

BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA

IN THE MATTER OF:

DEFINITIONS, STANDARDS,) Administrative Cause
MAMMALS (EXCEPT DEER) AND) Number 09-026D
BIRDS HOUSEKEEPING)
RULE) (LSA Document #09-479(F))

REPORT OF PUBLIC HEARING AND COMMENTS,
AND RECOMMENDATION REGARDING FINAL ADOPTION

1. RULE PROCESSING

As part of the Natural Resources Commission’s Comprehensive Fish and Wildlife Rules Enhancement Project the Department, through its Division of Fish and Wildlife, proposed the rule amendments to 312 IAC 9-1, 312 IAC 9-2, 312 IAC 9-3-11 through 312 IAC 9-3-20, and 312 IAC 9-4. The primary purpose of the amendments is to reorder language for improved clarity, simplicity, and continuity; however, certain minimally significant amendments were made for statutory consistency and other reasons.

The amendments at 312 IAC 9-1 include the establishment of definitions for “game bird” and “waterfowl.” The definition of “ice fishing shelter” is modified and the definition of “portable ice fishing shelter”, found at 312 IAC 9-1-11.5, is repealed, which required certain, mostly non-substantive, amendments to 312 IAC 9-7-2(g). The definition of “hunter orange” was modified in a manner that allowed for the repeal of the definition of “wears hunter orange” currently found at 312 IAC 9-1-15. While the actual definition remained unchanged the previous defined term, “handicap,” found at 312 IAC 9-1-8, was replaced with the new defined term, “disability”, found at 312 IAC 9-1-5.5. The amendment to the term disability precipitated the amendment of 312 IAC 9-2-2 that involves the use of motor driven conveyances. The definition of “bait” found at 312 IAC 1-4 is being repealed because that term was applicable only in rule sections pertaining to

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deer hunting and turkey hunting, which now contain their own definitions of “bait” at 312 IAC 9-3-2(s) and 312 IAC 9-4-11(o), respectively.

Many of the amendments contained within this rule package involve rules that prohibited the taking or possession of certain wild animals “except as otherwise provided by this article”. For clarification, that general language was replaced with the identification of specific licenses or permits that authorize the taking or possession. However, within 312 IAC 9-2-8 is the establishment of a tagging requirement for wild animals taken but not maintained in the possession of the person who took the animal. Amendments to 312 IAC 9-3-16 and 312 IAC 9-3-17 also establish tagging requirements for wild animal carcasses that are gifted to another person.

The predominant amendments found under 312 IAC 9-4 is the addition of 312 IAC 9-4-7.5, which establishes general requirements for nonmigratory birds, which serves as a counterpart to the general requirements for migratory birds and waterfowl, found at 312 IAC 9-4-2. Also within 312 IAC 9-4-2 and within 312 IAC 9-4-11 are changes required for statutory consistency that allow individuals who are less than 18 years old to participate in youth hunts.

The Natural Resources Commission (*NRC*) gave preliminary adoption to the rule package on March 17, 2009.

A “Notice of Intent” to adopt the proposed rule amendment was posted to the INDIANA REGISTER database website as 20090701-IR-312090479NIA on July 1, 2009. The notice identified Linnea Petercheff, Department of Natural Resources, Division of Fish and Wildlife, as the “small business regulatory coordinator” for purposes of Indiana Code § 4-22-2-28.1.

A fiscal analysis was prepared in association with the proposed rule package. The Department determined that the proposed amendments will impose no costs or requirements upon small businesses. The Department also determined that there would be no fiscal impacts to government as a result of these amendments.

The fiscal analyses, a copy of the proposed rule language and a copy of the posted Notice of Intent were submitted to the Office of Management and Budget on July 2, 2009. In a letter dated October 14, 2009, Christopher A. Ruhl, Director, Office of Management and Budget, recommended that the proposed rule amendments be approved.

The NRC Division of Hearings submitted the rule proposal to the Legislative Services Agency (*LSA*) along with the “Statement Concerning Rules Affecting Small Business” on October 28, 2009. The Notice of Public Hearing was submitted to LSA on November 2, 2009. The Notice of Public Hearing, along with the Economic Impact Statement and the text of the proposed rule was posted to the INDIANA REGISTER database website on November 11, 2009 as 20091111-IR-312090479PRA. Following receipt of an “Authorization to Proceed” from LSA on November 2, 2009, the NRC Division of Hearings also caused a Notice of Public Hearing to be published by the Indianapolis Newspapers, a newspaper of general circulation in Marion County Indiana, on November 6, 2009 with respect to the public hearing conducted on December 3, 2009. In addition, the notice of the public hearing and a summary of the proposed rule changes were published on the Commission’s web-based electronic calendar.

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

The public hearing was conducted as scheduled on December 3, 2009 at 1:00 p.m. at Natural Resources Commission, Division of Hearings, Indiana Government Center North, Room N-501, 100 North Senate Avenue, Indianapolis, Indiana. Hearing Officer, Sandra Jensen, was present along with Linnea Petercheff of the Department’s Division of Fish and Wildlife. No members of the public appeared.

b) Comments Received Outside Public Hearing

The following written comments were received from members of the public outside of the public hearing held on December 3, 2009.

Doug Allman; Fishers, Indiana

In looking over propose changes to administrative rule it appears there may be some inconsistency between Indiana code and administrative rules as it relates to game birds and game bird habitat stamp. Please look into this as I believe it the public is served by consistency and clarification.

c) Response by the Department of Natural Resources

The Department of Natural Resources offered the following response to the public comments.

DNR RESPONSE

Non-Migratory Game Birds

The definition of “game bird” as it applies to the game bird habitat restoration stamp in IC 14-22-8-2 was modified by the Indiana General Assembly in 2009 to include mourning doves. As a result, the definition of game bird in 312 IAC 9-1-7.5 must be modified to include mourning doves to provide for consistency. Additionally, a few technical modifications to 312 IAC 9-4-7.5 are also needed to clarify that the game birds referenced in that rule do not include mourning doves.

Proposed Language:

312 IAC 9-1-7.5 “Game bird” defined

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 2. "Game bird" means pheasant, quail, grouse, wild turkey, and mourning dove.

(Natural Resources Commission; 312 IAC 9-1-14.6)

312 IAC 9-4-7.5 General Requirements for Non-Migratory Game Birds

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 7.5. (a) An individual must not possess the carcass or parts of a:

- (1) ring-necked pheasant (*Phasianus colchicus*),**
- (2) northern bobwhite quail (*Colinus virginianus*),**
- (3) ruffed grouse (*Bonasa umbellus*), or**
- (4) wild turkey (*Meleagris gallopavo*)**

unless that person lawfully took that species as follows:

- (1) during the season established for that species in this rule,**
- (2) with a scientific purposes license pursuant to 312 IAC 9-10-6,**
- (3) with a special purpose salvage permit pursuant to 312 IAC 9-10-13.5.**

(b) Notwithstanding subsection (a), an individual who lawfully takes a species listed under this section may give to another individual one (1) or more carcasses or parts of these game

birds, with no compensation of any kind. A game bird that is gifted must have a tag attached that contains the following information:

- (1) the hunter's name and address,
- (2) the total number and species of birds taken,
- (3) the date such bird were taken, and
- (4) the signature of the hunter who took the birds.

(c) A carcass of a game bird **listed under this section** may be possessed by the following:

- (1) the individual who lawfully took the bird during the season established for that bird;
- (2) an individual who received the carcass pursuant to subsection (b);
- (3) an individual with a valid taxidermy license pursuant to IC 14-22-21 and 312 IAC 9-10-5;
- (4) an individual with a valid scientific purposes license pursuant to 312 IAC 9-10-6;
- (5) an individual with a valid nuisance wild animal control permit pursuant to 312 IAC 9-10-11;
- (6) an individual with a valid special purpose salvage permit pursuant to 312 IAC 9-10-13.5.

