that IDNR is doing in providing a quality hunting experience for Indiana hunters. I really feel that IDNR is moving in the right direction and I hope that you will take my comments and those of my fellow hunters under advisement.

Andrew R. Snider ARSnider@pike.k12.in.us

I am writing in response to the proposition to renew the one-buck-rule. I believe that this rule should not be renewed. This rule is hypocritical in nature on the basis that these same people in favor of the one buck rule go to big oaks or crane and take a buck there. The rule is also not in favor of the average deer hunter but mainly the hunter that is only interested in antlers and not the overall health of the herd.

Matt Teeple <mailto:mtskidoo@earthlink.net>

On the issue of the one buck rule. I would like to put my input on the subject. I live in Adams County and have been hunting for almost 15yrs. I must say the last couple of years I have seen more equality size bucks in my area than in the years past. I believe this program is working well. I know a lot of hunters in my area are taken more does and waiting for a mature buck vs. taken the first animal with antlers because they feel that they will still have a chance at an antlered deer through out the season not just opening day. Keep all the programs One buck rule and antlerless tags as well. Thank you for your time and keep up the good work!!

Darin Blackburn darin1762@yahoo.com

I would like to take a few minutes to voice my opinion on the one buck rule. I am a two weapon deer hunter, bow and firearms. I don't like to have to pass up a buck during bow season because I want to take one with my gun too. Any deer taken with archery equipment is doing excellent. I love hunting the rut with my shotgun also, I don't think it's being greedy, I just love deer hunting. Deer hunting is on my mind year round, but I find myself losing little interest each year. I believe the one buck rule isn't doing what people are hoping it would do, which was have more and bigger deer and easier to get. I visit a few local deer processing businesses often through out the season, and I can honestly say about 85-90% of the bucks are 1.5 -2 years old. I think any deer biologist knows that the only way to get bigger bucks is to let the little ones walk. I'm tired of all the rules to make it easier for someone who doesn't but hard work or put forth little effort in to take a big buck..

If the one buck rule does stay in effect, I would like to see just one general purpose buck tag. The tag would be good for any legal weapon throughout the year. Cost adds up when tags go unfilled in a certain season.

Blackburn also wrote on March 29, 2007 <mailto:darin1762@yahoo.com>

I would like Jim Mitchell to really consider conducting a TWO BUCK trial. As I understand it, 51% of those surveyed said they were ok with it. At least consider doing it for a few years. We have already been under the OBR for 5 years now, let's see what happens going back to 2 bucks. If it effect the deer in a negative way, I'll never say another word about it. I am a bow hunter and a gun hunter and I would like to at least have the opportunity to go after 2 bucks.

Mark Jacobsen markjacobsen@daytonsuperior.com

I'm sending this e-mail to support the continuation of the One Buck Rule. My family is seeing more quality animals each year since the rule was put in place. Keep it going.

Scott Hottell shottell@msdsc.org

I am a lifetime license hunter in Steuben County Indiana. I'd like to add my comments to your long list. I support the one buck rule with the exception that the buck tag should be separate, and not distinguished by a particular season. It should be just that a buck tag- that can be purchased and good from Oct through the end of the late bow season. Various other tags - for does may be purchased by weapon type. This ruling change has my complete and hearty support and will ensure a well balance herd and budget. Now, can we please address the mute swan situation: an invasive species that should be addressed with extreme prejudice.

Mike Ruth ruthkaren@sbcglobal.net

Please keep the OBR for Indiana

Larry Ralph lralf@excite.com

I am just wanting to voice my support for an extension to the one buck rule in Indiana.

Gary Robitaille robitaille@core.com

Please consider my comment regarding Indiana's "One Buck Rule". I feel our states herd has greatly benefited from the rule. Another 5 years is a step in the right direction.

On another note...

As a "Lifetime License" holder I personally have no concerns but see our young adult hunters struggle with the costs of tags. As the LTL will probably be never introduced again I would like to see an annual license that would group all your tags together.

R.F. Sellers rfsellers@kconline.com

This is the best thing to happen to Indiana deer hunting! My vote in favor of OBR

On November 29, 2006, the following persons wrote by email:

Scott Werstler scottwerstler@pyramidplastics.com

Please keep the One Buck Rule in effect for at least another 5 years if not permanently. It is the best thing to happen to white tail hunting in Indiana in my lifetime.

Mike Clabaugh mclabaugh@sbcglobal.net

I'm against the OBR because the only thing it did was transferred the buck harvest from the archery hunters to the gun hunters just like Dr. Mitchell said it would. The harvest numbers prove that.

The OBR cost the IDNR revenue from lost deer license sales.

The Indiana deer license system was based on a two buck harvest, one on bow and one on gun. If the OBR rule is to be continued then the license system should be changed to one license for one buck good in both archery and firearms season.

We should let the IDNR wildlife biologists set the buck harvest quota based on data and the deer herd health and not small self-interest group(s) such as the Indiana Deer Hunters Association or the Indiana Bow Hunters Association.

The OBR did nothing but take the opportunity away for the two season hunter (6,000 a year) to harvest second buck.

I ask you to vote NO to the OBR.

Clabaugh also wrote on March 29, 2007

I strongly urge the NRC to allow Dr. Mitchell to do a 5 year 2 buck limit study (one archery, one firearms), so the DNR will have factual data to compare side by side in order to evaluate which trial one or two is in the best interest of Indiana's deer herd. 51% of those polled were in favor of allowing the 5 year two buck trial, so we should conduct the study.

The OBR was nothing but a scheme by a small group of organized people to create trophy antler hunting at a state level in Indiana. It had nothing to do with the health, well fair or management of Indiana's deer herd. The OBR was a social issue from the start.

The DNR has lost thousands of dollars from lack of deer license sales due to the OBR and at a time when the DNR is looking for more funding to operate. We should let the Indiana DNR professional biologists regulate our deer herd and not some small special interest group.

Jeff Cravens jeff.cravens@sbc.global.net

I would like to make a couple comments on some present deer hunting issues.

1.The one buck rule.

I personally am totally against this rule for another 5 years. I have deer hunted for 30 years and I miss the privilege of being able to harvest 1 buck with my bow and 1 buck with my firearm. I am not convinced it is helping the Indiana deer herd, importantly the buck-doe ratio. I think hunting organizations like Hoosier hunting, and Indiana deer hunters are more concerned about trophy deer herd than a healthy deer herd. I think we should go back to a 2 buck system for 2 or 3 years then look at harvest numbers to see.

2. I would like to see firearm season start in December after the rut: maybe flip flop muzzy and fire arm. How about earn a buck tag for bow season and firearm.

3.High fenced or canned hunting is not hunting, please stop this as soon as possible.

Josh Brosmer joshbrosmer@idem.in.gov; Ken Bacon k_bacon@insightbb.com

I would like to offer my comments on several of the proposed administrative rule changes. I am against the continuation of the one buck rule for another 5 years because I think it is bad for Indiana and bad for

hunting. According to our biologists, this rule has failed to achieve any objective or scientific measure of success. Indeed, it seems to me that the only thing this trial period has achieved is a decrease in deer licenses sold and removal of the foremost incentive for firearms hunters to become archery hunters and generate additional revenue.

The OBR is only considered a success by public opinion and I believe it sets a very dangerous mandate to allow public opinion to manage our wildlife resources. I also disagree with the general conclusions about public opinion concerning the rule, drawn from this survey. While it is noted that a majority of hunters surveyed are in favor of extending the rule, the press release failed to mention that a majority of hunters surveyed were also in favor of a three year trial period of a two buck limit in order to provide a more accurate view of this rule. If we are going to allow public opinion to determine management decisions then I do not believe this part of the public's opinion should be ignored. I believe a two buck limit should be reinstated for the next three years to provide a more accurate assessment of this management strategy.

Steve Reynolds ReynoldsS@covington.k12.in.us

I am for:

- the extension of the obr for a period of 5 more years.
- continuation of the use of crossbows for both sexes during second season.
- continuation of the youth hunt.

I would like to see:

- the legalization of crossbows for both sexes throughout the entire archery season
- youth have the opportunity to shoot more than one doe during the youth season.
- youth be able to legally harvest a buck during the youth hunt and it count towards the obr limit.

Jason Montgomery a_mays@sbcglobal.net

It's always been against Indiana law to hunt over a baited area. My question to you is as follows: What's the difference between a pile of corn and a small food plot? Under current Indiana law, a food plot is completely legal, but yet isn't normally their, its been planted by and for hunters in taking wild game, and has no agriculture affect.

Second, what kind of numbers on the OBR are you looking to see in an additional five years? The OBR affects only a small number of hunters, and deer alike. Is this the reason it gets passed so easily? It would be nice to hear from the DNR on why we have the OBR and why we will continue to use this system, especially when the numbers obviously show that we are killing more bucks in each of the years the OBR has been the law. I don't see any buck savings. I'm sure you already know that's \$24.00 less per hunter that your losing, that's a significant amount for a depleted budget the DNR already has to work with.

On December 2, 2006, the following person wrote by email:

John Olson jhnolson@insightbb.com

My name is John Olson. I am a certified wildlife biologist with more than 35 year of professional experience with wildlife management in the State of Indiana. I would like to take this opportunity to comment on the proposed extension of the one buck rule. The recent survey contracted by the Wildlife Research Unit of The Division of Fish and Wildlife has shown that the majority of those hunters surveyed (71%) supported the one buck rule (OBR) as a continuing regulation. The results of survey question 12

(Which one statement best describes your support for Indiana's One-Buck-Rule as a continuing regulation?" OBR was defined for respondent)

are statistically valid and represent the wishes of the hunters. However, I ask you not to pick and choose parts of the survey while ignoring other parts.

The original approval of the OBR was supposed to be conditional, based on an attempt to determine if the new regulation would, indeed, cause the age structure and production of trophy bucks sought after by the supporters of this measure. Changes such as a very large license fee increase, large increases in the number of lifetime licenses, and other regulation changes have confounded the analysis. It does appear that the

desired changes did occur. The question remains was it necessary to implement the OBR or would these changes have been a natural extension of other factors such as hunter aging and increased selectivity. Data has indicated that these factors, along with other naturally occurring influences may have been responsible for the majority of these changes.

In question 17:

Would you support or oppose implementing a 3-year pilot-return to the “two-buck-rule” to test if the one-buck-rule was the reason the age structure of the bucks has changed?”

The question was asked to see if the hunters would want to know if it was necessary for them to sacrifice the extra buck that they had been used to taking. In other words, was this increase caused by other factors and the OBR just happened at the same time. A majority of the hunters (54%) not only supported the one buck rule but wanted to know if that was the cause of the perceived increase in numbers of trophy bucks. The answer to this question was statistically valid as well. While there were 54% in favor of the proposed 3 year study, only 33% were opposed to the idea. The remaining hunters were neither for nor against the regulation. In your deliberations over this rule, do not disenfranchise the majority of hunters that both were in favor of the one buck rule as a continuing regulation but were still asking the Division of Fish and Wildlife to scientifically determine if the OBR is the major contributing factor in the changes in the deer herd that they see. The two questions are not contradictory as the majority of hunters supported both questions.

The independent contractor interpreted these answers to both questions as:

In an absolute sense, there’s no arguing that support for the one-buck-rule was higher than support for return to the two-buck-rule. But majority support offered by Indiana deer hunters to both the one-buck-rule and two-buck-rule displays an overall trust in the actions that IDNR takes in managing the deer herd.

Please do not disappoint them. The state should be assured that the OBR was the primary cause of the changes before we continue to reduce the hunter opportunity in pursuit of trophy bucks.

Olson again wrote on March 24, 2007:

Just a reminder , 70%+ said they like to OBR in Indiana but 50%+ said they were in favor of a test period to see if the OBR was the cause of the perceived increase in “TROPHY” bucks. Michigan has decided apparently that QDMA’s proposal to limit the buck harvest is not acceptable. As I understand it Indiana’s QDMA people claim that having more bucks of the “trophy class” is good for the population.

The first claim is that it makes the breeding period shorter and thus the fawning period more compact (as presented during the council meeting that I last attended). Nature likes to spread out the period of birthing young to avoid near total catastrophic effects of a period of bad weather on the fawn population during a compressed fawning period. Stringing out the fawning period helps insure population survival by having fawns born at slightly different times of the year. This is not the case in penned situations (where much of the research referenced is drawn). Fawning is economically beneficial if it occurs during a brief period.

The second claim is that it produces a “natural” and “balanced” sex ratio. A natural sex ratio is not necessarily an equal number of adult buck and does. An adult buck can breed several does. The number of adult bucks exceeding the number of bucks required to breed the does is not natural and is a waste of energy resources (food) necessary for the survival of does and their fawns over the harsh winter months. A large number of “trophy bucks” can cause excessive fighting and wastes necessary fat reserves that bucks need to survive the winter. I don’t understand what the term “natural” refers to as used by QDM supporters. To me “natural” would be that occurring with our hunting and including predation. This is not going to occur in modern day society in Indiana.

As I recall the vast majority of the non-hunting public basically supported the hunting of deer. They appeared to be very opposed to the idea of trophy hunting. This was revealed in a survey conducted by the Division of Fish and Wildlife several years ago. QDMA claims to be all about the management of the deer

herd but only talks about the number of “trophy bucks” harvested under QDM practices. They even use the number of “Booner’s” (Boone and Crockett trophies) to justify the “need” for the one buck rule. Another Issue that will come up before you is the Pistol Cartridge Rifles. It is interesting to see that many of the opposition claim that this will lead to the legalization of High Powered Rifles. QDM supporters are already saying (on various web sites) the OBR is not enough. They need to shorten and move the gun season out of the rut to prevent the majority of deer hunters (firearm hunters often referred to as the “Orange Army” and the “boom floppers”) from harvesting “THEIR” bucks. This is probably the first step in reducing the opportunity for the person that enjoys hunting deer and that likes to have a chance to hunt for bucks but cannot take several days off work to hunt during a shortened season. This person probably does not meet the QDM standards that determines true hunters.

One of our northern neighbors (see below) has already rejected attempts to reduce the hunting opportunity of the regular hunter. Much the same as the majority of our hunters that requested that the DNR determine if the sacrifice demanded of them by the “trophy hunters” was really necessary.

On December 19, 2006, the following persons wrote by regular mail or email:

John Hooten johnhooten@earthlink.net

I am definitely in favor of the OBR. I have talked to several hunters and not a single one of them is in favor of returning to a two buck limit. I am glad to see hunters unite on this subject.

Carl Weber; Mishawaka, IN

I am one of many hunters in Indiana who hunt with bow and gun. I have no objection to the one buck a year rule, but would like to see a slight change in the rules. The archery license is good for a buck or doe. I think the gun license also should be good for a buck or doe. I’m talking about the first license, not bonus licenses. If you buy both archery and gun license, shoot a buck during bow season, the gun license is useless. If you wait until the last day of bow season to buy a gun license, sometimes it is hard to find a place that still has licenses to sell. I had that problem a couple years ago. If you buy a archery license and a bonus license, fail to get a buck during bow season, you still can’t shoot a buck until you locate a gun license seller at the last minute. My plan would not hurt license sales at all; it might even help sell more licenses.

I also think something should be changed as far as checking in a deer after the kill. It is pretty hard to find a place to check in a deer, other than during daytime hours. (I’m talking 8:00 – 5:00) you shoot a deer at dusk, probably can’t check it until the next day. Then if you have to work the next day, it is past the 24 hours period, and in warm weather, the meat may start to deteriorate in quality. Would self check in help, such as Michigan has? Check in would be mandatory, but you would have the option to go to a check station, or send in a registration card that would be included with your license purchase, just as tags were at one time. I really think a lot of deer are not checked in, because of the difficulty in doing it. Example, Marshall County, only 1 check station.

Thank you for taking the time to read my suggestions. I speak for a lot of hunters (at least in my area of the state) that I have talked to around here, and they all seem to agree with my feelings.

On January 6, 2007, the following person wrote by email:

J. D. Heaton JDDADHEATON@aol.com

I am writing my concerns over the one buck rule. I am against the rule, I hunt on private land and have let bucks walk for the last 4 years to allow them to grow larger, and it has not helped out any. If the state wants to impose restrictions on buck deer then they should restrict the gun season to that of states that have a healthy older deer herd. (example; Illinois, Iowa, Texas). I purchased a lifetime license the year before the price went up, at that time I was allowed 2 bucks, and I want my 2nd tag back. The state seems to listen more to the clubs of the state than individuals. When the surveys were sent out I never received one. That task should of been distributed thru e mail or a notice given when a person checked in his or her own deer. It just seems that hunting is not what it used to be, where a person was allowed to bag a buck regardless of age

and not be laughed at or felt to be inferior to those that have gotten a chance at a good buck. REINSTATE THAT WE ARE ALLOWED 2 BUCKS AGAIN !

On January 9, 2007, the following person wrote by email:

Kevin Hauk kevin.hauk@veoliawaterna.com

Shorten gun season. More like Ohio and Illinois. Keep the one buck rule, but before you take a buck you must take a doe.

On January 10, 2007, the following persons wrote by email:

Keith Goldman KEITH.GOLDMAN@DFAS.MIL

Keep the one buck rule.

Gary Kendall gone2bowhunt@hotmail.com

Seems to me that all these new rules are working to diminish our deer population. I have spent tens of thousands of dollars for guns, ammo, bows & other hunting accessories over the years in which a portion of the costs of these products is targeted toward our wildlife management. Now Indiana has it so you can kill quota in every county. I live in Switzerland County which has 8 doe permits. No person needs to kill that amount of deer per season.

Seems the state wants to listen more to insurance companies on deer/vehicle collision reports. I've worked midnights & traveled the heaviest deer populated areas in the state for 7 years. I've hit 1 deer, I understand that some of these collisions are unavoidable but I work with people that have hit 4 & 5 deer a year, now is that the deer or the drivers fault?

