DEPARTMENT OF NATURAL RESOURCES

2007
DIRECTOR'S ANNUAL REPORT

DEPARTMENT OF NATURAL RESOURCES

2007
DIRECTOR'S ANNUAL REPORT

DATE: August 31, 2007

Forwarded to:
Legislative Council
Indiana Economic Development Corporation

Index to 2007 Director's Annual Report

	PAGE
IC 4-22-2-28.1(k) Responses	**7**
Rule Record For LSA Document #07-146(F)	**11**
Document History	
Small Business Regulatory Coordinator Record	
Citizen Comments	
Final Rule	
Rule Record For LSA Document #07-145(F)	**17**
Document History	
Small Business Regulatory Coordinator Record	
Citizen Comments	
Final Rule	
Rule Record For LSA Document #07-140(F)	**23**
Document History	
Small Business Regulatory Coordinator Record	
Citizen Comments	
Final Rule	
Rule Record For LSA Document #07-111(F)	**29**
Document History	
Small Business Regulatory Coordinator Record	
Citizen Comments	
Final Rule	
Rule Record For LSA Document #06-333(F)	**35**
Document History	
Small Business Regulatory Coordinator Record	
Citizen Comments	
Final Rule	
Rule Record For LSA Document #06-272(F)	**48**
Document History	
Small Business Regulatory Coordinator Record	
Citizen Comments	
Final Rule	
Rule Record For LSA Document #06-262(F)	**175**
Document History	
Small Business Regulatory Coordinator Record	
Citizen Comments	
Final Rule	

PAGE

Rule Record For LSA Document #06-193(F) 219
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #06-134(F) 241
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #06-107(F) 249
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #06-92(F) 255
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #06-68(F) 266
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #06-67(F) 284
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #06-9(F) 294
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #05-344(F) 315
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

PAGE

Rule Record For LSA Document #05-341(F) 320
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #05-324(F) 331
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

(Final Rules filed during 2005 – 2006 Fiscal Year)

Rule Record For LSA Document #05-288(F) 335
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #05-263(F) 340
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #05-262(F) 344
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #05-261(F) 349
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #05-248(F) 358
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

Rule Record For LSA Document #05-214(F) 364
Document History
Small Business Regulatory Coordinator Record
Citizen Comments
Final Rule

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

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

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

Administrative Orders and Procedures Act ("AOPA"): Two (2)

LSA Document #06-107(F)

Subsequent to final adoption, two informal inquiries were received by attorneys concerning the history, purpose, and scope of this rule. The inquiries seemed motivated mostly by curiosity. Those asking questions did not identify themselves as being the operators of small businesses.

Fish and Wildlife: Six (6)

LSA Document #06-272(F)

Questions concerning deer hunting with a rifled (312 IAC 9-3-3).

LSA Document #05-261(F)

Questions concerning taking of white-tailed deer and other animals behind a high fence (312 IAC 9-3-2 and 312 IAC 9-3-18.5).

Oil and Gas: Three (3)

LSA Document #05-248(F)

Three comments concerning protection of coal resources.

Regulations of Dams: Zero (0)

LSA Document #06-92(F)

The comments, complaints, and questions routinely received are regarding the larger subject matter of dam safety and the State's dam safety statue IC 14-27-7.5 [*rather than concerning the permanent rule*]. They can be categorized into seven groups.

- Individuals living in the potential failure flood inundation areas below dams, seeking answers about the safety of the dams that put them at risk and the actions of the dam owners (or lack there of) to correct deficiencies.
- Engineering firms asking technical questions in either an attempt to learn how to design safe dams, or to understand the concepts of inspecting dams.
- Engineering firms with experience in dam safety engineering seeking to coordinate technical issue review prior to finalizing new dam, or existing dam rehabilitation designs.

- Owners of dams who don't understand why the statute holds them responsible for the safety, high hazard dam inspection, maintenance, operation, and repair of their structures.
- Owners of dams seeking financial assistance for the performance of high hazard dam inspections, maintenance, operation, and repair of their structures.
- Owners of dams seeking free technical guidance on creating or modifying their dam so as to avoid State jurisdiction.
- Owners of dams seeking free technical / engineering analysis and guidance during either times of emergency conditions at their dams, or when deficiencies have grown to the point that structural rehabilitation is required.

Water Well Drillers: One hundred (100)

LSA #05-341(F)

The Division of Water received no complaints from small businesses during the past fiscal year with regard to the revisions made to the water well construction rule. Division staff typically receive approximately 100 questions/comments (two per week) regarding application of the rule each year.

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

Fish and Wildlife: Six (6)

LSA Document #06-272(F)
LSA Document #05-261(F)

Administrative Orders and Procedures Act ("AOPA"): Two (2)

LSA Document #06-107(F)

The belief is the questions were answered to the satisfaction of the attorneys. No complaint was registered.

Oil and Gas: Three (3)

LSA Document #05-248(F)

All three issues were resolved to the satisfaction of both the division and businesses involved. Because of the new language added to this rule, operators now have opportunities to save considerable money by requesting and receiving waivers from coal companies concerning the setting of a mine string.

Water Well Drillers: One hundred (100)

LSA #05-341(F)

All questions were believed to have been resolved to the satisfaction of the agency and small businesses involved.

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

There were nine staff members serving as coordinators for a total of 23 rules under IC 4-22-2-28.1 during the State fiscal year 2006–2007.

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

Total cost reported by the small business regulatory coordinators in the fiscal year 2006–2007 is $2,481.15.

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

The projected budget required by the agency with respect to small business regulatory coordinators, for the current fiscal year 2007–2008, is $2,679.64.

SMALL BUSINESS REGULATORY COORDINATOR REPORTS

RULE RECORD FOR LSA DOCUMENT #07-146(F)

FISCAL YEAR 2006–2007

LSA Document #07-146(F)

(Administrative Cause Number 07-005R)

Filed with the Publisher: May 29, 2007, 9:51 a.m.

Small Business Regulatory Coordinator
Brock Mayes, Division of Reclamation, Department of Natural Resources, R.R. #2, Box 129, Jasonville, Indiana, bmayes@reclamation.dnr.state.in.us.

Document History
LSA Document #07-146(F)
Intent to Readopt Rules: 20070307-IR-312070146RNA
Filed with Publisher: May 29, 2007, 9:51 a.m.
Posted: 06/13/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 10, 2007, the Small Business Regulatory Coordinator, Brock Mayes, filed the following:

R.R. #2, Box 129
Jasonville, IN 47338
July 10, 2007

Ms. Jennifer M. Kane
Natural Resources Commission
Division of Hearings
Indiana Government Center South
402 W. Washington St., Room W 272
Indianapolis, Indiana 46204

Re: LSA #07-146(F)
SBRC Comment Report
Readoption of 312 IAC 25

Dear Ms. Kane:

As you are aware under IC 4-22-2-28.1 (i) the coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director: (1) not later than ten (10) days after the date on which the rule is file stamped by the secretary of state under section 35 of this chapter; and (2) before July 15 of each year during which the rule remains in effect. The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

As Small Business Regulatory Coordinator for LSA #07-146(F) published in Final Rule on June 14, 2007. I am required to deliver a record of all comments received by July 15, 2007. At this time no comments have been received from small business affected by this rule. Required rule making procedures were followed starting with the public notice of intent to adopt a rule published in Indiana Register and all comment periods required by regulation were observed. An electronic copy of this letter was also sent to you on July 10, 2007.

If you have any questions contact me at our office.

Sincerely,

Brock A. Mayes
Small Business Regulatory Coordinator (SBRC)
Division of Reclamation

/bm
cc: Bruce Stevens, Director Division of Reclamation

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-146(F) at its May 22, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 26, 2007:

...

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

A "Notice of Intent to Readopt" was posted to the Indiana Register database website on March 7, 2007 as 20070307-IR-312070146RNA, as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 4 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rule be readopted separately from the general recodification. If such a request is made, the Commission would be required to complete the full rule adoption process for the section. No written request has been received. Where no request is received, the Commission may either submit the rule for filing with the publisher under IC 4-22-2-35 or elect the procedure for recodification under IC 4-22-2. The recommendation is that the Commission approval submittal of the rule for filing with the publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule
LSA Document #07-146(F)

DIGEST

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

312 IAC 25

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

312 IAC 25COAL MINING AND RECLAMATION OPERATIONS

LSA Document #07-146(F)
Intent to Readopt Rules: 20070307-IR-312070146RNA
Filed with Publisher: May 29, 2007, 9:51 a.m.

Posted: 06/13/2007 by Legislative Services Agency

RULE RECORD FOR LSA DOCUMENT #07-145(F)

FISCAL YEAR 2006–2007

LSA Document #07-145(F)

(Administrative Cause Number 07-013L)

Filed with the Publisher: May 29, 2007, 9:49 a.m.

Small Business Regulatory Coordinator
Maj. Felix Hensley, Department of Natural Resources, Division of Law Enforcement, Indiana Government Center-South, Room W-255D, Indianapolis, Indiana, (317) 233-3847, fhensley@dnr.in.gov.

Document History
LSA Document #07-145(F)
Intent to Readopt Rules: 20070307-IR-312070145RNA
Filed with Publisher: May 29, 2007, 9:49 a.m.
Posted: 06/13/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 9, 2007, the Small Business Regulatory Coordinator, Felix Hensley, filed the following:

> There have been no comments, questions or complaints received with respect to the readoption of 312 IAC 4 (Law Enforcement)

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-145(F) at its May 22, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 26, 2007:

...

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

A "Notice of Intent to Readopt" was published in the Indiana REGISTER on February 28, 2007 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 20 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rule be readopted separately from the general recodification. If such a request is made, the Commission would be required to complete the full rule adoption process for the section. No written request has been received. Where no request is received, the Commission may either submit the rule for filing with the publisher under IC 4-22-2-35 or elect the procedure for recodification under IC 4-22-2. The recommendation is that the Commission approval submittal of the rule for filing with the publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule
LSA Document #07-145(F)

DIGEST

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

312 IAC 4

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

312 IAC 4 LAW ENFORCEMENT

LSA Document #07-145(F)
Intent to Readopt Rules: 20070307-IR-312070145RNA
Filed with Publisher: May 29, 2007, 9:49 a.m.

Posted: 06/13/2007 by Legislative Services Agency

RULE RECORD FOR LSA DOCUMENT #07-140(F)

FISCAL YEAR 2006–2007

LSA Document #07-140(F)

(Administrative Cause Number 07-002H)

Filed with the Publisher: May 29, 2007, 9:45 a.m.

Small Business Regulatory Coordinator
Stephen Lucas, Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana 46204, slucas@nrc.in.gov.

Document History
LSA Document #07-140(F)
Intent to Readopt Rules: 20070228-IR-312070140RNA
Filed with Publisher: May 29, 2007, 9:45 a.m.
Posted: 06/13/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 6, 2007, the Small Business Regulatory Coordinator, Stephen Lucas, filed the following:

> No comments, questions or complaints were received from small businesses with respect to the readoption of 312 IAC.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-140(F) at its May 22, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 2, 2007:

...

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

A "Notice of Intent to Readopt" was published in the Indiana REGISTER on February 28, 2007 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 20 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rule be readopted separately from the general recodification. If such a request is made, the Commission would be required to complete the full rule adoption process for the section. No written request has been received. Where no request is received, the Commission may either submit the rule for filing with the publisher under IC 4-22-2-35 or elect the procedure for recodification under IC 4-22-2. The recommendation is that the Commission approval submittal of the rule for filing with the publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule
LSA Document #07-140(F)

DIGEST

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

312 IAC 20

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

312 IAC 20HISTORIC PRESERVATION REVIEW BOARD

LSA Document #07-140(F)
Intent to Readopt Rules: 20070228-IR-312070140RNA
Filed with Publisher: May 29, 2007, 9:45 a.m.

Posted: 06/13/2007 by Legislative Services Agency

RULE RECORD FOR LSA DOCUMENT #07-111(F)

FISCAL YEAR 2006–2007

LSA Document #07-111(F)

(Administrative Cause Number 07-001A)

Filed with the Publisher: May 29, 2007, 9:42 a.m.

Small Business Regulatory Coordinator
Jennifer Kane, Paralegal, Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana 46204, jkane@nrc.in.gov.

Document History
LSA Document #07-111(F)
Intent to Readopt Rules: 20070221-IR-312070111RNA
Filed with Publisher: May 29, 2007, 9:42 a.m.
Posted: 06/13/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 6, 2007, the Small Business Regulatory Coordinator, Jennifer Kane filed the following:

> No comments, questions or complaints were received from small businesses with respect to the readoption of 312 IAC 1 (Definitions).

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-111(F) at its May 22, 2007 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 19, 2007:

...

No complaints or comments have been documented concerning the implementation of 312 IAC 1. The rule does not impose any requirements or costs on small businesses under IC 4-22-2.5-3.1.

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

A "Notice of Intent to Readopt" was published in the Indiana REGISTER on February 21, 2007 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 1 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rule be readopted separately from the general recodification. If such a request is made, the Commission would be required to complete the full rule adoption process for the section. No written request has been received.

Where no request is received, the Commission may either submit the rule for filing with the publisher under IC 4-22-2-35 or elect the procedure for recodification under IC 4-22-2. The recommendation is that the Commission readopt 312 IAC 1 as attached and submit the rule for filing with the publisher under IC 4-22-2-35.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule
LSA Document #07-111(F)

DIGEST

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

312 IAC 1

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

312 IAC 1DEFINITIONS

LSA Document #07-111(F)
Intent to Readopt Rules: 20070221-IR-312070111RNA
Filed with Publisher: May 29, 2007, 9:42 a.m.

Posted: 06/13/2007 by Legislative Services Agency

RULE RECORD FOR LSA DOCUMENT #06-333(F)

FISCAL YEAR 2006–2007

LSA Document #06-333(F)

(Administrative Cause Number 06-082A)

Filed with the Publisher: June 29, 2:33 p.m., EDT

Small Business Regulatory Coordinator
John Bergman, Assistant Director, Division of State Parks and Reservoirs, Department of Natural Resources, Indiana Government Center-South, 402 West Washington Street, Room W298, Indianapolis, Indiana 46204, jbergman@dnr.ingov.

Document History
LSA Document #06-333(F)
Notice of Intent: 20060823-IR-312060333NIA
Proposed Rule: 20070328-IR-312060333PRA
Hearing Held: April 18, 2007
Approved by Attorney General: June 25, 2007
Approved by Governor: June 29, 2007
Filed with Publisher: June 29, 2007, 2:32 p.m.
Documents Incorporated by Reference: None Received by Publisher
Posted: 07/25/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 31, 2007, the Small Business Regulatory Coodinator, John Berman, filed by email the following report:

> No comments were received concerning this rule from small businesses durin the review period.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #06-333(F) at its May 22, 2007 meeting. No comments public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 20, 2007:

...

2. REPORT OF PUBLIC HEARING

The public hearing was convened as scheduled on April 18, 2007 in Conference Room 4, in the Indiana Government Center–South, Indianapolis, Indiana, to consider the proposed amendments to 312 IAC 1, 312 IAC 2, and 312 IAC 8. No one from the public appeared for the hearing.

a) Public Hearing Comments

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

b) Comments Received Outside Public Hearing

No public comments were received outside the public hearing.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-333(F)

DIGEST

Amends 312 IAC 2-4-6, 312 IAC 2-4-7, 312 IAC 2-4-12, 312 IAC 8-2-6, and 312 IAC 8-2-8 and adds 312 IAC 1-1-4.5, 312 IAC 1-1-23.5, 312 IAC 1-1-29.4, and 312 IAC 8-2-16 to make numerous changes to rules governing the conduct of activities on DNR properties and the conduct of fishing tournaments and other organized boating activities, both on DNR properties and on public waters outside DNR properties, to clarify that the terms "boat" and "watercraft" are equivalent and to define the term "motorboat" for rules of the Natural Resources Commission, to establish a nonrefundable license application fee for organized activities and tournaments, to expand the ability to secure approval for a fishing tournament beyond the next calendar year from lakes managed by the division of state parks and reservoirs to all designated public waters, but an applicant must additionally demonstrate that the tournament would have national significance, to increase the maximum number of boats that can lawfully participate for some lakes administered by the division of state parks and reservoirs, to disqualify a person who has outstanding fees for a tournament conducted on a lake managed by the division of state parks and reservoirs from participating in an organizational meeting for a tournament approval on any designated public waters, to establish a user fee for the number of boats and to eliminate for the number of contestants for a tournament on a lake administered by the division of state parks and reservoirs, to establish a requirement that an annual boat lake permit and annual motorboat lake permit be obtained to operate or maintain a boat and a motorboat on a lake located in a DNR property, except for a lake administered by the division of fish and wildlife, to authorize motorboat operation on designated lakes in the Blue Grass Fish and Wildlife Area, at not more than idle speed, with other than an electric trolling motor, to eliminate the requirement for display of a horse tag at Brown County and Versailles State Parks and at Salamonie Reservoir, but a horse tag or receipt must be possessed for each horse, to require a permit card for a person to enter Goose Pond Fish and Wildlife Area in Greene County, and to make numerous other substantive and technical changes. Effective 30 days after filing with the Publisher.

312 IAC 1-1-4.5; 312 IAC 1-1-23.5; 312 IAC 1-1-29.4; 312 IAC 2-4-6; 312 IAC 2-4-7; 312 IAC 2-4-12; 312 IAC 8-2-6; 312 IAC 8-2-8; 312 IAC 8-2-16

SECTION 1. 312 IAC 1-1-4.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 1-1-4.5 "Boat" defined

Authority: IC 14-10-2-4
Affected: IC 14; IC 25

Sec. 4.5. "Boat" means a watercraft.
(Natural Resources Commission; 312 IAC 1-1-4.5; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA)

SECTION 2. 312 IAC 1-1-23.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 1-1-23.5 "Motorboat" defined

Authority: IC 14-10-2-4
Affected: IC 14-8-2-202.5; IC 25

Sec. 23.5. (a) "Motorboat" means a watercraft propelled by:
(1) an internal combustion, steam, or electrical inboard or outboard motor or engine; or
(2) any mechanical means.

(b) The term includes the following:
(1) A sailboat that is equipped with a motor or an engine described in subsection (a) when the motor or engine is in operation, whether or not a sail is hoisted.
(2) A personal watercraft as defined in IC 14-8-2-202.5.
(Natural Resources Commission; 312 IAC 1-1-23.5; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA)

SECTION 3. 312 IAC 1-1-29.4 IS ADDED TO READ AS FOLLOWS:

312 IAC 1-1-29.4 "Watercraft" defined

Authority: IC 14-10-2-4
Affected: IC 14; IC 25

Sec. 29.4. "Watercraft" means any instrumentality or device in or by means of which a person may be transported upon the public water of Indiana. The term includes a motorboat, sailboat, rowboat, skiff, dinghy, or canoe:
(1) of any length or size; and
(2) whether or not used to carry passengers for hire.
(Natural Resources Commission; 312 IAC 1-1-29.4; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA)

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

312 IAC 2-4-6 License application

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

Sec. 6. (a) An application for a license to conduct a fishing tournament or other organized activity must be completed on a department form at least sixty (60) days before the date of the proposed tournament.

(b) An applicant must be an individual who is:
(1) at least eighteen (18) years of age; and
(2) a resident of Indiana.

(c) The applicant shall attach a copy of the proposed standards and regulations governing the activity.

(d) The department shall condition any license to achieve at least one (1) of the following:
(1) Prevention of unusual conditions or hazards.
(2) Promotion of scientific fish, wildlife, or botanical resource management.
(3) Assistance in the protection of users.

(e) To accomplish the purposes described in subsection (d), the department may do any of the following:
(1) Designate **the following:**
(A) The starting time or ending time for an activity.
~~(2) Designate~~ **(B)** The time and location for the use of any public facilities.
~~(3)~~ **(2)** Spread starting times among license holders if more than one (1) is approved for a particular waterway.
~~(4)~~ **(3)** Restrict portions of the waterway from use by the participants.

(f) The department may require a nonrefundable application fee with the application. The amount of the fee shall be established by the director within a range of fees for this purpose approved by the commission.
(Natural Resources Commission; 312 IAC 2-4-6; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3931, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3319, eff

Oct 1, 2003; filed Mar 18, 2005, 11:00 a.m.: 28 IR 2348, eff Oct 1, 2005; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA)

SECTION 5. 312 IAC 2-4-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 2-4-7 Advance date approval

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

Sec. 7. (a) The department ~~will~~ **shall** conduct an organizational meeting **or meetings** between October 1 and ~~December~~ **November** 15 to establish dates for the following year on which fishing tournaments or other organized activities can be conducted.

(b) In addition to the establishment of dates under subsection (a), the department may establish a date for a tournament beyond the following year if a person presents satisfactory evidence that a tournament would have national significance.

~~(b)~~ **(c)** A person who receives a reserved date must submit a completed license application within thirty (30) days of notification and at least sixty (60) days before the scheduled event, whichever is earlier. Failure to submit a timely completed application releases the reservation.

(d) A person is disqualified from participating in an organizational meeting unless any outstanding fee or cost established in section 12 of this rule has been paid.
(Natural Resources Commission; 312 IAC 2-4-7; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3931, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3319, eff Oct 1, 2003; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA)

SECTION 6. 312 IAC 2-4-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 2-4-12 Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirs

Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-15-7-3
Affected: IC 5-14-3; IC 14

Sec. 12. (a) This section governs fishing tournaments at lakes administered by the division of state parks and reservoirs.

(b) The number of ~~watercraft~~ **boats** that may participate in a fishing tournament must not, on any date, exceed the following:

	Monroe	Salamonie	Mississinewa	Huntington	Brookville	Hardy	Patoka	Lieber	Raccoon
March	100	75	75	18	100	30	178	50	100
April	175	75	75	18	100	30	178	50	60
May	175	75	~~64~~ **75**	30	100	20	178	28	50
June	175	30	30	30	75	20	125	28	50
July	175	30	30	30	75	20	125	28	50
August	175	30	30	30	75	20	125	28	50
September	175	75	75	30	100	20	178	28	60
October	175	75	75	18	100	30	178	50	100
November	100	~~0~~ **75**	~~0~~ **75**	~~0~~ **18**	100	30	178	~~0~~ **50**	~~0~~ **100**

(c) A ~~watercraft~~ **boat** used to administer a tournament is excluded in determining the number of participating ~~watercraft.~~ **boats.**

(d) The director may authorize a license for a fishing tournament under this section where the participants are not provided advance notice of the location. The name of the lake may be omitted from the license application, but the department must be provided with the name of the lake at least ten (10) days before the tournament. A license issued under this subsection does not authorize a fishing tournament that conflicts with another license issued under this section. Subject to IC 5-14-3, the department will not publish the location of a fishing tournament issued under this subsection.

~~(e) Notwithstanding section 7(a) of this rule, the department's division of state parks and reservoirs shall conduct an organizational meeting between October 1 and December 15 to establish dates for the following two (2) years on which fishing tournaments or other organized activities can be conducted.~~

~~(f)~~ **(e)** Notwithstanding subsection (b), ~~no more than one hundred (100) watercraft may participate in~~ a fishing tournament on Monroe Lake, ~~on any date after~~ **from** October 15 **through the end of February, is restricted to a maximum of one hundred (100) participating boats.**

~~(g)~~ **(f)** At least thirty (30) days before the scheduled event, a license holder must file a certificate of insurance or an insurance binder with the department. The certificate of insurance or insurance binder shall name the license holder and the department as insureds and shall demonstrate the license holder has obtained an irrevocable general liability insurance policy with a limitation for each of the following of not less than:
(1) One hundred thousand dollars ($100,000) for all damages to property for a single occurrence.
(2) One hundred thousand dollars ($100,000) for injury or death of one (1) person in a single occurrence.
(3) Three hundred thousand dollars ($300,000) for injury to or death of multiple persons in a single occurrence.

~~(h) At least fourteen (14) days before the scheduled event, a license holder must deliver each of the following to the department:~~

~~(1)~~ **(g) Attached to the application for each property, the applicant must deliver** a cash bond or other security approved by the department in the amount of one hundred fifty dollars ($150). ~~to compensate the department for expenses incurred to:~~ **Bond may be forfeited for any of the following reasons:**
(1) Failure to:
(A) pay the user fee within the prescribed time frame; or
(B) cancel the event within thirty (30) days from the date the application was submitted.
~~(A) restore~~ **(2) Restoration of** the mooring judge's or spectators' area. ~~and~~
~~(B)~~ **(3)** Reimburse **to** the department for ~~the costs~~ **cost** of supervision, maintenance, and labor.
~~(2) A user fee equal to the number of individual contestants in a fishing tournament or other organized activity at a rate of one dollar ($1) per contestant or participant.~~
(4) To collect any other unpaid fees or costs that are due, including expenses incurred in the collection of the unpaid fees.

(h) Within fourteen (14) days after a tournament, the license holder must provide to the department a user fee equal to the greater of:
(1) eighty percent (80%) of the number of boats listed on the license; or
(2) the number of boats participating in the tournament.
If the user fee under this subsection is greater than the amount of the bond, the organization is also responsible for the difference.

(i) The amount of the fee shall be established by the director within a range of fees for this purpose approved by the commission. The director may waive the user fee if the:
(1) tournament is held for charity where all of the profits are given to that charity; and
(2) waiver request is:
(A) made in writing; and
(B) submitted with the application.

~~(i)~~ **(j)** The director may require insurance in addition to what is set forth in subsection ~~(a)~~ **(f)** if the director determines a fishing tournament poses an unusual risk of liability to the department.

~~(j)~~ **(k)** A license holder shall:
(1) indemnify;
(2) defend;
(3) exculpate; and
(4) hold harmless;
the department and its officials, employees, and agents from liability due to loss, damage, injury, or other casualty to the person or property of anyone arising directly or indirectly from the activity.

(l) The department may deny or revoke a license under this section if any fee or cost provided under this section is delinquent. If an applicant subsequently satisfies any delinquencies, the person is eligible to apply for a new license.
(Natural Resources Commission; 312 IAC 2-4-12; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3932, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3320, eff Oct 1, 2003; filed Jan 5, 2005, 11:00 a.m.: 28 IR 1460; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA)

SECTION 7. 312 IAC 8-2-6 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14; IC 35-46-3-11.5

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

(b) If a pet or service animal appears likely to:
(1) endanger a person or property; or ~~to~~
(2) create a nuisance;
the owner may be required to immediately remove the pet or service animal from a DNR property.

(c) A person must not take or possess a cat, a dog, or other pet to a:
(1) swimming beach;
(2) swimming pool enclosure;
(3) rental facility; or
(4) public building.
A service animal used by a person with a disability is exempted from this subsection.

(d) A **person must acquire an annual or daily** horse tag ~~must be acquired and possessed,~~ **or receipt** for each horse that is brought into **a** designated DNR ~~properties~~ **property** from April 1 through November 30. ~~At Brown County and Versailles State Parks and at Salamonie,~~ The ~~horse~~ tag or ~~pass~~ **receipt** must be: ~~prominently displayed on the left side of the bridle.~~
(1) kept in the person's immediate possession; and
(2) provided to an authorized representative upon request.

(e) A person must not **do the following:**
(1) Allow livestock or domesticated animals to enter or remain upon a DNR property. These animals may be removed by the department and disposed or held at the owner's expense.
~~(f) A person must not~~ **(2)** Release an animal on DNR property except under license issued by an authorized representative under this ~~subsection.~~ **subdivision.** To receive a license, a person must demonstrate the

animal is healthy and unlikely to endanger public safety or the environment. A person in violation of this ~~subsection~~ **subdivision** shall reimburse the department for any expenses reasonably incurred.

~~(g)~~ **(f)** For purposes of this section, a pet is not a service animal under IC 35-46-3-11.5.
(Natural Resources Commission; 312 IAC 8-2-6; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; filed Sep 19, 2003, 8:14 a.m.: 27 IR 457; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA)

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

312 IAC 8-2-8 Vehicles, trails, boats, and aircraft

Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1
Affected: IC 14-19-1-0.5; IC 14-22-11-1

Sec. 8. (a) A person must not operate a vehicle:
(1) at a speed greater than:
(A) thirty (30) miles per hour on straight, open stretches of road; or
(B) fifteen (15) miles per hour on steep grades **or** curves or where posted; or
(2) other than on a public road.

(b) A person must not park:
(1) a vehicle;
(2) ~~watercraft;~~ **a boat;** or
(3) associated equipment;
except at a site designated by the department.

(c) A person must not operate a motorized cart on a DNR property except as follows:
(1) The person must demonstrate both of the following:
(A) The person holds a valid driver's license.
(B) The person: ~~is either of the following:~~
(i) **is** at least sixty-five (65) years of age that is evidenced by the valid driver's license; **or**
(ii) has a disability, as defined by the federal Social Security Administration guidelines (42 U.S.C. 416), that is evidenced by documentation from the Social Security Administration.
(2) A person must not operate a motorized cart other than within a campground.
(3) A motorized cart must, ~~meet the following lighting requirements~~ if operated between the hours of sunset and sunrise, **have a lamp on the:**
(A) ~~Have a lamp on the~~ front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart; **and**
(B) ~~Have a lamp on the~~ rear exhibiting a red light visible at least five hundred (500) feet behind the motorized cart.
(4) A restriction applicable to the operation, parking, or other use of a vehicle under this section also applies to a motorized cart.
(5) As used in this subsection, "campground" means an area where provisions are made for the accommodation of any of the following:
(A) Tents.
(B) Recreational vehicles.
(C) Vacation mobile homes.
(6) As used in this subsection, "motorized cart" has the meaning set forth in IC 14-19-1-0.5.

(d) A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not:
(1) hike;
(2) bike;
(3) ski;

(4) horseback ride; or
(5) operate an off-road vehicle or snowmobile;
except on a trail designated for the purpose. A person must not ride, lead, drive, or hitch an animal, except where designated by the department.

~~(e) A person must not operate or maintain a watercraft on a lake:~~
~~(1) containing fewer than three hundred (300) acres unless powered only by an electric trolling motor with not more than:~~
~~(A) two (2) 12-volt batteries; or~~
~~(B) one (1) 24-volt battery;~~
~~(2) except under motor horsepower and speed zone requirements applicable to the lake; and~~
~~(3) for fourteen (14) consecutive days without removal from the lake unless otherwise moored in a designated area.~~

~~(f)~~ **(e)** A person must not launch, dock, or moor a ~~watercraft or another floating device,~~ **boat,** except:
(1) for approved periods; and
(2) at sites designated by the department for those purposes.

(f) A person must not:
(1) leave a ~~watercraft~~ **boat** unattended in a courtesy dock provided by the department; or
(2) moor a ~~watercraft~~ **boat** at a designated group dock or mooring post unless the ~~watercraft~~ **boat** exhibits a valid mooring permit.

(g) A person must not operate or maintain a boat on a lake unless the person does each of the following:
(1) Operates the boat according to any horsepower or speed restrictions applicable to the lake.
(2) Except as provided in subdivisions (3) and (6), obtains and displays a valid annual boat lake permit as follows:
(A) Purchase from the department a boat lake permit under a fee schedule approved by the commission.
(B) Affix the permit in a visible location on the forward half of the boat.
(3) Except as provided in subdivision (6), for a motorboat, obtains and displays a valid annual motorboat lake permit as follows:
(A) Purchase from the department a motorboat lake permit under a fee scheduled approved by the commission.
(B) Affix the permit in a visible location on the port (left) side immediately following the excise tax decal or registration number.
(4) For a lake containing fewer than three hundred (300) acres, operates a motorboat only if the motorboat is either of the following:
(A) Powered by an electric trolling motor with not more than:
(i) two (2) 12-volt batteries; or
(ii) one (1) 24-volt battery.
(B) Operated on Loon Lake, Otter Lake, or Blue Grass Pit in the Blue Grass Fish and Wildlife Area at not greater than idle speed.
(5) Removes a boat from the lake before the expiration of fourteen (14) consecutive days, unless the boat is moored in an area where the department has approved mooring for a longer duration.
(6) A lake located on a DNR property administered by the division of fish and wildlife is exempted from subdivisions (2) and (3).

~~(g)~~ **(h)** A person must not leave a vehicle, ~~watercraft,~~ **boat,** or associated equipment at a DNR property unless the person is actively engaged in the use of:
(1) a DNR property; or
(2) an adjacent:
(A) public freshwater lake; or
(B) navigable waterway.

~~(h)~~ **(i)** A person must not land, taxi, take-off, park, or moor:
(1) an aircraft;
(2) a hang glider;
(3) an ultralite;
(4) a powered model aircraft; or
(5) a hot air balloon;
except at a site designated for that purpose or pursuant to a license.
(Natural Resources Commission; 312 IAC 8-2-8; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 463, eff Jan 1, 2006; filed Jun 9, 2006, 3:40 p.m.: 20060705-IR-312050344FRA; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA)

SECTION 9. 312 IAC 8-2-16 IS ADDED TO READ AS FOLLOWS:

312 IAC 8-2-16 Goose Pond Fish and Wildlife Area entry

Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14; IC 35-46-3-11.5

Sec. 16. (a) A person must obtain a permit card from the check-in station before entering Goose Pond Fish and Wildlife Area in Greene County.

(b) The person must do the following:
(1) Retain the permit card while in the field for the authorized date.
(2) As directed, return the permit card to the department.
(Natural Resources Commission; 312 IAC 8-2-16; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA)

RULE RECORD FOR
LSA DOCUMENT #06-272(F)

FISCAL YEAR 2006–2007

LSA Document #06-272(F)

(Administrative Cause Number 06-125D)

Filed with the Publisher: June 29, 2:30 p.m., EDT

Small Business Regulatory Coordinator
Gregg McCollam, Assistant Director, Division of Fish and Wildlife, Department of Natural Resources, Room W273, 402 W. Washington Street, Indianapolis, Indiana 46204, (317) 233-9382, gmccollam@dnr.in.gov.

Document History
LSA Document #06-272(F)
Notice of Intent: 20060802-IR-312060272NIA
Proposed Rule: 20070117-IR-312060272PRA
Hearing Held: March 26, 2007
Approved by Attorney General: June 25, 2007
Approved by Governor: June 29, 2007
Filed with Publisher: June 29, 2007, 2:30 p.m.
Documents Incorporated by Reference: None Received by Publisher
Posted: 07/25/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 6, 2007, Gregg McCollam, Small Business Regulatory Coordinator, filed the following report:

> Several questions have been asked by businesses including the Outdoorsman Sports Shop and several other gun shops in Indiana. Questions have included the specifications of the rifle cartridges that will be legal and when this rule change will become law. They have also asked about which cartridges will be legal, such as the .500 Smith & Wesson. They are getting questions from customers and want to know what to tell customers and what rifles to order. No complaints have been received from any businesses as a result of this rule change. No businesses have inquired about any of the other rule changes in this package.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #06-272(F) at its May 22, 2007 meeting.

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) **Public Hearing Comments**

Approximately twenty-three (23) citizens attended the public hearing and the comments received are memorialized here.

David Reed: I do have a comment in favor of the proposed rule change. Being the father of children there have been few options in firearms that really make sense for a smaller framed individual, particularly children, and the proposed rule change would allow cartridges that are of sufficient power to humanely take deer but of not sufficient recoil that it's difficult for a child to learn with or for a child to develop a fear of recoil. So, I'm very much in favor of the proposed rule change.

Bill Herring: I'm very much in favor of the proposed rule change to allow rifle cartridges that meet certain specifications. One of the main reasons justifying allowing rifle cartridges of traditionally pistol cartridges was to maintain a firearm with basically short to medium range capability. Basically, as long as the caliber is relatively large, 35 caliber or larger, as long as the powder capacity is limited to a cartridge case that is 1.16 to 1.625, there's only so much powder you can get in there. So basically you can only get, at safe operating pressures, a bullet that's going to be going at roughly 1700 to 2000 feet per second. The same or very similar bullet that are right now being used in muzzleloaders with sabot rounds, pushed at velocities at that same range. They are the same bullets essentially that are being used in shotgun slugs with sabot rounds that are again being pushed at essentially the same velocities. So if you have the same bullets, same velocity, you have the same maximum effective ranges, assuming accuracy is there whether it's coming from a muzzleloader, shotgun or rifle. By having rifles allowed that meet these specifications, you will encourage more people to take up deer hunting, you will encourage more people to practice, they will not have to put up with quite so much recoil as with a 12 gauge slug. The rifles will be, generally speaking, a little more accurate that your average run-of-the-mill shotgun. You can put a bullet where it's supposed to go a little more easily, a little more proficiently, than you can with the average shotgun. I think there are a lot of pluses to this, encouraging more people to hunt, more people to buy licenses, more revenue from the sale of firearms and ammunition, some of which will come back to the State, so it has a lot of pluses to it. And most of the negatives that people may bring up are mostly emotional type things that really have no bearing in fact.

John Christopher: Agreed with the previous comments. I think overall it would be a good thing for industry and the economy of Indiana, just to give more opportunity to hunters and encourage the sport.

Arch Alexander: I am also in agreement with the proposed change. I agree with most of what's been said but I think the rules as they are written have some inconsistencies in them that are a little strange. But I'm not going to propose right now that it be something different. When this came up I spent a fair amount of time looking at ballistics of various cartridges and so forth. There are a large number of cartridges that fall within short to moderate range performance and the ones that are included in this proposed change are defined in such a way that is a bit arbitrary. You have to define them somehow but I think you can easily point out cartridges that don't fit this definition that are no more unsafe or no higher performance than the ones that are on there. I hope that in the future as this thing goes through and it gets a chance to be tried out and so forth that maybe the proposal will be revisited and upgraded or changed to allow more cartridges. I mention several in my written comments that could be added without changing the safety issues or the

reasons behind these regulations as written. I am in favor of allowing rifles. I see no reason why it should be any more unsafe than the existing cartridges that are equal in performance ballistically.

Gary Christopher: I am in favor of breech loading rifle proposal. Asked what cartridges are available that meet the requirements of the proposed rule and requested that the listing be published on the DNR's web page. Linnea Petercheff had prepared a listing of mainstream rifle cartridges that would be permitted by the proposed rule as well as a listing of mainstream rifle cartridges that would not be allowed by the rule as proposed. Ms. Petercheff cautioned that the listing provided only those common rifle cartridges and was not an "all-inclusive" list. Ms. Petercheff also stated that she would attempt to update the web page to include the same list.

Steve Hudson: My first concern is why are they wanting to change this, why has it not been allowed in the past? How many bullets are you going to let these rifles have in them…12, 15? Ms. Petercheff responded that as written there is no magazine capacity restriction. Mr. Hudson responded, "I'm not in favor of that there's enough crazy people out there."

Michael Ford: I'm in favor of the proposal. I would like to know how likely it is that this rule will be approved. The hearing officer explained that ultimately the proposed rule along with all of the comments received will be considered and voted on by the Natural Resources Commission.

Gerald O'Brien: I am a right to keep and bear arms activitist in central Indiana. I monitor a lot of legislation every year that I've been in Indiana and I have covered several years where there have been bills in the Indiana legislature that never went anywhere but they did some of those things that this rule change will be doing that the DNR Commission. Some of those went further and some of those proposed legislative actions didn't go this far. In Indiana they have allowances in predition hunting and varmint hunting that do not have any of the cartridge restrictions on centerfire rifles that we have for deer hunting. I disagree with this. Let me say I am very much in favor of this rule change. I understand, that we do have to have limitations, we do have to have some rules and parameters. I don't think this rule change goes far enough but I understand this is a baby step in broadening awareness through all of our communities. One of the things I have noticed is the fear of how far a bullet will go in countryside around Indiana. I can promise you there is the same countryside that we find here in Indiana can be found in many other states that have a wide range of different rules and limitations on what hunters can and cannot do. I am not a hunter but if I decide to become a hunter I want to have a choice of what I hunt with. I would not choose a small caliber rifle to go hunting. I would like the rules to be expanded.

Mr. O'Brien added as a last comment of the evening that many good points had been raised but expressed he belief that there are answers to each of these points. I believe the hunting community could accommodate something like county restrictions like other states have. Also, we've got questions of perception for neighborhoods and what kind of bad press this could bring to the shooting communities throughout Indiana and I believe a lot of the answer there is education. Educating hunters in proper backstops, proper identification of target and I don't understand why anybody who is willing to go through the hunter safety course, getting the licensing and following the rules should have any problem understanding the limitations. Possibly a five round or three round cartridge capacity restriction should be added to the proposed rule.

Bill Hyde: I would just like to say that I am in favor of this amendment for reasons already stated.

Tom Shevlot: I'm a landowner probably more of a conservationist than many people who call themselves conservationists who are not hunters. I have about 1000 acres and I am a little confused as far as cartridges. I think that's a good point that I can go and shoot coyotes and varmints with my .270, but possibly not hunt deer with it. The thing I think that's very important for us to know is that a rifle is a lot more accurate. I see a lot of dead animals that are shot and wounded and run off to die. Without questions because of a shotgun that's not sighted in right, or a rifled barrel with a non-rifled slug or many other reasons. I talk to neighbors, people at the deer check in station, etc. If a .270 hits a deer, the deer is not going to run on 150 yards like I do see with many animals shot with other weapons. I absolutely think this is the right step I would just like a little more clarification as to what rifle calibers will be allowed.

Steve Schenck: I would like to say that I'm in favor of this proposal for all the reasons stated earlier by all those who are also in favor. I've hunted Indiana all my life and never had any problem with any of the rules the State of Indiana has put into effect. I enjoyed it when Indiana allowed us to use handguns because I'm a handgun enthusiast and I enjoy hunting with my .44 magnum revolver. I like that cartridge and would love to be able to hunt with a .44 magnum lever action rifle as well as my handgun. I think that caliber is an excellent deer cartridge and it's hard to beat those small lever action rifles that are commonly chambered in those caliber cartridges. They're easy to handle from a deer stand in a tree, they're short, they're just a joy to hunt with. They're safe and can be accurate at least to 100 yards. I think it's just a good thing. It brings a little equality to the weapons we're allowed to use.

Dave Delaney: I'm against the rifles. The earlier comment about the youth is a very good point. You put a weapon in a youth's hands that has the capability to shoot fifteen times in rapid succession at a running deer, you absolutely will increase the lack of safety in the outdoors both on public land and on private land. The Department of Natural Resources is not only there to instill the will of hunters but it is also there to protect the safety and the public at large, including homeowners, and wildlife. The DNR on their own public properties that but up to residences have safety areas and zones around those private residences. They are now going to put a weapon that has greater firepower and repetitive shooting capability in the hands of sportsmen who will want to hunt right next to and without any safety and buffer zone around private residences. This isn't totally about safety or caliber size. This is about public image and public impression and the quickest way to hurt hunting it to allow the public impression and image to get away from itself. When you do this you will find counties across the State of Indiana in urbanized settings that will move to eliminate all firearms because of perception and not only the deer hunters will lose, but rabbit hunters will lose, duck hunters will lose, quail hunters will lose, everyone will lose. And before a rule of this nature should be instituted the DNR should run this into a summer study review session that would enlist law enforcement of every type across the State of Indiana, should enlist homeowners associations to get their input, and should not be left solely to the hunting community.

Doug Allman: I'm against this proposal. I'm against the expansion of weaponry in this State and would ask that we also consider looking at current weaponry and possibly a roll-back there. I've been president of several hunting organizations, spent a lot of time down at the Statehouse, I've watched bills, I've testified. Every year there's a bill wanting to ban weaponry within so many feet of a residence. Twice in Hamilton County we've fought back ordinances and we were always able to do this by assuring people that we were using short range weaponry. The perception of long range weaponry becomes the reality to the public that does not hunt. We were able to beat back these ordinances because we assured people that we don't use long-range weapons here but we keep pushing those long ranges. This is a 200 yard gun. I would ask that the NRC and DNR define what they mean to be short range to medium range weaponry. They use this to justify this and the handguns I disagree with. The .35 Remingtons and those cartridges in handguns are not short to medium range weapons. You've got by with those cartridges because very few people use those cartridges. Now we're taking 200,000 hunters and we're moving them into a longer range weapon and then we're going to be back here in a few years looking at high-power ammunition. Look at the surrounding states and you don't have high-power ammunition in those states, we do in the hills of Kentucky and we do in the woods to the north but we don't have it in Illinois and don't have it in Ohio, we don't in Southern Wisconsin or Southern Michigan. We are going to keep increasing calibers and increasing range and like Mr. Delaney said, the perception of the public is sometimes the reality. Today, there's a bill being heard in Marion County that would ban all shooting of firearms, except with the permission of the Sheriff. These are the types of ordinances I have to fight back. It won't be the State doing it, it won't be your DNR doing it, it's going to be your local municipality saying 'we're scared of these things.' It may be deer hunting weapon but it may take away from the duck hunter because of the perception that it's a long range weapon. We kill deer with the weapons we have but we keep pushing the envelope and we don't need to.

Mike Martin: Stated that any questions he had when he arrived had been addressed.

Dave Foster: I'm all for the rule change.

Randy Spence: I'm for the proposal for the reasons given by others. The specifications given are perfect. Whoever made that up knows what they're doing. These are not long-range cartridges at all and some are even less than shotguns.

Paul Cox: I'm not opposed to rifles although I typically use bow and shotgun.

Ken Pritchett: When I first came down here I was all for this. I own half a dozen lever action rifles and was all for it until I heard these gentlemen talk (referring to Allman and Delaney). For what my opinion is worth I think Indiana should limit it to certain counties like Wisconsin and Michigan did. Even though they can have high-power rifles up there they limit their rifles to certain counties. I would hate to lose my bird hunting rights by pushing the envelope unnecessarily. But different counties have different problems and we need to think about that. On the East side of Michigan you can't hunt with a high powered rifle regardless, Wisconsin is the same thing. For instance, the middle of Indiana would not be a place for rifle.

Jim Pearce: If I was in the woods and happened to get shot, I would rather get shot with a .357 than I would with a shotgun slug. I think my chances would be a little better.

b) **Comments Received Outside Public Hearing**

Numerous comments were received in written form by U.S. mail, email or through verbal communication. Comments received in written form have been exactly reproduced and oral comments have been paraphrased within this section.

Jaben Davis wrote by email on July 10, 2006 from icallgeese@aol.com
I applaud you for proposing this change [312 IAC 9-3-3(f)(4)]. It would have my vote.

Davis also wrote by email on March 2, 2007
I would like to voice my approval to this proposal, as it would allow young hunters to start hunting sooner as these weapons have significantly less recoil than any other legal weapon and would be much more enjoyable for a young hunter to shoot and shoot accurately.

David Schroeder wrote by email on July 11, 2006 from dr1949@insightbb.com
I am writing the NRC to voice my support to allow the use of low-powered pistol cartridges in rifles, for Deer Hunting in the State of Indiana. These short ranged cartridges like the .44 Magnum or .45Long Colt have similar ballistics as the saboted shotgun loads and the same as Muzzle Loaders using pistol jacketed bullets in a sabot.

Schroeder also wrote by email on July 19, 2006
Once again, thank you, for allowing public commits on the possible legalization of rifles using low-powered straight-walled pistol ammunition. Which I FULLY SUPPORT. It has recently been brought to my attention that the NRC wishes input, from Hoosier Deer Hunter, as to which type of action and rifles need to be considered. Many of us Resident Hunters feel the issue involving the type of rifle or action is really a non issue. Most of the rifles using pistol cartridges have a magazine capacity of only four rounds. Examples are: Ruger's Model 77/.44 Magnum. Bolt Action, Their Model 96 Lever Action, and their newest model "The Deerfield" semi-auto carbine. All of them hold only four rounds of .44 Magnum shells, and are no more Dangerous as to range or firing ability, when compared to Semi-Auto Shot guns firing sabot loads in a rifled barrel, which the shell capacity is five shells. The various "Cowboy" type Lever Actions mostly hold more than seven rounds and usually hold ten rounds, in their tubular magazines. This type of rifle chambered, for the pistol loads, is generally the most common type rifle. However there are still those who consider the Bolt Actions and Pumps to be prudent for Deer Hunting here in the State of Indiana. Thanks, once again for allowing me to commit.

Schroeder again wrote on March 2, 2007:
I'd like to go on record in my FULL support of allowing rifles that fire "Traditional" Pistol Cartridges like the .44 Magnum. these loads duplicate the ballistics of modern inline M/L's as well as saboted shotgun

loads fired from a rifled barrel. I am AGAINST the use of Rifle cartridges used in Handguns, and feel that only traditional pistol should be allowed in handguns also. Please don't let your decision be affected by the IDHA which does NOT speak for the majority of Deer Hunters in Indiana.

Schroeder again wrote on March 2, 2007:
I'd like to voice my opinion in favor of allowing the use of Rifles that fire medium range "Traditional" Pistol Cartridges like the .41 Magnum, .44 Magnum, and .45 Long Colt. These particular class of cartridges have the same range as our modern saboted shotgun loads and modern Muzzle Loaders that use sabots & jacketed pistol bullets. Please don't allow organizations such as the Indiana Deer Hunters Association (IDHA) to influence your decision against these type rifles; as many Hoosier Deer Hunters do not agree with many policies of this association nor are they members.

Schroeder also wrote by email on January 2, 2006
As a resident of Indiana and Sportsman, who enjoyes the sport of hunting. I **FULLY support** the legalization of certain **PISTOL** Ammunition, used in Rifles for Hunting Deer in Indiana. Certain cartridges, intended for handguns, have recently been also used in various long guns (rifles) which produce the same or similar ballistics as the modern saboted loaded shotgun ammunition loaded with "Pistol" bullets. The same holds true for muzzle loaders currently used by deer hunters in Indiana and elsewhere. **Example is a popular gauge of shotgun the 12 gauge loaded with a saboted pistol bullet produces a max. velocity of some 1,900 FPS, with a 380 grain .50 cal. bullet. While a common pistol round, the .44 Remington Magnum, produces a max velocity of 1,750 FPS with a 240 grain factory load.** It has come to my attention that certain organizations like the **Indiana Deer Hunters Association (IDHA) are trying to cloud the issue by wanting to include ALL rifle & pistol cartridge made legal for hunting deer in Indiana.** All of those Sportsmen, wishing to allow ONLY the traditional Pistol cartridges in rifles, are against the legalization of ALL centefire rifle cartridges like the .30-30, .270, or .30-06 for Deer hunting as we feel these cartridges, that are rifle loads by nature, are too dangerous for use in deer hunting in Indiana. Please don't let the feeble attempt of the IDHA cloud your decission to legalize the use of only certain pistol cartridges in rifles. As we feel the IDHA is attempting to manipulate your decession.

Joshua Brosmer wrote by email on July 11, 2006 from brosmerj@gmail.com
I am writing to the NRC in support of the proposed rule modification to allow the use of pistol caliber rifles in deer season. I think this is a great idea which will provide youths and small statured hunters amore effective weapon with less recoil. This combined with the upcoming youth hunting season should help them to better enjoy hunting and also to become more effective hunters. Since the limitations of these weapons are similar to that of currently legal shotguns and muzzleloaders it makes little sense to exclude them.

Brosmer also wrote by email on October 20, 2006
I would also like to take the time to discuss the proposal for allowing pistol caliber rifles during firearms season next year. I fully support this proposal and think it is one of the best rule changes the DNR could make. These rifles are ballistically equivalent to modern shotgun and muzzleloader projectiles but are cheaper to shoot and offer less recoil. With the recent addition of youth hunting seasons it only makes sense to provide them with a light recoiling weapon option superior to the .410 in performance. It also makes a lot of sense to give hunters an option they can afford to practice with often because a hunter that practices more often is a safer, better hunter.

Brosmer and **Carrie Kiszka** (kiszkac@uindy.edu) also wrote on March 2, 2007
I am writing to express my full support for the proposal to allow pistol caliber rifles for deer hunting. Legalizing pistol caliber rifles is a big step in the right direction for encouraging more people to start hunting and help manage our deer herd. The lower recoil of these weapons make them ideal for women, youths and others that are unable to handle the tremendous recoil generated by most shotguns. They have both, less recoil and better lethality than .410shotguns that many young hunters use. The pistol ammo that these rifles use is also much cheaper than high quality shotgun ammo which when combined with less recoil can help to encourage hunters to practice more frequently. These weapons also offer better practical

accuracy than shotguns. Pistol caliber rifles provide all of these benefits without exceeding the effective range of currently legal weapons and are similar ballistically.

Robert Hyde wrote by email on July 11, 2006 from bnchyde@sbcglobal.net
I would like to voice my opinion in favor of allowing the use of rifles, firing pistol cartridges, for the harvesting of deer in Indiana.

Hyde also wrote by email on December 19, 2006
I just wanted to voice my opinion on this matter: Such rifles would make deer hunting easier and more affordable for some. And, with the usage of sabot rounds in shotguns, the ballistics aren't all that different. I cast my vote in favor of allowing such firearms.

Hyde wrote again by email on February 13, 2007
I would be in favor of traditional, mid-range caliber rifles, such as 30-30 and 45-70 becoming legal for deer hunting in Indiana. Shotguns shooting modern sabot loads have similar, if not greater, range than these traditional calibers.

Hyde again wrote by email on March 1, 2007
In light of the postponement of the scheduled meeting to discuss this issue, I desire to restate my opinion that these types of rifles should be allowed for deer hunting in Indiana.
I would like to state that I am in favor of allowing pistol caliber rifles to be used for deer hunting in Indiana. I encourage you to make these legal.

Bob Houseworth Jr. wrote by email on July 11, 2006 from hoosherfastpitch@yahoo.com
Looking forward to you approving the use of pistol cartridge rifles for deer hunting.

Houseworth, Jr. also wrote by email on July 19, 2006:
Leave the current handgun deer hunting rules alone. Add "conventional hunting rifles" that chamber straight-walled cartridges.

There are a very small percentage of us deer hunters that "consistently" hunt with pistols that fire rifle cartridges. It takes much time & practice at the range to aquire the skills to comfortably deer hunt with this type of pistol. I hope that you leave the current rules alone. As for caliber, I prefer the .308 winchester for it's ability to put a deer down quick.

Houseworth, Jr. also wrote by email on March 1, 2007:
Look at the pistol cartridge ballistics charts.

Hope you use the facts, not emotions to make the correct decision to allow us to use these cartridges for deer hunting. Leave the current pistol rules alone also.

Hopefully facts, not emotions & political ploys will allow us to usepistol cartridge rifles for deer hunting. Leave the current pistol rules alone. What if's should not even be an issue. Look at the pistol cartridge ballistic charts. They speak for themselves

---

Steve Griffey wrote by email on July 11, 2006 from griffey@insitebb.com
I wanted to write to comment about the proposed rules changes. I whole hearted agree with getting Youth seasons in place during both the deer and turkey seasons and the free hunting days are fantastic.

I believe allowing rifle hunting would be a negitive impact on our hunting and should not be allowed in Indiana's hunting seasons.

Mike Clabaugh wrote by email on July 11, 2006 from mclabaugh@onlyinternet.net
I agree with the proposal to allow pistol caliber rifles in gun season but i also think you should change the maximum case length to include the newer .480 Ruger, .460 S&W and .500 S&W hand gun cartridges. Any addition of new weapons will increase hunter opportunities which is good for our sports dwindling numbers.

Clabaugh also wrote by email on March 1, 2007:
I urge you to vote yes to the pistol caliber rifle proposal allowing their use as a legal weapon in deer firearms season. Their range of use is no more than modern slug guns and muzzleloaders legal today. PCR will be another tool to keep the deer herd in check and opportunity for more hunters to be in the woods which is a win-win situation for the IDNR and the sport of hunting.

Clabaugh again wrote by email on March 2, 2007:
I urge you to vote yes to allow Pistol Caliber Rifles in deer firearms season. There use will help control the rising deer population and be another opportunity for more hunters to be in the woods, which means more revenue for the IDNR. The range of PCR's is no more than modern shotguns and muzzleloaders used today.

Chris Cobb wrote by email on July 11, 2006 from ccobb@forthtech.com
I am writing the NRC to voice my full support to allow the use of low-powered pistol cartridges in rifles, for Deer Hunting in the State of Indiana. These short ranged cartridges like the .44 Magnum or .45 Long Colt have similar ballistics as the saboted shotgun loads and the same as Muzzle Loaders using pistol jacketed bullets in a sabot.

Cobb also wrote by email on October 24, 2006
I would like to comment on the proposed rule change to allow rifles using pistol bullets. I SUPPORT this rule change. Using a rifle with pistol bullets should have no negative effect on the deer population and or deer hunting in general. I can see it helping the sport by introducing women and youth to deer hunting by using a less recoiling rifle than a shotgun.

Dennis W. Howe wrote by email on July 11, 2006 from dwhowe@psci.net
I support the proposal to legilize the use of handgun cartriges in rifles for deer season ....please!!!

Howe also wrote by email on November 16, 2006
I support the use of rifles for deer hunting in Indiana.

Howe also wrote by email on December 20, 2006
I support pistol cartridge rifle for deer hunting in Indiana.

Dave Dennis wrote by email on July 11, 2006 from ddennis@brehob.com
I am in favor of this change. A rifle chambered in a pistol cartridge as specified in the amendment would not not carry as far as the bottlenecked cartridges currently legal in handguns and most people will shoot such a rifle better than either a shotgun with slugs or a handgun. This should help the concerns with stray shots and be more humane for the animal dur to better shot placement.

Dennis also wrote by email on July 19, 2006
Regarding the question on action types and magazine capacity for the deer rifle proposal being discussed I see no reason to limit action types or capacity. The only semi-auto that I'm aware of in a legal cartridge as defined by the proposal has a capacity of 5 anyway. People in other states seem to be able to handle these rifles, are Indiana residents less able to do the same?

Dennis wrote again by email on March 22, 2007
I would like to reaffirm my support for the pistol cartridge rifle proposal. This is a very good opportunity to get new people involved in the sport and does not introduce any long range firearms.

Jason Wright wrote by email on July 11, 2006 from jajwrigh@yahoo.com
As a sportsman and a deer hunter, I would like to see the use of pistol caliber rifles, legal for deer hunting. They offer no advantage in hunting range when compared to our shotguns or muzzleloaders and the extra choice of weapon might bring more hunters afield. This is another necessary step in controlling our state's growing deer herd. Thank you for your time and consideration.

Jerry Coats wrote by email on July 11, 2006 from magnum44@jayco.net
I'm all for the new rule proposal regarding rifles firing pistol cartridges. Even though I don't own one, I'm sure there are people who would like to have a few more choices of firearms to pick from.

Coats again wrote by email on July 21, 2006
In regard to the pistol cartridge firing rifle proposal, I don't see a problem with any action or magazine capacity.

Joe Bacon wrote by email on July 11, 2006 from bwhttail@aol.com
In regard to the July 18th meeting proposing pistol cartridge rifles being legal for deer hunting in Indiana.

I strongly object to the addition of "any" center fire rifle being added as a legal weapon in Indiana. This suggested rule change is in response to a proposed bill in the Indiana legislature last year, for years a small number of hunters had requested in public meetings to make these rifles legal each time they were turned down by IDNR staff. This past year they turned to the legislature to force it in by State Statute, Mr. Hupfer agreed to address it in Administrative rule in return for the bill not moving.

I do not believe we need another weapon to take deer. A few years ago we added a "marginal" gun the .410 shotgun for use by young hunters or women. Now you will be told the pistol cartridge rifles will suit them well. I also was involved when pistols were made legal for deer hunting, we were told very few people would use them and they were a short range weapon. Today we see pistols shooting high powered rifle cartridges capable of over 200 yard shots. My point is the firearm and archery industries continue to make improvements, hunting weapons continue to become longer range weapons. Another case would be muzzle loading rifles, when approved they were black powder guns. Today in Indiana the muzzleloader that shoots modern gun powder and a saboted bullet is legal because the rifle is loaded like the primitive weapons of the 1800's. This modern muzzleloader is also capable of200+ yards shots. My point is, once you allow a weapon and people purchase those you can't turn back the clock. this past year the IDNR has investigated the possibility to eliminate both the smokeless powder muzzleloader and rifle cartridge pistols only to be met with opposition from Sportsmen who own these presently legal deer hunting guns.

I would also caution you that this is just the first step for the centerfire advocates. The goal is all centerfire rifles, 30-06,.270.300 ultra mag and a host of others. The arguement will be.... "they are allowed in pistols". With ought the pisto; cartridges in rifles being legal we can still say NO CENTERFIRE RIFLES. When do we say enough is enough?

The proximity of homes and buildings as well as most of the State being flat land does not bode well for these weapons or those to be added in the future..... as they will be back asking for more.

Finally I would ask you to consider...

These proposed rifles will hold from eight to twelve bullets in the rifle at a time. Todays muzzleloader is a two shot maximum, pistol 6rounds and shotguns are five shot maximum. Please consider the safety issue of a rifle capable of firing 8+ rounds without recoil in rapid succession.

Bacon again wrote on December 26, 2006 from bwhttail@aol.com

After much thought and discussion with fellow deer hunters as a sportsman I have come to the conclusion we should allow ANY center fire rifle in a caliber above .22. The following is facts in support of such a rule.

1. IDNR currently allows the above in out of season permits in Indiana, I can find no evidence of a landowner or leasee who has been turned down a request to use a center fire rifle.

2. Indiana allows rifle cartridges in pistols, there is little if any loss in energy or distance because of it being hand held(no stock) and a barrel length of less than 18 inches.

3. Our neighbors to the North and South (Michigan/Kentucky) both allow rifles in "some" areas and limit deer hunting to shotguns in other areas. Indiana can do the same. We have a north/south quail and squirrel season(s). We have county quotas on deer, closed counties for Turkey. Indiana Deer hunters should be able to read and understand counties that rifles would be permitted.

4. Indiana allows modern powders in muzzle loading rifles along with a sabot bullet, in effect building a single shot "high powered rifle" in current General gun season as well as muzzle loading season. A quick check on ballistics tables for the Savage muzzle loader can confirm this.

5. NO STATE can confirm a higher accident rate due to modern center fire rifles than shotgun, pistol or muzzle loading rifles. Nor can they find a higher death rate in accidents that do occur.

If the goal is in fact more opportunity for gun choices then use facts and open Indiana to the modern era . If you contemplate the adding of pistol cartridge rifles how can you refuse other very capable rifles that are available in the same price range?

I am speaking only as a resident deer hunter of Indiana and not representing any organization.

Ron Weir wrote by email on December 12, 2006 from ron.weir@morganfoods.com
I am not in favor of having pistol caliber rifles allowed for deer hunting. It seems to me we have enough weapons as slugs guns and muzzleloaders that have continue to have extended range for hunters to use. I would be in favor of reducing the number of shells for shotguns to three to reduce the spraying shots and wounding of running deer after the first shot.

David F. Delaney wrote by email on July 11, 2006 from eelriver50@yahoo.com
My comment is in regard to the propose rule by the DNR to allow certain centerfire rifles during deer season. This issue is of serious concern. I am a lifetime hunter here in Indiana and I strongly oppose this proposal. The introduction of centerfire rifles in Indiana will only add to a growing risk of firearm safety here in Indiana. Some of these weapons are currently used on varmits here in Indiana, but be there no mistake that the use of the weapons during deer season will significantly raise the risk of safety. The use of these weapons will increase the opportunity of introduction of other cartridge sizes by sportsmen who will "hide" their use. Considering the landscape in Indiana and the growing urban population, introduction of rifles is a serious issue. Today, Indiana already has numerous effective options that allow the effective harvest and management of deer. With growing concerns by the general citizens of Indiana in regard to gun control and firearms use, introduction of rifles will be met with strong opposition by many. There will be those who suggest the cartridges used in the proposal will travel less distance then those used today in shotguns, but be there little doubt that many sportsmen will enter the field with these rifles that are capable of shooting 8 cartridges and that will significantly raise the safety risk. IF the DNR wishes to allow the use of these weapons, then I would suppose that the DNR is not opposed to allowing the use of these weapons in the State Park hunts, in urban areas like Hamilton County and even Marion County and in areas of high proximity of schools and other such municipal facilities. If you can answer the question that "yes" these weapons can be used in those settings, then you should probably approve rifles, but be aware that when the general public becomes aware of this, you will take considerable, and unneccessary negative comments

about how the Natural Resources Commission approved a weapon that will be seen as increasing safety issues here in Indiana.

Delaney wrote again on January 7, 2007 from eelriver50@yahoo.com:
Due to continued urbanization of a lot of Indiana, I believe that the use of rifles during deer season is the wrong thing to do. I am a life long deer hunter, gun and bow, and much of the non-hunting Indiana public will not react favorably to the sound of rifles. Unfortunately, many people feel a difference between shotguns, muzzleloaders and rifles. You need to also consider that unfortunately there will likely be many "deer hunters" who ignore the mid-range ammunition and use high powered rifles ammunition and it will a impossible for law enforcement to manage that situation. I believe there are many County Commissions throughout Indiana that will feel the heat from the general public and repeated cracks from rifles ring out across Indiana. Also, today's weapons are very effective and useable by kids and adults alike and the introduction of rifles will not likely increase the deer herd. Sometimes, the benefits simply don't outweigh the problems. This is one of those situations. If you contact some of the local government commissions in urban areas throughout Indiana, you'll likely find this will be an issue. I am asking you to strongly consider the possibility that by allowing rifles, you'll actually end up creating situations where local governments enact county regulations eliminating all firearms for large portions, if not all, of the county that they are responsible for. This will be a very, very big mistake. Sometimes, even though I don't like it as a hunter, we must consider the big picture and be willing to limit ourselves. This is one of those times.

Rick Beedle wrote by email on July 11, 2006 from rbeedle@tctc.com
I am writting the NRC to voice my support to allow the use of pistol cartridges in rifles, for Deer Hunting in the State of Indiana.

Beedle also wrote by email on July 19, 2006
I think all action types should be legal with no magazine capacity restrictions. Revolvers and semi-auto handguns are not restricted and these rifles would not be as dangerous as the more powerful repeating shotguns that are not currently restricted. Also, while much ado is made about some hunters wildly shooting the full magazine I don't think it is really that much of a problem.