(d) A person may possess live northern bobwhite quail or ring-necked pheasants only with a:

- (1) game breeder license pursuant to IC 14-22-20 and 312 IAC 9-10-4;
- (2) dog training ground permit pursuant 312 IAC 9-10-16 for a period of less than five (5) consecutive days only;
- (3) private shooting preserve license pursuant to IC 14-22-31; or
- (4) scientific purposes license pursuant to 312 IAC 9-10-6; or
- (5) wild animal rehabilitation permit pursuant to 312 IAC 9-10-9.

(e) An individual must not hunt any of the following species unless the individual wears hunter orange:

- (1) ring-necked pheasants (*Phasianus colchicus*).
- (2) northern bobwhite quail (*Colinus virginianus*).
- (3) ruffed grouse (*Bonasa umbellus*).

(f) A person must not sell northern bobwhite quail or ring-necked pheasants, including their eggs, except under a valid game breeder license pursuant to IC 14-22-20 and 312 IAC 9-10-4.

(g) A person must not sell ruffed grouse or wild turkeys, including their eggs.

(h) A person must not possess ruffed grouse or wild turkeys, including their eggs, except under one of the following:

- (1) wild animal rehabilitation permit pursuant to 312 IAC 9-10-9,
- (2) scientific purposes license pursuant to 312 IAC 9-10-6,
- (3) special purpose salvage permit pursuant to 9-10-13.5, or
- (4) taxidermy license pursuant to IC 14-22-21 and 312 IAC 9-10-5.

(i) An individual must not possess, ship, carry, or transport more than two (2) times the daily bag limit of a game bird listed under this section after the beginning of the second day of the season established to take that bird in this rule.

(j) An individual may take, possess, and sell a species of quail, pheasant or partridge that is not:

- (1) an endangered species, or
- (2) a species listed in subsection (a)

at any time without a license from the department.

(Natural Resources Commission; 312 IAC 9-3-7.5)

Migratory Birds and Waterfowl

The DNR is requesting to further clarify that the age for a youth hunter during the youth waterfowl season is only for those under the age of 16 in order to be in compliance with federal law in 50 CFR 20.105. With the change to age 18 for the free youth hunting days, there may be confusion about the age of youth hunters who participate in the youth waterfowl hunting season. Therefore, the DNR is proposing to provide the following changes for additional clarification:

Proposed language would read as follows:

312 IAC 9-4-2 General Requirements for Migratory birds and waterfowl

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

Affected: IC 14-22

~~(d)~~ (e) ~~As used in this rule~~ **For purposes of youth free hunting days under IC 14-22-11-18, a youth hunter means an individual who is less than sixteen (16) eighteen (18) years of age on the date of the hunt. For purposes of the youth waterfowl season as established in 50 CFR 20.105, the age of a youth hunter is determined under 50 CFR 20.105.**

3. RECOMMENDATION

This rule proposal is the second of three rule amendment proposals that resulted from Stage 2 of the Commission’s Comprehensive Fish and Wildlife Rules Enhancement Project (“*the Project*”). The purpose of Stage 2 of the Project is to enhance clarity and enforceability of the rules through the reordering and revising of the rule language. The rule amendment proposals developed through Stage 2 of the Project are not intended to make significant substantive changes. However, certain minor substantive changes and substantive changes to eliminate statutory inconsistencies were brought forward in this package.

The Department includes within its response a request for revision of the proposed language at 312 IAC 9-4-2(e) relating to the age of youths hunting waterfowl and migratory birds. The requirement set forth in Indiana Code § 14-22-12-1(a)(24) and Indiana Code § 14-22-12-1(a)(25) that youths hunting waterfowl and migratory birds

during the regular waterfowl season with either a resident youth annual consolidated hunting and trapping license or a non-resident youth annual hunting license be under the age of eighteen (18) are not affected by this rule section or this revision. The revised language confirms that a youth hunting waterfowl or migratory birds during the free hunting days established under Indiana Code § 14-22-11-18 must also be under the age of eighteen (18). However, the revision clarifies that the qualifying age for participation in a special youth waterfowl hunt that occurs annually by virtue of 50 CFR 20.105 is determined at 50 CFR 20.105¹. The Department's sought revision simply clarifies that the youth age as established within the Indiana Code is not applicable to the youth waterfowl hunt established under 50 CFR 20.105. The Department's sought revision to 312 IAC 9-4-2 is recommended for approval as follows:

~~(d)~~ (e) ~~As used in this rule~~ **For purposes of youth free hunting days under IC 14-22-11-18, a youth hunter means an individual who is less than sixteen (16) eighteen (18) years of age on the date of the hunt. For purposes of the youth waterfowl season as established in 50 CFR 20.105, the age of a youth hunter is determined under 50 CFR 20.105.**

The comment received from Doug Allman raises a valid concern that was overlooked during the processing of this rule package. When the definition of "game bird" was initially proposed in this package, the definition was the same as the definition of "game bird" found at Indiana Code § 14-22-8-2. However, following preliminary adoption of this rule package by the Commission, the General Assembly enacted *P.L.69-2009, SEC.8*, which added mourning dove to the statutory definition of "game bird" found at Indiana Code § 14-22-8-2. For statutory consistency, the hearing officer recommends that the definition of "game bird" found at 312 IAC 9-1-7.5 be revised as follows:

"Game bird" means the following:

- (1) Pheasant.**
- (2) Quail.**
- (3) Grouse.**
- (4) Wild turkey.**
- (5) Mourning dove.**

¹ Presently the age is set at 50 CFR 20.105(f) as under the age of sixteen (16).

The suggested revision to 312 IAC 9-1-7.5 precipitates the need to also revise 312 IAC 9-4-7.5, which is not applicable to mourning doves, at subsections (b) and (c). It is therefore recommended that 312 IAC 9-4-7.5(b – c) be revised to read as follows:

(b) Notwithstanding subsection (a), an individual who lawfully takes a game bird listed under this section may give to another individual one (1) or more carcasses or parts of these game birds, with no compensation of any kind. A game bird that is gifted must have a tag attached that contains the following information:

- (1) The hunter's name and address.**
- (2) The total number and species of birds taken.**
- (3) The date the birds were taken.**
- (4) The signature of the hunter who took the birds.**

(c) A carcass of a game bird listed under this section may be possessed by any of the following:

- (1) The individual who lawfully took the bird during the season established for that bird.**
- (2) An individual who received the carcass under subsection (b).**
- (3) An individual with a valid taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.**
- (4) An individual with a valid scientific purposes license under 312 IAC 9-10-6.**
- (5) An individual with a valid nuisance wild animal control permit under 312 IAC 9-10-11.**
- (6) An individual with a valid special purpose salvage permit under 312 IAC 9-10-13.5.**

The revisions sought by the Department are not substantially different from the published rule language. Both revisions are being sought for the purpose of avoiding potential conflicts with Indiana Code and Final Rules of the U.S. Fish & Wildlife Service relating to migratory bird hunting. One of the revisions is a direct result of a written public comment. It is recommended that the Commission grant final adoption to this rule amendment package with the revisions to 312 IAC 9-1-7.5, 312 IAC 9-4-7.5 and 312 IAC 9-4-2 as noted above. The revisions sought by the Department have been incorporated into the text of the rule language attached as Exhibit A.