I agree with the one buck rule. I've seen a substantial amount of larger bucks in the past 3 years. But now we've taken the cross bow & allowed it for late season does, then it moved this year to where we can kill our buck with a cross bow and we can kill each counties doe quota that means that each person could kill roughly 300 deer per year if they had places to hunt in each county. I know that the one buck rule is subject to change this year but I've not heard the outcome of this rule yet. So now we're at the point where they are wanting to allow pistol cartridges in rifles. Can people not kill a deer today with the legal weapons that we have had for years without introducing the cross bow, rifles & rifle rounds out of pistols? I understand exceptions to the rules for the handicapped, what's next? Let's just fence them in & shoot them with high powered rifles! I've watched the deer population diminish in the last 20 years in the area I live in but to listen to the people today they seem to think the population has increased. I spend a lot of time in the woods & the population has definitely not increased in the area that I am in. Although the traffic in the area has increased along with people wanting to move to the country which is leading to more deer/vehicle collisions. They want to move to the country but then they want to complain about the deer in the country (stay in the city) I don't have all the answers but I have been able to tag out each year using the previous legal weapons. If you can't hunt deer without being able to shoot 3 or 4 hundred yards to where the deer don't even know you are there then you need to stay home.

Kendall also wrote by email on March 13, 2007

The one buck-rule is the best thing Indiana has done for are deer hunting!!! You've got my vote.

Frank Cade fcade@cityofkokomo.org

Please use the same common sense "American freedom" approach that you used to allow law abiding citizens the "right to carry" in state parks when making the one buck decision. Let individual land owners & hunters decide for themselves how to manage buck populations in regards to their own properties and/or hunting areas. ABOLISH THE ONEBUCK RULE.

1. REDUCTION OF INCOME TO THE STATE: I and the small group of hunters I hunt with purchased fewer deer tags the past several years. I assume this is state wide. (especially if we harvest a buck in early archery season)

2. GENETICS, GENETICS, GENETICS: Most these small "basket rack" deer are never going to be anything but a small basket racked deer. This rule is allowing these inferior bucks the opportunity to breed more does.

3. LET THE SPORTSMEN AND/OR LANDOWNER DECIDE: Let us manage our properties and hunting areas.

Todd Martin billybob123@sprintpcs.com

I have hunted deer for the past twenty years and normally purchase between four and five deer tags per year. However, since the one buck rule, I have been buying only one or two deer tags. I meat hunt. Before I would wait for a big buck during bow season and at the end of bow I would shoot any buck for meat and then wait for the big one during shotgun and muzzleloader. Now with the one buck rule, if I shoot a good buck during bow season, my hunting is basically over for the year except for a couple of does. I have not noticed more or bigger bucks since the rule took effect. But I know several people whose hunting has been cut short by the rule. Having the ability to shoot two bucks does not necessarily mean we are going to shoot two bucks. Please reconsider your ruling and allow the sportsmen of Indiana to decide how to manage the deer herd of the state.

On January 19, 2007, the following person wrote by email:

Tim Coe tcscoe@sbcglobal.net

I have read some of the minutes from the advisory council and feel obligated to voice my opinion concerning the "one buck" rule. Like many others, I grumbled a bit when rumors of this rule started. However, seeing the benefit of this rule has made me a true believer. I noticed that comments made by council members indicated that age class of the herd had little to do with the health of the herd and I agree. In fact, I feel that age class and health of the herd are completely separate issues. Age class is important to trophy hunters and the herd's health should be important to everybody. The "one buck" rule is improving the herd's health. I think we will agree that the key components to herd management are habitat and doe harvest. The hunter that abides by the law and puts 5 deer in his freezer every year is harvesting one buck and four does, instead of multiple 2 year old bucks. Herd management through doe harvest and doe harvest equals a healthier herd! Although I might be stoned in the public square, I would even be supportive of an "earn a buck" rule. I have put this on my hunter survey for several years now and have yet to hear anyone talk about it. I do think that youth hunts should be exempt from all harvest regulations. If that deer of a lifetime steps out during the youth muzzleloader hunt, why rob him/her of that opportunity. Inclosing, I would like to make one last point. All of the hunters know are passing up 2 and 3 year old bucks. This equals improvement of age class for the bucks in our herd. These same hunters are harvesting does instead. This equals herd management through doe harvest. Of the ten guys I hunt with, only two harvested bucks this year. Not because of a lack of opportunity, but because if they were going to put their tag on a buck, it was going to be a mature buck. They all harvested multiple does. I vote to keep the "one buck" rule!

On February 13, 2007, the following person wrote by email:

Johnny Booher JohnnyBooher@insightbb.com

Hi, although I am in favor of the 1 buck rule, I still have a hard time with having to buy several tags waiting on that one nice buck. Why can't we have a "buck" tag good for any legal weapon that is in season?

Secondly, has anyone thought of a "sportsman" tag, a single tag (similar to the youth tag) that is good for the year and includes hunting, fishing, turkey & deer.

Booher also wrote on March 19, 2007

I am in favor of the 1 buck rule and I do think that it has improved the size of the bucks. However, I do wish that we can change the deer license system to where you buy a "buck" tag that is good for any legal weapon that is in season. The way it is now I have to buy one for the archery season (just in case I see the one I'm looking for), then one for the gun season, (for the same reason) and lastly I buy one for the late muzzleloader season. I do realize that would mean lost revenue for the state but, the deer are the property of the people who live in the state of Indiana.

On February 23, 2007, the following person wrote by email:

Danny L. East wrote by email on February 23, 2007 from shooter@scican.net
I am in favor of extending the OBR [One Buck Rule] for another five years.

On February 25, 2007, the following persons wrote by email:

Richard Becraft brwbecraft@aol.com

I am totally opposed to the extension of this rule. Eliminate this useless experiment.

I purchase a life time license with the understanding, so long as the herd was sufficient, I could kill a buck in gun season and kill a buck with archery equipment. With the expansion of doe permits and depredation permits in Indiana there is no valid benefit to the deer herd to defraud me out of the opportunity to hunt that I paid for when you took mine and my son's money for life time hunting licenses.

Cody Query cquery2@hotmail.com

This address was listed as a comment provider for opinions relating to the OBR. I have seen a lot of what I consider an improvement in the deer herd as well as hunter selection since the induction of the OBR. I am a strong proponent of the addition of lifetime OBR for the state. I think it is obvious that is improving conditions for hunters as well as the deer herd. I hope it will be approved for life in Indiana and at least another 5 years. I think what not to do can be seen in other states such as Michigan that allow multiple bucks. I hear many of their hunters complaining about the management techniques being used. Anyway I say keep up the good work and support the OBR.

Trent Marsh t_marsh83@hotmail.com

I am a young hunter, only in my 20's. I spent a lot of time in the woods pre-OBR, however, and life as a deer hunter is better now than it ever has been. In conjunction with the doe permits, I have seen better, healthier deer, not only bucks, but also does.

It is my deep hope that the OBR continues in force for the rest of my hunting days.

Terry Keenan tereks@msn.com

The One Buck Rule is the best legislation we have seen in recent years for promoting the health of the Indiana deer herd. I am a strong supporter of continuing with one buck per season.

Shad Briles shad24@verizon.net

If I had a vote to cast for the OBR to continue, I would be a YES-keep the OBR now and forever. I believe with the bonus antlerless deer permits available, along with the OBR, the Indiana deer herd hasn't been healthier in years.

On February 27, 2007, the following persons wrote by email:

Ralph Perry rcvlperry@yahoo.com

I guess that the OBR is being continued and there will be no two buck limit. In this case I would like to see that the OBR, become a true OBR and that the giving away of buck tags for the special hunts be discontinued, change them to doe only tags. Where if you kill a buck it is your state tag that gets used.

Perry also wrote on March 29, 2007

I would like to see the OBR removed from the Indiana Deer season and return to the possibility of taking two. One with archery and one firearms. I also do not want any changes made in the length or placement of the hunting seasons.

I would also like to see the bonus bucks removed from the draw hunt and exchanged for a bonus doe.

Bill Lano blano@comcast.net

I would like to voice my opinion on the rule. I think that it is a great rule and I also believe that it has helped greatly in bigger bucks and bigger bucks are being taken, hunters are taking mature bucks and quality bucks. I hope that the one buck rule will continue and the quality of bucks being taken will continue to increase.

On February 28, 2007, the following persons wrote by email:

Terry Thompson inthompson@sbcglobal.net

I want to applaud you for your experiment of the one buck rule for Indiana. From my perspective, as a land owner and hunter, it has been a smashing success! I would like to put in my "vote" to extend the rule for the next five years.

Louis Metzman lmetzman@athensmed.org

I support extending the one buck rule.

Darren Clements DCLEMENTS@raybestosproducts.com

I have not seen any improvement with the one buck rule. I would like to see one buck with bow, one buck with firearm, or two with a bow.

David Troutman troutmad@wabash.edu

Keep the one-buck rule ... I'm seeing more bucks and larger racks ... it's really working well!

Shad Schenck wrote by email on March 1, 2007 from catchshad4@aol.com

Just a note to let you know the one buck rule has worked ten fold on the ability to harvest 140 class deer the last 3 years in a row as apposed to no 130 class deer the previous years before. Many hunters from other states have looked up to our state for having a one buck rule. Hope the one buck rule stays in effect for the Indiana hunters and the future of our sport.

On March 4, 2007, the following person wrote by email:

Kurt Barhydt klbarhydt@comcast.net

I'm in favor of maintaining the 1 buck rule for 5 more years.

On March 8, 2007, the following persons wrote by email:

Mike Priest malanpriest@hotmail.com

I am in favor of extending the one buck per season rule for another five years.

Wes Rainey wkrainey@sbcglobal.net

I have been hunting deer in Indiana for 25 years. I have seen many of the pros and cons of this rule, and I must say that the one buck rule has changed the deer hunting in my county. I would however like to say that I would be in support of going back to the 2 buck rule, one with archery and one with firearm. I personally know how hard it is to take a buck during the early season and then to go out during the firearms season knowing all I can bring home is a doe. For those of us who are being selective about the size of buck we take, I think it would help moral and motivation to be able to take a second buck with a firearm.

John Tourney JTourney@tuthill.com

I believe the one buck rule should be extended another 5 years. I would also like to see a rule set that no antlered deer with less than 6 pints can be taken. We need more does taken to get the ratio of buck to does in line with the recommended carrying capacity, there are still too many does in all areas of Indiana.

We need to strive for larger bucks passing on better genes, this is the only way to really improve our overall herd.

Denis McCue denismccue@comcast.net

Having been an annual deer hunter in Indiana for over 25 years, I surely would like to have been one of the random selectees for the survey. I believe that hunters who purchase both firearms license and archery license would prefer to have the opportunity to take a buck with each type. Personally, I realize it would be unlikely for me to actually get two bucks in one season (I got none in 2006, though I purchased four different deer licenses because I love to deer hunt). Because I do love to deer hunt, I fear taking a year and a half old buck in early archery season at the risk of not being able to take my firearm out for a possibly bigger/mature 2nd buck. I would like to express my support for a 3 year return to the previous two buck limit.

Jim Langley Jim.Langley@gcinc.com

I think it's a great rule, this will be my 5th trip this year 2007 for deer in your great state, me & my hunting party year after year have seen nothing but improvement's in the buck qualities. I know I'm an out of stater, but I was born in Kokomo, and my hunting partner & family are all from the Culver area. And 2006 season we seen large amounts of bucks that were in the B & C estimated count of 130-170 range, very large and very nice mature bucks. And I believe it's from your current one buck rule, the longer it stays in effect the bigger & nicer the bucks will become. If anything increase the doe tags, leave the one buck rule and increase the doe's to 3 per hunter per county. Maybe for a season or two. I know my vote doesn't count but at least there's the free opinion.

David Kerper davidk@atlasexcavating.com

I would like to vote in favor of extending the one buck rule for another five years in the State of Indiana. All we need to do is look at the quality of the antlered bucks we are seeing harvested. If we were to follow suit with all of our neighboring states, Ill. KY, Ohio... Just look at the economical influx the hunting brings due to the fact of being a one buck state. One buck means the immature bucks are less affected and they grow older and more mature. Lets continue taking measurements to manage the herd via antlerless deer control.

Jonathan C. Ferris ferrisj@purdue.edu

I am an avid deer hunter, and also have a Master's degree in Fisheries & Wildlife from Michigan State University, so I feel comfortable adding my opinion to this issue. Let me be plain – I am 100% in favor of continuing the “one buck” rule for the next five years. I hunt on my family farm in Wayne County, along with a couple other select friends. On the 500 acres of our farm, since the inception of the one buck rule we have noticed a dramatic increase in not only the numbers of bucks, but also the quality/age of the animals. To illustrate my point, I have deer hunted on our farm for nearly 20 years, but never was fortunate enough to harvest a buck that I felt was worthy of putting on the wall – until the last two years. In each of the last two years I have taken nice bucks that now adorn my living room wall. To me, this is a testament to the one buck rule, and the impact it is having on our deer population.

I am also familiar with some of the other efforts being taken on by other states to improve their buck quality – such as Pennsylvania's law requiring there to be 3 points on a side – to me this is much too complicated. I think our rule is the most fair – it allows a hunter to take one buck of his choice. If he is satisfied with a “basket rack” 6 pointer, that's fine. From the multitude of hunters I have a chance to interact with however, I am convinced that most hunters are now letting those younger bucks go, and are holding out for older animals. I think we have to keep our youth in mind too. I have an 8 year old son who took his first buck this year – a small 5-pointer. To him, it was a true trophy. I have a feeling that next year, however, he will want to hold out for something bigger, and will most likely let younger 1 ½ year old bucks walk.

Again, in closing, I sincerely hope you will continue to positively impact our buck quality here in Indiana by continuing the “one buck” rule for an additional 5 years. Please don't undue all the good work that has been done by allowing this great management tool to expire in September.

Chuck Smith cgscpp@fuse.net

My opinion on the "One Buck Rule" is that it should stay as it is now. I feel that the deer "over population problem" (at least here in Dearborn County) could be helped by DECREASING the cost of ALL "Bonus

Antlerless" licenses to \$ 5.00 EACH in order to help decrease the DOE population. ONE Buck can "service" many does, but typically EACH bred doe bears 2 young.

Jon Schaefer jschaefer1@hotmail.com

I appreciate the opportunity to comment on Indiana's one buck rule. I support quality whitetail management through the DNR and our state regulations. With that being said I feel that moving back to a two buck rule: one with a bow & one with any combination of firearms would benefit everyone. Bow hunting is an extreme challenge for most and having the opportunity to take two bucks per year would increase a hunter's time in the field. It would also increase DNR revenues from license sales. I do not think it would have a large negative impact on the deer population as most bow hunters go home empty handed each year.

Gary Wendholt gholt@psci.net

I would ask DNR to extend the one buck per hunter per year rule. Most hunters will agree that the antlered deer in Indiana are on the average much larger than in past years. This makes Indiana one of the prime deer hunting areas in the mid-west and gives us the opportunity to harvest record bucks when hunting in Indiana. Please help our deer population and extend the one buck rule.

Kelby Waldrip scrappybear@aim.com

Good afternoon, I have a couple questions regarding the survey that was used to inquire about Indiana Deer Hunters wants and wills. As I review the document I see that there was 10,000 or so surveys sent out and there was about 4600 replies. If this is true and if I am reading the document correctly then the idea of adapting the one buck rule for more years we are acting upon around 3000 votes out of the entire state of Indiana hunters available? Do we know that this is a true representation of the hunters' wants and wills? I operate a small butcher shop located in Southern Indiana; I process on average 750 animals a year. After attending the preliminary meeting with DNR about the survey findings in October I began my own little survey within my clientele. Of course my statistical data is smaller than the statewide effort therefore it is not as accurate as a larger survey would be. I asked 2 questions on this survey,

1. Do you support the one buck rule?
2. Did you receive a questionnaire via the DNR concerning the survey

I received a overwhelming number of customers stating that they did not back the one buck rule, most stating that there has not been any statistical data to back the idea of improved herd, given this one change. IE no improvement in the state record books for high scoring deer.

The second question alarmed me more. Not one person who I spoke with nor not one of their hunting party ever received a survey. So was there surveys conducted in the southern section of the state?

Another issue brought to my attention from some of the hunters is that with the one buck rule they were hearing throughout their hunting parties that people are simply not checking the animals in. Therefore the true amount of animals being taken within Indiana is not known.

I personally like the idea of a one buck rule if we can show that it is truly helping the herd. But is the data that is currently available really showing that we are helping the herd? Or to the layman hunter is the fact that the only rule change that concerns them being predisposed as the answer to their larger bucks? There are a few factors that were not taken into consideration concerning the herd:

1. Increased amount of rented hunting land
 2. Increase in the nutritional value of feed plots
 3. Increased harvest numbers of does that could cause an increase in the nutrition available to young bucks.
- And the list goes on and on. So I ask that you please look at the data that is given and make a true statement if the one buck rule is causing a positive change within our herd, or if we have nothing to back the idea statistically that we allow hunters to choose between one or two bucks for themselves.

Todd Farris todd@hunterdan.com

The one buck rule has been the best change in deer management in Indiana in my life. Please make it a permanent change.

Mark Nantz mnantz@covad.net

Leave it in place! With poachers we still loose several great deer every year that shouldn't have been taken. Indiana has the genes we just need to manage for larger bucks. Leave the rule or change it point restrictions, we have to have some type of management in place or more people will go out of state to hunt.

Francis Roach Francisc1935@aol.com

I say YES to keeping the One Buck Rule for another 5 years.

Randy Roberts randy@hsiagency.com

Not sure if this is a voting format or not but I am in absolute favor of the 1 buck rule. The quality of the bucks in my area has finally begun to show improvement. In the complaint area if we adopt a rule like this why would we continue to let farmers shoot bucks with depredation tags?

Adam Couch adamcouch@hotmail.com

Hello, my name is Adam Couch from Huntington County. I've hunted deer for many years and have seen a large improvement of quality bucks since the rule change. However an increase in overall population has also been noted. Most hunters I've spoken to have noticed a large increase in does over past few years. My thought is to reward those hunters that fill their doe and buck tag to qualify for an additional buck tag. I feel most hunters are responsible enough to take only what they can consume and not abuse the system. An incentive to take does is a good start to balancing out the ratio. I do like the one buck rule; I'm just throwing out possible ideas to promote more control of the doe population.