Clarence H. Williams wrote by email on July 12, 2006 from asats@sigecom.net
I see this as an excellent proposal by the IDNR.

The cartridges that are being discussed will put a limitation on the rifle. That limitation is no more powerful or have a greater range than the present slug guns or muzzleloaders used today.

What legalization will do is:

1)Help to recruit more hunters –
A)Youth that can't withstand the heavy recoil of slug guns rmuzzleloader will find the pistol cartridge rifles a pleasure to shoot.
B)Hunters of smaller stature (mostly women) that can't withstand the heavy recoil of slug guns or muzzleloader will find the pistol cartridge rifles a pleasure to shoot.
C)Shooters that now own a pistol rifle that just might decide to take up deer hunting with it.

2)Make deer hunters better shots for a more humane and quicker kill -
A)Since the pistol cartridge rifles have a lot less recoil than the slug gun or muzzleloader hunters will practice more and be more familiar and a better shot with the pistol cartridge rifles.
B)The pistol cartridges cost approximately $28 for a box of 50 while the saboted slugs for slug guns cost as much as $15 for a box of 5.That is 56 cents per cartridge as opposed to $3 a slug. Deer hunters can afford to shoot more with the pistol cartridges and again be more familiar and a better shot with the pistol cartridge rifles. Pistol cartridges are re-loadable and thus more of a savings.

3)Gives the IDNR deer biologist another tool for managing the deer herd.

A)The more deer hunters we recruit the better chance we have of controlling the herd.

4) Revenues from tags sales
A) For the last 4 or 5 years Indiana has been seeing a drop in deertag sales. Using a new hunting tool can very well spur new recruitment and thus more tags sales.

5) Does the average Joe Deer Hunter want this new hunting tool to be legalized?
A) We have conducted a poll on my website at ..http://huntingindiana.proboards52.com/index.cgi

That poll shows that 75% of the Hunting Indiana members that responded to the poll were in favor of the legalization of pistol cartridge rifles for deer hunting in Indiana.

I ask that the Natural resources Commission look favorably on the IDNR proposal to legalize pistol cartridge rifles for deer hunting in Indiana.

Williams wrote again on December 22, 2006 from asats@sigecom.net
My name is Clarence Williams and I am owner and administrator of Hunting-Indiana.com at http://hunting-indiana.com/ .

We currently have 874 members and an overwhelming majority are Indiana resident hunters, trappers and fishermen/women.

On our forum we have had a lengthly discussion and debate on the legalization of pistol cartridge rifles.

The forum is located at..http://huntingindiana.proboards52.com/index.cgi

or it can be accessed through the main page.

On the forum we have conducted a poll where we asked - **"Should the DNR legalize pistol cartridge rifles for deer hunting?"**

As of 12-21-2006, we have had participation by 85 of our members.

66 or 77.6% of them voted in support of legalizing pistol cartridge rifles.

19 or 22.35 voted against legalizing pistol cartridge rifles.

The poll is located at..

http://huntingindiana.proboards52.com/index.cgi?board=deerhunting&action=display&thread=1129332303

It is my own personal conclusion about the pistol cartridge rifles…:

1) They are quick and humane killers.

2) The ammo is cheap and reloadable so a person can practice more at less expense. That results in a better familiarity of their weapon with the desired effect of less wounded deer.

3) The recoil is a LOT less than any of the present firearms so a person will practice more. That results in a better familiarity of their weapon with the desired effect of less wounded deer.

4) The recoils is a LOT less than any of the present firearms so a person that is of smaller stature (mostly kids and women) can shoot it with no ill effects. This will aid in our much needed recruitment of new hunters. This will also give them an adequate deer hunting gun to use.

5) "New" weapons always generate a new and/or more interest in hunting. That can also aid in hunter recruitment. Another choice is good.

6) Their range is no more and most times less than the presently legal firearms.

7) They are fun to shoot. Not so with any slug gun.

I ask that the NRC adopt the proposal of the IDNR to allow the Indiana deer hunters to have another choice in firearms.

Shane Kimmerling wrote by email on July 12, 2006 from tskiller76@yahoo.com
I would like to state my opinion on the issue of pistol cartridge rifles being allowed during deer firearms season. The dimensions of the bullets are acceptable, these types of bullets would have no more range or power than the current firearms available. However, I believe that the guns that would be allowed should be single shot or limited to 5 rounds or less to prevent someone from shooting several times at running deer endangering others and possibly wounding the deer without a clean kill or recovery.

Ralph Perry wrote by email on July 12, 2006 from RCVLPerry@outdrs.net
I personally have no problem with the addition of pistol cartridge rifles (44 mag, 45LC, etc). But I would like to them to be only lever or pump actions.

Perry also wrote by email on September 29, 2006
First let me say that I would like to see hand guns in hand gun calibers only, Center fire rifle cartridges should be removed or legalize centerfire rifles. I also would like to see pistol cartridge rifles brought in as hunting gear. But I would like to see a rifle only season for these rifles, after the end of muzzleloader/archery end in Dec. Say for two weeks in Jan. Omitting the first as there would be to many hitting the woods that have had too much to drink the night before.

Perry also wrote by email on January 5, 2007
Yes I am in favor of pistol caliber rifles as long as they are only pistol cals. 357, 44 mag, 41 mag, 45 long colt, 44. I would also like to see the rifle caliber 7mm, 06, etc hand guns done away with. I also do not see any problem with the 30-30 being legalized.

Perry again wrote by email on February 27, 2007
Yes I am in favor of pistol caliber rifles and their installation into firearms season.

Perry again wrote by email on March 1, 2007
Vote, Yes for this hunting change.

Bruce Richardson wrote by email on July 12, 2006 from bruce.richardson.gqqt@state_farm.com
I support the use of nostalgic, lever action guns for deer hunting. Make legal cartridges only straight walled rounds of the period. Nonecked down rounds. These rifles offer no additional benefit over already legal weapons such as pistols, saboted shotguns or muzzleloaders.

Richardson also wrote by email on December 22, 2006
I JUST WANTED TO ISSUE MY VOTE FOR THE USE OF LEVER ACTION RIFLES FOR HUNTING DEER IN INDIANA. I FEEL THAT ALLOWING STRAIGHT WALLED CARTRIDGES, WITHIN CERTAIN LIMITS, WOULD NOT GIVE A HUNTER ANY MORE AN ADVANTAGE THAN WEAPONS CURRENTLY LEGAL TODAY. COMPARED TO MODERN MUZZLELOADERS, AND SABOTED SHOTGUNS OR CURRENT LEGAL HANDGUNS, NO BALLISTIC ADVANTAGE WOULD BE HAD BY A LEVER ACTION "COWBOY" RIFLE. IN KEEPING WITH "TRADITION" THAT YOU CONSIDER THE USE OF IRON SIGHTS ONLY, NO SCOPES ALLOWED.

Richardson again wrote by email on January 5, 2007
A SUGGESTION FOR CONSIDERATION BY THE RULE CHANGE BOARD- LIMIT SHOTGUN SHELL CAPACITY FOR DEER HUNTING TO THREE SHELLS AS CURRENTLY DONE WITH WATERFOWL. 2) MOVE SHOTGUN SEASON TO LATER IN MONTH OF NOVEMBER. 3) SHORTEN SHOTGUN SEASON TO ONE WEEK, TWO WEEKENDS. THANKS FOR YOUR CONSIDERATION.

Steve Schenck wrote by email on July 12, 2006 from sschenck@frontiernet.net
I would like to make known my opinion regarding the proposed rule allowing handgun cartridges in rifles for deer hunting in Indiana. I fully support this proposed rule, believing that these handgun cartridges are no more dangerous than many firearms and ammunition already allowed. Fully rifled shotguns shooting sabots, and modern muzzleloaders are two that come quickly to mind. Please give your support to centerfire rifles chambered for handgun cartridges.

Schenck also wrote by email on July 20, 2006
I am sending this message to give input on the issue of allowing handgun cartridges in rifles for deer hunting in Indiana.
I wholeheartedly support this rule change, and understand that the commission would like to hear views concerning magazine capacity and action types.

I've worked as a rural Deputy Sheriff in Indiana for over 26 years. During my career I have become an expert with various types of firearms including semi automatic pistols, revolvers, shotguns, and semi automatic rifles.

I enjoy hunting with a handgun, and use a six shot Smith & Wesson .44magnum revolver. I can fire six rounds, reload, and fire another six rounds from this revolver in under 10 seconds. I also own a Marlin1894 lever action rifle chambered in .44 magnum. This rifle holds 10rounds of ammunition in its tubular magazine. There is no way I can fire those 10 rounds and reload 2 more and fire them as fast as I can fire the 12 rounds from my revolver. Reloading the rifle through the loading gate is difficult. At one time I also owned a semiautomatic rifle chambered in .44 magnum. It was clip fed and only held 4 rounds of ammunition in the clip and one in the chamber. Less ammunition than my Smith & Wesson revolver. The double action revolver can be fired accurately as fast as the semiautomatic rifle.

Because of this, I don't believe there is any reason to limit magazine type or action type in the event the commission allows handgun cartridges in rifles.

Schenck again wrote by email on March 5, 2007:
With the approaching NRC hearing on the proposed rule to allow pistolcaliber cartridges to be used in rifles for deer hunting in Indiana Iwould like to forward my comments on the issue.

As an avid hunter and outdoorsman, I wholeheartedly support theadoption of this proposed rule exactly as written. I was glad to seethat the rule was well thought out, and that a maximum allowed caselength was included. I have thought for many years that there was noreason to exclude these handy rifles, when loaded with straightwallpistol cartridges. Many currently allowed firearms, includingmuzzleloaders, produce more velocity and energy than even the mostpowerful of these proposed pistol cartridges, so I see no reason toexclude them any longer. Please give your support to this common sense rule change.

Jim Huxford wrote by email on July 13, 2006 from jimdianehux@aol.com
Just wanted to voice my support for the regulation change being considered allowing pistol cartridge-firing rifles for deer hunting. Ballistics characteristics being similar to muzzle loading rifles and shotguns, I see no reason not to allow their use. Although I don't own one, and probably won't use one, I believe it is important to include their use in order to interest any and all individuals possible, to participate in the deer harvest in this age of dwindling numbers of deer hunters.

Huxford also wrote by email on September 15, 2006
I have been following the NRC hearings on approval of pistol cartridge firing rifles for deer hunting. I wish to lend my support to this proposal, with no restrictions as to round capacity or action types

Huxford also wrote by email on March 1, 2007
I've E-mailed on the subject of pistol cartridge- firing rifles at least once before, voicing my support for passing the reg. to allow their use. Now that this reg. is up for consideration, I am reaffirming my support. I have two grandsons age 13yrs. and 8yrs; who recently moved back to Indiana from Fla; the oldest one of which will be attending the H.E. course with me in Elwood on this coming Sat. morning. I have been counting on the passage of this reg. to introduce them to the sport of deer hunting without them having to endure the brutal recoil of a deer slug fired by a shotgun. I simply see no reasonable argument for NOT adopting this reg. Ballistics are similar to all firearms currently allowed for deer hunting in IN. Please see your way clear to adopt this reg. so we can have two more deer hunters in the woods a few years earlier than we might otherwise.

Huxford again wrote by email on March 1, 2007:
I cannot think of a single reason for NOT adopting this proposal, and many reasons why it SHOULD be adopted. In my own family interests, I have two young teenage grandchildren that I would like to introduce to the sport of deer hunting. The comparatively mild recoil of the PCRs, will make this introduction a much more enjoyable experience for them than the alternative of the slug-firing shotguns. Voting down this proposal will only delay their ability to enjoy firearm deer hunting in the state of IN, thereby decreasing license fees that might otherwise be collected by their participation in the sport.

Richard Becraft wrote by email on July 13, 2006 from BRWBecraft@aol.com
I oppose the further expansion of fire arms use in deer season in Indiana.

People who can't kill a deer in Indiana with a shotgun sure don't have any business loose with center fire rifles in the same woods with competent hunters.

Becraft also wrote by email on December 13, 2006
I'm opposed to any inclusion of center fire rifles in to Indiana's deer season in any way.

Lack of huntable habitat and hunter crowding is already a major concern to people who hunt the public ground available and this would only make it worse. We already have available any guage of shot gun in existence, pistol cartridges and handguns little different from a center fire rifle, archery and cross bow, smokeless powder muzzleloaders and black powder pistols and rifles.

If a person can't find something out of those options he can kill a deer with, he doesn't have any business in the woods with or with out a rifle.

Darlene Williams wrote by email on July 14, 2006 from asats@sigecom.net
I would like to go on record as supporting the pistol cartridge rifles in the firearm deer season.

I can shoot and not be scared of my husband's pistol cartridge rifle. I am afraid to shoot a slug gun so therefore I do not deer hunt. I would deer hunt with a pistol cartridge rifle. My two grandchildren are the same way. They will grow into the slug guns someday, but that someday might be too late to get them interested in hunting.

I do not, and we will not let them, deer hunt with a .410 as we feel that this is an inadequate deer slug.

Mark Williams wrote by email on July 14, 2006 from asats@sigecom.net

I understand that the NRC is considering a proposal by the IDNR to allow the use of straight wall pistol cartridge rifles to be used for deer hunting.

I applaud the IDNR for advancing this proposal. It is an excellent choice in deer hunting weaponry that will get more kids and women involved – which is what we need BADLY. They are also more pleasurable to shoot and MUCH cheaper than a slug gun. They have basically the same range and trajectory. Please approve this IDNR proposal.

Greg Russell wrote by email on July 16, 2006 from hunter480@ccrtc.com
I`ve heard talk that the IDNR may make pistol cartridge centerfire rifles legal for deer hunting in Indiana. Is there any truth to this? I am very much in favor of such a proposition.

Russell also wrote by email on March 1, 2007:
I wish to very strongly lend my support to the so called pistol cartridge rifle proposal for deer hunting in Indiana.

Much has been made by certain groups, about the use of center fire rifles in the state, but the argument is purely an emotional one, as there are no facts or data to create a basis for not adopting the proposal. Quite the contrary-if the ballistics of the pistol cartridge rifles are scrutinized, it's evident that these rifles are a perfect mid-range weapon for use in Indiana's heavily populated areas-easily with, or less than, the ranges and ballistics of some slug guns and modern muzzle loaders.

I look forward to the NRC making the right decision-based on fact andlogic, not emotional, baseless argument-and am eagerly awaiting theopportunity to hunt white-tail deer in Indiana with my Winchester 94in .44 mag.

Russell also wrote by email on September 13, 2006
In regards to the proposal to allow pistol cartridge rifles for white-tail deer hunting in Indiana, I want to state my support for this commonsense measure. The deer hunters of Indiana are certainly responsible enough to safely handle these rifles while afield, and these rifles will not even have the range and downrange energy of today's newest in-line muzzleloaders. I look forward to the day when I may carry my Winchester 94 in .44mag to my deer stand.

Russell again wrote by email on September 29, 2006
I've heard about the DNR proposal to allow rifles that fire handgun cartridges for white-tail hunting in Indiana, and as I will not be able to attend the public hearing, I would like to e-mail you and let you know I strongly favor and support this proposal.

Russell once again wrote by email on February 6, 2007
I just today saw the post on the Deer and Deer Hunting website discussing the debate here in Indiana over allowing pistol cartridge rifles for deer hunting. Toby Bridges, who is a nationally known black powder hunting enthusiast, is encouraging folks from the D&DH website to contact your office, pushing for certain black powder cartridge rifles to be included in the proposal-black powder cartridge rifles such as the .38-55 Winchester and .45-70 Government.

I left a post on the subject at the website stating my opposition to these black powder being included in this debate at this time-I believe this proposal is already emotional and highly charged enough without adding distractions into the mix. Certainly, Toby is correct, in that, these black powder rifles would easily be safe for hunting in Indiana, and would be more than adequate for white-tail hunting, but I feel this only adds further confusion to the discussion currently taking place, and perhaps could be discussed after this initial issue is resolved.

Roy Raider wrote by email on July 17, 2006 from rraider@psci.net

I support the proposal for allowing rifles firing pistol cartridges to be used during deer firearms season. Since you already allow pistols with no upper limits on the size cartridges they fire (they could be using 30-06's or bigger). To me it only makes sense to allow rifles that have minimum and upper limits set.

Raider also wrote on February 12, 2007
I support the proposed change to 312 IAC 9-3-3 Hunting deer by firearms that allow rifles to be used for deer hunting. Since handguns are presently allowed with upper limit on the size or caliber of cartridge used. I know people who presently hunt pistols that fire 30-30 and 45-70 cartridges, so it only seems fair to allow rifles of limited caliber. Maybe I will finally get to hunt Indiana deer with one many rifles I have that are within the proposed guidelines. These rifles won't shoot any further or hit any harder than some of the pistols and muzzle loading rifles that are presently allowed.

Dan Felix wrote by email on July 17, 2006 from dfelix22000us@yahoo.com
I would like to voice my support of the proposed allowance of pistol chambered rifles for deer hunting. As I understand it, these rifles are ballistically between a 12 and a 20 gauge shotgun, both of which are obviously legal for deer. Allowing these rifles will only serve to get more hunters into the woods- something that is desperately needed.

Felix also wrote by email March 1, 2007:
I would like to express my support for the pistol caliber rifle proposal that is to be discussed and decided on at the NRC meeting on March 26, 2007.

I am fully in support of this proposal. I'm sure the members of the NRC are fully aware of the ballistic capabilities of the proposed carbines. The ballistics date should leave no question- the carbines should be allowed. They will fall well within what is currently legal for deer in this state.

Aside from the balistical data, I firmly believe that the carbines will add opportunity for hunters to get into the woods- something that the DNR sorely needs. More hunters means more money for the DNR. The reason I believe more hunters will be attracted to hunting due to the allowance of the carbines is because of lower ammunition cost, as well as reduced recoil compared to a shotgun shooting slugs.

Anyone who has shot a slug gun much knows how stiff the recoil is. I stand 6'2" tall and wiegh nearly 220 pounds. Usually about 5-8 rounds of abuse from my 12 gauge is all I'm willing to subject myself to. That's not nearly enough practice, but because of the significant recoil and the expense of the shells, that is all I want to do. A carbine will have a LOT less recoil, not to mention pistol caliber ammunition is roughly a quarter of the cost (or less) of shotgun slugs (sabots). This means hunters will be willing to practice more, which should in turn lead to fewer wounded (and unrecovered) deer due to poor shot placement.

It is my hope that the NRC will listen to the hunters such as myself and pass this proposal. There really is no reason not to, but a LOT of reasons that it should be passed.

Randy Spence wrote by email on July 17, 2006 from rspenceus@yahoo.com
On the proposed new laws regarding 'pistol' cartridges in rifles[ie; lever actions],I am all for doing this, as these cartridges are no more dangerous than shotgun slugs, some say will open a Pandora's box, or anger the nonhunting public, but did it when pistols where ok'd?, the dimensions on what was allowed was perfect, I applaud!!!

Spence also wrote by email on December 19, 2006
I do support the proposal for 'pistol' cartridges in lever action, bolt, single shot [at least] in gun season, those calibers stated are perfect for clean kills and safety, someone done their homework!

Spence again wrote by email on March 1, 2007:
I want to tell you that I very much support the 'pistol' cartridges in rifles proposal, The specs given are 'perfect'. The whole deal would benefit young/women/older hunters with a actually safer firearm, and an

historical weapon is very appealing. The 'range' of all pistol calibers is no more dangerous than a shotgun slug, some less.

David Hamenstafer wrote by email on July 18, 2006 from david.hamenstafer@rose-hulman.edu
I think that handgun ammo in rifle as 357mag,44mag, 45long colt is ok, and I think that the 45-70 govt. should also be considered as it compares with the 410 shotgun and the new inline muzzeloaders.

Hamenstafer also wrote on March 1, 2007
A lot of us are wondering if the 45-70 will be considered sense it is a straight wall shell and has about the same range as some of the new inline muzzle loaders. Please think about it.

Kirk Demaree wrote by email on July 18, 2006 from kdemaree@nupoint.net
I wanted to comment on the proposal regarding the use of pistol cartridge rifles for deer hunting.

I support this proposal, as the ballistics and performance of these cartridges is consistent with those already legal for deer hunting, and would pose no additional safety issues for hunters in the field or area homeowners.

Demaree also wrote by email on March 6, 2007:
I wish to express my support for the pistol cartridge rifle deer hunting proposal currently before the NRC.

The calibers and cartridges in question are already in use for legal deer hunting using pistols, and have significantly less range and ballistic performance than existing saboted shotgun slugs which are currently legal for Indiana deer hunting. Due to their limited range, pistol cartridge rifles will not create any significant hunting safety issues relative to other legal firearms. There is no reason to believe that Indiana Conservation Officers will have any greater difficulty enforcing the proposed ammunition restrictions involved in this proposal, as compared with current legal firearms and related enforcement issues.

In addition, the lower recoil experienced in pistol cartridge rifles as compared with shotgun slugs will make these rifles a welcome alternative for youth and female hunters, and will help bring new deer hunters into the field, with associated enhanced revenues from deer license fees to IDNR.

This is a welcome proposal and should be approved by the NRC for final adoption.

Steve Sierp wrote by email on July 19, 2006 from huntered@comcast.net
Regarding rifles chambered in pistol calibers during deer season. I am certainly for it for a couple of reasons.

1) Accuracy! A longer barrel is more accurate than a shorter barrel of equal quality.

2) Rifle hunting may bring people into or back to the sport.

As too actions: No semi-autos. While I would prefer to see lever actions, I don't see anything wrong with bolt actions or single shots.

I don't see a good way to limit, nor the necessity to limit, the number of rounds a firearm will hold.

Rod DeRoo wrote by email on July 19, 2006 from rldzeppelin@hotmail.com
I think the use of pistol cartridges should be allowed in the state of Indiana. It would allow women and youngsters a better alternative to the .410 slug, which displays poor performance at best. I don't believe there should be any restrictions regarding action type or magazine capacity.

DeRoo also wrote on December 13, 2006: Please allow pistol cartridges in rifles for deer hunting. I think this is very forward thinking on the NRC/DNR's part.

DeRoo also wrote on January 5, 2007: I am excited about the state offering us this great opportunity to hunt deer with these rifles.

DeRoo also wrote by email on March 1, 2007:
Please pass the law allowing pistol cartidge rifles for deer huntingin Indiana. Ballistically, they are no worse than rifled slug guns orinline muzzleloaders. Don't let emotion over rule logic!

Derek Craig wrote by email on July 19, 2006 from derek.sfe@verizon.net
Regarding the use of pistol cartrige rifles. I am in support of low powered pistol cartridge rifles for the deer gun season. While I am not a gun hunter per sey (bow and muzzleloader for me), I can see the advantages that these cartridges would have for providing oportunity to those who can not handle the heavy recoil of a 12 ga. Youth and women could be major benefactors to this proposal.

I would propose a gun plug type of arrangement for these guns to limit capacities to 3 or 4 rounds. Same with a shotgun. There is no need to rapid fire 5 rounds at a deer.

On a different topic. The one buck rule is excellent. As a multi-weapon hunter, I feel that I have not lost opportunity, but rather gained opportunity through OBR. I hunt longer and harder for that one mature buck than ever before. I believe that OBR also spreads opportunity to other hunters as well, as some bucks mature for another year, and some simply are allowed to be shot by other hunters.

Keep up the good work. The system is not perfect, but I beleive that IDNR is on the road to one of the better hunting programs in the country.

Craig also wrote on October 3, 2006
As an Indiana deer hunter, I just want to voice my support for the proposed pistol cartridge rifles for future deer seasons. While I am primarily a bow hunter and would likely never hunt with such a gun, I see no reason why these limited range rifles should not be allowed in our firearm season. In my opinion, they are a far better alternative to the .410 which was made legal a few years ago. These pistol cartridge rifles will give opportunity to youth, women, and others that may not be able to handle the heavy recoil from a shotgun.

Further, I would like to see the legal pistol calibers re-evaluated to remove the necked cartridge rounds from being allowed. These high powered rounds are not safe in most areas of Indiana.

I would also like to voice my support for the one buck rule. I know this is a much discussed and argued topic. I feel the age structure of the bucks has benefited and it has allowed opportunity to many Indiana hunters.

Thank you for the job that you all do at IDNR.

Jeff T. Valovich wrote by email on July 20, 2006 from JTV2485@yahoo.com
I do not ANY rifles to be used in MY deer season. pistol caliber ornot. heck if you cant take a deer now with the weapons we usenow...GET OUT OF THE WOODS

Matthew Senesac wrote by email on July 20, 2006 from msenesac28@aol.com
This is in regard to high powered pistols and pistol calibers in rifles.

It is of my opinion that you need to leave high powered pistols and their calibers already legal alone. Nothing needs to be changed. They have a proven track record that doesn't instigate a change in the way they are operated.

Now, pistol caliber rifles I don't think we need, but sound like a decent option. I still think we have enough options to hunt with in Indiana. So I will neither be for nor against their introduction.

However, if they are to be introduced I think case length described is ok even though rounds such as a 450 Marlin or 45-70, in my opinion, could've been added. They are roughly the same FPS as the other rounds we have today.

I also don't believe any of these guns should have to be restricted in the amount of rounds they hold. If you do that you need to include every shoulder drawn weapon in the round amount restriction.

Senesac also wrote by email on March 1, 2007:
I am writing to voice my opinion of the proposed pistol caliber rifles (pcr) possibly to be used on deer in Indiana.

I have to say, at first I was against the idea of allowing these, but the more I've researched it in my reloading guides and online the more I think it is the right thing to do.

There isn't a huge difference in using my Ruger 44mag pistol vs. say a Marlin 1894. The only big difference is the site radius. I should be more accurate with the rifle because of the longer site radius. After researching it, using pistol calibers only, not rifle calibers(3030 etc), in rifles shouldn't pose a problem to deer hunting or to safety.

To be honest, my muzzleloader shoots faster and longer than any of those short to medium range rifles ever would.

I ask that you please give it a go and maybe, if hesitant, try a 5year trial period like with the OBR.

From the way it looks to me, pistol caliber rifles wouldn't be a problem for anyone. They would even help any women, children, or disabled person that can't shoot a 20 gauge well enjoy hunting more. A44mag would be a huge improvement over a 410 shotgun slug! Plus, it would just be plain fun to shoot!

Terry Grindlay wrote by email on July 20, 2006 from grindlay@tls.net
IF sportsmen would only use the cartridges proposed, that might not be a bad thing. But, we all know what will happen. They will take longer range cartridges in the field and use them instead of those proposed.

Grindlay also wrote by email on March 27, 2007
I feel real uncomfortable with the new PC rifles. It's bad enough with 5 slugs fired in succession some of these rifles will hold 15 bullets. How about a proposal to plug PC rifles to 3 bullets?

You know the old saying "anything more than 2 shots is a "Hail Mary".

A few years ago I had a couple goose dekes shot by slugs when I was laying by them in a corn field. The sound of slugs zipping by my head is not a sound I want hear again.

Shawn Upchurch wrote by email on July 27, 2006 from shawn.upchurch@insightbb.com
I would like to comment on the proposal to allow handgun caliber rifles for deer hunting. I would like to modify this proposal to include any straight walled case cartridge greater than .30 caliber, such as the 45-70. These cartridges are balistically similar to shotgun and magnum handgun cartridges. Yet they provide a more accurate platform. This ensures a humane, responsible kill. Also, it allows a very simple method of enforcement of the rule. I hope that you will consider this proposal in some future rule changes.

Upchurch also wrote by email on January 6, 2007
I am writing to make a comment on the proposed rule changes.

I think the proposed rule change with regards to allowing rifles in pistol calibers is a very good idea. I would expect that we will see an increase in successful younger hunters as a result of the reduced recoil from these firearms. Also, the reduced expense of ammunition should mean more shooting at the practice range.

While I am in favor of the proposed rule change, I would like to propose that the rule be extended to any straight wall cartridge with a minimum caliber of .357 and a minimum case length of 1.16 inches. This would include cartridges such as the 45-70. These cartridges are balistically similar to currently acceptable cartridges and the rule would be easier to enforce with smaller chances of misinterpretation from the public.

Kevin Perry wrote by email on July 31, 2006 from perrykm@bv.com
I strongly support the proposed modification 312 IAC 9-3-3 allowing rifles with only pistol cartridges to be used when hunting deer during the firearms season. I currently hunt with a revolver and would enjoy the increased accuracy and thus a more humane kill that a rifle would provide.

Robert Horn wrote by email on August 3, 2006 from rhorn@merit.com
I heartily endorse the proposed change in Indiana regulations that will allow Hoosier hunters to shoot rifles chambered for the .44, .41, and .357 cartridges. I have hunted deer in Indiana since 1980, and since the adoption of handguns as legal firearms, I have never been able to understand why long guns shooting pistol rounds remain illegal. A hunter attempting a shot at a deer with a .357 handgun with a 4" barrel has a minimal chance of a killing shot at anything longer than archery range (30-40 yards). This will lead to wounded animals with a great deal of stamina, reducing the likelihood that the animal will be harvested for food. Give this same hunter a lever action .357 rifle, and the odds of delivering a killing shot increase exponentially, at ranges very similar to those offered by a 12 gauge rifled barreled shotgun (up to 120 yards).

Ryan Grube wrote by email on August 2, 2006 from gruberyan@aol.com
I have been reading online that Indiana is considering letting huntersuse pistol calibers in rifles in the future, as in .44 mag .45 LC. Iam very supportive of this and would love to see it happen.

Grube also wrote by email on January 10, 2007
I'd like to say I support the proposed law to deer hunt with pistol calibers in rifles. I think it is just as safe and effective as our current firearm regulations. Please take my comment into consideration when you debate the new law.

John F. Walker wrote by email on August 7, 2006 from jwalker@indypartnership.com
This comment is in support of the proposed rule change (see below) to allow the use of rifles chambered for pistol calibers, e.g. .44 magnum, to hunt deer in Indiana. I am very strongly in favor of this change and urge the NRC to adopt it as soon as possible.

Robert E. Smith filed comments by regular mail on August 9, 2006 from Russiaville, Indiana
I read an article in our Kokomo paper a few weeks ago asking for hunter input on making it legal to hunt with a center fire rifle if it is also a pistol round of .357 or larger. I hunt with a Knight Disc Muzzleloader .50 cal., if I use 240 grain bullets with 3 Pyrodex pellets (150 grain) I generate more muzzle speed than many of the slower moving rifles do, such as 44/40, 444, 44 mag., 5005W, 45/70, 30-30, .454 casual and many more. These are al good short range deer rounds.

My brother hunts with a contender and can use almost any big cal. Rifle round and be legal, and some shouldn't be legal. I'm 60 years old and have been hunting all of my life and look forward to changes that will benefit the sport.

I believe any rifle used should be a single lever action, shot, bolt action, or maybe a pump but no autoloaders, because some people tend to start slinging lead not knowing where some of their shots may go.

L. B. Dugan wrote by email on August 9, 2006 from mdugan@evansville.com
I hope that the hunting of deer with rifles using pistol cartridges is approved. I shall follow this and look forward to the approval.

Brett Erwood wrote by email on August 12, 2006 from horacehockey@yahoo.com
I am definitely in favor of legalizing pistol caliber rifles for deer hunting with the following condition. I am uncertain that I would like to see this included in semi auto rifles. Lever action and single shots definitely. Just not sure on autoloaders.

Steve Cretcher wrote by email on August 21, 2006 from sjcretcher@yahoo.com
Put me down as one in favor of allowing pistol caliber rifles for deer hunting. The calibers should be straight wall cartridges such as 357mag, 41 mag, 44 mag, 45 long colt, ect... Actions for these cartridges should allow lever, bolt, pump and single shot. Semi auto probably should not be allowed. Capacity should be limited to what ever the stock rifle allows. Thanks for allowing my input.

Martin Brockman wrote by email on August 31, 2006 from martinabrockman@hotmail.com
I have read the new proposed deer hunting law in regards to low powered rifles and fully support its implementation. Many Hoosier hunters I have discussed this issue with agree with my thoughts also. Hunting with these low powered rifles will have many hunters shooting more accurately (safely) than with high powered pistols and shotguns. There may need to be county restrictions due to terrain in some areas, but I think this proposed law will have a positive effect on Indiana deer hunting. Requiring all hunters who would chose to use these weapons to pass a hunter safety course would be a good idea also.

Brockman also wrote by email on February 12, 2007
I wanted to express my opinion that hunting deer with rifles should be legal in Indiana. Hunters are allowed to pursue coyotes with any caliber rifle they wish, and using firearms such as Thompson contender pistols with high powered rifle ammo has been legal for many years in deer hunting in Indiana. I believe that is OK to restrict the ammo to calibers that are not extremely high powered or designed to travel great distances. I recommend stating the cartridges / ammo acceptable to use, instead of giving sizes. I believe 357, 41, and 44 magnums which are typically pistol cartridges and 30/30 and .35 caliber rifle cartridges are all that are needed to make hunting deer in Indiana more enjoyable. The % of deer maimed should go down with cleaner kills from these types of bullets and most of these cartridges are used in lever action rifles which would require a person to concentrate on 1 good shot instead of letting lead fly from a semi-auto shotgun or pistol. I have been in the woods scared after hearing a pistol shoot 10 to 14 rounds during deer season in less than two minutes. I have no problem in limiting weapons to single shots, lever actions or bolt actions for rifles. No semis. I hunt deer in Kentucky with a rifle and think the terrain of Southern Indiana is very similar to Northern Kentucky and I have not read of any serious accidents caused by hunting deer with rifles in that area.

David Perry wrote by regular mail on August 28, 2006 from Lowell
For many long years, the law said during firearms season, only shotguns loaded with slugs are allowed for taking deer. But there is a chance that might change; the DNR is considering the use of centerfire rifles in pistol calibers for deer shooting. Sportsmen have requested that the past few years, by phone, e-mail, and regular mail, that's not a bad idea, because not everyone can go to Minnesota, Maine, Texas, North Dakota,

Idaho, or any other state, if a new law passed allowing centerfire rilfes in pistol calibers for taking deer. Slug shooting shotguns and shotgun slugs may be out of a job, the demand might reduce and so might the sales you might ask can I honestly say that. Don't hold your breath on, but don't bet against it either.

Charles J. McIntosh wrote by email on September 13, 2006 from mcbarsranch@outdrs.net
I am writing in support of the proposal allowing Deer hunters to use pistol cartridge firing rifles. These rifles should be lever action, or slide action. I do not believe there should be a magazine capacity limit imposed.

Shawn Wheeler wrote by email on September 14, 2006 from swheels@ticz.com
I am for this move 100% in Indiana. Some of these types of guns are a pleasure to shoot. Kids and momma can shoot these things all a day long and they don't want no part of my slug gun (20 gauge) or the MZ.

To me, that is the best part of the proposal. The rest of us get another option but it really opens up a world of opportunity for women and kids who can not handle the recoil of shotguns or muzzleloaders.

Gary Butler wrote by email on September 28, 2006 from gary.butler@cookmedical.com
I understand that you are taking comments on use of handgun cartridges in rifles for Indiana's Deer Hunting Season. As explained to me the proposed change is this:

A rifle must:
(A) fire a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;
(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and
(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches

I would wholeheartedly endorse such a change as an interim move toward the use of rifle cartridges in rifles (perhaps with some restrictions with regard to energy and/or velocity). Being able to use a rifle cartridge in a handgun (e.g. a Thompson Contender using .243, 7mm-08, 30-30, .308 calibers) legally, but not being able to use the same cartridges in a shoulder arm doesn't make a lot of sense to me. Thanks for your time and the Commission's willingness to consider an improvement (or at least listen to comments regarding changes) to the hunting rules.

Anthony Rothgerber wrote by email on September 15, 2006 from anthonyr@psci.net
Concerning Pistol Cartridge Rifles I am fully in favor of this and I don't think we need to worry about magazine capacity as few of them hold more than shotguns w/slugs are capable of now. And as far as actions I don't see a need for restriction there either. I think this will be a big help in recruiting women and children into our sport with the reduced recoil.

Rothgerber also wrote by email on March 2, 2007
I am strongly in support of the Pistol Cartridge Rifle proposal. I am also relaying that it has support from my wife, 2 children and the overwhelming majority of the many local deer hunters in Perry County as verbally polled by local gun dealers.

Jim Butler wrote by email on September 29, 2006 from jwbhm@yahoo.com
Just wanted to voice my support for allowing rifles with pistol cartridges for deer hunting. I am sure you have heard all the benefits. I can't imagine any negatives especially since there is not much of a ballistic difference between pistol cartridges and the muzzleloaders that are currently legal.

Butler also wrote by email on March 2, 2007
I will be unable to attend the public rules meeting on the 26th but I would like to voice my support for allowing pistol caliber rifles during firearms season next year. I fully support this proposal and think it

is long past due. These rifles are no different ballistically than modern shotgun and rifle projectiles but are cheaper to shoot and offer less recoil. With the recent addition of youth hunting seasons it only makes sense to provide them with a lighter recoiling weapon option superior to the .410 in performance. The lighter recoil will also help adults and youths alike shoot better. It also makes a lot of sense to give hunters an option they can afford to practice with often because a hunter that practices more often is a safer, better hunter. In addition to these reasons legalizing a new weapon will also be likely to encourage many hunters to by new guns, which adds to Indiana's share of P&R funds. Many gun dealers I have talked to have already been selling a couple of these rifles a week in anticipation of this rule change.

Ted Wensink wrote by email on September 29, 2006 from theodore.wensink@dometicusa.com
I am also in favor of adding pistol caliber rifles to the deer season. This will add to an already successfully managed firearms season.

Danny L. East wrote by email on September 29, 2006 from shooter@scican.net
I am in favor of the proposed rule to allow the use of rifles chambered for the common pistol cartridges that are determined by the DNR.

John Haendiges wrote by email on September 30, 2006 from kevinhaendiges@earthlink.net
I would like to voice my support for the proposed admin. rule change to allow the inclusion of centerfire rifles chambered for pistol cartridges in approved sizes for hunting use.

Haendiges also wrote by email on March 1, 2007:
I would like to express my fullest approval of the proposed measure to allow pistol cartridge rifles for hunting, please log me as being in favor.

Stuart Grell wrote by email on October 1, 2006 from oneturkeyhunter@yahoo.com
I want to comment on the proposed rule to allow rifles, with pistol cartridges, to be used to deer hunt.

I am in favor of this.

I have hunted deer in Indiana for over 25 years, and in other states occasionally. I feel that using rifles as described in the rule change would be as safe as using handguns and modern muzzle loaders.

It would also be advantageous for some youngsters and slighter built individuals, to use a firearm that is very accurate with minimal recoil. This is always an advantage for better taking of the animal sought.

Terry Reaves wrote by email on October 2, 2006 from t.reaves@insightbb.com
I would just like to say that I support the proposed change to allow rifles which use pistol cartridges, and I support all of the proposed changes.

Reaves also wrote by email on January 31, 2007
I would like to voice my support for the proposed rule change allowing pistol cartridges for rifles. It is really the same as using a handgun for deer hunting, and some hunters may be more accurate with a rifle. Distance the bullet will travel will be the same, just more accurate. Thanks for letting me voice my opinion.

Paul E. Cannon wrote by email on October 3, 2006 from cannop2000@yahoo.com
I am for the use of rifles chambered for pistol cartridges for deer hunting.

Bill Hyde wrote by email on October 4, 2006 from bnchyde@sbcglobal.net
Just wanted to opine that I am totally in favor of using pistol caliber rifles for deer in Indiana.

Hyde also wrote by email on March 1, 2007:
I want to encourage the legalizing of pistol caliber rifles for use during deer season. As I'm sure you know, ballistically they are actually inferior to some of the firearms allowed at present, but they would allow an option for the recoil sensitive, as well as be more economical, allowing those on a budget to actually practice more.

I ask that you adopt the usage of these firearms.

Hugh Nantz wrote by email on October 4, 2006 from nantzh@hanover.edu
In response to the proposal of rifles chambered in pistol cartridges.

I think that this is a terrible idea. First, a shotgun, muzzleloader, or pistol gives hunters a vast array of possible firearms to take afield. It also gives hunters potential very accurate weapons to harvest deer with. If this is instituted i feel that a hunter's will take lever action rifles afield that are chambered in rifle cartridges. This would be easier with this rule because it would look like many of today's rifles that are chambered in pistol cartridges. Also this new rule would allow hunters to take weapons afield that have a 10+ shot capacity. With there being a lot of weekend warrior hunters that don't even take the time to sight in their firearms, why would anyone give them 10 shots to fling through the woods wounding deer? I think that this rule change would lead to many potential problems.

Bryan Potratz wrote by email on October 6, 2006 from bpotratz@msn.com
RE: LSA Document #06-272
SECTION 1. 312 IAC 9-3-3
Section 3 (b) (F) – Permitting Pistol Caliber Rifles for the taking of Deer in Indiana.

Comment in SUPPORT of the Rule Change:

This rule change is long overdue. It begins to bring a modicum of ballistic consistency to INDR Firearm regulations.

When rifle caliber handguns and sabot-launched projectiles from shotguns and inline muzzleloaders have in excess of 300 yard ranges, there is no legitimate argument to deny the use of the short-ranged calibers specified by this change.
The science of Ballistics is irrefutable. This change is a good start in bringing the Law into sync with Science.

Potratz also wrote by regular mail on October 13, 2006 from Michigan City
Thank you for allowing me the opportunity to comment on the proposed Rule Change that would allow Pistol Caliber rifles to be used for Deer Hunting in Indiana. This change is a critical step in correcting what I see both as a huge potential legal liability that the DNR ahs, to date, fortunately avoided and an unsupportable lack of ballistic consistency in approved cartridges.

Those who have vocally opposed this Rule Change have only been able to do so on the basis of personal opinion, "tradition" and misapplied arguments about safe shooting trajectories. A long and detailed case can easily be made that modern Sabot Slugs and fast-twist muzzleloaders have removed the trajectory issue from the equation. As this case is empirically based and made obvious from the data provided by the manufacturers of the firearms and cartridges in question, I will not belabor the point in this statement.

Also, ignoring, for the moment, the ancillary issue(s) of the high-powered rifle cartridge pistols that are currently legal, I will address the issue of substantial equivalence between Pistol Caliber Carbines and currently allowed Pistol Caliber "Hunting Pistols" like the Thompson Center Contender and Encore.

A straight-walled pistol cartridge , such as those being proposed in this rule change, is designed to completely burn its powder charge and reach maximum pressure & velocity in barrels under 12" in length. No ballistic or trajectory advantage is gained in using a longer barrel. Thus, both a currently legal closed-breech pistol like the Contender or Encore and the currently disallowed Pistol Caliber Carbines like the Winchester 1892 and it clones, the Marlin 1894, the Ruger Deerfield or 96-44, or any single-shot rifle-stocked carbine—to include the Encore or Contender—have exactly the same range and game taking ability. One is no less (or more) safe than the other at any range—in fact, some are actually identical in all respects but the stock, and therein lies INDNR's potential legal issue.

1. IC 35-47-1-6 clearly acknowledges that there is NO maximum length requirement for a firearm to be declared a Pistol. So long as it is designed to be fired with one hand OR has an overall length of less than 26 inches.

2. Thompson Center's fine firearms are available with multiple lengths of barrel and multiple configurations of stocks and grips.

3. It is easy to own a Thompson Center long barreled pistol that in the pistol-grip configuration has an OAL of less than 26", but when in a shoulder stock configuration is a "rifle/carbine length" firearm of greater than 26".

4. Such a firearm does not change in any ballistically meaningful or technical way by adding or removing a shoulder stock, yet in the stocked configuration it is illegal under the current Rule. This is an absurdity that puts the existing Rule at risk of a legal challenge that INDNR should not be spending resources defending in court.

While there are many other technical/ballistic-parity arguments supporting a total re-evaluation of the allowed firearm/cartridge selection taken by DNR, for the above reasoning alone I strongly support the proposed Rule chang.

Potratz also wrote by email on January 2, 2007:
Allowing straight-walled pistol cartridges in long arms will go a long way to establishing Ballisticly sound firearm-hunting regulations in Indiana.
Many current ambiguities and absurdities would be eliminated if the DNR established a maximum terminal ballistic range then produced a list of those caliber/cartridges that exceeded that range and would thereby be disallowed. This would be far easier to enforce than a hodgepodge list of "allowed" cartridges or a dimensional specification that could be manipulated by a savvy cartridge designer.

If Indiana is to be a sub 200yd Deer State, then allow the factory produced ballistic tables determine which cartridges, like current straight walled pistol cartridges, comply.

I look forward to the approval of this change and the ability to use my .357 carbine to hunt deer in Indiana.

Again, Potratz wrote by email on January 27, 2007:
In my dealing with those opposed to the Pistol Caliber Carbine rule change, it occurs to me that much of their opposition could be blunted with a simple change to the wording of the definition of a Pistol Caliber Cartridge Case.

The common thread in the opposition is that this rule change will lead to the use of regular or modified bottlenecked rifle cartridges – despite the 1.65" max length rule.

The easiest way to blunt this line of "reasoning" would be to include the word "rimmed" in the cartridge case definition. This would immediately and permanently exclude things like a shortened WSSM case, and never allow any of the traditional rimless, belted or semi-rimmed rifle cartridges of any type (like the .50 Beowulf).

Seems like a really simple solution.

Potratz again wrote by email on March 6, 2007:
As the vocal agitation of a few self appointed "representatives" of Indiana deer hunters continues to obfuscate the issue through attempts at intimidation, outright fraud and fearmongering, I feel compelled to again voice my strong support for the DNR's stated position of maintaining Indiana as a short to medium range deer hunting State and the returning to the Indiana Sportsman the Right to Choose between ballistically equivalent equipment.

It is apparent to me that the small but vocal opposition to this Right to Choose do NOT speak for the "Indiana Deer Hunter". In debates over this proposal, these same agitators regularly disabuse the majority of Indiana's hunters as "The Orange Army", "Weekend Warriors" and "brown & downers", as if those who are not quasi-professional record-buck-seeking hunters should have no say in the administrative process.

To date, the people who oppose the rule change have not provided any substantive argument as to why the proposal would be bad for Indiana or the DNR.

Their actions imply that they do not want the DNR to have a logical, ballistically consistent, equitable firearms policy, and that they also intend, through intimidation, cyber bullying and innuendo to presume to tell the DNR what is best for the majority of Indiana's Sportsmen.

This is a critical time for the DNR. Will the DNR base the regulations that guide Indiana's sportsmen on objective facts or on the hyperbole of a group that wants to control the DNR agenda?

In the mind of the general, non-hunting public, Deer Hunting IS "hunting", and it will set a very bad precedent, nationwide, if through rejecting this rule Indiana implies that a class of firearm, regardless of ballistic equivalency, is unsuitable for hunting.

There are those who stand to profit from the rejection of this Rule Change. And to be honest, I am one of them. But more important to me than profit is a basic principle of America: That, all things being equal, we as Americans should be free to choose equivalent things.

I respectfully implore the DNR to not cede its authority to the noisy few, but to boldly assert its authority to dictate safe terminal ranges and return to the Indiana Sportsman the Right to Choose between the ballistically equivalent firearms that fall within that established window.

Logic and good Politics BOTH indicate that the Rule Change should be incorporated as written.

Mike Cochran wrote by email on October 8, 2006 from mikecochran@sugardog.com
I would like to let you know that I am totally in favor of the levergun rifle season, for deer. I would like to add that I am 55 yrs. old and have hunted deer, here, as a resident since the late 1970's. I have used shotguns, muzzleloaders, and bow/arrows. The pistol calibers have no farther effective range than the new projectiles used in sabot shotgun slugs, or magnum muzzleloader slugs. I might add that there are several old straight walled rifle cases that could be legalized as well[.45-70, .444 marlin, and .450 marlin. Their ballistics and trajectories are essentially the same as many of the new shotgun sabot loads, and are only really effective to the 125-150 yd. distance. Just my thoughts.

Cochran also wrote by email on March 2, 2007:
I would like to reiterate my wholehearted support of the pistol cartridge rifle proposal for deer hunting in Indiana. Having the ability to hunt with ballistically equivalent firearms, allows us freedom of choice.

It may be too late, but I think the language in the legislation should read straight walled pistol cases, with the stated minimum, but not the maximum. This would allow for the inclusion of the .45-70,.444 marlin, and the .450 marlin, which are the ballistic equivalent of the modern 12 ga. saboted slug loads in both velocity and energy.

Dean Ingmire wrote by email on October 8, 2006 from klr650d31@yahoo.com
I wish to voice my very strong support for the proposed regulation change to allow Lever-Action Pistol Caliber Rifles for Deer Hunting. This is in my opinion on of the smartest regulation changes ever proposed. I live in Adams Co. and hunt all over the State. I have always wondered the logic of allowing High- Powered handguns (i.e.....308, .30-06, 30-30, etc.) but not allowing Pistol Caliber Rifles. This type of convoluted logic seems reminiscent of the previous administration. Fortunately I see more Logical Leadership now, such as these proposed changes. I appreciate the opportunity to voice my opinion and Thank You for your time.

Dr. Charles Anderson wrote by email on October 8, 2006 from tca49@earthlink.net
Would love to have a lever action season. The ballistics are similar to the new shotguns and muzzle guns so why not.

Don McCullough wrote by email on October 8, 2006 from winchester@isp.com
Want to thank Senator Waterman and head of DNR for making a rifle deer season possible here in Indiana for the fall of 2007.

I was hoping the great, historic 45-70 cartridge would be allowed but have been told it will not be. If restricted to the Remington 405 gr factory load it would have about the same ballistics as the "pistol cartridges."

Perhaps in the future this great cartridge will be allowed. Be assured I am still very happy with the new rifle season!! My 45 Colt lever-action will do just fine.

McCullough also wrote by email on March 2, 2007
1. The pistol cartridges when shot from a rifle do come close to the velocity and trajectory of the currently legal shotgun slugs. Therefore there is no question that they create no more of a safety hazard than the slugs.

2. The added thrill of hunting with a rifle capable of ballistics similar to those used in the Old days. There's a kind of romance to a rifle no other type of gun has. It is the gun with by far the most history.

3. Rifle hunting would, without question, increase the number of hunting licenses sold.

Paul D. McKinley wrote by email on October 9, 2006 from pdmckinley@comcast.net
I am writing to express my support for Senator Waterman's bill to create a season for traditional rifles in pistol calibers. This is a good, common sense law that deserves to pass. And thanks to all the folks at DNR for all the good work they do!

McKinley also wrote by email on March 10, 2007
I would like to urge that the proposed law allowing pistol cartridge rifles to be allowed in deer hunting be passed. The rifles in question are ballistically the same, or nearly so, as firearms already allowed. It makes no sense to allow the use of a cartridge in one type of gun, and then forbid its use in another. The types of firearms being considered are generally traditional style firearms, such as lever guns, and single shot rifles. Many hunters, (myself included), prefer this type firearm in the field. This is a good common sense law, and deserves to be passed.

Larry Sweet wrote by email on October 9, 2006 from LarryS@thml.com
Please count me in as being in favor of allowing pistol-cartridge lever guns (or any action) rifles as legal firearms for the firearms deer season.

JJ Miller wrote by email on October 9, 2006 from ogre44@charter.net
I live in West Virginia, and I hunt Africa and Scotland every year and have done so for the last six years.

Your plan to allow lever actions in traditional calibers, ie 30-30, 35 Rem., 32 Win. and revolver calibers is a great idea. I along with several of my hunting friends would gladly pay 300 to 400 dollars for a non-resident license to come to your beautiful state to hunt. I think it would be a large source of revenue for DNR, and make some very happy hunters.

In order to maintain a safe selection of calibers you may want to consult with a firearms expert who also hunts within your DNR. It is possible to buy a lever action that shoots a 30.06 which is a high power rifle round. So a definate list of allowed calibers would make enforcement easy and hunters would know exactly they stand on rifle selection.

In closing although I am not a resident of your state I fully support the measure to allow hunting so I can come and visit (and spend money !!)

Greg Hannah wrote by email on October 9, 2006 from gregallen58@hotmail.com
Just a short e-mail message to let you know I really like the prospect of hunting in Indiana with a lever rifle. I am an Ohio resident and always hunt Kentucky or Pennsylvania because I prefer to hunt with a rifle. With this new law in place, there will be a good possibility that you will gain extra dollars from 'out of staters' like myself who will come there to hunt. I manage a 10 state region as a Regional Manager for a paint company and I am well aware, as Indiana has been one of my states for 12 years, that you have great places to hunt, a great deer herd and many wonderful people there. I applaud your 'forward thinking' and great management of the game for the state of Indiana.

Dale Stoops wrote by email on October 9, 2006 from dstoops@metalink.net
I DO support the legislation to allow some levergun rifles for deer season in Indiana. Please pass ASAP!

Jonathan Smith wrote by email on October 18, 2006 from jonathan@musicstudents.com
I support and applaud your efforts to make hunting with pistol-cartridge lever guns legal in Indiana. I believe it is a safe form of short-range hunting and practice often with my .357 rifles.

Although I'm currently not an Indiana resident, rules such as this may help me with my next relocation decision (I'm originally from Ohio, a shotgun state) and I appreciate any regulations that reflect common sense.

Tony Huffman wrote by email on October 23, 2006 from tony338@hrtc.net
I believe that the 2007 rifle cartridge rule should include the following:

1. Allow the old straight taper black powder cartridges; i.e. .45/70, .38/55. This would allow single shot as well as lever action rifles. They do not generate high velocities as do bottle necked rounds. They are similar to in line muzzleloaders with two Pyrodex pellets.
Huffman also wrote on January 5, 2007: I strongly support the use of pistol caliber rifles for deer hunting.

On February 13, 2007, Huffman again wrote by email:
I am in favor of allowing rifles for deer hunting. After reviewing the proposed cartridge specifications, I think that the case length should be set at 1.790 inches for pistol cartridges. This would allow the .460 S&W. I should also like to see the so called black powder rifle cartridges included. e.g. .45/70

Huffman also wrote by email on January 14, 2007

I should like to see the maximum cartridge length be 1.790". This will eliminate true rifle cartridges while still allowing all current true pistol cartridges e.g. .460 S&W.

Gene Crum wrote by email on October 24, 2006 from paladinwilltravel@yahoo.com
This is to express support for the proposed rule change allowing the use of rifles to take deer during the "firearm" season. I offer these observations:

First, there clearly is no safety concern which can be based on the performance of the cartridges which this rule proposes to allow;

Second, there is no humane criticism which can be levied against these cartridges, given that Indiana has authorized them for deer hunting for many years without reports of problems;

Third, there is a keen interest on the part of much of the hunting public relative to being allowed to use rifles for the harvesting of deer on privately-owned land;

Fourth, while this rule is not broad enough to answer the criticism that deer-rifle-ammunition excise taxes are being paid in the face of a prohibition preventing that ammunition from being used for its intended purpose, the rule proposing the use of deer-hunting handgun ammunition for hunting deer with rifles is a desirable step toward resolving this criticism. The proposed rule should be adopted.

John A. Alexander wrote by email on October 29, 2006 from John_Alexander@umit.maine.edu
I am writing in support of the proposal to allow rifles chambered for certain low to moderate power cartridges for deer hunting in Indiana.

I am not currently an Indiana resident. However, I grew up in Indiana and still own land and pay taxes in Indiana. I also come back to hunt every year. The proposal is a good one for two reasons.

First, there is no safety downside. Much higher velocity bullets are legally fired at Indiana deer now. Such bullets can be fired from legal shotguns, muzzle loaders, and pistols. The present laws have apparently resulted in few or no safety issues because of excessive velocity or power. Hunters switching from the higher velocity loads now legal in slug guns, muzzle loaders, and pistols, to lower powered rifles, in order to have a gun that is easier to shoot well, would probably reduce the number of high velocity bullets launched.

Second, fewer deer will be wounded and lost, resulting in a more ethical and humane deer hunt as hunters now using pistols, slug loads in shotguns, or muzzle loaders switch to rifles which are easier to shoot more accurately. Tracking, and often losing, deer wounded with slug guns, muzzleloaders or pistols is commonplace in Indiana. Pistols are inherently harder to shoot accurately. Even with rifled barrels, slug shooting shotguns are often highly inaccurate with the cheapest, and thus most popular, slug loads. More importantly, few hunters shoot a slug gun well. The sights are often crude, the recoil is heavy and the cost of ammunition for practice is high. The deer deserve better shot placement than is now common and the proposed rule change would be a step in the right direction. I urge your favorable action on this proposed rule change to reduce the number of wounded and lost deer.

James W. Rothel wrote by email on November 6, 2006 from jwrengr@fuse.net
I understand you are considering allowing certain “handgun” cartridges for use in rifles for deer hunting. I have been buying non-resident Indiana deer licenses for years, & I therefore wish to comment. I recommend passage of this change.

These cartridges are less “potent” than some currently-allowed muzzleloader, handgun, & certain shotgun cartridges and should not provide any additional safety issues for the public. Rifles are inherently safer for the casual user than handguns.

Rifles are inherently easier to shoot more accurately than handguns for the casual shooter. Therefore, this should translate to more humane kills & fewer wounded & lost deer. Accurate shooting is also safer.

I would also recommend that you increase the list of cartridges to include cartridges like:
38-55
375 Winchester
50 S&W

I look forward to hunting with a rifle in Indiana next year. Thank you for considering my opinion.

Archibald Alexander wrote by email on November 7, 2006 from alexanda@purdue.edu
Comments about Changes to Indiana's Fish and Wildlife Rules
Change in Definition of Deer Hunting Firearms in Proposed Rule 312 IAC 9-3-3

Abstract

The comments below support the proposed rule change to allow hunting with rifles chambered for low to medium range cartridges. It is shown that these rifles would pose no added safety concern because they are less or equal in power to firearms already in use for deer hunting and that allowing their use would lead to more humane taking of deer because they are more accurate and allow more precise shot placement. It is suggested that the definition of what cartridges should be allowed for use in rifles be based on ballistic performance and not on arbitrary cartridge and bullet dimensions and a list of suitable cartridges is compiled.

Introduction

It is the stated position of the Indiana DNR to allow short to medium range equipment for taking deer. The proposed administrative changes will allow deer hunting with rifles that are chambered for cartridges common to pistols. The definition of these calibers to be allowed include

1. minimum bullet diameter of .357 inch
2. minimum case length of 1.16 inches
3. maximum case length of 1.625 inches

These comments will support the change to allow rifle hunting in Indiana by providing logical reasons for this support and propose some changes to bring improved consistency to the definitions of legal deer hunting firearms and what cartridges are allowed for use in rifles.

Support for hunting with rifles

There are two major reasons for hunting laws that define what firearms are legal for taking deer. The first and most important is the need to provide for public safety both for hunters and non-hunters. The second is to restrict firearms to those that will consistently allow the humane and effective taking of deer when used by competent sportsmen. Indiana laws, for example, specify a minimum barrel length, caliber, and cartridge size for pistols to be used for deer hunting. This is intended to minimize the wounding of deer that may escape to die without being recovered for use. Other provisions in the existing laws such as minimum caliber of muzzleloaders accomplish the same purpose.

For the reasons listed below the change to allow hunting with rifles will not reduce the safety of deer hunting for hunters or the public at large and will improve the ability of hunters to humanely take deer.

1. The performance of the cartridges to be allowed in rifles is within the velocity and energy envelopes of existing legal firearms including shotguns with slugs, muzzleloaders, and pistols. The velocity and energy of the bullets fired from rifles chambered for these cartridges would not travel any farther or have the potential to do more damage than those from legal firearms.

2. The conventional wisdom is that rifles are more dangerous because their bullets travel longer distances. For the smaller cartridges proposed for rifles this would not be true. Comparison of the rifles that would be legal to the ballistics of firearms now legal shows that in every case they are lower in velocity and energy than many of the legal cartridges and loads. Even for more powerful rifles than those included in the proposed change the theoretical increase in the maximum distance a bullet can travel should not increase safety concerns. This is because when hunting in Indiana shots are usually taken from a position above the deer. Common methods include hunting from a tree stand or other elevated positions so that shots taken are angled downward toward the ground. A shot that is missed would travel only a short way from either a high powered rifle or from a smoothbore shotgun using rifled slugs. Both would hit the ground just beyond the deer because of the downward bullet path.

3. Indiana already allows hunting with rifles and even high power rifles and has for a long time – just not for deer. It has always been legal to use high powered rifles in Indiana for hunting coyotes, ground hogs, and other varmints. And hunting small game with 22 rimfire rifles has a long tradition in the state and the Midwest. Since there is no current proposal to ban hunting this kind of game with rifles, it can only be concluded that the safety of hunting with rifles has not been unsatisfactory or is a concern. If it is not excessively dangerous to hunt varmints with a high powered rifle there is no logical reason to believe it should be unsafe to hunt deer with low to moderate power rifles.

4. While it cannot be argued that a shotgun using slugs doesn't have adequate power for humanely taking deer, anyone who has shot slug loads at a paper target knows the accuracy of shotguns often leaves something to be desired. Ordinary rifled slugs in a smoothbore shotgun will seldom shoot accurately enough to hit a paper plate every time at 50 yards. The accuracy of shotguns having rifled barrels and using sabot slugs is somewhat better but will usually not match the accuracy of an ordinary rifle. An ethical hunter always tries to take a shot at game that has a high probability of cleanly killing the animal and reducing the chance of wounding. Being able to hunt with a rifle that is inherently more accurate than a shotgun or some types of muzzleloaders will lead to more clean kills and fewer wounded and suffering game animals. While the accuracy of the rifle cannot overcome poor shooting skill or poor shot selection on the part of the hunter, for every rifle used in place of a shotgun there will likely be a reduced chance of wounded and wasted animals. Being able to keep all shots in a two inch group with a rifle rather than a two foot group with a shotgun and rifled slugs will always lead to more shots in the vital area of a deer.

<u>Defining legal cartridges for deer hunting with rifles</u>

The stated position of the DNR is to allow deer hunting only with firearms having short to medium range. It is assumed that the current list of firearm types and calibers allowed for hunting deer are then by definition considered to be short to medium range. It seem logical that rifles having ballistic performance not exceeding that of firearms now allowed should also be allowed.

To quantify what constitutes short to medium range performance, three ballistic parameters will be used: bullet velocity, bullet energy, and the Taylor KO factor. Bullet velocity and energy are common ballistic measurements and are widely published for all types of ammunition and loads in muzzleloaders. The Taylor KO (KO stands for "knock out") Factor is a mathematical index used for evaluating t he stopping power of hunting cartridges. It was developed by John "Pondoro" Taylor, a famous mid 20th century hunter of African big game. It is calculated by multiplying the bullet weight times its velocity times its diameter (see footnote to Table 1 for exact formula). These three parameters for twenty-two different cartridges or loads are shown in Table 1. Values are tabulated at the muzzle, at 100 yards, and at 200 yards.

In a Savage model 10 ML II 50 caliber muzzleloader some loads can drive a 250 grain bullet at over 2300 feet per second (fps). This produces a muzzle energy of 3015 foot-pounds (fp). The velocity remaining at 100 yards for the Hornady XTP sabot bullet driven with a load of 43 grains of IMR SR4759 powder is 1816 fps and at 200 yards the velocity is 1392 fps. The corresponding energy for those two ranges is 1794 fp and 1054 fp. The Taylor KO factor for the muzzleloader bullet is 37.6.

From a rifled barreled shotgun the Winchester Supreme sabot slug starts out with a velocity of 2000 fps and has an energy of 2664 fp. The Taylor KO Factor is 42.9. At a range of 200 yards this shotgun sabot slug is still traveling at 1341 fps and has an energy of 1198 fp.

Using these two guns that are currently legal firearms for deer hunting to define an acceptable upper performance level (UPL) results in limiting bullet velocity to approximately 2300 fps, energy to around 3000 fp and a power level (Taylor KO) of around 43. It then becomes a simple matter to examine the same parameters for small to medium sized cartridges and see which ones have values smaller than these. The ones at or below this performance level should be acceptable as legal cartridges for hunting deer with a rifle.

The first seven cartridges listed in Table 1 would be legal for use in rifles under the proposed change in definition of legal firearms for deer hunting. They all have a bullet diameter of .357 inch or more and a case length between 1.16 and 1.625 inches. In Table 2 these cartridges are compared to the upper performance level (UPL) defined by the 50 caliber muzzleloader performance. For each cartridge a percentage of its velocity, energy, and Taylor KO factor to the UPL is shown.

Of the 21 comparisons (seven cartridges, three parameters each) only one exceeds the UPL. That is the Taylor factor for the 500 S&W and it exceeds the Taylor KO factor of the muzzleloader by 25%. However if the 500 S&W Taylor factor is compared to the Taylor KO factor for the 12 gauge rifled slug, it is seen to be much smaller. (46.9/80.3 = .58 or 58%) None of the seven cartridges that would be legal for use in a rifle under the proposed rules exceed the performance level of existing legal firearms for these ballistic parameters.

The next group of six cartridges (numbers 8 through 13) shown in Table 1 would not fit the definition in the proposed rule but only because their case exceeds the 1.625 inch maximum length. When their ballistic performance is compared to the UPL (see Table 3 below) all of the cartridges but one have their velocity, energy, and Taylor factor below the UPL. This one, the 45/70 has a Taylor factor 14% higher than the muzzleloader. But it is still less than the 500 S&W that would be an acceptable cartridge under the rule and much less than the Taylor factor of the 12 gauge slug. (42.9/80.3 = .53 or 53%)

[DIAGRAMS, TABLES, AND GRAPHS SUBMITTED DURING PUBLIC HEARING STAGE HAVE BEEN OMITTED FROM THIS REPORT. JMK]

The final group of four in Table 1 includes three classic deer hunting cartridges and a newer cartridge having a military heritage. The 30-30 Winchester, 32 Winchester special, and 33 Winchester were all introduced around the beginning of the last century and have been used for deer hunting for over 100 years. The 7.62x39 cartridge was developed by the Russians during WWII and gained notoriety in the Russian SKS and AK-47 rifles. It is included in this group because its performance approaches that of the 30-30 and it is chambered in several modern hunting rifles. It is a particularly suitable round for women and younger hunters because of its mild recoil. All of these cartridges except the 7.62x39 are too long to fit the maximum length rule and none of them meet the .357 inch minimum bullet diameter specified. However in Table 4 these cartridges are compared to the UPL and in every case their velocity, energy and Taylor factor are below those of firearms that are legal for deer hunting. It would seem these measures of actual performance would be more important than some arbitrary minimum or maximum dimension.