Dated: December 16, 2009

Sandra L. Jensen
Hearing Officer

“Exhibit A”**TITLE 312 NATURAL RESOURCES COMMISSION****Final Rule**

LSA Document #09-479(F)

DIGEST

Adds 312 IAC 9-1-5.5 to define "disability". Amends 312 IAC 9-1-6 to clarify that exempted wild animals can be possessed or taken at any time. Adds 312 IAC 9-1-7.5 to define "game bird". Amends 312 IAC 9-1-9 to clarify the definition of "hunter orange". Amends 312 IAC 9-1-9.5 to modify the definition of "ice fishing shelter". Adds 312 IAC 9-1-16 to define "waterfowl". Amends 312 IAC 9-2-2 concerning a prohibition against motor driven conveyances. Amends 312 IAC 9-2-3 concerning the application of the article to wild animal parts. Amends 312 IAC 9-2-4 and 312 IAC 9-2-5 to clarify when a trap or net can be set for a wild animal. Amends 312 IAC 9-2-6 to clarify when a wild animal can be taken at fish hatcheries. Amends 312 IAC 9-2-8 to establish a tagging requirement for a wild animal that is not maintained in the possession of the individual who took the animal. Amends 312 IAC 9-2-9 concerning chasing and the use of dogs. Amends 312 IAC 9-2-10 concerning violations of law or license terms and revocations. Amends 312 IAC 9-2-11 to clarify requirements for fishing in state parks and historic sites. Amends 312 IAC 9-2-13 to modify the ability to administer drugs to wild animals held in captivity. Amends 312 IAC 9-3-11 concerning beavers. Amends 312 IAC 9-3-12 concerning foxes, coyotes, and skunks. Amends 312 IAC 9-3-13 concerning minks, muskrats, and long-tailed weasels. Amends 312 IAC 9-3-14 concerning opossums and raccoons. Amends 312 IAC 9-3-14.5 to clarify the requirements for possession and sale of furbearing mammals. Amends 312 IAC 9-3-15 concerning taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, or squirrels to protect property. Amends 312 IAC 9-3-16 and 312 IAC 9-3-17 to establish tagging requirements for squirrels and rabbits that are gifted to another person and to clarify the possession requirements for squirrels and eastern cottontail rabbits. Amends 312 IAC 9-3-18.1 concerning bobcats. Amends 312 IAC 9-3-18.2 concerning river otters. Amends 312 IAC 9-3-18.3 concerning badgers. Amends 312 IAC 9-4-2 to clarify and combine rules pertaining to migratory birds, including hunting blinds and nontoxic shot, and changes the age in which a youth hunter can participate in the youth free hunting days. Amends 312 IAC 9-4-5 concerning geese. Adds 312 IAC 9-4-7.1 concerning American crows. Adds 312 IAC 9-4-7.2 to govern the taking of certain species of migratory birds. Adds 312 IAC 9-4-7.5 to establish general requirements for nonmigratory game birds. Amends 312 IAC 9-4-8 concerning pheasants. Amends 312 IAC 9-4-9 concerning quail. Amends 312 IAC 9-4-10 concerning ruffed grouse. Amends 312 IAC 9-4-11 to modify the age in which youth can participate in the special youth turkey season. Amends 312 IAC 9-4-15 to clarify common and scientific names for the English (house) sparrow, European starling, and feral (rock) pigeon. Repeals 312 IAC 9-1-4, 312 IAC 9-1-8, 312 IAC 9-1-11.5, 312 IAC 9-1-13, 312 IAC 9-1-14, 312 IAC 9-1-15, 312 IAC 9-4-3, 312 IAC 9-4-4, 312 IAC 9-4-6, 312 IAC 9-4-12, and 312 IAC 9-4-13. Effective 30 days after filing with the Publisher.

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

312 IAC 9-1-4; 312 IAC 9-1-5.5; 312 IAC 9-1-6; 312 IAC 9-1-7.5; 312 IAC 9-1-8; 312 IAC 9-1-9; 312 IAC 9-1-9.5; 312 IAC 9-1-11.5; 312 IAC 9-1-13; 312 IAC 9-1-14; 312 IAC 9-1-15; 312 IAC 9-1-16; 312 IAC 9-2-2; 312 IAC 9-2-3; 312 IAC 9-2-4; 312 IAC 9-2-5; 312 IAC 9-2-6; 312 IAC 9-2-8; 312 IAC 9-2-9; 312 IAC 9-2-10; 312 IAC 9-2-11; 312 IAC 9-2-13; 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 9-3-15; 312 IAC 9-3-16; 312 IAC 9-3-17; 312 IAC 9-3-18.1; 312 IAC 9-3-18.2; 312 IAC 9-3-18.3; 312 IAC 9-4-2; 312 IAC 9-4-3; 312 IAC 9-4-4; 312 IAC 9-4-5; 312 IAC 9-4-6; 312 IAC 9-4-7.1; 312 IAC 9-4-7.2; 312 IAC 9-4-7.5; 312 IAC 9-4-8; 312 IAC 9-4-9; 312 IAC 9-4-10; 312 IAC 9-4-11; 312 IAC 9-4-12; 312 IAC 9-4-13; 312 IAC 9-4-15

SECTION 1. 312 IAC 9-1-5.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-1-5.5 "Disability" defined

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

Affected: IC 14-22

Sec. 5.5. "Disability" means a physical impairment to an individual resulting from an injury or disease, but excludes an impairment that is attributable to the normal aging process.

(Natural Resources Commission; 312 IAC 9-1-5.5)

SECTION 2. 312 IAC 9-1-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-1-6 "Exempted wild animal" defined

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

Affected: IC 14-22

Sec. 6. "Exempted wild animal" means a wild animal, which is unprotected and may be taken or possessed at any time.

(Natural Resources Commission; 312 IAC 9-1-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 3. 312 IAC 9-1-7.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-1-7.5 "Game bird" defined

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 7.5. "Game bird" means the following:

- (1) Pheasant.**
- (2) Quail.**
- (3) Grouse.**
- (4) Wild turkey.**
- (5) Mourning dove.**

(Natural Resources Commission; 312 IAC 9-1-7.5)

SECTION 4. 312 IAC 9-1-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-1-9 "Hunter orange" defined

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

Affected: IC 14-22

Sec. 9. (a) "Hunter orange" means:

- (1) a vest;
- (2) a coat;
- (3) a jacket;
- (4) coveralls;
- (5) a hat; or
- (6) a cap;

of daylight fluorescent orange with the dominant wave length 595-605 nm, a purity of not less than eighty-five percent (85%), ~~and~~ a luminance factor of not less than forty percent (40%), **solid hunter orange in color, and worn as an exposed outer garment.**

(b) Notwithstanding subsection (a), articles of clothing specified under this section with:

- (1) logos;
- (2) patches;
- (3) insignia; or
- (4) printing;

that do not substantially hinder the visibility of the hunter orange material are allowed.

(Natural Resources Commission; 312 IAC 9-1-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 5. 312 IAC 9-1-9.5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-1-9.5 "Ice fishing shelter" defined

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 9.5. "Ice fishing shelter" means ~~an~~ **a rigid or collapsible** ice fishing house, shanty, or **other** fully enclosed structure.

(Natural Resources Commission; 312 IAC 9-1-9.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 6. 312 IAC 9-1-16 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-1-16 "Waterfowl" defined

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

Sec. 16. "Waterfowl" means a:

- (1) wild goose;
- (2) brant;
- (3) swan; or
- (4) wild duck.

(Natural Resources Commission; 312 IAC 9-1-16)

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

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

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

Sec. 2. (a) ~~It is unlawful to~~ **An individual must not** take or chase a wild mammal or bird from, by the use of, or with the aid of a motor driven conveyance, except:

- (1) as authorized for ~~a handicapped~~ **an individual with a special hunting permit for a person with a disability** under 312 IAC 9-10-10; and
- (2) as provided in subsection (b).

(b) A motorboat may be used **to:**

- (1) ~~to~~ check traps ~~which that~~ are lawfully set and maintained; or
- (2) ~~to~~ retrieve a dead or crippled waterfowl.

(c) A motorboat may be used to hunt waterfowl if the motorboat is:

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

(d) ~~It is unlawful to~~ **An individual must not** discharge a firearm or bow and arrows from a motor driven conveyance while the conveyance is in motion.