Bryan Grogg bagrogg@mchsi.com

I have been hunting for about 14 yrs. now and I have hunted NE Indiana exclusively. I am 100% in favor of the 1 buck limit. I am a lifetime license holder so the cost is not an issue for me. I have in the last few years seen better quality as well as more bucks in all my hunting areas. In the past I have went all season only seeing maybe a spike or a small 6 pt. I have seen numerous good quality 8, 10 and up point buck for that last few years. I credit that to the 1 buck rule. Without the limit people will go out and blast the first buck they see every time and then wait for a good buck if they get the chance. With the 1 buck limit people are passing on the little and borderline bucks with hopes of getting the bigger ones, thus allowing the little ones to grow up. As long as your populations are not getting to high I would definitely give it another 5 years with the one buck limit. That is my feeling about this subject and sorry I could not attend the meeting in Indy.

Paul Vandendorpe Pvanden@Sigecom.net

I am in favor of a NO BUCK rule for the next three years, or one that is 8 point or better! This way we could develop some good Buck stock and have a trophy hunt from then out. But since that is not an option, I am in favor of the rule as proposed.

One other thing I would love to see happen is that Muzzle load season be swapped with gun Season. The deer would be less spooked and give us black powder guys a chance to get a decent deer before the Marching band of shotguuners come in and try to flack one down! As I have tried to tell a few that shoot three times at a deer that if they cannot hit a standing deer with the first shot why are they shooting two more times at a running target?

Virgil Jackson vjackson@wrv.k12.in.us

I live in southern Greene County in the small town of Newberry. I believe that the one buck rule is one of the better rules that has changed the size of bucks that has been harvested in my rural area. I would like personally to have that rule stay in effect for the next five years. Thanks for allowing the public to submit our thoughts on hunting in great state of Indiana. Keep up the good work!

Dave Carothers bigmac5@voyager.net

We need to keep the One Buck law that has been in effect. Please don't change it.

David Yanasak DBYCEN2@aol.com

I have seen quality of Bucks improve since they enacted the one buck rule and feel they should go forward with a plan on another 5 years. I have seen some pretty good size deer taken here this final year and I think with the limits as they are more deer will be able to get to the 10+ range. I am for this and hope it will continue.

Greg White gregwhite@remax-lakes-realtors.com

I strongly support the one buck rule. We are seeing more bucks and bigger bucks in our area. Let's keep it in effect.

Tim Jones tmjones_21@hotmail.com

Keep the one buck rule! Best decision ever made.

Mark Brummett mbrummett@att.net

I will be unable to attend the meeting to voice an opinion, but would like to express it in an email. I would be in favor of a return to the two buck limit, with only one allowed per season. That is, one buck would be allowed with archery, and one allowed with firearm. Thank you for the chance to speak up.

Neal Austin wytatglock@aim.com

I do agree with the purpose behind the one buck rule. However, my friends and I have discussed this with many people that we see, both hunters and non-hunters. Many of them would like to see a points system instead of the one buck rule. We feel that a system such as being able to count two or three points on one side before shooting the deer would be a little more beneficial, obviously this would not apply to youth hunters during their special portions of the season. This would lead to fewer juvenile deer being taken thus improving the quality of the bucks seen and taken during the season.

Bob Houseworth Jr. hoosherfastpitch@yahoo.com

I personally have not seen any increase in big racked buck sightings, or kills in my area since the onset of the OBR. Wishful thinking on my behalf hopes that the OBR disappears.

Houseworth, Jr. also wrote by email on March 29, 2007

I sure would like to see the OBR go away forever. The OBR has not increased my big buck sightings & kills.

Bruce Richardson bruce.richardson.gqqt@statefarm.com

I would like to express my opinion on the one buck rule proposal as I will not be able to attend the hearing. While I feel the one buck rule has helped hunters see larger more mature deer, and I see the rule as better than nothing, I would prefer other methods that would achieve the same desired results.

I suggest moving and shortening firearms season. Move opening day to later in the month of Nov., moving firearms season out of the peak of the rut. All hunters know that male deer are more susceptible to being shot while they are chasing does during this time. Start gun season after the peak period of mating, this will result in fewer male deer killed giving the bucks more years to mature.

Another suggestion would be to shorten the firearms season to two weekends and one workweek. This will also have the result of letting more bucks live to grow older. Compared to most surrounding states Indiana has a very long firearms season. This rule would bring us more in line with neighboring states philosophy.

While I like to firearm hunt, I am primarily an archery hunter. I feel the one buck rule has penalized the archery hunter only. Firearm hunters could always only harvest one buck. The percentage of bucks that archery hunters harvest has always been a small percentage compared to firearms hunters. The number of bucks saved by penalizing the archery hunters is a small number overall. While I like the philosophy of the state having a management practice, I feel there are other ways, such as I listed above to achieve the same purposes.

Robert Bartlett rbartlett@bartlettford.com

Please leave the one-buck rule in place. We are just beginning to see a decent buck herd here in southern White county.

Christopher Allen cballen@ameritech.net

I hunt deer in every season. The one buck rule has made me pass on several bucks in archery knowing that if I take it I might miss a chance at a really nice buck in shotgun. I love archery hunting, but would love the chance to take a buck with bow without having to fear not getting a monster in gun.

Lowell Blakley lblakley@charter.net

I hunt deer with both gun and archery. The one buck rule has forced me to consider if I need to give up one license or the other. It is tough to carry a bow into the woods knowing that if you pull the string on a buck during archery you are done for the year. I believe the multiple "so called antlerless" tags remove a lot more potential bucks from the herd through the slaughter of button bucks than allowing a buck with each weapon would. One buck with a gun (any gun pistol-black powder or shotgun) and one with a bow serves more hunters than just the trophy hunters.

Kenneth W. Krasavage KenKhunt@aol.com

The purpose of this email is to endorse the possible extension of the "one buck rule" for another period of five years. Please add this communication to the public commentary on the subject.

Sam Fulton sfulton@fulton-intsys.com

I am a very big fan of the one buck rule in Indiana. I have a lifetime hunting license for Indiana but I spend the majority of my deer season in the state of Illinois. As you may already know, their short gun seasons along with the restricted harvest of antlered deer bring many deer hunters to their state which in turn brings large amounts of money to Illinois. I believe that a growing number of hunters are hoping to, in their lifetime, shoot a large buck. Let's keep the one buck rule in tact and how about limiting the number of gun-hunting days down to 1 week!!!

Steve Hatfield sehatfield@insightbb.com

I just had a couple quick comments about the one buck rule. I am slightly opposed to extending the rule. I am a bow and gun hunter. I do believe I have seen slightly more bucks than before the rule change but I primarily hunt state ground so I don't believe it has made much of a change. I do believe that because of the change there are fewer bow hunters overall. While speaking with hunters during the gun season I have heard more than one comment that they would bow hunt if they could take a buck but why spend the extra time when they could more easily take one with a gun. I feel that if the state wants to reduce the deer herd it needs all the hunters it can get in the field and if the one-buck rule is causing there to be less bow hunting than it should be dropped.

Dena Getz ddrgetz@seidata.com

Put my vote in FOR the 5 year extension. Here in Jefferson Co., It would be of service to the hunting population to see a "trophy" for a change.

Tom Johnson jeanneorland@aol.com

Show me the science behind it. Hunting is not about trophies! I am opposed to the one buck rule.

Tom Jagielski tjagielski@comcast.net

I am in favor of extending the One Buck Rule for another five years. I have been pleased to have seen many more bucks in Allen & Fayette Counties where I hunt deer.

Ron Roach rroach@ccrtc.com

Let the one buck rule stay another five years, we are seeing better antlers every year !! I personally think it is a good rule.

Rick Sytsma scard@netnitco.net

I love this rule and support it completely; I just wish that people would still have discipline to not take 1 1/2 year old deer. after you reach a certain age I think killing a young buck should be embarrassing, yet when I walk into a deer processing shop you still see piddly bucks that could have grown up to be big guys!!

Terry Estes sidewinderfouronefour@yahoo.com

I am emailing you about the one buck rule I would like to see the two buck rule come back not only for my self but for younger generation hunters also I bow shotgun and muzzleload hunt I hunt as much as I can I don't mind buying the extra tag for hunting the money goes to good things for the hunters and fisherman of Indiana plus the extra tag cost would help Indiana the one buck rule has been here for 5 years maybe we ought to think about a two buck rule for three years and go back to the one buck rule for three years kind of alternate the buck rules maybe help all of Indiana hunters but all in all i vote for a two buck rule at this time thank you

Dave Dunnuck ddunnuck@gmail.com

It is a great rule and it should be kept in place.

Lynn Shaw ljshaw3@netzero.net

I am in favor of the One Buck Rule. It seems to be working around here as to the quality of the herd and much larger bucks. More does need to be harvested in this part of Brown Co. it seems, but that is another subject. I have seen how the Ohio DNR manage their herd and I really am impressed. We need to follow their example. I am also in favor of moving the gun season out of the rut.

Randy and Linda Sexton rlsexton@localnet.com

I don't like the one buck rule. I would vote against it.

Marc Shelton mshelton85@hotmail.com

Just wanted to send in a note against the current one buck rule. I see it as only a penalty to bow hunters. In the past you could kill a buck with both a gun and bow. It should return to this as there has not been a great shift in number of deer harvested. The OBR is primarily driven by those who want to push deer hunting towards a trophy sport. The IDHA does not speak for the majority of hunters in Indiana regardless of what the way they misrepresent themselves. I am a 33 yr old, college educated, lifetime license holder who owns land and feel it is unfair for this group to push their agenda on me and others. I appreciate your consideration.

Frank Elbrink toeped@msn.com

Keep the one buck rule. The hunting has become so much better. I see more bucks and better bucks now than at any other time in the past 30 years.

Andy Baich abaich@verizon.net

I think the one buck rule should be allowed to expire. I have seen no evidence that the age structure of the buck population has been helped. Also the added pressure on the does has drastically reduced the deer herd to the point of it hardly being worth going hunting, at least in LaPorte County. I also believe some hunters are still shooting 2 bucks and just not tagging the first one.

Randy Clifton rmc@onlyinternet.net

Please extend the 1 Buck Rule another 5 years.

Gregory Corpe Glorpe@aol.com

I would like 1 archery buck and 1 firearm buck per year. I believe this wouldn't affect the quality of deer and not be so tough on the hunter to pass nice bucks with a bow.

Mark Fink mfink@indy.rr.com

I most likely will not be able to make the March 27th hearing so I would like to voice my opinion IN FAVOR of maintaining the one buck rule for another five years. I believe this rule has really been a help to increasing the quality of our Deer herds in Indiana.

Jeff Armstrong jaa@netnitco.net

I am against removing the one buck rule. I am seeing more bucks and bigger bucks and I believe it is because of this rule. I feel that it is working perfectly.

Howard Kendall kyrifle@ccrtc.com

Please let this rule stand. One buck through Deer Season is enough. There is no room for greed in the spirit of hunting. I'm seeing bigger and more bucks now than in all my time of hunting. There are plenty of does to be taken if us hunters need something to eat.

Mark Richman AMYMARKRICHMAN@aol.com

I am strongly against the one buck rule. All this rule does is work against bow hunters. If you survey hunters all the gun only hunters are all for it. I hope you do not renew this rule.

John Hazel buck8888@hotmail.com

I'm in favor of extending the one buck rule. I feel it has increased opportunities for mature buck harvest.

Jim Townsend jimvjmc@kconline.com

I live in Kosciusko County where we have an overabundance of deer. I think we should return to the two buck rule. I ride a motorcycle and don't look forward to dying because some deer runs out in front of me. Besides, as I said above, we have an overabundance of deer and really do need to thin the herd. I live in a very rural area of the county and see them virtually every day in my own back yard!

Tom Biniecki tomb@pwrct.com

If my opinion matters, I think that they should go back to the original rule of the buck hunting. I am in favor of doing away with the "one buck rule". Thank you for your time and trouble.

Jeff Freeman FREEMJE2@cs.com

I have mixed feelings on the 1 buck rule but do like the results that we are seeing from it , there are lots more large and heavy horned deer now . I live in southern In in warrick county.

John Fithian jfithian@gibsoncounty.net

I would like to see the one buck rule extended to another 5 year term an then make it permanent .Before it went in effect there were several years that I did not even see a deer that I wanted to shoot. But since the one buck rule went in effect I have seen nice bucks every year while hunting. And I have seen nice bucks after the season was over something that you never seen before the rule went in effect. So I urge you to extend it for another 5 years at least.

Steven J. Neher sneher@peoplepc.com

I am opposed to the 1 buck rule. I think this was pushed by a group that values antler size above all else. I also feel this was embraced by the DNR as a way to get more does harvested. I am not opposed to shooting does, but the area I hunt is down and still there is a 3 doe season. Since I think this rule will continue anyway, then make a new license just for bucks. I think it is a lousy rule that the youth hunt is restricted to does only too. We sure wouldn't want the big time trophy hunter denied the opportunity because a kid harvested a buck.

Glenn Wesbecher gwpaddle@sigecom.net

Just wanted to state I am all for one buck rule.

Pat Geleott pkgeleott@earthlink.net

I am totally in favor of the one buck rule. Inform the public to take more does...I really don't believe DNR does a good job educating the public about harvesting more does. For the health of the heard, we need more bucks and taking two bucks a year kills a decent doe to buck ratio. It's obvious that the rule has changed the excitement of the deer season to searching for a large deer and the chance of harvesting a bigger buck is getting better year after year. Please keep the one buck rule another 5 years and see what happens to the deer herd. But you, DNR need to inform all the uneducated deer hunters about the need to harvest a doe every year. Your efforts through education will help the hunting for massive bucks.

Gordon Panter basspanter@insightbb.com

I would like to see this rule continued. Because if hunters are allowed to take two bucks. Most of the first bucks harvested would be much younger deer. Therefore not allowing them to reach maturity. The average hunters thinking would be. At least I got a buck this year. I think we would see a lot of 4 and 6 point bucks harvested. The way it is now. Most hunters pass these deer up. Until the very end of the season. Waiting on a trophy deer. They only shoot a smaller deer. When they are about to finish up hunting for the year. Right now there are plenty of does for all the meat hunters. I would hate to see small bucks harvested just for the meat and a chance for someone to say. I shot a buck this year. These bucks deserve a chance to grow into "Trophy Deer".

Doug Taylor dmt56@pngusa.net

I would like to see a two buck rule: one with bow. One with either shotgun OR muzzle loader.

Ken Deane 223308@insightbb.com

In the past two years, I've seen more big antlered bucks than in the previous ten. I say extend the rule.

J. Otey jotey@woh.rr.com

Keep the one buck rule.

Tim O'Bryan tobryan@insightbb.com

I am a strong promoter of reducing the number of days of hunting deer with a firearm or muzzleloader as a means of building the trophy potential of Indiana bucks to the point that our adjacent borders Ohio and Illinois have done. I prefer we go back to the two buck rule along with a shortened gun season. In an effort to maintain populations, require a hunter to tag a doe prior to receiving a second buck tag.

Frank LaGreca flag@seidata.com

As a farmer, landowner & deer hunter for 40 years in this state, one of the best rules implemented by the IDNR was the One-Buck-Rule. We have since seen the growth of some beautiful bucks, right here, on the "back 40." We've made it a rule, on this property and that of my son if he's not bigger (antlers) than what you killed in previous years, let him go...and take a Doe. She's better eatin, anyhow. The program does & has worked. My vote is don't change it!!

Gerald McClure geraldjennifer@hotmail.com

Yes! I say extend the one buck rule for 5 more years. I think it is having a positive impact on our deer herd.

Jim Warren jimandmjw@aol.com

I think it the greatest thing since sliced bread. It takes ethical hunters to the next level. Hunters are not just looking at what they shoot, but studying the animal to see if it is big enough, sometimes by the time they decide it's to late anyway. So the buck has a chance to grow. I think it helps to change the way the average hunter thinks. Possibly making him a better hunter. No more if its brown its down. If it makes Hunters stop and think a little longer before the shot it may even make it safer. Also shooting bucks doesn't help control the population. If you just want meat does are better to eat anyway .Hold on to the 1 buck rule as long as you can. I think you will continue to see the size of the bucks grow, getting more and more in the record books. I think its e very hunters dream to harvest a true trophy buck. Keep up the good work and thank you for your time.

On March 9, 2007, the following persons wrote by email:

Richard Dietz Dietzrdietz@aol.com

I have been a deer hunter since my late teens; I am now 67 years old. I hunted many years with a bow, later I started hunting with a muzzeloder and when hand guns became legal I started hunting with it also. I don't like the one buck rule mainly because I don't want to have to choose between which weapon I want to use to get a buck if a nice one present itself. A lot of the pleasure of hunting is lost with the one buck rule, if I chose to shoot a buck during bow season that eliminates deer hunting with my muzzeloder or hand gun for a buck. So my suggestion is to let hunters have the chance to get a buck during archery and firearm season.

Gary Schwartz gschwartz@bhmsd.k12.in.us

I support the one buck rule.

Perry Cole pcole@generalcable.com

Please let it be known that I am against the one buck rule. I would much prefer the rule to go back to allow us to harvest one buck during archery season and one buck with either shotgun or muzzleloader. Or you could implement a rule that each hunter must harvest a doe before being able to take a second buck. This way DNR will get extra funds from those licenses sold to harvest a doe and for taking a second buck.

Mark L. Newlin mnewlin@snavelymachine.com

I did not like the one buck rule when it first came about. But over time as I and my hunting friends were seeing more bucks plus the fact we are seeing BIGGER bucks it has changed my mind. I am in favor of the one buck rule for a few more years. If Indiana DNR would like to see more does harvested I would not mind seeing a new rule that you must first harvest a doe before you can harvest a buck. Not sure how that could be enforced but maybe it could be considered.

