

Consideration of recommendation for preliminary adoption of amendments to 312 IAC 9 (2nd Non-Substantive Rule Amendment Package) that make technical changes to rules governing definitions, restrictions and standards governing wild animals, mammals (except for deer), and birds, to reorder language for improved clarity, simplicity, and continuity; Administrative Cause No. 09-026D

The proposed changes are summarized as follows:

- Adds a definition of “disability” in 312 IAC 9-1-5.5.
- Combines two rules and the statutory language in IC 14-22-38-7 that applies to hunter orange into one rule in 312 IAC 9-1-9.
- Removes the term “handicapped” in 312 IAC 9-2-2.
- Modifies the ability to administer drugs to wild animals held in captivity in 312 IAC 9-2-13 by the following: (1) clarifying that poison is included in the list of drugs, and (2) allowing mammals held under a game breeder license, wild animal possession permit, or scientific purposes license (only when given specific authorization) to be spayed or neutered.
- Clarifies what is meant by lawful disposition of certain species of nuisance wild animals that are taken by a landowner or tenant in 312 IAC 9-3-15.
- Clarifies the requirements for the possession and sale of squirrels, eastern cottontail rabbits, bobcats, river otters, and badgers in 312 IAC 9-3-16, 9-3-17, 9-3-18.1, 9-3-18.2, and 9-3-18.3. We have removed the phrase “except as authorized under this article” and instead listed all of the provisions for possession and sale.
- Combines rules pertaining to hunting blinds and non-toxic shot for migratory birds (including waterfowl) into one rule in 312 IAC 9-4-2. Changes also clarify the possession of several endangered species of birds since these species can be lawfully hunted in some other states.
- Clarifies the species of geese, woodcock, crows, and other migratory birds that can be hunted in Indiana in 312 IAC 9-4-5, 9-4-6, 9-4-7.1, and 9-4-7.2.
- Adds a new rule in 312 IAC 9-4-7.5 establishing general requirements for all of the non-migratory game birds that can be hunted in Indiana and to clarify the lawful possession and sale of these birds and their carcasses.
- Clarifies species of pheasants, quail, ruffed grouse, and wild turkeys that can be hunted in 312 IAC 9-4-8, 9-4-9, 9-4-10, and 9-4-11.
- Changes the age to 18 (instead of 16) in which youth can participate in the special youth turkey season in 312 IAC 9-4-11.
- Clarifies common and scientific names for English (house) sparrows, European starlings, and feral (rock) pigeons in 312 IAC 9-4-15.

*TECHNICAL CHANGES
Definitions, Restrictions and Standards Applicable to Wild Animals,
Mammals (except for deer) and Birds*

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA # 09-

DIGEST

Adds a definition of disability in 312 IAC 9-1-5.5. Combines two rules and the statute that applies to hunter orange into one rule in 312 IAC 9-1-9. Removes the term “handicapped” in 312 IAC 9-2-2. Modifies the ability to administer drugs to wild animals held in captivity in 312 IAC 9-2-13. Clarifies the lawful disposition of certain species of wild animals that are taken by a landowner or tenant in 312 IAC 9-3-15. Clarifies the requirements for the possession and sale of squirrels, eastern cottontail rabbits, bobcats, river otters, and badgers in 312 IAC 9-3-16, 9-3-17, 9-3-18.1, 9-3-18.2, and 9-3-18.3. Combines rules pertaining to hunting blinds and non-toxic shot into one rule in 312 IAC 9-4-2. Clarifies the possession of several endangered species of birds that are hunted in other states in 312 IAC 9-4-2. Clarifies species of geese, woodcock, crows, and other migratory birds that can be hunted in Indiana in 312 IAC 9-4-5, 9-4-6, 9-4-7.1, and 9-4-7.2. Adds a new rule in 312 IAC 9-4-7.5 establishing general requirements for non-migratory game birds. Clarifies species of pheasants, quail, ruffed grouse, and wild turkeys that can be hunted in 312 IAC 9-4-8, 9-4-9, 9-4-10, and 9-4-11. Modifies the age in which youth can participate in the special youth turkey season in 312 IAC 9-4-11. Clarifies common and scientific names for English (house) sparrows, European starlings, and feral (rock) pigeons in 312 IAC 9-4-15. Effective thirty (30) days after filing with the Publisher.