(Natural Resources Commission; 312 IAC 9-2-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 8. 312 IAC 9-2-3 IS AMENDED TO READ AS FOLLOWS:

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

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

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

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

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

(b) The prohibition established under subsection (a) does not apply to the **following parts of wild animals taken lawfully:**

- (1) Tanned hides.
- ~~(2) furs; or~~
- (2) Any portion of a furbearer.**
- (3) Cured feathers.

~~of wild animals taken lawfully.~~

(c) ~~Any portion of legally taken:~~

- ~~(1) furbearers;~~
- ~~(2) (4) Squirrel tails.~~
- ~~(3) (5) Untanned deer hides.~~
- ~~(4) (6) Antlers. and~~
- ~~(5) (7) Hooves.~~

~~may be sold.~~

(Natural Resources Commission; 312 IAC 9-2-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; filed May 28, 1998, 5:14 p.m.: 21 IR 3712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

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

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

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

Sec. 4. ~~It is unlawful to~~ **An individual must not** set or place a stake, a chain, a drag, or another portion of a trap ~~which that~~ is designed to take a wild animal except:

- (1) during a season established for trapping that wild animal;**
- (2) for coyotes, during any time of year by a person who possesses that land or has written permission from the person who possesses that land;**
- (3) for mammals that are damaging property and taken by a resident landowner or tenant under 312 IAC 9-3-15;**
- (4) with a falconry license under 312 IAC 9-10-13;**

(5) with a scientific purposes license under 312 IAC 9-10-6; or
(6) with a nuisance wild animal control permit in accordance with 312 IAC 9-10-11.
(Natural Resources Commission; 312 IAC 9-2-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 10. 312 IAC 9-2-5 IS AMENDED TO READ AS FOLLOWS:

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

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

Sec. 5. (a) ~~It is unlawful to~~ **An individual must not** possess in the field a net or trap for the purpose of netting or trapping a wild bird protected by law, **under 312 IAC 9-4 except with a:**
(1) scientific purposes license issued by the department under 312 IAC 9-10-6; or
(2) falconry license issued by the department under 312 IAC 9-10-13.

(b) ~~It is unlawful to~~ **A person must not** place or cause to be placed a trap (set or unset) capable of taking a migratory bird on a pole or post, ~~except where~~ **unless the person possesses** both of the following: ~~are obtained:~~

- (1) A permit issued by the U.S. Fish and Wildlife Service under ~~50 CFR, 50 CFR 21, Subpart D. 21.42 (October 1, 1995, edition).~~
- (2) A ~~permit~~ **scientific purposes license** issued by the department under 312 IAC 9-10-6.
(Natural Resources Commission; 312 IAC 9-2-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 11. 312 IAC 9-2-6 IS AMENDED TO READ AS FOLLOWS:

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

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

Sec. 6. (a) ~~It is unlawful to~~ **An individual must not** take a wild animal in a fish hatchery or fish rearing unit owned, controlled, or supervised by the state or the United States **except with a:**
(1) scientific purposes license issued by the department under 312 IAC 9-10-6; or
(2) nuisance wild animal control permit issued by the department under 312 IAC 9-10-11.

(b) ~~It is unlawful to~~ **An individual must not** discharge a firearm in or over a fish rearing unit owned, controlled, or supervised by the state or the United States.
(Natural Resources Commission; 312 IAC 9-2-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 12. 312 IAC 9-2-8 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 8. (a) ~~A person~~ **An individual** must not:

- (1) possess;
- (2) ship;
- (3) carry; or
- (4) transport;

more than two (2) times the daily bag limit of a wild animal after the beginning of the second day of the season established to take that wild animal.

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

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

- ~~(1) hunting or fishing; or~~
- ~~(2) returning, after hunting or fishing, to the person's automobile or other principal means of transportation.~~ **with the following information if the individual does not maintain possession of the animal that he or she has taken:**

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

- ~~(1) A tag issued by the department and properly completed, if the wild animal is one for which a department tag is required.~~
- ~~(2) If a department tag is not required, a tag signed by the person taking the animal which includes the following information:~~
 - ~~(A) (1) The person's individual's name and address.~~
 - ~~(B) (2) The total number and species of wild animals taken.~~
 - ~~(C) (3) The date the wild animal was taken.~~
 - (4) The signature of the individual who took the animal.**

(d) Notwithstanding subsection (c), an individual must tag a:

- (1) white-tailed deer in accordance with section 3 of this rule; and**
- (2) wild turkey in accordance with 312 IAC 9-4-11.**

(Natural Resources Commission; 312 IAC 9-2-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 13. 312 IAC 9-2-9 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 9. (a) **An individual may use** dogs ~~may be used~~ to chase a wild animal at any time unless prohibited by law.

(b) ~~A restriction or season established with respect to chasing~~ **An individual who uses dogs to chase** wild animals ~~applies to an individual~~ **must comply with the season dates and to restrictions for** a dog owned, possessed, or controlled by the individual.

(Natural Resources Commission; 312 IAC 9-2-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 14. 312 IAC 9-2-10 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-22-2-6

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

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

(b) A violation of a license issued under this article is a violation of this article and IC 14-22-6-1.

(Natural Resources Commission; 312 IAC 9-2-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 15. 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) An individual must not take or chase a wild animal, other than a fish, in a state park or a state historic site.

(b) **Fishing in a state park or state historic site is subject to 312 IAC 9-6, 312 IAC 9-7, and 312 IAC 9-8.**

~~(b)~~ (c) 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; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 16. 312 IAC 9-2-13 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-22-2-6

Affected: IC 14-22-20; IC 14-22-23

Sec. 13. (a) A person ~~may~~ **must** not administer any drug, vaccine, steroid, microorganism, **poison**, or other chemical to any:

- (1) noncaptive wild bird or mammal; **or**
- (2) animal held under a:
 - (A) game breeder license **under IC 14-22-20 and 312 IAC 9-10-4**;
 - ~~(3) animal held under a~~ (B) wild animal possession permit **under 312 IAC 9-11**; or
 - ~~(4) animal held under a~~ (C) rehabilitation permit **under 312 IAC 9-10-9**;

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

(b) Notwithstanding subsection (a), ~~an animal held under~~ **the holder of a valid:**

- (1) game breeder license **under IC 14-22-20 and 312 IAC 9-10-4**;
- (2) wild animal possession permit ~~or~~ **under 312 IAC 9-11**;
- (3) rehabilitation permit **under 312 IAC 9-10-9**;
- (4) falconry license **under IC 14-22-23 and 312 IAC 9-10-13**;
- (5) scientific purposes license **under 312 IAC 9-10-6**; or
- (6) special purpose educational permit **under 312 IAC 9-10-9.5**;

may ~~be administered~~ **administer** a pharmaceutical product approved by a state or federal agency **to a wild animal lawfully possessed under that permit or license** for the purpose of prevention or treatment of malnutrition, illness, disease, injury, or stress.

(c) **Only the holder of a valid:**

- (1) wild animal possession permit **under 312 IAC 9-11**; or
- (2) scientific purposes license **under 312 IAC 9-10-6**;

~~may alter the normal reproductive functions and the potential for pregnancy do not qualify under this subsection.~~ **of a wild animal possessed under that license.**

- (e) (d) Notwithstanding subsection (a), a:
- (1) licensed veterinarian;
 - (2) county animal control agent;
 - (3) municipal animal control agent;
 - (4) holder of a nuisance wild animal control permit; or
 - (5) holder of a scientific purposes license;

may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia.
(Natural Resources Commission; 312 IAC 9-2-13; filed May 28, 1998, 5:14 p.m.: 21 IR 3713; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed Nov 15, 2002, 3:42 p.m.: 26 IR 1068; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 17. 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. ~~The season for taking~~ **An individual may take** beavers (*Castor canadensis*) ~~is~~ from 8 a.m. on November 15 until noon on March 15 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; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 18. 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:~~ **An individual may hunt:**
- (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:~~ **An individual may trap:**
- (1) red foxes (*Vulpes vulpes*); and
 - (2) gray foxes (*Urocyon cinereoargenteus*);
- ~~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:~~ **an individual may:**
- (1) ~~hunting:~~ **hunt:**

- (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; trap:~~
- (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.