It should also be noted that current laws would allow any of the 17 cartridges shown in Table 1 to be used in a pistol for hunting deer during the firearms season.

The ballistic information compiled in Tables 1, 2, 3, and 4 is shown above in Figures 1 through 4. Figure 1 plots the velocity of the bullets (slugs, sabot slugs) from all the firearms included in the tables. The UPL defined by the velocity of the 50 caliber muzzleloader is marked with a vertical line. All calibers have velocities less than this UPL value.

Figure 2 and 3 plot the values for the energy and stopping power (measured as the Taylor KO Factor) for the same group of guns and calibers. The energy value for every cartridge shown in Figure 2 is below the marked UPL corresponding to the 50 caliber muzzleloader. Only two cartridges (the 500 S&W and the 45/70) have Taylor factors greater than that for the muzzleloader but both are still well below the UPL defined by the 12 gauge rifled slug.

Figure 4 plots a value described as the Combined Ballistic Index (CBI). This is an index calculated by dividing the velocity, energy, and Taylor Factor for each cartridge to the corresponding values for the 50 caliber muzzleloader and adding the three quotients together. If those three ballistic values for a cartridge matched the muzzleloader values the result would be 3.0. This is 100% of the muzzleloader ballistic measurements.

CBI = (velocity/ml velocity + energy/ml energy + KO factor/ml KO factor)/3 x 100

<u>Recommendations for cartridges to be used in rifles for hunting deer</u>

To bring some uniformity and consistency to the definition of what constitutes a legal firearm for hunting deer in Indiana the following rules should be adopted.

1. Allow pistols to be used during firearms season as defined by the current laws.

2. Allow shotguns and muzzleloaders as defined by current law be used during firearms season.

3. Allow rifles to be used during firearms season that are chambered for cartridges that give them short to medium range performance. This performance should be defined by that of existing legal firearms that have proven to be effective and safe.

4. Eliminate the definition of legal cartridges for use in rifles that uses maximum case length and minimum caliber and replace it with a limit based on ballistic performance and compile a list of acceptable cartridges such as those in Tables 1, 2, 3, and 4. There is precedent for naming specific calibers in the rules as they now are written such as prohibiting 38 special, 25/20, 32/20, and 30 carbine ammunition.

5. A list of acceptable cartridges would include but not necessarily be limited to: 357 magnum, 357 maximum, 375 super magnum, 41 magnum, 44 magnum, 45 long Colt, 500 S&W, 460 S&W, 35 Remington, 38-55 Winchester, 375 Winchester, 45/70, 444 Marlin, 30-30 Winchester, 32 Winchester special, 33 Winchester, and 7.62x39.

Summary

As shown by the comparison of the performance of firearms currently legal for deer hunting to those that would be legal under proposed new rules no substantial increase in velocity, energy, or power would occur. The logical conclusion can only be that allowing the use of firearms that have the same or lesser performance than firearms currently legal for deer hunting can not affect safety in a negative way. The proposed rules that allow hunting for deer with rifles should be adopted and the definition legal cartridges for use in those rifles should be expanded to at least those listed above.

Eric G. Babcock wrote by email on November 9, 2006 from Babcock@Nbsin.com
I'm in favor of the DNR changing the gun deer hunting regulation to include rifles that have the same caliber as legal hand guns in the state of Indiana. I also think that the DNR should limit the hand gun cartridge size to straight shanked cartridges only, meaning NO high powered shells such as are used in contenders etc.

Brad Brummet wrote by email on November 9, 2006 from b.brummet@insightbb.com
I understand that there might be a chance to use rifles next year (2007-2008)? My understanding is that it must be a certain size brass, (legal handgun) my question is will we be allowed to use 450 Marlin, 444 Marlin and 45/70 gov. because they do come in a handgun? At the state fair we were told by a DNR Officer that this will be legal but according to the Wild Bulletin it will not, any info would be great. As you probably all ready know this cartridge is for the most part only good to 200 yards as at 300 yards it will drop 36" (with a 325 gr. Bullet). I do not know about the rest of the state but where we hunt in Switzerland County I myself would be hard pressed to fine a shot the long and personally would not consider a shot any farther.

Bruce Farnsworth wrote by email on November 15, 2006 from Farnsworth@Nbsin.com
Sounds like a very good idea. Less wounded deer with more accurate firearms plus a little nostalgia too.

Ryan Koontz wrote by email on November 19, 2006 from koontzy@hotmail.com
I am all for allowing rifles for deer season next year in Indiana. I don't see what the problem with them was to begin with. The scientific data is out there saying their not any worse than slugs or sabots from a 12 gauge. I do not use Pistols for hunting, because I don't like them, but I do use rifles for coyotes and varmints, and I also rifle hunt deer in South Carolina and Kentucky... I don't think we should limit it to the pistol cartridges. I believe we should be allowed to use a .30-06 or .270 or 7mm, or a .300 win mag. or even a.300 WSM. The DNR can always change the rule. Why not actually allow rifles for once then see how it does. You can always change the rules next year.

Keith Jones telephoned on December 4, 2006 and commented as follows (paraphrased):
Proposed law allows only hand gun cartridges, wants DNR to consider include venerable 30-30 and 35 Remington cartridges. .30-30 and .35 Remington are old time medium powered deer cartridges that do not have tremendous range and power. Traditionally in America they have been used for short range deer hunting in Eastern US. .30-30 cartridge initially developed in 1895.

Technical aspects DNR permits rifle cartridges in pistol. .308 rifle cartridges have the same power level of machine and sniper 30 caliber used by US Military. Hunting partner uses 150 grain .308 caliber projectile in single shot hunting pistol, which has a telescope site. His 15 inch barrel hunting pistol throws 150 grain bullet faster and farther than the .30-30 caliber throws that same weight bullet from a 20 inch barreled .30-30 rifle. More powerful and shooting with pistol which is inherently more difficult to shoot than a shoulder stocked rifle. Hunter is more accurate with shoulder stock rifle.

Indiana permits .308 and .30-06 in single shot pistol for hunting deer. Using medium power rifles, like .30-30 and 35 Remington is less dangerous than .308 and .30-06 single shot pistol. Harder to fire pistol than a shotgun.

These rifles are not much better range than a slug shotgun. The proposed language. If DNR's aim is to minimize crippled deer then the use .30-30 and .35 Remington rifles is better than the use of those calibers in pistols. The .30-30 rifle is a nostalgic and a ubiquitous firearm, and .30-30 will reach 130-150 yards. These are short range, or medium range at best, deer cartridge. Something nifty and nostalgic about picking up your father's or grandfather's .30-30 to go afield. Weaker medium powered rifle cartridge, but with more power than a pistol cartridge, but not ½ mile range with .308 and .30-06.

Josh Brosmer (joshbrosmer@idem.in.gov) and Ken Bacon (k_bacon@insightbb.com) wrote on November 29, 2006
I also think the legalization of pistol caliber rifles is a great idea since the lesser recoil of these weapons will potentially allow/encourage more people, especially children and others sensitive to recoil, to hunt and help manage our deer herd. These weapons offer several potential benefits, but they do not exceed the ballistic capabilities of shotguns and muzzleloaders that are currently legal, so I think it only makes sense to allow pistol caliber rifles.

Lastly, I fully support the continuation of the youth deer hunting season but would like to see the limit changed to one deer of either sex. I believe we should do everything possible to encourage more kids to take up hunting and I think it is ridiculous that these kids are not allowed to take a buck if the opportunity presents itself. There is no good reason why bucks should not be legal during the youth season and nothing else will encourage the next generation like taking their first buck will.

Mike Jent wrote by email on December 4, 2006 from m.jent@sbcglobal.net
I am in hopes that I will receive a response to this e-mail regarding a request that has surely been hotly contested for many years, with few solid answers and sound reasons as to why the law on the books continues to stand as is. The issue is the ability to hunt deer in Indiana with centerfire rifles. I have certainly heard all of the weak answers as to why Indiana does not allow a rifle season for deer. The main reason that continues to pop up, opposing the use of rifles continues to be the "dense" human population, and the fact that rifles have a long range that could present a safety problem. With that said, here is my question/debate on this issue and reasoning for the limited use of rifles and actually having a rifle season. As you well know, the use of high power pistols in Indiana has been allowed for some time now. These pistols, such as the T/C Encore and RemingtonXP100 all have, and within their lawful use, the ability to use practically all of the same high power centerfire cartridges that rifles use. Many of these calibers are very accurate even in a 14-15"pistol barrel, and have the effective hunting range in many instances of up to 300 yds. This is where the law makes no sense??? These are allowed in same calibers, and with the effective range of a rifle, but you will not allow rifles? Why? If a season was adopted, and the main concern is truly the population density, then there are many rifles that could be as safely used as the high power pistols. The30-30 Winchester, the 444 Marlin,358 Winchester,44-40 and many other "brush" cartridges only have an effective range of 100-150 yds! What is the difference here? The fact is...None. These rifles in fact have less range than many of the pistols that are in use.

Kirk S. Freeman wrote by regular mail on December 6, 2006 from Lafayette, Indiana
I am writing in support of the proposed modification to 312 IAC 9-3-3. I believe the amendments should be adopted because:

1. The use of carbines (shoulder weapons firing pistol cartridges) allows a more accurate placement of the projectile, thus making hunting safer in Indiana.
2. There is no rational basis for the allowance of "pistols" in .308 Winchester (a rifle caliber) but not pistol cartridges in shoulder weapons. The current rules are absurd on their face.

3. The increased velocity of pistol cartridges in a shoulder weapon will lead to more humane treatment of animals as properly placed projectiles will be more lethal.

The adoption of these modifications will lead to a safer, more rational and more humane hunting environment for all citizens.

Kevin Slaybaugh wrote by email on December 17, 2006 from klslaybaugh@ameritech.net
I am writing in support of the proposed rule change to allow rifles with pistol cartridges in the deer season.

I am 50 years old, have lived in Indiana my entire life and have been hunting deer here for over 25 years. I am 100% in support of this rule change, although, I would prefer this rule and the current handgun rule be updated to include rather than exclude the .460 S&W cartridge, which I see no logic or sense in its exclusion while the .454 Casull and .500 S&W are included with this rule based on case length.

I see no added safety concerns with this rule change, as these cartridges from a rifle would have little additional range compared to these same cartridges from handguns. And, these cartridges from rifles would still have less range than some modern legal in-line muzzle loaders.

This rule would spurn new and additional gun and ammunition sales in Indiana, which would add to the funds already generated by Hoosier hunters to preserve and protect Hoosier wildlife, to support other DNR-funded opportunities and to support Indiana hunter education.

Bottom line, I firmly believe that safe hunting with a bow, shotgun, handgun or rifle has more to do with hunter education and safety-minded hunters than the weapon type or cartridge case length used.

Rich Buker wrote by email on December 18, 2006 from rich.buker@sbcglobal.net
I strongly oppose rifles for deer season. Pistol cartridges in rifles with longer barrels means more range and we definitely do not need guys firing rifles 200-300yards in all directions during deer season. Richard L. Buker- Avid deer hunter for 20 years.

Mark Rebennack of Bargersville, Indiana, telephoned on December 27, 2006 and commented as follows (paraphrased):
I am in favor of allowing deer hunting with rifles. It would be nice to use rifles that have been in the family and to use some of the old cartridges.

Greg Spurgeon wrote by email on December 19, 2006 from xx78@msn.com
As a hunter and landowner of 350 acres in Indiana, I strongly oppose pistol cartridge rifles being legalized for use in Indiana's General Gun Season.

Rex Walker wrote by email on December 20, 2006 from Rex@rge-inc.com
I wanted to contact NRC to let you know that I am **strongly in favor** of this ruling as defined in the proposed rule changes.

(4) A rifle must:
(A) fire a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;
(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and
(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625)

In reviewing ballistics data on cartridges that fall within these limits (commercial and custom), I am unable to locate a cartridge that exceeds both muzzle velocity AND energy retention of currently used high quality shotgun sabot slugs. Some may exceed either/or, but not both.

I fully believe that all right and privilege granted to hunters is based on the requirements to balance natural resource conservation, public safety, the perception of public safety, and Indiana's constitutional right to the pursuit of happiness by all residents of the state. Use of these firearms does not impinge any of these areas and continues to maintain that balance.

Some of the benefits for the rule change are as follows:

1. New hunters.

Hunting is defined as a sport and is by definition a recreational endeavor that is enjoyed. Adding the new rules will add more enjoyment for people and provide maximum opportunity for hunters, young and old to further enjoy the sport. I know that it will add more enjoyment for me, my sons, my nephews, my father, and several other hunters.

2. Accuracy – Humane Kill

I'm sure that IDNR C/O's have seen their fair share of wounded deer running around. While the use of these firearms does not guarantee a kill shot, they will increase the possibility. Shotguns are designed for 'pointing' and shooting. Rifles are designed to be aimed. We can customize our shotguns to be made to 'aim', but it's still a shotgun by design.

By increasing the possibility of one-shot-one-kill, you systematically decrease the possibility of wounding animals.

3. Economical

Many hunters are financially unable to become fully proficient with their firearms. They understand which ammunition is most accurate in their gun, they understand the limitations, but they can't spend much time at the range when it costs $4 every time they pull the trigger.

By using a more economical cartridge, they can spend far more time becoming more proficient with their firearm for the same dollars. This leads to item #5 and #2.

4. Light Framed or small stature hunters.

The size of a smaller lever action rifle, it's balance, recoil, weight, and other factors provide an ideal hunting weapon for young, light framed, and smaller stature hunters.

5. Safety

The use of a rifle provides much more stability and control than a pistol. When you have more stability and more control of a firearm, there is by definition more safety. Because we are already shooting the specified rounds through pistols, this rule change is more about added safety.

6. Pittman-Robertson – and other taxes.

Sales on rifles shooting pistol cartridges (specifically the .44 Magnum lever-action), accessories, ammunition, targets, more accessories, more ammunition, will provide revenues in both of these areas. Many opponents of the rule change disagree – but I personally know of at least 10 hunters chomping at the bit to 'justify' their planned purchase. I'm just one hunter and I my circle of friends is quite small. The tax revenues from this rule change will be substantial.

7. Is there a reason "NOT" to approve the change?

The question that I have asked so many who condemn or disagree with the rule change is simply "Why should this rule change NOT be approved?"

After all, isn't that the real question?

While I am not the most articulate in my writing, I hope that I have expressed myself in clear enough terms that the meaning was not lost in the wording.

I have given much thought to the first 6 points and truly believe they are inarguable. While those that would state simply "we don't need them rifles!" can argue all points – that is hardly a valid reason to deny additional opportunity and enjoyment to hunters.

Brent Haley wrote by email on December 20, 2006 from harley72@gmail.com
I strongly support the use of center-fire rifles in Indiana for the harvesting of deer. We are already using them in pistols and they have worked out fine. The little amount of trajectory that is lost in shooting a center-fire cartridge out of a pistol is not great enough to say that shooting them from a rifle would be anymore dangerous. I think the introduction of center-fire rifles will bring more hunters into the sport. With the ballistics that we are getting out of the modern day shotgun slugs and modern in-line muzzleloaders we are closing the gap between the shotgun and the center-fire rifles. Why not allow us to carry a firearm that will be lighter, easier to carry and aim. These rifles will be more forgiving on your shoulder than a hard kicking shotgun and will allow you to practice more. They very well might bring in more hunters who do not like shooting a shotgun with 20-30 foot pounds of recoil. I would compromise and would be willing to settle for rifles that shoot only pistol cartridges but at the same time I think it is time to open the door and allow the sportsmen to choose.

Brent Haley also wrote by email on March 1, 2007
I am an avid outdoorsman and hunter in the state of Indiana. I have been hunting deer s for 22 years so I believe that I have a good bit of experience to share. I hunt deer with archery equipment, firearms and black powder rifles. My main tool for hunting deer has been the 12gauge shotgun which can be a brutal firearm to shoot. I understand that the state of Indiana decided a long time ago that our hunters should use mid-range firearms for hunting deer and there are a several firearms that fall into this category that are not included in the legal firearms and this needs to be corrected. I would like to see the mid-range rifles to be added to the list of approved firearms for the following reasons: It is much easier on a persons body to physically shoot a 44 magnum pistol cartridge out of a rifle than it is a 12gauge slug. The recoil from a 12 gauge slug can be so severe that it will bruise your shoulder - it is NOT a firearm that you want to sit down and shoot 10 bullets out of. I honestly believe that if a person is able to shoot more rounds through their preferred firearm they will be a much better shot and less likely to wound or miss their target. At 12 years old I know I would have much preferred my father putting a44 mag lever action rifle in my arms as apposed to the 12 gauge slug gun that I did receive. Also the cost factor is huge for shooting the modern slug guns. A box of five saboted shotgun slugs costs on average$15 a box and that is not even premium ammunition. A box of 50 44magnum pistol cartridges costs on average $24 a box. So I can sit down and practice shooting 50 rounds for $24 of 44mag ammunition or I could spend $150 to get the same amount of practice with my 12 ga slug gun. Would you rather a 14 year old boy walk out into the woods to hunt deer for the first time and only have practiced firing his legal firearm 10 shots or so or would we rather him have the ability and capability to practice shooting many shots? I would prefer to know that a person can afford and withstand the recoil of hundreds of practice shots before they set off in the woods to hunt. I know we will not have this kind of practicing if we leave the laws the way they are because the common person can not afford to pay that much money to buy the ammo for the slug gun nor will they be able to handle the brutality of several test shots from a slug gun. These proposed rifles do fall within Indiana's mid-range policy and they need to be made legal that way the hunters that are in the woods will be more familiar with their firearms. I can not find a single valid reason why these proposed rifles that shoot pistol cartridges should not be allowed. These proposed rifles will be easier for us to shoot and cheaper to practice with - this relates to a more experienced shooter who will know his/her firearm better. So I ask that these pistol cartridges be legalized in the state of Indiana.

Andy Swails wrote by email on December 20, 2006 from jswails@sbcglobal.net
Just letting you know I'am totally for pistol cartridges/ in rifles, in the Fall 2007 deer season.

Greg Settle wrote by email on December 20, 2006 from gdsettle@yahoo.com
Are you the person to contact about giving opinions on that subject? If so, I'm all for it, with no restrictions. We've already been using .243 and up in pistols for a long time, and the newer muzzle loaders with sabots

aren't much different than a rifle anyway. Rifles are cheaper to shoot than sabot'd shotguns, more accurate, more reliable, less recoiling, and better chance for one shot kills on our deer. The arguments against it that I've heard are mostly from bow hunters, trophy hunters, and anti gun people in general. In the Southern half of the state, with all the hills and hollars where the deer hang out, there's no more of a chance of a missed shot with a rifle going any farther than a missed shot with a shotgun or muzzle loader. Also, ballistically, a rifle is safer because the bullet weighs a lot less. 30-30 shoots a 150 grain bullet, easily slowed by hitting even small limbs and branches, and blades of grass. Smaller and faster calibers, still with plenty of killing power for deer, like the 22-250, .223 .243 25/06 etc. in my opinion ar even safer because when they hit *anything,* they fragment, and fall apart. Thanks for listening, and please let me know what's going on with all this.

Settle also wrote by email on January 24, 2007
Please add me to the list of those who want rifles legalized for deer hunting. Any, and all calibers. It's already pretty much wide open for pistol hunters. Rifles are just more accurate.

Settle again wrote by email on March 2, 2007:
I wanted to tell you again how much I support the proposed law change allowing rifles for deer hunting. I'm all for it, with no restrictions. We've already been using .243 and up in pistols for a long time, and the newer muzzle loaders with sabots aren't much different than a rifle anyway.

Rifles are cheaper to shoot than sabot'd shotguns, more accurate, more reliable, less recoiling, and better chance for one shot kills on our deer. The arguments against it that I've heard are mostly from bow hunters, trophy hunters, and anti gun people in general. In the Southern half of the state, with all the hills and hollars where the deer hang out, there's no more of a chance of a missed shot with a rifle going any farther than a missed shot with a shotgun or muzzle loader. Also, ballistically, a rifle is safer because the bullet weighs a lot less. 30-30 shoots a 150 grain bullet, easily slowed by hitting even small limbs and branches, and blades of grass. Smaller and faster calibers, still with plenty of killing power for deer, like the 22-250, .223 .243 25/06 etc. in my opinion ar even safer because when they hit *anything,* they fragment, and fall apart.

Steve Shackleford wrote by email on December 24, 2006 from X89C6@cs.com
Common sense would dictate that pistol caliber cartridges in rifles do not propose a threat of errant shots traveling a distance any more significant than a 12 Gauge slug fired from a rifled slug gun.

As a deer hunter, I see using cartridges such as the **.44 magnum**, **.357 magnum**, **44-40 Winchester**, **.45 long colt**, **30-30 Winchester**, and **45-70 Government** as viable ammunition loads to hunt deer in Indiana. In fact, these loads are far more safer in rifles than some of the cartridges now legal in handguns.

All of the above mentioned caliber's, save the 30-30 Winchester are large blunt nosed bullets which lose velocity rapidly, and have an effective range limited to 100 - 125 yards. This is approximately the same range as the rifled sabot slugs currently used in shotguns.

I believe the additions of the above caliber's as legal deer cartridges will be a benefit to the hunters of Indiana, and to the economy of the state as well, as it will open arms sales of hunting rifles to people who under today's circumstances would not make purchases of rifles for the sport of deer hunting.

Also, I believe that more deer would be harvested, and less animals lost due to hunters unable to find the wounded animal, as shot placement with a rifle is far superior to shot placement with a shotgun firing slugs.

As of today, the state has cartridges capable of dropping Kodiak Bear legal to use in handguns ... so why not allow the use of limited power cartridges in rifles?

William Dailey wrote by email on December 24, 2006 from billdaileyiii@yahoo.com
I would like to see rifles with pistol cartridges allowed for deer season in Indiana.

Rick Jaggers wrote by email on December 28, 2006 from rick_jaggers@sbcglobal.net
As a 42 year old sportsman with over 30years hunting experience I will have to admit I'm excited to hear our DNR considering this option for hunters. While my wife and 16 year old son do hunt deer,turky, and waterfowl I would expect them to continue hunting with a shotgun and muzzleloader. I however would entertain using a lever action rifle. I do however hope the DNR considers 30-30 and 45-70 when reviewing any changes. In addition I would love to see the DNR bring back firearm spicific deer licenses. What better way to increase revenue but what better way to collect data of our states hunters weapon of choice.

Scott Schillig wrote by email on January 2, 2006 from esshup@hughes.net
I'm all for it as it is proposed. I believe that it will let younger people that may be more sensitive to recoil experience deer hunting while at the same time keep the energy levels up of the bullet/cartridge combo (over .410 ga. levels, which I didn't approve of) to cleanly harvest deer out to 100 or so Yds just like we can with the larger 12 ga. slugs.

I see it as basically the same as hunting with the same cartridge in a pistol, while at the same time being a bit more accurate and safer (it's easier to point a pistol in an unsafe direction during the excitement of the hunt for a new or inexperienced hunter than it is a rifle or carbine).

John Vowell wrote by email on January 2, 2006 from jvowell@bowenengineering.com
I would appreciate your time in viewing my opinion on the newly proposed pistol cartridge rifle for the legal harvest of deer in Indiana. Simply put, I feel this is a great idea that will open a window of opportunity for our children and the elderly that may not be able to handle the after effects of a shotgun blast. I also believe that with the accuracy of these guns being greater than the traditional shotgun, more deer can be harvested with ethical shot placement and therefore reducing the amount of deer lost due to poor shot placement. After reviewing the ballistics of the proposed calibers it became obvious to me that the danger of a stray bullet is no more than that of a shotgun and should not be an issue. I am sure the sportsmen of Indiana will appreciate your support on this issue.

Greg Yazel wrote by email on January 3, 2006 from gyazel@starenvironmental.net
As a deer hunter, land owner, and farmer, I do NOT support the addition of pistol cartridge rifles for deer hunting in Indiana.

Yazel again wrote by email on January 5, 2007
I would like to post my comments on the current proposal to allow pistol cartridges in rifles in Indiana. As a hunter, a landowner, and livestock/grain farmer, I am OPPOSED to the addition of the proposed firearms, as well as any rifles for deer hunting in Indiana. I will not hunt with or ALLOW anyone to hunt with pistol cartridge rifles. We have enough effective firearms as it is. I farm in Rush and Decatur Counties.

Tim Powell wrote by email on January 4, 2007 from tpowell@ilmco.com
I would like to comment on the deer hunting regulations for next year. I have heard rumors that rifles shooting pistol cartridges are to be legal to hunt with next year. I support this and think it is a great idea.

Craig Ruble wrote by email on January 5, 2007 from craig.ruble@insightbb.com
I am writing in strong support of the proposed DNR rule changes that would allow deer hunters to use rifles chambered for pistol cartridges. These rounds would have less range and less power than many in-line muzzleloaders and 12 ga sabot slugs, both of which are currently legal for deer hunting. This change would give hunters more variety without compromising safety. I see no down side at all.

As an aside, I would like to make a suggestion. The current deer hunting regulations prohibit the use of combination rifle/shotguns. If the proposed rule changes are adopted, this ban on combination weapons

should be modified to ban combination weapons EXCEPT those in which both the rifle and the shotgun are legal for deer hunting. There are, for example, guns available with a top barrel chambered in .357 and a bottom barrel chambered in 20 ga. This should be an allowed weapon under the new rules but would require an additional minor change to the regulations.

Bob Houseworth, Jr. wrote by email on January 5, 2007 from bobh@sciremc.com
I fully support the use of Pistol Cartridge Rifles for deer hunting in Indiana during the regular firearms season.

Please leave the current deer hunting Pistol rules alone. I would hate to have to purchase another barrel & scope for my pistol.

Jared Sawin wrote by email on January 5, 2007 from chicobrownbear@hotmail.com
As a native Hoosier sportsman I would like to voice my support of the proposed amendments concerning pistol cartridge rifles for use in deer hunting in Indiana. I believe that these amendments would provide greater outdoor opportunities for folks who have a harder time managing recoil from current firearms allowed.

Adam Phelps wrote by email on January 5, 2007 from eudyptes_or_adam@yahoo.com
I am writing to give my full support to the proposal that rifles loaded with pistol cartridges be legal during deer firearms season. The cartridges described by the rule will be effective at no greater distance than modern shotgun slugs or inline muzzleloaders; indeed, most of the handgun cartridges allowed by this rule will be effective at shorter ranges than many saboted slugs and muzzleloader projectiles, even when fired from a rifle.

I would like to see the rule go one step further and allow usage of the venerable .30-30 Winchester cartridge. This is a cartridge of the "cowboy" era and type, and is generally only fired from lever-action rifles. Its effective range is certainly no greater than many firearms currently used during firearms season, such as inline muzzleloaders and saboted slugs. It is an effective cartridge for deer inside 100 yards, but not much beyond that. It therefore fits in well in terms of firearm type, cartridge efficacy, and I think the "spirit" of the rule.

I also strongly support the rule allowing people with personal protection handgun permits to carry while hunting or on DNR properties. A state-issued permit that is not valid on state properties is a contradiction. In addition, the potential is there during hunting season for violent crime, and persons with such a permit should be allowed to protect themselves.

Finally, I strongly support the addition of the cerulean warbler to the state endangered list. Populations of these birds are plummeting throughout their range. Indiana listing this bird may lend more support for a federal listing, which the US Fish and Wildlife Service recently denied.

Scott Hottell wrote by email on January 5, 2007 from shottell@msdsc.org
I am a lifetime license holder from Steuben County. I am contacting you concerning the study to make pistol cartridge rifles legal in the state of Indiana. With the large and ever growing herd of animals, any means to make the deer more avaliable to hunters I am for. I also encourage you to seek a seperate season after late archery that is designated for such fire arms and for doe only harvest. After a few years of study, the rifle season could be expanded under the current OBR format. My only concern with the new proposal is the 15 shot capacity of some guns that fit the category of legal use. I feel a five shot limit should be enforced on guns of this nature. More rounds can be carried into the field by the person, but only 5 should be allowed in the gun at any time. Thank you for your commitment to the outdoors and the people of Indiana.

Jeff Wilson wrote by email on January 5, 2007 from jwilson@starenvironmental.net
Email to oppose the use of Pistol Cartridge Rifles in Indiana. I feel this is a bad decision to allow these rifles to be used, for safety and the opening of other rifles that will try to be pushed at a later date.

Dan Metzger wrote by email on January 5, 2007 from dan@metzgertrucking.com
I am very much in favor of the proposed amendment allowing rifles w/ pistol cartridges. This will be a great alternative for my 13 year old son, who struggles with a shotgun.

Jon Million wrote by email on January 85, 2007 from jmillion@bdpnet.com
I am totally against allowing rifles to be used during firearms deer season. Once you allow rifles in the field the ability to enforce cartridge sizes would be very difficult. The way it is now is easy you see a rifle and you know it is illegal.

I am for the other proposed changes concerning HIP registration and adding the cerulean warbler to the state's endangered species list.

Jason Stone wrote by email on January 5, 2007 from jstone@dlz.com
Regarding the hearing to be held Tuesday, Feb. 13 at 6 p.m. (EST) at the Garrison Conference Center at Ft. Harrison State Park in Indianapolis, and the proposed deer firearm season rule change language that reads:
- The rifle cartridge must:
(A) have a bullet of three hundred fifty-seven thousandths of an inch (.357)diameter or larger;
(B) have a minimum case length of one and sixteen hundredths (1.16) inches;and
(C) have a maximum case length of one and six hundred twenty-five
thousandths (1.625) inches.

I support this rule change.

I also support the concept of a similar rule change that would have allowed medium range cartridges such as 30/30, 35 Remington, 38/55, 45/70 and others, chambered in lever action, tube magazine rifles based on "antique" designs predating 1899.

I also support a primitive firearms season for flintlock, smoothbore, muzzleloading arms without optical sights.

Jon Balon wrote by email on January 5, 2007 from Jon.Balon@OntarioSystems.com
I am a little unsure of this rule going into affect if it passes. Why would Indiana want to allow this? How does it benefit the state? Is the harvest not high enough? If that is the case I can think of a lot of other options than allowing high powder riffles. I do understand the cartridge difference, but I feel that there will be a lot of people that would abuse it and take bullets that can get them high powered riffle results.

I deer hunt a lot; I probably get out around 25-30 times a season. I worry that if this rule goes into affect, the next push will be for long range riffles. I think that with the advances in shotgun riffled slugs and inline muzzleloaders folks have all the equipment they need. I mainly bow hunt, but I will shotgun hunt sometimes.

Patty Heerdink wrote by email on January 5, 2007 from rpheer@psci.net
I would like to express my support for the rifle proposal.

Timothy Leach wrote by regular mail on January 5, 2007 from Kokomo, IN

I would like to propose a new hunting law on gun use for deer hunting. In the past few years you have let hunters us Contenders to take deer with. They are large caliber guns such as 243 cal. and larger. Now I understand that you are considering the use of 357 cal. and 44 magnum rifles.

I am a lifetime Indiana hunter. I hunt archery, shot gun and muzzleloader. I would like to propose a new hunting law that allows hunters the change to use 30-30 rifles. The 30-30 rifles traveling distance is less than 243 cal. and so forth.

I would greatly appreciate the opportunity to use an old fashion rifle such as the 30-30 rifle (saddle gun) to hunt deer with. I have spoke with fellow hunters and they would also like to use their 30-30 rifles to hunt with. Your consideration on allowing deer hunters to use 30-30 rifles would be greatly appreciated.

David Murdock wrote by email on January 5, 2007 from retiscm@hotmail.com
While I'm no longer on active duty with the Navy and live in Texas, my family still has a farm in Sullivan County, and I return home over Thanksgiving every couple of years to deer hunt, and I would strongly support the use of a rifle w/handgun cartridge, i.e. .357, .44, .45LC as they would be easier to use in the brush, and more accurate than a slug in most cases....Great idea and I hope it passes.

Murdock also wrote by email on February 27, 2007
I'd like to forward my support for the rules change and the remainder of the proposed rule changes...Although no longer a full time resident, my family's farm in Indiana has been in the family since 1893, and I return home to deer hunt periodically, although as a non-resident, and I like the idea of the handgun cartridge in a rifle idea....My "two cents".

Leland R. Gibson wrote by email on January 5, 2007 from lhunter@rtccom.net
I would like to comment on your proposed rifle as a legal weapon in Indiana. I would like this idea with one exception. The so called hunters in this area are dangerous enough as is. they trespass and their children walk around in the woods with no supervision. They have a very good chance getting injured or killed.

Rick Beedle wrote by email on January 5, 2007 from rrbeedle@sbcglobal.net
I would like to add my comments to those being received from e-mails and the public hearings.

I am in favor of this proposed rule change:

The proposed deer firearm season rule change language reads:
- The rifle cartridge must:
(A) have a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;
(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and
(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.

Bob Matt wrote by email on January 5, 2007 from Bobmatt@prodigy.net
THERE SEEMS TO BE AN ATTEMPT TO TIE IN THE HANDGUN CHANGES AND THEHUNTING RULES. IT APPEARS THAT MOST ARE DOVETAILLED. IT APPEARS THATTHERE IS NO HUNTING WITH A RIFLE OR HANDGUN FOR 'YOUTH' HUNTERS. THEYCOULD HANDLE A 44 SPECIAL BETTER THAN A 410 SLUG.

ALSO, THERE USED TO BE A 'LAW'--NO UNCASED GUNS ON THE ATV. THAT MAY EED TO BE ADDRESSED. WE CAN ATV RIDE IN JUNE AND STILL WANT THESECURITY/PROTECTION OF A HANDGUN.

Rick Sumner wrote by email on January 5, 2007 from r-sumner@sbcglobal.net
As a lifetime hunter, I support the proposed use of rifles shooting handgun bullets to be used for deer hunting in Indiana. Since these cartridges can already be used in a handgun, and given the range of rifled shotgun barrels shooting sabot slugs, it makes no sense to restrict their use in rifles of these calibers - in fact, their use in more accurate rifles would seem more humane due to less cripples.

Dan Batdorff wrote by email on January 5, 2007 from Dan.Batdorff@OntarioSystems.com
I have read about the proposed hunting rule changes for the state of Indiana that will be presented and discussed in the up coming public hearings.

I have a few concerns regarding these proposed rule changes:

First, I do not think a change should be implemented allowing rifles that fire handgun rounds. The manufactures today are already pushing the limits on cartridges and as a reloader myself, I know what these types of fire arms are capable of. Indiana hunters are successful and skillful enough without these proposed changes.

I also do not like the exemption for youth hunters regarding the HIP registration. I think its important to being teaching these young hunters the rules and regulations and make them follow them from the first day they begin to hunt. Indiana is already very relaxed on rules and I feel these younger hunters need to support these young hunters by teaching them sportsmanship and accountability early and often. To many of them have poor examples in their fathers and friends today that knowingly and braggingly live outside of the regulations in place today. I just think this sends the wrong message that maybe the regulations for older hunters are really not that important since it was not necessary when they were under age.

Thank you for taking responses and continuously looking for ways to improve hunting and fair chase in the state of Indiana.

Marty Kaiser wrote by email on January 5, 2007 from MKaiser@svbt.com
I feel it would be impossible to enforce certain types of cartridges and even more impossible to remember by the hunter. Rules should stay simple. I am in favor of high powered rifles but maybe limit the size of the rifle and rule out auto or semi automatic rifles.

Jason Wilkey wrote by email on January 5, 2007 from trjcwilkey@dialup4less.com
I support the rule change to allow pistol cartridges in rifles during deer season.

Andy Brewer wrote by email on January 5, 2007 from brewand@sbcglobal.net
I respectfully disagree with the proposed change on the handgun requirements for firearms season. I have safely and cleanly harvested two mature bucks with a Thompson center encore pistol in 308 caliber. I have also killed two deer with a Smith & Wesson in 44mag. The 308cal was a much cleaner kill. I don't find the distance of the cartridge to extend my range more than 75 yards past the 44mag. This puts it out about 150 yards. After that distance the bullet drops to significantly in a short barrell to be accurate.
I hope that you will reconsider disallowing these cartridges.

Brewer again wrote: Please disregard my previous email I misread the document. I thought the DNR was proposing less calibers in handguns. I apologize for the confusion.

Rick Posha wrote by email on January 5, 2007 from RP@INDY.RR.COM
I too support the proposed use of rifles shooting handgun bullets to be used for deer hunting in Indiana. Since these cartridges can already be used in a handgun, and given the range of rifled shotgun barrels

shooting sabot slugs, it makes no sense to restrict their use in rifles of these calibers - in fact, their use in more accurate rifles would seem more humane due to less cripples.

Toby Bridges wrote by email on March 5, 2007 from h-pmuzzleloading@sbcglobal.net
Shotgun With Slugs…Or Black Powder Cartridge Rifle - What's The Big Difference?

Whitetail deer hunters in the so-called *"shotgun states"* or *"shotgun zones"* are getting tired of hunting big game with a quail gun! And many are now seeking changes in the out-dated deer hunting regulations where a center-fire rifle of any caliber is prohibited.

The heartland Midwest states of Illinois, Iowa, Indiana and Ohio are four states where modern day deer hunters have never had the right to hunt big game with a true *big game rifle*. Ever since these states first established deer seasons in the 1950s, modern firearm hunters have been restricted to using a slug-loaded shotgun. Likewise, nearly the southern halves of Minnesota, Wisconsin and Michigan fall into significant *"shotgun only"* zones, and similar restrictions dictate the use of shotguns and slugs in large portions of at least 8 additional states. In all, more than 4-million U.S. deer hunters are denied the right to use a more accurate, more effective *"deer rifle"*.

Back when the *"shotgun only"* regulations were first adopted, especially in the Midwest, the thinking of game managers 50 years ago was that shotguns with slugs were more ideally suited for hunting in the relatively open and heavily populated countryside of these regions. The shotguns used for hunting deer during the late 1950s, 1960s and even the 1970s were, for the most part, the same smooth-bored scatterguns these hunters also used to hunt rabbits, squirrels, ducks, geese and upland birds, like quail. And the slugs, depending on the gauge of the shotgun, were little more than squat lead cups of 1/2 to 1-ounce in weight. And to try giving these hunks of lead some degree of accuracy, ammunition makers formed the slugs with raised *"rifled"* surfaces all the way around.

Truth is, even the *rifled* circumference of these slugs failed to produce any real accuracy, especially out of shotguns with any degree of choking at the muzzle. At best, the haphazard accuracy made the smooth-bored deer guns effective at just 50 to 60 yards. But that has never kept shotgun deer hunters from throwing slugs at deer 100…125…150 yards away. At the muzzle, where these older slugs generally left the muzzle at around 1,300 to 1,400 f.p.s., *rifled* Foster-style (12-guage) slugs of the 1950s and l960s produced muzzle energy of around 1,700 foot-pounds. By the time the slug reached 100 yards, it would hit with less than half that amount of knockdown power.

More and more, deer hunters faced with *"shotgun only"* restrictions have turned to a new breed of deer hunting shotgun, one that comes with a rifled bore. And to better tap the vastly improved accuracy of these rifled shotguns, the majority of these same hunters have also turned to a new breed of modern shotgun slug - one that carries a jacketed .45 or .50 caliber bullet down the bore with an ultra-modern plastic sabot. Some of these shotguns are now producing rifle-like accuracy, capable of shooting 2 to 3 inch groups at a hundred yards.

Even more impressive is the game-taking performance of today's modern saboted slugs. Winchester's *"Partition Gold"* 3-inch 12-gauge slug gets a jacketed 385-grain .50 caliber bullet out of a rifled shotgun bore right at 2,000 f.p.s. - with 3,400 foot-pounds of energy! That's more game-taking knockdown power than generated by the hottest factory loads for .30-06 center-fire rifles. And with that added speed and improved bullet aerodynamics, the deer-taking effectiveness of a 12-gauge shotgun has now been extended to beyond 200 yards.

Many fans of the old-style rifles of the late 1800s now argue that such *"deer guns"* are no longer shotguns, but rather *12- and 20-gauge rifles*. And that these new rifled slug guns and saboted slugs are producing velocities and ranges greater than the single-shot and lever-action rifles of pre-1900 design.

Easily one of the most popular cartridges of the late 1800s was the old .45-70 Government, adopted as the official U.S. military cartridge in 1873. And through the remaining years of the 19th

Century, easily more than a million American made single-shot and lever-action rifles were chambered for the cartridge. Likewise, quite a few rifles were still chambered for the .45-70 well into the 1920s. And since it's introduction some 134 years ago, this cartridge has continued to be available as factory loaded ammunition. So, it should not come as any surprise to learn that among the ever growing ranks of modern BPCR shooters, the .45-70 is the most widely shot caliber.

The original .45 caliber service round was loaded with a 70-grain charge of black powder behind a 405-grain bullet. The load would leave a 32 5/8-inch barreled *"Trapdoor"* Springfield rifle at around 1,350 f.p.s., with 1,636 f.p.e. At 100 yards, the big slug slowed to around 1,100 f.p.s., where it hits a whitetail with 1,085 f.p.e. At 150 yards, the same bullet has slowed down to about 975 f.p.s., and retains 850 foot-pounds of deer-taking energy. And that is about the maximum effective range of the .45-70 cartridge rifles and loads of the late 1800s.

Much of the factory ammo available for this caliber today is loaded with mild smokeless powder loads to duplicate both the ballistics and the pressure levels of the original black powder loads. And that's due to so many of the older rifles still being shot today. However, for the modern reproductions of those rifles, plus a number of other more modern lever-action and single-shot rifle designs chambered for the .45-70, ammunition makers now offer some slightly hotter loads that are a bit more effective for taking big game. Winchester's *"Supreme"* .45-70 loading gets a 300-grain jacketed bullet out of the muzzle at 1,880 f.p.s., with 2,355 f.p.e. And while this load retains more than enough energy for cleanly taking deer at 200 yards, it still falls short of matching the ballistics of the same ammo producer's saboted 12 gauge slugs.

Proponents of legalizing rifles chambered for pre-1900 black powder cartridges (even if loaded with smokeless powder loads) realize the *safety* argument once used by wildlife agencies to keep hunters from using a rifle where regulations now require the use of a shotgun is definitely no longer a valid reason. Modern 12- and 20-gauge *rifles*, sold under the guise of being shotguns, with high velocity saboted slugs eclipse the ballistics of even the hottest smokeless loads for older cartridges such as the .45-70 Government, .38-55 Winchester or the .50-90 Sharps.

The use of black powder cartridge rifles could even shorten maximum potential range somewhat. One thing is for certain, the superior accuracy of a quality rifle chambered for one of the old cartridges would more than likely result in far more *one-shot harvests* of deer, greatly reducing the high number of errant slugs flying through the deer woods and across open fields.

Several seasons back, the Illinois Department of Natural Resources conducted a deer hunter survey, and one of the question asked was whether or not the black powder cartridge rifles should be allowed. Less than 20-percent of those polled opposed legalization of rifles chambered for older pre-1900 cartridges. And as this is written, the Indiana Department of Natural Resources is considering the legalization of rifles in this *"shotgun only"* state. However, that department is showing its lack of ballistics knowledge by looking to restrict calibers to handgun cartridges, like the .357 Magnum and .44 Magnum - both of which are marginally effective on game the size of deer. What makes the proposed Indiana regulation change even more ludicrous is that the DNR there already allows the use of break-open handguns like the Thompson/Center "Encore" chambered for center-fire rifle cartridges like the .30/06, .300 Winchester Magnum - and the .45-70. But rifles in the latter chambering will not be allowed if the legislation passes as worded.

Give these folks a hand at realizing how off target they are. The Department will meet on March 26 to vote on deer hunting rule changes, including the legalization of rifles of specific calibers. Contact them and insist that older black powder cartridges such as the .45-70, .38-55, .50-90 and a few others be added to the list of cartridges to be allowed. E-mail Jennifer Kane at jkane@nrc.in.gov and Linnea Petercheff at LinneaPetercheff@dnr.in.gov .

It's time for change in the *"shotgun only"* deer hunting states, it's time these states permitted the use of rifles that are more *effective* and *safer* than the shotguns and slugs they already permit.

-End-

HEARING OFFICER'S NOTE: Mr. Bridges also provided lengthy comments on January 5, 2007 and February 2, 2007. It is the hearing officer's opinion that the comments received on March 5, 2007 (set forth above) mirror Bridges' earlier comments in a more concise, direct and detailed manner. All of Bridges' comments are available for inspection and the hearing officer has considered each of the three comments. However, to avoid the unnecessary lengthening of this report only one of Mr. Bridges' comments has been included within the report.

Gregory Wyne wrote by email on January 5, 2007 from gnwyne@seidata.com
I have no problem with the proposed change as it is stated in the "Wild Bulletin" dated 1-5-2007. However, an earlier version in a previous release stated that the allowable hand gun calibers would also be changed from the current "Must have a barrel at least four inches long & fire a bullet of .243-inch diameter of larger. The hand gun cartridge case, with out the bullet, must be at least 1.16 inches long., etc."

I would be opposed to a change in this requirement as I and I am sure many Hoosier hunters have spent hundreds of dollars on handguns that meet current requirements and would not be able to utilize them if this law is changed. Also, if the law no longer allows the use of the handguns we purchased for just that purpose, in compliance with Indiana law, then there would then be no market for those of us with these handguns to sell them.

My handgun cost me approximately $800 with options, scope, etc. included.

It would be very disappointing, to say the least, if I were not able to use it because a few people with out a financial investment decide to change the rules/laws that were in effect when the handgun was purchased.

Thank you for listening and I hope you take this seriously as there are many of us Hoosiers out here that have made investments based on current laws.

Conrad Warder wrote by email on January 5, 2007 from cwarder@aol.com
I would like to voice my support of the new rule that would allow rifles chambered for pistol cartridges to be used to hunt deer in Indiana I feel that this is a rule that should have been adopted when they started allowing handguns as legal weapons.

Warder also wrote by email on February 13, 2007
I would like to ask a question about the rifle season. Why did the rules that where preliminarily adopted exempt the 460 S&W handgun cartridge that Smith chambers in there revolvers? I think that this would make a great straight wall rifle cartridge. I know that TC chambers it in the single shot encores and H&R in their single shot break opens. It would be exempt because the case is too long it is 1.790. I would like to know if it might be a possibility to add this cartridge?

Joe Hamm wrote by email on January 5, 2007 from JHamm@bluemarble.net
THUMBS UP, GO FOR IT!!!!!

Ronald Scott wrote by email on January 5, 2007 from scotlad777@peoplepc.com
I say yes to the proposed changes to the hunting with pistol/revolver cartridges as proposed.

You have my full support.

I sure hope the rule changes are adopted. I believe that rifles with the short to medium ranges are actually as safe or safer than handguns, due to better aiming techniques and control of accuracy.

Kris Kehoe wrote by email on January 5, 2007 from Kris_Kehoe@hotmail.com
I am a 40 year old man who was born, exclusively raised and exclusively educated in Indiana, and I have been an Indiana sportsman, conservationist and environmentalist for at least 25 years of my 40 years here in this great state. I have lived, worked, recreated and studied throughout the entire state of Indiana, so I feel qualified to comment on a proposed hunting related rule. I believe hunting needs more involvement, in particular youth involvement, in order to ensure the future of hunting in Indiana. As a result, I fully support the following rule proposal because I believe it will make it easier for young people to start hunting, specifically deer hunting:

> The proposed deer firearm season rule change language reads:
> - The rifle cartridge must:
> (A) have a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;
> (B) have a minimum case length of one and sixteen hundredths (1.16) inches; and
> (C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.

The ballistic power of the above mentioned cartridges are far below the ballistic capability of the modern muzzleloader which is currently a legal weapon for deer hunting in Indiana, so from a safety standpoint, I see no reason why this proposed rule should not be approved. As I am sure you already know, the ballistic information related to the cartridges in the propsed rule are freely and readily available from many objective and credible sources, so in my opinion, the data cannot be refuted. I appreciate the opportunity to be able participate in this public comment process. Thank you, and keep up the great work!

Tim Julien wrote by email on January 5, 2007 from tjulien@iquest.net

I support all changes with the following suggestion. It seems the old rule prohibited the "over-under rifle-shotgun combination firearms. Now that rifles will be legal the prohibition should reflect the change. The subparagraph (5) (copied below) could be changed to replace the period with a comma and adding the words

" , unless both barrels are only capable of firing

(4) **(5)** Over-and-under combination rifle-shotguns are prohibited. , unless both barrels are of legal caliber or gauge.

(4) A rifle must:

(A) fire a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;

(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and

(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.

(5) Over-and-under combination rifle-shotguns are prohibited.

Randy Clifton wrote by January 5, 2007 from rmc@onlyinternet.net
Yes, I am in favor of the proposed rifle rule for deer hunting.

Patrick Sheehan wrote by email on January 5, 2007 from sheepc@sbcglobal.net
I support the proposed rule change to allow rifles chambered with specific handgun cartridges.

Steve Dyar wrote by email on January 5, 2007 from sdyar@ccrtc.com

Just wanted to voice my opinion on this subject, I firmly believe that the caliber limitations that have been proposed with this rule change are only going to cause the wounding of more game!! I fear that too many people are going to be taking unethical shots, believing that their rifles are capable of more performance than they actually are !! If you are going to allow a rifle season please consider the use of a more efficient set of standards on caliber selections. If you are unwilling to do so, I would like to ask you to please not allow this rule change. As an avid deer hunter, I would like to thank you for taking my concerns seriously.

Bob Jackson wrote by email on January 5, 2007 from bjackson9@yahoo.com
I am in favor of the rule change allowing Rifles loaded in Handgun Calibers for Firearms Deer Season! In my area (Corner of Greene, Martin, Daviess Counties), there are I feel more than plenty of Deer and hopefully this change will increase the Hunter success. As well as giving Sportsmen an opportunity to get use of a wider selection of their Firearms.

Deron Leap wrote by email on January 5, 2007 from dleap20@yahoo.com
My name is Deron Leap. I am 42 years old and an avid outdoorsman. I enjoy outdoor activities virtually all year long. From January to December I am fishing or hunting for something. I would like to commend the DNR on the outstanding job they do with managing our states game and fish. Which brings me to the topic of "pistol caliber rifles". I along with all the avid fellow hunters I associate with think this is absolutely one of the best things to happen for sportsmen/women in the state of Indiana possibly ever! In allowing us to use these types of firearms we are aware that our range of shooting wont have been increased we will however be able to dispatch our quarry with much greater accuracy which means more humane harvest. In allowing the use of these firearms another benefit will be the additional revenue this will generate for the state. Keep up the good work!

Leap again wrote by email on February 27, 2007:
I am again writing you to give my support for the pistol caliber rifles. I had written prior to the Feb.13th meeting, and am reiterating my sentiments. My fellow sportsmen and I think this is a step in the right direction in more ways than one. It will potentially draw in more hunters, make the harvest of game more humane by giving us more accurate weapons while not extending our range, and generate more revenue for the state. Keep up the good work!

Jerry Rowland wrote by email on January 5, 2007 from jrowland@hughes.net
I support the amendment to allow rifles using pistol cartridges.

Kevin Harmeyer wrote by email on January 5, 2007 from khaywire@earthlink.net
I've read the proposed DNR rule changes for 2007 and agree with them, for the most part. One rule I beg to differ with is the maximum case length for pistol cartridges used in rifles. The proposed maximum is 1.625". This would prevent the use of the .460 Smith & Wesson magnum recently introduced. It's case length is 1.80" and is an excellent candidate for the new proposal.

Respectively, the larger and more powerful .500 S&W Magnum that was also recently introduced does have a case length of the proposed 1.625". In effect, the less powerful 460 Magnum would be unlawful to use because of it's case length, yet the more powerful .500 would be legal.

There are few other cartridge cases currently that fall between the lengths described above. The case length proposed will only serve to outlaw a lesser caliber but still favor perhaps the most powerful handgun cartridge produced to date. The logic behind this length is quite confusing.

I respectfully request the maximum case length be increased to 1.80" to include the .460 Magnum for use in deer rifles. There are no other cartridges to my knowledge that would be affected by this proposal. Perhaps there are other reasons for limiting the case length to 1.625" that I'm not aware of. Please justify these if so. The longer case length would be a logical decision.

Ron Shumaker wrote on January 5, 2007 from fare414@ccrtc.com
I already worry about and errant rifled slug coming into my house. Allowing a pistol load in hunting season will terrify me, my family and many others. DO NOT ALLOW PISTOL CARTRIDGES TO BE USED DURING ANY FIREARM SEASON.

S. Neher wrote by email on January 5, 2007 from sneher@peoplepc.com
I am in favor of the Rifle with pistol cartridge rule.

I would like to see BLACK POWDER RIFLE added. Below is a brief list of calibers that are available.
Rules for BLACK POWDER RIFLE would be
1. BLACK POWDER or substitute only (Pyrodex, Triple7...)
2. Iron sites.
3. Listed cartridges only 40-65, 38-55, 45-60, 45-70, 45-75, 45-90, 45-110, 45-120 50-95, 50-110, 50-120 3A original rifles produced before 1895 with bore size of .375" or bigger.
4. provisions to add to cartridge list

These are higher end guns, most going for $750+. With iron site restrictions I do not believe that many people would rush out to buy a BLACK POWDER RIFLE. Most of these loadings can be exceeded by the Modern muzzle loading rifles currently on the market including the Savage using smokeless powder. The handgun rules permit far more long range loadings.

Keith R. Klemm wrote by email on January 5, 2007 from hoodooman@mchsi.com
I'm an avid hunter of migratory waterfowl as well as deer. I'm a multi-season hunter taking advantage of the great seasons Indiana offers for bow and firearms.

I understand the proposed rule changes would allow the use of pistol cartridge rifles, exempting youth hunters from the HIP program and adding the Cerulean Warbler to the endangered species list.

I applaud the efforts taken on behalf of the warbler, however that's where approval of the proposed changes ends.

I can not say strongly enough how opposed I would be of allowing the use of any rifles for deer hunting in Indiana including the use of pistol cartridge rifles. I believe the small farm lots that many Indiana hunters use are to close in proximity to populated areas, rural housing and adjoining properties where others hunters are also in the woods. If anything, I believe the state should be more restrictive on the firearms we currently are allowed, such as enforcing all shotgun magazines be plugged so that no gun may hold more that three shots at any time. Today's firearm manufacturers produce numerous rifles that look like one thing but perform like something else, if "pistol cartridge" rifles are allowed, I fear this will encourage misuse of the ruling and open a series of exemptions to the rule that may be hard to contain in the future. Please, keep the pistol cartridge rifles out of our state during deer season.

On a final note regarding the HIP exemption for youth hunters, what gain would there be in not gathering harvest data to the fullest extent possible? There are better ways to gain information on wildlife data, but the HIP program is relatively simplistic and inexpensive so I encourage you to maintain the HIP as it exists and encourage our youth to fully partake in their role to become responsible hunters in the future.

Ron Everitt wrote by email on January 5, 2007 from ElliottManor4@webtv.net
Sounds like a good 357 move jkane. Am currently restricted to bow hunting only and since being a service connected 2X war Vet I git to use a crossbow all season long. And what a bummer about that so far for this season. It's the worst season of 5 yet and only two days left to make an harvest on my second license. Good news though about the one I got this season,a seven pointer! With my new crossbow all I have had this

season was that one shot only. But if I don't claim one in these next two days that will make it three years running that with the multitude of deer there are that I donated $72.00 for a whole bunch of nothing. Those other years at least I had many opportunities with just as many stories of missing one for the day. So,a back at yeah proposal jkane.

And it will be another incentive for Hunters to hunt,just as the third and so on and on deer licenses were lowered to $15.00 each instead of the has been $24.00 each (but) why not offer refunds on those $15.00 ones? Better? yet (so that it will not over-burden the finance office),well,no,that won't work to well,not without cross referencing license holders because they could buy one for the criminal g.p. aspect of it and hold it for the next season but the alternative proposal was let them use the "skunked $15.00" license from the previous year for the next years season.

Having a small business when it finally should git its upstart is going to be worth allot of cha-ching/cha-ching but as one currently living far,far,far below the Nationally recognised poverty level am 100% serious about a rebate on the last license bought (as in) Trophy Hunters could probably care less but besides Indiana could advertize for even out of Staters as well that they are guaranteed a deer or their money back,there are a few of us with reasons to fill an freezer and to even allow the use of such noted rifles should help out all the more on the deer count as well. Now,if I only had the opportunity to do the latter (if rifles are legalized…)

So of another subject (my currently being restricted to bow hunting only) a little perk/character reference from here to State would be much appreciated,now that I am in CERT.

Mark VanCleave wrote by email on January 5, 2007 from pokeyjoe89@hotmail.com
Would legal guns for deer hunting include black-powder loads such as the 45-70?
If not I would like to see these loads considered.

Manuel Lochard wrote by email on January 6, 2007 from lochard@hsonline.net
It is all ready dangerous too hunt now. It would be better to vote in body armor. My house is in the woods it has been hit with bullets 3 times in 10 years. The firearms shot guns and muzzle loader is more then enough. I hunt with a muzzle loader 1 shoot 1 deer. Can you imagine a spray of bullets with a longer range with no more accuracy. You need to encourage marksmanship think most of the people that would us them are ones that are weekend hunters. People in Indiana were not raised up with high powered rifles to hunt with. I think this is a very bad change These calibers need to have a back stop to stop them when fired. Marksmanship is the key to a successful hunt.

Trenton J. Marsh wrote by email on January 6, 2007 from t_marsh83@hotmail.com
I cannot strongly enough convey to you how much I hope rifles are NOT allowed to be used in Indiana for deer. They are completely unnecessary. This is not open country; we do not need 250 yard cartridges. Handgun cartridges may not be that, but when you say rifle, the uneducated hunter, which we have entirely too many of will have glorious images of hunting the wild wild west. The woods will be full of illegal rifles in more dangerous calibers such as 30-.06 and super mags. The area I hunt typically has 4-8 hunters within a half mile square. Our shotguns carry more than enough range to SAFELY hunt this area. We do not, and should NOT have to worry about the extra miles a poor or accidental shot may travel.

The sheer numbers of people in the woods during the gun season should scare the State to death at the thought of rifles being in hand.

I am not voicing my opinion to be loud or obnoxious or to force my thoughts on other people, I voice my opinion because I am scared for my safety and the safety of my family if rifles are allowed to be used by the blaze orange army in November.

Susie Carpenter wrote by email on January 6, 2007 from scarpenter@ccrtc.com
I think this would be a big mistake. So many hunters don't realize the distance a rifle bullet can travel. Unless there is a hill or some sort of bunker-type stop, the bullet can go a long ways. Whenever my husband or I target shoot, hunt for small animals, etc., the first thing we consider is where this ammo will end up, whether it passes through the target or not. No rifles in parks, please.

Mike Ohlmann wrote by email on January 6, 2007 from mike@mikescustomtaxidermy.com
Comments re; **The proposed deer firearm season rule change;**
language reads: - The rifle cartridge must:
(A) have a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;
(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and
(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.

Please adopt this rule. It as a long overdue positive step!

It will allow a broader opportunity base and reduced recoil alternatives for young hunters.

I would further encourage IDNR to not only adopt the above rule but to further expand the firearms selections available to deer hunters for the following reasons:

The typical mentality I have encountered with average shotgun hunters is that the weapon is inherently inaccurate so they generally shoot multiple times, spraying the woods with lead in an unsafe manor.

Many poorly shot deer are not recovered and could lead to assaults by anti's as cruel and inhumane and not respectful of the animal.

Youth, women and all people of small stature typically being introduced to hunting with hard kicking, marginally accurate weapons may be discouraged or otherwise become imprinted with poor habits and impressions of the sport.

Many states have expanded their deer hunting rules to allow for any caliber centerfire cartridge understanding that families often own several firearms and can hunt together if more versatile rules allow them to use firearms that they own and are comfortable and competent with.

Due to shotguns short range typically they are open sighted or fitted with cheap low powered scopes. Even at close range it is difficult to in the final seconds make a clear determination of sex of does vs. button bucks or small spike bucks. This leads to mistakes by those less caring and passing of opportunities to harvest additional does by those only wishing to harvest does and mature bucks.

Hi-powered rifles are already being used by those hunting deer in authorized depredation situations. All landowners should have the same options regarding the harvest of deer on their land.

Tom Bryan wrote by email on January 5, 2007 from tbryan@fuse.net
With the consideration of the 357 Magnum and presumably 44 Magnum rifles for deer hunting, will there be a limit of 3 cartridges in the firearm at a time as there is with deer slugs in a shotgun? Is it going to be as easy to put a plug in the rifle as it is in the shotgun? Why the limit of slugs in a deer hunting shotgun during deer season?

How about considering allowing the children and grandchildren of non-resident landowners to hunt on the parents/grandparents property without a license? It would further help control the deer population, promote hunting and family traditions.

Gary Wendholt wrote by email on January 6, 2007 from gholt@psci.net
I would like to state that I am AGAINST any use of rifles for deer hunting. Indiana is too densely populated for their safe use, and I am sure that MANY individuals will be using a standard rifle cartridge and not being worried about being caught. As a license vendor, the majority of hunters I come in contact with are against the use of rifles for deer hunting.

John Christopher wrote by email on January 6, 2007 from antiwheeze@excite.com
I support the following rule two changes: Proposed rule changes include allowing rifles loaded with pistol cartridges during the deer firearms season, exempting hunters younger than 16 years old from Harvest Information Program (HIP) registration before hunting migratory birds during the youth free hunting season.

Russell Sumner wrote by e mail on January 6, 2007 from r_sumner@hotmail.com
I have lived in northern Virginia now for four years. Since I've lived out here I've not been able to figure something out. We are allowed to hunt deer with rifles...any we choose as long as it is over .23 caliber The population density here where I live is comparable to the outer fringes of Marion County, IN, yet we are still allowed to use whatever caliber rifle we choose to hunt deer. I am quite connected to the hunting scene here having hunted since I was 7 years old back in Indiana and Illinois. I pay attention to the news. I have yet to hear of any incidents (accidents?) in this state regarding the use of rifles during deer season, other than your occasional hunter mistaking a human for a deer (amazing that happens still isn't it?). WHY hasn't Indiana allowed rifles during deer season? I am totally in favor of the new proposals to allow handgun cartridges that are also made in rifles. But, why still have the restrictions at all? I would be in favor of allowing all rifle cartridges that can humanely harvest a deer...just like in VA where the lower limit is .23 caliber. Please consider doing the right thing and allowing these proposals to be accepted.

Dennis Donoho wrote by email on January 6, 2007 from dgdonho@gmail.com
I am against hand gun hunting in Indiana there is to many rural areas that have housing in close proximity to hunting areas . These high powered cartridges are dangerous and there are too many hunters that do not use common sense when it comes to using these. I live in a rural area with 3 woods with in a quarter of a mile a 357 hand gun cartridge can easily reach that far to have hi powered rifles scary the hell out of me. The DNR would be irresponsible to let this pass. The bottom line is Indiana is to densely populated to allow hi powered rifles into the hunting of deer or any other game. Shotguns are more than adequate to hunt with for most any game in the state. I have hunted for years and for the last 20 I only bow hunt because of to many irresponsible hunters in the woods now. I am not against hunting but I think you will have far more accidents if this passes.

Paul Greene wrote by email on January 6, 2007 from pgreene@nm.k12.in.us
I just read the email from DNR that someone else received talking about allowing rifles for deer season. I have heard rumors of this possibility for over a year now, but you have got to be kidding. Do you realize what this will do? Already people with rifled barrel shotguns and inline muzzleloader think they can shoot over 300 yards. If you allow rifles, hunters with no knowledge on the ballistics of their gun will think they can also shoot over 300 yards. Will it take someone getting injured or killed before you guys get some sense? Think about people hunting public ground or private ground where several others are also hunting. Some that is trying to shoot across a field may not see someone in the woods behind the target (deer). Also think about how many more deer will be poached. Since there aren't enough CO's to patrol every property, there are going to be guys carrying "illegal" rifles. Who knows, this may actually work out in one case. With all the bucks that will be injured in the first couple of years of this stupid rifle season will end up growing nice non-typical racks. If you think this is another way to control the herd, look at other possibilities. The biggest thing is dropping the price for doe tags. Big deal that this year the second bonus tag was half price. Prices don't affect me since I have a lifetime license, but I know several others that

won't by bonus tags b/c they either refuse to pay that much or can't afford them. Bottom line, rifles in Indiana should be saved for varmints, not deer.

Dave Minnich wrote by email on January 6, 2007 from minnichdave@chilitech.com
First I would like to compliment the DNR for their efforts in maintaining a healthy white-tail heard while ensuring plenty of opportunity for hoosiers to enjoy the thrill and wonder of hunting them. As for the proposed pistol cartridge rifle season, while not opposed to hunting with rifles, I feel that using pistol catridges in rifles will only serve to encourage hunters to take longer shots than the weapons effective range. The rifle will allow more accurate shooting, however I feel that the pistol cartridge will lack the energy to make a clean kill at the ranges hunters will try to shoot from. I like the idea of adding a rifle season, and appreciate the DNR listening to the views of hunters, however I feel this issue will require quite a bit of thought to ensure the safety of hunters as well as minimizing the wounding of animals.

P.S. I really appreciate the efforts in extending Handgun Permit holders rights to protect themselves and others, by allowing licensees to carry legal weapons in state parks and while bow hunting.