312 IAC 9-1-5.5
312 IAC 9-1-9
312 IAC 9-2-2
312 IAC 9-2-13
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 9-4-5
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 9-4-15

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 which is attributable to the normal aging process. (*Natural Resources Commission; 312 IAC 9-1-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

SECTION 2. 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. 15. (a) "Hunter orange" means a daylight fluorescent orange with the dominant wave length 595-605 nm, a purity of not less than eighty-five percent (85%), and a luminance factor of not less than forty percent (40%).

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

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

(c) Notwithstanding subsection (b), articles of clothing specified under this section with logos, patches, insignia, or printing that do not substantially hinder the visibility of the hunter orange material are allowed.

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

SECTION 3. 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~~ **A person 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 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:

(1) to check traps which are lawfully set and maintained; or

(2) to retrieve a dead or crippled waterfowl.

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

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

SECTION 4. 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

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

- (1) noncaptive wild bird or mammal;
 - (2) animal held under a game breeder license **pursuant to 312 IAC 9-10-4;**
 - (3) animal held under a wild animal possession permit **pursuant to 312 IAC 9-11;** or
 - (4) animal held under a rehabilitation permit **pursuant to 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 a:

- (1) game breeder license
- (2) wild animal possession permit or
- (3) rehabilitation permit;

may be administered a pharmaceutical product approved by a state or federal agency for the purpose of prevention or treatment of malnutrition, illness, disease, injury, or stress. **Only an individual with a valid:**

- (1) game breeder license,**
- (2) wild animal possession permit, or**
- (3) scientific purposes license**

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

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

SECTION 5. 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 a beaver, mink, muskrat, long-tailed weasel, red fox, gray fox, opossum, skunk, raccoon, fox squirrel, or gray squirrel that is discovered while damaging property.

(b) A person who takes a mammal under subsection (a) must report the taking to ~~the division director or to~~ a conservation officer within seventy-two (72) hours of the taking **and either:**

(1) euthanize the mammal using legal methods, or

(2) release the mammal in the county of capture with permission of the landowner where the mammal is released.

~~The mammal must be disposed of in a lawful manner. A person must not release a mammal except in the county where the mammal was captured. (Natural Resources Commission; 312 IAC 9-3-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540)~~

SECTION 6. 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~~ **a person may take eastern cottontail rabbits (*Sylvilagus floridanus*)** ~~is~~ from the first Friday of November after November 3 through February 15 of the following year.

(b) ~~The daily bag limit is~~ **A person may take no more than five (5) eastern cottontail rabbits per day.**

(c) ~~The season for taking and possessing~~ **A person 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) 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 except with one of the following:

- (1) game breeder license pursuant to 312 IAC 9-10-4;**
- (2) wild animal possession permit pursuant to 312 IAC 9-11;**
- (3) wild animal rehabilitation permit pursuant to 312 IAC 9-10-9;**
- (4) scientific purposes license pursuant to 312 IAC 9-10-6;**
- (5) nuisance wild animal control permit pursuant to 312 IAC 9-10-11;**
- (6) 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) breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.**

(f) A person must not possess the carcass of an eastern cottontail rabbit unless that person lawfully took that rabbit during the season established in subsection (a), except as follows:

- (1) a person who lawfully takes a rabbit may give to another person one (1) or more carcasses of a rabbit, with no compensation of any kind, at the personal abodes of the donor or donee only.**

Otherwise, the rabbit(s) that are gifted must have a tag attached that contains the following information:

- (A) the hunter's name and address,**
- (B) the total number of rabbits taken,**
- (C) the date such rabbits were taken, and**
- (D) the signature of the hunter who took the rabbit(s).**
- (2) special purpose salvage permit pursuant to 312 IAC 9-10-13.5**
- (2) with a scientific purposes license pursuant to 312 IAC 9-10-6;**
- (3) with a nuisance wild animal control permit pursuant to 312 IAC 9-10-11; or**
- (4) with a taxidermy license pursuant to IC 14-22-21 and 312 IAC 9-10-5.**

(g) A person must not sell a sell an eastern cottontail rabbit except with a valid game breeder license in compliance with 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)

SECTION 7. 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

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

(b) ~~The daily bag limit is~~ **A person may take no more than is five (5) eastern gray squirrels and five (5) fox squirrels per day.**

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

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

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

(f) A person must not possess a live squirrel listed in this section except with one of the following:

- (1) game breeder license pursuant to 312 IAC 9-10-4;**
- (2) wild animal possession permit pursuant to 312 IAC 9-11;**
- (3) wild animal rehabilitation permit pursuant to 312 IAC 9-10-9;**
- (4) scientific purposes license pursuant to 312 IAC 9-10-6;**
- (5) nuisance wild animal control permit pursuant to 312 IAC 9-10-11;**
- (6) 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) 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 the carcass of a squirrel listed in this section unless that person lawfully took that squirrel during the season established in subsection (a), except as follows:

(1) a person who lawfully takes a species listed in subsection (a) may give to another person the carcass of one (1) or more of these squirrels, with no compensation of any kind, at the personal abodes of the donor or donee only. Otherwise, the squirrels that are gifted must have a tag attached that contains the following information:

- (A) the hunter's name and address,**
- (B) the total number and species of squirrels taken,**
- (C) the date such squirrels were taken, and**
- (D) the signature of the hunter who took the squirrel(s).**

(2) with a scientific purposes license pursuant to 312 IAC 9-10-6; or

(3) with a nuisance wild animal control permit pursuant to 312 IAC 9-10-11; or

(4) with a taxidermy license pursuant to IC 14-22-21 and 312 IAC 9-10-5.

(h) A person must not sell a squirrel listed in this subsection except with a valid game breeder license in compliance with 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)

SECTION 8. 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 of the following:

- (1) scientific purposes license pursuant to 312 IAC 9-10-6; or
- (2) nuisance wild animal control permit pursuant to 312 IAC 9-10-11.

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

- (1) wild animal possession permit pursuant to 312 IAC 9-11;
- (2) wild animal rehabilitation permit pursuant to 312 IAC 9-10-9;
- (3) scientific purposes license pursuant to 312 IAC 9-10-6;
- (4) nuisance wild animal control permit pursuant to 312 IAC 9-10-11;
- (5) 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; or
- (6) 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 bobcat 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.

(d) A person must not possess or sell the carcass, hide, or any part of a bobcat except as authorized in 312 IAC 9-3-18.4. (*NaturalResources Commission; 312 IAC 9-3-18.1; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA*)

SECTION 9. 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 person must not take or possess a river otter (*Lutra canadensis*) except as otherwise provided by this article with one of the following:

- (1) scientific purposes license pursuant to 312 IAC 9-10-6; or
- (2) nuisance wild animal control permit pursuant to 312 IAC 9-10-11.

(b) A person must not possess a live river otter except with 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) nuisance wild animal control permit pursuant to 312 IAC 9-10-11;
- (4) 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; or
- (5) 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 river otter 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.

(d) A person must not possess or sell the carcass, hide, or any part of a river otter except as authorized in 312 IAC 9-3-18.4.

(Natural Resources Commission; 312 IAC 9-3-18.2; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-12050214FRA)

SECTION 10. 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 person must not take or possess a badger (*Taxidea taxus*) except as otherwise provided by this article with one of the following:

- (1) scientific purposes license pursuant to 312 IAC 9-10-6; or
- (2) nuisance wild animal control permit pursuant to 312 IAC 9-10-11.

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

- (1) wild animal possession permit pursuant to 312 IAC 9-11;
- (2) wild animal rehabilitation permit pursuant to 312 IAC 9-10-9;
- (3) scientific purposes license pursuant to 312 IAC 9-10-6;
- (4) nuisance wild animal control permit pursuant to 312 IAC 9-10-11;
- (5) 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; or
- (6) 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.

(d) A person must not possess or sell the carcass, hide, or any part of a badger except as authorized in 312 IAC 9-3-18.4. *(Natural Resources Commission; 312 IAC 9-3-18.3; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)*

SECTION 11. 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 supplement state statutes and federal laws that protect migratory birds and waterfowl. **The annual seasons, bag limits, hunting restrictions, and shooting hours for migratory birds and waterfowl are as determined under 50 CFR 20.**

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

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

(c) Notwithstanding subsection (b), 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) As used in this rule, a youth hunter means an individual who is less than sixteen (16) years of age on the date of the hunt.

(e) A person must not take or possess the following migratory birds:

- a (1) Virginia rail (**Rallus limicola**)
- (2) King rail (**Rallus elegans**).
- (3) Common moorhen (**Gallinula chloropus**)

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.

(f) A person must not hunt waterfowl while possessing shot, other than steel shot or another nontoxic shot.

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

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

(i) Subsections (g) and (h) do not apply to waters 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)

SECTION 12. 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 **Canada geese (*Branta canadensis*)**, **snow geese (*Chen caerulescens*)**, **greater white-fronted geese (*Anser albifrons*)**, **lesser white-fronted geese (*Anser erythropus*)**, and **Ross's geese (*Chen rossii*)** are as determined under 50 CFR 20.