Mark Drew Mark_Drew@hill-rom.com

I am 46 years old and have been an avid deer hunter with both bow and gun for 25 years. It's probably the thing I love doing more than about anything. It isn't the whole "going out and killing something", it is simply the experience of getting out in the woods and enjoying nature. I have to admit I was not in favor of the one buck rule when it was first implemented in 2002. However, now 5 years later, I wouldn't want it any other way. I have seen substantially more larger bucks the past couple years than I ever have before. I do all of my hunting in Franklin County and all of my friends - and I mean that, not a single one - want to see the rule changed as they too are regularly seeing larger bucks. So speaking on the behalf of approximately 20 people, please keep the one buck rule in place.

Ron Weir ron.weir@morganfoods.com

From my perspective it would prudent to continue to the one buck harvest limit per season on a permanent basis. We need to protect the younger males for a more balance and healthier herd. From the last four years the harvest has shown it to effective in not only limited the growth of the population by focusing more on does and allowing some older profiles for the bucks. This allows for hunters that want to hunt bucks older than 1 1/2 years to have that experience.

Tim Foltz tfoltz@wabashvalley.com

I would really like to see the state go back to allowing archery hunters to harvest two bucks again. Archery hunters do not impact the buck harvest that much to hurt the trophy hunters any. I would use the archery buck to kill the little buck tearing up my tress I just planted. He not worth killing for the only buck I get a year but it would be nice to save some of my trees from being rubbed. I am fine with the one buck rule with firearms, which was the way it was before. The only people the rule hurt was the archery hunters which only killed a few hundred bucks per year statewide. if you want bucks quit killing them when they are button bucks. There is the problem.

Jeff Wilson jwilson@starencvironmental.net

On the proposal of the "One Buck Rule" My vote is to keep it as it stands. I'm happy With this ruling, the quality of deer in Indiana has progressed in a positive way.

Curtis Anderson curtsueanderson@hotmail.com

Once again I feel compelled to write and express my opinion on proposed rule changes by the DNR. The "One Buck Rule" is not the way to go with Indiana's deer population management. The only real thing this does is penalize the sportsman who participates in more than one deer season. The amount of licenses sold are to be the same whether or not a specific individual is the holder of more than one of those permits. As a landowner I have seen no significant change in the buck population. There have always been "trophy" bucks out there, you just had to actually hunt for them. I can remember the days when you could not shoot a doe and if someone got a deer it was a real accomplishment. Too many of the hunters out there today are used to the large herds we now enjoy but think it should be a fifty/fifty make up of bucks and does. This is

not how nature works and many of us who normally don't speak out are fully aware of it as I'm sure you at the DNR as well. Thank you though for the opportunity to give our two cents.

Rick Love r.love@insightbb.com

Since 1992, when I began hunting for deer, bucks were hard to locate. The one buck rule not only changed that but also has increased the quality of deer I see. I am a true believer that it is a good regulation, and I regularly hunt in archery, firearm and the muzzleloader seasons, still looking for that record breaker.

Bill Brewer dansam@localnet.com

What I see in Fountain Co. is that the Buck to Doe ratio is very low. I believe the one Buck rule will help that situation and would like to see it extended. The real solution to the problem though is to protect the Button Bucks from being killed. I know the population needs to be controlled, and the best way to do that is by killing mature breeding Does. I have hunted for over forty years and certainly don't have any problem telling between the two. Besides, the DNR expects Duck hunters to identify something the size of a football flying at fifty mph in all kinds of weather and light conditions. Telling a Button Buck is easy. Please take them out of the antlerless category.

Bill Hayes bhayes@wicaa.org

I would like to comment on the upcoming public hearing on the one buck rule. I fully support extending, or implementing a permanent one buck rule. This rule is allowing bucks to reach maturity, which is putting the deer herd in a natural balance, rather than 1.5 year olds doing the breeding for the herd. Outdoorsmen don't go fishing for the small fish, don't rabbit hunt the baby rabbits, and shouldn't be hunting for the young buck. If meat is an issue, plenty of doe tags have been made available, which in turn helps get the herd in balance, which is a fifty-fifty ratio. The most important thing is to have a "natural" herd, as nature intended it to be. Fifty-fifty buck to doe ratio. Allowing hunters 2 bucks a year, encourages younger bucks to be taken, and fewer does be taken. Older Indiana hunters were not allowed to take does years ago, and that mindset is still with some today. " More does, more deer next year!" is the theory of some hunters, and education will help change this thought process.

Tim Ryker Tim_Ryker@hill-rom.com

I am e-mailing you to ask that you place my vote to keep the 1 buck rule in effect. I am an avid deer hunter and over the past few years have noticed an increase in the size of the bucks in the Oldenburg and St Nicholas areas. Though I do enjoy deer meat at the table, I use the doe permits to fill my freezer, saving my buck tag for the true trophy for me. The increased size and sightings during the bow season are very enjoyable, and with the expanding deer population, I think the pressure should stay on the doe population. Adding another buck to the equation will not help with herd reduction as most people already get all of the deer meat they want, and will not reduce more does with the ability to take another buck. I feel it will go the other way and they will shoot less does, increasing the problem. It also takes some of the heat off of the young bucks as people let them walk waiting for "the one". It is my hope you keep the rule in place and my thanks for improving the quality of the herd.

Denny Mason dmason3318@cinci.rr.com

My only problem with the one buck thing is the prominence of small bucks. At my residence in Ohio (nr the In. border) and at my SE Indiana farm the amount of small bucks has grown over the years. I have seen what seems to be too many spikes, not necessarily young deer either. I have personally taken two non antlered bucks that had no noticeable antlers, not buttons mind you but adult, older deer that had antlers that were not visible at say 40 or 50 yards. The antlers sort of laid against the skull in the hair, not visible until you got up to them.

My concern is that possibly we are not harvesting the bottom of the "gene pool" for lack of a better description. My only expertise is 50 plus years of observation but I see a lot of small antlered bucks compared to some time ago. I'll leave it up to the biologists but possibly the 4 inch antler limit could be upped a couple of inches.

I appreciate my experiences in the outdoors in SE Indiana and commend IDNR for its work. My only other complaint in about 50 yrs was the fact that Non residents could not turkey hunt, especially on their own property. Now that is taken care of and I'm able to pass that experience on to my grand kids.

Mark Fasel faselm@fishers.in.us

I just wanted to comment on the one buck rule. I would like to see the State allow a 2 buck rule for 2 years then a one buck rule for 3 years and alternate these so that hunters such as myself that bow, shotgun, and muzzleloader hunt are given a chance to harvest 2 bucks in a years time. I have passed on so many smaller 2 ½ old bucks that I felt would have been a respectable bow kill and ended up with nothing after waiting for a true trophy, therefore I was trying to explain to my wife why I went hunting for 2 weeks and didn't bring home a buck! That was a delicate conversation. Anyway I just wanted to give my 2 cents. By the way I hunt down in Daviess and Pike Counties in southern Indiana I hunt on Glendale Fish and Wildlife Area as well as Sugar Ridge Fish and Wildlife Area. I was also glad to hear they were not going to Coal Mine Glendale. I have been going there for over 30 years now and love it. Thanks again for the opportunity to reply via email you guys are doing great for our natural resources thanks and keep up the good work.

Scot Blessinger scot@patokainsurance.com

I just wanted to say that the one BUCK rule is great and that I would vote to keep it the same. I feel that we are seeing bigger deer since implementing this rule, and I feel that it's only going to get better.

Justin Hoepfner JHoepfner@shambaugh.com

From being a deer hunter going on 20 some years now I see how there can be advantages and disadvantages for having the rule and not having the rule. Now on that note:

In my situation I hunt with a group of 10 family members on a plot of land approx. 400 acres of private land. In the past before the one buck rule was implemented in 2002 9 of the 10 hunters hunted all 3 seasons (archery/firearm/muzzleloader) since you were able to take 2 bucks. Now that the rule has been in place only 6 out of the 10 hunters hunt in (2 out of the 3 seasons) and the other 4 hunters in only firearms season. The reasoning behind this is because if you take a buck early in archery season your done hunting for antlers and are forced to then shoot a number of does if you wish to do so. So what this does is pretty much eliminate the strong encouragement of wanting to be out in the deer stand since your not hunting for antlers. At any point in the season we can shoot a doe, or a number of does, so the drive to be in the stand is strictly hunting for a nice buck.

For example last year only 3 out of the 10 of us shot a buck. All 10 of us had chances to shoot a nice buck in archery season or firearm season but did not take it since you have to be more selective in the buck you take since you can only take one. So in not taking those nice bucks in the past since the one buck rule was implemented we have been thinking that we should be seeing more better quality and higher number of bucks, but we haven't.

I guess what I'm getting to is the in the good old days you could take 2 bucks and throughout the whole season and the drive was there to hunt in all three seasons to be able to find that trophy buck. This created a better moral if you would like to call it in the family and made it a more enjoyable hunting season.

I feel that the one buck rule primarily affects the archery hunters the most since it limits to being "one and done".

John Nonemaker jnonemaker@earthlink.net

I would like to see Indiana continue the 1-buck rule until the buck to doe ratio achieves a healthy balance. I would like to see a regulation, or at least strong support, for harvesting at least one doe before a buck can be harvested.

Brad Weisman mauihouse@msn.com

I definitely think that the one buck rule helped. From me to everyone I talk to they are in favor of always having a one buck rule. I have seen more deer, even does, since this came into effect. I have definitely

seen more bucks. I have been hunting since 1995 and I had never seen a shooter 130" or above in my book until 2000. Every year since this rule came into effect I have either shot a 130" or above or at least had the opportunity.

I STRONGLY support this one buck rule.

Barry Elliot bcat57@yahoo.com

The Elliot proposal: 1. Only 1 buck may be taken by any legal firearm and one with archery equipment either early or late season (any buck with a bow is a trophy and many hunters pass on decent bucks for a big one and never get another chance). This would have a minimal effect for large bucks as they are much smarter and harder to get. This will still keep are our goal for more trophy bucks while providing hunters with more opportunities.

Elliot also wrote by email on March 16, 2007

All the current hunters I know aren't happy with the way it is now---we don't need gun hunters slaughtering 2 bucks each but a few with bow would hurt nothing, give die-hards a chance, and secure our huge bucks. Most would take a decent buck in bow and maybe pass altogether in gun season unless the huge one comes along.

Toby Ferguson tferguson@napgladu.com

I'm for extending it another 5 years. I've hunted the same area in Pike County for probably the last 10 years or so. I've seen a very noticeable difference in not only the number, but also the size/age of the buck population in the area. I do feel however that there is an adverse effect on the doe population possibly because of this. I know the deer population for Pike County is high, but I think consideration needs to be taken concerning the locations that those numbers are coming from. In the area I hunt, I've noticed a significant decrease in the number of does that I see from year to year. I hunt about a 100 acre parcel that is bordered by public hunting, which is (in my opinion) over hunted. Since most hunters know they can only take one antlered deer per season, most are willing to shoot multiple antlerless deer if they aren't seeing "quality" bucks. When there are as many hunters in an area as are around where I hunt, the doe population is being drastically reduced, which is bound to have an impact on the buck population eventually. I guess overall, I'm for the one buck rule. I would have more of an issue with the antlerless deer bag limit.

David Murdock retiscm@hotmail.com

I'd like to thank you for taking the time to answer a "transplanted Hoosier"...I talk with my Stepmother, who's on the family farm in Sullivan County, at least once or twice a week, and of course the deer hunting situation comes up regularly....With what I've seen on my trips home to hunt, and what she's observed in the off season, as well as during the season, I think the one buck rule should be extended...Most of her observations have been of herds comprised of mainly does w/a single buck, and on occasion a second buck, and at times numerous does without a single buck in company...If anything, maybe adding an automatic doe with the purchase of a single buck license or maybe with a single buck license, a doe tag maybe purchased at half price...Either would help thin down the doe population some, as there does seem to be a disproportionate ratio in place. You've now had this Sailor's "two cents" once again and again. Thanks for including those of us who may not live in Indiana, but who do have ties to Indiana in your correspondence.

Lisa Gause-Clark skunkettetoolman@kconline.com

I'm sure if any DNR came around my area when its hunting time they would find out a lot more then one BUCK is being taken I'm more then sure of that people shoot before day light and after dusk. Some days I'm scared to go on my property for fear of getting shot and lying out there until someone gets home to find me dead. I know there is a lot of area to cover but I never see any DNR in this area. Nor sheriff cars. Why???

James Goerges jrgoerges@earthlink.net

Please do what our State Deer Biologists say. They have more information and knowledge than any of us hunters.

Stuart Hickerson esmyfather@yahoo.com

I have hunted deer in Indiana every year since 1958. I am in favor of continuing the one buck rule indefinitely.

C. F. Dye TerryD2343@aol.com

Just want to let my feelings toward this known. Yes, I am strongly in favor of this continuing. I have seen a huge improvement in the quality of bucks taken since this has been in force. One thing I don't agree with is the thought of using rifles during firearms, even though some makes of muzzle-loaders could easily qualify in the same category.

Nick Carr novaman51@hotmail.com

I'm fine with the 1 buck rule, but I think there should be stiffer penalties for those that take more than 1 buck.

Bob Morton bkmorton@seidata.com

I just want to say that I strongly support the one buck rule !! I grew up in Switzerland County and though I no longer live in Switzerland County I still hunt there today, and look forward to taking my son there one day. It seems to me that there was several big bucks taken when I was younger. And then for a while there was just several smaller bucks with a couple bigger ones taken each year. But I have seen several bigger bucks since the one buck rule has taken place. The one buck rule gives more bucks a better chance to grow older and bigger.

Dewayne Wilhite luvtohunt7@insightbb.com

My name is Dewayne Wilhite and I am an avid hunter. I would like my opinion to be considered when the state makes the decision to extend the one buck rule.

I think that the one buck rule is in ways good, but would rather see a size limit such as a 15"-16" minimum spread to be enforced and allow those of us that archery hunt the chance at an additional buck. We all know that the kill ratio for archery hunters especially for big bucks is very low in contrast to "gun" hunters. I think that the extra chance would also increase the number of archery hunters in the field...If you are lucky enough to have a place to urban hunt you can already get the additional buck but not many of us have that luxury. That is why I would rather see the size limit. It could be spread or # of points etc.

On March 10, 2007, the following persons wrote by email:

Andy Kaiser andykaiser@insightbb.com

I would like to take a minute of your time to ask that the one buck rule be done away with and the limits go back to the way before, one with archery and one with shotgun/muzzleloader.

Paul Riecke priecke@earthlink.net

I would like to vote to keep the one buck rule.

Daniel Ridlen huntersevenflies@yahoo.com

As I will be out of town on March 27th due to my work I will be unable to attend the public hearing on the one-buck-per-year rule. However I would like to use this forum to voice my 100% support of the rule. I think the implementation of this rule was the best thing the Indiana DNR has done to increase the quality of our deer herd and put us on par with our neighbors Illinois and Ohio in the category of desirable hunting destinations since the implementation of the rule I, for one, have been consistently seeing more and bigger bucks during my outings. Keep up the good work.

Robert Carver bobdeb8@sbcglobal.net

I am in favor of the one buck rule. I have been deer hunting in Indiana 30+ years, as a hunting buddy says, "before hunter orange and there were deer in Indiana"

Alex Brzezinski alexbz@iquest.net

I would strongly urge that the one buck rule be reinstated!

Ross Clark RCLARK7611@aol.com

I was originally against this rule and had talked to Jim Mitchell (?) and he said it WOULD NOT work. However I have seen more quality bucks in the last few years, so even though this may be the result of many factors, I am now in favor of this rule.

I would like to see a change to another rule though. Since we are only allowed to harvest one buck, why can I carry three kinds of firearms, but CANNOT carry a bow and a gun during firearms season? I know that when this was instituted it made sense, but it has definitely outlived its use. In reality, do you think someone is really going to shoot it with a gun and then claim it on an archery license? No reason to since only one buck is allowed. (total) Also, I don't think you would really care (same reason).

I really never understood the three gun rule since all three now have very near the same range, however if I was allowed to carry my bow AND a gun during firearms season only, it would have meant a couple more deer harvested by me in the last few years. that is your goal, right ?

On March 11, 2007, the following persons wrote by email:

Samuel Lane Samuel.Lane@TerreHaute.IN.Gov

Please consider these facts when discussing the rule change.

Outfitters are coming to our Hoosier state at an alarming rate. They have absolutely no restrictions or rules. They buy over the counter licenses for their clients and charge them greatly. I have personally witnessed \$3,500 per hunter, per week, in the vicinity of my Vigo County home, near the state line. These people are not going home empty handed so therefore, anything goes those last few days. There goes those six pointers!

I also hear a lot of people who say nothing, and use their spouses, relatives, etc. tags on the deer. We, as ethical hunters, cannot stop poaching; only try and discourage it.

Hunters from Illinois, Michigan, etc., can come and buy over the counter tags, but we have to lottery to hunt in their state. If we cannot buy an over the counter license in their state, why should they be able to come into the Hoosier state and kill those smaller bucks that we let walk by? We are also required a regular non-resident license and stamp in some cases, unlike them.

We also count "button bucks" as antlerless. If you do not have a male to female ratio, how can you say that we are managing for bigger bucks? Some Arkansas W.M.A.'s, count button bucks as a buck!

These are some facts that we should not avoid. I hunt Indiana and Illinois and other states too! You see I have formed an opinion here, and I bring up a lot of things most hunters are not aware of. Here is another. I have always seen bigger monster bucks in Indiana than Illinois. I am a landowner in Vigo County Indiana as well as Clark & Edgar County IL. Please feel free to contact me or use this information for this purpose.

Gordon Forte Fifim@aol.com

There are plenty of deer and plenty of bucks so you need to go back to two bucks. Look at the car/deer collision ratio. I am an avid archery and gun hunter and I see plenty of bucks. I see no valid reason for the One Buck Rule.

On March 12, 2007, the following persons wrote by email:

Donald Ray Medsker bothehunter@localnet.com

I, Donald Ray Medsker II, oppose extending the one buck rule.