M. Scott Rich wrote by email on January 6, 2007 form msr224@aol.com
As a sportsman here in Indiana I support **t**he proposed change to allow pistol cartridges for deer hunting. This will allow for a greater selection in firearms choices for the sportsmen and women in Indiana. You've got my vote.

Philip Burket wrote by email on January 6, 2007 from pnburket@dcwi.com
Seems like a good idea, already used in pistols so why not a rifle.

Giles R. Hoyt wrote by email on January 7, 2007 from ghoyt@iupui.edu
I approve the change that would allow rifles for deer hunting limited to low and medium power cartridges. I would include also common medium range cartridges such as the venerable 30-30, 32 WCF (32 Special) and 35 Remington, given that they have a medium range of effectiveness and can presently be used in certain handguns, e.g. Thompson Center single shot pistols. It would be useful to simply list the cartridges that are allowed rather than case lengths and bullet diameters.

Frank Walker wrote by email on January 7, 2007 from frwj@rge-inc.com
In favor, rule not clear to me, however, .357 Pistol Ammo in a rifle barrel would definitely avoid a lot of tracking and blood trailing that we do with that stupid shotgun slug. There is a lot of difference between Trauma plus hemorrhage as opposed to mostly hemorrhage caused by slugs. If I had my way I'd use a 30-30. drop em with one shot and get ‘em in the cooler rather than sit around waiting for them to die. The large firearm provides a dead animal where you shoot it rather than where you find after you track it , if you can track it.

Leonard Gustin wrote by email on January 7, 2007 from gusnlg@ligtel.com
I AM IN SUPPORT OF RULE CHANGES TO DEER HUNT WITH RIFLES WITH PISTOL ROUNDS,HOWEVER I THINK SOME RIFLE CARTRIDGES SHOULD BE CONSIDERED; SUCH AS 3O/30,35REM,45/70 WHICH ARE ALSO SHORT TO MED RANGE.

Wesley George Crawford wrote by email on January 7, 2007 from crawforw@purdue.edu
In reference to the proposed rule change to allow rifles with pistol cartridges, I am in favor of this proposal for the expected increase in accuracy. This should result in less wounded deer.

However, I suggest that only SINGLE SHOT rifles be allowed. This would promote hunters continuing to take their time and aim accurately. It would be similar to what they have to do with muzzleloaders--aim accurately and shoot one time.

It saddens me when I hear someone shoot bang, bang, bang, bang, bang with a shotgun. I know they aren't aiming and are just throwing lead at fleeing game. Every year I find a dead deer or two that someone has wounded and the deer either died or I see it limping along. I have had to fill my tag before with deer that I did not want to take because I knew the deer wouldn't survive. I put it out it's misery and ended my hunting season. I'm sure that some of the ones that I found dead or wounded were a result of the rapid shot hunter.

Single shot rifles would be an improvement.

Rodney Vickery wrote by email on January 7, 2007 un2god_givepraise@yahoo.com
If by some chance the law is passed, do you really think that people are really going to pay attention to there surroundings, choose a clean shot and know what is going to stop there bullet after it exit's the deer? Indiana is really too flat to use rifles, yes I know that Illinois uses high powered rifles, but you think about it truthfully there to flat to! most people either use a slug gun, or a muzzle loader! And the maximum shot that there going to take is 100 yards, to 150 yards! as far as a hand gun round goes I use a 35 Remington in a TC contender I'm set in at 100 yards if you look at the ballistic tables on a box of hornady 35 rem 200 grain ballistic tip it states at 2225fps 100yds a rise of 3.0" , 200yds a drop of 1.3", 300yds a drop of 17.5" so with this chart i can go out and sight my hand gun in at 300yds, so if I went out and bought a rifle chambered in 35 rem I could sight it in at 500yds at least. you also have to consider the idiots that are going to be out there with flat shooting rifles like .308, .300 win mag, .270, ext or brush guns like .3030 .3006 there is not enough hills to stop these bullets when you have everyone and there brother hunting within a mile of you, right now its so hard to find hunting ground in Indiana that someone either from out of state or from a big city hasn't leased so everyone else has to hunt where ever they can get permission to. And that doesn't leave a whole lot of ground to cover. Another thing think about all of the roads and high ways in Indiana its bad enough with muzzle loaders and slug guns trying not to let a bullet stray and go across a road.

Chris Baldini wrote by email on January 7, 2007 from baldy@sugardog.com
Adopt as written.

The proposed deer firearm season rule change language reads:
- The rifle cartridge must:
(A) have a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;
(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and
(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.

James Rutkowski wrote by email on January 7, 2007 from j_rut145@yahoo.com
I am writing in **support** of the proposed administrative rule change to allow the use of rifles chambered for pistol cartridges during Indiana's firearms deer season.

This is a proposal whose time has come. Rifles chambered for "pistol" cartridges are effectively 100 yard weapons. Modern muzzle loading rifles with magnum charges are 200 yard weapons and even modern shotguns with rifled barrels are100-150 yard weapons with the right load. It no longer makes sense to restrict the use of the pistol caliber rifles. They are in no way an increase to the effective range of a hunter. In addition, pistol cartridges are affordable. The $2-3 per shot rifled slugs currently on the market hinder most hunters ability to practice from a financial standpoint. This can only lead to more time at the range and better marksmanship on the part of Indiana hunters.

Dennis Hanks wrote by email on January 7, 2007 from dhanks2541@esagelink.com

I'm all for the rifle season.

Ron Wiles wrote by email on January 7, 2007 from sfd109@yahoo.com
I am against allowing rifles for deer hunting. Shotguns, muzzleloaders and pistols are fine. It is hard enough getting permission to hunt on private land with the above mentioned weapons. No need to add another reason to be denied.

Phil Ashby wrote by email on January 7, 2007 from ashbyphil@juno.com
I endorse the rifle addition to the deer firearm season.

Dave Shively wrote by email on January 8, 2007 from claypooldave@yahoo.com
I am in favor of allowing pistol cartridges in rifles legal for deer hunting. Many of todays modern muzzleloaders ballistics exceed all pistol cartridge ballistics. This new ruling would give Indiana hunters another choice of weapons. I would encourage a fast decision by the DNR as many hunters will need to purchase rifles or barrels and especially the barrels will require a long lead time when ordering.

Joseph Madej wrote by email on January 8, 2007 from jam_bow2000@yahoo.com
I'm against using rifles loaded with pistol cartridges during deer season. It takes away from the sport of pistol hunting, which is a challenge and makes a hunter more humane by forcing him to make the first shot count. Also, violators are being caught now using high powered rifles, which makes it dangerous in the woods and surrounding areas. The danger risk would become greater if more hunters entered the woods with rifles.

On the Cerulean Warbler being added to the endangered list-I'm for it, if the experts believe they are endangered.

Finally, I'm for exempting hunters younger than 16 from HIP. It makes it less complicated and adds an incentive for getting more youth out into the field. If the rules are set up with safety in mind, hunting is a good sport which builds character.

Michael S. Mark wrote by email on January 8, 2007 from msmark@mchsi.com
I really look forwarded to possibility of adding heavy bore rifles to our season. Will this include cartridge such as the 45/70 govt and similar cartridges? I assumes the reason we have not opened this up in the past is because of distance and being that Indiana is primarily flat ground, well here are some ballistic charts from two rounds that I shoot a lot of.

This is from Hornady web site, the 45/70 is very comparable to the new 12 gauge SST Slug that I shot this year. I hope that if the Indiana DNR is going to consider the hand gun loads that they don't forget the lever action heavy bore rifle as well. There is not much difference between the current shotgun loads to the leaver action, and if Hornady had not made the lever action load hotter this year, the 12 gauge sst would shoot much flatter and further than that 45/70 round. Very soon the gun and ammo company will make it so that shot gun and muzzle loader weapons shoot over 300 yards with little drop, and at that point this will be all mute point, or DNR will be forced to limit what type of ammo hunters use.

The proposed deer firearm season rule change language reads:
- The rifle cartridge must:
(A) have a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;
(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and
(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.

This proposed deer hunting rule change language would continue the DNR's long-time position of allowing only short-to-medium range equipment for taking deer. The DNR has often received requests from the public for a rule change allowing some rifles during deer firearm season.

I added the ballistic of more standard loads for the 45/70 and other leaver action rounds. Big difference.

[DIAGRAMS, GRAPHS, AND TABLES SUBITTED DURING THE PUBLIC HEARING STAGE HAVE BEEN OBMITTED FROM THIS REPORT. JMK]

Joy Tatgenhorst wrote by email on January 8, 2007 from Joy.Tatgenhorst@noaa.gov
Please add the Cerulean Warbler to the State of Indiana' Endangered Species list. It deserves the utmost protection and the habitat, mature deciduous forests also needs protection.

Adam S. Craig wrote by email on January 8, 2007 from Adam.S.Craig@delphi.com
Too often we protect a species when it is too late to save it. Indiana's environmental laws need teeth with enforcement. That commitment is sometimes compromised by shrinking budgets. As a property owner in Indiana, I want my children to see species I saw while growing up there.

Keeping Indiana Hunters Safe *and* Modern

[DIAGRAMS, GRAPHS, AND TABLES SUBITTED DURING THE PUBLIC HEARING STAGE HAVE BEEN OBMITTED FROM THIS REPORT. JMK]

I am writing to propose a different strategy to allow Indiana hunters to take advantage of modern centerfire rifle rounds while keeping with the long standing Indiana position on allowing short to medium range firearms for deer hunting.

I've been a resident of Indiana for 30 years, and have been deer hunting here in the Hoosier State for 15 years. I graduated from Purdue University in 1999 with a B.S. Degree in Mechanical Engineering Technology, specializing in physics, dynamics, and fluid mechanics. I have studied handgun and rifle ballistics on a hobby basis for the past 15 years. I am also an avid reloader and target shooter. All of these experiences have culminated in my thorough understanding of hunting, ballistic physics, ammunition, reloading and the intricate balance between each.

The goal of firearm restrictions for Indiana deer hunting is to limit the effective range to what has been defined as "short to medium ranges". With modern technology, the traditional short ranges of muzzleloaders and shotguns have now been extended into the "Medium Range" of ballistic capabilities. This increase in effective range is now raising the question, "What other firearm platforms can be effectively utilized without further safety compromises while still allowing Indiana deer hunters a short to medium range weapon for the purpose of deer hunting?"

The current proposal of allowing specific pistol cartridges, based on caliber and case dimensions, is a step in the right direction. This would allow Indiana hunters a broader range of firearms that could be utilized for deer hunting while adhering to the safety standard of range limitations. Unfortunately, this proposal only allows what would be defined as "Short Range" cartridges.

In addition to the current proposal, I suggest that certain medium range centerfire rifle rounds be considered for adoption. Traditionally, "brush gun" calibers such as the 30-30 Winchester, 35 Remington, and 45-70 Government have been very effective in harvesting deer while keeping the hunters range limited. This range limitation is not based on cartridge dimensions, but rather by bullet muzzle velocity.

Muzzle velocity plays *the* critical role in a bullets ability to continue downrange. Current high velocity shotgun slugs are at the 2000 feet per second (fps) threshold, and modern muzzleloaders are achieving 2200+ fps, easily putting them into the medium range category. This is the same velocity envelope of the traditional medium range "brush gun" calibers.

Instead of trying to pinpoint specific cartridges, firearms, or other parameters, I suggest adopting a "Speed Limit" of 2200fps for **centerfire rifle** muzzle velocity. This automatically limits the effective range of ANY and ALL centerfire cartridges to that of the "Medium Range" rifle round. This also mimics the range of current legal firearms, while allowing many more safe choices for Indiana hunters.

Couple this "Speed Limit" restriction with a .30 caliber minimum, and a broad range of effective but safe cartridges can now be used. The following list is an example of some of the cartridges that would fit into this proposal:

.30-30 Winchester
.35 Remington
.375 Winchester
.405 Winchester
.444 Marlin
.45-70 Government
.450 Marlin

Determining a cartridge's muzzle velocity is very simple due to ammunition manufacturers printing velocities either on the box of ammunition or in cataloged tables. These ammunition catalogs are available on-line or at many sporting good stores. Below in an example showing muzzle velocity from the online Winchester ammunition catalog:

[DIAGRAMS, GRAPHS, AND TABLES SUBITTED DURING THE PUBLIC HEARING STAGE HAVE BEEN OBMITTED FROM THIS REPORT. JMK]

By utilizing resources such as these catalogs, one can determine at a glance the legality of a cartridge under this new "Speed Limit" proposal. In this case, the muzzle velocity of this 45-70 round is listed at 1880fps, well within the new limits.

In addition to factory ammunition, many hunters and shooters reload their own cartridges for a variety of reasons. One only needs to read and implement certain loads listed in the many reloading manuals to comply with the "Speed Limit".
The following was taken from Hodgdon's online reloading data catalog referencing the .35 Remington cartridge:

A reloader can simply find a load "recipe" from the available powders and can custom tune the load to be within the new limits. From the above table, it's quick to see that a load of 39.0 grains of H4895 powder results in a velocity of 2232fps, violating the new limit, but a load of 35.0 grains of H322 powder would comply.

Enforcing this new "Speed Limit" on rifle cartridges would be no more difficult than enforcing current vehicular speed limits. First and foremost, it would be the hunter's responsibility to comply with the new speed limit. If needed, the ammunition box, ammunition catalog, or other means of verifying muzzle velocity could be kept with the hunter as a means of proof of compliance. For incidents that might require further physical verification of a bullet's velocity, DNR Law Enforcement Officers could be equipped with a simple device such as a bullet chronograph to determine velocity.

Below is an example of an inexpensive chronograph that could be deployed in the field:

This device works by shooting a bullet through the two "V" areas. A readout of the bullet's velocity is then generated on the digital screen. Mounted on a tri-pod, this device can be easily set-up in less than a minute, and utilized with minimal training. Turn the chronograph "ON", shoot through the two "V's" and the muzzle velocity is then displayed digitally on the screen. A simple backstop could be a tree trunk, close hill, or the chronograph could be angled down so the bullet safely impacts the ground.

In closing, this new "Speed Limit" suggestion does not call out individual cartridges that could be legal, but rather a class of cartridges that pose no more long range risk than current legal and safe firearms. It takes into account a myriad of rifle rounds, but effectively limits each and every one to "Medium Range" classification by way of velocity limits. This helps to eliminate the constant review of the regulations to add new calibers that may be developed or deemed appropriate. If the muzzle velocity is 2200fps or less, and it's at least .30 caliber, then it's allowed, otherwise not. Simple, safe, effective, and spans any and all centerfire cartridges, today and long into the future.

[DIAGRAMS, GRAPHS, AND TABLES SUBITTED DURING THE PUBLIC HEARING STAGE HAVE BEEN OBMITTED FROM THIS REPORT. JMK]

Jay Kerkhoff wrote by email on January 8, 2007 from jkerkhof@spencerindustries.com
I do not think this is a good idea, I feel there would be more deer wounded then harvested (inexperienced people shooting low powered cartridges too far).

Rick Bramwell wrote by email on January 8, 2007 from RickBramwell@aol.com
Many of us own 30/30 lever action rifles. This is a mid-range caliber many would like to see included with the pistol bullets...

Todd Strader wrote by email on January 8, 2007 from tmstrader@starenvironmental.net
I am opposed to any expanded firearms deer hunting in Indiana including rifles.

James McClain wrote by email on January 8, 2007 mcclain.james@siemens.com
I wanted to take a couple of key strokes to voice my opinion on the upcoming legislation regarding rifle hunting for deer in Indiana. I was born and raised in Ripley County Indiana. I have hunted for forty one years. I like the majority of deer regulations in place currently. I have been witness to the deer hunting movement from recreation and sustenance hunting to big business. The perfect example is what is taking place in Illinois, Kansas, and Iowa. Large expanses of land by acquired and access is only through lease privileges or the hiring of guides. I just hate to see hunting opportunities for the blue collar hunters be out matched by the lure of big antlers and big business. I have always felt that Indiana being a non-rifle state has held off the invasion of three day antler hunting community. Indiana is on the right track for

improving their deer herd. Buck to doe ratio, one buck rule are a couple of the smartest as of late. After all this good work the introduction of the rifle appears to me as counter productive. As you can probably tell by know I am not in favor of the introduction of rifle hunting. Let wisdom prevail and let's do what is best for the Indiana hunting population as well as the Indiana deer herd.

Tim Gill wrote by email on January 8, 2007 from TimJGill@aol.com
I am writing to oppose the use of small rifle cartridges for Indiana Deer Season due to the concern of safety among hunters and to protect our youth in the field.

I would only support the use of small rifle cartridges under a special 3-day late season hunt, rifle only and limit that to private land and exclude refuges and parks.

Dan Stevens wrote by email on January 8, 2007 from dstevens@dlz.com
I support allowing pistol caliber rifles for deer hunting in Indiana.

I also support allowing the use of other tubular magazine rifle cartridges such as 45-70, 450 Marlin, 30-30 and 35 Remington.

Jack W. Laugle wrote by email on January 8, 2007 from mmproto@iquest.net
This is some input for the upcoming vote for medium range rifles. I'm my opinion they are not needed. Currently today the only ones using rifles are the poachers. If we incorporate this law it will be harder for the DNR to bust poachers. If this law passes they can legally be carrying a rifle during the deer season or in there truck. But if it doesent pass and they get pulled over by the DNR and have a rifle in there truck at night. This may be a sure clue on who to watch. Poaching with a rifle is extremely high in Indiana and is very hard to catch these guys. Don't give them any help. Plus guys will start shooting at distances of 200 to 250 yards. And usually these same guys cant hit a barn at 50 yds. I feel it's not a good idea. Tell them to get a muzzle loader.

Doug Allman wrote by email on January 8, 2007 from dna75@skyenet.net
I am writing you for your consideration and thought on the following subject. The Indiana DNR is considering a rule change to allow the use of center fire rifles for deer hunting throughout our state.

The hearing will be held Tuesday, Feb. 13 at 6 p.m. (EST) at the Garrison Conference Center at Ft. Harrison State Park in Indianapolis.

The proposed deer firearm season rule change language reads:
- The rifle cartridge must:
(A) have a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;
(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and
(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.

This proposed deer hunting rule change language would continue the DNR's long-time position of allowing only short-to-medium range equipment for taking deer. The DNR has often received requests from the public for a rule change allowing some rifles during deer firearm season.

Center fire rifles are currently prohibited in this state for deer hunting and the cartridges that they shoot are only allowed to be use for deer hunting with a pistol. Pistol use is small compared to shotgun and muzzleloader use on deer. My concerns as a lifelong hunter and deer hunter for over 25 years as that this further liberalization of guns for deer hunting will erode the sport and increase the risk to the non hunting public and those that participate in the sport. Sportsmen have continued to see industry make changes in the technology of weapons that have increased the range and capacity to kill animals at further distances with less skill in both woodsman ship and marksmanship. One needs only to look at what changes have

occurred to the muzzle loading rifle since it became a legal weapon to hunt deer with in its own special two week season.

The Muzzleloader has evolved from a side lock or flintlock long rifle that shoots a patch and ball and propelled by black powder, identical to what or forefathers used when they first settled this nation, to a closed ignition system that uses shotgun primers to light pyrodex smokeless powder pellets to propel sabot jacketed copper plated bullets. The muzzleloader was added to the Indiana deer season as a chance to extend the opportunity to use a primitive short range weapon good to a maximum distance of 60 to 80 yds. The modern muzzleloader is now capable of killing animals out to 250 yd or longer. It is no longer a short to medium range weapon. The only saving grace is it still only shoots one shot at a time and it takes time to reload it. The DNR has done nothing to stem the distance this weapon is capable of shooting.

A similar thing has occurred since the pistol was allowed for deer hunting. Hand gun enthusiest wanted to use a limited range handgun similar to that they used for home protection and target shooting. What was approved by the DNR many years ago was a 50 yd and under handgun. A few years after the pistol was legalized for deer hunting, unknown to most, the DNR changed the regulation to allow a new technology handgun that was capable of shooting single shot high powered center fire rifle cartridges. So now the state has another 250 yd or longer weapon in a handgun usually shot from a rest or bipod.

This proposed deer hunting rule change language would continue the DNR's long-time position of allowing only short-to-medium range equipment for taking deer.

This statement is not true if not intentionally misleading. 200 – 300 yds is not medium range. It is long range. If allowed to be legalized these center fire long rifles capable of holding many cartridges will end up in a few years as weapons capable of killing animals at great distances with multiple shots. If one has ever watched the "Rifleman" this is the type of gun we are talking about. A lever action gun capable of shooting quick and fast.

I and others believe this is a big mistake and if anything the DNR should take a step back and reduce the distance and firepower that our current legal weapons are capable of shooting.
While hunting is a safe sport this can increase the risk one takes while hunting as well as those who do not. At greater distances with multiple shots the chances for and accident increase as well as does the chance to wound even the game sought.

As Indiana's landscape continues to become more populated by people and both the deer numbers stay high as well as those who hunt them, 200,000 deer hunters, is this a wise move for the State. I think not! Indiana's county and city government continue to create ordinance to address people's fear of hunting and guns in close proximity to the general population. Access continues to be harder to gain. Problems with overpopulation of deer, geese, and raccoons continue to pose problems for wildlife managers. Yet the state again is contemplating further liberalization of weapons.

As a person who has been involved as a voice for sportsmen and has seen his sport come under attack in his county as well as state wide within proposed ordinances and laws to ban gun hunting within 400 yds of a dwelling, I ask why would the state not considered the perception of their actions and future consequences. Some of the blame also lies with State Senator John Waterman who has proposed legislation allowing the use of center fire rifles over the last few years on behalf of his constituents in south western Indiana. I regret that these sportsmen have failed to see the big picture and take into account the entire state not just there little piece.

I have always been able to tell the media during several interviews as a spokesman for the IDHA and other hunting groups that center fire and high powered rifles were not legal deer hunting weapons in Indiana and the public has nothing to fear. It would appear this is about to change and some people are already working to make long range high powered rifles the next weapon of choice.

John Hayden wrote by email on January 8, 2007 luther_317@hotmail.com

I'm not quite sure I understand the proposed rule change. Would you please tell me if a Winchester 30-30 falls under the new proposed rule change.

Dan Chance wrote by email on January 8, 2007 from DChanc493@aol.com
I am 38 years old, a landowner and an avid hunter. I hunt bow and gun season both. I own 60 acres and my biggest fear with this proposed rifle change is that these bullets being shot out of a longer barrel will allow for further distance of travel. My self and many others around the state already have a problem with hunters hunting our property lines and I usually try to position myself where current guns used cannot reach myself or kids from our property line hunters. We pretty much hunt behind hills and towards the middle of our property. We will probably be pushed out of hunting gun season and only bow if this passes because of the danger factor. More and more farmers are downsizing and selling off for building and fewer young farmers every year so the future trend of smaller farms will continue and high power rifles are undesirable and unsafe for other hunters and the public. I think the DNR with the push for younger hunters in the field would not want to make it anymore dangerous but safer for our youth. I strongly oppose any type of high power rifles.

C. Kimbell wrote by email on January 8, 2007 from cakimbell@hotmail.com
I am in support of the proposed change, especially in the .44 magnum caliber. I currently hunt during firearms seasaon with a .44 mag. revolver and would welcome the added option for hunting.

John Matthew wrote by email on January 8, 2007 from ddmatt@peoplepc.com
I think it would be ok to allow some cartridges. Because most rifle would break up hitting anything. Where a heavy slug wouldn't. And the rifles would be more accurate. Plus people using pistols are already using them.

Chuck Shreve wrote by email on January 8, 2007 from cpshreve71@yahoo.com
Just a quick question. Why is it I can use a 300 mag to hunt coyotes, but not deer. Actually I was wondering, why not let hunters use straight walled rifle cartridges for deer hunting. This would include 45-70,450 marlin, & 405 win. These rounds don't shoot any further than a modern muzzleloader or shotgun. Just something to think about.

Alvin Hochgesang wrote by regular mail on January 8, 2007 from Kokomo, IN
I am in favor of the proposed rule change allowing rifles during the deer firearm season. I believe it makes sense since you already allow pistols of the same calibers. Shooting a rifle from a tree stand with a rest aim would tend to be more accurate than a pistoal and result in fewer wounded deer.

I am a lifetime license holder and have been bunting deer for 20 years. It really bothers me to find a dead deer after the season that was probably wounded and never recovered by the hunter. I am in favor of anything that can make clean kills. For many people, a rifle is easier to shoot and handle than a shotgun.

Thanks for all you do for the benefit of the outdoors and those who enjoy them in Indiana.

Michael Griggs wrote by email on January 9, 2007 from mgriggs@Vectren.com
My name is Michael Griggs and I am writing to you to express my support for the use of pistol caliber rifles as an option for Deer hunting. I know the matter is coming up for vote in the near future, and would like to see this measure passed. Thanks for your time in this matter.

Russell D. McCoy wrote by email on January 9, 2007 from rdmccoy@csinet.net

I am not able to attend the public meeting on proposed rule changes for "07" but would like to comment on allowing rifles with "handgun" cartridges. I agree with the rule change as it is written, only allowing those standard cartridges that are already used in revolvers. The use of rifles with these cartridges would extend their range but not any more, if as much as modern in-line muzzle loaders, & certainly not as much as the already legal single shot handguns using rifle cartridges. This rule change would also make the 357magnum a good choice, as I consider it a "marginal" load in a handgun.

McCoy also wrote on February 28, 2007:
I am unable to attend the rule change hearing in March & may have already commented on this subject but wish to restate that I am in favor of this rule change. As long as the rule limits the rifles to standard handgun cartridges from 357 to the new 500 S&W, these rifles would have no greater effective range, if as much as modern in-line muzzle loaders, as well as the single shot handguns chambered in rifle calibers that are already legal. Also, this rule would make the 357 a viable deer cartridge, as in my opinion it is marginal for big game in a standard revolver.

Jon Thomas wrote by email on January 9, 2007 from JThomas1@BynumFanyo.com
Think safety first. As an avid hunter I oppose new legislation permitting the use of high powered rifles in Indiana for deer season. If it is destined to become a new regulation then I strongly recommend that zones be declared for their use. The flat plains of Northern Indiana are much more suitable for high powered firearms. The southern half of the state is too densely populated, forested and too hilly for a responsible hunter to adequately project in excess of 2,000 feet beyond the intended target. Absolutely scares me to death.

Greg Garrison wrote by email on January 9, 1007 from greg.garrison@earthlink.net
My name is Greg Garrison. I am 39 years old and an avid outdoorsman. I enjoy outdoor activities virtually all year long. From January to December I am fishing or hunting for something. I would like to commend the DNR on the outstanding job they do with managing our states game and fish. Which brings me to the topic of "pistol caliber rifles". I along with all the avid fellow hunters I associate with think this is absolutely one of the best things to happen for sportsmen/women in the state of Indiana possibly ever! In allowing us to use these types of firearms we are aware that our range of shooting wont have been increased we will however be able to dispatch our quarry with much greater accuracy which means more humane harvest. In allowing the use of these firearms another benefit will be the additional revenue this will generate for the state. Keep up the good work!

Also I would like to include, I believe this would also help youth hunters who can better sustain the recoil from these rifles than a shotgun. I speak from experiences with my 13 year old son who is an avid hunter also. Once he has experienced the difference in recoil, I am positive this will make him a better shooter, in turn a better shot placement, in turn a more humane kill.

Gordon Goldman wrote by email on January 9, 2007 from gord3237@juno.com
I am not in favor of allowing rifles for deer hunting. I hunt in the Hoosier National Forest area. On opening day when it becomes daylight I have been able to see 3 or 4 orange vests within 200 yards. This is scary enough with shotguns and pistols. I feel that people will be more likely to take longer chance shots than they now do with shotguns and black powder. I have hunted in Brown County and had shotgun slugs go through the treetop of the tree I was sitting against. I think people will feel they have the accuracy with a rifle to shoot longer and more running shots. I just don't feel this can be a safe situation.

Jim Peter wrote by email on January 9, 2007 from jppeter@insightbb.com
I support the proposed changes in the legal firearms to hunt deer. The addition of traditional pistol cartridges in a rifle will not increase the effective range of legal firearms. Modern muzzleloaders are probably ballisticly superior to the proposed pistol cartridges. I personally would use a rifle if allowed to get a faster followup shot if necessary.

Terry Overdorf wrote by email on January 9, 2007 from toverdorf@yahoo.com
My name is Terry Overdorf and I am in favor of the new law. The reasons include:
1) it is easier for my younger children to use a lever action gun rather than a shotgun due to the shorter stocks. I will not let them use a 410 because I feel that unless placed properly, a 410 is not enough gun to kill a deer. a 20 gauge is to much for them so they are limited to a bow (which they cannot pull 35# back yet,) or just wait until they are old enough or physically big enough to use a bigger gun. This has really hurt my oldest daughter as she will soon be 11 and wants to hunt but is not comfortable with a 20 ga yet. she shoots my quite a few of my rifles including a .243, a .260 rem, and a .357 marlin all of which she can hunt with in rifle states, but with seasons during the school year, she is unable to hunt with me very often.
2) I feel that a .357 or .44 will do less damage to the shoulder and neck areas which will result in more meat in the freezer. which is a big reason i hunt, along with getting to spend time in the outdoors with new and young hunters.
3) the distance of a 12 ga shotgun as well as a muzzleloader is much farther than a 30/30 can effectively shoot. therefore the old laws limiting legal guns to shotguns and muzzleloaders is really a moot point with new technology. not to mention handguns like the encore/contender which shoot rifle calibers at long distances or the new smith and Wesson 460 which has an effect point blank range of 200 yards. now, we both know that most shots are not that long, nor can most people shoot a handgun accurately that far, but there are people that try and some succeed. Thanks for your time and I look forward to seeing new laws passed to get the younger people involved.

David Everage wrote by email on January 9, 2007 from dandjeverage@wcrtc.net
I do not agree with allowing certain rifles to be used during Indiana's deer season. The weapons allowed now are much more effective than they used to be. Shotguns with rifled barrels are very effective to 100 yards, and muzzleloaders can go beyond that. I don't see any advantage to allowing the use of these guns except that gun sales may increase. I only see this as the first step to allowing any rifle to be used. The state should not be wasting time on silly issues such as this; they should be concentrating on managing our deer herd instead. What about the one buck rule expiring, I have not heard anything on this subject yet?

Bill Rheinhardt wrote by email on January 9, 2007 from CRheinhardt@comcast.net
I would like to express my support of the proposed rule change which would allow Indiana hunters to use rifles with pistol cartridges to hunt deer. I have many fond memories of hunting deer with my father and over the last couple of years have had the opportunity to deer hunt with my son. This type of change would only enhance our future experiences, while hunting deer in Indiana. We would appreciate you supporting this change.

Frank LaGreca wrote by email on January 9, 2007 from flag@seidata.com
IN. should not allow the use of center fire rifles during the deer season!! We now have muzzle loaders quite capable of killing out to 150 plus yards. Shotguns with rifled barrels 125 plus yards...enough, already. Centerfire states are going in the opposite direction...shotgun & muzzleloaders only in certain countys. We already allow handguns with center fire cartridges. If you can't kill a deer with the fire-power we have now, you don't belong in the woods. In my opinion, if the cartridges approved for handguns are allowed to be used in rifles, we are going to have a lot of wounded deer & maybe worse. I can easily imagine a "hunter" using a semi-auto rifle attempting to kill a deer from one side of a pasture or ridge to the other. I believe I will invest in some emington/Winchester stock. Many hunters will have the idea that because they have a rifle, they can really each out and kill...not so. As a former Tenn. Hunter Safety Instructer and avid rifle "toten" deer hunter, my vote is, _*NO*_. Not with those calibers, much less uncontrolled, state wide use.

LaGreca also wrote by email on March 8, 2007
Also, one more time. My vote is *do not* allow the use of rifles which shoot approved pistol caliber ammunition. We see enough wounded deer with what we use now, please don't add anymore. If approved, their use will not be allowed on this property or my neighbor's.

Jay Floyd wrote by email on January 9, 2007 from floyd@bynumfanyo.com
I think you are making a mistake in considering the use of rifles during the deer firearm season. I do not believe this will be a wise choice. If you are trying to reduce the herd numbers you can always lengthen the archery season, either into September or January. The people who are requesting this rifle change, I believe are looking for opportunities to harvest deer at a longer range. In south central Indiana, where I am from and hunt, there are not that many safe places to fire a rifle, especially when there are numerous other hunters in the field. There is no reason why this rule change needs to take place and I feel that it would be detrimental to the safety of other hunters in the field(it's bad enough during firearms season).

Keith Goldman wrote by email on January 10, 2007 from KEITH.GOLDMAN@DFAS.MIL
I just wanted to write in and cast my vote on allowing rifles to be used in Indiana during the firearms season and my vote would be NO….God please NO!

In our area there are so many hunters that take questionable shots with shot guns so I'd hate to even think of the shots that would be take with rifles. I'm 35 and I've hunted since I was 16 and there are more and more hunters each year. It's hard to find places to hunt that are safe distances from each other with shotguns. I'm concerned with the distance between hunters with rifles that would be necessary to be safe. Indiana has a much higher density of hunters per acreage than most states that allow rifle hunting.

One last thing an example of the type of people out there this year.

My family owns property in Crawford County. My 2 brothers and 1 brother-in-law and I hunted it all year and allowed many small bucks to pass during bow and eventually one nice 8 pt buck and 5 does were taken from the property. One evening I was hunting some federal land behind our property and I could see a small 6 pt buck making a scrape. Then someone started shooting. Turns out the buck ran past me and I could see it was hit and it ran to the top of the hill where I heard it crash. The hunter came by and told me he had just shot it and I told him where it was at and that I thought it was down. His response was "Well it was a 250 yard shot according to his range finder" with a 12 ga shotgun with open sites and the 1st 2ea shots didn't hit the buck but the 3rd hit the buck high he thought so he didn't figure it was down. He left the woods without even looking any further with at least an hour and a half of good day light left. The next morning I went back and sure enough the buck was down right where I had told him. A PISS POOR SPORTSMAN OR NOT EVEN A SPORTSMAN/HUNTER IN MY BOOK!! Could you imagine the shots that guy and guys like him will be taking next year if they can use a rifle. I'm scared to even imagine.

I would like to think it will be a safe enough sport here in Indiana to one day take my daughter hunting as I have promised her but that depends on how safe it is out there.
P.S. Keep the one buck rule. Scrap the fall turkey season and allow a 2 gobbler spring. They are all over out there.

Pete Tertinek wrote by email on January 10, 2007 from ptertinek@primexplastics.com
I am against the rule for using rifles or using rifles with pistol cartridges for the following reasons:
1. This is just to satisfy a few.
2. Enough allowances have already been made in the harvesting of deer. Example: Cross bows, in line black powder guns.
3. Rifles carry too far. Indiana is heavily populated.
4. There are too many hunters on Public property now.
Matter of fact the rule should be changed to include plugs in the guns and only allow 3 shots. Too many people are blasting away with many shots and they just shoot in the direction of where the deer went without knowing what is beyond the intended target.

Gary Kendall wrote by email on January 10, 2007 from gone2bowhunt@hotmail.com

Seems to me that all these new rules are working to diminish our deer population. I have spent tens of thousands of dollars for guns, ammo, bows & other hunting accessories over the years in which a portion of the costs of these products is targeted toward our wildlife management. Now Indiana has it so you can kill quota in every county. I live in Switzerland county which has 8 doe permits. No person needs to kill that amount of deer per season.
Seems the state wants to listen more to insurance companies on deer/vehicle collision reports. I've worked midnights & traveled the heaviest deer populated areas in the state for 7 years. I've hit 1 deer, I understand that some of these collisions are unavoidable but I work with people that have hit 4 & 5 deer a year, now is that the deer or the drivers fault?

I agree with the one buck rule. I've seen a substantial amount of larger bucks in the past 3 years. But now we've taken the cross bow & allowed it for late season does, then it moved this year to where we can kill our buck with a cross bow and we can kill each counties doe quota, that means that each person could kill roughly 300 deer per year if they had places to hunt in each county. I know that the one buck rule is subject to change this year but I've not heard the outcome of this rule yet. So now we're at the point where they are wanting to allow pistol cartridges in rifles. Can people not kill a deer today with the legal weapons that we have had for years without introducing the cross bow, rifles & rifle rounds out of pistols? I understand exceptions to the rules for the handicapped, What's next? Let's just fence them in & shoot them with high powered rifles! I've watched the deer population diminish in the last 20 years in the area I live in but to listen to the people today they seem to think the population has increased. I spend a lot of time in the woods & the population has definitely not increased in the area that I am in. Although the traffic in the area has increased along with people wanting to move to the country which is leading to more deer/vehicle collisions. They want to move to the country but then they want to complain about the deer in the country (stay in the city) I don't have all the answers but I have been able to tag out each year using the previous legal weapons. If you can't hunt deer without being able to shoot 3 or 4 hundred yards to where the deer don't even know you are there then you need to stay home.

Gary Graf wrote by email on January 11, 2007 from gegraf01@louisville.edu
I am writing in support of offering to use pistol cartridge rifles during the firearm seasons for deer. I think it will help the youth hunters a lot and some older hunters as well. There are a lot of inexpensive single shot rifles offered that could make a good choice to start youth on and be more lethal than a lot of the .410's being used. To offset any argument about having too much power. Anyone that knows anything about firearms / trajectory/velocity, can study the charts and know that these proposed pistol round rifles have no more and in most cases even less power than some of the equipment allowed today. I have hunted deer in all seasons for over 20 years and own and use all weapons that are currently allowed and have no problem with being in the woods with these rifles than I do with the shotgun hunters using semi-auto actions and sabot rounds. I am a hunter Ed instructor and teach the local 4-H shooting sports program and I support the proposed change to allow this new addition of allowing pistol round rifles.

Graf also wrote by email on March 1, 2007:
This is my 2nd posting of my support for the pistol round cartridge to be allowed for deer hunting in Indiana. I just finished a hunters ed class at the Clarksville, indiana Basspro store. We discussed this option and there was a lot of excitement especially for our young hunters to be able to use these guns. There is a lot of controversy out there on this, but I can assure you that most people with any common sense knows that allowing these new rounds are no more dangerous than what is allowed now with our current, shotgun, handgun and muzzleloader regs. I am looking forward to be able to pass the word on that this rule change has passed.

Mark Klingenberger wrote by email on January 11, 2007 mklingenberger@wilbertinc.com
The proposed deer firearm season rule change language reads:
- The rifle cartridge must:
(A) have a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;
(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and
(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.

This proposed deer hunting rule change language would continue the DNR's long-time position of allowing only short-to-medium range equipment for taking deer. The DNR has often received requests from the public for a rule change allowing some rifles during deer firearm season.

It would be an outstanding change to for a number of reasons;

1. More of the younger, female and older people who struggle with the recoil of a shotgun would be comfortable shooting one of the rifles with the cartridges under consideration. Enhancement of access to others of the outdoor experience would be the most substantial benefit of this change.

2. The rifles would provide far more accurate shot placement than what is available with many of the shotguns being utilized in the current pursuit of deer. (Fewer lost and wounded animals would be good for the hunters as well as the political groups which argue against it).

3. More deer tags could be sold in Indiana resulting in additional funds for conservation.

4. There would undoubtedly be some additional economic activity generated with the sale of the new firearms, ammunition and scopes allowable to not only the new hunters, but existing hunters as well.

I am heard pressed to find a reason why this should not be enacted.

Don Minnich wrote by regular mail on January 10, 2007 from Georgetown, IN
I fully support any legislation to allow the use of center fire rifles for deer in southern Indiana since we are one of the only four states that does not permit its use. It seems ridiculous that I can use my 308 caliber for varmints but not for deer. What is the reasoning? I believe that the DNR is rapidly falling behind other states and a radical change is in order.

Derrick Grant wrote by email on January 11, 2007 from derrick.grant@insightbb.com
I just wanted to yes to a rifle season. I live in southern Indiana and there are a lot of people that like the rule change. If the change passes can you use any rifle so long as it fires a bullet .357 or larger with a min. case length of 1.16 and a max case length of 1.625 ? Or are they going to be a list of specific cartridge and types of actions (lever, pump, bolt, auto)? Reply if you can.

Grant also wrote by email on January 24, 2007
I support a rifle season for Indiana. And I was wanting to know the if there was a good or slim chance of it passing or if you think it will be turned down?

Grant also wrote on February 8, 2007
I have been looking at a lot of rifle cartridges in 35 caliber and larger and was wondering why the max case length? The rifle cartridges over 35 cal are slow heavy slugs that all die off fast from 150 to 200 yards. All of these would be safe and effective deer cartridges for us to use in Indiana. Myself and a lot of other people I've talked to would like to see these cartridges made legal for deer in our state. They have needed to do this for a long time. I live in southern Indiana and there are a lot of people here that hunt in Ky because they let can use rifles. And if this passes it might keep the money in our own state. My vote would be to do away with the max case length.

Grant again wrote by email on January 29, 2006
Would they think about changing the max length to 1.800" to include the .460 S&W?

Kevin Henry wrote by email on January 11, 1007 from Henryftw@aol.com
I am writing concerning using rifles with pistol cartridges. This was something I had thought about proposing a while back and was surprised when finding out it was on the table. I think this is a great idea.

Howard Zimmerman wrote by email on January 12, 2007 from hzimmerman.1@juno.com
I am all for anything that might make hunting easier for old folks such as me that are almost knocked down by the recoil of a 12 gage shotgun. Also with deer populations ever increasing and damage to my crops at an all time high, anything that would further the hunting of deer would be welcome. Why so many restrictions?

Joe Pine wrote by email on January 12, 2007 from PineJkpine@aol.com
Firearm season rule change. I love the new rule change for firearm season, this will legalize my 3030 I've hunted in sever states with my 3030, now I can hunt my home state of Indiana. I'm 55 Years old and I've been hunting Indiana sense I was 8 years old. Now my dream can come true, to hunt Indiana with a rifle. Please do all you can to pass this new rule change.

Bill Tucker wrote by email on January 12, 2007 from tucktogg@rexnet.net
I think that by passing a law to use high powered rifles in Indiana is wrong. Where I live it is to flat and with the distance that a rifle bullet can travel would be dangerous for my family and all the families around our area. Plus there is a lot of livestock here. I see no use for long range shooting in Northern Indiana. I call from WV and I hunted with high powered rifles, this is a lot of hills and woods where here it is flat. Please keep the law as it stands today for the safety of us all.

Tucker also wrote by email on March 20, 2007
I would like to voice my say on the proposal for letting pistol cartridge rifles in Indiana for deer hunting. I say no pistol cartridge rifles allow for deer hunting in Indiana. Please leave the law the way they are.

Kristopher Kleeberg wrote by email on January 13, 2007 from kp3080@yahoo.com
I believe this would be a grave mistake to our states deer hunting. Most of Indianas hunting land is owned by small parcel owners, who already have problems with either tresspassing or bullet tresspass. I hunt and love it etihically, and you people work in the business of keeping our outdoorsman safe and secure,but if you do not know I will tell you there are alot of people who push the rules or poach, please do not give them more leverage to break more rules. You will have people shooting deer with rifles or crossbow during bow season. You will have coon hunters shooting deer at night. You will have trappers shooting deer while checking traps, but worst of all you may have desperate people last week of season pushing deer with crazy weapons like sks and ar's (do you remember what happened in Wisconsin to those six hunters?). Bottom line there are alot of Idiots out there in the county I live in who love the kill, not the thrill of the chase, do not give them more opportunity to eradicate an animal that we love to outsmart, not euthanize.

What about the kids I live In a very High pressure area with three nieces who love to go out with me, It is an honor just for them to see a deer. Give someone more fire power and I guarantee the future of hunting in this state will go down hill, because I am not walking home to tell my brother that some dumb ass three propertys over saw movment at first light and shot my niece.

Hunting In indiana is a sport of finess not range or fire power. Lets keep all hunters safe,and not open anymore windows for the people who are unethical or unsafe to continue with there habits

---

Steve Ehinger wrote by email on January 13, 2007 from Ebethsteve@aol.com
I am opposed to allowing the proposed deer rifle cartridges. I do not consider this action to be in line with the position of only short to medium range weapons. While the "optiumum effective" range of such weapons is short to medium range; one must acknowledge that in reality this range will be stretched by many hunters. The result will be a potential increase in safety hazards and in the likelihood of non-lethal hits on deer.

I would be in favor of the HIP exemption for those under age 16.

Bob McCormick wrote by email on January 13, 2007 from Ebethsteve@aol.com
My name is Bob McCormick and I am writing to encourage the legalization of rifles in the same caliber as the current legal handguns. I live in a remote area of Orange County and have hunters in my immediate area all during the hunting seasons. I do not believe that this rule change would have any negative consequences. Also consider making an exception to include the 30/30 caliber because it is such a common caliber and would allow many hunters to use their existing rifles.

Leola Stout wrote by email on January 14, 2007 from icefstout@verizon.net
I can foresee no problems in allowing rifles for deer hunting with the following stipulations: (1).calibers used only in current production revolvers re:357mag.,.44mag.,.45Colt,.44-.40. There should be no allowable use of black powder cartridge rifles in such chambering as .45/70,.50/100,.58cal.Sharps and especially these same chambering in their modern smokeless counterparts. Modern muzzle loading rifles with saboted bullets have pushed the range of one-shot kills of whitetail deer to 250yds.Most shots are certainly within 150yds.with modern rifled slug guns, and I can see no need, nor any common sense in allowing such chambering as used in high powered, flat-shooting .24,.30cal.and the many wildcat chambering. The objective should always be to provide quality opportunities for Hoosier sportsmen, sportsmen being the operative word, and most importantly the safety of same, as well as the safety of the non-hunting public. I harvested five deer this past season, the longest taken cleanly at 150yds.with an older in-line muzzleloader. The backdrop was a county road over 1/4mi.distant across an open field. There are those whom would take that same shot with a sniper rifle!! Please, do not give them that opportunity!! Remember that the operative word is Sportsmen & women. Thank you so much for allowing me the opportunity to voice my opinion on this very important topic. I am hopeful that DNR will continue to provide quality hunting & fishing for Hoosier Sportsmen & women.

Jack Hostetler wrote by email on January 14, 2007 from hojama@ligtel.com
I am commenting on using pistol cartridges in rifles. I would be for this new rule. I think it is a good idea. I would also agree with the additional proposed rule changes that include exempting hunters younger than 16 from the harvest information program.

Denis McCue wrote by email on January 14, 2007 from denismccue@comcast.net
I want to let you know that I am IN FAVOR of the deer hunting rule change which would allow rifles loaded with pistol cartridges during the deer firearms season.

Jerry Huff wrote by email on January 14, 2007 from rjhuff@rexnet.net
I am not in favor of allowing rifles in my part of the state (noble county). There are enough homes shot with slugs and muzzleloaders that turning hunters loose with rifles (even with pistol ammo) is a scary thought!

Although, the hills of southern IN seems to be a good choice. As a lifetime resident hunter of this area I have watched our woodlots become building sites for (a home in the woods) for many people and do not want to loose more hunting ground because homeowners fear for there lives.

The problem in this area is that deer are moving closer to homes and cities, longer range shooting is not the cure for this and landowners understandably don't allow many hunters access close to there homes. With homes getting closer together we as hunters are loosing ground at a tremendous rate.

Jill Meyer wrote by email on January 15, 2007 from qod@juno.com
I am in favor of pistol cartridges being used in rifles- the range should be no greater than what is currently allowed in legal pistols for hunting deer while the accuracy should be improved which should increase safety.

George Voltz wrote by email on January 15, 2007 form gvoltz@hendricksonauto.com
I am glad to see the DNR considering allowing some center fire rifle use in 07. I would like to comment on the cartridge dimensions. Since a 38 Special has a case length of 1.16 inches, why not change the minimum to 1.17 inches? This would eliminate any confusion. I also think that the maximum case length of 1.625 inches is too short. There are several new handgun cartridges available that are longer than that but would still be within the spirit of the new rules. For example, the 460 Smith and Wesson magnum is available in a handgun at this time and has an overall case length of 1.79 inches. I could see this being chambered in a lever action rifle at some point in time.

Derrick Grant wrote by email on January 15, 2007 from mailto:zeren.aribus@hotmail.com
I live in southern Indiana and I am in favor of a rifle season.

Keith Roberts wrote by email on January 15, 2007 from kwrob@netnitco.net
I like the new rules for hunting deer w/ a rifle. I think you've covered everything very well! I noticed that you put in a maximum case length that excludes the 460 S&W Magnum. The 460 magnum has a lot of range w/ a light bullet. I think that we should go back to a .357 bullet diameter for all handguns. A 30-06 out of a 15" barrel is still a long range gun. Thank you for providing me a means for expressing my opinion. Keep up the good work.

William Royce wrote by email on January 15, 2007 from Neon75@verizon.net
I understand that a hearing is going to be held to solicit feedback on the possibility of hunting deer with rifles that use pistol cartridges as specified the proposed amendment to the Indiana Code. I cannot make the hearing but wish to give input that I am in favor of such a change and the change has been a long time in coming. I have hunted deer in other states and have always used rifles with complete safety and am glad to see that my home state of Indiana is now taking at least a small step in that direction. I fully appreciate safety concerns over the distance a rifle bullet can travel but I think that one must also weigh the fact that a rifle bullet is more accurate and “wild shooting” is much less prevalent with rifles.

I am hoping that if the amendment passes, a clear explanation of what gun types and sizes would be legal (I read the specifications but it would be helpful to know what those specifications translate to in normal gun language).

Bob Bonewitz wrote by email on January 15, 2007 from vmthntr@comcast.net
I think the proposed rule change-allowing pistol calibers in long guns- is a welcome addition to the management of Indianas' whitetail deer herd. This should prove, once again, the forward thinking of all concerned, in this matter. Hopefully, we will continue this trend for Indianas' Sportsmen and wildlife.

Bonewitz also wrote by email on February 12, 2007
Was wondering why "only straight wall pistol calibers(that meet the stated criteria)will be allowed in long guns" was not added as a 4th stipulation to determine long gun calibers for the proposed rule change allowing rifles for deer hunting. It would certainly clear up a lot more questions about what calibers were intended to be allowed in long guns. Maybe this was considered at the initial adoption.

Bonewitz also wrote by email on March 19, 2007
After a bit of research, I have come up with a list of 37 cartridges/calibers, factory offerings as well as a number of wildcats that pass muster relating to the proposed rule changes. Was a listing of allowable cartridges/calibers, as other states have done, considered at some time, to alleviate any confusion the proposed rules changes may bring up? Just a thought.

Calibers: 357 Mag, 357 Bain&Davis,357 Auto Mag, 357 Rem Max, 357 Supermag, 375 Supermag, 38-40Win, 10mmMag, 41 Mag, 414Supermag, 44Special, 44-40Win, 44AutoMag, 44RemMag, 445Supermag,

45WinMag, 45 Colt, 454 Casull, 458 SOCOM, 480Ruger, 475 Linebaugh, 475Maximum, 50Action Express, 500WyomingExpress, 500 Linebaugh, 500Maximum, 500S&W Mag

Other Wildcats: 356GNR, 358GNR, 375GNR, 41GNR, 41GNR#2, 410GNR, 510GNR (from Gary Reeder), 50Special, 475Wildey, 45Silouhette and 458x1.5Barnes

---

Larry Burgess wrote by regular mail on January 15, 2007 from Huntertown, IN
My wife and I own a farm with approximately 60 acres of woods. We allow deer hunting on the farm by a father and his son. It is difficult to keep other hunters off our farm even though it is adequately posted with No Hunting and No Trespassing signs. The father and son who hunt our property have no difficulty killing the deer with their shotguns and even their bows.

There is no lack of gunfire in our neighbor's woods that is adjacent to our farm. I can't imagine what it would be like if they were using rifles within a hundred feet of our home.

I see no need to allow hunters to use rifles in our populated areas. I read in the paper that several thousands of deer are killed annually using shotguns, muzzle loaders and bows. I find it almost unbelievable that the DNR would event take the time to discuss changing the rules to allow the use of rifles in Indiana.

I am against the use of rifles for deer hunting.

James N. Dunn wrote by email on January 16, 2007 from jndunn@dcimg.com
I applaud the Indiana DNR for considering the use of rifles during the Indiana fire arms season. It is my opinion that this proposed administrative rule change is long over due.

In reviewing the proposed rule change language however, I as an avid outdoorsman and long-time Indiana deer hunter, find the proposal extremely limited and restrictive in the cartridge case parameters.

While I agree that there should be limitations attached to rifle hunting in Indiana due to safety and population densities, I **do not** feel that the rule change language should limit rifle hunting to cartridge case lengths as proposed.

The limitation should only be based upon ballistic factors of rifle cartridges that closely mirror the ballistics of modern shotgun slugs, sabots, muzzleloaders and their effective ranges of use.

Modern technology in current Indiana "legal" firearms, as well as the ballistics of today's projectiles, far exceed that of pistol cartridge range and effectiveness, even though shot through rifles.

As I interpret the proposed language, this would limit rifles to the following popular calibers and a few others:

.357 Magnum (marginal at best on deer size game and not one that I would recommend for this change)
.41 Magnum
.44 Remington Magnum and its derivatives
.45 Long Colt
.454 Casull
.460 S&W (no known rifles exist for this cartridge)
.480 Ruger
.500 S&W (no known rifles exist for this cartridge)

Three cartridges that are omitted by the proposed change due to case length restrictions are the venerable .444 Marlin, the .45-70 Government and the .450 Marlin. These three (3) straight-walled cartridges are superior for deer sized game and are limited to their effective trajectory distance as the above pistol cartridges that are proposed.

It is my opinion that these three rifle cartridges provide superior and more humane harvesting ability than many of the above and present no more danger to population densities. They are ballistically equal to today's shotgun slug, sabot and muzzleloader offerings and should be included for use. Certainly more so, than the .357 magnum or .41 caliber pistol cartridges.

Walter L. Setmeyer, Jr. wrote by email on January 16, 2007 from wls749@mindless.com
I oppose the proposed rule change to allow rifle hunting in gun season. First I would rather see a primitive season for non in-line muzzleloaders, a separate week before gun season or after regular muzzleloader season. Second if if you insist on allowing rifle hunting then make it straight walled rifle cartridges only in lever action rifles. This would eliminate high power necked cartridges. Right now you can hunt with all sorts of high power rifle cartridges in a Thompson Contender handgun with a 10-16" barrel. Let's see some consistency.

Brian Mann wrote by email on January 16, 2007 from bmann301@comcast.net
I don't think that we should expand opportunities for firearm hunters by giving them more weapons to use. Unless the season is shortened and moved later in the season. Most of the other states in the Midwest have a short gun season after the rut and they are able to keep the deer herd in check with significant harvest numbers. Also I think that the regular firearms deer license should be an either sex tag. This would greatly benefit the deer herd by significantly increasing the number of antler less deer harvested annually. Other benefits of these policies would be a larger number of bucks moving into older age classes, a more evenly balanced sex ratio and more income from out of state hunters coming to Indiana to try and harvest these older trophy bucks. So in conclusion I don't think that it is a wise policy to allow rifles that fire pistol cartridges in Indiana's firearm season.

Terry Phillips wrote by email on January 16, 2007 from tphill26064@peoplepc.com
My name is Terry Phillips and I just wanted to take a second to express my support of this change.I also believe there are more calibers that could safely be added to this list such as the 30.30, 35rem,38.55,and 45-70gov. These rounds does not add any more threat than some of the modern slugs-guns and inline muzzleloaders. This change would please me and the people I know and hunt with.

Brad Reinholt, Steve Reinholt and, **Donna Reinholt** wrote by email on January 16, 2007 from sreinholt@seidata.com
I wish to support the NRC rifle proposal for the upcoming deer season.

Jerry St. John wrote by email on January 17, 2007 from stjohntrucking@seidata.com
Just wanted to let you know that I am very much in favor of the proposed rifle deer season.

Marc Laker wrote by email on January 17, 2007 from marc.laker@btdinc.com
I am not in favor of this idea. I think that this will extend the range at which deer can be killed but also the range at which fellow hunters could be hurt or killed. I believe that it makes the CO's job harder too to catch poachers. Also, would this just open the door for allowing longer range firearms in the future? I am also curious as to what the purpose of doing this would be? I suggest before Indiana rushes into this decision, we take time to benchmark other states that have done this and find out from them what the pros and cons of this are.

Howard Slack wrote by email on January 17, 2007 from hnslack@att.net

I am writing in support of the proposed rule change which would allow deer hunting in Indiana using medium range handgun cartidges. I believe this change is justifiable and does not pose undue risks compared to the current allowable weapons. I will be interested to see how this proposal fares.

John C. Thiel wrote by email on January 18, 2007 from johnsmiles1961@insightbb.com
Just a letter to express my views on this. I am all for allowing the use of rifles to hunt deer in Indiana as long as the proposed limitations of case length and caliber are kept. And as long as all action types are included. Single shot, lever, pump and semi auto. Just like the current laws concerning the type of shotgun used. I heard rumor that this would be only for lever guns, and if that is the case I am against it completely. The last thing we need is a law that makes no sense other than to serve some politicians hidden agenda. Allowing the use of rifles in the currently considered calibers has my full support otherwise. I hope to be able to attend the meeting next month in Indy.

I am writing again to also voice my concerns over the current high power rounds being used by hunters in handguns. This makes no sense at all, and never has. I have read forums where hunters are shooting at deer 300-450 yards away with these. How is that defensible in a state that does not allow high powered rifles? I am hoping the upcoming discussion will address this. Politics aside, it is time for some common sense. I am all for the introduction of the proposed handgun calibers in rifles, but am also all for the anning of all cartridges which do NOT meet these new guidelines. A 338 in a handgun being legal, but not in a rifle, is nonsense.

Thiel also wrote by email on March 2, 2007:
I would, first of all, like to express my support for the upcoming pistol cartridge proposal for rifles during Deer season. I think it is a wonderful move, and makes a great deal of sense. I would also like to ask a question. I post on a great many hunting boards, and have been running into several who are constantly stating this is an under-the-table-deal we should all be very much against. It is also being reported that there are other shoes to fall in repayment of the favors being done here that we will not at all like. Is there any truth to this, or is it simply some less-than-honest individuals who can't offer any real reason to be against the issue? I have read a great many posts, and talked to my friends and family concerning this, and so far I have not seen a single factual reason to be against this. Only the 'warnings' I mentioned above. Please take my opinion into consideration when making the decision. I support it, as does almost everyone I know in person.

Thiel again wrote by email on March 3, 2007:
There is one VERY important item I would like to bring to the front. I have seen the way this group attempts to twist and distort everything concerning this issue, including accusing those involved of under the table deals and favors being exchanged, state legislaters applying pressure, etc. Please be aware they do NOT represent me, or anyone I know.

Thiel again wrote by email on March 5, 2007:
The issue of the pistol cartridge proposal on deer hunting. Joe Bacon and his board members, on the IDHA have determined to defeat this bill at any cost. I have read the twisted way in which they attempt to portray this on the discussion boards. They have made accusations of everything under the sun in order to promote the fear mongering. Shady deals under the table buy legislators, favors exchanged by key people, etc. No names are ever given, but a constant barrage of innuendo, warnings and even threats to defeat this. I know you and the others involved in this will look at all the evidence before making a decision, but I urge you to look twice at any evidence or polls presented by IDHA. From the things I have read posted on the Indiana hunting forums from several of these people, I do not trust a single word they say. That may sound harsh, but you would not believe some of the things I have read posted by this group.

John Tyner wrote by email on January 19, 2007 from tabofpraise1@juno.com
I think it would be a great idea to change the game law so that pistle caliber rifles could be used for deer hunting. The ballistics for these types of weapons are keeping within the frame-work of already accepted weapons and to be honest the velosity and range of these calibers are much less than what is being used

now. These types of weapons will be easier for some older citizens and younger citizens to carry because of weighing less and also easier to shoot because of less recoil.

Daniel Moulder wrote by email on January 24, 2007 from minuteman32@hotmail.com
I am in favor of allowing pistol caliber rifles to be used for deer hunting.
This change only makes sense, because the same calibers are already allowed in pistols. Their use in rifles would not increase their maximum range significantly, but would allow a platform that would increase accuracy greatly. This would lead to less wounded animals that would be lost and wasted.

I don't have a personal stake in this, as I do not have a suitable rifle, but I believe that this would be a positive change for all.

Thank you for your time and consideration

Ryan Goldman wrote by email on January 24, 2007 from turkeyhunter8@msn.com
Rifles should not be allowed!
There are already to many people out ther who just sling bullets at what the believe is a deer. I alone ran into a few hunters doing this during this past deer season. Rifles will only increase the risk of hunting related accident occuring in the woods.

Michael King wrote by email on January 25, 2007 from Michael.KING@valeosylvania.com
I am originally from the Commonwealth of Kentucky and I have also lived in Georgia where they allow rifles for hunting deer. Yes, they can shoot farther than shotguns with old fashioned slugs, but in all of my years of hunting in both of those states the only hunting mishaps I ever heard about were accidents crossing fences or getting into or out of tree stands. I'm sure it may have happened somewhere, but I'm equally sure that people have been accidentally shot here in Indiana by someone shooting a slug.

I would also like to get my daughters introduced to hunting deer. I will have to wait until they are at least in their late teens before they will be big enough to take the recoil from either a shotgun slug or a .50 caliber muzzle loader. Some of the smaller slugs (.410) or using small powder charges for the muzzle loader would probably not kill the game cleanly and will reduce the effective range of the weapon.

Both shotgun slugs and muzzle loaders have improved greatly over the years and the difference between them and center-fire rifles has been greatly reduced. It is just a fear of the unknown or some political reason that will keep center-fire rifles out of the woods during deer season. Please let us deer hunters use our rifles for something other than coyotes and targets, they are allowed in many other states will no ill effects.

Robert Allmen wrote by regular mail on January 25, 2007 from Floyd Knobs, IN
Support pistol cartridge riles for deer hunting .357 and above. Yes.
Support all center fire rifles for deer hunting. No.
Keep regulations for firearms as they are now for deer hunting. No.
Ban smokeless powder in muzzle loading rifles for deer hunting. Yes.
Ban rifle cartridges in pistols for deer hunting. No.

Dwayne Grant wrote by email on January 27, 2007 from Nickspleen@insightbb.com
I am in favor of the rifle season in Indiana.

Dwayne Williams wrote on January 27, 2007 from reb33inf@msn.com
I believe the proposed revision of hunting regs to allow the use of rifles in pistol calibers is a good idea.

Chris Fronk wrote by email on January 27, 2007 from hoosierbuck@comcast.net
Just checking in to voice my opinion on the proposed administrative rule change regarding handgun calibers in rifles. I am for it, mostly because there is no legitimate reason not to allow it. I do not believe there is any added element of danger, which seems to be the most widely spread concern. I also do not think the old "we just don't need them" argument is very persuasive, as in not at all. I believe if there is no adverse effect, allow it, and that seems to be the case here.

John Petkovsek wrote by email on January 29, 2007 from snorko@evansville.net
I am writing in support of the proposed rule change allowing the use of some rifles chambered in pistol cartridges as quoted below.

"The proposed deer firearm season rule change language reads: - The rifle cartridge must: (A) have a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger; (B) have a minimum case length of one and sixteen hundredths (1.16) inches; and (C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches."

I have been an Indiana hunter safety instructor for well over a decade. In almost every class I have taught, I have been asked why rifles in pistol cartridges such as .44 magnum were not legal, but a handgun in .30-06 was. The current law allows any caliber handgun with a minimum case length of 1.16" and a minimum bullet diameter of .243". I should point out that of the several hundred students I polled over the years, no one hunted with a handgun chambered in anything other than .357 magnum, .44 magnum or .45 Long Colt.

Safety, of course, is the prime concern. The difference in the maximum effective range of a cartridge such as the .44 magnum out of a rifle versus a pistol is negligible. However, the typical hunter is generally more accurate with a rifle and a rifle is generally safer to handle.

I believe the proposed rule change to allow some rifles in pistol calibers to be positive in its effects on safety and humane harvesting of deer while having no negative effects concerning safety to hunters nor the population at large.

Michael Parsons wrote by regular mail on January 26, 2007 from Indianapolis, IN
All I can say is "horray" to the proposed rule change to allow hunting with rifles chambered for hand gun cartridges. When who ever made it legal to hunt deer with .410 slugs I bought a Winchester 9410. After buying this gun and slugs to match, I took it out to shoot it.

I have been saying all my life that a .410 was worthless. This confirmed my thoughts. When I got home I took a .410 slug apart. The slug weighted 62 gr. .41 mag bullet. It has gotten no further than checking but that would be respectful.

A 158 gr. .357 mag should be enough to kill a deer at 100 yards or less. It is certainly better than a .62 gr or .410. I understand that concerns of shooting center fire rifles. We do not need any one shot by accident. There is nothing wrong with a hunter safety course. Some people can't chew gum and walk at the same time. I am for the proposal. I wouldn't make me mad if you took away the .410 for deer hunting. I like lever guns. This would be great.

Bill Meer wrote by email on January 30, 2007 from wpmeer@seidata.com
I am in favor of the proposed deer firearm season rule changes allowing rifles loaded with pistol cartridges during firearms season.

Randy Ostendorf wrote by email on February 1, 2007 from ostra@woodmizer.com

I am all for this. Having hunted in KY the past ten years or so I have hunted around a lot of different calibers. I know the cartridge dimensions that are being proposed are well under Indiana's capabilities. I personally would like to see the bigger calibers like the 444, 45-70's and so forth become legal here in IN. These are medium range guns also. Anytime good responsible sportsmen (or women) can get one step ahead of the "Anti's" I'm all for it. Rest assured if this goes through I will be in the market for a new rifle!

Wes Rainey wrote by email on February from wkrainey@sbcglobal.net
I would like to say I agree with the proposal to legalize straight case rifles. We have been able to use these cartridges in our handguns for several years now and the fact is, the same cartridge shot out off of a rifle stock will be more accurate causing fewer wounded deer to run off possibly not to be found. This would be a good change.