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

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

~~(c)~~ (c) It is unlawful for an individual to possess more than the number of shotgun shells designated in this subsection, while hunting geese from designated shooting units or sites within Atterbury, Hovey Lake, Kankakee, Jasper-Pulaski, or Pigeon River Fish and Wildlife Areas. If the daily limit is one (1) Canada goose, the individual may possess no more than four (4) shotgun shells. If the daily limit is two (2) Canada geese, the individual may possess no more than eight (8) shotgun shells. If the daily limit is three (3) Canada geese, the individual may possess no more than ten (10) shotgun shells. If the daily limit

is four (4) Canada geese, the individual may possess no more than twelve (12) shotgun shells. If the daily limit is five (5) Canada geese, the individual may possess no more than fourteen (14) shotgun shells.

(c) A person may possess a goose listed in this section only 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 educational permit pursuant to 312 IAC 9-10-9.5;**
- (4) special purpose salvage permit pursuant to 9-10-13.5; or**
- (5) taxidermy license pursuant to IC 14-22-21 and 312 IAC 9-10-5.**

(d) Notwithstanding subsection (c), a person who has a permit or other authorization from the United States Fish and Wildlife Service in accordance with 50 CFR 20 may possess a goose only if:

- (1) registered with the United States Fish and Wildlife Service to take a Canada goose nest or egg;**
- (2) lawfully taken during the hunting season for that species and tagged in accordance with 50 CFR 20;**
- (3) lawfully taken under a depredation permit;**
- (4) possessed under a waterfowl sale and disposal permit;**
- (5) possessed under a special purpose Canada goose permit; or**
- (6) possessed under a special purpose miscellaneous permit.**

(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)

SECTION 13. 312 IAC 9-4-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-6 Woodcock

Authority: IC 14-22-2-6

Affected: IC 14-22

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

(b) ~~It is unlawful for~~ A person ~~to~~ **must not** hunt woodcock unless that person wears hunter orange.

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

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

(d) A person may possess a woodcock only 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 educational permit pursuant to 312 IAC 9-10-9.5;**
- (4) special purpose salvage permit pursuant to 9-10-13.5; or**
- (5) taxidermy license pursuant to IC 14-22-21 and 312 IAC 9-10-5.**

(e) Notwithstanding subsection (d), a person who has a permit or other authorization from the United States Fish and Wildlife Service in accordance with 50 CFR 20 may possess a woodcock only if:

- (1) lawfully taken during the hunting season for that species and tagged in accordance with 50 CFR 20;**
- (2) lawfully taken under a depredation permit;**
- (3) possessed under a game bird propagation permit; or**
- (4) possessed under a special purpose miscellaneous permit.**

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

SECTION 14. 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) A person may hunt American crows (*Corvus brachyrhynchos*) is from July 1 through August 15 and from December 13 through March 1 of the following year.

(b) A person may take an unlimited number of crows.

(c) A person may possess a crow only 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 educational permit pursuant to 312 IAC 9-10-9.5;**
- (4) special purpose salvage permit pursuant to 9-10-13.5;**
- (5) taxidermy license pursuant to IC 14-22-21 and 312 IAC 9-10-5.**

(d) Notwithstanding subsection (c), a person who has a permit or other authorization from the United States Fish and Wildlife Service in accordance with 50 CFR 20 may possess a crow only if:

- (1) lawfully taken during the hunting season for that species and tagged in accordance with 50 CFR 20;**
- (2) lawfully taken under a depredation permit;**
- (3) possessed under a game bird propagation permit; or**
- (4) possessed under a special purpose miscellaneous permit.**

(Natural Resources Commission; 312 IAC 9-4-7.1)

SECTION 15. 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. A person may take brown-headed cowbirds (*Molothrus ater*), common grackles (*Quiscalus quiscula*), red-winged blackbirds (*Agelaius phoeniceus*), rusty blackbirds (*Euphagus carolinus*), Brewer's blackbirds (*Euphagus cyanocephalus*), and American crows (*Corvus brachyrhynchos*) if the birds:

- (1) are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife; or**
- (2) are concentrated in numbers and in a manner which constitutes a health hazard or nuisance as provided under 50 CFR 16. *(Natural Resources Commission; 312 IAC 9-4-7.2)***

SECTION 16. 312 IAC 9-4-7.5 IS ADDED TO READ AS FOLLOWS:

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) A person 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 section 4 of 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), a person who lawfully takes a species listed in subsection (a) may give to another person the carcasses and parts of one or more of these birds as a gift, with no compensation of any kind, only at the personal abodes of the donor or donee, unless such birds or parts 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 birds were taken, and**
- (4) the signature of the hunter who took the bird(s).**

(c) 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.**

(d) A person must not hunt any of the following species unless the person wears hunter orange:

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

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

(f) 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.**

(g) A person 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 section 4 of this rule.