(d) A person who possesses land, or another person designated in writing by that person, may take coyotes on that land at any time. A live coyote taken under this subsection from March 16 through October 14:

- (1) must be euthanized within twenty-four (24) hours of capture; and
- (2) shall not be:
 - (A) possessed for more than twenty-four (24) hours;
 - (B) sold;
 - (C) traded;
 - (D) bartered; or
 - (E) gifted.

(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; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; filed Jul 31, 2008, 4:06 p.m.: 20080827-IR-312070749FRA; errata filed Oct 30, 2008, 10:56 a.m.: 20081119-IR-312080832ACA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 19. 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. ~~The season for taking:~~ **An individual may take:**

- (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.

(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; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 20. 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:~~ **an individual may do the following:**

- (1) ~~Hunting~~ **Hunt raccoons and Virginia opossums** from noon on November 8 until noon on January 31 of the following year.
- (2) ~~Trapping~~ **Trap raccoons and Virginia opossums** from 8 a.m. on November 15 until noon on January 31 of the following year.
- (3) ~~Chasing~~ **Chase raccoons and Virginia opossums** from noon on February 15 until noon on October 14.

(b) A nonresident may:

- (1) hunt raccoons under subsection (a)(1); and
 - (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~~ **An individual** 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.

(d) Notwithstanding subsection (c)(1), ~~a person~~ **an individual** may possess a handgun in accordance with IC 35-47 while chasing raccoons and **Virginia** 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
 - (B) recognized under IC 35-47-2-21(b); or
- (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; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 21. 312 IAC 9-3-14.5 IS AMENDED 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~~ **An individual** 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~~ **An individual** must not possess a live furbearing mammal listed in subsection (a) outside the hunting or trapping season except ~~as otherwise authorized under this article.~~ **under one (1) of the following:**

- (1) **A game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.**
- (2) **A wild animal possession permit in compliance with 312 IAC 9-11.**
- (3) **A wild animal rehabilitation permit in compliance with 312 IAC 9-10-9.**
- (4) **A scientific purposes license in compliance with 312 IAC 9-10-6.**
- (5) **A nuisance wild animal control permit in compliance with 312 IAC 9-10-11.**
- (6) **A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.**
- (7) **A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.**

(c) **An individual must not sell a live furbearing mammal listed in subsection (a) except:**

- (1) **during the hunting and trapping season established in this rule for that animal; or**
- (2) **with a valid game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.**

(d) **An individual must not possess the untanned hide of a furbearing mammal listed in subsection (a) except:**

- (1) **during the hunting and trapping season established in this rule for that animal;**
- (2) **for not more than twenty (20) days after the close of the hunting or trapping season as established in this rule for that animal;**
- (3) **with a valid fur buyer's license in compliance with IC 14-22-19 and 312 IAC 9-10-12;**
- (4) **with a valid taxidermy license in compliance with IC 14-22-21 and 312 IAC 9-10-5; or**
- (5) **with a valid special purpose salvage permit in compliance with 312 IAC 9-10-13.5.**

(Natural Resources Commission; 312 IAC 9-3-14.5; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 22. 312 IAC 9-3-15 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 15. (a) Notwithstanding the requirements of this rule, a resident landowner or a tenant may, without a permit at any time, take:

- (1) a beaver;
- (2) a mink;
- (3) a muskrat;
- (4) a long-tailed weasel;
- (5) a red fox;
- (6) a gray fox;
- (7) an opossum;
- (8) a skunk;
- (9) a raccoon;
- (10) a fox squirrel; or
- (11) a gray squirrel;

that is discovered while damaging property.

(b) ~~A person~~ **An individual** who takes a mammal under subsection (a) must report the taking to ~~the division director or to~~ a conservation officer within seventy-two (72) hours of the taking. ~~The individual must dispose of the mammal must be disposed of~~ in a lawful manner. ~~A person~~ **An individual** must not release a mammal except in the county where the mammal was captured. *(Natural Resources Commission; 312 IAC 9-3-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 23. 312 IAC 9-3-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-16 Cottontail rabbits

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

Affected: IC 14-22

Sec. 16. (a) Except as provided in subsection (c), ~~the season for taking and possessing an individual may take eastern cottontail rabbits is (Sylvilagus floridanus) from the first Friday of November after November 3 through February 15 of the following year.~~

(b) ~~The daily bag limit is~~ **An individual may take not more than five (5) eastern cottontail rabbits per day.**

(c) ~~The season for taking and possessing~~ **An individual may take eastern cottontail rabbits is** from October 1 through January 31 of the following year within the boundaries of the following:

- (1) The following state fish and wildlife areas managed by the division of fish and wildlife:

- (A) Atterbury.
- (B) Blue Grass.
- (C) Brush Creek.
- (D) Chinook.
- (E) Crosley.
- (F) Fairbanks Landing.
- (G) Glendale.
- (H) Hillenbrand.
- (I) Hovey Lake.
- (J) Jasper-Pulaski.
- (K) Kankakee.
- (L) Kingsbury.
- (M) LaSalle.
- (N) Minnehaha.
- (O) Splinter Ridge.
- (P) Sugar Ridge.
- (Q) Pigeon River.
- (R) Tri-County.
- (S) Wilbur Wright.
- (T) Willow Slough.
- (U) Winamac.

(2) The following lake properties managed by the division of state parks and reservoirs:

- (A) Brookville.
- (B) Hardy.
- (C) J. Edward Roush.
- (D) Mississinewa.
- (E) Monroe.
- (F) Patoka.
- (G) Salamonie.

(d) **An individual must not do** the following: ~~are unlawful:~~

- (1) ~~For a person to~~ Hunt rabbits unless that person wears hunter orange.
- (2) ~~To~~ Remove, dislodge, or attempt to remove or dislodge a rabbit from a hole, den, cavity, or tree hollow with the aid of any of the following:
 - (A) A ferret or other small animal.
 - (B) A mechanical device.
 - (C) A chemical.
 - (D) Smoke.
 - (E) Fire.
 - (F) A fume.

(e) **A person must not possess a live eastern cottontail rabbit outside the season established in subsections (a) and (c) except with one (1) of the following:**

- (1) **A game breeder license under 312 IAC 9-10-4.**
- (2) **A wild animal possession permit under 312 IAC 9-11.**
- (3) **A wild animal rehabilitation permit under 312 IAC 9-10-9.**
- (4) **A scientific purposes license under 312 IAC 9-10-6.**
- (5) **A nuisance wild animal control permit under 312 IAC 9-10-11.**
- (6) **An educational or scientific institution registered or licensed with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.**

(7) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(f) An individual who lawfully takes a rabbit may give to another individual one (1) or more carcasses of a rabbit, with no compensation of any kind. A rabbit that is gifted must have a tag attached that contains the following information:

- (1) The hunter's name and address.
- (2) The total number of rabbits taken.
- (3) The date the rabbit was taken.
- (4) The signature of the hunter who took the rabbit.

(g) A carcass of an eastern cottontail rabbit may be possessed by the following:

- (1) The individual who lawfully took the eastern cottontail rabbit during the seasons established in subsections (a) and (c).
- (2) An individual who received the carcass under subsection (f).
- (3) An individual with a valid taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.
- (4) An individual with a valid scientific purposes license under 312 IAC 9-10-6.
- (5) An individual with a valid nuisance wild animal control permit under 312 IAC 9-10-11.
- (6) An individual with a valid special purpose salvage permit under 312 IAC 9-10-13.5.