Mike Hartigan MHartigan@vinu.edu

Please count me in as a supporter of the One buck rule.

Kim Harbison kbh2112@msn.com

I will be unable to attend the meeting discussion of extending the 1 buck rule. Which after debating some in favor of the extension why the meeting is being held when most people have to be at work.

This rule was shoved down our throats by the likes of The Indiana Deer Hunters Association, and Joe Bacon. They have falsely claimed they speak for the majority of deer hunters in the state. They DO NOT speak of the majority of hunters in the state. I joined The Indiana Deer Hunters Association many years ago, and after I began to see what they were attempting to do, I decided I wanted nothing to do with them. As far as I know my name is still being used by them as agreeing with their agenda.

I had a long conversation with the state biologist that oversees the herd in Indiana. He told me at that time the one buck rule will not, and has NEVER worked where it has been tried. There are plenty of big deer in Indiana; you simply have to be willing to put forth the effort to go find one. A trophy sized animal is that, a trophy. Not something anyone is necessarily supposed to find, or harvest every year.

In my opinion the 1 buck rule caters to lazy hunters, and trophy hunters. It is NOT the Indiana Department of Natural Resources mission to cater to one type of hunter over everyone else. The 1 buck rule is nothing but IDNR bowing under a false assumption that the majority of deer hunters in the state want the one buck rule.

The Indiana Department of Natural Resources should not extend this rule, and cater to trophy hunters only. The regulations should be put back to what they were before this "experiment".

James Justice jasju@msn.com

I think the one buck rule should NOT be continued. It has not had any benefit that I can see.

On March 13, 2007, the following persons wrote by email:

Coby Maxwell cobymaxwell@hotmail.com

I received an email from the DNR today asking for comments about the one buck rule. My family farms in Morgan county, and I am an avid deer hunter. I think the one buck rule is the best thing the DNR has done in my lifetime. I see more bucks and larger bucks than I have ever seen before. I think Indiana hunting is a valuable asset, and I really feel the DNR should do even more to increase the quality of the hunting. Now if we can only get the gun season moved out of the rut.

Chad Neukam mopars2nv@sbcglobal.net

I am a resident of Montgomery County, Indiana. I fully support the 1 Buck Rule that is under discussion. I would welcome an extension of another 5 years for this program. Where I hunt, I can't really say I have seen more bucks or bigger bucks because of this program. I have made an honest attempt to pass on smaller bucks since the inception of the program. I have actually shot more does the last few years because I don't normally get to see a buck of shooting size. Don't get me wrong, I am not a trophy hunter! I take pride in taking a deer of choice and I process and eat my own deer. I also have a lifetime hunting license, which makes it nice to hunt. I am usually looking for a large body buck or large body doe when I go hunting. If the buck happens to have a nice rack, that makes the hunt all the better.

Such was the case this past year. I spotted a large body buck and shot him. He dressed out at 195 lbs and made the Indiana record book with a score of 141 5/8. What a pleasant surprise! The one buck rule program may be working towards older, bigger bucks, but I'm not sure I see the effects here in Montgomery County. Extending the program another 5 years may show some results. Thank you for your time, Indiana Hunter Education Instructor.

Jeffrey Hoffer blindguyfortwayne@yahoo.com

It is my opinion that we should continue the one buck rule. In our region of deer hunting it has dramatically increased the quality of bucks.

After the five years is up, I would love to see no more than two bucks per hunter. Perhaps one with a firearm (including muzzle loader) and one with archery.

On March 14, 2007, the following persons wrote by email:

John Trout jftrout@aep.com

I am probably in the minority with this position, but as an avid archer, I feel I am giving up my gun buck tag to another hunter because I have already filled my buck tag with a bow prior to the opening of gun season. If this is the reason for the rule, then you have succeeded in "spreading the wealth"; because by limiting me to one buck for the season (with bow) you have simply put a buck in the freezer of a gun hunter on opening weekend. How many hunters harvested bucks with both a gun and bow anyway? Was it really hurting the big buck population? Unlikely. Indiana can grow big bucks, but the solution lies in the length of our gun seasons. A buck must survive 5 weeks of guns to make it into the next year (and crossbows). I am not against gun hunting!! I hunted with a gun for 20 years. But for bucks to survive into the trophy class we have got to let them live. All we have to do is look at our neighboring state of IL. Two bucks/year. 7 days total buck hunting with a gun. Biggest bucks in the nation.

John Shaffer Moon2932@aol.com

Put me down for "against the one buck rule"; I'm ready for the one buck rule to end.

On March 15, 2007, the following persons wrote by email:

Kevin Miller kmmiller@agent.shelterinsurance.com

I have been hunting for 14 years now. I believe there have been both positive and negative results to the 1 buck rule. The positive results are that I have seen some larger deer overall. The negative is that most of the scrub bucks and basket rack bucks are not getting killed and are allowed to breed their bad genetics over and over. The result has been that I have seen a lot more basket rack bucks and little scrub bucks. These bucks have bad genetics and most often the antler size remains small as the deer gets older.

I feel that there should be a 1 buck limit for all firearms, including muzzleloader. I do feel that bow hunters are penalized by the 1 buck rule. The avid bow hunter can spend weeks in the woods looking for the perfect buck and passing up several decent bucks in hoping he will make it to next year. Then when shotgun season comes in, a lot of hunters shoot the first thing they see. Which is often times the bucks the bow hunter just passed on because he/she can only shoot 1 per year. I feel that there should be 1 buck tag for bow season and 1 buck tag for all of the firearms seasons. I think the state should try this method for 3 years and then re-evaluate the results.

Barry Lang camp@ebyspines.com

I am in favor of the one buck per year rule.

Doyle Lyon dlyon@hsonline.net

My vote is "against".

Reasons: It reduces the number of hunters at a time when we need to encourage hunting. I haven't hunted with a bow for two years because, for me, a trophy with a bow is a totally different size than a trophy with a gun.

Drew Ditzler Ditzler@fourway.net

I am a new hunter and just completed the hunters education class last year. I have been taught to harvest does and let the small bucks walk by my dad and hope the DNR keeps the one buck rule for another 5 years.

Rance Glinge kickassrodeo@hotmail.com

I agree with the one buck rule and think it should be permanent.

On March 16, 2007, the following persons wrote by email:

Kevin Huber kevinhuber@sbcglobal.net

I have been a deer hunter since my late teens; I am now 51 years old. I hunted many years with a bow, later I started hunting with a shotgun and muzzleloader. I don't like the one buck rule mainly because I don't want to have to choose between which weapon I want to use to get a buck if a nice one presents itself. A lot of the pleasure of hunting is lost with the one buck rule, if I chose to shoot a buck during bow season that eliminates deer hunting with my muzzleloader or hand gun for a buck. So my suggestion is to let hunters have the chance to get 1 buck during archery and 1 during firearm seasons.

Robert Wolfe RWolfe@jfnew.com

I strongly support the one buck rule. I believe it is good for the deer population in Indiana, good for hunters and good for wildlife watchers as it results in a more natural deer population structure.

Jeff Meyerrose Jeff.Meyerrose@Woolpert.com

I am sending this message in favor of the one buck rule. We need to continue this rule to gain a better balance of sex and age of deer throughout the state.

Jon Dittmar jdittmar@jfnew.com

As a long-time Indiana deer hunter I would like to register my support of continuing the "one buck rule" in Indiana. It is apparent to me from my own observations that the regulation has served to maintain a healthy deer population in accordance with available habitat. Please support the extension of this rule.

Calvin Hunt ROTHHARI@aol.com

I am writing in response to the one buck rule that has hindered deer hunting and good management techniques for the last 5 deer hunting seasons. First and foremost the rule has had an adverse effect on managing the exploding doe herd. After lengthy studies done elsewhere around the country it has been determined that 72 % of deer hunters who are mainly in pursuit of antlered deer, will take antlerless deer while in the field if given the opportunity. Conversely successful hunters who harvest a buck deer were 81% less likely to return to the deer woods to harvest any antlerless deer. This demographic also tends to be the more successful hunters the A team as it were. Would you take the starters out of the game at halftime if the score was tied and put in the 2nd string? This is basically in effect what is happening to your management tools! Brow beating hunters with words like "management", and "Its the right thing to do", will not get them back in the game to shoot just 1 doe . These seasoned hunters need a bit of insensitive to keep going. Also the recruitment of new hunters and sales of hunting goods related to multiple deer season hunters has plummeted and will continue to do so and need I mention License money lost?

A prime example of the folly of the one buck rule is the states of Pennsylvania and Wyoming. The detrimental effect on the buck herd is just beginning to show itself here as in states that have had one buck rules in effect. The one buck rule causes an unnatural harvest of adult buck deer as hunters are less likely to take a smaller antlered bucks in earlier season which lead to the flip side panic when the gun season arrives that lead to the taking of any antlered deer out of fear of failure to get a buck deer .Perhaps the implementation of an earn a buck rule would accomplish what all sides of the deer hunting community want. By allowing hunters their first buck tag to use how they see fit and then offer to those who wish to harvest a second buck, the chance to earn a buck tag simply by the harvest of 1 antlerless deer.

By allowing hunters 1 buck tag as currently is in effect we have saved nothing the harvest numbers show no savings of bucks from year to year as well as a sharp decline in hunter numbers over the last 5 years. The raising of antlerless limits will not accomplish the goals of a well managed herd and a more balanced buck population by age. I understand that this situation is also a legal slippery slope as groups of "lifetime license" holders are beginning to organize to pose law suits about this and many other subjects by their description would amount to breach of contract by the IDNR.

I personally have considered joining such groups in this process however I am sure That the one buck rule that was implemented to please the greed of the much reviled amongst the general deer hunting population," Indiana deer hunters association "who is considered to be elitist trophy hunters who would reach into their deep pockets to get what they want. This group dose not nor ever has represented the general deer hunting population or their wishes .With this said I am sure that good sense and good management practices will prevail and lead to more hunters, a balanced herd ,greater hunter satisfaction,

millions of hunter dollars pent on licenses and even more hunting supplies. So in summery 1 buck rules are a lose, lose as multiple buck rules are a win, win especially in terms of trust being placed firmly back on the IDNR and the welfare of the deer herd ,and sport of deer hunting. Thank you for the chance to post these facts and thoughts. Calvin Hunt 30 year deer hunter and father of 2 young deer hunters.

Tom James Buck6814@aol.com

My name is Tom James, I currently serve as vice-president of the Indiana Branch of the Quality Deer Management Association, a rapidly growing organization fundamentally based on promoting biologically sound, researched management practices of our deer herd, and habitat.

On a personal level, I have been a very avid outdoorsman for over 30 years here in the state of Indiana. During that time I have participated in a wide variety of hunting, trapping and fishing opportunities that were available to me. I must say, that hunting deer and managing my properties to improve habitat and herd quality has become the most important recreational activity in my life.

I whole-heartedly support the continuation of the One Buck Rule in our state based upon the current structuring of the firearms season both in timing and in length. I do believe, that if our state ever opted to change the firearms season start date to a 2-3 week later date, and/or shortened the length of our firearms season, that we would effectively protect a larger portion of the male segment of the population which is most vulnerable during the frenzied period of the rut. This would allow more bucks of older age classes to be available for harvest and I would support returning to a two-buck limit at that time, but absolutely not under the current season structuring.

I also disagree with Dr. Mitchell's implication that more bucks in the herd does not biologically affect the herd in general. Modern research by respected names such as Dr. Grant Woods, Dr. Karl Miller, Dr. Mickey Hellickson, Dr. James Kroll definitely indicates that a larger proportion of older age-class bucks in the herd allows for a more "normal" and "natural" breeding period. Basically a shorter, more competitive rut whereas breeding does not "trickle" along and subsequently fawns are born in the spring in a more tight window and can take advantage of the present benefits. Also, the shorter spanned rut allows for the participating bucks and does to come through the winter in much better health. Just to name a couple of naturally occurring benefits.

Sound management is not trophy management also. Larger antlers are a wonderful by-product of a healthy, tuned-up deer herd, and yes large antlers do make hunters happy.

Resoundingly, I have herd nothing but positive comments from all the hunters I speak to concerning the One Buck Rule, and even the number of entries into the Hoosier Record Buck Program support and increase in older aged bucks showing up in our herd. This is a tangible way to show that the OBR has had a positive affect, and in an amazingly short amount of time. The longer-termed benefits will be much more apparant.

Please keep the One Buck Rule in place, and keep an open mind regarding the progressive, modern management of our wonderful resource!

Rodney Schlomer fish_n_crazy@hotmail.com

I am in favor of the one buck rule. I live and hunt in the southern part of the state and I have seen more bucks and BIGGER bucks since the one buck rule has been in effect, especially in the last couple of years.

Charlie Louthain selinoid44@comcast.net

I have to tell you I live in Kosciusko county and I have seen definite results in our area. The one buck rule in my opinion is a must. I am the property manager for Creighton Brothers and have about one hundred hunters on our properties. All the feedback that I have received about this issue has been nothing but good. People here are happy with the one buck rule. We are seeing more bucks than we used to. We are able to be more specific on the buck we take. Before I think people were happy to take whatever walked by, now I have a different opinion. I vote to leave the one buck rule in.

On March 18, 2007, the following persons wrote by email or by regular mail:

Bill Fulcher dfulcher@bluemarble.net

I am a full time taxidermist and a Deer hunter. I have not seen the age structure of deer change but I am seeing more bucks when I hunt. The one buck rule should be extended for one more five year period and again revisited. Having a rule that is subject to review is great as hunters don't feel so locked in. The first five years are an adjustment period that seemed to go by quickly. In five more years we will see what effect the rule really causes.

Ronald W. Silvers rwsilvers@insightbb.com

Just wanted to cast my two cents in on the one buck rule. I don't like it. Would like to see it go. I feel it has done more to hurt deer hunting then to help it. I teach Hunters Ed. and have heard over and over that I used to bow hunt and gun hunt but since I can kill only one buck I will give up bow hunting. I believe if you have to purchase a license for it you should be able to fill that tag with a buck. Just venting my views. I believe that the DNR is doing what they think is best.

John Mitchell jwmitch1@verizon.net

I have been deer hunting in Indiana for over twenty years and appreciate what the DNR and others have done to bring back the whitetail deer. I am not an expert in wildlife biology but, intuitively and through observation believe that the taking of one buck only through all of the hunting season is best. I am pleasantly surprised to see the good numbers of bucks in the HNF areas in southern Indiana. If any hunter wants to take more animals there are plenty of antlerless permits available. I support the present system and would like to see it continue unless the DNR wildlife biologists believe it is necessary to change.

Andrew Wann rrsut@hotmail.com

I would like the one buck rule rescinded.

Kris Geyer shelbug@coolsky.com

I have been opposed to the one buck rule from the day it was proposed. I do not believe that the majority of deer hunters favored this change. It was brought about by a small group of elitist trophy hunters calling themselves Indiana Deer Hunters Assn. All that this rule has done is take away hunting opportunity and force hunters to buy more tags. The price of which has increased dramatically in recent years .By the DNR's own admission only about 15% of hunters killed two bucks a year. This small percentage should not be an issue in rules changing for all hunters. If this rule is going to stay in place, then there should be the option to buy a "buck only" tag. This tag would be valid throughout the deer season. I hear more hunters every year saying that they are not going to hunt the coming season or cut back on their hunting because of tag prices. Get rid of the one buck and go back to one archery buck and one with firearm.

Dan Steinsberger Dan.STEINSBERGER@GAPAC.com

I read with dismay that the IDNR is considering changing the 1 buck limit. I've hunted deer in Indiana for forty years and have never felt better about our deer herd since the 1 buck limit has been in effect. Please don't change this very effective method of managing the buck/doe ratio. Thanks for your consideration

Gary McDonald gmarie@ligtel.com

I am not in favor of the one buck rule and feel this should not be pushed on all the deer hunters that are not trophy hunters. A real trophy hunter gets out and finds a good buck he or she considers trophy and learns the habits of that deer and hunts it. I don't ask anything from these hunters and I find it unfair they say I have to give up a buck so they can have an easy hunt or better chance at finding one. The Indiana biologist I have talked to said he has seen no big change in size of bucks he checks in. The only thing I see this program doing is making it harder to recruit new kids to learn to hunt. All they want to do, is kill a buck. Most all the boys I have had the honor to help to learn to hunt, want to do it again, the sooner the better. And most are not interested in shooting a doe. I believe the two buck law should be reinstated, this would once again let every hunter make their own choice how they want to hunt.

Maurice King greedygus2@yahoo.com

I am writing in reference to the one buck rule being extended for the next five years. I, as a hunter and grandfather, disagree with this being continued the way it is currently enforced. My reason for not supporting your position are as follows:

(1) I feel a nimrod should be allowed to harvest 1 buck, if he/she so chooses, during the early archery season and 1 buck only during any and all firearms season (black-powder and/or shotgun) for a total of 2 per hunting season.

(2) I also feel the youth hunter is being discouraged, for the benefit of the trophy hunter, by the one buck rule. I'll use my grandson as an example. This past season on the first weekend of archery season he let a nice little buck pass because of this rule and was thoroughly disappointed when he never had another chance to kill a buck with bow, shotgun or muzzle loader the rest of the season. He is 14 years old and one of our next generation of lifelong hunters. They do not care that the buck they see is not a "Monster Buck". If nothing else, youth hunters 18 years and younger should be allowed to kill one buck during early archery season and one buck during firearms season, as above, for a total of 2 deer.

On March 19, 2007, the following persons wrote by email:

Stacy D. Allen; Kyle A. Allen; Derrek W. Allen; and Lavone S. Allen Predatormaster2@aol.com

We would like to see the one buck per hunter per year continue. Also, when a person purchases a combination hunting and fishing license, they get a discount in price, why couldn't the state also offer a discount if a person purchases a fishing/trapping license or hunting/trapping combination? We think this would be a great idea by making it more affordable so as to generate more interest in all outdoor opportunities.