Paul White wrote by regular mail on February 3, 2007 from Petersburg, Indiana
Gentlemen concerning the proposed rule change for deer hunting with rifles using handgun cartridges: I have hunted deer since the early 1970s before the hunter orange law was in effect. Over the years I have tried to purchase the best quality firearms possible to hunt deer such as shotguns with rifled barrels, sabos, and scopes, and inline muzzle loaders. These new sabos are just as powerful as a .44 or .357 magnum loaded in a rifle. The average hunter using a smoothbore shotgun has less accuracy and more change of wounding animals. An animal with legs broke or gut shot dies a lingering and painful death. A lightweight lever action rifle loaded with 45 colt .44 or .357 magnum would make a much better hunting gun for sportsmen with more accuracy and less chance for wounded game. I am 100 percent toward passing this new law.

Ray Walters wrote by email on February 5, 2007 from smithnjones@shootmagazine.com
I write this to request and encourage you to make strong consideration of legalizing pre-1900 rifle cartridges when reviewing proposed changes in the hunting laws and rules for big game in Indiana. While allowing use of much less powerful "pistol" cartridges it only makes sense to include the historically serviceable cartridges of the 19th century like the .38-55 Winchester Center Fire (WCF) and the .45-70 Government. Both cartridges were originally factory loaded with black powder and made the transition to smokeless powder before the dawn of the 20th century. Success and reliable and humane kills will be much higher with these cartridges than with many of the proposed smaller ones.

James Gluba wrote by email on February 5, 2007 from james@whitetails4life.com
I understand that Indiana is considering changing regulations for the type of cartridges allowed to hunt with. Please consider the use of Pre 1900 black powder cartridge rifles, (for example .45-70 Government, .38-55 Winchester) as they are fully capable of clean ethical harvest on medium game such as deer while allowing for minimal wound loss. These cartridge rifles are more effective at this than most of the proposed handgun cartridges. Omitting these fine black powder rifles would be a missed opportunity, and would truly sadden those of us who look to take game in a fun, safe, and ethical manner which this affords. We would like you to 'include' those of us nostalgic hunters who choose to make the most of our hunting experience with black powder.

I'm crossing my fingers. I personally think this change would improve accuracy enough that it in turn will reduce the amount of wounded game that is not recovered.

Richard Waring wrote by email on February 6, 2007 from Richard.Waring@itt.com
A few years ago the DNR allowed using .410 shotguns for deer hunting. I felt this was a bit too light for deer & that this weapon in the hands of an inexperienced hunter such as a youth could mean more wounded animals.

Now, the chance to possibly use short range rifles chambered for magnum caliber handgun rounds has my self & others very interested. This could be a better weapon for younger hunters as the sights on these weapons are better and they shoot harder & flatter than a .410 at 50-75yards.

I'm not saying that a well placed shot on a deer with a .410 will not take a deer. I am saying that most of the .410 shotguns being used today are a break open model that has a bead sight on it limiting your accuracy.

We have started using other higher tech weapons during deer season why not this. Is it the word "rifle" that has everyone concerned? Limit the rifles that can be used by cartridge. .44 magnum, .357magnum, .45 long colt or anything in .50 caliber. This would make it easier to enforce what could be used.

I just think this is a bit over due. There are hunters out using handguns chambered for rifle cartridges that will shoot a lot farther than any of these pistol cartridges in a rifle configuration.

David P. Benson wrote by regular mail on February 6, 2007 from Indianapolis,
I am writing on behalf of the Amos W. Butler Audubon Society regarding the proposal to add Cerulean Warbler to the Indiana endangered list. We request that our position on this matter be noted as supporting the proposal.

The Cerulean Warbler is one of the fastest declining bird species in North America, and, consequently, it has become one of the highest conservation priorities in the Midwest. Population losses over the last 40 years for this species have been well documented. For instance, the National Audubon Society's recent *State of the Birds* report notes that Cerulean Warbler populations have **decreased approximately 80% in the last 40 years**. In Indiana, unfortunately, the species has become too rare to be adequately sampled by the USGS Breeding Bird Survey. This means that too few Cerulean Warblers currently breed in our state to allow meaningful data analysis.

The reasons for this species' sharp decline are clear. The principal factors include the loss of mature deciduous forests and fragmentation and isolation of the remaining forest tracts. Within the Cerulean Warbler's breeding range, the most obvious destruction and degradation of forest landscapes is taking place in the western and southwestern sections, an area that unfortunately includes Indiana.

Within Central Indiana, which comprises the membership area of the Amos W. Butler Audubon Society, very few areas remain that support breeding populations of Cerulean Warblers. Eagle's Crest Nature Preserve and Fort Harrison State Park are likely the last remnant of forests in Marion and surrounding counties that once held sizeable nesting congregations of this species. According to our research, less than 25 pairs of Cerulean Warblers now breed within these two properties, and these populations are likely subject to ecological pressures, such as Brown-headed Cowbirds and nest predation, that are attributed to habitat fragmentation.

By listing the Cerulean Warbler as an endangered species in Indiana, IDNR would be recognizing unequivocally the sharp decline this species has suffered in Indiana, while publicizing the need for public and private partnerships to reverse the species' path toward extinction. Furthermore, State-owned forested lands could be more effectively managed for Cerulean Warbler conservation, while a greater number of private land-owners could be educated about the importance of maintaining older growth trees and incorporating their stands into larger forested tracts. These processes would ameliorate the degradation or loss of mature forests.

Thank you very much for your time and consideration. We trust that you will act to list the Cerulean Warbler as an endangered species in our state. Listing it as such would provide significant opportunities to allow preservation of the species from further, potentially irrecoverable, decline in Indiana.

Landon Gavin wrote by email on February 8, 2007 from zeren.aribus@hotmail.com

Why would they not inclued some of the rifle calibers that are .35 and larger? They are heavy and slow and after 200 yards drop off realy fast. About the same as the new in lines and new slugs. Alot of them would make safe short to mid range deer guns. (35 Remington,358 Winchester,35 Whelen,444Marlin,45-70,450 Marlin and there are others too) I think they should make the max length longer.

James Cole wrote by regular mail on February 8, 2007 from Indianapolis, Indiana

I am writing on behalf of the National Audubon Society regarding the NRC's consideration of adding the Cerulean Warbler to the state's endangered species list. I respectfully urge you to list Cerulean Warbler as endangered in the state, as this will provide significant opportunities to preserve this species, which is considered one of the highest conservation priorities in North America, from further and irrecoverable decline in Indiana.

An abundance of cogent research articulates this species' precipitous decline. For instance, the USGS Breeding Bird Survey (BBS) estimate for avian population trends shows **losses of nearly four percent annually** for Cerulean Warbler in the Midwest. Similarly, Audubon's recent *State of the Birds* report notes that the species' population has **decreased approximately 80% in the last 40 years** throughout its range. As for Indiana, the bird has become too rare to accurately model populations—not enough Cerulean Warblers exists statewide to be adequately sampled by the BBS and for trends to be calculated with any statistical confidence.

The reasons for this species' sharp decline are clear – the loss of mature deciduous forests and the fragmentation and isolation of remaining forest tracts are the principal culprits. Within the Cerulean Warbler's breeding range, the destruction and degradation of forest landscapes are most obvious in the western and southwestern sections, an area that unfortunately includes Indiana.

Thankfully, we do have a few sites remaining in our state that conform to the habitat requirements of breeding Cerulean Warblers. Yellowwood State Forest, Brown County State Park, and Morgan-Monroe State Forest are examples of properties owned and managed by IDNR that provide large and mostly mature forest patches for this species, and such properties are accordingly considered Important Bird Areas by Audubon. However, even in these prime Hoosier locations, Cerulean Warbler populations are alarmingly low.

By listing the Cerulean Warbler as an endangered species, IDNR would be recognizing unequivocally the sharp decline this species has suffered in the state, while disseminating the need for public and private partnerships to reverse the species' path to extinction. State-owned forested lands would be more effectively managed for Cerulean Warbler conservation, while more private land-owners could be educated about the importance of maintaining older growth trees and incorporating their stands into larger forested tracts. These processes would help ameliorate the aforementioned problems of mature forest loss and degradation, which are the principal threats to Cerulean Warblers in Indiana.

Thank you very much for your time and consideration, and I hope that you will act to list the Cerulean Warbler as an endangered species in our state.

B. J. Bell wrote by regular mail on February 9, 2007 from Lafayette, Indiana
I really like the idea of pistol shells for Indiana deer hunting. These are great 100 yard guns. There are enough velocity and knock down power for deer size game. I have hunted all my life and believe you people are on the right track. I support any move like this.

Zebedee L Rush wrote by email on February 11, 2007 from zlrush@hotmail.com
I feel that the proposal to allow rifles in conventional pistol calibers is basically a good idea but it needs adjustments. Let us make the complete desired changes now. I feel that the current regulations were written when we needed to protect the number of deer in our herd. In many areas we have an excess in our herd

even with the longer season and bonus deer licenses. For this reason alone changes should be made. To be fair, we should examine both the issue of pistols in traditional rifle calibers and rifles in traditional pistol calibers. One of the first facts we must consider is that there is NOT a maximum barrel length in PISTOLS. This means that a pistol and rifle in the same caliber and same barrel length shooting ammunition from the same box will produce the same velocity, energy, range and hazard. If you feel that the average hunter would have excessive range with the rifle, effective range could be limited by not allowing rifles with scopes. The proposed minimum caliber of .357 is a good starting point but it should also apply to pistols. A minimum case length of 1.16 for the rifles is also good since it is the minimum for pistols. Because there isn't a maximum case length for pistols there should not be one for rifles. That is to say if the .35 Remington is okay as a pistol it should be fine for a rifle. While we are making changes look at the muzzle loaders. Currently, the ML must be at least .44 caliber, but a bullet as small as .357 can be used with a sabot. Why not just require a bullet of .357 or larger? This would allow a .36 caliber rifle to be used with a maxi-ball which is .36 caliber but would not allow the use of a patched round ball because the ball would only be .35 caliber. If data from TC is use for their Senica rifle the .35 caliber 65 gr round ball would produce about the same energy as the .357 pistol or the .410 shotgun slug and the 36 caliber 127gr maxi-ball would produce almost twice the energy of the .357 pistol or the .410 shotgun slug. Both the .357 pistol and .410 shotgun are legal deer firearms while the .36 caliber ML is not legal. In summary, I feel you should drop the maximum case length of 1.625 and allow all rifles firing a bullet larger than .357 to be used on deer. This should apply to ML. Thank you for the opportunity to make a comment.

David Glotzbach wrote by email on February 11, 2007 from d.glotzbach@insightbb.com
I would like to see Indiana pass a rifle season. I agree with the .358 diameter and 1.16 min length but think there should be no max length. The larger caliber rifles have slow heavy bullets and would be safe in our state.

John Smith wrote by email on February 12, 2007 from john_smith8899@yahoo.com
I would like to see the DNR legalize rifles for deer season using hand gun cartridges.

Jerry Zollman wrote by email on February 12, 2007 from jzollman@tls.net
I think it is a good idea. I have these rifles and I think that I could get a lot better shot with the rifle than the handgun in the same round. There wouldn't be any more of a chance of missing and the bullet straying or wounding and loosing game than the handgun. It should help get cleaner shots. The new shotgun loads and muzzle loaders are like high powered rifles anyway.

Bob Turner wrote by email on February 12, 2007 from
I would like to ask the commission to vote for people to hunt with rifles chambered for hand gun cartridges as I think it would be more humane' most hunters are not good enough with a shot gun to make a clean kill. Also the people should be made to take a course in marksmanship before there are issued a license. Thank you for asking for my input.

Clark Miller wrote by email on February 13, 2007 from miller_clark@hotmail.com
I **fully** support this proposed change. I intended to attend tonight's meeting in person to express my support of this change.

Robert Behn wrote by email on February 13, 2007 from dmorin@marlinfirearms.com
It has come to our attention that your commission is considering the legalization of rifles chambered for certain handgun calibers for use during your shotgun deer season. As the largest maker of rifles in the country, we make firearms chambered for the cartridges you are considering.

However, even the largest caliber handgun cartridges are marginally effective for deer-size game. We suggest you consider adding some cartridges designed before 1900 to the list. Cartridges such as the 38/55 and 45/70 do not out-perform modern shotgun slugs, yet are far more effective on game than handgun cartridges.

William Farrington wrote by email on February 13, 2007 from fireball168@yahoo.com
I'm writing in support of the proposal for allowing rifles, chambered in pistol cartridges, for the hunting of deer. I would respectfully ask that there be consideration made to allow specific exceptions to the maximum case length restriction made in the proposal to allow for such historic(and notably short range) cartridges such as the 45/70 Government, 45/90, etc. The argument could easily be made to include the 30/30 Winchester cartridge as well. It is my belief that the increased accuracy and energy of these cartridges, when fired through a rifle (due to the extended sight radius, barrel length and overall mechanical accuracy potential) will greatly reduce the number of wounded animals.

John Treesh wrote by email on February 13, 2007 from autorisk@insightbb.com
I think it is a good idea pistol cartridge only.

Bob Schmidt wrote by email on February 13, 2007 from rsschmidtjr@yahoo.com
My excitement at taking a Buck deer with a handgun (1st time) gave me a heart attack! (2002). I usually hunt with a muzzleloader rifle in all gun seasons, firearm and muzzleloader. I do NOT object to the pistol cartridges being allowed for use in a RIFLE during firearm season.

Cassan Morrison wrote by email on February 13, 2007 from cassie21301@yahoo.com
The 45 long colt should be included.

Aaron Williamson wrote by email on February 13, 2007 from amw575@gmail.com
First, thank you for your time, attention, and service to the hunters of Indiana for considering this proposal. I wanted to take a moment to comment on the proposed inclusion of Rifles loaded with certain handgun calibers being allowed for the 2007-2008 Deer seasons specifically. As an avid slug-shotgun and archery hunter from Indiana, I read with great interest that Indiana is considering this proposal to include rifles restricted to the calibers commonly used in Handguns during Indiana's Handgun hunting season. I welcome the inclusion of more hunting opportunities to Indiana hunters and fully support the addition of a Rifle season that would include handgun caliber firing rifles. I would also strongly support the inclusion of other rifle calibers should that become part of the discussion.

It is wonderful that Indiana is finally making common sense moves towards modernizing some of its hunting regulations. As a 'traditional' hunter, I thoroughly enjoy shotgun, bow, and muzzle-loader hunting. The addition of rifles to the experience would be an exciting and positive change in my opinion. I have heard many arguments against such a proposal, ranging from Indiana being too densely populated to Indiana hunters cannot be trusted to be safe with rifles capable of long range shooting. I disagree with most of the arguments I have heard. Indiana is a densely populated state, but most hunting areas (even public land areas) are open enough to allow for rifle hunting. I also believe the vast majority of Indiana Hunters to be responsible and safe hunters. I also believe that many of these same rifles are already in use for hunting (although a quick scan of the Coyote regulations didn't reveal any firearm regulations?) So I believe hunters have already been demonstrating the ability to act responsibly in the field.

Please consider this email a voice of support in adding rifles to the the legal firearms season. I will watch with interest to see the outcome of the proposal and hope it to be a favorable one to progressing Indiana Hunting regulations. Thank you for the allowing an opportunity to those of us who would be unable to attend the public hearings, to voice our opinions via email. It is truly appreciated.

David Franklin, Sr., wrote by email on February 13, 2007 from cessna11454@msn.com
I know that it would be difficult for me to attend your meeting so i would like to say that i am in full support of the rifle hunting for deer season in Indiana.with the right kind of governing rules it would be great.

Kevin Warren wrote by email on February 13, 2007 from jan_kevwarren@comcast.net
I have hunted for the past 6 years in Indiana (I live in Illinois) and have takes several nice bucks off of my family's farm in LaPorte. Prior to that, I hunted 20+ years in Michigan so I could use a rifle - there is something about hunting with a rifle that a shotgun cannot offer. Now that my father and the hunting party are older, a trip to Michigan is out of the question. I feel it is a great move by Indiana to authorize hunting with a rifle. I would of like of seen a cartridge like a 30-30 rifle but a rifle with a handgun cartridge is better than a shotgun.

In addition, the recoil of a shotgun has been an issue with my son so the use of a handgun rifle load should make it easier for him to shoot.

Indiana - Keep up the great work and don't follow in the foot steps of what Michigan is doing to the hunters of that state!!!

Lance Thompson wrote by email on February 13, 2007 from LaThomps@BrookfieldZoo.org
I am a property owner in Switzerland county Indiana. I am greatly in favor of the changes to section 1.312IAC 9-3-3 which will allow the use of "pistol cartridge" Rifles in the firearm deer season.

Under the current law a single shot handgun in calibers as powerful as 7mm Rem. Magnum and .300 Winchester magnum are allowed for deer firearms season.

Such handguns are available. I see no reason why if such handguns are allowed and have undoubtedly been used that rifle/carbines chambered for lesser cartridges normally used in handguns could not be used. Thank you for allowing me to express an opinion on this matter.

John Cockerham wrote by email on February 13, 2007 from johnny.cockerham@AES.com
I would like to comment in favor of the purposed rule change for using center fire rifles in our state. I have been hunting in the state of Kentucky and a few other southern states with center fire rifles for several years. It would be great if I could do the same in my own home state.

Jason Gregory wrote by email on February 13, 2007 from jrgregory@tds.net
I was also wondering if we are moving towards allowing regular rifle cartridges in the future? It seems to me that with the allowance of the smaller diameter sabots in the modern muzzle loaders and the addition of the 410 shotgun with slugs and now the pistol cartridges in rifles, we are kind of easing into the use of regular rifles in Indiana. Would that be a fair assessment?

I want to thank all of those at IN DNR for doing such a wonderful job. I have really appreciated all the improvements and programs in the recent years and also enjoy the wild bulletin e-mail. Now if we could just get more public ground open for hunting close to Lafayette!

David Lutes wrote by email on February 13, 2007 from david.lutes@insightbb.com
Rifle proposal for deer gun season----If you are going too allow this, keep in mind you are opening a can of worms. Pistol ammo legal for deer now includes ammo for the CONTENDER 30/30-- 45/70 ect ...I'm all for this, as long as you state the rifle must be mounted with A scope. Would be better too have someone in

the woods with a scoped gun rather than a nut with a slug gun ,brush shooting 5 shots as quick as he can pull the trigger .

Joe Merchant wrote by email on February 13, 2007 from jmerchant@vinu.edu
I am a 60 year old deer hunter from southern Indiana. Although I've been a muzzle loading hunter for 40 years I strongly support the possible use of efficient modern firearms.

Jon Eggen wrote by email on February 13, 2007 from joneggen@gmail.com
I strongly support the proposal to allow the use of the pistol cartridges such as .357, 44 mag., 45 long colt, etc. in rifles. This is long past due and if anything does not go far enough and should have included the addition of historic cartridges such as .50-90 and .45-70. Perhaps this will increase interest in hunting deer and allow the state to effectively decrease the population of deer to a realistic level.

Robert Jines wrote by email on February 13, 2007 from rjines@seidata.com
I feel if pistol cartridges can be allowed on deer, you may as well open high powered rifle season. Please don't allow this. I have seen and heard of allot of lost pistol shot deer. Why are we trying to hunt deer with so many different types of weapons, in a state with close quarter housing. I hunt with shotgun and no muzzleloader every since the state begun allowing doe tags with shotgun. You are taking the sport out of deer hunting with all these various weapons of choice. I would almost go as far as to say stop letting the insurance companies dictate our hunting regulations.

Warren Williamson wrote by email on February 13, 2007 from dharma@oddpost.com
I am writing in support of the proposed addition of selected pistol caliber leverguns as allowable in Indiana for deer hunting. I am an avid deer hunter living in Sidney, Ohio. Although I am an Ohioan and do hunt here with a shotgun, every November I travel to Boyd County, Kentucky where I hunt with various leverguns. On 11NOV06, I harvested a nice big doe with my 336 Marlin chambered in 35 Rem, my favorite deer rifle. Of course, I am very close to Indiana and would be happy to hunt in your state with my Model 92 chambered in 45 Colt.

Tyler Bond wrote by email on February 13, 2007 from bondandassoc@hotmail.com
Think it's a good idea as long as we do not allow high powered rifles .270 30.06 etc.

CeAnn Lambert wrote by email on February 14, 2007 from ceannicrc@yahoo.com
A big "NO" to centerfire rifles. I am so tired of gunshots fired near my property, now. Knowing they can be fired from an even greater distance, putting my animals and property in greater danger, scares the bejesus out of me. Calling the sheriff's deputies out in the middle of the night because of gunfire is not pleasant.

Darren and Janelle Pullen wrote by email on February 14, 2007 from djpullen@earthlink.net
I just received an email from Linnea Petercheff regarding the proposed rifle changes for deer season. I believe the new proposal is a step in the right direction but I think the included calibers should be expanded a little bit. It makes absolutely no sense to allow a person to use a 300 win mag in a pistol to hunt deer but not allow calibers such as 30/30 or 45/70 in a rifle. Ballistically, a 45/70 is not much different than the new sabot slugs being made for shotguns now. The 45/70 would have an average muzzle velocity of about 2000 fps and drop about 12-15" at 200 yards. The new sabot slugs are moving at about 2000 fps and have the same bullet drop. I'd feel much more comfortable with someone shooting a 20-24" barreled 45/70 then a 14" barreled Contender in a magnum caliber. I don't think anyone should be hunting with a magnum caliber in Indiana with our population density but I think our hunting regulations should! make sense. It

doesn't make sense that you can shoot a 44 mag hnadgun but not a rifle. The rifle is more accurate and much less likely to have a wild shot.

Karin McKenna wrote by email on February 14, 2007 from mckennakarin@comcast.net
NO need for rifles with longer ranges. Population is getting more dense, not less.
NO need for exempting young hunters. Why not also have exemptions for drinking alcohol and gambling. For example, two beers allowed if you are with an adult, and can stand taller than the bar. Also, seems ridiculous to be going through these comment periods when the DNR has said in print that it does not have to abide by ANY RULE approved by the NRC, even when signed by the attorney general and governor. Why go through this process when none of these issues will be prosecuted because the DNR holds the right of "selective enforcement?" Anyone with the right connections and checkbook can be exempted from any NRC ruling.

Bobby Allen wrote by email on February 15, 2007 from olmangunny@sbcglobal.net
I wanted to let you know that I am for deer hunting with a rifle using a pistol round's like the 357, 41, 44 mag even the 444 and 45-70. But not long range rounds. And there should be a stiffer fine if anyone is using this type of bullet I think the fine is around $ 500.00 and if it is raised to $1000.00 maybe these people will get the ideal.

Charlie McLain wrote by email on February 15, 2007 from charles.mclain@ge.com
First, "hunting with rifles using pistol cartridges" is a great idea. Also it will give us hunters an excuse to buy a new tool.

Second, The fee for "non resident" deer licenses subsequent to the initial license purchased should be more in line with the fees for resident hunters. Requiring the "full fee" for every license for "non resident" hunters is excessive and does not promote hunting.

Jeff Baldridge wrote by email on February 15, 2007 from towhead@hotmail.com
I am vehemently opposed to the use of rifles for deer hunting in our state. The existing legal weapons are more than adequate.

John H. Davies wrote by email on February 15, 2007 from johnandjoann1@prodigy.net
We have become too populated in this part of the state for rifle use. We own both, and rarely because of several issues use a rifle. The projectory distance is just flat out too far. I have enough problems with the people that use shot guns in our area, I believe rifles are overkill. (no pun intended) I also question the wisdom of continuing to lower the legal age of children being allowed to hunt. If this is to "capture" a young child early to the sport, it comes with great risk. Children need to learn the love of animals first, before they start to kill them.

Chris Deakins wrote by email on February 16, 2007 from ChrisDeakins@templeinland.com
My name is Christopher Deakins, I am from Greencastle, Indiana, and I was told that this is the appropriate e-mail address for sending comments about the proposed rule changes to allow rifles for hunting deer in Indiana.

I would just like to say that I am all for this proposal, I support it 100%, and every detail of it. I am completely in favor of using rifles on deer in Indiana, of the caliber and case lengths specified – min .357cal, min 1.16” case length, max 1.625” case length.

I do not see any negative repercussions or safety risks at all, the rifles that shoot the cartridges specified have no more range than a modern muzzleloader or pistol shooting the same round which is already legal in Indiana.

I do however see many positives for allowing rifles, the greatest of which for me is described below,

I am a deer hunter and I do not like using slug guns because I prefer the accuracy of a muzzle loading rifle and feel that a well placed shot and clean kill are vital to my ethics. So many deer suffer from a variety of wounds resulting from poorly placed slugs, such as gut shots or legs being blown to bits, and run off to slowly die a painful death. A properly placed shot is much easier to accomplish with a rifle, be it muzzle loader or modern rifle cartridges. But for a busy work schedule like I have, it is much more difficult to use a muzzleloader, as these rifles cannot be left loaded after each outing for multiple reasons – safety of course, but also because the reliability of the firearm is questionable with the probability of a miss-fire or hang-fire much more prevalent from a gun left loaded and brought in and out of the cold with condensation being a big factor with black powder and black powder substitutes. So once the muzzleloader is unloaded it must now be thoroughly cleaned due to black powder being so corrosive. Cleaning a muzzleloader is a much more involved job than cleaning a modern firearm. So every single day that I come out of the woods, I have this maintenance that I must tend to. If I were able to use a modern rifle, I would have the accuracy that a rifle offers for the humane kill that I demand, combined with the convenience and time saving easier maintenance that a slug gun offers. And I would also have the capability of follow up shots that a single shot muzzleloader does not offer, for those times when the other deer standing around do not run from the sound of the first shot, which happens more often than some people may think, and allow for a second kill to fill my freezer and further help in deer population control (providing the proper licenses have been purchased of course).

Brian Capps wrote by email on February 16, 2007 from brian.capps@insightbb.com
I was hoping to attend the meeting tonight (which will, no doubt, be snowed out) regarding the possibility of allowing pistol caliber rifles to be used for deer hunting. I would like to see this change made for a couple of very good reasons. First, in many cases, hunters will use whatever old shotgun they've got and will be dealing with a simple bead sight and a smooth bore in an attempt to cleanly harvest a deer. Most will not take the time to get familiar with their set-up due to the vicious recoil of a 12 gauge slug (reason #2). Most pistol cailbers, even in a fairly light rifle, are much easier to shoot and, are generally much more accurate to boot. One other thing that may be worth a thought, many hunters (myself included go deer hunting in another state, simply because that state allows rifles to be used to hunt deer.

Dan Myers wrote by email on February 16, 2007 from danmyers@comcast.net
It is my understanding that the Indiana DNR is considering a rules change which would allow hunters to use rifles that utilized pistol cartridges for deer hunting. I think this is a good idea. As a re-loader and student of ballistics, I can tell you that it makes more sense to allow hunters access to .357 magnum and .44 magnum projectiles, which have an effective range of about 125 yards. As you know the use of the various modern "muzzle loaders" has an effective range out to 400 yards. Which would you rather have hunters using if your house was next to a hunting area?

Larrie Petty wrote by email on February 17, 2007 from lklp@myvine.com
I would like to ask a question about the rifle season. Why did the rules that where preliminarily adopted exempt the 460 S&W handgun cartridge that Smith chambers in there revolvers? I think that this would make a great straight wall rifle cartridge. I know that TC chambers it in the single shot encores and H&R in their single shot break opens. It would be exempt because the case is too long it is 1.790, 1.800. I would like to know if it might be a possibility to add this cartridge.

Philip Haverstock wrote by email on February 17, 2007 from kjot267@aol.com

I think that the proposed change in allowing "pistol" rounds in rifles should be passed. When allowing new rifled slugs barrels that can shoot 175 yards, or even muzzleloaders that can be pushed past 200yards, it makes since to use a "pistol" round in a rifle. I do however believe that the current laws about pistol hunting need to be changed as well to limit actual "pistol" rounds. My question is why can someone use a .30-06 in a single shot pistol with a 20" barrel and consider it a pistol? I am in favor of the proposed change for pistol cartridge rifles.

Jerry Schmidt wrote by email on February 19, 2007 from Jscapbuster@aol.com
I live in Martin Co. In. I would like to make a few comments on this law change if I may. In My opinion, this rule change is not what is needed. I feel that True centerfire rifles, [from .243 up] should be allowed. After all, we already allow handgun hunters that option. Or at least let those who own Land and actually live on it to have that option. Perhaps if you own at least 40 acres, and actually live on it, you may use centerfire rifles from .243 on up while hunting on your own land. With the owner of this land also allowed to decide if invited guests hunting on his or her land can use the rifles also. In my area true centerfire rifles will be as safe as slug guns or the new 250yard muzzleloaders and most certainly the centerfire handguns now in use. I know some areas around cities may not be as safe and these areas can decide for themselves, perhaps on a county by county basis. I have heard the arguments about the "Idiot with a rifle" well; we have them and have always had them. We will have them if a sling shot is the only legal weapon. By and large the majority of us Deer hunters are responsible and know what we are doing. The legal use of a centerfire rifle [.243 Cal. and up] will improve the enjoyment of my deer hunting especially as I am getting older. I know how to use a rifle, the ranges involved and my limits. I have hunted deer since I was 14, I am now 43. My wife and I do all our deer hunting here on our own land. I see no difference between a hunter using one of the new 250 + yard muzzleloaders, or a Handgun firing a .308 or other centerfire round, or even a newer 150 yard rifled slug gun. If you are going to limit a rifle hunter to a 100yd [maybe] rifle, then you need to put limits on these other weapons too. With these other weapons already in place, it just makes sense to open up to all centerfire rifles, above .243 cal. Thank you for your time.

Paul Brown wrote by email on February 20, 2007 from paul.r.brown@navy.mil
I am in favor of opening up the regulations to include rifles chambered to the pistol cartridges as stated in the proposed administrative rule change. I am not in favor of opening this rule up farther to include high velocity low bullet weight calibers such as many of the typical "high powered rifles". The proposed changes allow shoulder stocks to be added to large caliber pistols but still limit the rifles to reasonable distance limitations for safety and sport reasons.

Meredith Lloyd wrote by email on February 21, 2007 from Meredithlloyd@comcast.net
It only makes sense to allow cartridges currently approved for handguns to be used in long guns. I, for one, can shoot a long gun much more accurately than a handgun. The older I get, the less I like the recoil of shooting a shotgun with heavy slugs. I currently have a 44 magnum lever action Marlin that I would love to use here in Indiana for deer. It is a close range caliber with less range than many of the new shotgun rifled slugs and certainly no where near the distances being achieved by muzzleloaders. The recoil is more tolerable and the 44 magnum does a good job on deer. I would ask you to pass this legislation.

Jim Young wrote by email on February 21, 2007 from SYOUNG@SEIDATA.COM
I am in favor of allowing the use of the rifles with pistol rounds this coming deer season. The rounds that are proposed are safer than some of the rounds that are in use now. There should not be any opposition to this proposal because of safety issues or more wounded deer. I thank you sincerely.

John Rozinski wrote by email on February 22, 2007 from n9roh@csinet.net
I think that the wording on the use of pistol cartridges in rifles for deer hunting is very clear and precise. I think the same wording should be implemented in the handgun rules to stop the use of big rifle cartridges (i.e. 7MM/08, .308. etc. which are definitely long range rifle cartridges) . The intent was for short to

medium range hunting. We now have people attempting to take deer at ranges in excess of 250 yards, which puts everyone at risk. I am all for the use of pistol cartridges as proposed as it can increase the change of a clean harvest.

Mike Shoaff wrote by email on February 22, 2007 from mike.shoaff@autoeng.com
I think it would be great to be able to use a rifle with these loads for deer. There really is not much of a velocity difference between them and shotgun slugs. Since we can already use them in handguns I do not see how it would possibly be a problem. It would be fun to own a lever action rifle in .44 mag. and use it to hunt deer here in Indiana.

Steven Preflatish wrote by email on February 27, 2007 from preflat@psci.net
I would like to express my only concern regarding the changes, I am an avid hunter, don't get me wrong, but did DNR take into consideration the TRAJECTORY of using pistol ammunition in rifles?

The exact same ammo in a pistol will not develop the higher velocities and energies that it will in a longer barrel. This does make the rifle 'shoot farther' with the exact same round.

This same argument I make against the in-line rifles, they are no way related to 'classic' muzzleloaders in velocity or muzzle energy, they are much closer to 'high-powered' rifles in that regard. More muzzle velocity, more energy at the muzzle, means more range, and the possibility of attempted shots at farther targets, with crippling and not killing results. Please consider the velocities and ranges of these weapons.

Mark Zimmer wrote by email on February 27, 2007 from pasqua720@aol.com
Was any thought given to allowing the .30-.30?

Michael Lamberg wrote by email on February 27, 2007 from MELamberg@SBCGlobal.Net
I searched for the State of Indiana's definition of "Medium Range" with regard to the trajectory of pistol bullet. I was unable to locate any information.

My definition of "Medium Range" of a bullet is 200-250 yards.

I am providing my input based on my interpretation of "Medium Range" trajectory of a bullet.

I don't believe that Indiana hunters need to hunt deer with medium range rifle bullets.

It is my opinion that the change would have an adverse effect on our deer population. The hunter would have the capability to harvest a deer from a longer distance. Using a rifle would give the hunter more of an advantage over the deer. My main concern with the change in the law is that we would have more inexperienced hunters with firearms in the field. After all, it would be much easier to take a deer from that distance.

It is my humble opinion that if you can't harvest a deer within bow, shotgun or muzzleloader distance, you need to work on your stalking skills and read up on how to move in for a closer shot.

In closing, let's keep hunting in Indiana hunting, not some sport that you can sit in a tree-stand and harvest a deer 200 plus yards away.

Glenn Wesbecher wrote by email on February 27, 2007 from gwpaddle@sigecom.net
I belive there hunting deer with hand gun cartriges in rifles a good thing do to bullet placememt. I seen seven deer in a yard and five were limping. Glenn Wesbecher Life long hunter and outdoors man with two evormemental licence plates and a supporter of IDNR.

Kenneth Krasavage wrote by email on February 27, 2007 from KenKhunt@aol.com
The first purpose of this communication is to endorse the proposal that would allow the use of rifles with appropriate pistol cartridges during the gun season for deer.

John Bond wrote by email on February 27, 2007 from jobond@gaska.com
Who ever came up with the case length requirements is quite clever. This would exclude any of the magnum variants. The use of the 44 magnum in a carbine would be no different than using a 12 gauge shotgun slug in a rifled barrel. This would generate some extra interest. Why don't you try an antler less only season (early in October after maybe 2 weeks of bow) and charge an additional 5-7 dollars if you already have purchased a firearms license. We talk about too many deer and the shared opportunity for gun hunters to enjoy some of the same weather as bow hunters. Special hunt by areas as set by the game biologists. Just something new that could generate interest/revenue? A thought. No matter how you utilize it. It seems like a great idea.

Kevin Snodgrass wrote by email on February 27, 2007 from kevinlsnodgrass@yahoo.com
I am writing to support the proposed DNR rule change to permit the use of rifles chambered for handgun ammunition for the purpose of deer hunting. I feel that this is a good move on the part of the department and will allow deer hunters a greater selection of firearms to use.

I only wish that this rule change had been made effective during the twelve years that I lived in Indiana. Being able to use a pistol caliber rifle to hunt deer would certianly have influenced my decision to hunt at home in Indiana instead of going to Kentucky or Tennessee as I did. A resident license at home would have cost me much less than a non-resident tag in other states.

Fortunately I still have several friends there in Indiana, and should this rule change be made, I would certainly take the opportunity to hunt with them should I be able to use one of my rifles that I enjoy hunting with.

David Myers wrote by email on February 27, 2007 from myersd5@yahoo.com
While I see no physical reason why the rifle cartridges could not be used, I believe that it could put unnecessary work onto the DNR field officers. Currently, hunters weapons can possibly be identified from a distance, by smoking powder or one shot reloading for muzzleloaders and shape and sound for shotguns. Introducing specific rifle cartridges to the mix would be very similar to the steel shot and breech plugs issues during waterfowl season. The only time one could be checked is by an officer making person to person contact. I don't feel that Indiana terrain is conducive to high power rifle hunting. Leave things as they are. I believe that the future of muzzleloading will provide more than enough power for rifle hunting.

Chuck Sims wrote by email on February 27, 2007 from csims@firstgroupengineering.com
I think allowing pistol cartridges in rifles is an idea long overdo. However, with consideration to the intent of the law which is to allow short range cartridges for deer hunting, I would propose to also allow short range rifle cartridges such as the 30-30 and the 35 Remington. These are both proven and common short range deer cartridges and many rifles in these calibers are available through several manufacturers. Instead of only using verbiage indicating the minimum and maximum case size, also indicate the allowable calibers. My rational is that if you currently allow 30-06 and other long range rifle cartridges in pistols (single shot pistols are common today in these calibers and I know several people who use them) then why limit the caliber at all? This is a contradiction in your regulations. IDNR should realize that a pistol is inherently less accurate than a rifle and that allowing rifle cartridges in pistols has the potential for more missed or wounded game and provides a greater potential for misses. Although I realize that rifle cartridges lose some velocity fired from a shorter barrel, a miss is still a miss and the bullet from a long range rifle

caliber fired from a pistol has the potential to cause more harm than a miss from a rifle firing a 30-30 or 35 Remington bullet.

Another option would be to eliminate the rifle calibers in pistols altogether.
As for IDNRs' current and proposed regulations and how it may affect hunters, I will use myself as an example. I typically hunt deer with a Thompson 35 Rem. pistol. I used to use a shotgun but I like the lighter weight, better accuracy and slightly more range I get with the pistol. The recoil isn't exactly pleasant but manageable. If you allow only pistol cartridges for rifles I will probably not run out and buy a lever action rifle in 357 mag. or 44 mag(lever action is about the only type of rifles made for these calibers). If you allow 30-30 or 35 Rem to be used in rifles I will definitely go out and buy a rifle in 35 Rem. or, what I may do is simply purchase a rifle length barrel and stock for my Thompson Contender in 35 Rem. Why? Because I can shoot more accurately with a rifle than with a pistol. Also, the recoil from a rifle in 35 Rem. is almost pleasant to shoot and this is something my 13 year old son would appreciate in lieu of the recoil from a 12 ga.

If IDNR were to chose the option to eliminate allowing rifle cartridges in pistols, I think this would actually be more in line with IDNRs' intent of allowing short range firearms only. If this is the case, I would also recommend disallowing the use of "modern" muzzleloaders which use modern rifle bullets and smokeless powder. This is also an issue which does not seem to match IDNRs intent of only allowing short range firearms. If IDNR allows these modern muzzleloaders, which have as much or more range as the 30-30 or 35 Rem calibers fired from a rifle then why isn't the latter allowed. Someone need only review velocity and energy charts of the different calibers, smokeless and blackpowder, to determine the limits or extent of firearm capabilities and then determine the limits of what is to be allowed.

One more item to consider. IDNR currently allows the use of modern "blackpowder" rifles which do not have to use actual blackpowder. Why not allow **single shot breach loading actual blackpowder rifles**, either loose, paper or metallic cartridges? Breach loading black powder rifles have no range advantage over muzze loading black powder firearms and to not allow them for deer hunting does not seem logical to me.

Daniel Ridlen wrote by email on February 27, 2007 from huntersevenflies@yahoo.com
I for one support passing the rule allowing rifles shooting pistol cartridges for deer hunting during the Indiana gun season as it seems to be another sound means by which to manage our wildlife resources....for the same reason I do not support exempting anyone of any age from enrolling in the harvest information program as this is a valuable tool by which we can successfully continue to manage our migratory game resources.

John Shaffer wrote by email on February 27, 2007 from Moon2932@aol.com
Put me down as being for the use of rifles loaded with handgun cartridges for deer.

Herb Hedstrom wrote by email on February 27, 2007 from HerbHedstrom@msn.com

1. Allowing rifles loaded with pistol cartridges during the deer firearms season
2. Exempting hunters younger than 16 from Harvest Information Program (HIP) registration before hunting migratory birds during the youth free hunting season.
3. Adding the cerulean warbler to the state's endangered species list.

However, I am "in favor" of these rule changes. Please make my opinion "heard!"

Dale Ludwig wrote by email on February 27, 2007 from dll1921@hotmail.com
I understand the safety aspect of short to medium range cartridge use. Inline muzzle loaders worry me more than my grandfather's 38-55 Winchester, which will not be legal as now written. I would really like to use his rifle one time.

Scott Myers wrote by email on February 28, 2007 from MyersS@covington.k12.in.us
Allowing any cartridge or rifle capable of longer ranges than presently allowed for deer hunting is not in the best interest of hunter safety and public safety. Is it really necessary? Harvest opportunities for Indiana deer hunting is excellent with our present methods and opportunities, why risk it? I know I'm going to take a safe shot, but what about the other shooter? During the firearm season especially the first weekend there are a great number of hunters and shots in the field. Again, is it really necessary? Financially what's the benefit? It's not going to increase tag sales; yes it would increase Pittman Robertson funds with cartridge and rifle sales.

William Mitchell, Jr. wrote by email on February 28, 2007 from wmitchelljr@insightbb.com
I think this is a fantastic idea, I know many women and children (of hunting age) who cannot handle the recoil of a 12 gauge shotgun with a deer slug.
I feel if guidelines are followed for the size of round to be used we will see more and more non-men hunting in this great state. If a vote is needed for this issue to pass, I am for it 100%. Thanks for all the hard work given by yourself and the NRC.

Toby Wegrich wrote by email on February 28, 2007 from CaptCobiaIN@aol.com
I will not be able to attend the meeting on March 30. However, I would like to say that I support the use of proper handgun (type) cartridges in rifles for harvesting deer in Indiana.

Jackie LeCount-Wegrich wrote by email on February 28, 2007 from CaptCobiaIN@aol.com
As a woman, I am for hunting deer in Indiana with pistol calibers in light rifles. This will give smaller folks like me a better chance at a clean kill.

Bill Hill wrote by email on February 28, 2007 from Billjhill@AOL.COM
Why change the bullet size? It has been this size for years. A change will hurt those hunters that already have a size that does not conform to new rules and that are legal today.

Richard Klenck wrote by email on February 28, 2007 from klingerklan@cpu-net.net
I would like to show my support for rifles to be used for deer hunting in Indiana. I hunt my own property in Spencer county. In view of a rifles inherent accuracy compared to shotgun slugs I feel there would be far less wounded deer and hunting accidents. Three different neighbors on property adjoining mine wounded and lost deer this past season using slug guns. I also see a benefit of the one buck rule due to hunters being more selective and making sure their shot counts when they encounter a deer they decide as a shooter. I also feel people are in less danger of being shot accidently by an accurate rifle than an inaccurate shotgun trying to do a rifle's job. I see no need limit rifle cartridges to pistol only cartridges sizes because of their lack of humane killing power and range. This state may be number 14 in population but is mainly wide open farmland where rifles make more sense as hunting weapons than a hilly forested state such as Kentucky.

Tim O'Bryan wrote by email on February 28, 2007 from tobryan@insightbb.com
I like the idea as it simply provides an additional option for shotgun, pistol, or muzzleloader hunters. I absolutely believe that there would be no safety issue as the effective range of the allowable rifle calibers is actually less than some shotgun loads and virtually all muzzleloader loads. What a nice opportunity for hunters!

David Hicks wrote by email on March 1, 2007 from selectfirem4@yahoo.com

I would like to notify the NRC of my SUPPORT for legalizing certain low-powered rifles for deer hunting in Indiana.

Hicks also wrote by email on March 28, 2007
I have already written an e-mail to the NRC in support of the proposed rifle amendment for deer hunting, but feel that I should address a couple of issues that I've seen discussed on internet forums.

Some are asking about magazine limit restrictions. I OPPOSE any limitations on the amount of rounds a firearm may hold for a couple of reasons. First, I find that it will place an undue burden on conservation officers to have to inspect and unload firearms in order to determine compliance with a magazine capacity rule. Second, I don't feel that having 10 rounds in a rifle is any more dangerous than 5rounds in a shotgun. A deer isn't going to present itself as a target while the hunter fires off two or three rounds, much less ten. Opponents will have you believe that detachable mags are capable of holding 20-30 rounds, but they are in error, as there are no magazines FOR THE PROPOSED calibers that hold over 10 rounds.

Another concern that I've witnessed is the type of firearm. I feel that as long as the firearm is chambered in a legally-accepted deer cartridge, it should be allowed. Action type (semi-auto, lever-action, bolt action, single shot, etc.) and cosmetics should have no bearing on a rifle's legality.

Next comes the issue of range. These proposed deer rifles have no more range than current shotgun or muzzleloader sabots. A 12-gaugeHornady SXT sabot slug has a muzzle velocity of 2000 feet per second, and Thompson Center Muzzleloaders touts theirs as firing a bullet at2203 feet per second. For comparison, a .44 Mag bullet out of a 16"rifle barrel would be lucky to attain 1750 feet per second. NONE of the rifle calibers that fall within the proposed parameters (.357"minimum bullet and case between 1.16" and 1.625") will have a velocity that exceeds that of the above-mentioned shotgun and muzzleloader rounds.

Chris Thomas wrote by email on March 1, 2007 from circletsouth@onemain.com
I am writing concerning the proposed legalization of rifles for deer hunting in Indiana. I have been a longtime advocate of legalizing rifles. I feel it would be beneficial for the state to allow some of the larger slower caliber rifles as well as the handgun calibers..444,.45-70,and even .30-30's would be very suitable for 95% of Indiana's hunting areas since the majority of animals are not killed in open fields. I would even go so far as to recommend or request that the state be divided into two hunting zones where areas south of say U.S. 36 are open to rifles, and areas north are limited to handgun caliber rifles. I have hunted deer in Indiana since I was about 8 so nearly 30 years, and I also hunted on our family farm in KY. using my grand-dad's .243 Winchester, of all the deer taken in those years by myself, dad or grandpa, I wouldn't hesitate to say all were within 150yds of the stand. I have even taken a doe in Indiana at 127 yds. With a 12 ga. So, to reduce the likelihood that illegal calibers are used, I would suggest the DNR take a serious look at opening the caliber range considerably. My dad hunts with a Ruger Redhawk .44 and has made clean kills out to 125yds. Had rifles been legal, I would say that we would still have been in the same range with our kills, because most hunters set up in an area that provides a good look at their quarry, as well as a high percentage shooting lane, where they are most likely to get a clean look, followed by a clean shot and good kill. I do not think it will increase poaching, because those who poach, poach regardless of the rules in place. I think and feel whole-heartedly, that it will lead to more hunters taking to the timber each year simply because it will be something new. Anytime something new is introduced, more people get out experiencing it. When Indiana first issued the antlerless permits via a lottery type system, every hunter I knew attempted to get one, now, less that 25% are interested in does.

Jeremy Wilcox wrote by email on March 1, 2007 from offroader333@yahoo.com
Just want to express I am very much in favor of allowing short/midrange rifles for deer hunting.

Randy Bolinger wrote by email on March 1, 2007 from jrbolinger@insightbb.com
Just wanted to drop a quick note in support of DNR's consideration of pistol caliber rifles for deer hunting. I believe them (pistol caliber carbine's) to be more accurate than the vast majority of slug guns.

Additionally, I believe they offer a greater margin of comfort and safety, particularly for youth and smaller framed folks. I anticipate introducing my sons' to deer hunting in the next few years and I believe it would be a much more positive experience for them shooting pistol caliber rifle vs. a 12 or even 20 gauge slug gun.

Aaron Allinger wrote by email on March 1, 2007 from eng_man99@hotmail.com
I would like to state that I am in favor of using rifles chambered for pistol cartridges during deer season.

Duane Allen wrote by email on March 1, 2007 frm hoosierwrench@sbcglogal.net
I'm in favor of the pistol cartridge rifle for deer hunting.

Joshua Beck wrote by email on March 1, 2007 joshbeck18@yahoo.com
I would like to voice my opinion in favor of allowing pistol cartridge rifles for deer hunting in Indiana. I'm sure you are aware that these particular rifles offer similar range and ballistics as several other weapons already allowed in Indiana.

By allowing pistol cartridge rifles, you would be opening up additional opportunity for current hunters and helping to recruit new participants to our sport. It makes sense both from a ballistics standpoint and from the standpoint of doing everything we can to ensure our hunting heritage continues on for our children and grandchildren.

Jeff Weedling wrote by email on March 2, 2007 from jweedling@sbcglobal.net
The proposed "pistol cartridge" rifles for deer hunting is the best change Indiana has proposed in a very long time. This would allow hunters to get our youth involved in the sport without dislocating their shoulders by mandated shotgun slugs. If you study the ballistics you will find that these proposed calibers have basically the same, if not less range than some of the slugs that are being used currently.

Corbitt Beasey wrote by email on March 1, 2007 from corbittb@hotmail.com
I would like to voice my support for using rifles to hunt deer in Indiana. Allowing the use of rifles would attract a broader group of hunters of which would increase revenues to the DNR. This would be a win-win for everyone. I enjoy our DNR properties and believe this will benefit everyone involved.

Mike Yakimicki wrote by email on March 2, 2007 from MYakimicki@mpi-int.com
I think that by requiring youth to register, the DNR would know how many young hunters are actually taking advantage of the special hunting season. By registering online, this would give the youth an opportunity to learn more about the game they are pursuing as well as give them an opportunity to teach mom or dad a thing about computers. I believe the benefits associated with registration far outweigh the inconvenience of having to register.

Roger Dailey wrote by email on March 2, 2007 from roger_dailey@hotmail.com
Ballistic science indicates this is just a minor technical change to the current rules. In other words, a not very streamlined projectile at modest velocity presents no difference if it is fired from a pistol cartridge rifle, a handgun, a muzzleloader or a shotgun. In fact, many of exactly same bullets used in pistol cartridge rifles are being used today in handguns, sabot style muzzleloaders and sabot style shotguns. Some of the muzzleloaders and shotguns launch the pistol bullets at the same or slightly higher velocities than pistol cartridge rifles.

Pistol cartridge rifles make a very good weapon for youth and for training. They can be loaded with target level ammunition for basic marksmanship training. They achieve the user friendliness of the .410 slug without the cost and are typically more accurate than the best .410 slug guns.

Eric R.Thomas wrote by email on March 2, 2007 from circletnorth@onemain.com
I think that Indiana should allow rifles to be used during firearm season for deer. DNR is looking for ways to thin the deer population and this would allow a little more distance benifit to go to the hunter which should allow more deer to be taken during firearm season. I use a 44 mag handgun to hunt now but if rifles were allowed(including 30-30, 30-06, 444,243,270, etc.) then it would help the hunter. Please make changes in our laws to allow rifles during firearm deer season!!

Keith Darnell wrote by email on March 2, 2007 from keithdarnell@yahoo.com
I am writing to show my support for the proposal to allow the use of pistol-cartridge rifles for hunting deer. I believe this would not produce any adverse effects to the current hunting situation in Indiana. The proposed cartridges are already legal for use in hand guns, and the rifle configuration would not extend the range past that of the existing shotguns and muzzle-loading rifles already being used legally in the state.

Brian Thurber wrote by email on March 2, 2007 from bthurber3@comcast.net
I am looking forward to the pistol rifle cartridge change

Brian Isaacs wrote by email on March 2, 2007 from briani@aquaticcontrol.com
I am very much in support of this rule change.

Ballistic science indicates this is just a minor technical change to the current rules. In other words, a not very streamlined projectile at modest velocity presents no difference if it is fired from a pistol cartridge rifle, a handgun, a muzzleloader or a shotgun. In fact, many of exactly same bullets used in pistol cartridge rifles are being used today in handguns, sabot style muzzleloaders and sabot style shotguns. Some of the muzzleloaders and shotguns launch the pistol bullets at the same or slightly higher velocities than pistol cartridge rifles.

Pistol cartridge rifles make a very good weapon for youth and for training. They can be loaded with target level ammunition for basic marksmanship training. They achieve the user friendliness of the .410 slug without the cost and are typically more accurate than the best .410 slug guns.

Lorrie Brosmer wrote by email on March 2, 2007 from lbrosmer@yahoo.com
I will be unable to attend the public rules meeting on the 26th but Iwould like to voice my support for allowing pistol caliber rifles during firearms season next year. I fully support this proposal and think it is long past due. These rifles are no different ballistically than modern shotgun and rifle projectiles but are cheaper to shoot and offer less recoil. With the recent addition of youth hunting seasons it only makes sense to provide them with a lighter recoiling weapon option superior to the .410 in performance. The lighter recoil will also help adults and youths alike shoot better. It also makes a lot of sense to give hunters an option they can afford to practice with often because a hunter that practices more often is a safer, better hunter.

Frank Findley wrote by email on March 2, 2007 from frank@libertyassociate.com
Hunting is an important part of Indiana's resource management. Hunters are strong stewards of the environment. They also provide much needed financial support for conservation efforts. As such, every effort should be made to expand responsible hunting opportunities for Hoosiers.

The proposed rule changes to allow pistol cartridge rifles for hunting does just this. The rifles in question are as safe as currently approved options such as shotguns and muzzle loaders. Simultaneously, they offer additional advantages to hunters due to their lower recoil which makes them ideal for hunters of smaller stature, like youth and women. They also are of sufficient power to ensure ethical, clean kills. Please approve this rule change for the coming hunting season.

William E. Tidler, Jr. wrote by email on March 2, 2007 from wetidlerjr@insightbb.com
I am in favor of legalizing pistol caliber rifles for deer hunting.

Jim Thompson wrote by email on March 2, 2007 from jim-vicky@insightbb.com
I'm writing to voice my support for allowing low powered rifles (chambered for pistol cartridges) for deer hunting in Indiana. I feel using a rifle will enable me to make more accurate shots, which will lead to quicker, cleaner kills. Even with modern sabots, shotguns aren't as accurate as I would like.

Curt Anderson wrote by email on March 2, 2007 from curtsueanderson@hotmail.com
I would just like to put my two cents in on this subject. I believe it is a rule change long over do. With the new technology of firearms, especially muzzle loaders, we have rather long range weapons already. Even some of the handguns in use have these ranges all thought not the accuracy that a long barrel would give. This would make for cleaner harvesting and better safety.

Randy Merta wrote by email on March 2, 2007 from debandergoosecalls@sbcglobal.net
My name is Randy Merta from Chandler,Indiana [warrick county]. I am in support of the lever gun use with handgun ammunition and hope that you support this issue too. I am a 17 year Deputy Sheriff for Warrick County and see no safety issues. I would also like to see the 45-70 caliber be a legal caliber for hunting but will be happy with handgun calibers. I support this bill for allowing handgun calibers to be used during Indiana firearm deer season.

Paul Reynolds wrote by email on March 2, 2007 from pbr@sigecom.net
I would like to see this proposal by the IDNR adopted by the NRC. This will help to recruit more hunters who will take up a new and exciting hunting tool. Deer hunters will be more familiar and become better shots for a more humane and quicker kill. They will do this by shooting a gun that has a lot less recoil and is much cheaper to shoot.

A new legal gun will give the deer biologist another tool for managing the deer herd. Revenues from tags sales will increase as more hunters join the fold. We are losing hunters at too fast of a rate. This will help slow that rate down, maybe even stop it. With the restrictions placed on length of the cartridge this will be easily enforced by the Conservation Officers.

David Witty wrote by email on March 3, 2007 from Meredithlloyd@comcast.net
I am all for the use of allowing rifles using pistol calibers in conjunction with the proposed law change. It only makes sense to do so. Besides, the accuracy level would have to be better with the rifle and the range is about the same as a shotgun and certainly much less that a muzzleloader.

Ron Mays wrote by email on March 3, 2007 from rondebmays@sbcglobal.net
This e-mail is regarding the proposed amendment on allowing the use of small caliber rifles to hunt deer. I wish to voice my support with this amendment. I think this amendment would be a benefit in the harvesting of deer and would be a good option for deer hunters in general.

Richard L. Lowrance wrote by email on March 3, 2007 from XBTRANS1@buckeye.com
As an Indiana resident I am all for this proposal. It would give many hunters an opportunity to hunt with rifles like our great fathers would have carried when they settled Indiana, and in some case to use the very same rifles. With the new technology being used in shotgun slugs and the modern muzzle loader rifles, pistol cartridge rifles would fall into the same category for limited ranges. Some of the pistols that are legal in Indiana use rifle caliber cartridges, so I can see no problem using pistol calibers in rifles.

P. Michael Judy wrote by email on March 4, 2007 from MikeJudy01@aol.com
I'm writing to voice my opinion concerning the proposed use of pistol cartridges in rifles to hunt deer during the 2007 season. I know that we currently can use pistols with certain restrictions. I feel this is acceptable because many rifle cartridges can be used in specialty or single shot pistols. By doing this I feel that few deer will be needlessly wounded and go of to die without being found. I feel that true "pistol" cartridges in rifles will give the hunter a false sense of security that they can take longer shots to secure their deer. This will result in more wounded deer that will go off and die without being recovered.

Since your main concern, other than the clean harvest of the deer, is safety; I have my own suggestion. Why not make short to mid range rifle cartridges legal. The .45-70 Govt.,.444 Marlin,.35 Rem,.30-.30 Win. etc. have the same approx. range as the new modern muzzleloaders using 209 primers, high tech. bullets & powders. These cal. will provide cleaner kills, be as safe as the new muzzleloaders, and stop many lost deer.

Kurt Barhydt wrote by email on March 4, 2007 form klbarhydt@comcast.net
I feel /think it should be allowed. We get to hunt deer with centerfire cartridges in single shot T/C pistols with 15" barrels so why not rifles with pistol cartridges. Besides ballistics would prove the range is no more dangerous than what is allowed now. Most pistol cartridges only have an affective range of about 100/125 yards anyway, so these would be fine. We area allowed to hunt coyotes with centerfire rifles in Indiana in various calibers from the ground or blinds or tree stands right now so I don't see a problem with this rule change! It should have been done years ago. And no it won't stop shotgun hunters from using there guns either. I plan to use both forms of weaponry plus a muzzleloader, which definitely has a longer range than either shotgun or rifle with pistol cartridges.

Ed Walter wrote by email on March 4, 2007 from leadslinger@insightbb.com
I wish to relay my support for the proposed rule change involving the allowance of pistol caliber rifles as a legal deer hunting weapon. I support this role change for several reasons. Firstly any safe option that may lead to increased participation in our sport by those who cannot or would not otherwise support or participate must be seriously pursued. I am aware of recent reports that hunting participation in Indiana has decreased by 31%. These same sources indicate that as older hunters become less active we are not replacing our ranks as quickly with younger hunters. As a hunter of 51 years of age and grandfather of six I can see benefits to both younger and older hunters alike. Every year one of my least favorite activities is practicing and sighting in my slug guns. I am no stranger to large caliber high powered fire arms. I have hunted large game in many western states. I also compete in many firearm competitions. I am a member of several gun/hunting organizations and am active in many youth shooting programs. It is the youth whom could most benefit from this rule change and in turn benefit hunting as a sport. The youth are our future. Recently the DNR has wisely corrected some inconsistency in regulations. I purpose this rule change could be another example. For example, pistols under current rules can shoot high powered rifle cartridges as well as those same calibers mentioned in the proposed rule change. While including pistols as legal deer hunting weapons was opposed on the grounds safety concerns. These allegations have overtime been refuted by the lack of any incidents and pistols are now widely accepted.

The lack of substantial recoil exhibited by pistol calibers while providing ample power for a quick human harvest will in my opinion encourage many new participants in hunting big game. Those citizens of smaller statue will now be able to confidently practice both marksmanship and hunting without the fear of painful recoil. The economic impact of the inclusion of new equipment as legal weapons should also be

weighed heavily. The inclusions of pistol caliber rifles would mean that sales of rifles and ammunition of those specifications would increase, benefiting both the private sector though sales and the public sector through tax revenues. In a time where public funds are hard to come by I'm sure DNR could use the increased license sales.
I have at discussed at length why this proposed rule change will be beneficial. I also have not been able to see any logical arguments against the proposal. In discussion with other sportsmen and sportswomen the feed back has all been positive. I also note that a great many of these same citizens are not predisposed to contact the commission with their opinions. Hopefully I can help relay the opinions of everyone I have spoken with that we support making pistol caliber rifles legal deer weapons. The time is right to implement safe forward looking changes that will impact the future hunter in positive, dynamic and compelling opportunities to participate in the greatest sport of mankind.

Tyler Lloyd wrote by email on March 4, 2007 from Meredithlloyd@comcast.net
I think the use of those cartridges in the current proposal should be allowed to be used in rifles. I cannot think of one reason why this doesn't make sense. I do not like using a handgun because of the recoil and the noise causes ear problems. However, I do like the idea of using those calibers in a rifle. My current shot gun slugs (abated) are costing me a fortune and I sincerely would appreciate your approving this rule change.

Greg Wieczorek wrote by email on March 4, 2007 from gpw44mag@mw.net
How did the maximum length of 1.625 come about? Could the regulations state specific calibers as do the current rules? The maximum length listed will exclude the s/w 460 which is a pistol caliber that can be used during the regular gun season. A suggestion would be to list a maximum length and list the specific cartridges/calibers. Please look at the 460.

Eric Henderson wrote by email on March 5, 2007 from arrowman30@verizon.net
I am a experienced deer hunter and I see no problem with allowing rifles that chamber pistol cartridges during the existing firearms season. This simply gives Hoosiers another weapon to choose from during the season. Also, ammunition for these weapons is generally much cheaper than quality sabot slugs. This would allow a hunter on a budget to take more pains sighting in and getting to know his weapon on the practice range, possibly making him a more effective hunter. In the realm of weapons choice, more options are always better.

Beverly Bundy wrote by email on March 5, 2007 from bbundy@dunnmemorial.org
I would like to give you my positive opinion regarding deer hunting with low powered rifles. My son has always hunted both shotgun and muzzleloader, as well as, bow seasons. I see no harm in allowing low caliber rifles to be used.

Bill Reid wrote by email on March 5, 2007 from fastang50@yahoo.com
I just wanted to let you know that I'm in favor of a centerfire deer hunting season in Indiana.

Brian McDonald wrote by email on March 5, 2007 from sleepcenter@verizon.net
I have a .45 colt rifle. I would like to be able to hunt with it in your state.

Rodney Krick wrote by email on March 5, 2007 from huntinman74@yahoo.com
Please pass the new ruling for the rifles shooting pistol rounds. I feel that they will be a safe practice and will add a new twist to hunting as a lot of hunters are tired of not feeling something new and exciting in their hunting experience.

David C. Blazier wrote by email on March 5, 2007from dcblazier@hotmail.com
I am glad to see the rifle rule for rifles in handgun calibers. I shoot a H&R handi-rifle and it is an excellent youth gun. In .44 mag or .45 long colt it is light on recoil and very effective on deer. You must allow for the optimum distance but here in outhern Indiana it would not be a problem. I really appreciate the DNR emphasis on youth and lady hunters. I hope to see much more effort put into small game development on our public lands. I have introduced far more youth to rabbit hunting successfully than to deer hunting. It is hard to get todays youth from the video but beagles and bunnies work pretty well. By the way you all are right on with the personal carry law. I do not like going on public property without protection in these days. I have been in situations where it would have been nice to know I could legally protect myself and my companions on DNR property. I firmly elieve law abiding citizens should be able to carry wherever they go. Keep up the good work!

Bruce Drake wrote by email on March 5, 2007 from CPTBDrake@aol.com
I was recently made aware of the Natural Resources Commission decision to bring into discussion the changing of Indiana's current hunting regulation to allow Pistol Cartridge chambered rifles during our state's deer hunting season. I wish to applaud you in your decision to bring this to a vote within the Commission and I hope that this opportunity to broaden our state's hunting opportunities will be approved for future Hoosier hunters.

I am originally from the Indianapolis/Franklin and am currently serving on Active-Duty in the Army. I always make it a point to take some of my Military Leave time during our state's deer season and the opportunity to use a firearm other than a shotgun would be a welcome opportunity. There are many areas of our state that the proposed Pistol-caliber rifles could be used safely in the ethical pursuit of game.

When I retire from the Army in a few years, I am looking forward to potentially using some of my Pistol Caliber Rifles in the safe pursuit of game within my own farmland as these rifle's would be the perfect sized cartridge for my young sons and my wife to use while they hunt. This would be a benefit to the commission as this would mean 4 additional hunting licenses sold each year while they are growing into the ability to ethically shoot at game with a 20 or 12 gauge shotgun when they are older.

Thank you again for your interest in improving our state's hunting opportunities and I look forward to the day I hear about the change in hunting regulations for our Hoosier state.

Phil Krause wrote by email on March 6, 2007 from pakrause@comcast.net
I am writing to urge you to pass the proposed rule change to allow hunting deer with pistol caliber rifles. This is a rule that has long been needed. There are a number of pistol caliber rifles that are perfectly suitable for deer hunting and are allowed in many other states. Thank you for your time, and again I urge you to pass this rule change.

Donald Howe wrote by email on March 6, 2007 from dhoweus@earthlink.net
I write this in support of and urging passage of the proposed rules change which would allow deer hunting with lever action rifles. The proposed allowable cartridges (.357" and larger, 1 1/16" min. length/ 1 5/8" max. length) are the same cartridges which are already legal for use in revolvers used in handgun deer hunting. Firing these same cartridges in lever action rifles will NOT materially increase either the range or ballistic capability of the cartridges. What they will allow is better aiming and shot placement allowing the average hunter to make cleaner, more sportsman-like kills.

Fears about the introduction of these rifles into Indiana deer hunting are, I believe, unfounded due to the power of the cartridges. The "pistol" cartridge as described in the proposed rules change are about ballistically equivalent to many of the legal modern muzzleloaders firing sabot pistol bullet with modern black-powder-substitute propellants. The "pistol" class cartridges when fired in rifles ARE ballistically inferior to the high power centerfire rifle cartridges which are currently legal for use in single shot pistols.