(h) A person must not sell a live eastern cottontail rabbit except under a valid game breeder license under IC 14-22-20 and 312 IAC 9-10-4.

(Natural Resources Commission; 312 IAC 9-3-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed July 28, 2003, 12:00 p.m.: 27 IR 286; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 24. 312 IAC 9-3-17 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-17 Squirrels

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

Affected: IC 14-22-20; IC 14-22-21

Sec. 17. (a) ~~The season for hunting and possessing~~ **An individual may hunt eastern gray squirrels (*Sciurus carolinensis*) and fox squirrels (*Sciurus niger*) from August 15 through January 31 of the following year.**

(b) ~~The daily bag limit is~~ **An individual may take not more than five (5) eastern gray squirrels and five (5) fox squirrels per day, in aggregate.**

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

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

(e) ~~A person~~ **An individual** must not hunt or possess **take a southern flying squirrel except as otherwise provided by this article. (*Glaucomys volans*).**

(f) A person must not possess a live squirrel established in subsection (a) except with one (1) of the following:

- (1) A game breeder license under IC 14-22-20 and 312 IAC 9-10-4.
- (2) A wild animal possession permit under 312 IAC 9-11.
- (3) A wild animal rehabilitation permit under 312 IAC 9-10-9.
- (4) A scientific purposes license under 312 IAC 9-10-6.
- (5) A nuisance wild animal control permit under 312 IAC 9-10-11.
- (6) An educational or scientific institution registered or licensed with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (7) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(g) A person must not possess a live southern flying squirrel except with one (1) of the following:

- (1) A wild animal possession permit under 312 IAC 9-11.
- (2) A wild animal rehabilitation permit under 312 IAC 9-10-9.
- (3) A scientific purposes license under 312 IAC 9-10-6.
- (4) A nuisance wild animal control permit under 312 IAC 9-10-11.
- (5) An educational or scientific institution registered or licensed with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (6) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(h) An individual who lawfully takes a squirrel may give to another individual one (1) or more carcasses of a squirrel, with no compensation of any kind. A squirrel that is gifted must have a tag attached that contains the following information:

- (1) The hunter's name and address.
- (2) The total number of squirrels taken.
- (3) The date the squirrel was taken.
- (4) The signature of the hunter who took the squirrel.

(i) A carcass of a squirrel may be possessed by the following:

- (1) The individual who lawfully took the squirrel during the seasons established in subsections (a) and (c).
- (2) An individual who received the carcass under subsection (f).
- (3) An individual with a valid taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.
- (4) An individual with a valid scientific purposes license under 312 IAC 9-10-6.
- (5) An individual with a valid nuisance wild animal control permit under 312 IAC 9-10-11.
- (6) An individual with a valid special purpose salvage permit under 312 IAC 9-10-13.5.

(j) A person must not sell a live squirrel listed in subsection (a) except under a valid game breeder license under IC 14-22-20 and 312 IAC 9-10-4.

(Natural Resources Commission; 312 IAC 9-3-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 25. 312 IAC 9-3-18.1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-18.1 Bobcats

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18.1. (a) A person must not take or possess a bobcat (*Felis rufus*) except as otherwise provided by this article. with one (1) of the following:

- (1) A scientific purposes license under 312 IAC 9-10-6.
- (2) A nuisance wild animal control permit under 312 IAC 9-10-11.

(b) An individual must not possess a live bobcat except with one (1) of the following:

- (1) A wild animal possession permit under 312 IAC 9-11.
- (2) A wild animal rehabilitation permit under 312 IAC 9-10-9.
- (3) A scientific purposes license under 312 IAC 9-10-6.
- (4) A nuisance wild animal control permit under 312 IAC 9-10-11.
- (5) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (6) A breeder, dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) An individual must not sell a live bobcat unless that person has a breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(Natural Resources Commission; 312 IAC 9-3-18.1; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 26. 312 IAC 9-3-18.2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-18.2 River otters

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18.2. (a) A person must not take or possess a river otter (*Lutra canadensis*) except as otherwise provided by this article. with one (1) of the following:

- (1) A scientific purposes license under 312 IAC 9-10-6.
- (2) A nuisance wild animal control permit under 312 IAC 9-10-11.

(b) An individual must not possess a live river otter except with one (1) of the following:

- (1) A wild animal rehabilitation permit under 312 IAC 9-10-9.
- (2) A scientific purposes license under 312 IAC 9-10-6.
- (3) A nuisance wild animal control permit under 312 IAC 9-10-11.

(4) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(5) A breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) An individual must not sell a live river otter unless that person has a breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(Natural Resources Commission; 312 IAC 9-3-18.2; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 27. 312 IAC 9-3-18.3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-18.3 Badgers

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18.3. (a) A person must not take or possess a badger (*Taxidea taxus*) except as otherwise provided by this article. with one (1) of the following:

(1) A scientific purposes license under 312 IAC 9-10-6.

(2) A nuisance wild animal control permit under 312 IAC 9-10-11.

(b) A person must not possess a live badger except with one (1) of the following:

(1) A wild animal possession permit under 312 IAC 9-11.

(2) A wild animal rehabilitation permit under 312 IAC 9-10-9.

(3) A scientific purposes license under 312 IAC 9-10-6.

(4) A nuisance wild animal control permit under 312 IAC 9-10-11.

(5) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(6) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) A person must not sell a live badger unless that person has a breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(Natural Resources Commission; 312 IAC 9-3-18.3; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 28. 312 IAC 9-4-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-2 General requirements for migratory birds and waterfowl

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

Affected: IC 14-22

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

(b) The:

- (1) annual seasons;**
 - (2) bag limits;**
 - (3) hunting restrictions; and**
 - (4) shooting hours;**
- for migratory birds and waterfowl are as determined under 50 CFR 20.**

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

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

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

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

~~(d) (e) As used in this rule~~ **For purposes of youth free hunting days under IC 14-22-11-18, a youth hunter means an individual who is less than sixteen (16) eighteen (18) years of age on the date of the hunt. For purposes of the youth waterfowl season as established in 50 CFR 20.105, the age of a youth hunter is determined under 50 CFR 20.105.**

~~(e) A person~~ **(f) An individual** must not take or possess a ~~Virginia rail.~~ **migratory bird listed as an endangered species in this rule unless the individual possesses a scientific purposes license under 312 IAC 9-10-6.**

(g) An individual must not hunt American woodcock (*Scolopax minor*) unless that person wears hunter orange.

(h) An individual must not hunt waterfowl while possessing shot, other than steel shot or another nontoxic shot.

(i) An individual must not construct a hunting blind on the waters of this state unless the name and address of the individual who constructs the blind is legibly indicated on the blind.

(j) An individual who constructs a hunting blind must cause the removal of the blind from the waters of this state from April 1 through August 15.

(k) An individual must not:

- (1) construct or place a permanent blind; or**
- (2) leave a portable blind overnight;**
on property owned or leased by the department.