Gary Haub HaubG@corydon.shcsc.k12.in.us

Here is my solution to the over population of deer. In order for a hunter to get a buck permit, they must first kill a doe. Upon checking in the doe the hunter will then get a buck tag.

Carl Guisinge cguisinger@verizon.net

I hunt a lot during all designated season's for the White Tail Deer and have for at least 30 years. My hunting area is primarily in Steuben County, next to the Ohio border. Last season was a very wet ordeal with a lot of standing water and high streams, and I don't feel it was a good season to look at the 'good' or 'bad' in the effects of the 'one buck' season. Instead of hunting the deer with a gun, as much as I did when I was younger, I now use a camera. With the camera I can shoot numerous deer, numerous times. An get a kick out of watching deer in their natural habitat. But in the last five years, I have seen a decline in the size of the antlers, but have seen smaller antlered deer. But can I contribute this to these items- a) most hunters shoot the first antlered deer they see, b) now that they can only get one antlered deer that they quit hunting after the first week-end, c) the area I hunt, does the larger, smarter deer head to Ohio after the first week-end. My impression of the 'one buck rule' is that it doesn't appear to be making much of a difference in the area I hunt. I imagine your reports will depend on numerous items, as always, when you're looking at such a 'smart' animal that its instincts are to survive, without the help of people. I haven't seen the results from the last years' hunting quotas. Normally I see them in the newspaper. Were they down last year?

Mark Gorczyca fwrocks@gmail.com

I am 100% in favor of the one buck rule and would love to see it stay and/or have other limitations put in place in regards to the harvest of bucks. I am originally from Michigan and started deer hunting in 1999. I am now an Indiana resident and hunt local to the Fort Wayne area. I have heard great debate over this rule, but believe it is a great thing for herd health and hunter satisfaction. Although we will never stop the illegal killing of more than one buck (yah, my mom shot this one...wink, wink), there are plenty of things that can be done to deter "hunters" from taking more than their fair share of the deer population. Here are some of my ideas:

1) institute some sort of penalty or make it illegal to shoot button bucks (making hunters accountable before they pull the trigger or release an arrow); 2) offer incentives for turning in unused buck tags from the previous year at new season license purchase time;

- 3) antler restrictions for veteran hunters who have "X" number of antlered kills to their credit (ex.- 8 pt. min. / wider than ears);
- 4) shorten the firearm season on antlered deer and move it to after the rut;
- 5) offer incentives to "meat" hunters to shoot does and offer a late doe firearm season;
- 6) make it mandatory for the license holder to accompany "their" deer from the field up to and including state check-in.

I am a selective, herd conscience hunter that isn't afraid to donate the meat if I am not in "need" of it. I would love to see a more balanced mature buck / doe ratio (I estimate my area is about 1 mature buck per 8 does). I am also constantly thinking of ways to combat all of the one buck loopholes I hear about. My apologies as I am unable to attend the hearing on the 27th, but would speak further on this matter, if desired.

Brian Strohm bslt505@hotmail.com

I believe the one buck rule should stay in place. I feel that unless this rule stays in place people will continue to shoot small bucks just to fill their tags. I think that a hunter should selectively pick his buck carefully and not shoot the first one he sees. With only being able to kill one per year I feel people don't shoot the first one they see and wait for a mature whitetail. I myself make sure that any buck I shoot is at least 130" or larger which would typically be a 3.5 or older deer.

I spend a lot of time using trail cams during the year and have noticed quite a few more larger bucks since the one buck rule came into effect. With selective harvest, proper nutrition, and proper management I feel that IN can grow deer that our neighboring state of IL is known for if we keep the one buck rule. I spend lots of time studying deer and planting food plots for wildlife to help provide additional nutrition and food.

I feel that the one buck rule should stay in place at least another five years if the state does not make it a permanent rule. I feel that making it a permanent rule would be great but if that is not feasible that it should add 5 more years to the study and go from there. I hope the powers to be will consider this rule very carefully before making a decision as the future of large bucks in the state depends on it.

Steve J. Endris sendris@indiana.edu

I think the one buck rule should stay in place. I have been seeing a lot more mature bucks the past couple of years and that makes hunting a lot more enjoyable.

Brian Schmidt boyracerr6@hotmail.com

I am writing in regards to the proposal of extending the one buck-rule for an additional 5 years. I must say that I HIGHLY SUPPORT EXTENDING THE ONE BUCK RULE for the next five years. I have hunted in northern Indiana for the last 17 years and I am just beginning to finally see some nice Big Bucks! I know that you can't eat the horns, but there are just too many people out there who have the motto: "If its brown its down" and then these same guys wonder why all the see are spikes and little fork horns. At least with the rule it makes most guys think twice about pulling the trigger on a young buck and if they want to shoot something, get a doe permit and help the herd out by taking a doe.

Daniel Hart d.hart@dowcorning.com

I would like to start by saying; I think the one buck rule in Indiana is starting to pay off, especially in regard to the buck-to-doe ratio. I have personally seen many more bucks in the past several years, than in years prior to the rule change. However, I would like to propose one rule change that could potentially benefit both the hunter and the State.

I am an avid archery, firearm, and muzzleloader hunter and have been hunting for approximately twenty five years. During that time, I may have seen only one or two bucks of the 140 class stature, but never fortunate enough to take one. With that said, it is very rewarding taking a nice buck with a bow and arrow, rather than with a firearm. However, it makes for a very long and not as nearly as exciting firearm and muzzleloader season after exhausting the buck tag during archery season. My rule proposal could successfully eliminate this dilemma, as well as bring in additional revenue for the state.

Rule proposal: As mentioned above, it is nice taking a nice buck during bow season. However, it would also be nice to harvest the elusive 140+ class buck during firearm season, if the opportunity presented itself. If a hunter successfully harvests a buck during archery season, offer a Trophy Buck Tag during

firearm season. Adhere a \$100 trophy fee to the trophy buck. This would deter someone from taking a small buck, but yet would allow the opportunity to harvest a once in a lifetime 140+ class buck, if the opportunity presented itself.

The trophy buck tag could be administered by a 25/75% ratio. Have an initial \$25 fee associated with the license, to be paid in advance, and if someone successfully fills the trophy tag, they would pay the additional \$75 trophy fee at the time it was check it in. This would not only allow a successful archery hunter the opportunity to harvest a once in a lifetime trophy buck during firearm season, but would also increase revenue for the state. In addition, this could also be an opportunity to drum up additional money from the Indiana Lifetime Hunting License holders.

Lastly, I would like to thank you for the opportunity to voice my opinion and offer my suggestion. If this rule were to be implemented, I truly believe that this could enhance Indiana Deer hunting, and create additional revenue for the State.

Bill Smith bjsmith@firstchancecenter.com

I would like to voice my support of the one buck per year rule. I believe it has improved the trophy quality of our deer herd. I would also support a longer muzzle loading season and an early muzzle loading season before the general gun season.

Luke Rains hun_tin_machine@hotmail.com

I think the one buck rule is a good law for conservation and I support it, but I also think that it has made a lot of poachers over the past five years. It would be a victory for the poachers to give in and let them have the two buck rule back. I vote that it stays in affect for another five years and increase law enforcement to enforce the one buck rule.

Steve Maddox stephenleeroy@hotmail.com

I like the one buck rule. I hope the dnr will extend the rule for 5-more years. We think the one buck rule will help Indiana become a trophy buck state. Lifetime Hoosier hunter.

Jeff Stout jeff.w.stout@cummings.com

I just wanted to write to express my agreement and support of two proposed changes for Indiana deer hunters.

First, I want to support the extension of the "one buck rule". The deer harvest in Indiana has always been slanted toward the harvest of bucks, and this rule helps to balance the harvest by restricting the taking of bucks, therefore encouraging hunters who want more than one deer for the freezer to shoot a doe. By allowing some of the young bucks to walk, this also helps with the buck to doe ratio and the buck age structure, improving overall herd quality.

Adam Bergdall hunt_75@hotmail.com

My name is Adam Bergdall I live in Dekalb County, I have been deer hunting since I was 14 I am now 32. When the DNR first announced a one buck rule 5 years ago I was less than thrilled, however since then I have changed my mind totally. When I first started hunting my dad told me if you see a buck shoot it no matter how big it was because you were probably only going to get one chance at a buck. The past five years I started passing on any buck that does not stick out past his ears. This year I took a 150 class 8-pointer. To sum it up I don't think you should sign this for 5 years I think you should sign it for a minimum of 10 years if not 15 years this is one of the best things you have done for deer hunters in a long time. I know a lot of hunters do not like the rule but they are some of the ones that shoot at anything they see no matter what it is.

Mike Cain mike_cain@hotmail.com

I am definitely in favor of the one buck rule lets keep a healthy deer heard in Indiana. We next need to talk about loss of habit that's another story.

On March 20, 2007, the following persons wrote by email or regular mail:

Brad Bowman bbowman61@hotmail.com

I would like to voice my support of the continuation of the One Buck rule in our state. My experience over the test period has been a larger, healthier, and more balanced deer herd in the east central Indiana counties I hunt. We practice QDM techniques on local property in Wayne County with expected results. Please renew the One Buck rule to continue the quality and health of this very important resource which can and is enjoyed by sportsman AND non-sportsman alike.

Also, I would like to express my support of the use of rifles using the pistol calibers suggested. These calibers actually have less muzzle velocity and energy than modern black powder rifles and shotgun sabots currently in use. I see this as an opportunity to expand our gun season options in a safe and responsible way. If strong public opposition is heard on this subject, a suggestion would be to possibly consider these calibers in a single shot format only. I have always liked and currently use the Thompson Contender/Encore format. One shot opportunities can make the sport more challenging and possibly more appealing to bow hunters who have to work harder in getting closer to their targets.

Bryan Swank bswank@iquest.net

Initially I was opposed to the one buck rule but after seeing the results I am a supporter. Please keep the one buck rule in effect.

Bernard Schrader bschrader@happyhollowcamp.net

I am writing in support of the one buck rule and would like to see it extended another 5 years. I have been an avid hunter and resident of IN all of my life. Please support this concept.

David P Michel David_P_Michel@raytheon.com

I recently hit a deer at night in a residential area of New Haven, IN when it jumped in front of my car. When I took my car in for repair, the body shop repairman said that there have been about 40 car repairs at his shop since last fall due to deer collisions. In fact, they do more deer car repairs than they do auto collisions.

Obviously, there are TOO MANY deer in Indiana to make it safe to drive on the highway, and even the city streets. It cost my insurance company \$730 to pay for this repair, and it cost me another \$100. in comprehensive deductible costs.

Think how much insurance rates for Hoosier drivers could come down if there were far fewer collisions with deer. The only way there can be fewer collisions, is for you to allow the dwindling number of deer hunters to take more deer each year. Please allow more deer to be taken. I love to see deer in a field, but they have become a serious problem to the safety and finances of Hoosier drivers.

Thomas J. Bowling tjbowling@msdeng.com

I wanted to convey my thoughts on the current one buck rule and the proposed rifle regulations. I am in favor of both. I believe the one buck rule has had a very positive effect on our deer hunting. It allows for a more balancing of the herd and increased opportunities for hunters to harvest a mature buck.

Bowling also wrote on March 26, 2007

I wanted to convey my thoughts on the current one buck rule and the proposed rifle regulations. I am in favor of both. I believe the one buck rule has had a very positive effect on our deer hunting. It allows for a more balancing of the herd and increased opportunities for hunters to harvest a mature buck.

Pat Teives pat.teives@morganfoods.com

For the record I would like to share my opinion of the "One Buck Rule" and how it has effected not only mine but my family's approach to hunting. The OBR has allowed me and other family members to harvest larger and more mature whitetails. It has also heightened preseason scouting and viewing of better trophy whitetails all year round. My son has already harvested a 150 class buck. I had to hunt 15 plus years before I ever saw a 125 class buck.

I also think the area in which I hunt the buck to doe ratio still falls on the side of still a few to many does. It would be my opinion the harvesting of does would give hunters the chance to harvest additional deer. I fail to see the advantage of a person harvesting a mature whitetail buck and three weeks later pass on three doe's to harvest a 4 point yearling buck.

On two recent hunting shows on ESPN I have heard hunters mention that Indiana is on the rise for mature whitetail bucks. The management of the Indiana deer herd is in many ways is in the hands of the Indiana sportsman. And I do believe the true deer hunter and sportsman realize the OBR is good for the overall deer herd. The problem lies in the fact it is hard to change old habits. I think it is time to start new habits and retaining the OBR is a great place to start. From this season forward I believe the OBR should be the rule and not the exception.

Michael Marti karimike3@verizon.net

The one buck rule is a good idea. You should keep it. I hunt in DeKalb Co. and see approx 8 Does to 1 Buck. For those that need the meat, they should shoot does.

David Grannan dwgrannan@goldenrule.com

I just wanted to send you a quick e-mail advising you that I do support the One Buck Rule for Indiana. Please consider extending this rule for an additional five years.

Chris Demetriades; Garret, Indiana

I've been deer hunting on private/public lands in this state for over 20 years. I think the Department of Natural Resources has managed our deer maintaining the right balance. In my opinion, the rule enables a better chance for a trophy to get that extra year (or 2) of antler growth. Another extension of the rule will give the state that much more data. Everyone deserves a chance to get a mature deer. Our deer should compare to some that are taken in the surrounding states (Ohio, Illinois). In my opinion, I like the rule. I've hunted in Ripley, Jefferson, Dekalb, Allen, Steuben, and Huntington Counties.

Mary McConnell; The Nature Conservancy, Indianapolis, Indiana

The Indiana Chapter of The Nature Conservancy is supportive of reauthorizing the "One Buck Rule," LSA Document #06-572, 312 IAC 9-3-2, 9-3-4 and 9-3-5 which is currently set to expire September 1, 2007.

As an organization with the mission to preserve the diversity of plants, animals and natural communities that represent the diversity of life on earth, we are concerned about white-tailed deer heard population levels. We are pleased with the results of the latest survey data that shows a modest, yet increased take of antlerless deer. While there are states with even larger deer herds than Indiana, this state has seen its share of substantial impacts, including overbrowse, car/deer crashes, landscape and crop damage, and others. Recognizing this deer population problem, the Conservancy now permits hunting on a significant number of our properties. On the remainder hunting is restricted due to limited access, small size or the deer appear to be controlled via adjacent private land hunting. The Conservancy has focused much of our attention on the impacts to forest composition. We believe deer overbrowse is a significant contributor to the degradation of our oak hickory-forest systems.

Oak regeneration in woodlands surrounded by a large amount of corn and soybeans may be able to withstand a higher deer population than those in more completely forested areas because the agricultural crops become an alternative food sources. Hunting to control deer is an important attribute of successful oak management. In some parts of the country deer populations are so high that fencing has been necessary to allow for adequate oak regeneration. Careful control now can prevent Indiana from every reaching this extreme.

We view the One Buck Rule, at the very least, as an important component in maintaining current population levels. In the Midwest, deer have lost many natural predators and other causes of mortality, such as disease and injuries, are not sufficient population controls. Deer are an adaptable species that have thrived on the "edge" effect of development and fragmentation. Deer populations can grow rapidly since

does breed at an early age, have twins much of the time and continue breeding into old age. One buck can breed with many does, so harvesting bucks does little to control populations.

In addition to changes in the composition of forests, there has been documented extirpation of certain forbs and seedlings, which have led to an understory in many places made up of mostly ferns and grasses. In addition to plants, there have been negative impacts to migratory songbirds and small mammal populations due to deer overbrowsing. And recent studies such as *Exotic Seed Dispersal by White-tailed Deer in South Connecticut* (Williams and Ward, 2006, *Natural Areas Journal* 26:383-390) show that "...deer are capable of dispersing exotic seeds long distances that can then germinate in an over-browsed native understory. Continual long-distance dispersal by deer will benefit some exotic species over time – precipitating their rapid colonization to the detriment of native forest flora."

Finally, reauthorizing the one buck rule will keep pressure on antlerless deer until other options can be considered to control deer populations while maintaining the health of the deer herd.

Fred Dorman; Bloomington, Indiana

I would like to get my 2 cents worth in, about the one buck rule. I think the majority of hunters think it is time to go back to one buck bow season, and one buck gun season. There are some special interest clubs and trophy hunters that want the one buck rule. With this one buck rule a lot of bucks are not turned in. There are also bucks that need to be thinned out for better breeding stock. The average age hunter is getting older, I will be 64 in May. I hope you change it back.

Also I was in Kentucky visiting a brother last year and I read their hunting guide. The do not need check-in stations. Instead, you call in and they give you a number. This would save you from driving across the county before you can start processing it. Or if you shot one in the evening in warm weather it makes sense to me.

Jamie Brewer; Marion, Indiana

I'm writing this letter to voice my opinion on the one buck rule. I have deer hunted in Indiana with both archery and firearms for over 25 years and I strongly agree with the current one buck rule and would like to see it made permanent. I am a trophy buck hunter, but I also shoot my share of does. There are years go by that I don't shoot a buck because I didn't have an opportunity, but with the one buck rule I'm sure it has helped the younger bucks mature.

I also archery hunt in Illinois and Ohio in some years, and I personally would like to see Indiana adopt a shorter firearm season (IL) on antlered deer, and start the firearm season after the rut (Ohio).

On March 21, 2007, the following persons wrote by email:

James Johnson james.r.johnson@cummins.com

I am in support of the proposed extension of the one buck rule for Indiana. This rule provides a better methodology to manage the deer population while providing sportsmen with an opportunity to see and harvest more mature bucks, year-over-year.

Kevin Haendiges khaendiges@americancommercial.com

I do not support the one buck rule as it reduces choice and achieves absolutely nothing with regard to game management, please vote against it.

Greg Spaulding gspaulding@fele.com

I was for the 1 buck rule when it was first started. I still think that it is a good idea for increasing the size of Indiana's bucks. I just have a few questions/comments.

Will Indiana be implementing any antler restrictions? Why does the one buck rule go for 5 years? The DNR should have data to support their first 5 year trial. Could this be reviewed every three years? Have the DNR findings indicate that the State is producing more record book bucks?