As there have been, to my knowledge, no problems related to the use of these latter cartridges in Indiana deer hunting I urge the adoption of the proposed rules change.

Tom Shively wrote by email on March 6, 2007 from shivelyt@hotmail.com
I am not able to attend the meeting in Indianapolis regarding the new proposal for handgun ammo in firearms for deer hunting. I am in favor of this new proposal to give deer hunters more option when hunting under different conditions.

Rick Speigle wrote by email on March 6, 2007 from rlspeigle@yahoo.com
I know the next step in a year or two will be center fire rifles. I know the hillbillies' around me just love winging bullets at running deer so this will help extend their range. I've had to duck behind a tree before to get out of the line of fire, but that was when I could see the shooter across the property line. Maybe I can market blaze orange flak jackets.

Michael Reamy wrote by email on March 6, 2007 from ranchdogmolds@yahoo.com
I would like to thank you for the opportunity allowing the public to express their views on this proposed rule making. I favor the State's proposal.

This rule change would allow the public to choose between ballistically equivalent firearms, firearms that deliver better accuracy than the present choice of hunting arm. The State has done an excellent job of defining the requirements to identify a cartridge in this proposed rule making, and these requirements will be keeping with the State's desire to maintain the use of a short range hunting arm.

I am a citizen of Texas but do business with citizens of Indiana and wanted to express my views because of my expertise in the category of fire arms that this rule making identifies. My business, Ranch Dog Outdoors, markets bullet molds for these specific firearms and calibers with customers in Indiana. These calibers are extremely accurate and lethal. My customers are currently hunting in my home State and your neighboring states. It is important that you recapture this recreational fund resource and keep it at home.

John D. Garrett wrote by email on March 6, 2007 from jdgarrett@rtcol.com
Yes I am in favor of handgun cartridges in rifles.

Sam Redmon wrote by email on March 6, 2007 from sam@wcredmon.com
I will not be able to make the meeting in Indianapolis on March 26th but I would like to say that I am in favor of allowing hand gun cartridges to be used in rifles for Deer Hunting Gun Season.

In addition, I would also be in favor of 30-30 or slower type cartridges to be used on private land.

Jesse Tohill wrote by email on March 6, 2007 from Hrafterman11x@msn.com
I just wanted to chime in my support for the use of certain lower powered rifles for taking deer in Indiana.

Timothy Dunn wrote by email on March 6, 2007 from timothydunn@windstream.net
I saw a link on the Shooters forum that a law was in the works in Indiana that would restrict the types of cartridges that could be used to hunt deer in the gun season in rifles. The way this law is written effectively limits the rifles to firing pistol cartridges, which, while suitable for deer sized animals at short (say 100 yard) ranges, are far from the best cartridge designs to use for such hunting. I live in neighboring Ohio, and we are not permitted to use rifles in our deer season. This has led to 2 things, both very noticeable when comparing Ohio to other deer hunting intensive states, such as Pennsylvania.

1) many more wounded animals, as a lower powered round simply does not kill the animal as efficiently as a rifle cartridge, such as the 30-30 Winchester
2) many missed opportunities by hunters to collect a deer, due to the range or ballistic limitations of the cartridge they are permitted to use. This may not seem a problem, until one looks at the ballooning deer population in Ohio, and the dramatic increase in recent years of car/vehicle collisions, and damage caused by nuisance animals.

Please carefully consider all aspects of the law in question. Like Ohio, i am willing to bet the largest concern over rifle hunting is the distance that a rifle bullet can travel. Yes, a 30-30 bullet can travel 2 miles before it runs out of momentum and stops moving, but this is assuming it is traveling through only empty air, with no ground beneath it. At normal velocity, say 2100 feet per second, a 150 grain 30-30 bullet, fired from a height of say, 60 inches (an average hunters shoulder height) will fall to the ground and stop harmlessly at a range of about 350 yards. Any brush or twigs it encounters along its path will drastically reduce this distance or stop it all together. A muzzleloading projectile can travel as far as any straight walled rifle cartridge.

Please reconsider this law, it is bad for the hunters, the animals, and ultimately the public.

Ryan Robinson wrote by email on March 6, 2007 from JarHead8645@hotmail.com
I am in favor of legalizing low-powered rifles for deer hunting.

John Tycer Lewis wrote by email on March 7, 2007 from jtl88@charter.net
Just a note of congratulations on The Pistol Cartridge Rifle Proposal.

I have been looking forward to visiting your great state for a hunt for many years, but have no desire to lug around a shotgun, when a nice light rifle will be a safe tool to use.

The Pistol Cartridge Rifle Proposal, in my opinion, gives hunters a safe alternative to shotgun hunting. I agree with the data that shows pistol cartridge ammunition is as safe as shotgun ammunition in open areas like are often hunted in your state. I hope it passes, I'll see you this fall.

Wes Gerber wrote by email on March 7, 2007 from wgerber@adamswells.com
I would like to express my support for changing the Deer Hunting regulations to allow hunting with rifles in pistol calibers. I believe the people should have the choice to choose between ballistically equivalent firearms to hunt.

Jim Northenor wrote by email on March 7, 2007 from jnorthenor@kconline.com
I fully support the change in the rules to allow the use of pistol cartridges as outlined on your web site. It is way over due. With the same projectiles shot out of muzzle loaders at the same velocity does not change the safety factor. However I would like to see the rifle cartridges used in single shot pistols not illegal. They are a safety problem because of there speed and long range potential.

Steve Horney wrote by email on March 7, 2007 from Steve.Horney@itt.com
I understand the DNR is considering permitting the use of rifles in pistol calibers for deer hunting in Indiana. I strongly support this change. As the rules currently stand, hunters may use handguns chambered for rifle calibers, with considerable range and power, while being forbidden to use a rifle in a pistol caliber, which has a trajectory and power similar to that of a muzzle-loader or slug shotgun. That seems to be a strange contradiction, if the basic goal is to allow the humane harvesting of deer while minimizing the hazards of projectiles traveling long distances. A rifle in a pistol caliber (such as .357 Magnum, .44 Magnum, .45 Colt, .454 Casull, etc.) will typically have energy levels and velocities comparable to that of a muzzle-loading rifle or slug-firing shotgun, with potentially greater accuracy (for more humane kills),

while having the relatively short range of the afore-mentioned weapons due to the relatively poor ballistic coefficient of the bullets used (large diameter in relation to length, and generally blunt-nosed). In short, I would strongly encourage the DNR to permit the use of rifles firing pistol-caliber rounds during the deer gun season.

Keith Crowl wrote by email on March 7, 2007 from Longlanefarms@aol.com
I am a landowner and hunter in extreme Northeastern Indiana who would like to convey my encouragement for allowing pistol cartridges to be used in rifles for deer season. Anything that can be done to reduce the overpopulation of deer is a step in the right direction. More liberal seasons for firearms-a longer season in some counties should also be considered, as simply allowing more does to be taken during the short firearms season is not getting the job done as current hunters are doing all they can in many instances.

As a farmer and the "feeder" of this massive state asset called the local deer herd, I would also like to know why rules on nuisance control permits were changed to necessitate summer hunting. We employ conservation farming and have wildlife buffers along woods, etc.; and all this is designed and does help wildlife including deer. We also have approximately 15 different hunters during the various deer seasons. We are trying to do what's right environmentally for our soils and the deer and manage to population with hunting; but with hundreds of acres of unhunted or lightly hunted land in the area (The Nature Conservancy), controls aren't keeping up. We had been getting nuisance control permits via Alger VanHoey, the district Wildlife Biologist documenting our damage and allowing a winter hunt where we killed up to 20 deer additionally. This past year all that was changed to necessitate hunting mid August to September as I was told that I had to get the deer doing the damage. Hunting in the summer is ridiculous because:

(1) Deer have a massive amount of cover in growing crops
(2) Conditions are miserable for hunters and the meat
(3) I hate shooting less than half grown fawns-what a waste
(4) This is the busy time of year when finding time to hunt is difficult

Please address this issue and let me know who I can contact further or how this can be changed. The state appears to want a robust, healthy deer population as do I. However, overpopulation can and is occurring (25+ deer visible every night and that many more in other parts of one section), and no good outcome will occur if it more local management isn't given to address these issues through disease and attrition.

Joe Hicks wrote by email on March 7, 2007 from onrevlimiter@hotmail.com
I am in favor of the question to allow rifles in certain low-powered calibers for deer hunting in the state of Indiana.

Justin Devening wrote by email on March 7, 2007 from justinjendev@aol.com
I am writing to inform the NRC that I fully support the amendment toallow rifles in certain calibers for deer hunting.

David Phillips wrote by email on March 7, 2007 from david.phillips@otis.com
I just want to let you know that I am very much in favor for this proposal. I have been hunting for thirty five years and had always hunted with rifles to deer hunt until I moved to Indiana and I have always wondered exactly what the logic was for not allowing low to mid range rifle cartridges since I can hunt with my muzzleloader that has a range of 150 to 200 yards with no problem.

Kirk Johnson wrote by email on March 8, 2007 from kirkmichaeljohnson@yahoo.com
I am in favor of the proposal of using handgun cartridges in rifles for deer hunting in Indiana

---

Dave Anderson wrote by email on March 8, 2007 from dsandersonn@earthlink.net
I will not be able to attend the meeting on hunting deer with rifles using pistol bullets but I do wish this does wish it does pass!!!!

John Reboulet wrote by email on March 8, 2007 from REBOULET_JOHN_T@LILLY.COM]
I am whole heartily in favor of the proposed rule change to allow certain pistol cartridges to be used in rifles for deer hunting. In general I am in favor of expanding choices that hunters have in the firearms that they can use. This change would provide an alternative to shotguns that would be efficient, accurate and potent with much less recoil and better handling characteristics. In particular I believe that this would provide youth, women and the recoil sensitive an alternative with superior accuracy in the field. This in turn facilitates the clean harvest of animals as well as safety. Any rule change that promotes opportunity with the potential for enhanced safety should be adopted.

Bob Nevitt Jr. wrote by email on March 8, 2007 from Gooseabuse63@aol.com
My opinion for what its worth is to allow 30-30 Winchester cartridge as it is basically a 100 yard and under cartridge just like the pistol cartridges. Kentucky has any centerfire cartridge and doesn't have any safety issues. I also think if people use .357 mag and similar loads, some will think because they are shooting a rifle that they can take out of range shots and will wound a bunch of deer. So if we are going to use rifles lets allow calibers that will knock a deer down just like a slug does. If the DNR has done their Hunter education program correctly, hunters should be careful and only shoot at deer with a proper backdrop. Also I can see where you might worry about bullet travel in flat northern Indiana but the counties along the Ohio river are hilly terrain and would be better suited to all centerfire rifle cartridges. Does the guy that buys hunting license opinion even matter?

Kevin D. Doss wrote by email on March 8, 2007 from spike1@peoplepc.com
I believe it would be a good idea to allow rifles that use pistol ammo. I think it would be a lot safer too, do to the increase accuracy of the rifle. Please pass this motion.

Jeffrey W. Hackbush wrote by email on March 8, 2007 from bowbenders@metalink.net
As I will not be able to attend the public hearing I would like to submit to you my stance on the following issues;

I support the continuation of the one buck rule. I have seen more and larger bucks progressively in the last 5 years, and my freezer has not gone empty, plenty of does to be taken.

I support the handgun cartridge rule changes, but would have liked to have seen the 30/30 and 35 Remington included in these as they are a balistically similar cartridge.

I am very excited regarding the proposal for the rifle in the handgun cartridges addition, I defiantly Support that!!! I would however like to have seen the 30-30 and the 35 Remington been included in the proposal, and perhaps some of the other "cowboy" loads (Could we perhaps get the 444 Marlin?) that were in the lever action rifles.

I support the administrative rule for carrying of concealed handguns by law abiding armed citizens, I think it is necessary to allow the possessors of an unlimited license the ability to carry in the state parks and while hunting. Specifically as it bothers me that people use ditches and rural areas for the illegal production of Meth, the days where the woods are immune to this type of activity are gone forever I'm afraid.

The rest of the rule changes proposed make sense to me and I will issue my support for them as written.

James Glascock wrote by regular mail on March 13, 2007 from Cedar Grove, IN
#1 Rifle hunting will be more dangerous than the already danger of Shotgun Slugs.
#2 Sunday hunting should not be permitted on private property. It is the one day when the family can get together for a walk in the woods. During deer season, it is not safe for grandparents, children, and grandchildren to be able to enjoy the outdoor beauty of the fall, even for one day of the week.

Rob Pruitt wrote on March 9, 2007 from terrisantiques0670@sbcglobal.net
I am a resident of Indiana and lifetime licensed holder, and I support the use of rifles for 2007 hunting season.

Bob Burgess Sr. wrote by email on March 9, 2007 from BBur913684@aol.com
I would like to said that the proposal to hunt deer in the state of Ind. with rifles using hand gun ammo, I am in favor of.

Dennis Nie wrote by email on March 9, 2007 from Whisler93@insightbb.com
As a Kentucky sportsman, member of the National Muzzle Loading Rifle Association, and one who lives near Indiana and hopes to hunt there in the future, I would like to express my support for the Pistol Caliber Rifle rule being considered in your great state and also express my opinion of the "lack of kinetic energy" argument that some have proposed. Traditional muzzle loading rifles have been killing deer very effectively with lead round balls for over 200 years, in spite of the kinetic energy figures that so many misguidedly put their faith in. Pistol caliber rifles, having a more limited range than high powered rifle cartridges, would certainly prove no more dangerous than the current "slug guns" or in-line muzzle loaders with their saboted bullets. In many cases, these sabots contain the same bullets that are advocated for acceptance in the Pistol Caliber Rifle rule.

Mike Trible wrote by email on March 9, 2007 form mtrible@hughes.net
I think that the proposed change that will allow some rifle cartridges to be used in deer hunting is a good change. It is nice to know that the commission is forward thinking enough to propose this; I hope the change takes affect. I do question the maximum case length of 1.625". On the DNR web site where it talks tells about pistol cartridges the '35 Remington' and the '357 Herrett' are mentioned as being legal cartridges in pistols. If the maximum case length of 1.625" will apply to rifle cartridges, that would exclude these cartridges from being a legal rifle cartridge. Would these two cartridges be legal in pistols but not be legal in rifles? I would like to see the maximum length on the proposed change to be 1.925".

Rhonda Elliott (relliott66@yahoo.com) and **Roger Elliott** (r_4packerfan@yahoo.com) wrote by email on March 10, 2007
I would like to be able to use a shotgun with the same caliber as already approved handguns be approved in this state.

Kelley Hicks wrote by email on March 10, 2007 from kelleyhicks@sbcglobal.net
I would like to express my support for the legalization of certain low-powered rifles for deer hunting in Indiana.

As a breast cancer survivor, I am restricted to only firing long guns with low recoil. This means that I am currently restricted to a .410shotgun for deer hunting. By legalizing certain rifles, I could use a.44 Mag lever-action rifle, which wouldn't have any higher recoil than the .410 shotgun.

Craig Brownell wrote by email on March 11, 2007 from cjbrowne@verizon.net
I want to voice my strong support for this proposal and have thought we should legalize certain cartridges for hunting for many years, regardless of the firearm.

The proposed deer firearm season rule change language reads:
The rifle cartridge must:
(A) have a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;
(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and
(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.

This makes excellent technical sense as these cartridges are in a ballistic class that does not violate the spirit of the current regulations. I fully support enactment of this rule change.

Kent H. Hopper wrote by email on March 11, 2007 from khhopper@indiana.edu
I wish to express my opinion regarding the proposed rule change that would allow the use of pistol-caliber cartridges in rifles during the firearms deer season.

I think that this proposed change is the best to be put forward in many years. I believe that allowing the use of rifles chambered in calibers such as .357 magnum and .44 magnum would recognize the need for restricting total projectile travel distance while allowing for a quality of experience that cannot be had with a heavy, hard-kicking slug gun.

I'd like to shake the hand of the person that had the courage and good common sense to propose this change. A rifle chambered in .44 magnum poses no more danger to third parties than any of the modern sabot slugs, yet it provides the opportunity to hunt deer with a round that is accurate, pleasant to shoot, and relatively inexpensive to practice with.

Edward J. DeSchepper wrote by email on March 12, 2007 from edeschep@iupui.edu
I support the new legislation. I have been a hunter for almost 40 years. Pistol cartridges in rifles are no more dangerous than shotgun slugs. If safety is the issue, errant slugs are more likely to cause severe damage than lower-mass pistol bullets. Pistol cartridges in rifles have potentially more accuracy than shotgun slugs. Therefore, they are more likely to hit the intended target (deer) than shotgun slugs, increasing safety. They also have a proven record of good kill rates on deer. It is for this reason that I support pistol cartridge usage in rifles in Indiana for deer hunting.

David Dishman wrote by email on March 12, 2007 from Dishman@KCOnline.com
I cannot make the meeting but would like to voice my support for a Pistol Caliber Rifle Deer Hunt in Indiana this year. Please add my name to the list of supporters for this season.

Jeff Nunnally wrote by email on March 12, 2007 from smtriumph@hotmail.com
I am writing to express my desire to hunt deer with my 44 mag. Henry lever action rifle. I see no reason why Indiana hunters can use a 44 mag. handgun to hunt deer and yet I can not use my 44mag. rifle which is more accurate and shoots no farther than the handgun. Also with today's muzzleloaders they can shoot much farther than any of the rounds you are proposing for rifles. I believe it would be a great step forward for Indiana sportsman if this law was passed. I have not seen or heard of any accidents since the state started allowing the use of these rounds and believe the rifles would not change this either. Thank you for your time and hope to be out in the woods this deer season with my new 44 mag. Henry big boy rifle!

Robert J. Baker wrote by email on March 12, 2007 from tiggertivio2001@yahoo.com
Please accept my comments regarding the possible use of center fire rifles chambered in traditional pistol calibers for deer hunting. I fully support this rule change, however, I do wonder how effectively it can be

policed and/or enforced. If this is approved, I plan to use a .44 magnum lever action rifle. Those that know the ballistics of a .44 would know that this is an excellent and safe caliber for the type of woodland hunting found in Indiana. Other than to catch "red-handed", I don't know how officials will know if some unethical hunters are using .308's, 30-06's, .270's, etc. As most knowledgeable shooters would agree, these are not safe calibers for hunting in populated areas.

This does bring me to the question of why the ever popular 30-30 is not included in the list of permissible center fire rifles? I am sure DNR officials realize that the popular Contender handgun is chambered in many calibers including 30-30 and .270. One can legally hunt deer in Indiana with a .270 if it is fired from a handgun. The logic of this completely escapes me. I would love to deer hunt with my old trusty model 94 30-30 and it would be just as safe as the .44 that I plan to use. Further, it would be far safer than someone using a .270 Contender. Personally, the handgun law was a bad idea in my opinion.

John Kellam wrote by email on March 13, 2007 from eversharper@earthlink.net
I believe that SB 263 is a highly desirable change in firearms specifications for deer hunting. Allowing the use of pistol caliber rifles makes hunting safer for the hunter and more humane to the deer that are shot. Accuracy will be greatly improved.

I would offer a candidate for inclusion in the list of approved rifles. This is the Ruger 44 magnum carbine. It is tubular fed, and very accurate in the type of brush and trees encountered in our hunting areas. The 44 magnum cartridge. if well placed, is a potent knock-down cartridge, maximizing chances a quick, humane kill, and avoiding a long chase of a wounded deer.

It is a semi-automatic firearm, similar to many examples manufactured in the specified time frame. It is well equipped with safeties and is short and easily handled, minimizing possible problems encountered in moving through our types of terrain.

Thank you for your consideration, and I hope that this rifle will be placed on the approved list.

Patrick Graham wrote by email on March 13, 2007 from nfe6848m@yahoo.com
I'm all in favor of having .357 magnum and 44 magnum rifles for deer hunting in Indiana. I think more people would hunt if they could use a rifle.

Josh Brewer wrote by email on March 13, 2007 from joshcdxx@comcast.net
I would just like to add my support for the legalization of low-powered rifles for deer hunting.

Jon Bradshaw wrote by email on March 13, 2007 from jbradshaw@j-pak.com
I support exempting children younger than 16 from the Harvest Information Program.

I also support including certain center fire caliber rifles among the weapons that can be used to hunt deer. I would like to see not only pistol calibers like the .357 and .44 magnum, but also one traditional rifle caliber with short to medium range capacity, the 30-30.

In the southern part of the state, there is no reason to believe that all high powered rifles could not be used safely. I would suggest south of 46 as the dividing line.
Consider Kentucky and Tennessee as prime examples of states with similar topography and population densities that allow high powered rifles during the gun portion of the deer hunt. I hear of no public outcry over safety issues in those two states.

Brett Erwin wrote by email on March 13, 2007 from skiperwin@juno.com

It's about time the IDNR wakes up. Rifles chambered for pistol cartridges should be allowed to hunt deer in Indiana. I can't see any logical reason to restrict them and only advantages for both the State and everyone involved in hunting culture. The DNR currently allows muzzleloaders and the used of Saboted ammunition. Modern inline muzzleloaders shooting 150+ grain equivalents, ignited from shotgun primers, shooting saboted bullets has the same or greater shooting range. This also goes for Saboted ammunition shot in modern rifled shotgun slug guns. In allowing the use of rifles chambered for pistol cartridges, the IDNR would not only be allowing a hunter to use a ballistic ally equivalent firearm but open up lots of opportunities for the state. I am talking about additional license sales, granted this may be a small increase, but it certainly would create more interest which drives license sales.

Increased revenues generated by the Pitman Robertson Act (of 1937) tax, you remember that hidden 11% tax on all hunting related sales, that goes directly to the state in which the items were sold in. This would include firearms and ammunition, if this regulation is passed, lots of sportsman would be purchasing new rifles cambered for pistol cartridges as well as ammunition. These are direct taxes; this doesn't include tax revenue generated from the additional sales of goods and services that this amendment would generate. There are simply no grounds for safety or liability issues to arrive from this regulation passing, we already have several firearms of equal or greater shooting range currently legal to hunt deer with in Indiana. If anything, rifles cambered in pistol cartridges would be safer due to the fact that the bullets are lighter and loose energy faster and the firearms are inherently more accurate. This increased accuracy would result in an increase in the deer harvested and done so in a more humane fashion due to better shot placement. The IDNR wins, the State of Indiana wins, and The Sportsman wins...The story is older than Indiana itself..."what's good for the goose is good for the gander". Rifles chambered for pistol cartridges are good for Indiana.

Paul K. Newcomer wrote by email on March 13, 2007 from pknconst@yahoo.com
I would like to express my views on the potential use of pistol cartridge rifles for deer hunting in Indiana. I have long wondered why they have not been legalized before. Without boring you with ballistics & statistics, suffice it to say that from a safety standpoint, there is absolutely NO REASON that these firearms should not be legalized.

I personally own 2 rifles in .44 magnum. I also own 2 muzzle loading rifles that shoot .44 cal saboted bullets. Both of the muzzle loaders with their manufacturer's recommended load, shoot faster (hence farther) than the 2 cartridge rifles. All of the currently manufactured cartridge rifles, that I am aware of, are basically single shot, lever, or bolt actions. Their design will not allow extremely rapid fire. So the "woods spraying" argument is negated. In fact (legal) revolvers will shoot 6 rounds considerably faster than any rifle in these calibers. Many people don't have the time to proficiently learn to shoot muzzle loaders. By legalizing these cartridge rifles, I believe it could bring more people into the deer hunting ranks.

I would also like to say that I DO OPPOSE the current law allowing high power rifle cartridges in handguns. I have seen (mostly at the Tri-County shooting range) far too many people with these hand cannons who cannot handle them proficiently. I have also seen these rounds fired at deer at distances that they should not have been attempted. They give their owner's a perception that they can kill any deer they see.

I would also like to suggest that if the purpose of providing all the bonus antlerless tags is to cut the deer population, then cut the cost of these bonus tags to, say $ 15.00. That will induce more people to take advantage of the opportunity.

Stephen Farrell wrote by email on March 14, 2007 from S.Farrell@salin.com
I wanted to follow up on the hearing. For some reason I thought it was last night but I understand it is the 26th of March. What are the prospects of approval from your opinion? I hope it passes. I was optimistic enough that I purchased a Marlin 44 mag last month. I see no harm from a safety standpoint. My youngest son who is 10 can shoot the 44 with more confidence than he could with a heavy shotgun. Ballistics are

about the same from a range standpoint. We need more young hunters in the state. This is also good business for the sporting goods shops in our state.

John F. McQuay III wrote by email on March 14, 2007 from johnmcquay@saturnspeed.com
I am e-mailing you to let you know of my support for allowing rifles for Deer hunting. I would love to be able to take Deer with my rifle.

Jamie McKown wrote by email on March 14, 2007 from j.mckown@insightbb.com
I understand that the DNR is currently considering allowing the use of certain rifle calibers for deer hunting. I think this is an idea long overdue and the current policy, while warranted in many of the northern counties is far too restrictive the southern part of the state. Please consider my comments in regard to future policy.

Brian Smith wrote by email on March 14, 2007 from jill.smith1@insightbb.com
I am all for low caliber rifles for deer hunting. I hope it is passed.

Todd Eden wrote by email on March 14, 2007 from todde1968@yahoo.com
Yes, I would like to see it be legal to use rifles that shoot hand gun cartridges. I see no different in these than a handgun with a 10 inch barrel.

Ron Hayes wrote by email on March 14, 2007 from hayesclan@verizon.net
I am hoping that you will allow low power caliber rifles for hunting in the future.

Hanzel A. Barclay wrote by email on March 14, 2007 from hcbarclay@gmail.com
I am in favor in allowing low power rifles to be used in the next deer season.

Jack Campbell wrote by email on March 15, 2007 from campbellomj@aol.com
I support low powered rifles for Deer hunting in Indiana!

Steve R. Miller wrote by email on March 15, 2007 from SRMILLER@Utilimaster.com
I strongly support the proposed change that will allow rifles chambered in handgun cartridges. It would not only be a safe means of harvesting game it would also be very efficient, much cheaper than the current cost of modern shotgun ammunition (sabot) and allow some of us who own such weapons to actually use them, not just target practice with them. I have a friend who quit Deer hunting years ago, He has actually stated that if this new rule passes he will start hunting again. It will also generate new sales in the firearms & hunting industry. Which in turn will generate additional revenue (tax $) to help support Indiana's conservation/ hunting programs.

Dave Borkowski wrote by email on March 16, 2007 from k8bor@i2k.net
Please submit a favorable decision for the right to hunt deer in your state with pistol cartridges in a rifle. They are the ballistic equivalent of what is already allowable, but more accurate and enjoyable to hunt with. I'm interested in hunting your state, but don't like the shotgun only law.

Brian Rappe wrote by email on March 16, 2007 from rappe@tls.net
I wanted to express my opinion that I want to have the option to deer hunt in Indiana with a rifle.

Kelly Roggenkamp wrote by email on March 16, 2007 from kelly.roggenkamp@gmail.com
I want to support this proposed rule change. I have hunted deer in Indiana for years with shotguns, handguns, and muzzle loaders. I can tell you that a rifle is more accurate than any of these three. Although the Indiana law not allowing deer hunting with rifles in general makes little sense; in that I cannot hunt deer with a high powered rifle, but I can use a high powered rifle to hunt any other game, except for a very few species where certain guns are required by law (for example, turkey), the move to handgun caliber rifles does make sense.

Why can I use a 44 magnum handgun, but not a rifle using the same cartridge? A rifle is safer, more accurate, and more humane, due to less wounding, than a handgun.

Please take this opportunity to make a good decision and approve handgun caliber rifles for deer hunting in Indiana.

Phillip Shoaff wrote by email on March 16, 2007 from shoaffsrus5@verizon.net
I think making the handgun calibers legal for rifle also is a great idea. The rifle would be safer and easier to shoot in my opinion and those calibers shoot about the same as he shotgun slugs anyway.

Patrick Lusty wrote by email on March 17, 2007 from mlusty@indy.rr.com
I would like to take this opportunity to voice my support for the use of small caliber (rifle) weapons for deer hunting. I understand there is a decision being made to address this coming soon. I think that it will bring in hunters from out of state (more revenue from licenses).

Bernard A. Grieser wrote by email on March 17, 2007 from bagnsag@infionline.net
I'm writing to encourage you to support the new proposal. These cartridges are very equal to muzzle loaders and some slugs. Allowing pistol cartridge rifles may bring some new deer hunters which will help control the population and reduce the number of deer vehicle accidents. You will sell more licenses, the insurance companies and people will not have to waste money on repairs. The only losers are the anti-hunters, anti-second amendment people. It is so sad that this country has so many that are willing to end our freedoms. I truly believe this great country will decline quickly when we lose our freedoms.

Tom Goen wrote by email on March 17, 2007 from spbjtgoen@bluemarble.net
With the ranges of our new muzzleloaders and shotgun slugs, it has be my experience there would be no difference in shooting a rifle with a pistol cartridge then there would be in shooting a muzzleloader or shotgun. All three firearms shoot the same amount of yardage. Why can't we make it happen this time? Legalize these riffles for this year's 2007 hunting season.

Wayne Bush wrote by email on March 18, 2007 from freedom1st@insightbb.com
I would like to take a moment to voice my opinion about deer hunting with a rifle in pistol calibers. I welcome the change and urge that this be put into motion for the 2007 deer season. Safety; as always, is the responsibility of the individual hunter, and the caliber they choose doesn't compensate for that. Most muzzleloading rifles have far exceeded their origins, but they have become even more effective and result in more humane kills for the animal, while the safety hasn't been changed. With the number of freedoms we are continuing to lose; hunters have a proud tradition that should be encouraged and this may help the younger sportsman or those not wishing for such harsh recoil, to be more effective in the field and more apt to practice regularly before season opens. I'm all for this movement, please allow pistol caliber rifles to be used in our deer hunting season.

Gary Mc Donald wrote by email on March 18, 2007 from gmarie@ligtel.com

I don't think center-fire rifles for IN. is a good ideal we are just to populated. Even Michigan keeps moving its rifle zone further and further north.

Karl Erich Martell wrote by email on March 18, 2007 from karlerichmartell@justice.com
I'm a Hoosier-in-exile, living in New Mexico for almost 20 years now. I get back annually to visit relatives. I wanted to voice my support for the Pistol Cartridge Rifle proposal that's being floated - it would make me buy a license when I come back during deer season (anything to help my farmer brother-in-law with his whitetail problem - and the meat's good, too!).

Michael Daley wrote by email on March 19, 2007 from meggandaley@yahoo.com
I strongly support the adoption of the Pistol Cartridge Rifle Proposal. This rule change would allow for more hunters to enjoy the firearms season without being limited to heavy recoil of a shotgun or muzzleloader or being restricted by the inherent range limitations of a handgun. In addition, a rifle in a pistol caliber tends to lead to better muzzle discipline than a handgun due to the longer barrel and stock. The rifle, a more accurate design, may also lead to better shot placement on game. Please pass this proposal.

Please adopt the Pistol Cartridge Rifle Proposal. This proposal would increase hunter safety by not extending current range of ammunition and by the more inherent safety of a longer barreled firearm (compared to a handgun).

Jeff Stout wrote by email on March 19, 2007 from jeff.w.stout@cummins.com
Second, I want to support the proposal for use of rifles chambered for handgun cartridges. I've reviewed the ballistics of some of the calibers that would qualify such as the .357 Mag, the .41 Rem Mag, and the .44 Rem Mag, and agree these are "short range" weapons, and actually have a lower velocity than many of the modern muzzleloaders and sabot shotgun slugs. I've always been interested in weapons choices that provide the most in terms of short range accuracy, with the thought that a more accurate bullet placement yields a higher chance of an ethical harvest. Today, I do not own a rifle that would qualify, but I'm ready to purchase and test a Marlin 1894 FG in .41 Mag, and reload 210 grain Hornady XTP's, to see if I can get better performance from this setup than from my current muzzleloader, shotgun, or handgun options. I believe this new rifle option will encourage more hunters to get out, and provide an additional opportunity for hunters to help manage the deer herd.

I currently serve as the President of the Indiana Branch for the Quality Deer Management Association. We have several hundred members in the State of Indiana, and I believe my views are shared by the vast majority of our members.

I'd also like to offer up QDMA support for wildlife projects in Indiana. Last fall, we supported Conservation Officer Steve Haines in the establishment of food plots in Redbird State Forest. We have funds available for other projects; food plots, "robot decoy deer", educational seminars, etc. Just let me know how we can be of support and assistance.

Robert Tice wrote by email on March 19, 2007 from bluebyyou2@onlyinternet.net
I don't understand the reasoning behind laws that mandate hunters to use pistols for hunting deer. Rifles are much more accurate than pistols. If the purpose of deer hunting season is to kill deer cleanly, quickly, and accurately, then I believe that using rifles best serves that purpose. Rifles chambered for pistol cartridges makes much more sense than using pistols that shoot high-powered rifle cartridges, if the intent is to limit the range of the fired projectile. I love to shoot, but I do not hunt.

Jason Myers wrote by email on March 19, 2007 from myersdesign@hotmail.com
I am in favor of legalizing low-powered rifles for deer hunting.

Thomas J. Bowling wrote by email on March 20, 2007 from tjbowling@msdeng.com
The proposed rifle regulations will add only to the enjoyment received in the field by all hunters as a group. These proposed cartilages are already legal for pistol hunters so why not for rifle hunters.

William Baar wrote by email on March 20, 2007 from william.baar@sensient-tech.com
I am very concerned about the rifle issue. I was raised by my Dad and Grandpa using a shotgun or a muzzleloader and was taught at a young age to abide by Indiana laws. I was taught ethics as well and I'm passing that down to my ten year old son. If any man can hunt deer in Indiana with what we have now and not be successful, then the rifle is not going to help. Opening morning of our gun season sounds like a war going on and if you allow hunters to use rifles, its only going to magnify that as they hold twice the ammo as a shotgun. I'm not going to take my son out with that going on. There's a big safety issue hereto think about. As far as hunting accidents, I've always said that guns don't kill people, irresponsible hunters kill people. Rifles will bring out a whole different breed of irresponsible hunters shooting up the woods and wounding our deer, not knowing what's beyond they're target could result in property damage and someone getting shot. I know you are hearing a lot of stories Pro/Con concerning the rifles but I think our state has become one of the best hunting states in the country with the laws we have had, why change or add more danger to our wildlife. If you pass the medium range rifles now, what's in our future, Higher Power rifles like a 30/06 or 300 mags? Myself and 5-8 buddies I hunt with all agree, we will not hunt as much if our woods are not as safe.

Richard Daley wrote by email on March 20, 2007 from rbdaley@verizon.net
I strongly support the adoption of the Pistol Cartridge Rifle Proposal. My wife shoots a cal.45 Colt Win Model 92 rifle and would love to go hunting with me, but can't handle a shotgun or a hunting handgun. This would let her hunt deer with a proven deer hunting caliber.

James Johnson wrote by email on March 21, 2007 from james.r.johnson@cummins.com
I also support the proposed rifle regulation, allowing use of rifles with handgun cartridges (.357 Mag, .41Mag, .44Mag). The rifles that would be allowed under this proposal all have lower velocity and energy than modern muzzleloaders and shotgun sabots, but would proved an for a more efficient harvest than our current options.

LA Halstead wrote by email on March 21, 2007 from lah@suddenlink.net
I've hunted most my life. Sometimes in the wild, other times in crowded woods. I see nothing in the above that would case any more danger than the firearms currently used.

Kevin Haendiges wrote by email on March 21, 2007 from khaendiges@americancommercial.com
I favor pistol cartridge rifles for inclusion, please vote in favor of them.

Charles Crawford wrote by email on March 21, 2007 from chuckcr@gmail.com
I would also believe that the addition of rifles with handgun cartridges (.357 Mag, .41Mag, .44Mag) being allowed to be used would be a good and safe addition to the hunting options.

Justin Wendell Berne wrote by email on March 21, 2007 from jandbwendel@insightbb.com
I think it would be a great idea to be able to hunt with a pistol cal rifle. For one thing it would save a lot of sore shoulders, for the older men and women who still like to deer hunt. The rifle only has a 100-120 yd range, some new 12 ga shells they say you can shoot up to 200yd. their light weight, and can shot through

brush better. That means less wounded animals and more first shot kills. I all ready Owen a 44 mag I know it only shots 110yd, and I would not go over that, like I would with my shot gun

---

Jim Hillenburg wrote by email on March 21, 2007 from hillenburgjw@aol.com
I fully support the proposal below because it makes sense, and there is absolutely no reason not to make it law.

The other proposed modification would allow rifles with only pistol cartridges to be used when hunting deer during the firearms season. Over the years, the DNR has received many emails and letters from hunters proposing a rule that would allow the use of rifles chambered for pistol cartridges for deer hunting. The language in the attached allows the use of rifles and limits cartridge dimensions to those common to pistol rounds, maintaining the DNR's long-time position of allowing only short to medium range equipment for taking deer.

Don Wilson wrote by email on March 21, 2007 from auslyons@yahoo.com
I strongly support legislation to allow pistol and revolver caliber long guns (rifles) for hunting deer in Indiana. I believe this will allow a safer hunting season for some. Perhaps that is a biased opinion because the only 2 people that I know to suffer from gunshot accidents when hunting injured themselves with, by their own admission, careless use of their own handguns. I also believe the use of these long guns will result in more successful hunts for many hunters and will attract more out of state hunters to Indiana. The attraction of out of state hunters to Indiana will be to the economic benefit of everyone who resides here. I believe this change has already brought economic benefits to some business areas as I know of several persons who are purchasing long guns specifically for this new deer hunting adventure here in Indiana. As far as I am concerned, this is a change which will benefit our state in many ways and which is long past due. For me, while I plan to take advantage of this law, I will mostly continue to hunt with a revolver, as I have for many years: At least as long as my eyesight allows me to do so.

Tony Sauer wrote by email on March 23, 2007 from tsauer@techsalesmkting.com
I would like to voice my opinion on this subject. I have thought for the longest time this would be preferable to hunting with a shotgun without affording more range than the shotgun. My shoulder would prefer it during sighting in as well.

Tad Oakley wrote by email on March 24, 2007 from tadoakley@earthlink.net
I am glad to see the new proposed rule change for rifles, however I don't agree with the diameter and length. My family, friends and I have hunted with handguns in calibers .35 Remington and .308 Winchester that the bullets travel a lot farther distance than the proposed rifle calibers. The new proposed calibers don't meet the velocities and distance the modern muzzleloaders, slug guns and handguns that are used today. I have been a police officer for over 15 years and have not seen the reckless or unsafe use of rifle calibers in handguns when used for deer hunting. Varmint hunters are able to use any rifle caliber they choose, why should deer hunters get penalized on these short range rifle calibers that are proposed. I applauded the State of Indiana for the new proposal; however I would like to see more variety in calibers.

Mike Humphrey wrote by email on March 24, 2007 from mnmhumphrey@aol.com
I would just like to say that I am in favor of pistol cartridge rifles for deer in Indiana. It would be nice to be able to go to the range to practice with a deer gun that did not leave you with a sore neck and an empty wallet.

Paul Winks wrote by email on March 24, 2007 from PaulWinks@aol.com
I am writing to add my support to the extension of the One Buck Rule and to the addition of Pistol Cartridge Rifles to the list of approved deer hunting weapons. I believe that the One Buck Rule will allow

our bucks a better chance to mature into world class trophies. I also believe that adding the pistol cartridge rifles to the list of legal weapons for deer hunting will increase outdoor opportunities for Hoosiers. Thank you for your support of our Hoosier Outdoor Heritage.

Ronald Morrell wrote by email on March 24, 2007 from rcm45@hotmail.com
I would like to see us be able to hunt deer with rifles in Indiana, the same cal. as what we are able to use now. I believe they are as safe as a muzzle loader is, and this would create more money for the Indiana DNR, in hunting license. I hope this new change will take place.

Duane Umphryes wrote by email on March 25, 2007 from tatts4ewe@hotmail.com
Wow, rifles in pistol cartridges for Deer hunting. I think this will be a great advancement to deer hunting in Indiana. Our greatest challenge as deer hunters is a clean kill, wounding animals is not only cruel, but counter productive {as in wasted game}. Also wounded animals increase anti-hunter sentiments. By allowing rifles {even in pistol calibers} the accuracy will increase tremendously. Although it would be even better to include all rifle calibers .243 and above {if it is legal for groundhogs it should be for deer} I think this is a great step forward. I hope this bill passes.

Charles Meiman wrote by email on March 26, 2007 from cmeiman@wcrtc.net
I favor the proposed deer season firearm rules as written. At present, I can use a slug gun (shotgun), muzzleloader or virtually any pistol (e.g., my .44 Magnum) to deer hunt, but CAN NOT use a .44 Magnum carbine (short rifle). This is illogical in the extreme.

Some may say that a rifle will endanger citizens because of extended projectile range. Poppycock! The proposed allowance would be roughly equivalent in range to the present firearms. Furthermore, centerfire rifles of any caliber are allowed for coyote and other varmint hunting, with an outstanding safety record.

My residence is in rural Washington County, Indiana. Deer are very plentiful around here. Tulips are a delicacy to them, as are farmer's soybeans. A more effective harvesting tool would be greatly appreciated.

Bruce Berner wrote by email on March 26, 2007 from bruceberner@sbcglobal.net
As a lifelong Indiana resident and outdoorsman, I would like to add my support for the administrative rule change allowing the use of handgun calibers in rifles for deer hunting. As an avid shooter I have found while using a chronograph to check my loads, that my inline muzzleloader and my .44 Magnum rifle have almost identical ballistics. I load my muzzleloader lightly and I am sure many of the modern inline designs will well exceed pistol cartridges in a long gun. I am not a big fan of hunting deer with a shotgun. Being able to use my .44 carbine gives me the accuracy of my muzzleloader with the ability to fire a quick second shot if needed. It is certainly a timely and practical idea.

Lyn Mills wrote by email on March 26, 2007 from lMills@proportionair.com
I am unable to attend the meeting tonight but would like to express my support for rifles using hand gun calibers. I think it would improve the clean kills with these calibers over hand guns; which in turn also improves safety. Thank you for putting this on the table.

Diana Cook wrote by email on March 27, 2007 from ladydi@megsinet.net
I (and others) are opposed to the use of pistol cartridge rifle –PCR for the next deer hunting season. It seems this takes hunting in the way of in-door covered domes for playing football. Deer hunting in Indiana for people of average means is quite an unathletic sport as-is. The use of PCR's simply turns deer hunting more as a sport for sissy's just as temperature controlled domes does for football.

HEARING OFFICER'S NOTE: A portion of this comment contained inquiries and statements regarding a tragic incident that is irrelevant to this rule proposal. Out of respect for relatives and friends of the people involved in that incident this material was redacted for purposes of this report but the full comment is contained within the official file.

Donald Medsker II wrote by email on March 27, 2007 from bothehunter@localnet.com
I think it's a great idea muzzle loaders shoot well over a 100 yds and hornady sst slugs claim 200 yds.

Monte Brown wrote by email on March 27, 2007 from montelbrown@hotmail.com
I have been an avid deer hunter for approximately 28 years. I have never hunted deer with a handgun but I am very interested in the opportunity to hunt deer with a rifle using pistol cartridges. There are a number of pistol cartridges for that purpose that would be an excellent choice and that I believe would result in a better harvest success rate (with no added danger that I can see) than limiting those cartgidges to use in a handgun only. I strongly support the use of rifles using handgun cartridges. There are two particular handgun cartridges I would particularly like to see authorized for use in rifles. The .500 Smith & Wesson and the .460 Smith & Wesson were both developed as a handgun cartridge, and several manufacturers now have rifle barrels developed for those calibers. The ballistics on both calibers are largely equivalent to that of saboted slugs and saboted bullets used in muzzleloaders. I have been told by friends that the .460 S&W cartridge may be slightly longer than the regulations previously adopted would allow. I am not familiar with the regulations concerning overall cartridge length, but I would certainly encourage the DNR to review those regs in order to permit the use of the .460 S&W.

Mark Hedges wrote by email on February 26, 2007 from mandjhedges@earthlink.net
I noticed the maximum length casing for handgun cartridge in a rifle is 1.625".What about the Smith & Wesson 460 or 500 handgun it has a cartridge over 1.625". Thompson arms makes a 460 20" barrel for the encore rifle and I was hoping to buy this barrel to use in Indiana. Could the rules include the 460 or 500 Smith & Wesson calibers.

C. F. Dye TerryD2343@aol.com
Just want to let my feelings toward this known. Yes, I am strongly in favor of this continuing. I have seen a huge improvement in the quality of bucks taken since this has been in force. One thing I don't agree with is the thought of using rifles during firearms, even though some makes of muzzle-loaders could easily qualify in the same category.

Brad Bowman bbowman61@hotmail.com
I would like to voice my support of the continuation of the One Buck rule in our state. My experience over the test period has been a larger, healthier, and more balanced deer herd in the east central Indiana counties I hunt. We practice QDM techniques on local property in Wayne County with expected results. Please renew the One Buck rule to continue the quality and health of this very important resource which can and is enjoyed by sportsman AND non-sportsman alike.

Also, I would like to express my support of the use of rifles using the pistol calibers suggested. These calibers actually have less muzzle velocity and energy than modern black powder rifles and shotgun sabots currently in use. I see this as an opportunity to expand our gun season options in a safe and responsible way. If strong public opposition is heard on this subject, a suggestion would be to possibly consider these calibers in a single shot format only. I have always liked and currently use the Thompson Contender/Encore format. One shot opportunities can make the sport more challenging and possibly more appealing to bow hunters who have to work harder in getting closer to their targets.

Richard Harrold wrote by email on March 28, 2008 from richard.harrold@kerlinbus.com

I am very much in favor of allowing the use of rifles chambered for pistol cartridges as proposed.

Ed King wrote by email on March 28, 2007 from edk@sciremc.com
I am in favor of a rifle season for deer, using pistol cartridge.

Andrew Johnstone wrote by email on March 29, 2007 from jstones@scican.net
As a father of three daughters and a son, ages 9 - 16, who all either have started hunting, or want to, I would like them to be able to use PCR's for deer, for "selfish" reasons. Even my youngest can hit a pop can at 75 yards with a .357 Marlin, and I like deer meat!

As a physician with a strong interest in firearms safety, and knowledge of ballistics, I would like PCR's to be used for deer, because it will improve safety, since aims will be truer than with handguns shooting the same cartridge, and the ballistics hardly differ between a 16" Marlin and a 14" Contender.

As a landowner who has to fear other hunters' accidental discharges, I would be happier knowing they were using short, fat bullets, which go subsonic and tumble after a couple hundred yards, versus high ballistic coefficient bullets of the ordinary "rifle" types.

I don't feel particularly threatened by the rare hunter legally using a Encore pistol in 7mm Magnum, because they are few, they are eccentrics, and they are quite likely among the more careful hunters. However, I DO feel threatened by the hunters I see every year who are illegally using .308's, .243's, and other bottleneck rifles. I'm sure they won't all quit using them if this law passes, but I think at least a few who don't want to use shotgun, handgun, or muzzle loader (likely due to recoil, difficulty, and hassle, respectively) figure that if they are going to use a rifle, it means breaking the law, so they will use whatever one they want. With this new rule, I think at least some will figure that a nice .44 Magnum carbine would be a good choice, better than shotgun, handgun, or muzzle loader, and since it is legal, they will use that, and not have to 'hide' from the game warden.

All in all, the ONLY thing "against" the new proposal to allow PCR's, is the possibility that a few people who don't have the faintest grasp of firearms, ballistics, or other relevant facts, will get the news media all fueled up and turn it into a public relations thing. My response to that is to stand up to the news media, and EDUCATE them, and educate the general public; don't be intimidated. That's for people in California and Massachusetts.

R. Eric Sluder wrote by email on March 28, 2007 from ericsluder@insightbb.com
As an avid hunter and firearm sportsman, I firmly believe that both the safe use and kill effectiveness of pistol calibers used in rifles/carbines can be a viable alternative to slug and muzzle loading firearms. Calibers specifically greater than .357 Magnum are used in several other states within the union on deer size game and successful harvesting is done without any greater wanton waste than is seen with slug and muzzle loading rifles.

Considering the distance, velocity and energy that today's muzzle loading rifles can produce, the use of a pistol caliber in a rifle/carbine don't even compare if safety of life and property is of concern in hunting areas. Most pistol calibers in rifles/carbines have effective ranges more in the order of a slug gun (i.e., 12, 26, or 20 gauge) in that velocity tapers off quickly due to the blunt nose of the bullet, and the lack of case capacity for smokeless powder usage limits the energy the rifle/carbine can produce.

In closing I would whole heartily encourage the allowance of pistol cartridges in rifles/carbines as a tool for hunting deer size game in the state of Indiana. It would open the sport up to those interested in using such guns as they are inherently shorter and lighter in physical makeup therefore making their use plausible over heavier guns currently allowed.

Bill Herring wrote by email on March 28, 2007 from bherring@insightbb.com
I enthusiastically support the proposed DNR rule to allow the use of certain cartridges in center-fire rifles to harvest deer during the firearm season. I believe the proposed rule should be adopted as currently written. It is very simple, easily understood by hunters and conservation officers alike. And, it very effectively assures the stated goal of allowing cartridges that are essentially short to medium range numbers by specifying the minimum and maximum case length and the minimum bullet diameter. The result is that the ballistics of the bullets fired will be quite comparable to those fired from currently used muzzle loading rifles and modern shotguns when firing what are essentially pistol bullets with plastic sabots.

There should be no changes or additions such as some rule opponents have proposed. For example, a few have suggested limiting magazine capacity. There is no good justification for that, especially when you take into account that there is no similar limitation on currently approved firearms for deer hunting, both shotguns and handguns. Some of these have magazine capacities up to approximately 10 rounds, and to my knowledge that has not caused any real problems. I understand that in hunting migratory waterfowl there is a 3-shell limit on the number of shotgun shells that can be loaded into the shotgun. However, that is due to federal constraints on hunting migratory game bird species that regularly cross both state and national borders. (Obviously, that does not apply to whitetail deer.) And, I believe the shell capacity and maximum gauge size restrictions originally came from a concern to limit the number of game birds easily taken so that the species would not be over harvested. (Again, the situation is not the same for deer in Indiana.) We have bag limits for deer and all kinds of other game in Indiana. And, the overwhelming majority of hunters abide by them. Furthermore, other than for migratory birds, there is no magazine capacity limit of any kind. And, this has not caused any problems.

I believe the best course of action is to adopt the proposed rule as currently written. After the rule is adopted I do not anticipate any significant problems. However, if any should develop they can be addressed by taking appropriate action, which may or may not include modifying the rule.

Denny Howe wrote by email on March 29, 2007 from dwhowe@psci.net
I support the prc for hunting; let's get it done.

Gary Dinkel wrote by email on March 29, 2007 from ljjgdinkel@yahoo.com
I have debated long and hard about commenting on the rule change to allow rifles for deer hunting because it seems the rule change has already been made and I am also not sure how seriously you review these comments and use them to help craft reasonable well thought out rule changes. The time for involving the public should be in crafting the change to help benefit sportsmen and the wildlife resources and not merely an up or down comment on the rule change.

I agree that rifles should be legal to use during firearms deer season however I see no rational for limiting the cartridges to pistol cartridges.

- It can't be for protection of the deer herd since we can't kill enough deer in Indiana to prevent over population and damage to other resources. Bag limits and the one buck rule protect our deer herd no matter what weapon the hunter uses.
- It can't be for safety since high powered rifle are already legal for varmint hunting with out a noticeable increase in accidents. Also studies in several other states including Pennsylvania have shown no increase in accidents between rifles or shotguns even with the additional range.
- It can't be to reduce wounding or loss of deer since the accuracy and power of high powered rifle allow for the use of better designed bullets and better bullet placement than possible with shotguns or pistol cartridges.

Here again it is hard for me to comment because you have not provided any rational for your limiting of the cartridges that will be allowed. Allowing the use of any center fire rifle with a cartridge able to produce over a reasonable minimum amount of energy should be allowed. The rifles you are proposing to allow

should be the minimum, not all that is allowed. There are no reasons biologically or socially not to allow the use of high powered rifles.

Please consider relaxing the rule change to allow the use of more cartridges then the few that you are allowing now.

Robert Umphryes wrote by email on March 29, 2007 from geno31265@yahoo.com
My brother recently told me of an important change in the Indiana Deer hunting regulations. I think the proposed change would be a great idea. As any advancement in firearms technology usually is. A lot of hunters are not very accurate with their shot guns, muzzle loaders and pistols. Any rifle even in pistol calibers is more easy to be accurate with .Although all rifle calibers .243 and above would be better {if it is legal for woodchucks it should be for Deer} this is still a good idea for deer hunting.

Clint Clark wrote by email on March 29, 2007 from TuffnufArchery@aol.com
Please consider this change. It was be nice to have other options then slugs. Lifetime hunter

---

Frank Keszei wrote by email on March 29, 2007 from fkzi@sbcglobal.net
Please make the rule change to allow rifles for deer in Indiana.

Glenn Gramelspacher wrote by email on March 30, 2007 from Glenn@JasperSeating.com
I would like to let you know that I am in favor of allowing Indiana deer hunters use the Pistol Cartridge Rifle (PCR). I take my young nephew hunting and a 20 gauge slug gun kicks too much for him. I think it is a good idea and would ask you to consider adopting the same.

---

c.) Department of Natural Resources Response

Use of Rifles

The proposal to allow the use of rifles with pistol cartridges provides hunters with another choice of equipment for hunting deer during the firearms season. Over the years, many hunters have requested the opportunity to use rifles to hunt deer, and the DNR has received a lot of support with this proposal. These rifles with pistol cartridges can be used to take a deer very cleanly and effectively. These rifles also have less recoil that some of the shotguns that are allowed, making them easier for women and children to use, and the ammunition is not as costly. The rifles that would be chambered to shoot the pistol cartridges allowed under this proposal would not be able to shoot cartridges that travel any farther than the cartridges currently legal to use in handguns and the saboted bullets already used in some muzzleloaders.

This proposal does not allow the use of high-powered rifles to hunt deer. The diameter of the bullet and the minimum and maximum case length restrict the cartridges to those of short or medium range. These restrictions would limit the cartridge to an effective distance of only 100-150 yards. This proposal does not restrict the cartridges to straight-walled, nor does it restrict the type of action for the rifle. This proposal also does not limit the cartridges to commercial types only; custom-made cartridges (wildcats) that meet the specifications in the rule would also be legal to use. This proposal would allow the following commonly used pistol cartridges in rifles, in addition to others: .357 Magnum, .38-40 Winchester, .41 Magnum, .41 Special, .44 Magnum, .44 Special, .44-40 Winchester, .45 Colt, .454 Casull, .480 Ruger, .475 Linebaugh, .50 Action Express, and .500 Smith & Wesson.

The DNR is not proposing to list all of the cartridges that would be allowed in this rule proposal due to the large number available and the possibility of wildcats (custom-made cartridges) that could be developed within the specifications of the rule.

While this proposal still does not allow high-powered rifles for deer hunting, high-powered rifles are already allowed for hunting coyotes, foxes, groundhogs and several other furbearers. However, the number of hunters for these species is much smaller than the number of deer hunters. Furthermore, the largest number of deer hunters in the field at any one time is during the deer firearms season (primarily opening weekend), and it is imperative that the rifle cartridges be limited to pistol cartridges only due to this large number of hunters in the field during this two-week period of time.

- Public Safety

The DNR understands the need to provide for public safety. Again, this proposal does not allow the use of high-powered rifles to hunt deer. The rifles that would be chambered to shoot cartridges allowed under this proposal would not be able to shoot cartridges that travel any farther than the cartridges currently legal to use in handguns and the saboted bullets already used in some muzzleloaders. In Indiana, there has been only one hunting-related accident reported over the past five (5) years that involved a handgun, and that was a hunter who accidentally shot himself in the foot.

- Location

The DNR does not currently restrict the use of handguns, muzzleloaders or shotguns in counties or cities through administrative rule. The DNR does not believe that restricting the locations in the state where rifles could be used is necessary for public safety. Hunters must still obey local ordinances regarding the use of firearms in counties, cities and towns.

- Selection of Cartridge Dimensions

The dimensions that were selected are those that are commonly used to define pistol cartridges in books such as "Cartridges of the World" by Frank C. Barnes.

Many comments were received requesting that the DNR and NRC consider allowing other rifle cartridges to be legal such as the .30-.30 Winchester, .38-.55 Winchester, .45-70 Government, and .460 Smith & Wesson. However, if the dimensions were modified to allow the use of these cartridges, it would allow other rifles to be used that could shoot cartridges with much more energy and velocity (considered high-powered) and with a much longer range. For example, the .460 Smith & Wesson has a case length of 1.80 inches (although it was designed for use as a pistol cartridge) and the .30-.30 Winchester has a case length of 2.03 inches. The .460 Smith & Wesson shoots a much bigger bullet and modifying the specifications to include it would allow high-powered rifle cartridges.

The rifle cartridges must remain limited due to the large number of deer hunters in the field in the firearms season (a two-week period of time), combined with the topography and population of the State of Indiana.

This proposal does not allow all cartridges that can be used in a handgun (.243 inch bullet and 1.16 inch minimum case length) to be used in a rifle. Only the cartridges that can fire a bullet of .357 inch in diameter and with a minimum case length of 1.16 inches and maximum case length of 1.625 inches could be used in a rifle.

- Number of Bullets

The rifles that would be allowed could shoot up to 10 consecutive rounds before re-loading. Some of the handguns that are currently legal also hold 10 rounds. There are no magazine plugs currently available for use in a rifle to restrict the number of rounds that could be loaded. Furthermore, restricting hunters to load and/or shoot no more than 5 at a time could not be easily enforced. The DNR does not currently restrict the number of cartridges that can be loaded in a handgun, nor do we restrict the number that a shotgun can hold at any one time while deer hunting.

- Other Legal Firearms

This proposal is not an attempt to correct the inconsistencies in the rule regarding firearms that are currently legal to use to take a deer. This proposal simply provides an additional choice of a firearm for deer hunters using the same standards as those allowed for shotguns.

- Proposed Modification

In an effort to more accurately describe the rifles that would be allowed, the DNR is proposing to modify the language (see the highlighted language) as follows:

The rifle must fire a cartridge that meets the following specifications:

> **(A) fire a bullet of three hundred fifty-seven thousandths of an inch (.357) diameter or larger;**
> **(B) have a minimum case length of one and sixteen hundredths (1.16) inches; and**
> **(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.**

Cerulean Warbler

Populations of the cerulean warbler have been experiencing a steep decline and increased conservation (habitat protection, habitat restoration, land management) actions are needed. As a state and federally protected bird, it already cannot be taken or possessed without a special permit. Cerulean warblers are already protected by the U.S. Fish and Wildlife Service under the federal Migratory Bird Treaty Act. Under this law, cerulean warblers cannot be taken from the wild, including their nest and eggs, or possessed in captivity, without a federal permit. The Nongame Technical Advisory Committee, comprised of university professors and other individuals with specialized knowledge of Indiana's birds, assist the DNR by providing expert technical advice and have recommended that this bird be added to the state's endangered species list.

Furthermore, state law (IC 14-22-34-11) requires the DNR to review the state's list of endangered species at least every two years and amend the list by the additions or deletions that are appropriate. These additions and deletions are based upon research conducted by our biologist, approval from the Nongame Bird Technical Advisory Committee, as well as other scientific data (IC 14-22-34-10).

The evidence of the decline is found in the following scientific research:

a. USGS roadside breeding bird survey data show a long-term decrease in Indiana (-8.9%/year for 1966-2002; -11.3%/year for 1980-2002) and in the region (Region 3: -6.4%/year 1966-2002; -8.9% 1980-2002). This is in contrast with several other woodland warbler species (e.g., Worm-eating, Black-and-white, and Hooded Warblers, and Ovenbird) with populations that have been stable or slightly increasing in this region of the country over the last 35+ years.

b. Indiana Summer Bird Count data shows a consistent pattern of decline for northern, central and southern regions of the state. Statewide, 5.4 birds were reported per 100 party-hours from 1985 to 1990 compared to 3.6 per 100 party-hours from 1999-2003.

c. A long-term compilation of statewide reports for Cerulean Warbler, compared to those of other species, show a pattern of decline relative to other forest passerine populations (source Ken Brock compilation). These data are independent from the breeding bird survey data.

d. The combined experience of members of the Nongame Technical Advisory Committee that have noted specific areas in the state where populations have declined. None reported locations with increasing populations. The rapid rate of decline in this species requires that the DNR recommend endangered status. The Indiana Breeding Bird Atlas only has six (6) confirmed breeding sites in Indiana.

…

Excerpt from Hearing Officer Report dated May 22, 2007:

…

Doug Allman indicated that he was not representing any particular group, but was speaking on his own behalf. "The groups that I work with have not taken a position, or had not had time to formulate a position." He indicated that the adoption of the proposed rule would be a "mistake." Allman said he has hunted since the late 1970s when the shotgun and muzzle loader "were pretty simple weapons". He continued, "We chose those weapons in the state because they were limited to medium range weapons—60, 80, to 100 yard weapons". Allman noted that with technology weapon ranges have increased "with no check". He explained that as the muzzleloader became "inline" the ranges increased "dramatically to 100 to 150 yards." Allman noted that Savage Arms, Inc. manufactures a smokeless powder muzzleloader that has a range of "200 to 250+ yards." He also noted that the shotgun has "drastically improved" from a smooth bore to a rifled shotgun shooting sabots (bullets within a plastic jacket that spins the projectile increasing range).

Allman said that in the 1980s simple pistols were short range to medium range. "Then along came the pistols capable of firing 200 yard ranges, the Contender is the most prevalent of those guns." He noted that the proposed rifle cartridges are currently allowed with the handgun. Allman said that Indiana's population and urban areas have expanded. "There are homes in every woodlot. There is nothing being done to address" the ever-increasing weapons ranges. He indicated that the adoption of the proposed rule would "be taking us in the wrong direction."

Allman noted that local governmental bodies are "banning projectiles" within their limits. "It is much easier to say that Indiana is a short to medium range deer hunting state, and defend it." He indicated that the proposal would allow the use of a 10-shot magazine. The proposal is an "escalation of length, range, and at some point safety does become involved."

…

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-272(F)

DIGEST

Amends 312 IAC 9-3-3, 312 IAC 9-3-4, 312 IAC 9-3-19, 312 IAC 9-4-2, 312 IAC 9-4-14, 312 IAC 9-5-4, 312 IAC 9-6-9, and 312 IAC 9-9-4, which govern the management of fish and wildlife, concerning hunting deer by firearms, hunting deer by bow and arrows, endangered species of mammals, migratory birds and waterfowl, endangered species of birds, endangered species of reptiles and amphibians, endangered species of fish, and endangered species of invertebrates. Effective 30 days after filing with the Publisher.

312 IAC 9-3-3; 312 IAC 9-3-4; 312 IAC 9-3-19; 312 IAC 9-4-2; 312 IAC 9-4-14; 312 IAC 9-5-4; 312 IAC 9-6-9; 312 IAC 9-9-4

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

312 IAC 9-3-3 Hunting deer by firearms

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-11-1; IC 14-22-12-1; IC 14-22-12-7; IC 35-47-2

Sec. 3. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is: ~~either:~~
(1) issued a license to hunt deer by:
(A) firearms under ~~IC 14-22-12-1(12), IC 14-22-12-1(13), IC 14-22-12-1(15),~~ **IC 14-22-12-1(a)(12)** or ~~IC 14-22-12-1(16);~~ **IC 14-22-12-1(a)(15) during the season established in subsection (b);** or
(B) a muzzleloading gun or muzzleloading handgun under IC 14-22-12-1(a)(13) or IC 14-22-12-1(a)(16) during the season established in subsection (c);
(2) issued a:
(A) lifetime license under IC 14-22-12-7 before July 1, 2005, during the seasons established in subsections (b) and (c); or
(B) youth yearly consolidated hunting license under IC 14-22-12-1(a)(24); or
~~(2)~~ **(3)** hunting by the use of firearms under IC 14-22-11-1.

(b) The season for hunting deer with firearms is as follows:
(1) The firearms season using:
(A) shotgun;
(B) shotgun with rifled barrel;
(C) handgun;
(D) muzzleloading gun; ~~or~~
(E) muzzleloading handgun; **or**
(F) rifle, with the use of cartridges described in subsection (f)(4) only;
is from the first Saturday after November 11 and continues for an additional fifteen (15) days.
(2) The seasonal limit for hunting deer under this subsection is one (1) antlered deer.

(c) In addition to the season established under subsection (b), the season for using a muzzleloading gun or muzzleloading handgun only:
(1) extends from the first Saturday after the firearms season established under subsection (b); and
(2) continues for fifteen (15) additional days.
The seasonal limit for hunting deer under this extended season is one (1) deer of either sex.

(d) A person must not hunt deer except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(e) A person must not do the following:
(1) Hunt deer unless that person wears hunter orange.
(2) Possess bow and arrows while hunting under this section.