(Natural Resources Commission; 312 IAC 9-4-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 29. 312 IAC 9-4-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-5 Geese

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 5. (a) ~~Except as provided under subsection (d), the annual seasons, bag limits, hunting restrictions, and shooting hours for geese are as determined under 50 CFR 20.~~ **An individual may hunt the following species of geese:**

- (1) **Canada geese (*Branta canadensis*).**
- (2) **Snow geese (*Chen caerulescens*).**
- (3) **Greater white-fronted geese (*Anser albifrons*).**
- (4) **Lesser white-fronted geese (*Anser erythropus*).**
- (5) **Ross's geese (*Chen rossii*).**

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

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

~~(d) It is unlawful for~~ (b) An individual ~~to~~ **must not** possess more than the **following** number of shotgun shells ~~designated in this subsection~~, while hunting geese from designated shooting units or sites within Atterbury, Hovey Lake, Kankakee, Jasper-Pulaski, or Pigeon River Fish and Wildlife Areas:

- (1) If the daily limit is one (1) ~~Canada~~ goose, the individual may possess ~~no~~ **not** more than four (4) shotgun shells.
- (2) If the daily limit is two (2) ~~Canada~~ geese, the individual may possess ~~no~~ **not** more than eight (8) shotgun shells.
- (3) If the daily limit is three (3) ~~Canada~~ geese, the individual may possess ~~no~~ **not** more than ten (10) shotgun shells.
- (4) If the daily limit is four (4) ~~Canada~~ geese, the individual may possess ~~no~~ **not** more than twelve (12) shotgun shells.
- (5) If the daily limit is five (5) ~~Canada~~ geese, the individual may possess ~~no~~ **not** more than fourteen (14) shotgun shells.

(Natural Resources Commission; 312 IAC 9-4-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 30. 312 IAC 9-4-7.1 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-4-7.1 American crows

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 7.1. (a) An individual may hunt American crows (*Corvus brachyrhynchos*) from July 1 through August 15 and from December 13 through March 1 of the following year.

(b) An individual may take an unlimited number of crows.
(Natural Resources Commission; 312 IAC 9-4-7.1)

SECTION 31. 312 IAC 9-4-7.2 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-4-7.2 Brown-headed cowbirds, common grackles, red-winged blackbirds, rusty blackbirds, Brewer's blackbirds, and crows

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 7.2. An individual may take:
(1) brown-headed cowbirds (*Molothrus ater*);
(2) common grackles (*Quicalus quiscula*);
(3) red-winged blackbirds (*Agelaius phoeniceus*);
(4) rusty blackbirds (*Euphagus carolinus*);
(5) Brewer's blackbirds (*Euphagus cyanocephalus*); and
(6) American crows (*Corvus brachyrhynchos*);
if the birds are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife or concentrated in numbers and in a manner that constitutes a health hazard or nuisance as provided under 50 CFR 16.
(Natural Resources Commission; 312 IAC 9-4-7.2)

SECTION 32. 312 IAC 9-4-7.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-4-7.5 General requirements for nonmigratory game birds

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 7.5. (a) An individual must not possess the carcass or parts of a ring-necked pheasant (*Phasianus colchicus*), northern bobwhite quail (*Colinus virginianus*), ruffed grouse (*Bonasa umbellus*), or wild turkey (*Meleagris gallopavo*) unless that person lawfully took that species:

- (1) during the season established for that species in this rule;
- (2) with a scientific purposes license under 312 IAC 9-10-6; or
- (3) with a special purpose salvage permit under 312 IAC 9-10-13.5.

(b) Notwithstanding subsection (a), an individual who lawfully takes a game bird listed under this section may give to another individual one (1) or more carcasses or parts of these game birds, with no compensation of any kind. A game bird that is gifted must have a tag attached that contains the following information:

- (1) The hunter's name and address.
- (2) The total number and species of birds taken.
- (3) The date the birds were taken.
- (4) The signature of the hunter who took the birds.

(c) A carcass of a game bird listed under this section may be possessed by any of the following:

- (1) The individual who lawfully took the bird during the season established for that bird.
- (2) An individual who received the carcass under subsection (b).
- (3) An individual with a valid taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.
- (4) An individual with a valid scientific purposes license under 312 IAC 9-10-6.
- (5) An individual with a valid nuisance wild animal control permit under 312 IAC 9-10-11.
- (6) An individual with a valid special purpose salvage permit under 312 IAC 9-10-13.5.

(d) A person may possess live northern bobwhite quail or ring-necked pheasants only:

- (1) with a game breeder license under IC 14-22-20 and 312 IAC 9-10-4;
- (2) with a dog training ground permit under 312 IAC 9-10-16 for a period of less than five (5) consecutive days only;
- (3) with a private shooting preserve license under IC 14-22-31;
- (4) with a scientific purposes license under 312 IAC 9-10-6;
- (5) with a wild animal rehabilitation permit under 312 IAC 9-10-9; or
- (6) if purchased from a licensed game breeder and released into the wild within five (5) days of taking possession of the birds.

(e) An individual must not hunt any of the following species unless the individual wears hunter orange:

- (1) Ring-necked pheasants (*Phasianus colchicus*).
- (2) Northern bobwhite quail (*Colinus virginianus*).
- (3) Ruffed grouse (*Bonasa umbellus*).

(f) A person must not sell northern bobwhite quail or ring-necked pheasants, including their eggs, except under a valid game breeder license under IC 14-22-20 and 312 IAC 9-10-4.

(g) A person must not sell ruffed grouse or wild turkeys, including their eggs.

(h) A person must not possess ruffed grouse or wild turkeys, including their eggs, except under one (1) of the following:

- (1) A wild animal rehabilitation permit under 312 IAC 9-10-9.
- (2) A scientific purposes license under 312 IAC 9-10-6.

- (3) A special purpose salvage permit under 312 IAC 9-10-13.5.
- (4) A taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.

(i) An individual must not:

- (1) possess;
- (2) ship;
- (3) carry; or
- (4) transport;

more than two (2) times the daily bag limit of a game bird listed under this section after the beginning of the second day of the season established to take that bird in this rule.

(j) An individual may take, possess, and sell a species of quail, pheasant, or partridge that is not:

- (1) an endangered species; or
 - (2) a species listed in subsection (a);
- at any time without a license from the department.

(Natural Resources Commission; 312 IAC 9-4-7.5)

SECTION 33. 312 IAC 9-4-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-8 Pheasants

Authority: IC 14-22-2-6

Affected: IC 14-22

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

(b) Except as provided in subsection (d), ~~the daily bag limit is~~ **an individual may take two (2) cock pheasants per day.**

(c) ~~The season for hunting and possessing~~ **An individual may hunt ring-necked pheasants** from:

- (1) Atterbury;
- (2) Crosley;
- (3) Glendale;
- (4) Jasper-Pulaski;
- (5) LaSalle;
- (6) Pigeon River (west of State Road 3);
- (7) Tri-County;
- (8) Willow Slough (north of County Road 100 North); and
- (9) Winamac (south of the abandoned C & O Railroad);

Fish and Wildlife Areas and from Huntington Lake ~~is~~ from the first Friday ~~of November~~ after November 3 through January 15 of the following year.

(d) From the Saturday before Thanksgiving through January 15 of the following year, ~~the daily bag limit is~~ **an individual may take two (2) ring-necked pheasants per day** of either sex on Atterbury, Crosley, Pigeon River (west of State Road 3), Tri-County, Glendale, Willow Slough

(north of County Road 100 North), and Winamac (south of the abandoned C & O Railroad) Fish and Wildlife Areas and from Huntington Lake. During the season established under this subsection, whenever applicable, a hunter must:

- (1) pay designated fees; and ~~must~~
- (2) hunt within assigned units.

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

~~(f)~~ (e) The head and head plumage of a **ring-necked** pheasant must remain attached to the carcass while the **ring-necked** pheasant is in transit from the site of taking.

(Natural Resources Commission; 312 IAC 9-4-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 34. 312 IAC 9-4-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-9 Quail

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 9. (a) ~~The season for hunting and possessing~~ **An individual may hunt northern bobwhite** quail is (**Colinus virginianus**) **only** as follows:

- (1) South of State Road 26, from the first Friday of ~~November~~ after November 3 through January 15 of the following year.
- (2) North of State Road 26, from the first Friday of ~~November~~ after November 3 and continuing an additional forty-four (44) days.

(b) ~~The daily bag limit is:~~ **An individual may take the following number of quail per day:**

- (1) five (5) **northern bobwhite** quail north of State Road 26; and
- (2) eight (8) **northern bobwhite** quail south of State Road 26.

