

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #21-341

DIGEST

Amends 312 IAC 8-2-3 governing the use of ground blinds, trail cameras and bait. Amends 312 IAC 8-2-10 governing the use of magnets and the collection of shed antlers. Effective July 1, 2022.

312 IAC 8-2-3; 312 IAC 8-2-10

SECTION 1. 312 IAC 8-2-3 IS AMENDED TO READ AS FOLLOWS:

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

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

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

Sec. 3. (a) A person must not possess a firearm or bow and arrows on a DNR property unless one (1) of the following conditions apply:

- (1) The firearm or bow and arrows are:
 - (A) unloaded and uncocked; and
 - (B) placed in a case or locked within a vehicle.
- (2) The firearm or bow and arrows are possessed at, and of a type designated for usage on:
 - (A) a rifle;
 - (B) a pistol;
 - (C) a shotgun; or
 - (D) an archery; range.
- (3) The firearm or bow and arrows are being used in the lawful pursuit of either of the following:
 - (A) A wild animal on a DNR property authorized for that purpose.
 - (B) A groundhog as authorized under a license.
- (4) The person possesses a handgun on a DNR property other than a reservoir owned by the U.S. Army Corps of Engineers or Falls of the Ohio State Park:
 - (A) with a valid unlimited license to carry a handgun:
 - (i) issued under IC 35-47-2-3; or
 - (ii) recognized under IC 35-47-2-21(b); or
 - (B) pursuant to an exemption to handgun licensure requirements as authorized under IC 35-47-2-2.

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

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

- (c) A person must not discharge a firearm or bow and arrows on a DNR property except as follows:
 - (1) As authorized for a law enforcement officer.
 - (2) In the lawful defense of persons or property.
 - (3) Under a department permit that authorizes the discharge.
 - (4) As authorized at a shooting range.
 - (5) In the lawful pursuit of wild animals. The exception provided in this subdivision does not apply within two hundred (200) feet of any of the following:
 - (A) A campsite.
 - (B) A boat dock.
 - (C) A launching ramp.
 - (D) A picnic area.
 - (E) A bridge.

- (d) A person may hunt on the following DNR properties:
 - (1) A state forest administered by the division of forestry, including a portion of a state forest that is a nature preserve.
 - (2) A reservoir property administered by the division of state parks and reservoirs.
 - (3) A wildlife area administered by the division of fish and wildlife, including a portion of a wildlife area that is a nature preserve.
 - (4) A nature preserve or another property administered by the division of nature preserves, if approved in a written authorization by:
 - (A) the director of the division of nature preserves; and
 - (B) the owner of the nature preserve, if the owner is other than the state of Indiana.

- (e) A person hunting on any of the areas described in subsection (d) must do the following:
 - (1) Comply with all federal and state:
 - (A) hunting;
 - (B) trapping; and
 - (C) firearms;

- laws.
 - (2) On a fish and wildlife area and a reservoir property, obtain a one (1) day hunting permit and record from a checking station. The person must:
 - (A) retain the permit and record card while in the field for the authorized date; and
 - (B) as directed, return them to the department.

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

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

- (g) A person must not run dogs, except:
 - (1) during the lawful pursuit of wild animals; or
 - (2) as authorized by a license for field trials or in a designated training area.

A property administered by the division of fish and wildlife may be designated for training purposes without requiring a field trial permit. Only dogs may be used during field trials on a DNR property, except where authorized by a license on a fish and wildlife property.

- (h) A person ~~must not~~ **may** construct or place a tree blind stand or other hunting blind ~~except under~~ **on a DNR property during the hunting season for the animal being hunted.**

(1) Except as provided in subdivisions (2) and (3), a stand or blind may only be left overnight if it is legibly marked with the:

- (A) name, address, and telephone number of the owner of the stand or blind in the English language;**

or

(B) owner's customer identification number issued by the department.

(2) A blind or stand used for deer hunting must comply with 312 IAC 9-3-3.

(3) A blind used for hunting migratory birds or waterfowl must:

(A) comply with 312 IAC 9-4-2; and

(B) be legibly marked with the:

(i) name, address, and telephone number of the owner of the stand or blind in the English language; or

(ii) owner's customer identification number issued by the department.

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

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

(A) at least eighteen (18) years of age; or

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

(2) A person must:

(A) register with the department; and

(B) pay any applicable fees; before using a shooting range.

(3) Except as otherwise provided in this subdivision, a person must shoot only at paper targets placed on target holders provided by the department. An authorized representative may approve the use of alternative targets on a supervised shooting range if the department determines a hazard to public safety would not result.

(4) A person must fire downrange and take reasonable care to assure any projectile is stopped by the range backstop.

(5) Shot not larger than size 6 must be used on a shotgun range.

(6) A person must not:

(A) discharge a firearm using automatic fire;

(B) use tracer, armor-piercing, or incendiary rounds;

(C) play on, climb on, walk on, or shoot into or from the side berms; or

(D) shoot at clay pigeons, except on a site designated for shooting clay pigeons. Glass and other forms of breakable targets must not be used on a shooting range.

(7) A person must dispose of the targets used by the person under section 2(a) of this rule.

(8) Permission must be obtained from the department in advance for a shooting event that involves any of the following:

(A) An entry fee.