I support the 1 buck rule – but could it be reviewed sooner than every 5 years since we have already had it in place for 5 years.

I hunt in Wells and Huntington counties – I am not seeing a big difference in buck/antler size. Most of the bucks that I see are 6 months to maybe 2 ½ years old.

Doe sightings are down. Normally I see deer behind my home starting in April, in 2006 I say my first deer on the 4th of July week end. I am not sure if Wells Co. needs to be a bonus county. Ouabache Park seems to be the area of the highest deer population, that and in the S W part of the county. In other areas the deer sightings are pretty sparse.

Charles Crawford chuckcr@gmail.com

I was given your name to send my thoughts to on extending the OBR. I think that it is working well and should be kept in place. I could go into detail, but I am sure you are getting plenty of input on the matter.

On March 22, 2007, the following persons wrote by email or by regular mail:

Gary Sprouls garys@warsawcoil.com

The one buck rule is good for Indiana and good for trophy hunters like myself. It also gives dominant bucks a better chance to breed. I cannot think of one reason we should not extend the one buck rule. Most counties in Indiana allow several does to be taken for meat. Why harvest a young buck with little or no rack. If Indiana hunters go to Iowa for trophy hunting, this state loses the revenue. I find it disgusting to see young bucks in the back of pickups waiting to be checked in when doe population seems to be out of control. Keep up the good work.

James Rossi; Francesville, Indiana

I feel the 2 Buck rule needs to be re-instated. More does are being bred causing larger herds and more auto accidents.

Increasing doe permits isn't working, for example the increase in LaPorte from 2 to 8 does. Two years ago only 4 doe permits were allowed for the entire state. Now a hunter is allowed to harvest every counties maximum. This proves the great increase in number of deer throughout the state.

My suggestion is that a hunter is allowed to take on buck with either a shotgun or bow, and then must harvest 2 does before being give a second buck permit.

It's true that larger bucks are being harvested. But does the DNR really want to increase deer population while in areas deer are malnourished? Also, every year deer vs. auto accidents are on the increase. The one buck rule has allowed this increase in population, and should be rescinded.

Lamar Schmucker; Nappanee, Indiana

I think one buck a year is the best thing that ever happen. Please stick to one buck a year. It is time to get the doe population down to the right balance. You need to promote people to harvest more does. First doe tag should be regular price; second tag, \$5.00; third tag, \$5.00. If you change the buck rule 2 bucks a year. Most people have enough meat with 2 bucks and will not harvest does. What would be wrong with a doe season after late archery with muzzleloader only for one week? DNR you have done a great job adding youth season was the best thing ever happen. Keep one buck a year. Promote people to harvest does. There are a lot of people using a spotlight to poach deer after dark. It is time to put a curfew on spotlights after dark, maybe 10:00 p.m. Keep up the good work and improve IN for the future.

On March 23, 2007, the following person wrote by regular mail:

Daniel Kemper; Moores Hill, Indiana

I am writing to comment on the proposal to extend the one buck for an additional five years. I am adamantly opposed to the rule.

First of all, I was dumbfounded to learn of this rule in 2002. I am a landowner, lifetime license holder, and an avid "all season" deer hunter. I do not understand how this rule came to be without me even hearing about its consideration. After some research, I learned that a group of "trophy hunters" pushed the idea, and the DNR adopted a five year test period. I think that a larger cross section of hunters should have been surveyed at that time before initiating this rule. I admit that I do not know who or how many were involved in the initiation of this rule.

I remember reading one time that one of the determining factors on rule changes is "does it diminish hunting opportunity?" I believe that this rule most certainly does. I have very seldom in the past taken two bucks in one year. My biggest complaint about this rule is that should I take a buck during archery season, I am then deprived of the opportunity to hunt for a buck during the firearms and muzzle loading season. If I take a buck during archery season, I set my standards just that much higher for the second buck, and so am less likely to take a second buck.

I read in a recent survey by the DNR that Jim Mitchell stated that this is a social issue and does not have any bearing on the overall health of the herd. I believe that this is the truth. In my "neighborhood", for years we have been harvesting antlerless deer as the DNR prescribes, planting food plots, and voluntarily passing up shots at small bucks. We have definitely seen the quality (antler size due to age/nutrition and numbers) of bucks increase. It has absolutely nothing to do with the one buck rule; it has to do with education and being proactive with making positive changes. And in doing this, we should still be able to maintain our hunting opportunities.

I question whether the "trophy" hunters that are in favor of this rule are a proactive in the DNR's appeal to hunters to harvest antlerless deer. It seems to me that if they are really that concerned with growing trophy bucks like they see coming from other states, are they really doing what is fundamentally best for herd health? Do these trophy hunters own their own land, put out food plots, convince others to hold out for larger bucks and let the small ones pass, and shoot antlerless deer for their meat? Or do they think that by limiting everyone's opportunities, they can magically transform deer into the likes of ones being taken in specific areas of say Illinois, Ohio, and Kansas? Do they not understand that the rule "trophy hotspots" are in agricultural areas, with exceptional soils and limited access?

I read the survey that was taken last year. I may be just cynical, but I think there are some loopholes that need to be addressed. If a hunter is a "trophy hunter", or strictly a bow hunter, or strictly a gun hunter, it is in his/her benefit to be in favor of the one buck rule. Since they only intend to hunt one season, or are so selective that they don't often kill a buck, the fewer bucks that they think we "all season hunters" kill, the better for them.

I live in Dearborn County. I have hunted in southeastern Indiana for the last 28 years. I have many hunting friends in Kentucky and in Ohio. Indiana has always been the envy of the tri-state hunters. Someone is trying to fix something that is not broken. I have 100% faith in Jim Mitchell, and also in our district biologist, Ed Gulgas. I am in favor of letting the experts decide what is best for the herd.

On March 24, 2007, the following persons wrote by email or by regular mail:

John Hooley Jwhfish@aol.com

I am in favor of keeping the "one buck rule" in effect. We have been able to observe far more bucks during both the archery and firearms seasons in the last several years than ever before. We have also been able to take the largest bucks we have ever taken in the last 2 years. I think that this is primarily due to the fact that being only able to take one buck most hunters are passing up smaller bucks thus allowing them to become older and wiser which has resulted in more decent buck sightings during the hunting seasons.

Richard Green TAGMASTERICK@aol.com

I have witnessed a change in the quality of bucks where I hunt. [Noble-Whitley Co.] The change has been bigger body size & antler size, this is what me and other hunters I speak with are looking for. Another change has been we are not seeing as many does. The Buck to Doe ratio seems to be more balanced than in the passed. In short, deer numbers are down but the quality is up!

Paul Winks PaulWinks@aol.com

I am writing to add my support to the extension of the One Buck Rule and to the addition of Pistol Cartridge Rifles to the list of approved deer hunting weapons. I believe that the One Buck Rule will allow our bucks a better chance to mature into world class trophies. I also believe that adding the pistol cartridge rifles to the list of legal weapons for deer hunting will increase outdoor opportunities for Hoosiers. Thank you for your support of our Hoosier Outdoor Heritage.

Peter Steinsberger babybonds010@aol.com

Hi my name is Peter Steinsberger and I am 11 years old, and I would like to have more deer on our property and if you change the 1 buck limit we will just have less so please keep it how it is.

On March 26, 2007, the following persons wrote by email or by regular mail:

Brad Wentworth dollar@ligtel.com

I am for the one buck rule. I think I passed on 25+ bucks in the 2006 season, and did not fill my tag. I would like to see the question Did you pass an antlered buck during the last season in your survey. I am not sure taking 2 bucks just because we can is a good enough reason.

Ric Sorg vitalwax@msn.com

I am an Indiana resident with a lifetime hunting license and have many good memories in the woods etc. I would like to see an extension of the one buck rule, but would like to see at least a 4 point minimum on one antler. This would further increase our trophy quality deer. I know it would be a hard sell for the states hunters, etc. Our state could experience more revenue generated by trophy caliber deer like our neighboring states have. I am casting a vote for extending the One Buck Rule Extension.

Amos Slabaugh; New Paris, Indiana

I am in favor for the one buck rule because we are seeing more bigger bucks in the last two years.

Merle Miller; Topeka, Indiana

Concerning the one buck rule: I have deer hunted for 30 years and never have we had the quality bucks that we have now. One buck a season helps the quality of all deer. Please leave this in affect. Quality deer!! Not quantity deer!!

On March 28, 2007, the following persons wrote by email or by regular mail:

Richard Harrold richard.harrold@kerlinbus.com

I am in favor of extending the one buck rule with the addition that the rule be reviewed every 2 years to allow change by county to keep the deer population healthy.

Devon Slabaugh; New Paris, Indiana

Yes, I like the 1 buck rule because I think we'll see more mature bucks and I can see a difference already. So, please keep it for now. I also hunt some in Elkhart County and Kosciusko County.

Wayne E. Borkholder; Nappanee, Indiana

Please consider keeping the 1 buck rule in affect. Our quality of bucks here in Elkhart County has been a lot better since the 1 buck rule.

Todd Hammond thammond@sirec.com

The one buck rule is a good thing and I would like to see it extended. I have seen a much larger increase in 2 ½ year old deer the last few years. It does not take away any opportunity from anyone as they can shoot does if they want more hunting.

Jud Fisher; Muncie, Indiana

I believe the one-buck rule should be allowed to expire and revert to the previous two-buck rule, or there should be an alternative to satisfy the hunters who do want to pursue more than one buck in Indiana during the season. Attached is a draft document of an idea that covers many bases when dealing with this issue.

Without covering every detail of herd management and hunter psychology, I will give a few reasons to support the attached Conservation Buck Program (CPB) proposal for an additional buck tag:

1. It addresses additional funding for the DNR and another important program for securing wildlife habitat and recreational land in Indiana for *everyone* to use – the Indiana Heritage Trust.
2. The CBP would address quality deer management by only allowing the harvest of a second buck that has four points or more on at least one side. It would also only allow the CBP tag to be used on private land, leaving public land under the one-buck rule.
3. The CBP would keep those interested in one-buck from howling by capping the amount of tags per year to a relatively small amount while allowing those resident hunters who might otherwise leave Indiana for another hunting opportunity to stay on home turf and spend their money here. It would also draw a small amount of non-residents to Indiana for a chance at a second buck.

The CBP cap could be adjusted mid-stream to better accommodate the DNR and hunters alike based upon response, costs and income. The Program could satisfy all sides while not bowing to special interests.

I have read the commentary from proponents of both one-buck and multiple-buck sides and find that most is based on extreme ideology, rack size and misinformation. One interesting thread of thought from one-buck proponents is that there should not be a two-buck rule since only “a few people” want it. Well, let those few choose to do so via a win-win effort such as the proposed CBP.

We need to quit managing for antler size (note: I enjoy trophy hunting as much as anyone) and try to fulfill herd management goals, satisfy hunter opportunity (if you don't want two bucks, just hunt one!), and increase conservation awareness. An alternative program like CBP would cover all of that.

I wrote a different but similar proposal up years ago and submitted it to Jim Mitchell and then director Hupfer. I have spoken with Jim Mitchell before, heard him present at conferences, and received a letter response back regarding my earlier proposal. I agree with most of his expert deer management philosophy. However, one comment he made in his response to the last proposal was that it would not be fair to charge more for a second buck. This is curious since it would be an *additional* opportunity, billed as a conservation effort and bonus time pursuing a second buck – which currently does not occur. This proposal would be on top of the regular rules and would therefore be a special increase in opportunity – it would not take any regular opportunity away that exists today.

I hope this makes sense, and that you will take the spirit and intent of the letter and proposal into consideration if not the exact comments and proposal elements.

Proposal for a Conservation Buck Program

This proposal is for extra deer hunting opportunities in Indiana specifically that of taking an extra buck in all counties during a calendar hunting season. Only one buck beyond the regular regulations could be taken throughout the various seasons that make up one calendar year (assuming the January bow season is counted in the previous year's calendar). The Program buck could only be taken on private land.

This program could be put in place whether the current one buck a year regardless of season is continued or not. CBP participants would have the opportunity to harvest two bucks under the current rules. If the old rules were brought back, hunters under the CBP umbrella could still take, for instance, two bucks in bow season or two bucks in regular firearm season with a firearm. They would then be done, but they were able to take their bucks under special circumstances.

It addresses the herd balance (covered in testing/questionnaire), conservation (covered in testing/questionnaire and funding for the Indiana Heritage Trust), and hard core dedicated hunters. Its main

thrust on the DNR's end would be to generate income for the **Indiana Heritage Trust** for land purchase and maintenance. The program could have a cap to the amount of participants to control the potential harvest while keeping resident hunters from leaving the state for more buck opportunities while drawing non-residents looking for additional hunting opportunities *in* Indiana.

Main ideas for the proposed CBP:

- Open to Residents and Non-residents
- Cap at 5,000 participants to start
- Participant must sign up and take an online Wildlife Conservation course, or paper test and questionnaire, by June of each year to be in the program; the test/questionnaire would be no longer than twenty (20) minutes long; info could be used for research/opinion gathering; payment sent at this time
- Participant would receive their permit each August
- Participant could hunt in any county using the permit under normal Indiana state regulations as long as they were on private land
- Participant could use the permit during any season, including a season in which he or she has already taken a buck
- Under the CBP, the buck harvested must have four (4) or more points on one side
- Signed registration (copy in participants files) must be in possession of DNR and permit/tag must be in possession of participant hunter (or on harvested animal before check-in) with matching registration number on permit/tag
- Residents would pay \$35/year for the CBP, Non-Residents would pay \$150/year; note: need to decide what Lifetime License holders would be charged – could charge less and still justify by indicating the conservation oriented thrust of the Program
- **45% of funds would be directed to The Indiana Heritage Trust**

[CHARTS OMITTED FOR PURPOSES OF THIS INSTANT SBRC REPORT]

Larry McDaniel mcdala@sigecom.net

As I understand it, DNR is seeking input for continuation and extension of one-buck rule for additional 5 year.

I have hosted a gun deer camp on my farm that adjoins Hoosier National Forrest on two sides for the last 15 years providing approx 300 ac. of hunting access. In the early years the rule was any buck was taken. Therefore we had years of as many as 3 to 4 bucks taken.....all fork and 5 to 6 pt year and half. We decided as camp rule three years ago that only eights could be taken to give our herd a chance to grow, while smaller meat bucks could be taken in bow/muzz season. Since that minor change we have been seeing and taking some true trophy 9 -10's in gun every season. I am sure partly because we have passed on the First small buck seen and waited for the big one, but also because there seem to be older deer in the herd.

This has worked very well for us and I encourage consideration of extending the one-buck rule for an additional 5yr for the improvement of the state herd. At the end of gun season, by choice, a small meat buck could be then taken in late bow/muzz. I'm favor the rule change.

On March 29, 2007, the following persons wrote by email or by regular mail:

David Schroeder dr1949@insightbb.com

Please, allow Jim Mitchell to conduct a TWO BUCK trial. It was my understanding that a survey was taken showing that 51% were in favor of the trial. Also, please don't take our Indiana Deer "Firearm" Season out of Rut and please don't shorten the Gun Season. If you want to do a great favor for ALL Hoosier Deer Hunters, that would be to open up more "private" areas for Deer Hunting; please look into allowing tax breaks for Farmers & Landowners that would allow (Within Reason) certain areas of their property for hunting, with permission.

Jerome Tourney jtourney@advancemixer.com

As an avid deer hunter I would like to see the "One Buck Rule" extended or become law. I am seeing more and bigger bucks later into the season which I have not seen before.

I would also like to see the gun season shortened or moved back so we are not gun hunting during the peak of the breeding season.

John C. Thiel johnsmiles1961@insightbb.com

I am of the understanding that a Two Buck Rule is being looked at for a possible trial term. I would like to express my support for this, and would appreciate your passing this on to the proper people. I have no major problems with the current OBR, but I do question a lot of the claims being made left and right concerning its actual impact on the deer herd. I think going back to the Two Buck Rule for a short period of time might answer or disprove a great many 'assumed' correlations being drawn by some.

And I think many who are very much against it might feel they actually had a say this time, as many seem to feel the OBR was not presented in a fair manner to start with.

I was not there, and have no opinion on that, but I have heard it said enough to realize it is a rather common perception.

Paul B. Reynolds pbr@sigecom.net

I saw that the OBR survey came back with 70% approving of the OBR. I also saw a conflict in that 51% approved of the IDNR allowing a short duration two buck trial to see if the age shift was really caused by the OBR or not. It appears that the hunters have confidence in the DNR deer biologist to do the right thing.

I do not believe that deer or any game management should be done by what group can get the most people to side with them. There are way to many variables at work here. Most of all, a good number of the people being surveyed will give up absolutely nothing if it is an OBR in place.

Who will give up something? The long time two season deer hunter who has accepted the challenge of hunting with different types of hunting tools. The biggest loser of all will be hunting itself as we will see more and more of a decline in hunter numbers. Increased opportunities grows hunters. Restrictions causes declines. Along with that decline we will see more losses of licenses revenues. I understand that Dr. Mitchell had proposed a 3 year two buck trial to see if the OBR was really making a difference.

Dr. Mitchell is the deer biologist. Let's allow him to decide once and for all if this OBR is working or not by gathering good comparable data. Then give the hunters the up to date comparable data to let us give input.

Making a decision the OBR by what we are seeing in the deer woods is false data as we can not absolutely say it is caused by the OBR. Let's go forward with the two buck trial and go find out for sure - with no guesswork.

Travis Royer; Goshen, Indiana

I would like to take the time to say how I feel about the 1 buck rule vs. a 2 buck rule! First of all, I believe it has helped bring the size of the bucks up in our area greatly. Me and my hunting friends have bagged and seen more trophy deer in the past 2 – 3 years than ever before! So, I think if you care at all about the quality of deer herd the 1 buck rule is the way to go! Please keep the 1 buck rule.