(f) The following requirements apply to the use of firearms under this section:
(1) A shotgun:
(A) must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile; and
(B) may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.
(2) A handgun must:
(A) conform to the requirements of IC 35-47-2;
(B) have a barrel at least four (4) inches long; and
(C) fire a bullet of two hundred forty-three thousandths (.243) inch diameter or larger.
All 38 special ammunition is prohibited. The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. A handgun must not be concealed. Full metal jacketed bullets are unlawful. A handgun may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.
(3) A muzzleloading gun must be .44 caliber or larger, loaded with a bullet at least three hundred fifty-seven thousandths (.357) inch or larger. A muzzleloading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzleloading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzleloading gun must be capable of being loaded only from the muzzle, including both powder and bullet. A muzzleloading gun may be possessed in the field outside lawful shooting hours only if:
(A) for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or
(B) for flintlock firearms, the pan is not primed.
(4) A rifle must fire a cartridge that meets the following specifications:
(A) fire a bullet of three hundred fifty-seven thousandths (.357) of an inch diameter or larger;
(B) have a minimum case length of one and sixteen-hundredths (1.16) inches; and
(C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.
~~(4)~~ **(5)** Over-and-under combination rifle-shotguns are prohibited.
(Natural Resources Commission; 312 IAC 9-3-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA)

SECTION 2. 312 IAC 9-3-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-4 Hunting deer by bow and arrows

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-11-1; IC 14-22-12-1; IC 14-22-12-7

Sec. 4. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:
(1) issued a license to hunt deer by bow and arrows under ~~IC 14-22-12-1(14)~~ **IC 14-22-12-1(a)(14), IC 14-22-12-1(a)(17), IC 14-22-12-1(a)(24),** or ~~IC 14-22-12-1(17)~~ **IC 14-22-12-7** and is supplemental to section 2 of this rule; or
(2) hunting by the use of ~~a~~ bow and arrows under IC 14-22-11-1.

(b) The season for hunting deer by bow and arrows during the:
(1) early bow season is from October 1 through the firearms season (set forth in section 3(b) of this rule); and ~~during the~~
(2) late bow season from the first Saturday after the firearms season through the first Sunday in January.

(c) The urban deer season is:
(1) from September 15 through the firearms season (set forth in section 3(b) of this rule); and
(2) during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

(d) The seasonal limit for hunting under this section is one (1) deer of either sex. After August 31, 2007, a person must not take an antlered deer by means of a crossbow.

(e) A person must not hunt deer under this section except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(f) A person must not hunt deer under this section unless that person wears hunter orange. However, this subsection does not apply:
(1) before the commencement of the firearms season set forth in section 3(b) of this rule; and
(2) after the muzzleloading gun season set forth in section 3(c) of this rule.

(g) A person must not hunt under this section unless that person possesses only one (1) bow. A person must not possess a firearm while hunting under this section.

(h) The following requirements apply to the use of archery equipment under this section:
(1) No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.
(2) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
(3) Poisoned or explosive arrows are unlawful.
(4) Bows drawn, held, or released other than by hand or hand-held releases are unlawful.
(5) A long bow or compound bow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.
(6) No portion of the bow's riser (handle) or any:
(A) track;
(B) trough;
(C) channel;
(D) arrow rest; or
(E) other device;
that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(i) Notwithstanding subsection (h), a person may use a crossbow to take a deer of either sex during the late bow season from the first Saturday after the firearms season through the first Sunday in January if the following restrictions are met:
(1) No person shall use a crossbow:
(A) of less than one hundred twenty-five (125) pounds pull; or
(B) that does not have a mechanical safety.
(2) A crossbow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.

(j) As used in this rule, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device.
(Natural Resources Commission; 312 IAC 9-3-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 5, 1997, 3:25 p.m.: 21 IR 930; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed May 25, 2005, 10:15 a.m.: 28 IR 2945; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA)

SECTION 3. 312 IAC 9-3-19 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-19 Endangered species of mammals

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17
Affected: IC 14-22-34-2; IC 14-22-34-12

Sec. 19. The following species of mammals are endangered and are subject to the protections provided under IC 14-22-34-12:
(1) Indiana bat (Myotis sodalis).
(2) Gray bat (Myotis grisescens).
~~(3) Southeastern bat (Myotis austroriparius).~~
~~(4)~~ **(3)** Evening bat (Nycticeius humeralis).
~~(5)~~ **(4)** Eastern wood rat (Neotoma floridana).
~~(6)~~ **(5)** Swamp rabbit (Sylvilagus aquaticus).
~~(7)~~ **(6)** Franklin's ground squirrel (Spermophilus franklinii).
(Natural Resources Commission; 312 IAC 9-3-19; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; 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 4. 312 IAC 9-4-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-2 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.

(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.

~~(c)~~ **(e)** A person must not take or possess a Virginia rail.
(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 5. 312 IAC 9-4-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-14 Endangered species of birds

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17
Affected: IC 14-22-34-12

Sec. 14. The following species of birds are ~~threatened or~~ endangered and are subject to the protections provided under IC 14-22-34-12:
(1) American bittern (Botaurus lentiginosus).
(2) Least bittern (Ixobrychus exilis).
(3) Black-crowned night-heron (Nycticorax nycticorax).
(4) Yellow-crowned night-heron (Nyctanassa violacea).
(5) Trumpeter swan ~~(Sygnus~~ **(Cygnus** buccinator).
(6) Osprey (Pandion haliaetus).
(7) Bald eagle (Haliaeetus leucocephalus).
(8) Northern harrier (Circus cyaneus).
(9) Peregrine falcon (Falco peregrinus).
(10) Black rail (Laterallus jamaicensis).
(11) King rail (Rallus elegans).
(12) Virginia rail (Rallus limicola).
(13) Common moorhen (Gallinula chloropus).
(14) Whooping crane (Grus americana).
(15) Piping plover (Charadrius melodus).
(16) Upland sandpiper (Bartramia longicauda).
(17) Least tern (Sterna antillarum).
(18) Black tern (Chlidonias niger).
(19) Barn owl (Tyto alba).
(20) Short-eared owl (Asio flammeus).
(21) Sedge wren (Cisothorus platensis).
(22) Marsh wren (Cisothorus palustris).
(23) Loggerhead shrike (Lanius ludovicianus).
(24) Cerulean warbler (Dendroica cerulea).
~~(24)~~ **(25)** Golden-winged warbler (Vermivora chrysoptera).
~~(25)~~ **(26)** Kirtland's warbler (Dendroica kirtlandii).
~~(26)~~ **(27)** Henslow's sparrow (Ammodramus henslowii).
~~(27)~~ **(28)** Yellow-headed blackbird (Xanthocephalus xanthocephalus).
(Natural Resources Commission; 312 IAC 9-4-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; filed Dec 26, 2001, 2:40 p.m.: 25 IR 2535; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA)

SECTION 6. 312 IAC 9-5-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-4 Endangered species of reptiles and amphibians

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17
Affected: IC 14-22-34-12

Sec. 4. The following species of reptiles and amphibians are ~~threatened or~~ endangered and are subject to the protections provided under IC 14-22-34-12:
(1) Hellbender (Cryptobranchus alleganiensis).
(2) Red salamander (Pseudotriton ruber).
(3) Four-toed salamander (Hemidactylium scutatum).
(4) Green salamander (Aneides aeneus).
(5) Copperbelly water snake (Nerodia erythrogaster).
(6) Butler's garter snake (Thamnophis butleri).
(7) Kirtland's snake (Clonophis kirtlandii).
(8) Scarlet snake (Cemophora coccinea).
(9) Smooth green snake (Opheodrys vernalis).
(10) Southeastern crowned snake (Tantilla coronata).
(11) Cottonmouth (Agkistrodon piscivorus).
(12) Massasauga (Sistrurus catenatus).

(13) Timber rattlesnake (Crotalus horridus).
(14) Eastern mud turtle (Kinosternon subrubrum).
(15) Spotted turtle (Clemmys guttata).
(16) Hieroglyphic river cooter (Pseudemys concinna).
(17) Alligator snapping turtle (Macrochelys temminckii).
(18) Blanding's turtle (Emydoidea blandingii).
(19) Crawfish frog (Rana areolata).
(20) Ornate box turtle (Terrapene ornata).
(Natural Resources Commission; 312 IAC 9-5-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542; filed May 25, 2005, 10:15 a.m.: 28 IR 2947; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA)

SECTION 7. 312 IAC 9-6-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-9 Endangered species of fish

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17
Affected: IC 14-22-34-12

Sec. 9. The following species of fish are ~~threatened or~~ endangered and are subject to the protections provided under IC 14-22-34-12:
(1) Lake sturgeon (Acipenser fulvescens).
~~(2) Cavefishes (Amblyopsidae species).~~
(2) Northern cavefish (Amblypsis spelaea).
(3) Redside dace (Clinostomus elongatus).
(4) Variegate darter (Etheostoma variatum).
(5) Gilt darter (Percina evides).
(6) Greater redhorse (Moxostoma valenciennesi).
(7) Bantam sunfish (Lepomis symmetricus).
(8) Pallid shiner (Hybopsis amnis).
(9) Channel darter (Percina copelandi).
(10) Northern brook lamprey (Ichthyomyzon fossor).
(Natural Resources Commission; 312 IAC 9-6-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 16, 2002, 12:25 p.m.: 25 IR 3048; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 547; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA)

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

312 IAC 9-9-4 Endangered species of invertebrates

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17
Affected: IC 14-22-34-12

Sec. 4. The following species of invertebrates are ~~threatened or~~ endangered and are subject to the protections provided under IC 14-22-34-12:
(1) Rabbitsfoot (Quadrula cylindrica **cylindrica).**
(2) Sheepnose (Plethobasus cyphyus).
(3) Clubshell (Pleurobema clava).
(4) Pyramid pigtoe (Pleurobema ~~pyramidatum).~~ **rubrum).**
(5) Fanshell (Cyprogenia stegaria).
(6) Snuffbox (Epioblasma triquetra).
(7) Orangefoot pimpleback (Plethobasus cooperianus).
(8) Pink mucket (Lampsilis abrupta).

(9) Fat pocketbook (Potamilus capax).
(10) Rough pigtoe (Pleurobema plenum).
(11) ~~Tuberculed~~ **Tubercled** blossom (Epioblasma torulosa torulosa).
(12) White catspaw (Epioblasma obliquata perobliqua).
(13) Northern riffleshell (Epioblasma torulosa rangiana).
(14) Longsolid (Fusconaia ~~subrutunda).~~ **subrotunda).**
(15) White wartyback (Plethobasus cicatricosus).
(Natural Resources Commission; 312 IAC 9-9-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2727; filed May 16, 2002, 12:25 p.m.: 25 IR 3049; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA)

RULE RECORD FOR LSA DOCUMENT #06-262(F)

FISCAL YEAR 2006–2007

LSA Document #06-262(F)

(Administrative Cause Number 06-081D)

Filed with the Publisher: February 27, 2007, 2:25 p.m.

Small Business Regulatory Coordinator
Gregg McCollam, Assistant Director, Division of Fish and Wildlife, Department of Natural Resources, Room W273, 402 W. Washington Street, Indianapolis, Indiana 46204, (317) 233-9382, gmccollam@dnr.in.gov.

Document History
LSA Document #06-262(F)
Notice of Intent: 20060802-IR-312060262NIA
Proposed Rule: 20061122-IR-312060262PRA
Hearing Held: December 18, 2006
Approved by Attorney General: February 20, 2007
Approved by Governor: February 27, 2007
Filed with Publisher: February 27, 2007, 2:25 p.m.
Documents Incorporated by Reference: None Received by Publisher
Posted: 03/28/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On March 30, 2007, the Small Business Regulatory Coordinator, Gregg McCollam filed the following:

> No comments, questions or complaints were received from small businesses with respect to the rules governing fish and fishing activities in 312 IAC 9.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #06-262(F) at its January 16, 2007 meeting. No comments public comments were received at this meeting.

...

Richard Cockrum congratulated Bryan Poynter in his election as Chair. He noted that there were "a lot" of comments and suggestions in the Hearing Officer's Report regarding the Brookville tail waters fishery. Cockrum said the proposed rule is a "policy shift to some degree and has been in the works for a long time." He gave "kudos" to the Division Fish and Wildlife for conducting surveys of streams and smallmouth bass populations in order provide the "science" to support a catch-and-release season. He also gave "kudos" to the private trout clubs for stocking brown trout in the northern river systems and the Brookville tail waters where stocking began five years ago. "In fact, there was a presentation to the Commission five years ago about private groups" stocking the Brookville tail waters, and that "has been hugely successful".

Cockrum said the Brookville trout water is a two-mile stretch, and it has "grown into an extremely popular fishery." He said Jim Phillips, a member of the St. Joseph River Valley Fly Fishers, requested that Cockrum relate to the Commission Phillips's support of the proposed rule amendments. "There is a shift in policy and we are now starting to look at the streams as a resource in the sense that every one of them is unique." Cockrum reflected that the Hearing Officer's Report contains comments from 13 different groups that are in support of the amendments.

...

Chuck Brinkman, representing the Indiana Wildlife Federation, agreed with the comments made by Cockrum concerning the rules amendment to black bass. "I have talked to people in the northern part of the state and down to the southern, and I actively participate very actively in a smallmouth fishing group, and we have a website, and I see no negative comments regarding the black bass. We see also seeing positive comments coming from Ohio as well as Illinois." Brinkman encouraged the Commission to give final adoption to the proposed rules, and "to continue to do more to some of the other streams as well."

...

Excerpt from Hearing Officer Report dated December 28, 2006:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

PUBLIC COMMENTS FROM PUBLIC HEARING
AT DNR'S NORTHEAST REGIONAL OFFICE

(December 18, 2006)

Approximately seven (7) citizens attended the public hearing. All in attendance offered comments. The comments are summarized as follows:

Lynn W. Burry, Vice President and Legislative Liaison for the Northeastern Indiana Trout Association, presented and read a written letter stating as follows:

> We at the Northeastern Indiana Trout Association agree completely with the Fishery Section's latest rule change proposals and give our complete support to them as written. The language, as written, is concise, correct and very easy to understand and reflects the intent of those organizations that submitted the original idea for the suggested changes.
>
> We encourage a quick adoption of these proposals and suggest no revisions at this time.
>
> We would also like to thank everyone in the IDNR and NRC that worked together to come up with these proposals. We are grateful and again thank you.

Bill LeVigne, President of the Northeastern Indiana Trout Association, spoke on his own behalf as a fisherman. Mr. LeVigne stated that he is very much in favor of the proposed rule and expressed his opinion that the rule will be beneficial in developing increased fishing opportunities. Mr. LeVigne observed that the catch & release sections in Elkhart County will be beneficial to those who want to take advantage of it; increasing the season from December to the first part of April will be nice for those strong enough to enjoy it. He also stated the one brown trout limit is "very good" citing that all brown trout in Indiana are now stocked by private organizations.

Jim Phillips, representing the St. Joseph River Valley Flyfishers, voiced support especially for the catch and release requirements associated with trout and also the remaining three trout proposals. Indiana has done a "wonderful job with the trout fishery on Lake Michigan" and a pretty good job in the inland lakes. Early catch and release, the one brown trout limit and the remaining trout proposals will help bring Indiana's inland streams "up to speed" and reflect the progress made on other trout habitats.

Lynn Roose, represented the Federation of Flyfishers Great Lakes Council, comprised of approximately 4,000 members and also the Flygirls, a subchapter of approximately 270 members. Ms. Roose explained that the Council Charter mandates conservation and catch and release and these organizations are "very much in favor of these rule changes."

Bob Robertson commended everyone who worked with the State and the Division of Fisheries and their willingness to work to develop the proposed rule. He stated that it is going to be "something positive" for those interested in trout fishing. Starting in Elkhart County as a "pilot program of sorts," is a good way to start and see if it catches on.

Bill Bogardus, Past President of the Northeastern Indiana Trout Association, stated on his own behalf that he supports everything that has been proposed.

Mike Beachy, representing the Elkhart Conservation Club, a co-author of the catch and release proposal for trout, stated that the organization "wholeheartedly support that."

PUBLIC COMMENTS FROM PUBLIC HEARING
AT ATTERBURY FISH AND WILDLIFE AREA

(December 21, 2006)

Approximately twelve citizens attended the meeting at Atterbury Fish and Wildlife Area, Edinburgh. Statements of those who commented on the rule proposals are summarized as follows:

Jerry Selby observed that Western States had ordered trout fishing stopped during spawning seasons. Fish populations had suffered and the perspective was that the causation was disease, but when fishing during spawning seasons was prohibited, populations rebounded. He asked whether a similar prohibition might be beneficial in Indiana.

Bill James, Chief Fisheries Biologist for the DNR's Division of Fish and Wildlife, responded that there was no natural trout spawning in Indiana so this approach would be ineffective here. He later amended his statement to acknowledge there was minimal spawning in a few streams, such as the feeder at the cold water fish hatchery and at Dunes Creek. He said this minimal spawning would not warrant such a regulatory change.

Selby said he supported philosophically the proposed slot limits for bass but believed they could also be productive in other than Sugar Creek and the Blue River. He asked whether the current rule proposal was, in effect, a pilot project.

Bill James introduced fisheries biologist, Brian Schoenung, who explained the reasons Sugar Creek and the Blue River were chosen for slot limits. "These were selected as 'pilots' or for the experimental management" of smallmouth bass. He said the DNR's Division of Fish and Wildlife is continually improving its understanding of how controls on sizes or bag limits can improve a fishery, can be ineffective or can even be counter-productive. The agency wished to proceed with caution to minimize the likelihood of causing unforeseen problems. "What we do know is there is not a one-size-fits-all solution." He added, "We're beginning to unravel those secrets." For fish management across the country, there is a growing consensus that "catch and release is a key for supporting large fish," particularly for fish such as bass, trout and pike.

Selby concluded by saying he was glad to see the size limits applied to Sugar Creek and Blue River. He would also like to see the concept applied to other rivers and streams.

Don Shepherd said he was primarily concerned with the rules as they pertained to the regulation of smallmouth bass. He expressed encouragement that he was beginning "to see a perspective that we do not see all our fish in all our streams cut from the same cloth." He said he "applauds" the approach that would be implemented by the proposed rules. The productivity of some streams in Indiana for small mouth bass, and their contribution to fishing opportunities in this State, is a well-kept secret." Shepherd said he would like to see the DNR continue forward with the new philosophy of the proposed rules, "even in an adventuresome kind of way." He believed there would be positive opportunities on watercourses other than Sugar Creek and the Blue River.

Shepherd said he also believed the "trout piece makes a lot of sense." He characterized the proposed amendments regarding trout as being "a great move."

Shepherd summarized by saying the proposed amendments were "a good start." He added that they were "not enough," and he "would like to see more."
Ray Morris stated he supported the rule amendments that were being proposed. He asked whether the DNR might reconsider the streams where put-and-take is specified as opposed to catch-and-release.

Bill James responded that the only species of trout where the DNR is expending public revenues for stocking is for rainbow trout. Other species are stocked through generous private efforts. He said there were "very few Brookville quality habitats." Most Indiana streams had warm water in summer months, and this and other environmental factors significantly limited the locales where catch and release would be a practical option.

Bob Sawtelle of Friends of the Blue River said he was "fully in support of the Blue River slot limit." He said he would prefer that the slot limit apply from 12 inches to 17 inches, rather than from 12 inches to 15 inches, and he also would prefer restricting the bag limit to one fish larger than 17 inches rather than two. Apart from these preferences, Sawtelle reflected he still believed the proposed amendments were positive steps.

Mike Schroeder said his organization also supported all the proposed changes. He was personally very interested in and supportive of the proposed changes for smallmouth bass on Sugar Creek. Even so, he indicated a major challenge was the presence of PCPs and other pollutants within the watercourse. Schroeder said there needed to be a better commitment to control pollution to the stream. "That's my one concern."

Ray Schwomeyer reflected, "I fully support all the rules that have been proposed and especially the ones for Sugar Creek." He expressed the perspective that attention to these streams could change them "from good streams to great streams."

Schwomeyer stated he would like to see the DNR and NRC disallow any bass tournaments on Sugar Creek where significant monetary or other expensive prizes were awarded to the winners. The focus should be on providing better opportunities for youth fishing and not on commercial enterprises that damage the resource.

Schwomeyer said he hoped Hoosier Heritage might obtain riparian habitats upstream from Crawfordsville on Sugar Creek. He would like to see an effort to purchase lands for public usage, from private owners who are willing sellers, even if the purchases were for "strips of land".

Rob Chitwood of Friends of the White River said "We're all in favor of the regulations proposed for Sugar Creek and Blue River." At the same time, he said he was concerned with the lack of protective limits on fishing in the White River—particularly "in the kill zone" of the West Fork. Chitwood asked about the purposes and results of what he understood to be an "extensive fall survey" of the White River fishery.

Bill James said DNR studies indicated that restocking efforts, as well as the movement of fish into the kill zone from downstream and upstream, have returned the area to its range of species. This restoration may have been completed within two years of the fish kill, and it was clearly completed within four years of the event. Even so, he acknowledged that the kill zone did not yet include the same large fish as existed previously. James said the agency was sensitive to avoiding the imposition of regulations that were unneeded or that did not have a scientific basis.

Brian Schoenung said the DNR has focused on the progress of the fisheries restoration. The fall survey included otolith analyses that provide more precise determinations of fish ages than measuring scales. This process required that some individual fish be taken but will provide important data for the future management of the White River, as well as a better understanding of how fisheries habitat restorations proceed generally. On the White River, the DNR was "looking for where we can go with regulations" that are likely to be productive. He said the Division of Fish and Wildlife did not seek special regulations for the White River "right off the bat" following the fish kill because "we didn't know what we have."

b) Comments Received Outside Public Hearing

Clarence Williams wrote by email on July 22, 2006 from asats@sigecom.net

I read with interest where the IDNR has made a proposal to allow bow fishing on certain rivers and streams in addition to some lakes.

I am in full support of that proposal.

However, since rough fish are a nuisance and very detrimental to the health of streams, rivers and lakes AND an individual can take them in just about any manner that is imaginable, including fish spear, gig, spear guns, bow and arrow, or underwater spear, I would like to request that taking rough fish by means of a crossbow be allowed also.

This can be done with a simple wording like the turkey regulations concerning "bow and arrow". There it says "bow and arrow (including crossbows).

I am a member of a bow fishing group and know of several others that bowfish our waters that have members that prefer to use a crossbow. At the present time that is illegal.

One such club is from Illinois and they do hold some of their club shoots in Indiana. They said that they would do more in Indiana if all of their members, including the cross-bowers, were able to shoot too.

If the goal is to eliminate as many of these rough fish as possible, then legalization of the crossbow will go a long ways in achieving that goal.

The affected statute.

(m) An individual may, by means of a fish spear, gig, spear gun, bow and arrow, (include crossbows here), or underwater spear, take only any sucker, carp, gar, bowfin, buffalo, or shad and only from the following waterways:

Jim Gilmore wrote by email on July 27, 2006 from tgilmore@ucumberlands.edu

BOWFISHING...

I read with interest where the IDNR has made a proposal to allow bow fishing on certain rivers and streams in addition to some lakes.

I am in full support of that proposal.

However, since rough fish are a nuisance and very detrimental to the health of streams, rivers and lakes; and an individual can take the min just about any manner that is imaginable, including fish spear, gig, spear guns, bow and arrow, or underwater spear, I would like to request that taking rough fish by means of a crossbow be allowed also.

This can be done with a simple wording like the turkey regulations concerning "bow and arrow". There it says "bow and arrow (including crossbows).

If the goal is to eliminate as many of these rough fish as possible, then legalization of the crossbow will go a long ways in achieving that goal.

It doesn't seem to make any real sense to allow so many methods, yet to exclude a very popular one that seems to be allowing more to harvest rough fish in so many other states; (the crossbow);

please consider changing this to also allow the crossbow as legal tackle for this most important task, which makes the lakes, and streams better for all.

m) An individual may, by means of a fish spear, gig, spear gun, bow and arrow, --->(please include crossbows here)<---- , or under water spear, take only any sucker, carp, gar, bowfin, buffalo, or shad and only from the following waterways

Paul Bhe wrote by email on August 5, 2006 from cbhe@comcast.net

I regularly fish the Brookville Tail waters and provide support to the CITU for Brown Trout stocking. I would appreciate more protection for the brown trout as well as rainbow trout at Brookville. I would like to see catch and release regulations on the stream. How about for C&R from below the 101 bridge to the confluence with the Whitewater River or one trout only anywhere on the river, 18 inch limit. It's a terrific area and needs to be protected.

Tony Stahley wrote by email on August 8, 2006 from tony.stahley@clippard.com

I would like to say what a good job the IDNR and Central Indiana Trout Unlimited has done with the cold water fishery of Brookville tail water in southeast Indiana. I've trout fished in many great trout fishing states-Michigan, Pennsylvania, Montana, and the BTW rates up therewith some of the best trout streams in those states. I think it could even be better if regulations could be implemented that would further protect this diamond in the rough. I believe if the regulations were changed to where after a certain date, say June 1st- that the area between the 101 bridge down to the confluence with the main branch of the Whitewater river be catch & release or one trout 18" only with artificial lures & flies only, would turn this to a world class trout fishery.

Nick Schroeder wrote by email on August 8, 2006 from email browntrout@centralindianatu.org

I support rule changes 10 and 11 as they pertain to trout fishing. I am encouraged to see catch and release regulations being promulgated in Indiana. I would like to see you give the same consideration to the brown trout at Brookville. I encourage you to consider a catch and release section from the HWY 101 Bridge to the confluence with the Whitewater River.

Wayne D. Springer wrote by email on August 9, 2006 from wayne.springer@ketteringoh.org

I applaud you efforts to protect the Brown Trout and other Trout in Rivers and Streams in Indiana. I would like to see stricter rules for the Brookville tail waters. Catch and Release only with flies only. I've had great fun over the last 3 seasons catching trout on the Brookville Tail waters. I always Catch & Release in Ohio and Indiana. Thank you for your time. A proud member of MVFF.

Tom Holt wrote by email on August 9, 2006 from tomholt2514@aol.com

I endorse Central Indiana Trout Unlimited's proposal to make the Brookville Tailwater fishery Catch and Release for all trout.

Jim Duecker wrote by email on August 9, 2006 from jduer27@yahoo.com

It is my understanding that the DNR is considering rule changes which would make the tailwater below Brookville open to catch and release only trout fishing. Other species would of course be subject to normal regulations. This is an excellent resource with fly fishing comparable to the some of the best fishing in the Midwest and west, and I've fished all over! I would strongly endorse Central Indiana Trout Unlimited's proposal to make the Brookville Tailwater fishery Catch and Release for all trout.

Paul Arnold wrote by email on August 10, 2006 from paul.f.arnold@gmail.com

I support the proposed amendments to 312 IAC 9, regarding regulations affecting fish, particularly trout.

I also wish the entire Brookville fishery, from the last bridge to the confluence with the river below that bridge be made catch and release only.

Todd Settle wrote by email on August 11, 2006 from todd@kneebourne.com

Please establish an artificials only catch and release program for trout in the Whitewater River below the Brookville Res. This fishery serves many fly-fishermen in the central and Southern Indiana area, and would benefit from preservation efforts like catch and release.

David Miller wrote by email on August 14, 2006 from davidmiller@landam.com

I would like to submit my comments on the proposed changes for the protection and preservation of ALL Trout species in the state of Indiana. Especially those areas and proposed changes listed below. Brookville in particular has a terrible problem of poaching that needs to be addressed. I support catch and release.

The proposed changes are summarized as follows:

10. Establish a "catch and release only" season for inland trout from January 1 through April 14 on streams only. This period is essentially the current closed season (and unnecessary for resource protection purposes). Numerous anglers and trout fishing groups have requested this "catch and release" season, which would encourage fishing participation while protecting brown trout stocked by trout clubs.

11. Establish a brown trout bag limit of one fish (out of the daily bag limit of five trout) statewide with the exception of three named stream segments in Elkhart County where a "catch-and-release only" designation would be established. These segments on the Little Elkhart River, Solomon Creek and Cobus Creek would total 2.8 miles. These same segments would also be designated artificial lures or flies only. This proposal is based on specific written input developed in cooperation with the Elkhart County Conservation Club, the St. Joseph River Valley Flyfishers and the Northeast Indiana Trout Association over the past two years.

Tyler Denbo wrote by email on August 12, 2006 from tkdenbo@yahoo.com

Could we consider catch and release from below the 101 bridge to the confluence with the Whitewater River? Also, maybe cutting back the 5 rainbow trout a day to 2 or 3? I seen so much pressure. If everyone is keeping 5 trout they won't last long in the river. It seems the trout would be able to hold over in the river otherwise for the next year. It is a great fishery, but it could be even better with catch and release I think.

Merle Olmsted wrote by email on August 27, 2006 from mlolmsted@fuse.net

I am a Kentucky fly fisherman who enjoys fishing the Brookville Tailwaters and I am writing in support of a catch and release policy for the Brookville Tailwaters from the 101 bridge to the confluence of the White River. This would help the brown and cutthroat fish planted there to winter over and grow to respectable sizes.

The BTW is the only real trout stream within a reasonable distance of the Tri State and is a beautiful fishery that would be greatly enhanced with C&R implemented.

Mark Young wrote by email on September 18, 2006 from Mark@equityguardiangroup.com

We note that you are fine tuning regulations for the Brookville Tail Water. This is an amazing fishery and I and my wife have been so impressed that we have donated significant sums to assist in the stocking by TU.

In the warmer months or when the water is warmer, I've noticed significant Brown trout mortality due to "catch and release" by anglers targeting Rainbows. This seems unavoidable under the current regulations. I would propose a creation of a catch and release only" zone" and also a reduction the limit to 2 fish per person, and possibly allowing browns to be kept as well in the "catch and kill zone". Since there's significant Brown mortality anyway, why not allow a few to be kept while reducing overall limits?

The quality of the fishery would clearly be improved by a catch and release zone as well. We are getting a lot of large fish successfully wintering over.

Also, I speak for thousands of fly and spin fisher people who fish the tail waters when I request that the DNR try to work with the corps of engineers at the dam to release more cool water from the bottom of the lake during the summer months. This will greatly decrease fish mortality.

Lynn W. Burry Vice-president and Legislative Liaison, Northeastern Indiana Trout Association wrote by email on September 28, 2006 from lsburry@adamswells.com

We at the Northeastern Indiana Trout Association find all the current rule change proposals very reasonable and give our over all support to them as written.

We are particularly pleased with the changes to the Fishery's Section proposals and support them 100%. The language, as written is concise, correct and very easy to understand. We feel it meets the intent of those organizations that submitted the original idea for the proposals.

We encourage a quick adoption of these proposals and suggest no changes at this time.

Patrick M. Quillen wrote by email on October 9, 2006 from pmquillen@msn.com

With our ever in creasing population, I am greatly concerned about loosing what we have regained over the recent years. I grew up on the Eel River in Cass county where at the time Smallmouth bass were few and far between. As an avid fly-fisher I would like to see "Catch &Release Only" restrictions for Smallmouth bass on the Eel river from Broadripple Bridge (CR 450 E)to Davis St. Bridge. Along with those restrictions I would also like to see C&R for all Brown and Rainbow trout caught in streams and rivers - State wide. I believe in the long run this would draw many fisherman from the Midwest to our state.

Shawn Harden wrote by email on November 21, 2006 from shawnh@qmtw.net

I just recently found out about the proposed slot limit changes on the Blue River. Why not go one step ahead and make it effective on the driftwood river as well? It seems like the slot would help in getting better quality of fishing in that stream as well.

John Trout wrote by email on November 21, 2006 from jftrout@aep.com

I wish to express my pleasure at seeing the proposed regs for Sugar Creek and Blue River. These are very special rivers and deserve special attention from all IN residents, particularly anglers. So many other states have put forth special regs. with great success. I know IN can do the same.

These new regs look to be right on target for the increasing number of anglers looking for trophy fish and not a full stringer. I sincerely desire these proposals to go through.

Glenn Wesbecher wrote by email on November 21, 2006 from gwpaddle@sigecom.net

I think there should be more catch and release areas on all game fish. The worm and minnow is good for kids, but bad for fishing as a sport.

Lee Peterson

The only problem about fish size & Catch and release is that it needs to be posted at every ramp, so that persons know what the laws are! Anything else is poor communications on part of state. I hope that when the state does this, DNR needs to post a sign at every Ramp.

PS: Why are not any meetings taking place in Lake or Porter Counties, where there are more people?

Adam Anders wrote by email on November 21, 2006 from musky6@sbcglobal.net

My name is Adam Anders and I would just like to say that the new fishing rule changes sound like a good idea to me.

Gregg Stump wrote by email on November 21, 2006 from greggstump@hotmail.com

As an avid fly fisherman (primarily Trout and Smallmouth bass) I support these changes. In my experience on Indiana streams these new regulations would be beneficial to the fisheries involved.

Also, opening the winter trout season for "Catch and Release" only would bring continued revenue to towns like Brookville who benefit when fisherman spend money in those towns during fishing outings. I alone, have spent hundreds of dollars in my time fishing at Brookville (mostly in local restaurants and gas purchases) over the past 5 years. Added fishing opportunities during the winter would continue this spending all year around. Many fishermen, such as myself, travel hours each weekend to small towns to fish. I live in Indianapolis and know of many fishermen traveling weekly from Ohio, Kentucky and other areas of Indiana.

Pat Williams wrote by email on November 22, 2006 from WILLIAMS_STEPHEN_PATRICK@Lilly.com

I want to show my support for the black bass regs that are being proposed on two of our Indiana streams. Great work

Todd Irwin wrote by email on November 22, 2006 from todd.irwin@blueskytp.com

I support all of the proposed rule changes and strongly support the following:

- BASS
A 20-inch minimum size limit and one-fish daily bag limit on black bass (smallmouth, largemouth, spotted) is proposed for Sugar Creek in west central Indiana.

A protected 12 to 15-inch slot size limit on black bass is proposed at the Blue River in southern Indiana where bass smaller than 12 inches and longer than 15 inches would be able to be taken, but only two of the five bass daily bag limit may be larger than 15 inches.

Patti Beasley wrote by email on November 22, 2006 from Pattigardens@aol.com

After reviewing the proposed changes I noticed there is no "slot size limit" under the trout regulation. This would mean that a daily 20+ inch Brown trout could be legally kept. I would like

to see more protection for the larger trout therefore I am suggesting a 12-16" slot be implemented for brown trout specifically in Brookville. If we are going to continue stocking we need to do all we can to protect larger fish. Also, in regards to SMB, more protection is needed there.

Eric Lee wrote by email on November 22, 2006 from leee@edwards-elec.com

I would like to add a comment since I will be unable to attend one of the meetings. First of all, I think the Indiana DNR is starting to realize the potential that exists here in Indiana for fishing. Even though the $$ in this state seem to be farming and agriculture, I believe DNR is seeing the potential for $$ in fishing and other recreational opportunities on our many water ways be it, lakes, ponds, rivers or streams. I would like to see more protection for bass and other "game fish" species in some of our more heavily fished rivers or lakes. I sometimes feel like our DNR is still stuck in the mentality that they have to stock fish for the table and cater to fishermen who are out to fill their freezers with a bunch of fish carcasses. I do not have anything against harvesting a fish here and there for the table, but there has to be a limit on some of these guys who day in and day out go out and kill fish. I would like to see mandatory catch and release on the White River and Tippecanoe and others to promote a trophy smallmouth bass fishery. Also, why doesn't the DNR stock smallmouth bass in some of our reservoirs? I think that would be an added bonus fishery. Some of our surrounding states have tremendous levels of income streaming into their state as a result of people who enjoy their fishing/outdoor experience and like to catch fish and typically let them go and are willing to spend a great deal of $$ in their pursuit. Indiana seems to be the farming state that no one thinks about going to for fishing. If you look at what the Hoosier Muskie Hunters are doing, they have created some of the best musky fishing in the entire country, right here in Indiana and that recognition only helps our state. My basic, overall opinion is to help protect bass in our local waterways as well as promote some good trout waters and protect trophy trout, primarily in Brookville tailwaters. Please consider stocking more game fish in our lakes and rivers, like smallmouth, largemouth, wipers and the like and not stocking billions of walleyes. Walleye are cold water fish and taste better in coldwater climates. I am not saying don't stock walleye or fish for the table, but what I am saying is let those of us who enjoy the outdoors experience and catch and release be able to start catching trophies here in Indiana so we are not taking our $$ to other states to fish with what could be used to spend here.

Leonard Gustin wrote by email on November 23, 2006 from gusnlg@ligtel.com

I am highly in support of your trout changes, and Sugar Creek changes.

Jason Cook wrote by email on November 23, 2006 from jbcook@iupui.edu

I would like to show my intense support of the rule changes being considered for Indiana. Particularly, the bag limit change for Sugar Creek in an effort to make it a "trophy" class stream and the slot limit proposed for the Blue River. As a member of Indiana Smallmouth Conservation I see these rules as a necessary way to protect and improve the fisheries we have by treating them as they are, distinct watersheds that require differing regulations.

Michael Wright wrote by email on November 25, 2006 from royalwulff7@sbcglobal.net

A one fish limit of 20 inches or larger on Sugar Cr. is a great idea and should be in place for this coming season!

Cecil Baird wrote by email on November 26, 2006 from jjbaird@ligtel.com

I hereby support the proposed changes in the trout fishing regulations to establish catch-and-release fishing (artificial only) on said particular portions of Indiana streams. I also support a reduction of the brown trout bag limit on inland waters to one daily. As a member of NEITA, one who is involved in aquaculture, and having an education in fisheries science, I don't have a problem with doing this in places where the science shows holdover, and that this would improve the quality of experience for trout fisherman. This includes the said portions of streams where

electro-shocking has shown holdover with successive age classes of brown trout, lakes planted with trout, and the tailwaters of Brookville reservoir. As you also should be aware of, all of these brown trout are planted at no cost to INDNR or the general public by the Elkhart County Conservation Club, NEITA, and CITU. I see little user conflict as there are still plenty of waters where put-and-take is still available, and the limits of rainbow trout are sufficiently high for those that prefer a put-and-take fishery.

William La Vigne wrote by email on November 26, 2006 from woodnfish@msn.com

I would like to add my voice to those that support all the proposed Fisheries rules changes that are being considered for adoption. I believe that all the changes will increase fishing opportunities for Hoosier anglers. As a long time trout fisher, and President of NEITA, I'm particularly interested in seeing all the proposed Trout regulations become law. Thanks for all the fine fishing we enjoy here in Indiana!

Brad Beachy wrote by email on November 26, 2006 from bbeachy@netscape.com

Thank you for considering the proposed conservation measures of catch and release and reducing bag limits on brown trout. For many years, Indiana trout enthusiasts have believed that with more protections in place, self-sustaining populations of brown trout could be established. Also the catch and release streams will allow the fish to reach trophy size, attracting fisherman from through out the region. It could be the beginning of important fishing tourism for the area. This is an experiment that costs next to nothing and could net some great returns for sportsmen. Please give it a try.

Chris Wells wrote by email on November 26, 2007 from CGWtrout@aol.com

I strongly support the proposed changes in the trout fishing regulations to establish catch-and-release fishing (artificial lures only) on designated portions of three Indiana streams and reduce the brown trout bag limit on inland waters to one daily.

Dan Petry wrote by email on November 26, 20076 from danpetry@verizon.net

I strongly support the proposed changes in the trout fishing regulations to establish catch-and-release fishing (artificial flies or lures only) on designated portions of three Indiana streams and reduce the brown trout bag limit on inland waters to one daily. I am a member of the Little Elkhart Chapter of Trout Unlimited.

Rod Wilson wrote on November 26, 2006 from rwilson@ersinc.net

I just wanted to comment that I think Big Walnut Creek (upstream from Mill Creek to at least North Salem) should be included in the proposed rule along with Sugar Creek that establishes a 20-inch/ 1-fish limit. Not sure if this could be done since the proposed rule included only Sugar Creek. Big Walnut is similar to Sugar Creek but probably smaller and even more susceptible to adverse effects of removal of adult bass. I am just concerned because I have seen fisherman take out large stringers of smallmouth from the upper stretches of the creek.

These persons wrote by email (or regular mail) and commented similarly:

Karl Herr (ksherr@starband.net); Mark Paul (markp@elp.rr.com); Mark Eveler (meveler@bnin.net); Brad Lehman (bradl@gdc-corp.com); Randy Sowers (rsowers@actia.com); Bill Knight (bknight@mossbergco.com); Steven Hite (ilogguy1@yahoo.com); Robert Ellman (verybigbob54@yahoo.com); Richard A. Koch (ra_koch@comcast.net); Bryan Seymour (bseymour@lawson-fisher.com); Mike Andresen (mykissfly@yahoo.com); Frank Koloszar (fkolo@juno.com); Paul Lee, (Paul.Lee@bhas.org); Mark Haley (Hales51@aol.com); Lord, Christopher

(CLord@DPYUS.JNJ.com); Sean Kidd (seankidd1@sbcglobal.net); Carl Sterenberg (carlsterenberg@comcast.net); Tom Fields (tjfields@comcast.net); Todd Ezzell (m3plus2@hotmail.com); Troyer, Lee (Lee.Troyer@adsfs.com); Bruce Aubrey (bruceaub@yahoo.com); John J. Mangona (johnreal@ligtel.com); Bert Megan (a1bwm25@verizon.net); Mike Kottkamp (gk3cabinet@sbcglobal.net); Jeff Hire (jeff@jeffhire.com); Jim Raudabaugh (jimrau@hotmail.com); Joseph B. Good (jgood@sbcsc.k12.in.us); Jim Prosser (alfiejim@hotmail.com); Marshall Werling (sightsandsounds@sbcglobal.net); Ralph Rucinski (nruc@yahoo.com); Mark Bardusk (gofish@csinet.net); Larry Schmitt (hdyman58@sbcglobal.net); Erik Gilbert (merlineg@hotmail.com); Greg Sautter (gsautter@sbcglobal.net); Chris Miller (chrism@gdc-corp.com); Dave Merritt (Mishawaka, IN); Andrew Lertola (lertola@earthlink.net); Sue Stuckman (suestuckman@yahoo.com); Larry Hardy (lphpublic4@comcast.net); Eric Graham (ericgraham@bigplanet.com); John Law (jtlaw9@hotmail.com); Jack Hires (jack.hires@valpo.edu); Terry Tompkins (Elkhart, IN); Dave Douglas (Elkhart, IN); Walter Bock (nowucit@att.net); Dean Hupp (ndrahupp@verizon.net); Don Waldrop (troutbum_44@yahoo.com); Bob Roth (rbac4@maplenet.net); Daryl Miller (dtsn@maplenet.net); Doug Stanifer (cdstanifer@earthlink.net); Chrystal Snow (Elkhart, IN); William Macumber (wmacumber@comcast.net); Diego Delgado (ddelgado@ameritech.net); Al Boutin (aboutin@insightbb.com); Billy Vail (billy@generationsfinancialadvisors.com); Margaret Clement-Jacobsen (mclementjacobsen@sbcsc.k12.in.us); David Coward (dpcoward@hotmail.com); Jeanette Rose (4043jc@msn.com); Greg Gabor (gsgabor@earthlink.net); Thomas.Rondo (Thomas.Rondo@verizon.net);

> I strongly support the proposed changes in the trout fishing regulations to establish catch-and-release fishing (artificial (flies) lures only) on designated portions of three Indiana streams and reduce the brown trout bag limit on inland waters to one daily.

Jim Prosser (alfiejim@hotmail.com) also added

> I personally catch-and-release on all occasions as I believe the trout in our streams and rivers are too valuable to be caught only once.

Terry Tompkins (Elkhart, IN) also added

> I also want to voice my support to the conservation officers in their efforts to enforce our current regulations.

Dave Douglas (Elkhart, IN)

> Our local trout streams are being depleted of brown trout because of over fishing and the five daily bag limit.

Doug Stanifer (cdstanifer@earthlink.net) also added:

> Also as a member of the North Central Indiana counsel of Conservation Clubs at our meeting on Sat. 12-16-06 we also voted to support this change.

James H. Phillips wrote by email on November 26, 2006 from JAHOPH@aol.com

> I want to express my strong support for proposed changes in the trout-fishing regulations that would:
>
> Establish year 'round catch and release fishing (artificials only) on designated portions of three Elkhart County trout streams.

Reduce the brown trout bag limit on inland lakes and streams not covered by special regulations to one daily.

Clay Shetler wrote by email on November 27, 2006 from clayes@goshen.edu

I have often wondered why there are no rivers or streams in Indiana restricted as "catch and release" fishing areas for the good of all fishing sportsmen. The joy of fishing for me has nothing to do with finding food for the table, but everything to do with the joy of catching a fish, and using only a fly that I have either made or have purchased to match something that the fish like to eat. Additionally the older I get, the more I realize that unless we take measures now to better protect our environment, many of the things I enjoy today will not be available for my children or grandchildren.

"I strongly support the proposed changes in the trout fishing regulations to establish catch-and-release fishing (artificial lures only) on designated portions of three Indiana streams and reduce the brown trout bag limit on inland waters to one daily."

Your approval of these changes will be something that all Indiana sportsmen will look back on as a time then a group of public administrators made a decision based on what was best "for the common good" for this generation and all future generations!

Dan A. Smith wrote by email on November 27, 2006 from danas@goshen.edu

I do not support the proposed changes in the trout fishing regulations to establish catch-and-release fishing (artificial lures only) on designated portions of three Indiana streams and reduce the brown trout bag limit on inland waters to one daily.

Tom Taylor wrote by email on November 27, 2006 from tomt@excelrubber.com

I strongly support the proposed changes in the trout fishing regulations to establish catch-and-release fishing (artificial flies or lures only) on designated portions of three Indiana streams and reduce the brown trout bag limit on inland waters to one fish daily.

I have been a trout fishermen for over forty years and have enjoyed teaching my son to fish and hope to have the same opportunity for my grandsons in the local streams.

Michael Beachy wrote by email on November 28, 2006 from beach@npcc.net

"I strongly support the proposed changes in the trout fishing regulations to establish catch-and-release fishing (artificial flies or lures only) on designated portions of three Indiana streams and reduce the brown trout bag limit on inland waters to one daily."

I am a life long trout fisherman, born and raised in northern Indiana. It is high time that Indiana did something to improve this little known but "unique to this area" fishery. With a little work the cold water streams in the northern part of the state could improve drastically and this rule change could be the first step toward an effort to preserve this recreational gem.

Randall C. Miller wrote by email on November 28, 2006 from hooleymi@bnin.net

I am writing to indicate my strong support for the proposed changes in trout fishing regulations in Indiana. Please establish catch and release fishing with artificials only on the designated portions of Indiana streams and reduce the brown trout limit on inland waters to one.

Chris Heaton wrote by email on November 28, 2006 from cheaton@adornllc.com

I strongly support the proposed changes in the trout fishing regulations to establish catch-and-release fishing (artificials only) on designated portions of the Little Elkhart River, Cobus Creek and Solomons Creek and reduce the brown trout bag limit on inland waters to one daily. This should greatly improve the nearly nonexistent trout fishing in Indiana.

These persons wrote by email and commented similarly:

John Schroeder, Jr. (JSchroeInd@aol.com); Dave Fuller (dfuller@UNITRANSlogistics.com); John Znavor (jznavor@memorialsb.org);

I am a trout fisher from Granger, Indiana. I support the proposed changes to establish catch-and-release fishing using artificials only on designated portions of The Little Elkhart River, Cobus Creek and Solomons Creek. I also support the reduction in the daily brown trout bag limit on inland waters to one per day.

Patrick Quillen wrote by email on November 28, 2006 from pmquillen@msn.com

I would like to inform you that I, like countless others, support the proposed changes in the fishing regulations. The one thing that I would like to see is a more aggressive enforcement of the policies and the inclusion of the Eel river in the proposed changes for smallmouth bass.

Thank you for your time and your commitment to making our environment a top priority.

Mark Haley wrote by email on November 28, 2006 from Hales51@aol.com

After watching the quality growth and development of our fishery in northern Indiana, (due to your fine commitment), these changes in regulations towards artificial's and bag limits will be just what we need.

James Lothary wrote by email on November 28, 2006 from hawksglen2@earthlink.net

Let me add my strong support for the proposals to establish catch-and-release fishing regulations on designated stretches of the Little Elkhart River, Cobus Creek and Solomons Creek and to reduce the daily bag limit on brown trout to one per day on inland streams and lakes. Both are long overdue and would finally give local anglers a reason to believe that Indiana streams would be worth fishing and preserving. The increased tourist income may not be huge but it would help our local economy and tax revenues. My work has me tied up on the 18th or I would happily come and share my support for these proposals. Lets pass these proposals and give Indiana some else to be proud of, first class trout streams. The efforts of local organizations to stock and protect these streams for future generations of Hoosiers should be appreciated and encouraged by the passage of the proposals.

Steve Clark wrote by email on November 29, 2006 from clarkasp@juno.com

As someone who has fished Blue River for 20 years I fully support implementing a slot limit for smallmouth bass. I have noticed a decrease in the size and number of smallmouth that I caught in the last several years. If it can be enforced, I believe that in time, Blue River can become an excellent Smallmouth stream.

Bill Sasse wrote by email on November 29, 2006 from wesasse@southcentralco.com

I understand that IDR is considering rule changes that would establish catch-and-release fishing regulations, with artificial lures only, on designated stretches of certain Indiana trout streams. Also it is proposed the daily bag limit on brown trout be reduced to one per day on inland streams

and lakes. I strongly support these proposals and urge you to make them the law. I have experienced the results of catch-and-release programs in Ontario, Canada over several years and can say that we catch more and bigger fish with each year that passes.

Dave Hayes wrote by email on December 1, 2006 from Bootstrap5@aol.com

I would like to see a daily 25 bag limit on bluegills throughout the state. Also as a member of the Michiana Walleye Assn. we would like to see a closed season on Walleye during the spring, same as Michigan. We have a problem with people taking walleye from the rivers and lakes undersize. Also a minimum size to 17 inches statewide on walleye. That gives the walleye a chance to reproduce . That's all.

Will Ditzler wrote by email on December 2, 2006 from wnditzler@msn.com

As a lifelong resident of Indiana and a hunter and fisherman, I support the progressive moves proposed for fishing regulations, particularly the Smallmouth bass regulations proposed for Sugar Creek and the Blue. I think the rules for Sugar creek in particular are what should be in place and would encourage you to consider the same for the Blue as well as other quality smallmouth streams in the state. Other states I have fished in have had these type of regulations in place for years allowing for more people to enjoy the stream fishing without the fishing pressure taking away from the easily impacted small streams many of us like to fish.

Much like the one buck rule which has been well received by the hunting public, I think you find much support for these proposed regulations after they have been in place for several years as we will all see the resulting positive impact on the quality of our outdoor experiences. In summary I support all of the fishing regulations you are proposing that would place limitations on size and quantity of bag limits.

Larry Beachy wrote be email on December 2, 2006 from beachy@coralwave.com

Establish catch-and-release fishing (artificial lures only) regulations on designated stretches of three Indiana trout streams (The Little Elkhart River, Cobus Creek and Solomon's Creek).

Reduce the daily bag limit on brown trout to one per day on inland streams and lakes. (Lake Michigan and its tributaries would be exempted.)

I caught the largest Brown trout caught in the state of Indiana in 1962 and have advocated stocking Brown trout in our Indiana streams for many years ever since. Now you have a chance to make trout fishing in Indiana on the level with our Northern neighbors.

John Brumleve wrote by email on December 3, 2006 from JABTLC@aol.com

I am writing in support of Brandon Butler's article in the Bloomington, IN Hoosier Times article this Sunday announcing public comment on the proposed fishing regulations on the slot limits for black bass (smallmouth, largemouth and spotted) for the Sugar and Blue rivers (Blue 12 to 15 inch slot and Sugar over 20inches). I would even go as far as saying instead of the slot limit on the Blue river, an angler should only be able to keep only one fish over 20 inches in length in stead of the proposed 12 to 15 inch slot on the blue.

In addition, I would recommend that all trout fishery's have a catch and release or at least a one take limit over 16 inches. Since trout are hard to raise in Indiana, why waste our resources on trout? I would suggest instead to increase the population on smallmouth bass in our rivers so that we can build this exciting fishery. I would still make the trout available to anglers (as in catch and release) but fund more hardy fish so that we can make a wiser investment in our natural resources and hopefully keep more Hoosiers fishing in our state instead of traveling to neighboring states. Thank you for your consideration.

Doug Allman wrote by email on December 4, 2006 from dna75@skyenet.net

The former closed season for inland stream trout fishing would be changed to a "catch and release only" season from Jan. 1 through April 14. A proposed closed trout season on inland streams would run from April 15 to the last Saturday in April (opening day) during which the hatcheries complete the annual trout stockings.

Opening day for stream trout season would still be the last Saturday in April. However, the starting time would be changed from 5 to 6 a.m. local time to adjust to daylight savings time.

A brown trout bag limit of one fish (out of the daily limit of five trout) would apply at inland lakes and streams statewide, but would not apply to Lake Michigan and its tributaries.

Three stream segments in Elkhart County (totaling 2.8 miles) are proposed to be "catch and release only" and "artificial baits or flies only" trout fishing areas.

Dear NRC

I strongly object to the designation of catch and release only streams and the designation of artificial flies only. What message are we sending the public and especially young or new people entering the sport? That these "Trophy Fish" are managed for just the few elitist who simply want to hook them and catch them for trophy purposes and want to prevent others from the consumptive use of a natural resource. You will be telling a young kid with access to these streams that the only purpose of that fish is to satisfy some adult anglers recreational pursuit of a trophy. So if he or she was to be able to catch such a fish you would have to tell them no you can't eat it and if you catch it on a worm you are breaking the law.

I never thought Indiana would see the demise of the days where youths could get a pole and some worms and go down to the river or creek and catch some fish and proudly take it home to show mom and dad that he or she would provide supper tonight. Now we lock that kid up for not using artificial lures and wanting to keep a big trout.

Do we also lock up the poor man who enjoys the recreation and wants to eat them also. In the same state where we are working to feed the hungry with deer were are stopping people from keeping a fish.

We are also using sportsmen's money to fund and manage a fishery for such a small group of the public and preventing access to someone who is a consumptive user but buys license just the same.

This rule and others like it that deal with trophy type fisheries are terrible public policy and flies in the face of the North American Game Plan so adopted by our country in managing it's Fish and Wildlife. It's wrong! This is going down the road of private ownership and management of a public resource. Resource manager need to think before thy open Pandora 's Box which is what this rule is doing. Next up a Fish and Wildlife area with Antler harvest restrictions or Big Buck deer darting contest.

BASS

A 20-inch minimum size limit and one-fish daily bag limit on black bass (smallmouth, largemouth, spotted) is proposed for Sugar Creek in west central Indiana.

I would also like to say this is ridiculous to and pretty much makes it catch and release and there is no biological reason to do it other than catch and release trophy fishing.

Ray Rigby wrote by email on December 4, 2006 from krigby6644@sbcglobal.net

My name is Ray Rigby and I am writing in full support of the new changes outlining size and creel limits. My main focus is Smallmouth but fully support all the matters at hand. I will also be attending the meeting @ Atterbury on the 18th. I am also a member of Indiana Smallmouth Conservation. www.iscconservation.org

This is a huge step to bring us into the 21st. century for smallmouth management on our creeks/streams and rivers. I am so excited to see the IDNR take a proactive approach to each individual watershed instead of the blanket policy that has stood for so long. I look forward to more hands on from our IDNR when it comes to managing each watershed seperately as it's own entity. Man, what a breath of fresh air.

Ryan Cole wrote by email on December 5, 2006 from ryan.cole@sbcglobal.net

I am writing to encourage adoption of the changes regarding bowfishing in large streams and rivers statewide. The sport of bowfishing is growing, and allowing post sunset bowfishing in these areas would be a great opportunity for many to enjoy. Thanks to Bill James, DNR, and NRC for hearing me out and moving forward on these changes!

Jerry Mace wrote by email on December 6, 2006 from AceMace@insightbb.com

TROUT
The former closed season for inland stream trout fishing would be changed to a "catch and release only" season from Jan. 1 through April 14. A proposed closed trout season on inland streams would run from April 15 to the last Saturday in April (opening day) during which the hatcheries complete the annual trout stockings.

Opening day for stream trout season would still be the last Saturday in April. However, the starting time would be changed from 5 to 6 a.m. local time to adjust to daylight savings time.

A brown trout bag limit of one fish (out of the daily limit of five trout) would apply at inland lakes and streams statewide, but would not apply to Lake Michigan and its tributaries.

Three stream segments in Elkhart County (totaling 2.8 miles) are proposed to be "catch and release only" and "artificial baits or flies only" trout fishing areas.
I am opposed to changing the opening time of Trout season from 5 AM to 6 AM.
I have been Trout fishing in Jackson Creek at Yellowwood State Forest on opening day for about 30 years. When I first started Trout fishing there, it was stocked with 700 Rainbows, the limit was 12 Trout, and the opening time was 12 midnight. You may have run into a dozen other Trout fishers.

I have noticed that the Trout seem to stop feeding at sunrise.
Since I have been going Trout fishing, the limit has been decreased, the opening time has been pushed forward nearer to sunrise, fees have gone up (for both licenses and camping), and the fishing pressure has increased; but the number of Trout stocked has not increased.

I personally, would like to see the opening time moved back to 12 midnight, and more Trout stocked in Jackson Creek. Maybe even stock some of the larger hatchery fish, such as the large Browns like they have done in the past at Salamonie.

In closing, I believe that leaving the opening time at 5 AM presents an opportunity to catch more Trout for everyone.

Brandon Schwoeppe wrote by email on December 6, 2006 from bschwoep@purdue.edu

I am writing to voice my support for the proposed Black Bass regulations on the Blue River and Sugar Creek. It is encouraging to see specialized regulations to improve our streams and rivers. These regulations will obviously benefit the waterways as your biologists made the recommendations. Hopefully with the passage of the regulations it will set a precedent for other rivers and streams of our state to be regulated in the same manner if necessary.

Michael Morin wrote by email on December 6, 2006 from mrmorin@sbcglobal.net

I am opposed to changing the opening time of Trout season from 5 AM to 6 AM. I have been Trout fishing in Jackson Creek at Yellowwood State Forest on opening day for about 30 years. When I first started Trout fishing there, it was stocked with 700 Rainbows, the limit was 12 Trout, and the opening time was 12 midnight. You may have run into a dozen other Trout fishers. I have noticed that the Trout seem to stop feeding at sunrise. Since I have been going Trout fishing, the limit has been decreased, the opening time has been pushed forward nearer to sunrise, fees have gone up (for both licenses and camping), and the fishing pressure has increased; but the number of Trout stocked has not increased. I personally, would like to see the opening time moved back to 12 midnight, and more Trout stocked in Jackson Creek. Maybe even stock some of the larger hatchery fish, such as the large Browns like they have done in the past at Salamonie. In closing, I believe that leaving the opening time at 5 AM presents an opportunity to catch more Trout for everyone.

Paul Pierce wrote by email on December 19, 2006 from PIERCE6725@aol.com

Thank you for the opportunity to comment on the proposed Indiana fisheries administrative rule changes. It was a pleasure to have met you last night and I regret that I arrived too late to participate in your discussions. Your gracious invitation to reopen the meeting was very thoughtful. Now that I know where the facility is located I will be on time for future meetings when warranted.

Let me begin by saying that I favor all the proposals. My family and friends do likewise. I am especially excited about some of the proposals regarding Bass and Trout. I offer my comments as follows:

-Bass

The 20-inch minimum size limit and one-fish bag limit for black bass in Sugar Creek-West is something for which I have wished for many years. I am an avid smallmouth fisherman, catch and release, and having a quality smallmouth stream fishery develop in Indiana is a dream come true. I would also favor a similar rule for a stream in the eastern part of the state in the future. Educating the public about this change is extremely important. I believe that it will be necessary to post subject changes at various points along the stream bank and especially at known access points. Unfortunately, not everyone reads the Fishing Guide.

-Trout

The proposed changes of a "catch and release only" season and for three stream segments in Elkhart County are also well received. I think this will greatly extend trout fishing opportunities. I have shied away from trout fishing in recent years because of the crowds encountered on opening day and for a couple of weeks thereafter. The proposed changes will add to the trout fishery developing at the Brookville Lake tailwaters.

I look forward to the final adoption of all the proposed changes. I see a definite change to new ideas being considered by the Natural Resources Commission. Some of the proposed changes have been offered dating back many years.

I want to also take this opportunity to thank you and the entire DNR for the tremendous work that is done protecting our precious natural resources.

Dustin New wrote by email on December 11, 2006 from DNew@jfnew.com

I strongly support the proposed changes in the bass and trout fishing regulations. Specifically the following:

- BASS
A 20-inch minimum size limit and one-fish daily bag limit on black bass (smallmouth, largemouth, spotted) on Sugar Creek in west central Indiana.
A protected 12 to 15-inch slot size limit on black bass on the Blue River in southern Indiana where bass smaller than 12 inches and longer than 15 inches would be able to be taken, but only two of the five bass daily bag limit may be larger than 15 inches.

- TROUT
The change to a "catch and release only" season from Jan. 1 through April 14 for inland stream trout fishing. Also a closed trout season on inland streams from April 15 to the last Saturday in April (opening day) to allow the hatcheries to complete the annual trout stockings.

A brown trout bag limit of one fish (out of the daily limit of five trout) for inland lakes and streams statewide. I would also propose this apply to Lake Michigan and its tributaries.

Three stream segments in Elkhart County (totaling 2.8 miles) are proposed to be "catch and release only" and "artificial baits or flies only" trout fishing areas.
Economically, a fish can bring much greater income to Indiana by being caught more than once. Not to mention the positive economic impact of bigger fish for license sales as well as tackle. The success for Indiana's changes in bag limits for deer (one buck) has already born fruit with more bucks and bigger bucks without negatively impacting the population. The best of both worlds – quantity and quality. I would love to see the same in our bass and trout fisheries.

Gary L. Ruston wrote by email on December 12, 2006 from garyruston@mdwessler.com

I am fully in support of the proposed administrative rule changes for bass. There is quite a bit that needs to be done to protect our fisheries, and being primarily a smallmouth bass fisherman the proposed rule changes are a good step in the right direction. Would like to see more changes such as these for other bodies of water around the state, especially rivers and streams, but these changes are a good start.

Patrick Farley wrote by email on December 12, 2006 from mailto:pat334@sbcglobal.net

As long as you allow tournaments to go on I see no need for any kind of fishing regulations, obviously you people don't read studies of fish mortality rates during and after tournaments or you just don't care. Pick up a copy of In-Fisherman and do a little reading.

Chuck Brinkman wrote by email on December 12, 2006 from cbyak@yahoo.com

I am in complete agreement with all of the proposal.

Regarding the smallmouth on sugar and blue rivers a special bravo. We need more proposals like this for other smallie rivers in our state. Additional protections such as creek limit and size ought to be considered.

I also think the trout section is a good first step as well.

Steve Haigh wrote by email on December 13, 2006 from steve.haigh@thomson.com

As an avid trout fisherman, I am pleased to know our DNR is taking steps to ensure the continuance of viable trout fishing (although limited) here in Indiana. Thank you for your efforts! I strongly urge you to take further steps protect one fishery in particular—the Brookville Reservoir tailwater (East Fork of the White River). This is a real gem here in Indiana. To everyone's amazement, Rainbow and Brown trout have held over nicely and now anglers have a bonafide opportunity to take fish in the 18-22" class. Unfortunately, some problems are now occurring on this stream.

- Overcrowding and poor manners – with so many fishermen descending on the stream many are forgetting common stream etiquette rules (i.e. jumping in 50 ft ahead of another angler).
- Limited public access to the entire length of the stream
- Low flat areas of the stream are causing the water temps to rise. Although I've never fished below the park, my understanding from other anglers is the fishing isn't as good downstream. I would venture to guess fewer trout hold over below the park because the water is too warm.
- Worm and spin fisherman are keeping a lot of fish (my back-of-the-envelop observation)

I propose the State adopt rules specific to the tailwater:

- The stream should be flies only – should a) help reduce the number of fisherman and b) make it more difficult to catch, and by default, keep trout
- Restrictions should be put into place so fisherman can keep first year rainbows only stocked by the State
- Catch & release regs to protect holdover trout – use slot limits to protect holdover fish. How big do these fish get after a year in the stream? If we know this then we can impose restrictions based on size.
- No brown trout can be taken. Did the State stock the brown trout? Didn't a private group of fisherman pay to stock the tailwater with brown trout? Isn't it true that there have been no recent stockings of brown trout in the tailwater? If so, then let's not slowly reduce these to zero over time with a one brown trout per day limit. The result will be the disappearance of brown trout in the fishery, I fear. If the State does have plans to stock brown trout, then use slot limits to protect hold over fish.

Other actions the State can take:

- Post stream etiquette signs at key access points
- Explore and make known additional public access points to the river below the park. Buy back narrow strips of land from landowners for public access.
- Work more closely with the Army Corps of Engineers to maintain an adequate flow of cold water during hot summer months. All our good efforts could come to naught if during a hot, dry summer the Corps chooses to shut down the flow and kill all the fish. Fisherman must have a say in this! They should not continue to operate in a vacuum!

Actions the State can take with public and private interest & funds:

- Hire a stream environmental management company to deepen channels and / or make narrow some of the wide, flat parts of the stream that cause summer water temps to soar. I realize this is expensive but attempts should be made to earmark public funds, raise private funds, and recruit volunteers to work on this project.

We should consider ourselves lucky to have holdover trout in the tailwater – no one expected it but it's happening in a marvelous way. I think "lucky" is the operative word. But now it's time to set luck aside, sit up, take notice, and protect and improve what nature and man have been able to accomplish so far.

C.L.Herms wrote by email on December 13, 2006 fro Clherms@cs.com

Just a few comments on possible rule changes for trout in Elkhart County. Where are the 3 stream segments that are proposed to be catch and release and artificial baits or flies only? These stream segments are proposed to total 2.8 miles. I have lived on Cobus Creek in Elkhart County for 6 years. During those 6 years I have only seen 4 trout fishermen (including myself) on an approx.1/2 mile segment of Cobus Creek. There is no fishing pressure on the stream! Thankfully the stream is clean and the fish are very healthy.

Chris Painchaud wrote by email on December 13, 2006 from Chris.Painchaud@eTapestry.com

As you consider trout regulations for this coming year, I would like to strongly urge you to protect the Brookville tailwater, which I believe is also known as the Whitewater River below the dam.