(h) A person 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)

SECTION 17. 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 ring-necked pheasants (*Phasianus colchicus*) is from the first Friday of November after November 3 and continuing an additional forty-four (44) days.~~ **a person may hunt** ~~the season for hunting and possessing ring-necked pheasants (*Phasianus colchicus*) is from the first Friday of November after November 3 and continuing an additional forty-four (44) days.~~

(b) Except as provided in subsection (d), ~~the daily bag limit is~~ **a person may take no more than two (2) cock pheasants per day.**

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

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

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

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

SECTION 18. 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~~ **A person may hunt and possessing northern bobwhite quail (*Colinus virginianus*) is 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~~ **A person may take no more than the following number of quail per day:**

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

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

~~(e) It is unlawful 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*)~~

SECTION 19. 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~~ **A person may hunt** ruffed grouse (**Bonasa umbellus**) **is only** from October 1 through December 31.

(b) ~~The daily bag limit is~~ **A person may take no more than** two (2) ruffed grouse **per day**.

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

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

~~(d) A person must not hunt ruffed grouse unless that person wears hunter orange.~~

(Natural Resources Commission; 312 IAC 9-4-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 20. 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~~ **a person may hunt** wild turkeys (**Meleagris gallopavo**) **in the spring only as follows:**

- (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~~ **A person may hunt wild turkeys during the fall** 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~~ **A person may take no more than 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.

(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 7½.

(B) A bow and arrows, including crossbows as defined in 312 IAC 9-3-4(g), with the following restrictions:

(i) A person 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 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.

(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 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 season 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 turkey under this subsection must not take another turkey during the spring turkey season in the same year.

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

(k) A person 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 pursuant to IC 14-22-11-10(b);
 - (B) resident fall turkey license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(22);
 - (C) nonresident fall turkey license pursuant to IC 14-22-12-1(a)(23);
 - (D) resident youth consolidated hunting license pursuant to IC 14-22-12-1(a)(24);
 - (E) lifetime comprehensive hunting license pursuant to IC 14-22-12-7(a)(4);
 - (F) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5); or
 - (G) an apprentice fall turkey hunting license pursuant to IC 14-22-12-1.7; or
- (2) hunting with legal equipment under IC 14-22-11-1.

(l) 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 who took the turkey;
 - (B) license number (if applicable) of the person who took the turkey;
 - (C) date; and
 - (D) sex;

of the wild turkey taken.

(m) 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 in the name of the person who took the wild turkey. The person who takes the turkey to the official turkey checking station must give the check station true and accurate information, including the name and license number of the person who took the turkey and the date the turkey was killed. 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); 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) 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.

(n) 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)

SECTION 21. 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. (a) A person may take English house sparrows (*Passer domesticus*), European starlings (*Sturnus vulgaris*), and feral 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)

TO BE REPEALED:

~~312 IAC 9-1-8 "Handicap" defined~~

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

~~Affected: IC 14-22~~

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

~~312 IAC 9-1-15 "Wears Hunter orange" defined~~

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

Affected: IC 14-22

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

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

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

312 IAC 9-1-14 "Threatened species" defined

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

Affected: IC 14-22

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

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

Authority: IC 14-22-2-6

Affected: IC 14-22

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

312 IAC 9-4-4 Hunting blinds on lakes

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 4. (a) A person must not construct a hunting blind on the waters of this state unless the name and address of the person who constructs the blind is legibly indicated on the blind.
(b) The person who constructs a hunting blind must cause the removal of the blind from the waters of this state from April 1 through August 15.
(c) This section does not apply to waters owned or leased by the department. *(Natural Resources Commission; 312 IAC 9-4-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 9-4-12 Crows

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 12. (a) The seasons for hunting and possessing crows is from July 1 through August 15 and from December 13 through March 1 of the following year.
(b) There is no limit on the number of crows which may be taken. *(Natural Resources Commission; 312 IAC 9-4-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

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

Authority: IC 14-22-2-6

Affected: IC 14-22

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

~~(1) are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife; or~~

~~(2) are concentrated in numbers and in a manner which constitutes a health hazard or nuisance as provided under 50 CFR 16.~~

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

NOTES

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

NOTE: Technical Changes to this rule will be made with other substantive changes after pending legislation has been determined.