On March 30, 2007, the following persons wrote by email or by regular mail:

Brendon Sutter brendon@showtimeconversions.com

My name is Brendon I'm 26 years old and have been deer hunting for the past 12 years. Just wanted to put in my positive comment for the extension of the one buck per year proposal. By far during the 2006-2007 season, I've seen more mature bucks than ever before. One might say this could just be due to chance; I was at the right place at the right time, with the wind being just right. I beg to differ and give the DNR's decision to only allow the kill of one buck per hunter a season the credit for more mature bucks remaining in Northern Indiana. Quite simply not every deer with horns is being shot now. It consciously makes a

hunter consider killing the buck whereas before you were guaranteed another buck. Many spikes, four points, button bucks, and immature bucks were taken prior to this rule.

In conclusion, thanks for making this regulation, and I would appreciate along with all the other true hunters in Indiana for it to be extended for as long as you can.

Bryan Potratz bpotratz@msn.com

I would encourage the DNR to closely review the applicable data before extending the OBR. I firmly believe that Game Management decisions should not be based upon the desires of excessively vocal people, but on Objective Science & Data – as the DNR has done with the Pistol Caliber Rifle issue.

If the Data shows that the OBR has had a net positive impact on the Herd, then it should be retained. However, if there is no data to support such an assertion, or if the data compiled has shown no objective net benefit to the herd, then the OBR should be discarded in favor of other herd management techniques, whether it be an “earn a buck” or Two Buck or some other rule. To date, I have not seen any data supporting the extension of the OBR. If it exists, I would like to see it.

I greatly fear that those who are agitating for making the OBR permanent are less interested in healthy Game Management as they are in Trophy Development/Outfitting and lessening the opportunities available to the average Indiana hunter. Many of those I have interacted with hold the average Indiana Firearms Hunter in utter contempt – calling them the “Orange Army” – and even calling for the firearms season to be shortened &/or moved out of rut... a position I cannot understand except in terms of elitism and secondary agendas that will be harmful to the average hunter. (With gun season moved out of rut, how many Does will be culled?)

As a Meat Hunter, and, because I’m not after Trophy Bucks, a putative member of the maligned “brown & down” “orange army” these “Big Buck” /Trophy Development agitations worry me. Please keep up the good work of objective, Science-based Game Management, but until I see objective Data that supports the OBR, I would prefer to “not” see it continue.

Dale Shenk DES1130@aol.com

I am concerned about the overpopulation of deer and believe the state has not done enough to keep the number of deer in check. It is dismaying for me to observe the amount of damage deer do each year to my tree farm. I am not a hunter but am glad that there are those who like to hunt for deer. If I understand the proposal correctly, (as reported in the Goshen News), I believe my opinion would put me in opposition to the extension of the "one buck rule," since I think there are too many deer in the county.

On March 31, 2007, the following persons wrote by email or by regular mail:

James H. Phillips JAHOPH@aol.com

Please put me down as strongly supporting the "one buck" proposal before the commission. My reasons for endorsing the proposal are both biological and ethical. It does not impair the health of the herd. It imposes a small measure of restraint on hunters (and biologists) who falsely and malignantly insist the sole criterion for determining sport-hunting success is the raw number of animals killed. The latter is especially egregious and contrary to the historic tenets of American conservation and sportsmanship.

Tim Looper looper65@yahoo.com

I believe that we should have the 2 buck rule. One archery and one any gun. At times I see cull bucks in archery which I would like to take out the breeding herd but I have some large bucks on the farm I would like to take so I always pass on the cull bucks In hopes of getting the large older bucks. Some of the culls have a spike on one side and 4 points on the other side a real cull buck. Archery hunters take about 9 thousand bucks but gun hunters take over 30 thousand bucks a year. I believe archery hunters would not take to many small bucks but gun hunters would take more of the smaller bucks they see. I believe in the 2 buck rule but limit the gun season to 7 days of buck hunting out of the 3 weekends, hunters could keep hunting does for the whole season. This would help the bucks to grow but hunters could keep hunting does to hopefully help take the doe numbers down.

On April 1, 2007, the following person wrote by email:

John Schimmoller johns@certifiedmarketing.com

I have been an avid hunter and outdoorsman for over 30 years. For the past 20 years I have lived and hunted in northeastern Indiana. I hunt primarily in DeKalb, Steuben and Kosciusko counties and have seen a noticeable improvement in recent years in the quality of mature bucks spotted and harvested. There is no question in my mind that the one buck rule is a GOOD THING and should be kept.

On April 2, 2007, the following person wrote by email:

Kip Gordon kdogordon@gmail.com

I am not in favor of extending the one buck rule. In my opinion, it caters to the trophy hunter and takes meat from my freezer. Many more reasons available upon request.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #06-572(F)

DIGEST

Amends 312 IAC 9-3-2, 312 IAC 9-3-4, and 312 IAC 9-3-5 governing the management of fish and wildlife to extend the expiration date of the restriction of taking only one antlered deer a year to September 1, 2012, and to extend the expiration dates of seasonal bag limit restrictions for taking an antlered deer by means of a crossbow to September 1, 2012. Effective 30 days after filing with the Publisher.

312 IAC 9-3-2; 312 IAC 9-3-4; 312 IAC 9-3-5

SECTION 1. 312 IAC 9-3-2 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-10-2-4; 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~~, **2012**, a person (d) 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 (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; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; errata filed Jul 21, 2006, 1:56 p.m.: 20060802-IR-312050214ACA; filed Jul 10, 2007, 2:09 p.m.: 20070808-IR-312060572FRA)

SECTION 2. 312 IAC 9-3-4 IS AMENDED TO READ AS FOLLOWS:

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

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

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

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

(1) issued a license to hunt deer by bow and arrows under: ~~IC 14-22-12-1(a)(14), IC 14-22-12-1(a)(17),~~

(A) **IC 14-22-11-10(b)**;

(B) **IC 14-22-12-1(a)(14)**;

(C) **IC 14-22-12-1(a)(17)**;

(D) IC 14-22-12-1(a)(24); or ~~IC 14-22-12-7~~

(E) **IC 14-22-12-7(a)(4)**; or

(F) **IC 14-22-12-7(a)(5)**;

and is supplemental to section 2 of this rule; or

(2) hunting by the use of bow and arrows under IC 14-22-11-1.

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

(1) early bow season is from October 1 through the firearms season (set forth in section 3(b) of this rule); and

(2) late bow season from the first Saturday after the firearms season through the first Sunday in January.

(c) The urban deer season is:

(1) from September 15 through the firearms season (set forth in section 3(b) of this rule); and

(2) during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

(d) The seasonal limit for hunting under this section is one (1) deer of either sex. After August 31, ~~2007~~, **2012**, a person must not take an antlered deer by means of a crossbow.

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

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

(1) before the commencement of the firearms season set forth in section 3(b) of this rule; and

(2) after the muzzleloading gun season set forth in section 3(c) of this rule.

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

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

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

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

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

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

(Natural Resources Commission; 312 IAC 9-3-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 5, 1997, 3:25 p.m.: 21 IR 930; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed May 25, 2005, 10:15 a.m.: 28 IR 2945; filed Jun 29, 2007, 2:30 p.m.: [20070725-IR-312060272FRA](#); filed Jul 10, 2007, 2:09 p.m.: [20070808-IR-312060572FRA](#))

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

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

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

Affected: IC 14-22-11-1; IC 14-22-11-10; IC 14-22-12-1; IC 14-22-12-7

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:
 - (A) **IC 14-22-11-10(b)**;
 - ~~(B)~~ ~~IC 14-22-12-1(a)(18)~~;
 - ~~(C)~~ ~~IC 14-22-12-1(a)(19)~~;
 - ~~(D)~~ ~~IC 14-22-12-1(a)(24)~~;
 - ~~(E)~~ ~~IC 14-22-12-7(a)(4)~~; or
 - ~~(F)~~ ~~IC 14-22-12-7(a)(5)~~;by means of a bow and arrows; or
- (2) hunting under IC 14-22-11-1 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~~, **2012**, 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. *(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; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; filed Jul 10, 2007, 2:09 p.m.: 20070808-IR-312060572FRA)*

LSA Document #06-570(F)

(Administrative Cause Number 06-011E)

Filed with the Publisher: July 10, 2007, 2:15 p.m.

Small Business Regulatory Coordinator

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Document History

LSA Document #06-570(F)

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Proposed Rule: 20070221-IR-312060570PRA

Hearing Held: March 27, 2007

Approved by Attorney General: June 28, 2007

Approved by Governor: July 10, 2007

Filed with Publisher: July 10, 2007, 2:15 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 11, 2007, the Small Business Regulatory Coordinator, Doug Keller, filed the following:

There have been no comments from small businesses in regards to eliminating the use of Brazilian elodea in outdoor environments. Aquatic plant small businesses who are participating in aquatic plants in trade work group organized by myself however feel that this rule which continues to allow the plant to be used in indoor aquariums may not be as protective to the waters of Indiana as is necessary.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-570(F) at its May 22, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 2, 2007:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

No public comments were received with respect to the proposed rule during the public hearing.

b) Comments Received Outside Public Hearing

No public comments were received outside the public hearing.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-570(F)

DIGEST

Adds [312 IAC 18-3-20](#), under the article pertaining to entomology and plant pathology, to regulate Brazilian elodea (*Egeria densa*), an exotic plant, as a pest or pathogen. Effective 30 days after filing with the Publisher.

[312 IAC 18-3-20](#)

SECTION 1. [312 IAC 18-3-20](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 18-3-20](#) Regulation of Brazilian elodea, a pest or pathogen

Authority: [IC 14-10-2-4](#); [IC 14-24-3](#)

Affected: [IC 14-24](#)

Sec. 20. (a) Brazilian elodea (*Egeria densa*) is an exotic plant that has infested Indiana lakes, rivers, and other waterways in Indiana.

(b) Brazilian elodea is a pest or pathogen regulated under this section. This regulation applies to any life stage of Brazilian elodea.

- (c) Except as provided in subsection (e), in Indiana a person must not do the following:**
- (1) Possess, sell, offer for sale, gift, barter, exchange, or distribute *Egeria densa* as an outdoor water plant.**
 - (2) Allow Brazilian elodea to infest any of the following:**
 - (A) A lake.**
 - (B) A river.**
 - (C) A pond.**
 - (D) An outdoor water garden.**
 - (E) A waterway.**
 - (3) Transport Brazilian elodea on or within any of the following:**
 - (A) A boat.**
 - (B) A trailer.**
 - (C) A motor vehicle.**
 - (D) A bait bucket.**
 - (E) Fishing gear.**
 - (F) A creel.**
 - (G) Tackle.**
 - (H) A tackle box.**
 - (I) Another aquatic appurtenance.**

(d) A property owner who has Brazilian elodea in an outdoor environment must take lawful efforts to eliminate this species.

- (e) Exempted from this section are the following:**
- (1) A retail or wholesale business that sells Brazilian elodea for use within an indoor aquarium.**
 - (2) A person who possesses Brazilian elodea within an indoor aquarium.**
 - (3) A person who possesses Brazilian elodea under a permit issued by the state entomologist for scientific research, a contained use, or education.**
 - (4) A person engaged in a project approved by the state entomologist for the destruction of Brazilian elodea.**

(f) The state entomologist may issue a permit to a qualified applicant to engage in scientific research, a contained use, or education. If appropriate to the purposes of this section, the state entomologist may issue an order to modify a permit issued under this subsection.

(Natural Resources Commission; [312 IAC 18-3-20](#); filed Jul 10, 2007, 2:15 p.m.: [20070808-IR-312060570FRA](#))

LSA Document #06-558(F)

(Administrative Cause Number 06-155L)

Filed with the Publisher: September 6, 2007, 12:12 p.m.

Small Business Regulatory Coordinator

Maj. Samuel Purvis, Indiana State Boating Law Administrator, Department of Natural Resources, Indiana Government Center-South, 402 West Washington Street, Room W-255D, Indianapolis, IN 46204, (317) 232-4010, spurvis@dnr.in.gov

Document History

Notice of Intent: [20061206-IR-312060558NIA](#)

Proposed Rule: [20070214-IR-312060558PRA](#)

Hearing Held: April 5, 2007

Approved by Attorney General: September 4, 2007

Approved by Governor: September 6, 2007

Filed with Publisher: September 6, 2007, 12:12 p.m.

Documents Incorporated by Reference: None Received by Publisher

Posted: 10/03/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On *[INSERT DATE]*, the Small Business Regulatory Coordinator, *[INSERT NAME OF SBRC]*, filed the following:

[INSERT SBRC REPORT]

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #06-558(F) at its July 17, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated May 10, 2007:

...

2. Public Hearing and Citizen Comments

The public hearing was conducted as scheduled on April 5, 2007 in the Public Library, 208 Keller Avenue, North Judson, Indiana. The hearing was attended by four interested citizens of Starke County: Joe Carey, Cinni Carey, Janet McMahon and Dean McMahon. Also present were First Sgt. Thomas Torsell, Jr. and Conservation Officer Brian Culbreth of the DNR's Division of Law Enforcement.

During the public hearing, the process for rule adoption and the substance of the proposed rule changes were presented. There was a productive dialogue between the citizens and the conservation officers regarding a variety of matters of mutual interest in the management of Bass Lake. The citizens expressed interest in working with the Division of Law Enforcement regarding the subject rule, in its current form and if amended, and more broadly regarding public safety and environmental protection for the lake.

Joe Carey stated the proposed amendment was a "good idea" that would make an "idle speed" zone (essentially a five-mile-per-hour speed limit) for the entirety of the restricted area adjacent to the shoreline of Bass Lake. Currently, state statute provides for an idle speed zone within 200 feet of the shoreline, and the rule for a ten-mile-per-hour speed limit between 200 feet and 350 feet of the shoreline. This anomaly exists because the statutory speed limit within 200 feet of the shoreline was formerly ten miles per hour, and the rule had not previously been amended to conform to a statutory amendment changing the limit to idle speed.

None of the citizens present for the public hearing expressed opposition to any aspect of the proposed rule amendments. Prior to the public hearing, two citizens inquired about the rule proposed by telephone but did not express opinions. These were Cinni Carey (who also attended the public hearing) and Mary James.

During the public hearing, the hearing officer indicated he would keep the comment period open until May 1, 2007. He also indicated his intention was to prepare a report for consideration by the Natural Resources Commission during its July 17, 2007 meeting and that the amendments, if given final adoption, would not become effective until after the 2007 primary boating season. No additional citizen comments were received following the April 5, 2007 public hearing.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #06-558(F)

DIGEST

Amends [312 IAC 5-6-3](#), which governs special watercraft standards and the placement of temporary structures on Bass Lake in Starke County, to update cross-references, to afford better regulatory consistency, to provide consistency with statutory amendments to the general near-shore speed limit for lakes under [IC 14-15-3-17](#), to reduce the speed limit for the special watercraft zone along the Bass Lake shoreline from ten miles per hour to idle speed, to apply the special authorization for longer piers on Bass Lake to temporary piers and boat lifts under a general license (consistently with the treatment of temporary structures under [312 IAC 11](#)), to substitute the defined term "shoreline or water line" for "waterline or shoreline", consistently with [312 IAC 11](#), and to make the term specific to the legal elevation of Bass Lake, and to continue the no-boat zone for the bathing beach at the former Bass Lake State Beach for the current Bass Lake Beach and Campground. Effective 30 days after filing with the Publisher.

[312 IAC 5-6-3](#)

SECTION 1. [312 IAC 5-6-3](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 5-6-3](#) Bass Lake; special watercraft zones and temporary structure standards

Authority: [IC 14-10-2-4](#); [IC 14-15-7-3](#); [IC 14-26-2-23](#)

Affected: [IC 14-15](#); [IC 14-26-2-4](#)

Sec. 3. (a) Notwithstanding [312 IAC 11-3-1\(b\)\(5\)](#), a **temporary** pier or boat lift is authorized on Bass Lake in Starke County ~~without~~ **by a general license** under [IC 14-26-2](#) if the structure conforms with both of the following:

(1) Satisfies [312 IAC 11-3-1\(b\)\(1\)](#) through [312 IAC 11-3-1\(b\)\(4\)](#), [312 IAC 11-3-1\(b\)\(7\)](#), and [312 IAC 11-3-1\(b\)\(8\)](#).

(2) ~~Does either of the following:~~ **Extends not more than:**

(A) ~~Extends no more than~~ one hundred fifty (150) feet from the ~~waterline or shoreline~~ **or water line** and satisfies [312 IAC 11-3-1\(b\)\(6\)](#); **or**

(B) ~~Extends no more than~~ three hundred (300) feet from the ~~waterline or shoreline~~ **or water line** and does not extend over water that is continuously more than three (3) feet deep.

(b) A person must not operate a watercraft in excess of ~~ten (10) miles per hour~~ **idle speed** within three hundred fifty (350) feet of the shoreline or water line.

(c) A person must not operate a watercraft at a site within the swimming area adjacent to Bass Lake ~~State Beach and Campground~~ **with the:**

(1) ~~the~~ southwestern boundary beginning at a point on the shoreline and one hundred forty-eight (148) feet southwest of the southwestern corner of the bath house and running perpendicular to the shoreline **or water line** for three hundred forty-five (345) feet;

(2) ~~the~~ northeastern boundary beginning at a point on the shoreline and two hundred fifteen (215) feet northeast of the northwest corner of the bath house and running perpendicular to the shoreline **or water line** for three hundred forty-five (345) feet; and

(3) ~~the~~ northwestern boundary formed by a line, approximately four hundred thirty-five (435) feet long, running parallel to the shoreline **or water line** and terminating at the lakeward-most points of the southwestern boundary and the northeastern boundary.

(d) As used in this section, "shoreline or water line" means the line formed under [IC 14-26-2-4\(1\)](#) at seven hundred thirteen and sixty-five hundredths (713.65) feet, National Geodetic Vertical Datum of 1929 (NGVD-29).

(Natural Resources Commission; [312 IAC 5-6-3](#); filed Mar 23, 2001, 2:50 p.m.: 24 IR 2373, eff Jan 1, 2002; filed Sep 6, 2007, 12:12 p.m.: [20071003-IR-312060558FRA](#))

[End of Report]