(B) Competition for any of the following:

(i) Cash.

(ii) Awards.

(iii) Trophies.

(iv) Citations.

(v) Prizes.

(C) The exclusive use of the range or facilities.

(D) A portion of the event occurring between sunset and sunrise.

(9) On a field course, signs and markers must be staked. Trees must not be marked or damaged.

(j) A person must not take a reptile or amphibian unless the person is issued a scientific purposes license under 312 IAC 9- 10-6. Exempted from this subsection are:

(1) eastern snapping turtles;

(2) smooth softshell turtles;

(3) spiny softshell turtles;

(4) bullfrogs; and

- (5) green frogs;
taken under 312 IAC 9-5-6 from a DNR property where hunting or fishing is authorized.
- (k) A person must not possess lead shot while hunting mourning doves on a DNR property.
- (l) A person may place a trail or game camera as follows:**
 - (1) The trail or game camera must be legibly marked with the:**
 - (A) name, address, and telephone number of the owner of the camera in the English language; or**
 - (B) the individual's customer identification number issued by the department.**
 - (2) A trail or game camera may only be placed on the following DNR properties:**
 - (A) a property administered by the division of fish and wildlife, including a portion of that property that is a nature preserve.**
 - (B) a state forest or recreation area administered by the department, including a portion of that property that is a nature preserve.**
 - (3) Placement of a trail or game camera must not damage a tree.**
- (m) A person must not place bait on a DNR property, except as follows:**
 - (1) bait or food placed for management as authorized by the department;**
 - (2) the result of authorized agricultural operations on the property; or**
 - (3) a bird feeder placed by a department employee.**
- (n) As used in this section, "bait" includes:**
 - (1) a food that is transported to and placed for consumption, including, but not limited to, piles of corn and apples placed on the property;**
 - (2) a prepared solid or liquid that is manufactured and intended for consumption by livestock, wild deer or birds, including, but not limited to, commercial baits and food supplements;**
 - (3) salt; or**
 - (4) mineral supplements.**

(Natural Resources Commission; 312 IAC 8-2-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 553, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3714; filed Sep 19, 2003, 8:14 a.m.: 27 IR 456; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 461, eff Jan 1, 2006; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; filed Mar 11, 2008, 9:34 a.m.: 20080409-IR-312070449FRA; filed Mar 12, 2010, 1:25 p.m.: 20100407-IR-312090470FRA, eff Jan 1, 2011; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Feb 6, 2012, 3:07 p.m.: 20120307-IR-312110442FRA, eff Jan 1, 2013; filed Nov 5, 2012, 2:30 p.m.: 20121205-IR-312120218FRA, eff Jan 2, 2013; readopted filed Sep 27, 2016, 1:57 p.m.: 20161026-IR-312160151RFA)

SECTION 2. 312 IAC 8-2-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-10 Preservation of habitat and natural and cultural resources

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

Affected: IC 14

Sec. 10. Except as authorized by a license, a person must not do any of the following within a DNR property:

- (1) Molest an animal den or bird nest.
- (2) Collect any wild animal **or part of a wild animal**, except as authorized by section 3 or 4 of this rule.
Exempted from this subsection is any shed deer antler.
- (3) Damage or collect a plant or pick flowers. Exempted from this subdivision are the following:
 - (A) Berries.
 - (B) Fruits.
 - (C) Nuts.
 - (D) Fallen cones.

- (E) Mushrooms.
 - (F) Leaves.
 - (G) Greens.
- (4) Pick berries, fruits, nuts, fallen cones, mushrooms, leaves, or greens on a nature preserve, or another property administered by the division of nature preserves, unless the property is located at any of the following:
- (A) A state park.
 - (B) A reservoir property.
 - (C) A fish and wildlife area.
 - (D) A state forest.
- (5) Damage, interfere with, or remove:
- (A) a work of art;
 - (B) an artifact;
 - (C) a rock or mineral;
 - (D) a shipwreck;
 - (E) an archeological site;
 - (F) a historic site;
 - (G) a building; or
 - (H) a sign.
- (6) **Except as provided in 312 IAC 8-2-3**, place or maintain a:
- (A) structure;
 - (B) device;
 - (C) dock;
 - (D) buoy;
 - (E) ramp; or
 - (F) sign.
- (7) Use a metal detector, except on a sand, swimming beach as approved by an authorized representative.
- (8) Rock climb or rappel.
- (9) Collect firewood on a state park.
- (10) Dig or excavate any material from the ground.
- (11) Regardless of whether taken lawfully, sell any material taken from a DNR property. Exempted from this subdivision are materials taken under a license issued by the department that specifically authorizes the sale of the material.
- (12) Use a magnet or magnetized equipment to remove any item from public waters on a DNR property. If authorized by a license, the magnet must be able to be carried and retrieved by hand without the assistance of motorized equipment.**

(Natural Resources Commission; 312 IAC 8-2-10; filed Oct 28, 1998, 3:32 p.m.: 22 IR 742, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Nov 5, 2012, 2:30 p.m.: 20121205-IR-312120218FRA, eff Jan 2, 2013; readopted filed Sep 27, 2016, 1:57 p.m.: 20161026-IR-312160151RFA)