~~(c) It is unlawful for a person to for hunt quail unless the person wears hunter orange.~~

(Natural Resources Commission; 312 IAC 9-4-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 35. 312 IAC 9-4-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-10 Ruffed grouse

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 10. (a) ~~The season for hunting and possessing~~ **An individual may hunt** ruffed grouse is (**Bonasa umbellus**) **only** from October 1 through December 31.

(b) ~~The daily bag limit is~~ **An individual may take two (2) ruffed grouse per day.**

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

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

~~(d) A person must not hunt ruffed grouse unless that person wears hunter orange.~~
(*Natural Resources Commission; 312 IAC 9-4-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA*)

SECTION 36. 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; IC 35-47-2

Sec. 11. (a) Except as provided in subsection (c), ~~the spring season for hunting and possessing~~ **an individual may hunt wild turkeys (*Meleagris gallopavo*) in the spring** ~~(1) is from the first Wednesday after April 20 and~~ ~~(2) continues continuing~~ **for an additional eighteen (18) consecutive days.**

(b) ~~The fall season for hunting and possessing~~ **An individual may hunt wild turkeys with a bow and arrows (*Meleagris gallopavo*) during the fall as follows:**

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(1) ~~is from October 1 to the end of the fall turkey season~~ with firearms ~~which begins on~~ **from** the first Wednesday after October 14 and ~~(2) continues~~ **continuing** for an additional four (4) consecutive days; **and**

(2) with a bow and arrows from October 1 to the end of the fall turkey season with firearms 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~~ **An individual may take** 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~~ **An individual** must not do the following:
(1) Hunt wild turkeys except between one-half (1/2) hour before sunrise and sunset.
(2) Take a wild turkey except with the use of one (1) of the following:
(A) A shotgun or muzzleloading shotgun:
(i) not smaller than 20 gauge; and
(ii) not larger than 10 gauge;
loaded only with shot of size 4, 5, 6, 7, or 7 1/2.
(B) A bow and arrows, including crossbows as defined in 312 IAC 9-3-4(g), with the following restrictions:
(i) ~~A person~~ **An individual** must not use a:
(AA) long bow; or
(BB) compound bow;
of less than thirty-five (35) pounds pull.
(ii) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
(iii) ~~A person~~ **An individual** must not use a:
(AA) crossbow of less than one hundred twenty-five (125) pounds pull;
(BB) crossbow ~~unless it has~~ **without** a mechanical safety; or
(CC) poisoned or explosive arrow.
(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.
(v) Before or after lawful shooting hours, ~~a person~~ **an individual** 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.
(3) Hunt wild turkeys in the fall season except in a county the director designates on an annual basis by temporary rule.

(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

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season **established** in subsection (a). As used in this subsection, "youth" means an individual who is less than ~~sixteen (16)~~ **eighteen (18)** 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 **wild** turkey under this subsection must not take another **wild** turkey during the spring turkey season in the same year.

(g) ~~The~~ **An individual must not** use or ~~possession of:~~ **possess:**

- (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;

while hunting 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) ~~A person~~ **An individual** 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~~ **individual** 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) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, ~~a person~~ **an individual** must not hunt:

- (1) wild turkeys unless possessing a completed and signed license bearing the ~~person's~~ **individual's** name; or
- (2) with a wild turkey license issued to another ~~person.~~ **individual.**

(j) ~~A person~~ **An individual** may take a wild turkey during the spring season established under subsection (a) only if:

- (1) issued a license to hunt wild turkeys with:
 - (A) a resident youth consolidated hunting license under IC 14-22-11-10(b);
 - (B) a resident spring turkey license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(20);
 - (C) a nonresident spring turkey license under IC 14-22-12-1(a)(21);
 - (D) a resident youth consolidated hunting license under IC 14-22-12-1(a)(24);
 - (E) a nonresident youth spring turkey license under IC 14-22-12-1(a)(27);**
 - ~~(F)~~ **(F)** a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);
 - ~~(G)~~ **(G)** a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
 - ~~(H)~~ **(H)** an apprentice spring turkey hunting license under IC 14-22-12-1.7; or
- (2) hunting ~~with legal equipment~~ under IC 14-22-11-1.

(k) ~~A person~~ **An individual** may take a wild turkey during the fall season established under subsection (b) only if:

- (1) issued a license to hunt wild turkeys with:
 - (A) a resident youth consolidated hunting license under IC 14-22-11-10(b);
 - (B) a resident fall turkey license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(22);
 - (C) a nonresident fall turkey license under IC 14-22-12-1(a)(23);

- (D) a resident youth consolidated hunting license under IC 14-22-12-1(a)(24);
- (E) a nonresident youth fall turkey license under IC 14-22-12-1(a)(28);**
- ~~(E)~~ (F) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);
- ~~(F)~~ (G) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
- ~~(G)~~ (H) an apprentice fall turkey hunting license under IC 14-22-12-1.7; or
- (2) hunting ~~with legal equipment~~ under IC 14-22-11-1.

(l) **Immediately after taking a wild turkey, an individual must attach 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~~ **stating the following:**

~~(A)~~ **(1) The name and address of the ~~person~~ individual who took the wild turkey.**

~~(B)~~ **(2) The license number (if applicable) of the ~~person~~ individual who took the wild turkey.**

~~(C)~~ **(3) The date the wild turkey was taken. and**

~~(D)~~ **(4) The sex of the wild turkey taken.**

(m) ~~A person~~ **An individual** who takes a **wild** turkey must do the following:

(1) Cause delivery of the **wild** turkey to an official turkey checking station within forty-eight (48) hours of taking. ~~for registration.~~

(2) Register the wild turkey in the name of the ~~person~~ **individual** who took the wild turkey. ~~The person who takes the turkey to the official turkey checking station must give.~~

(3) Provide the check station **with** true and accurate information, including the name and license number of the ~~person~~ **individual** who took the **wild** turkey and the date the **wild** turkey was ~~killed.~~ **taken.**

(4) Receive the permanent seal after the checking station operator:

(A) records the permanent seal number on the log; and

(B) collects the piece of paper described in subsection (1).

~~the person is provided with that seal.~~

~~(2)~~ **(5) Immediately and firmly affix the seal to the leg of the wild turkey as follows:**

(A) ~~Directly above the piece of paper described in subsection (1)~~ **On the leg of a wild turkey** for a **wild** 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 **wild** turkey taken in the fall season.

The permanent seal must remain affixed until processing of the **wild** turkey begins.

(n) The official **wild** 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.

~~(n)~~ (o) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken.

(p) **As used in this section, "bait" means to:**

(1) place;

(2) expose;

(3) deposit;

(4) distribute; or

(5) scatter;

grain, salt, or other feed to lure, attract, or entice a wild turkey to an area where a person may take the wild turkey.

(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Apr 3, 2009, 1:48 p.m.: 20090429-IR-312080740FRA)

SECTION 37. 312 IAC 9-4-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-15 Exempted species of birds

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 15. ~~English~~ **An individual may take:**

- (1) house sparrows (*Passer domesticus*);**
- (2) European starlings (*Sturnus vulgaris*); and ~~feral~~**
- (3) rock pigeons (*Columba livia*) (not including homing pigeons);**
~~may be taken~~ at any time **without a license from the department.**

(Natural Resources Commission; 312 IAC 9-4-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 38. THE FOLLOWING ARE REPEALED: 312 IAC 9-1-4; 312 IAC 9-1-8; 312 IAC 9-1-11.5; 312 IAC 9-1-13; 312 IAC 9-1-14; 312 IAC 9-1-15; 312 IAC 9-4-3; 312 IAC 9-4-4; 312 IAC 9-4-6; 312 IAC 9-4-12; 312 IAC 9-4-13.