At the very least, there should be restrictive limits on the harvesting of trout there, as the fish do not reproduce in that water to my knowledge. But I would prefer a catch & release regulation over size limits, particularly for brown trout. Alternatively, there could be limits in place where only the very largest trout (who are likely toward the end of their life expectancy anyway) are harvested.

Also, this stream should be limited to "fly only." Worm fisherman seem to catch & also keep a disproportionate number of trout there. Fly-only would limit both the overcrowding which is becoming common there, and also limit the number of fish caught and kept, preserving the limited population there.

On related notes, I would also suggest...

...that the DNR work with the other appropriate authories (Corps of Engineers?) to regulate the reservoir discharge with some consideration for the downstream fishery. I understand that the primary purpose of the dam is for storm control. However, there could be more consideration given to release water more gradually to avoid washing out the fishery during rainy periods, or in some cases release water more rapidly when the stream becomes very low and dangerously warm.

...and also that additional access points be added. It is very difficult to get to much of the stream and still avoid private property. Also, several of the easiest access points are right in the middle of some of the best fish holding areas. More upstream points of access would be very beneficial.

The Brookville tailwater is a marvelous resource here in Indiana, and is truly a rare opportunity for real trout stream fishing for inland fisherman. Any expense and effort put toward preserving and enhancing this fishery would be a more-than-worthwhile investment in our sporting environment. Anyone who has ever fished there would certainly agree.

Kevin Stripe wrote by email on December 13, 2006 from kstripe@roadrunner.com

I am an avid fisherman and have fished all my life. My grandparents taught me to fish and I was able to pass my knowledge and love of the sport to my son. One of my son's first fishing trips was opening day for trout on the Pigeon River. My hopes are he will someday pass the love of this sport to his children and the sport will continue to perpetuate for all generations.

To this point I favor any changes that increase access to fishing (with reasonable bag limits) and oppose regulations that limit fishing accessibility, especially to the young.

I believe the 2.8 miles of "catch and release only" will deny many, especially the younger anglers free access to the river. When's the last time you saw a ten year old kid with a fly rod, or even casting a fly or artificial bait. 2.8 miles of catch and release will only benefit a few and discourage many. Some will argue that 2.8 miles is not much, but in principle it is everything

because it denies access to all and gives an advantage to a select few people or clubs with more resources than the majority of anglers. Another ill effect to this proposal is more trout will die upon release, and that would be a waste.

I also strongly disagree on the single brown trout limit. Why is it being reduced when the trout fishery is "put and take". I believe more brown trout will die from the stress of being hooked or will slowly cook and die of oxygen starvation when the waters recede and warm during the summer. It is far better to harvest a hooked fish and serve it at the dinner table than waste it because of a special interest driven regulation that will benefit only a few select anglers. Who will benefit most by reducing the brown trout limit? I my opinion only a few will benefit.

In closing, Keep Indiana's trout fishery accessible, obtainable, and enjoyable to all! NO to catch and release and NO to the single brown trout limit.

Thank you for hearing and hopefully heeding my opinions. I'm sure they're shared by the silent majority of anglers.

John and Angie Schwartz wrote by regular mail on December 15, 2006 from Middlebury, Indiana

As a landowner on the Little Elkhart River we oppose the "catch & release" as it will create more people on our property that we consider a loss of privacy. We are also concerned that it may become a public right-away in the future.

John Brunner wrote by email on December 18, 2006 from firstrock@hotmail.com

As a member of the Board of Directors for Indiana Smallmouth Conservation, I am in FULL support of the proposed DNR fisheries rule proposals. It's about time and thank you.

Paul Wilk wrote by regular mail on December 11, 2006 from Cedar Lake, Indiana

I would like to make a comment on the proposed fishing regulations. Please consider an increase on the Lake Michigan perch limit. I suggest it can be safely increased from 15 to perhaps 25-50. It was understood that perch may have been in peril several years go, but it seems that their populations have rebounded. All sizes of perch are being caught. At a limit of 15, it hardly seems worth the trip to the "big lake". Initially when the limit of 15 was put into effect, I did not even fish for them. Presently, I know of fishermen who say – Why bother? (pursuing 15 perch). Increased limits can also mean increased revenue in tourism, licenses, gas, etc.

Jeff Dees wrote by email on December 18, 2006 from bjdees70@comcast.net

I would like to take this opportunity to voice my support for the proposed bow fishing change.

I am a resident of Cedar Lake, Indiana and an avid bow fisher. I have fished several tournaments and many areas of the country. I did not understand or see a need for the restriction of the limit on not being able to bow fish on streams at night.

Bud Dennemann wrote by email on December 19, 2006 from bldennemann@insightbb.com

It's about time our state addressed the smallmouth and trout fisheries. I am pleased to see, and I'm in favor of these rules. I hope this is just the start of a broader management program.

Reggie Alexander wrote by email on December 19, 2006 from ReggieAlex@comcast.net

I wanted to voice my approval of the proposed fishing regulation changes for Sugar Creek, the Blue River, and the Brookville Tailwaters. I look forward to the changes and hope that results from studies of the changes will lead to the regs expanding to other streams in the state. Thanks for the proposed changes, please make them happen.

Thomas Brandl wrote by email on December 20, 2006 from thomas.g.brandl@Cummins.com

I have reviewed the recent proposed changes to the fishing regulations. I do have my concerns. My concerns are with the proposed "Catch and release only" and "artificial bait or flies only"/"artificial lure or flies only" proposal. Although it is good to see the IDNR considering such proposal. I have concerns as to when, how, why and to what extent this proposal was present, its scope and what effects it will have on future proposals.

To my knowledge the IDNR process to change or amend rules and regulations starts every two years. Proposals are accepted and reviewed till around April. Those with merit are posted for review by the public for comment. The IDNR further refines its choices by these comments. Then the final list is present to the public for further review in the fall. Then what come out of that list is present to the governor to sign for rules changes. The previous rules changes had the proposal of "all inland trout streams closed" added at the last minute. This year, it is being revised to 'catch and release only'. I feel this is a step in the right direction. Did it need to happen in the first place? Why, who waited till the last few months to include this proposal.

This bring us to this years proposal of 'catch and release only' and 'artificial lure and flies only' on some streams in Elkhart county. It seams the IDNR on some sportsman's clubs have been working on this for two years. Why did they wait till the last minute to include this proposal? I am sure many people would want to have some input on such a shift in IDNR policy. No explanation of how this proposal was benchmark was given. Why is only the special interest groups had input until this time. Most peoples attention is centered around the holidays, this time of year. As the IDNR has noted, many sportsman had problems with the closing of streams for almost 5 months. I wonder what the reaction will be with this proposal. It seems typical of the exclusionary tactics that these special interest groups use.

I do think the 'artificial lure or flies only'/'artificial bait or flies only' has merit. As you may have noted I have 'artificial lures or flies' and 'artificial baits or flies' noted. This is due to the discrepancy the IDNR has between the memo sent by email and what is posted on the IDNR website. It might seem contrite, but there is a difference between 'bait' and 'lures'. Someone reading the email only, might not give any input as they may assume the regulations won't affect their use of 'artificial baits'. If you look back to the original 'Brookville Rules Proposal' that was requested by the IDNR, it has use of 'circle hooks' for those who might choose to use bait. 'Circle hooks' have a good reputation for releasing fish quickly and without further stress. Maybe this should be amended into the proposal.

Part of changing rules is to see the long term affects they will have. It is basic scientific procedure to make one change at a time. Here the proposal is to make at least two changes at once. Are angler's activities being curtail needlessly? I favor the 'artificial lure(,bait with circle hooks) or flies' rule change. This is on a personal experience and a religious moral code. I have fished more than a few streams with special regulations. Of the five 'Blue Ribbon" streams in Pennsylvania, only one is catch and release. This is due to PCB contamination. The one stream I do fish with C&R, I tend to avoid that section. I head down stream and have better luck. Even this stream had delayed harvest and reduced creel limits at one point.

I worry about the fairness of these proposals. I can't comment on Elkhart, NETA or those involved in these regulations. I will comment though that it would be unfair to other anglers to have their activities curtailed, while some 'sportsmen's clubs' continue their activities that may degrade the fish population. In my experience, some elements are perfectly fine pointing fingers at others. Just don't point the finger at them though. If you reference Pennsylvania rules on their special regulations, you will notice some restriction on tackle. Also, in the many years I have fished in Pennsylvania, I can't remember every hearing of someone holding a 'trout fishing tournament'. If these waters need special regulations, then maybe the can't sustain the added pressure, these other activities may bear.

As in past experience, the IDNR has a tendency to place forward rule changes as they have applied before to other cases. I worry what the next round of rule changes will bring. Many others will be wanting these regulations. Do their activities or actions merit these possible future changes? I hope the IDNR gives people a bit more time for comments at that time.

The 'artificial lures (artificial bait) or flies' proposal should be enacted on a temporary basis. This will allow others to experience and comment on its effect. Special regulations are an effective tool to bring quality fishing to the public. Care must be taken that they are scientifically and fairly applied. I hope the IDNR doesn't placate the special interest groups every whim.

Allan Fish wrote by email on December 20, 2006 from afiish@sbcglobal.net

I am pleased with the proposed regulations as they were described in the November 21 issue of the Wild Bulletin. I might even suggest that the slot limit on Blue River for bass be changed to 12-16 inches, rather than 12-15. I am particularly pleased to see that there are proposed catch and release areas in Elkhart County. It would be nice to see more catch and release areas in various streams in Indiana. One that comes to mind is in the City Park at Brookville. Thanks and keep up the good work.

Ray Schwomeyer wrote by email on December 20, 2006 from rschwomeyer@comcast.net

NRC: I fully support the proposed rules. In particular the rule concerning Sugar Cr. 20-in.size limit for bass. This proposal is a giant step to improve a good stream into a blue ribbon stream. I hope this first step will be followed by other actions to improve water quality by actions from i.e.: IDEM-improve discharges along the entire stream. Indiana Hoosier Heritage-acquire land from willing sellers to improve land along the stream. Various Fishing Clubs-volunteer in any way to enhance this stream. I Request Boldly-disallow bass tournaments for cash or expensive prizes along the entire length of this stream. Congratulations to the NRC for this action.

Scott DeWees wrote by email on December 20, 2006 from s.dewees@insightbb.com

I have just heard today of the purposed slot on small mouth bass on Blue river. I am sure that would increase the size of the fish in Blue River. I have noticed over the past years that the size has declined while the numbers have increased.

Bennett BecVar wrote by email on December 20, 2006 from B2ennett@aol.com

I vote for the new regulations for black bass in Sugar Creek and Blue River.

George Tipker wrote by email on December 20, 2006 from gtipker@insightbb.com

I hope this email is being sent to the proper recipient. if not, then i apologize. your email address was passed to me by members of the Derby City Flyfishers club.

Please let it be known that in my opinion, putting a slot limit (12"-15") on small mouth bass in the blue river is a grand idea. i firmly believe that by doing such, it will greatly improve the quality and quantity of larger/healthier smallmouth bass. thank you for your consideration.

Delbert Striegel wrote by email on December 20, 2006 from ddstriegel@netzero.com

I'm supporting Indiana's DNR request for several rule changes.....a protected 12 to 15 inch slot size limit on largemouth/smallmouth bass on the Blue River in southern Indiana. I fly fish on the Blue River in Harrison/Crawford Counties but only catch small bass. Too many people are keeping all they catch.

Robert Sawtelle wrote by email on December 21, 2006 from Rmsawtelle@aol.com

I hope my email is one of many positive comments and voiced support for the proposed changes in Indiana smallmouth regulations for the Blue River (Harrison County) and Sugar Creek (West Central Indiana).

Indiana DNR has great opportunities to embrace and enhance our sport fishing experience and habitat.

I am fully supportive and an active promoter of smallmouth habitat and fishing regulation protection for Indiana's smallmouth rivers and streams. I have lived on the banks of the Blue River for over twenty years, spent countless days and years organizing litter and trash cleanups of the river and when able fished many evenings for smallmouth with flyrod I hand. It is a beautiful river. But I have sadly watched and experienced the rapid decline of Blue River as a smallmouth sport fishery.

Help us reclaim, recapture and promote Blue River as one of Indiana's best sport fisheries.

Please approve the slot limit proposed for Blue River.

But also consider:

1. Making the upper limit of the slot 17 inches
2. Reducing the upper limit take home fish to no more than one
3. Consider protecting the fish during the spawn

and of equal importance: provide more Indiana Conservation Officer support in their efforts to guard our rural river and stream heritage.

Please contact me if I can be of any help to promote, enhance or protect our river resources.

Missi Bush-Sawtelle wrote by email on December 21, 2006 from mbush2439@aol.com

As a life long resident along the banks of the Blue River in Harrison County, and as a Blue River Commissioner, I fully support the proposed black bass slot limit regulations. I think this action will go a long way to restore Blue River's historic reputation as a premier trophy and sport smallmouth river.

Bernie Rauen wrote by email on December 21, 2006 from bjrcar@bellsouth.net

I belong to a fishing club in Louisville, but fish Indiana waters often. I fully support the proposed changes to the DNR laws. The fishing pressure is tremendous not only in Indiana, but throughout the country. The numbers and size of fish has continued to decline. I fully support catch and release, slot limits, lower bag limits, etc. as has been proposed. These changes don't hurt the fishermen, they improve fishing. Please approve the proposed changes. Most people are against change regardless of what it is, so it takes courage to go against the tide, but it's the right thing to do. I support the changes and look forward to better fishing in Indiana as a result of these improvements.

H. Dan Adams wrote by email on December 21, 2006 from DRHDA501@aol.com

I have fished the Blue for 5-6 years. The small mouth there rarely get more than 7-9 inches on the end of my fly rod...and I think I am pretty good at it. On mid-Rappahannock River in VA, the Penobscot River in ME above Lincoln, and the Upper Mississippi in northern MN, I have seen much more and much larger fish than on the Blue. What is the obvious difference between these

three outstanding fisheries (last August in ME, I caught 66 smallies in two days using a Chernobyl Ant..some over 4lbs with 2-3 break offs on a 8 lb tippet!!!) and the Blue???? The management of the take there was outstanding. Most smallie fishing elsewhere in the US and Canada has become catch & release due the smallies' slow growth rates and the marvelous tourist income that can be derived by catching many big fish over and over. I know we are not that far along in Indiana, but your proposed changes are a step in the right direction. Please go forth to improve the small mouth bass protection on the Blue !!!

Joe Thurston wrote by email on December 21, 2006 from joet@thurstonengineering.com

This email is a message of overall support for the proposed FISHERIES ADMINISTRATIVE RULE CHANGES, and specifically for the following changes.

Redefined areas closed to fishing as April 15 to the last Saturday in April on trout streams stocked with rainbow trout. Establish a 12-15" slot limit on the Blue River for smallmouth bass.

Establish a 20" minimum bass size limit, and one fish daily bag limit, on Sugar Creek throughout it's entire length.

Establish a "catch and release only" season for inland trout streams from January 1 though April 14.

Establish a brown trout limit on one fish statewide, except for stream segments designated as catch and release only.

All of the above proposals will improve the sport fisheries in Indiana, and I thank you for considering these changes.

…

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-262(F)

DIGEST

Amends 312 IAC 9-6-1, 312 IAC 9-6-2, 312 IAC 9-6-6, 312 IAC 9-7-2, 312 IAC 9-7-6, 312 IAC 9-7-13, 312 IAC 9-7-14, 312 IAC 9-8-2, and 312 IAC 9-8-6 and adds 312 IAC 9-7-20, concerning fish and wildlife rules pertaining to fish management, to include definitions pertaining to fish and fishing activities; fish measurement; areas closed to fishing; sport fishing methods, except on the Ohio River; black bass; trout and salmon; fish with no bag limit, possession limit, or size limit; shovelnose sturgeon; commercial fishing, except on the Ohio River; and commercial fishing on the Ohio River. Effective 30 days after filing with the Publisher.

312 IAC 9-6-1; 312 IAC 9-6-2; 312 IAC 9-6-6; 312 IAC 9-7-2; 312 IAC 9-7-6; 312 IAC 9-7-13; 312 IAC 9-7-14; 312 IAC 9-7-20; 312 IAC 9-8-2; 312 IAC 9-8-6

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

312 IAC 9-6-1 Definitions pertaining to fish and fishing activities

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-34-12

Sec. 1. In addition to the definitions ~~contained~~ in 312 IAC 9-1, the following definitions apply throughout 312 IAC 9-7, 312 IAC 9-8, and 312 IAC 9-10:
(1) "Alewife" means the species Alosa pseudoharengus.
(2) "American eel" means the species Anguilla rostrata.
(3) "Aquarium pet trade" means the business of importing, producing, or selling live fish for display in:
(A) aquariums;
(B) tanks; or
(C) other continuing exhibits.
(4) "Atlantic salmon" means the species Salmo salar.
(5) "Bar mesh" means the length of one (1) side of the square mesh measure or as measured between two (2) knots on the same line.
(6) "Bighead carp" means the species Hypophthalmichthys nobilis.
(7) "Black bass" means the species:
(A) Micropterus salmoides;
(B) Micropterus dolomieui; and
(C) Micropterus punctulatus.
(8) "Black carp" means the species Mylopharyngodon piceus.
(9) "Black crappie" means the species Pomoxis nigromaculatus.
(10) "Blue catfish" means the species Ictalurus furcatus.
(11) "Bluegill" means the species Lepomis macrochirus.
(12) "Bluntnose minnow" means the species Pimephales notatus.
(13) "Bowfin" means the species Amia calva.
(14) "Brook trout" means the species Salvelinus fontinalis.
(15) "Brown trout" means the species Salmo trutta.
(16) "Buffalo" means the genus Ictiobus.
(17) "Bullhead" means the species:
(A) Ictalurus melas;
(B) Ictalurus nebulosus; and
(C) Ictalurus natalis.
(18) "Burbot" means the species Lota lota.
(19) "Carp" means the species Cyprinus carpio.

(20) "Cast net" means a net:
(A) not more than ten (10) feet in diameter; and
(B) having stretch mesh not larger than three-fourths (¾) inch.
(21) "Cavefish" means a fish of the family Amblyopsidae.
(22) "Chain pickerel" means the species Esox niger.
(23) "Channel catfish" means the species Ictalurus punctatus.
(24) "Chinook salmon" means the species Oncorhynchus tshawytscha.
(25) "Chub" means the species:
(A) Coregonus hoyi; and ~~the species~~
(B) Coregonus kiyi.
(26) "Cisco" means the species Coregonus artedii.
(27) "Closed aquaculture system" means a rearing facility designed to prevent the escape of cultured organisms to the wild.
(28) "Coho salmon" means the species Oncorhynchus kisutch.
(29) "Crappie" means:
(A) white crappie; and
(B) black crappie.
(30) "Dip net" means a dip net:
(A) not exceeding three (3) feet square;
(B) without sides or walls; and
(C) having stretch mesh not larger than one-half (½) inch.
(31) "Diploid" means a cell or organism that has two (2) complete sets of chromosomes.
(32) "Exotic catfish" means a walking catfish or other member of the family Clariidae.
(33) "Exotic fish" means:
(A) an exotic catfish;
(B) a bighead carp;
(C) a black carp;
(D) a silver carp;
(E) a white perch;
(F) a snakehead;
(G) a rudd;
(H) a ruffe;
(I) a tubenose goby;
(J) a round goby; or
(K) a hybrid or genetically altered fish of any of these species.
(34) "Fathead minnow" means the species Pimephales promelas.
(35) "Flathead catfish" means the species Pylodictis olivaris.
(36) "Freshwater drum" means the species Aplodinotus grunniens.
(37) "Gaff" or "gaff hook" means an implement:
(A) of metal or another hard or tough material;
(B) with or without barbs;
(C) making a single hook having a shank with or without a handle; ~~which~~ **and**
(D) that may be hand held to seize, hold, or sustain fish.
(38) "Gar" means the genus Lepisosteus.
(39) "Genetically altered fish" means a fish ~~which~~ **that** is the product of genetic manipulation, including polyploidy, gynogenesis, gene transfer, and hormonal sex control.
(40) "Gizzard shad" means the species Dorosoma cepedianum.
(41) "Golden shiner" means the species Notemigonus crysoleucas.
(42) "Goldfish" means the species Carassius auratus.
(43) "Grab hook" means a device or implement used as a tong to clutch, close down upon, or grasp fish.
(44) "Grass carp" means the genus Ctenopharyngodon.
(45) "Green sunfish" means the species Lepomis cyanellus.
(46) "Hybrid striped bass" means the hybrid of striped bass and white bass.
(47) "Hybrid sunfish" means a hybrid of the genus Lepomis.
(48) "Lake herring" means the species Coregonus artedii.
(49) "Lake sturgeon" means the species Acipenser fulvescens.

(50) "Lake trout" means the species Salvelinus namaycush.
(51) "Lake whitefish" means the species Coregonus clupeaformis.
(52) "Largemouth bass" means the species Micropterus salmoides.
(53) "Minnow seine" means a seine or net:
(A) not more than twelve (12) feet long and four (4) feet deep; and
(B) having stretch mesh not larger than one-half (½) inch.
(54) "Minnow trap" means a fish trapping device not exceeding twenty-four (24) inches long. The opening of the throat shall not exceed one (1) inch in diameter.
(55) "Mosquitofish" means the species Gambusia affinis.
(56) "Muskellunge" means the species Esox masquinongy.
(57) "Northern pike" means the species Esox lucius.
(58) "Quagga mussel" means the species Dreissena bugensis.
(59) "Paddlefish" means the species Polyodon spathula.
(60) "Rainbow trout" means the species Oncorhynchus mykiss.
(61) "Redear sunfish" means the species Lepomis microlophus.
(62) "Rock bass" means the species Ambloplites rupestris.
(63) "Rough fish" means any species of fish not defined as a sport fish or protected under IC 14-22-34-12.
(64) "Round goby" mean the species Neogobius melanostomus.
(65) "Rudd" means the species Scardinius erythrophthalmus.
(66) "Ruffe" means the species Gymnocephalus cernuus.
(67) "Sauger" means the species Stizostedion canadense.
(68) "Saugeye" means the hybrid of walleye and sauger.
(69) "Shad" means the genera:
(A) Alosa; and
(B) Dorosoma.
(70) "Shovelnose sturgeon" means the species Scaphirhynchus platorynchus.
~~(70)~~ **(71)** "Silver carp" means the species Hypophthalmichthys molitrix.
~~(71)~~ **(72)** "Single hook" means a fishing hook consisting of:
(A) one (1) shank; and
(B) one (1) point.
~~(72)~~ **(73)** "Smallmouth bass" means the species Micropterus dolomieui.
~~(73)~~ **(74)** "Smelt" means the genus Osmerus.
~~(74)~~ **(75)** "Snakehead" means all species of the family Channidae, including the genera:
(A) Channa; and
(B) Parachanna.
~~(75)~~ **(76)** "Sockeye salmon" means the species Oncorhynchus nerka.
~~(76)~~ **(77)** "Sport fish" means **any of the following:**
(A) Largemouth bass.
(B) Smallmouth bass.
(C) Spotted bass.
(D) Rock bass.
(E) White crappie.
(F) Black crappie.
(G) Walleye.
(H) Sauger.
(I) Saugeye.
(J) Striped bass.
(K) White bass.
(L) Hybrid striped bass.
(M) Yellow bass.
(N) Muskellunge.
(O) Tiger muskellunge.
(P) Northern pike.
(Q) Chain pickerel. ~~and~~
(R) Trout or salmon.
~~(77)~~ **(78)** "Spotted bass" means the species Micropterus punctulatus.

~~(78)~~ **(79)** "Steelhead" means the species Oncorhyncus mykiss.
~~(79)~~ **(80)** "Stretch mesh" means the extended distance or length between the extreme angles of a single mesh of net.
~~(80)~~ **(81)** "Striped bass" means the species Morone saxatilis.
~~(81)~~ **(82)** "Sucker" means the **following** genera:
(A) Carpiodes.
(B) Moxostoma.
(C) Hypentelium.
(D) Catostomus. ~~and~~
(E) Erimyzon.
~~(82)~~ **(83)** "Tiger muskellunge" means the hybrid of muskellunge and northern pike.
~~(83)~~ **(84)** "Tilapia" means all species of the genus Tilapia.
~~(84)~~ **(85)** "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.
~~(85)~~ **(86)** "Trout or salmon" means **the following:**
(A) Lake trout.
(B) Coho salmon.
(C) Chinook salmon.
(D) Sockeye salmon.
(E) Brown trout.
(F) Steelhead (or rainbow trout).
(G) Brook trout. ~~and~~
(H) Atlantic salmon.
~~(86)~~ **(87)** "Tubenose goby" means the species Proterorhinus marmoratus.
~~(87)~~ **(88)** "Walleye" means the species Stizostedion vitreum.
~~(88)~~ **(89)** "Warmouth" means the species Lepomis gulosus.
~~(89)~~ **(90)** "White bass" means the species Morone chrysops.
~~(90)~~ **(91)** "White catfish" means the species Ictalurus catus.
~~(91)~~ **(92)** "White perch" means the species Morone americana.
~~(92)~~ **(93)** "White crappie" means the species Pomoxis annularis.
~~(93)~~ **(94)** "Yellow bass" means the species Morone mississippiensis.
~~(94)~~ **(95)** "Yellow perch" means the species Perca flavescens.
~~(95)~~ **(96)** "Zebra mussel" means the species Dreissena polymorpha.
(Natural Resources Commission; 312 IAC 9-6-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3866; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

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

312 IAC 9-6-2 Fish measurement

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

Sec. 2. **(a) Except as provided in subsection (b),** the measurement of the length of a fish ~~shall~~ **must** be taken in a straight line from the tip of the snout with the mouth closed to the utmost end of the caudal (tail) fin when the fin is compressed so that the upper and lower lobes of the fin touch or overlap.

(b) The measurement of the fork length of shovelnose sturgeon must be taken in a straight line from the tip of the snout to the fork of the tail fin.
(Natural Resources Commission; 312 IAC 9-6-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

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

312 IAC 9-6-6 Areas closed to fishing

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

Sec. 6. A person must not take or possess fish at any of the following locations:
(1) From April 1 through June 15 from **the following:**
(A) The east branch of the Little Calumet River in Porter County from U.S. 12 upstream to U.S. 20, excluding its tributaries. ~~and~~
(B) Trail Creek in LaPorte County from the Franklin Street Bridge in Michigan City upstream to U.S. 35, excluding its tributaries.
(2) Within one hundred (100) feet above or below the Linde Dame (Prax Air) on the East Branch of the Little Calumet River within Porter County (northeast quarter of section 32, township 37 north, range 6 west).
(3) From the East Race waterway in the city of South Bend in St. Joseph County.
(4) From the St. Joseph River in St. Joseph County:
(A) within one hundred (100) feet of the entrance or exit of the East Race waterway;
(B) from the fish ladders located at the South Bend dam in the city of South Bend or the Downtown Mishawaka dam in the city of Mishawaka;
(C) within one hundred (100) feet of the entrances and exits of those fish ladders located at the South Bend dam or the Downtown Mishawaka dam; and
(D) while fishing from a boat within two hundred (200) feet downstream of the South Bend dam or downstream of the Downtown Mishawaka dam to the Main Street bridge in the city of Mishawaka.
(5) From April ~~20~~ **15** to the last Saturday in April from **the following:**
(A) The Pigeon River (and Pigeon Creek) in LaGrange County from the Steuben County line to County Road 410 East (Troxel's bridge), but excluding the impoundment known as the Mongo Mill Pond.
(B) Harding Run, Curtis Creek, Bloody Run, and Graveyard Run (tributaries of the Pigeon River) in LaGrange County.
(C) Turkey Creek north of County Road 100 South in LaGrange County. ~~and~~
(D) Rainbow Pit located in the Pigeon River Fish and Wildlife Area approximately one and one-tenth (1.1) miles east of Ontario in LaGrange County.
(E) Little Elkhart River in LaGrange and Elkhart counties.
(F) Rowe-Eden Ditch in LaGrange and Elkhart counties.
(G) Solomon Creek in Elkhart County.
(H) Cobus Creek in Elkhart County.
(I) Little Kankakee River in LaPorte County from County Road 800E upstream to Division Road.
(J) Spy Run within Franke Park in Allen County.
(K) Mississinewa River within the boundaries of the Randolph County Wildlife Management Area.
(L) Big Blue River within the boundaries of Wilbur Wright State Fish and Wildlife Area in Henry County.
(M) Jackson Creek upstream of Yellowwood Lake in Brown County.
(Natural Resources Commission; 312 IAC 9-6-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

SECTION 4. 312 IAC 9-7-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-2 Sport fishing methods, except on the Ohio River

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

Sec. 2. (a) Except as provided under section 13 of this rule with respect to the Ohio River, this section governs the lawful methods for fishing under this rule.

(b) An individual may take fish with the aid of illumination of **any of the following:**
(1) A spotlight.
(2) A searchlight. ~~or~~
(3) An artificial light.

(c) An individual may take fish with not more than three (3) poles, hand lines, or tip-ups at a time. Except as provided in subsection (g), affixed to each line shall be ~~no~~ **not** more than two (2) hooks or two (2) artificial baits or harnesses for use with live bait.

(d) A person must not take fish from:
(1) waters containing state-owned fish;
(2) waters of this state; or
(3) boundary waters;
by means of a hook dragged or jerked through the water with the intent to snag fish on contact.

(e) A person must not take trout or salmon from a waterway unless the fish is hooked in the mouth.

(f) A person must not fish with more than ten (10) limb lines or drop lines at a time. Each line:
(1) shall have not more than one (1) hook affixed; ~~and~~
(2) must bear a legible tag with the name and address of the user; ~~Each line~~ **and**
(3) shall be attended at least once every twenty-four (24) hours.
A limb line or drop line shall not be used within three hundred (300) yards of a dam that wholly or partly crosses a waterway.

(g) A person must not ice fish on waters of this state, except as follows:
(1) A tip-up must:
(A) be constantly in sight of the user; and ~~must~~
(B) have affixed a legible tag bearing the name and address of the user.
(2) An ice fishing shelter must visibly bear the name and address of the owner in three (3) inch block letters on the outside of the door.
(3) A portable ice fishing shelter that is left unattended must visibly bear the name and address of the owner in three (3) inch block letters on an exterior wall.
(4) An ice fishing shelter or portable shelter that is on the waters between sunset and sunrise must have, on each side of the structure or shelter, at least one (1) red reflector or a three (3) inch by three (3) inch reflective material strip.
(5) An ice fishing shelter or portable shelter must be removed from the waters before ice-out.
(6) Except from January 1 through February 15, an ice fishing shelter or portable shelter must be removed daily.

(h) A person must not take fish with more than one (1) trotline, set line, or throw line. A line must have ~~no~~ **not** more than fifty (50) hooks affixed. A trotline must be:
(1) anchored to the bottom; or
(2) set not less than three (3) feet below the surface of the water.
A legible tag with the name and address of the user must be affixed to each trotline. Each trotline must be attended at least once every twenty-four (24) hours. It is unlawful to take fish from Lake Michigan with a trotline, set line, or throw line.

(i) A person must not take fish from a lake with free-float lines or to fish from a waterway with more than five (5) free-float lines. Not more than one (1) hook shall be affixed to each line. A float:
(1) shall bear the name and address of the user; and
(2) must not be constructed of glass.
Each free-float line must be in constant attendance by the person fishing.

(j) A person must not possess a fish spear, gig, gaff, pitchfork, bowfishing equipment, crossbow, grab hook, spear gun, club, snag hook, or underwater spear in, on, or adjacent to any of the following:
(1) The Galena River (LaPorte County).
(2) Trail Creek (LaPorte County).
(3) The East Branch of the Little Calumet River (LaPorte and Porter counties).
(4) Salt Creek (Porter County).
(5) The West Branch of the Little Calumet River (Lake and Porter counties).
(6) Burns Ditch (Porter and Lake counties).
(7) Deep River downstream from the dam at Camp 133 (Lake County).
(8) The tributaries of these waterways.

(k) A person must not fish the waterways described in subsection (j) or from the St. Joseph River and its tributary streams from the Twin Branch dam downstream to the Michigan state line (St. Joseph County) with more than one (1) single hook per line or one (1) artificial bait or harness for use with live bait. Single hooks, including those on artificial baits, shall not exceed one-half (½) inch from point to shank. Double and treble hooks on artificial baits shall not exceed three-eighths (3/8) inch from point to shank.

(l) A person must not take smelt from other than Lake Michigan and Oliver Lake in LaGrange County by the use of dip nets, seines, or nets except from March 1 through May 30 with either of the following:
(1) One (1) dip net not to exceed twelve (12) feet in diameter.
(2) One (1) seine or net:
(A) not to exceed twelve (12) feet long and six (6) feet deep; and
(B) having a stretch mesh larger than one and one-half (1½) inches.
Each seine or net shall have affixed a legible tag with the name and address of the user.

(m) An individual may, by means of a fish spear, gig, spear gun, **bow and arrow,** or underwater spear, take only any sucker, carp, gar, bowfin, buffalo, or shad and only from the following waterways:
(1) West Fork of the White River from its junction with the East Fork upstream to the dam below the Harding Street generating plant of the Indianapolis Power and Light Company in Marion County.
(2) East Fork of the White River from its junction with the West Fork upstream to the dam at the south edge of the city of Columbus in Bartholomew County.
(3) White River from its junction with the West Fork of the White River and East Fork of the White River to its junction with the Wabash River in Gibson, Knox, and Pike counties.
(4) Wabash River from its junction with the Ohio River upstream to State Road 13 at the south edge of the city of Wabash in Wabash County.
(5) Tippecanoe River upstream from its junction with the Wabash River to one-half (½) mile below its junction with Big Creek in Carroll County. It is unlawful to possess a fish spear or fish gig in, on, or adjacent to the Tippecanoe River from one-half (½) mile below its junction with Big Creek in Carroll County upstream to the Oakdale Dam that forms Lake Freeman.
(6) Maumee River from the Ohio state line upstream to the Anthony Boulevard Bridge in the city of Fort Wayne.
(7) Kankakee River from the Illinois state line upstream to State Road 55 bridge south of the city of Shelby in Lake County.
(8) St. Joseph River in St. Joseph and Elkhart counties.

~~(n) An individual may use a pitchfork or bow and arrow on a waterway only to take any sucker, carp, gar, bowfin, buffalo, or shad between sunrise and sunset.~~

~~(o)~~ **(n)** In addition to any other lawful method, an individual may take a sucker, carp, gar, bowfin, buffalo, or shad by:
(1) bow and arrows from Lake Michigan; or
(2) spear, gig, spear gun, underwater spear, ~~pitchfork,~~ or bow and arrows from another lake.

~~(p)~~ **(o)** An individual may take a sucker, carp, gar, or bowfin with not more than one (1) snare only between sunrise and sunset.

(Natural Resources Commission; 312 IAC 9-7-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; errata filed Feb 26, 2002, 6:00 p.m.: 25 IR 2254; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 547; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

SECTION 5. 312 IAC 9-7-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-6 Black bass

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

Sec. 6. (a) Except as otherwise provided in this section, the aggregate daily bag limit is five (5) black bass.

(b) The aggregate daily bag limit is three (3) for black bass taken from Lake Michigan. A person must not possess more than three (3) black bass while fishing in or on Lake Michigan.

(c) Except as otherwise provided in this section, the minimum size limit for black bass taken from a waterway is twelve (12) inches but is fourteen (14) inches for black bass taken from lakes (including Lake Michigan).

(d) No minimum length limit for largemouth bass applies for the lakes listed in this subsection as follows:
(1) Brownstown Pit in Jackson County.
(2) Burdette Park Lakes in Vanderburgh County.
(3) Chandler Town Lake in Warrick County.
(4) Cypress Lake in Jackson County.
(5) Deming Park Lakes in Vigo County.
(6) Garvin Park Lake in Vanderburgh County.
(7) Glen Miller Pond in Wayne County.
(8) Hayswood Lake in Harrison County.
(9) Henry County Memorial Park Lake in Henry County.
(10) Hovey Lake in Posey County.
(11) Krannert Lake in Marion County.
(12) Lake Sullivan in Marion County.
(13) Ruster Lake in Marion County.
(14) Schnebelt Pond in Dearborn County.

(e) A person must not take or possess a largemouth bass unless the largemouth bass is less than twelve (12) inches long or more than fifteen (15) inches long from the following designated waters:
(1) Buffalo Trace Lake in Harrison County.
(2) Celina Lake in Perry County.
~~(3) Delaney Park Lake in Washington County.~~
~~(4)~~ **(3)** Indian Lake in Perry County.
~~(5)~~ **(4)** Saddle Lake in Perry County.
~~(6)~~ **(5)** Scales Lake in Warrick County.
~~(7)~~ **(6)** Shakamak State Park Lakes in Clay County, Greene County, and Sullivan County.
~~(8)~~ **(7)** Tipsaw Lake in Perry County.
~~(9)~~ **(8)** Ferdinand State Forest Lake in Dubois County.
~~(10)~~ **(9)** Montgomery City Park Lake in Daviess County.

(f) The daily bag limit is one (1) largemouth bass from Turtle Creek Reservoir in Sullivan County. A person must not take or possess a largemouth bass from Turtle Creek Reservoir unless the largemouth bass is at least twenty (20) inches long.

(g) A person must not take or possess a largemouth bass from **the following:**
(1) Patoka Lake (Orange, Crawford, and Dubois counties) or Dogwood Lake (Daviess County) unless the largemouth bass is at least fifteen (15) inches long.
~~(h) A person must not take or possess a largemouth bass from~~ **(2)** Harden Lake (Parke County) unless the largemouth bass is at least sixteen (16) inches long.

~~(i)~~ **(h)** The daily bag limit is two (2) largemouth bass, and a person must not take or possess a largemouth bass unless the largemouth bass is at least eighteen (18) inches long from the following designated waters:
(1) Tri-County State Fish and Wildlife Area.
(2) Robinson Lake in Whitley County and Kosciusko County.
(3) Ball Lake in Steuben County.
(4) Gibson Lake in Gibson County.
(5) Loon Pit at Blue Grass Fish and Wildlife Area in Warrick County.
(6) Bluegrass Pit at Blue Grass Fish and Wildlife Area in Warrick County.
(7) J. C. Murphey Lake at Willow Slough Fish and Wildlife Area in Newton County.

~~(j)~~ **(i)** A person must not take or possess a ~~largemouth~~ **black** bass ~~from Dove Hollow Lake at Glendale State Fish and Wildlife Area.~~ **unless the black bass is less than twelve (12) inches long or more than fifteen (15) inches long from the Blue River in Crawford, Harrison, and Washington counties.**

(j) The aggregate daily black bass bag limit is five (5) of which not more than two (2) can be taken or possessed that are longer than fifteen (15) inches from the Blue River located in Crawford, Harrison, and Washington counties.

(k) A person must not take or possess a black bass from Sugar Creek (Parke, Montgomery, Boone, Clinton, and Tipton counties) unless the bass is at least twenty (20) inches long. The daily bag limit is one (1) black bass taken from Sugar Creek.

~~(k)~~ **(l)** If this section prohibits a person from taking or possessing a black bass from a specified lake or waterway, a person must not possess a bass of the prohibited class on or adjacent to the lake or waterway.
(Natural Resources Commission; 312 IAC 9-7-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 549; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

SECTION 6. 312 IAC 9-7-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-13 Trout and salmon

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

Sec. 13. (a) A person must not possess a brook trout, rainbow trout, or brown trout unless the trout is as follows:
(1) Except as provided in ~~subsection~~ **subsections** (d) **and (e),** at least seven (7) inches long.
(2) Taken from the last Saturday of April after ~~5~~ **6** a.m., local time, through December 31, if taken from other than a lake. A person must not fish for trout during the closed season **in streams, which is April 15 until 6 a.m. on the last Saturday in April.**

(b) Except as otherwise provided in this section, the daily bag limit is five (5) trout, **of which not more than one (1) may be a brown trout.**

(c) Except as provided in subsection (e), the daily bag limit is three (3) lake trout.

(d) A person must not possess a brown trout from Oliver Lake, Olin Lake, or Martin Lake (LaGrange County) or the East Fork of Whitewater River downstream of Brookville Reservoir (Franklin County) unless the trout is at least eighteen (18) inches long. ~~The daily bag limit is five (5) trout of which no more than one (1) shall be brown trout.~~

(e) A person must not possess a trout or salmon taken from Lake Michigan or its tributaries unless the fish is at least fourteen (14) inches long. The daily bag limit is five (5) for any combination of trout and salmon taken under this subsection, of which ~~no~~ **not** more than two (2) shall be lake trout. Exempted from this subsection, however, are trout taken from the St. Joseph River in St. Joseph and Elkhart counties and its tributaries upstream from the Twin Branch Dam.

(f) A person must not possess more than a single day's bag limit identified in subsection (e) while fishing on Lake Michigan.

(g) A person may fish for trout from January 1 through April 14 on streams, provided that all trout are released in accordance with 312 IAC 9-6-4.

(h) The stream segments listed in this subsection in Elkhart County are designated as catch-and-release only for trout, and only artificial lures and artificial flies may be used to catch trout in these waters. All trout caught from the following waters must be released in accordance with 312 IAC 9-6-4, and fishing with live or natural baits, food products, or chemical attractants is prohibited:
(1) The Little Elkhart River from County Road 43 downstream to County Road 16, except for waters along Riverbend Park from County Road 16 upstream to the pedestrian footbridge.
(2) Solomon Creek from County Road 33 downstream to its confluence with the Elkhart River.
(3) Cobus Creek from Old U.S. 20 downstream to its confluence with the St. Joseph River.

~~(g)~~ **(i)** The areas closed to trout and salmon fishing under this section are in addition to areas closed to all fishing under 312 IAC 9-6-6.
(Natural Resources Commission; 312 IAC 9-7-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3722; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

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

312 IAC 9-7-14 Fish with no bag limit, possession limit, or size limit

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

Sec. 14. **(a)** There is no bag limit, possession limit, or size limit for the following:
(1) Alewife.
(2) American eel.
(3) Bluegill.
(4) Bowfin.
(5) Buffalo.
(6) Bullhead.
(7) Carp.
(8) Chain pickerel.
(9) Chub.
(10) Cisco.
(11) Gar.
(12) Gizzard shad.
(13) Lake herring.

(14) Lake whitefish.
(15) Shad.
(16) Smelt.
(17) Sucker.
(18) Yellow bass.

(b) Notwithstanding subsection (a), not more than twenty-five (25) of any combination of bluegill, redear sunfish, and crappie may be taken per day from J. C. Murphey Lake at Willow Slough Fish and Wildlife Area in Newton County.
(Natural Resources Commission; 312 IAC 9-7-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

SECTION 8. 312 IAC 9-7-20 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-7-20 Shovelnose sturgeon

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

Sec. 20. A person must not possess a shovelnose sturgeon unless the shovelnose sturgeon is at least twenty-five (25) inches in fork length.
(Natural Resources Commission; 312 IAC 9-7-20; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

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

312 IAC 9-8-2 Commercial fishing except on the Ohio River; general provisions

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-13
Affected: IC 14-22-14-23

Sec. 2. (a) This section applies to commercial fishing on:
(1) waters of this state;
(2) boundary waters; or
(3) waters containing state-owned fish;
other than the Ohio River.

(b) No person may take or sell fish except under this section and 312 IAC 9-10. A person may take fish with the aid of illumination of:
(1) a spotlight;
(2) a searchlight; or
(3) an artificial light;
where lawfully engaged in commercial fishing.

(c) A person subject to this section must not possess trout or salmon.

(d) A person must not possess or sell any of the following taken from the waters described in subsection (a):
(1) Chubs.
(2) Northern pike.
(3) Chain pickerel.
(4) Muskellunge.
(5) Tiger muskellunge.

(6) White bass.
(7) Yellow bass.
(8) Striped bass.
(9) Hybrid striped bass.
(10) Walleye.
(11) Sauger.
(12) Saugeye.
(13) Smallmouth bass.
(14) Largemouth bass.
(15) Spotted bass.
(16) Bluegill.
(17) Redear sunfish.
(18) Rock bass.
(19) Crappie.
(20) American eel.
(21) Paddlefish.
(22) Lake sturgeon.
(23) Lake herring.
(24) Blue catfish less than ten (10) inches long.
(25) Channel catfish less than ten (10) inches long.
(26) Flathead catfish less than ten (10) inches long.
(27) Lake whitefish less than eighteen (18) inches long.
(28) Yellow perch.
(29) Shovelnose sturgeon taken on June 1 through September 30. Shovelnose sturgeon taken from October 1 through May 31 must be at least twenty-five (25) inches in fork length.

A person who possesses or sells a fish described in this subsection must comply with 312 IAC 9-10-2.

(e) This subsection governs the reporting of fish catches as follows:
(1) A license holder, other than a license holder on Lake Michigan, shall keep accurate daily records on a departmental form of the following:
(A) The pounds and species of fish caught.
(B) The number of pieces of each type of gear fished by date.
(C) The county fished.
The license holder shall submit the completed form to the division by the fifteenth day of each month for the preceding month whether the license holder fished or not. The license holder shall allow on-board and dockside inspections of the gear and catch at any time by the director or the director's representative.
(2) A license holder on Lake Michigan must comply with the reporting requirements of IC 14-22-14-23 and section 3(g) of this rule.
(Natural Resources Commission; 312 IAC 9-8-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; filed May 28, 1998, 5:14 p.m.: 21 IR 3724; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

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

312 IAC 9-8-6 Commercial fishing on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-13
Affected: IC 14-22

Sec. 6. (a) This section applies to commercial fishing on the Ohio River.

(b) No person shall take or sell fish except in accordance with this section and 312 IAC 9-10. A person may take fish with the aid of illumination of:
(1) a spotlight;
(2) a searchlight; or

(3) an artificial light;
where lawfully engaged in commercial fishing.

(c) A license holder under this section may take and sell all species of fish from the Ohio River except the following:
(1) Largemouth bass.
(2) Smallmouth bass.
(3) Spotted bass.
(4) Rock bass.
(5) White crappie.
(6) Black crappie.
(7) Walleye.
(8) Sauger.
(9) Saugeye.
(10) Striped bass.
(11) White bass.
(12) Hybrid striped bass.
(13) Yellow bass.
(14) Muskellunge.
(15) Northern pike.
(16) Tiger muskellunge.
(17) Chain pickerel.
(18) Lake sturgeon.
(19) Trout.
(20) Salmon.
(21) Shovelnose sturgeon taken on June 1 through September 30. Shovelnose sturgeon taken from October 1 through May 31 must be at least twenty-five (25) inches in fork length.

(d) A license holder under this section must tag each item of gear so that a conservation officer may determine if the:
(1) gear is properly licensed; and ~~the~~
(2) license holder is complying with the law.

(e) No person shall possess a seine, net, or commercial trotline except as authorized for a commercial fishing license for the Ohio River. This subsection does not apply to a manufacturer, retailer, or wholesale dealer who possesses gear exclusively for sale.

(f) Commercial fishing nets authorized under this section cannot be used on a bay or inlet of the Ohio River. A line drawn from point to point of a bay or inlet denotes the limits of the fishing zone. Commercial gear cannot be used within fifty (50) yards of the mouth of a stream. Commercial gear, except slat traps, cannot be used in the following locations:
(1) ~~Uniontown~~ **John T. Myers** Dam downstream ~~of~~ **to** the outer lock wall and the portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike.
(2) Newburgh Dam downstream to the end of the outer lock wall.
(3) Cannelton Dam downstream to the end of the outer lock wall.
(4) McAlpine Dam downstream to the K and I railroad bridge.
(5) Markland Dam downstream to the end of the outer lock wall.

(g) Each item of fishing gear in use must be tended not less frequently than once every twenty-four (24) hours and all fish taken by the gear removed, except that baited hoop nets or slat traps may be left unattended for not more than seventy-two (72) hours. Each item of gear must be removed from the waters in which the item was fished immediately upon usage.

(h) Gear is authorized only as set forth as follows:
(1) Lines and mesh must be made of:
(A) linen;

(B) cotton; or
(C) a flexible synthetic fiber.
(2) The following restrictions apply to a hoop net, wing net, straight lead net, or heart lead net:
(A) Each net described in this subdivision must have a minimum bar mesh size of one (1) inch.
(B) Hoops may be any size, shape, or material.
(C) The maximum length of the lead or wing is sixty (60) feet.
(D) One (1) tag must be attached to the front hoop of each net.
(3) The following restrictions apply to a gill or trammel net:
(A) The minimum bar mesh size is four (4) inches.
(B) The nets referenced in this subdivision may be fished weighted or as a flag net.
(C) A tag must be attached to the net at intervals not less than one hundred (100) feet apart.
(4) The following restrictions apply to a commercial trotline:
(A) Each line must have more than fifty (50) hooks placed ~~no~~ **not** closer than eighteen (18) inches apart.
(B) One (1) tag must be attached.
(C) The trotline must be:
(i) not longer than three thousand (3,000) feet, including staging; and ~~must be~~
(ii) fished separately rather than tied in a continuous line.
(5) The following restrictions apply to a seine:
(A) A seine must have **the following:**
(i) A minimum bar mesh size of one (1) inch.
~~(B) A seine must have~~ **(ii)** Both float and lead lines.
~~(C) A seine must have~~ **(iii)** Wood, fiberglass, metal poles, or brails attached to each end.
~~(D)~~ **(B)** A seine in the water must be attended by persons pulling the seine through the water for the entrapment of fish.
~~(E)~~ **(C)** A seine must have a tag attached at intervals not less than one hundred (100) feet apart.
(6) The following restrictions apply to a slat trap basket:
(A) No wire or other mesh may be added to the trap.
(B) At least two (2) openings ~~no~~ **not** less than one and one-fourth (1¼) inches wide must be located between the slats. These openings shall not be restricted by cross-bracings shorter than eight (8) inches long.
(C) The trap shall be ~~no~~ **not** larger than two (2) feet in diameter or square end measure.
(D) A tag must be attached to the open ring or square.

(i) A license holder must **do the following:**
(1) Keep accurate daily catch records on a departmental form of the following:
~~(1)~~ **(A)** The pounds and species of fish caught by gear type.
~~(2)~~ **(B)** The number of paddlefish and shovelnose sturgeon caught by gear type.
~~(3)~~ **(C)** The pounds of paddlefish, shovelnose sturgeon, sucker, and eggs sold.
~~(4)~~ **(D)** The location fished by pool, river mile, and county.
~~(j) The license holder must~~ **(2)** Submit to the department the completed form required under ~~subsection (i)~~ **subdivision (1)** by the fifteenth day of each month for the preceding month whether the license holder fished or not.
~~(k) The license holder must~~ **(3)** Allow on-board and dockside inspection of the gear and catch at any time by the director or the director's representative.
(Natural Resources Commission; 312 IAC 9-8-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA)

LSA Document #06-262(F)
Notice of Intent: 20060802-IR-312060262NIA
Proposed Rule: 20061122-IR-312060262PRA
Hearing Held: December 18, 2006
Approved by Attorney General: February 20, 2007
Approved by Governor: February 27, 2007
Filed with Publisher: February 27, 2007, 2:25 p.m.

Documents Incorporated by Reference: None Received by Publisher
Small Business Regulatory Coordinator: Gregg McCollam, Assistant Director, Division of Fish and Wildlife, Department of Natural Resources, Room W273, 402 W. Washington Street, Indianapolis, Indiana 46204, (317) 233-9382, gmccollam@dnr.in.gov.

Posted: 03/28/2007 by Legislative Services Agency

RULE RECORD FOR LSA DOCUMENT #06-193(F)

FISCAL YEAR 2006–2007

LSA Document #06-193(F)

(Administrative Cause Number 06-077D)

Filed with the Publisher: January 8, 2007, 9:11 a.m.

Small Business Regulatory Coordinator

Gregg McCollam, Assistant Director, Division of Fish and Wildlife, Department of Natural Resources, Room W273, Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, (317) 233-9382, gmccollam@dnr.in.gov

Document History

LSA Document #06-193(F)
Notice of Intent: 20060705-IR-312060193NIA
Proposed Rule: 20060927-IR-312060193PRA
Hearing Held: October 23, 2006
Approved by Attorney General: December 22, 2006
Approved by Governor: January 5, 2007
Filed with Publisher: January 8, 2007, 9:11 a.m.
Documents Incorporated by Reference: None Received by Publisher
Small Business Regulatory Coordinator:
Posted: 02/07/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On April 12, 2007, the Small Business Regulatory Coordinator, Gregg McCollam, filed the following:

> No comments, questions or complaints were received from small businesses with respect to the rules governing wildlife in 312 IAC 9.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #06-193(F) at its November 14, 2006 meeting. No comments from the public were received at this meeting.

Excerpt from Hearing Officer Report dated October 26, 2006:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

Dick Mercier on behalf of the Indiana Sportsman's Roundtable

Mr. Mercier stated that "we agree to all of the rule changes." He also indicated that his group would rather see a ten foot fence required under 312 IAC 9-10-4, but acknowledged their understanding of the reason for the proposed rule requiring only an eight foot fence. With respect to 312 IAC 9-3-17, Mr. Mercier stated, "I told them eight or ten years ago that they were making a mistake when they put the dividing zone in there so its just fine after all these years to straighten that up. That suits me fine."

b) Comments Received Outside Public Hearing

David F. Delaney wrote by email on May 11, 2006 from eelriver50@yahoo.com

Please accept these comments in regard to proposed rule changes.

The rule to require landowners who do not live on property owned by them to purchase a license is outrageous. We pay taxes and have the absolute right to hunt without the purchase of a license on that land.

Secondly, rabbit seasons and Fish and Wildlife properties should be closed for those areas where duck hunters are and should be closed to dog running in the spring nesting and spring turkey hunting seasons. Many of these dog runners use these properties without purchase of a license because they don't actually hunt. So, instead, they mess up the hunting for those who really do hunt and who purchase a license in support of the DNR. These dog runners are the public welfare users of the public property.

Clarence Williams wrote by email on May 16, 2006 from asats@sigecom.net

I am in total agreement with the following.

I have seen numerous posts on internet forums where people are advised to form corporations/hunting clubs and buy ground and then take advantage of all the things that the government provides landowners.

These people are buying this ground for recreational purposes and I do not believe that the IDNR and by extension all hunters and taxpayers should be subsidizing their, their entire family and their future descendants recreational pursuit for any reason.

If they want to play they should also pay just like every hunter does.

I do believe that farmers and their family that lives on the ground should be entitled to exemptions.

1. Adds a definition of "immediate family" for clarification of the intent of the new administrative rule in 312 IAC 9-2-14 that was given final adoption in March for the clarification of hunting, fishing and trapping license exemptions for land owned by corporations. The intent is just for the farmer or landowner that lives on that land and his spouse and children to be exempt from the license requirement.

John S. Hutchins wrote by email on May 16, 2006 from solohunter@mchsi.com

I am strongly opposed to any change in the landowner exemption rules. If someone is a landowner, and falls within current law, they should be exempt. Plain and simple.

Mike Priest

I would like to see the rabbit season extended until February 15th and squirrel season open until January 31 though-out the entire state. Also I like the early season for youth hunters, it only increases interest in hunting in Indiana. Thank you for the job you do, I hope some of the increased hunting license fee goes towards giving all IDNR employees a much deserved pay raise.

Randy Showalter wrote by email on September 28, 2006 from rshow@ctlnet.com

I just wanted to advise you of my support for the spring youth season for turkey, with some questions and comments for consideration.

1. If youth turkey hunters must purchase a license to hunt during this special season, I see a barrier being created because they will have to have taken Hunter Education. Kids trying the sport for the first time will not jump into a Hunter Education for just a couple of day hunt. Somehow we need to get these first time kids past the Hunter Ed. barrier. We need an apprentice type of hunt or a free hunt that does not require Hunter Education.

2. I would also like to suggest that there be some type of follow up after these hunts to see if you are really getting where you want to be. More important than did they hunt that first time, is did we retain them down the line!

Youth hunts need to be created with the thought of recruiting kids to the sport. Events that just make us feel good will not solve the problem.

Ted Wensink wrote by email on September 29, 2006 from theodore.wensink@dometicusa.com

I am in favor of the youth spring turkey hunt. We need all the opportunities we can to involve our youth in hunting.

Adam Yoder wrote by email on September 29, 2006 from AYoder@ecommunity.com

As I will be at work at the stated time of the meeting, I wanted to include my comment regarding urban deer zones. I would like to see, if appropriate through appropriate conservation means, the urban deer zone extended north from Indianapolis/ Hamilton County to SR 38 or on a dividing line north of 32 by a couple of miles. Consistent with population growth, it would be beneficial to minimize the deer population in these areas along busy roadways and keep the deer and firearms deer hunters away from more heavily populated areas as the population naturally declines in these areas. In turn, the deer residing in the protection of the country will find more food, less auto danger and a healthier existence.

Preston Howard wrote by email on September 29, 2006 from preston.howard@dometicusa.com

Thank you for adding the youth deer hunt this year. This is great opportunity for our youth to start hunting. I am in favor of the proposed rule changes.

Hugh Nantz wrote by email on October 4, 2006 from nantzh@hanover.edu

In response to the proposal of a youth turkey season.
I think that this is a great idea. Youths need all the opportunities possible to get out and enjoy the outdoors and be introduced to hunting. Having a specific youth season would virtually eliminate

competition from other hunters. I think that there should definitely be a youth turkey season this turkey season.

Rick L. Bramwell wrote by email on October 10, 2006 from RickBramwell@aol.com

I like the youth turkey hunt. I'm wondering why the upland game season opener has been set back two days from Nov. 8 to Nov. 10?

Running rabbit season to Feb. 15 is a great idea, but why not to Feb. 20 or the end of Feb.? When does rabbit season end in other mid-west states? I hunt deer until January then switch to rabbit. I'll bet a lot of others do the same. We need more time after the first of the year.

Josh Brosmer wrote by email on October 20, 2006 from brosmerj@gmail.com

I will be unable to attend the public meeting on the 23rd but I would still like to offer my comments on a few of the proposals.

First I would like to voice my support for the proposed youth turkey season and the extension of rabbit season until Feb. 15th. The youth season should be very beneficial to attracting kids to the sport and the extension of rabbit season should help decrease conflicts between deer and rabbit hunters.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-193(F)

DIGEST

Adds 312 IAC 9-1-9.6 concerning the definition of immediate family. Amends 312 IAC 9-3-5, 312 IAC 9-3-16, 312 IAC 9-3-17, 312 IAC 9-4-11, 312 IAC 9-5-2, 312 IAC 9-5-4, 312 IAC 9-5-7, 312 IAC 9-5-9, and 312 IAC 9-10-4, which govern the management of fish and wildlife, concerning hunting deer by bow and arrows, cottontail rabbits, squirrels, wild turkeys, taking turtles, endangered species of reptiles and amphibians, reptiles and amphibians native to Indiana, reptile captive breeding licenses, and game breeder licenses. Effective 30 days after filing with the Publisher.

312 IAC 9-1-9.6; 312 IAC 9-3-5; 312 IAC 9-3-16; 312 IAC 9-3-17; 312 IAC 9-4-11; 312 IAC 9-5-2; 312 IAC 9-5-4; 312 IAC 9-5-7; 312 IAC 9-5-9; 312 IAC 9-10-4

SECTION 1. 312 IAC 9-1-9.6 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-1-9.6 "Immediate family" defined
Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-11-1
Affected: IC 14-22

Sec. 9.6. "Immediate family" means a husband, wife, son, or daughter.
(Natural Resources Commission; 312 IAC 9-1-9.6)

SECTION 2. 312 IAC 9-3-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-5 Hunting deer by bow and arrows by authority of an extra deer license
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-11-1; IC 14-22-12-1; IC 14-22-12-7

Sec. 5. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:
(1) issued a license to take an extra deer under: ~~IC 14-22-12-1(18) or IC 14-22-12-1(19)~~
(A) IC 14-22-12-1(a)(18);
(B) IC 14-22-12-1(a)(19);
(C) IC 14-22-12-1(a)(24);
(D) IC 14-22-12-7(a)(4); or
(E) IC 14-22-12-7(a)(5);
by means of a bow and arrows; or
(2) hunting under IC 14-22-11-1 ~~with an extra deer license~~ by means of a bow and arrows.

(b) Except as specified in subsection (d), the statewide seasonal limit for hunting under this section is one (1) deer of either sex. After August 31, 2007, a person must not take an antlered deer by means of a crossbow.

(c) The restrictions contained in section 4(b) and 4(e) through 4(i) of this rule also apply to a license issued under this section.

(d) The seasonal limit for hunting deer in an urban deer zone is four (4) deer of which only one (1) may be antlered. A person must possess a valid extra deer license for each deer taken. A deer taken under this subsection does not count against a bag limit for deer set elsewhere in this rule.

(e) The following areas have been designated as urban deer zones:

(1) The Indianapolis urban deer zone includes the following:
(A) All of Marion County.
(B) That portion of Hendricks County east of State Highway 267.
(C) The southeast portion of Boone County as bounded by the following:
(i) State Highway 267.
(ii) Interstate Highway 65.
(iii) State Highway 32.
(D) That portion of Hamilton County south of State Highway 32.
(2) The Fort Wayne urban deer zone includes that portion of Allen County lying within the bounds of Interstate Highway 69 and State Highway 469.
(3) The Evansville urban deer zone includes all of Vanderburgh County.
(4) The Lafayette urban deer zone includes the portion of Tippecanoe County north of State Highway 28.
(5) The Gary urban deer zone includes that portion of Lake County north of U.S. Highway 30.
(6) The Crown Point urban deer zone includes that portion of Lake County within the corporate limits of Crown Point.
(7) The Chesterton urban deer zone includes the portion of Porter County north of U.S. Highway 94.
(8) The Michigan City urban deer zone includes that portion of LaPorte County north of U.S. Highway 94.
~~(9) The Madison urban deer zone includes that portion of Jefferson County bounded on the following:~~
~~(A) East by U.S. Highway 421.~~
~~(B) North and west by State Highway 62.~~
~~(C) South by State Highway 56.~~

(Natural Resources Commission; 312 IAC 9-3-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2704; filed Nov 5, 1997, 3:25 p.m.: 21 IR 931; filed May 28, 1998, 5:14 p.m.: 21 IR 3713; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1531; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed May 25, 2005, 10:15 a.m.: 28 IR 2945)

SECTION 3. 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 cottontail rabbits is from the first Friday of November after November 3 through ~~January 31~~ **February 15** of the following year.

(b) The daily bag limit is five (5) cottontail rabbits.

(c) The season for taking and possessing 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. ~~Minnehaha, Hillenbrand, and~~
(T) Willow Slough.
~~(2)~~ **(U)** Winamac. ~~Fish and Wildlife Areas~~
~~(3) Salamonie, Huntington, Mississinewa,~~ **(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. ~~and~~
(F) Patoka. ~~lakes~~
(G) Salamonie.
~~is from October 1 through January 31 of the following year.~~

(d) ~~It is~~ **The following are** unlawful:
(1) For a person to hunt rabbits unless that person wears hunter orange.
~~(e) It is unlawful~~ **(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. ~~or~~
(F) A fume.

(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)

SECTION 4. 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 gray squirrels and fox squirrels is ~~as follows:~~
~~(1) From August 15 through December 31 north of U.S. 40.~~
~~(2)~~ from August 15 through January 31 of the following year. ~~south of U.S. 40.~~

(b) The daily bag limit is five (5) squirrels.

(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 ~~to~~ otherwise disturb the leaf nest or den of a squirrel.

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

(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)

SECTION 5. 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

Sec. 11. (a) Except as provided in subsection (c), the spring season for hunting and possessing wild turkeys:
(1) is from the first Wednesday after April 20; and
(2) continues for an additional eighteen (18) consecutive days.

(b) The fall season for hunting and possessing wild turkeys with a bow and arrows:
(1) is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday
after October 14; and
(2) continues for an additional four (4) consecutive days;
except as provided in subsection (c).

(c) The spring and fall seasons for hunting and possessing wild turkeys on
~~(1)~~ Camp Atterbury ~~and~~
~~(2) the Big Oaks National Wildlife Refuge;~~
shall be determined by the director on an annual basis **to prevent interference with military training exercises.**

(d) The limit for taking and possessing is one (1):
(1) bearded or male wild turkey during the spring season; and
(2) wild turkey of either sex during the fall season.

(e) A person must not hunt wild turkeys except between one-half (½) hour before sunrise and sunset.
(f) A person must not take a wild turkey except with the use of one (1) of the following:
(1) A shotgun or muzzle loading shotgun:
(A) not smaller than 20 gauge; and
(B) not larger than 10 gauge;
loaded only with shot of size 4, 5, 6, 7, or 7½.
(2) A bow and arrows, including crossbows as defined in 312 IAC 9-3-4(j), with the following restrictions:
(A) A person must not use a:
(i) long bow; or
(ii) compound bow;
of less than thirty-five (35) pounds pull.
(B) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
(C) A person must not use a:
(i) crossbow of less than one hundred twenty-five (125) pounds pull;
(ii) crossbow unless it has a mechanical safety; or
(iii) poisoned or explosive arrow.
(D) No portion of a bow's riser (handle) or:
(i) track;

(ii) trough;
(iii) channel;
(iv) arrow rest; or
(v) other device;
that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.
(E) Before or after lawful shooting hours, a person must not possess a:
(i) long bow;
(ii) compound bow; or
(iii) crossbow;
in the field if the nock of the arrow is placed on the bow string.

(g) A person must not hunt wild turkeys in the fall season except in a county the director designates on an annual basis by ~~emergency~~ **temporary** rule or in the spring season in ~~the following counties:~~ **Henry County.**
~~(1) Adams, south of State Road 124.~~
~~(2) Blackford.~~
~~(3) Delaware.~~
~~(4) Grant, east of Interstate 69.~~
~~(5) Hancock, east of State Road 9.~~
~~(6) Henry.~~
~~(7) Huntington:~~
~~(A) south of State Road 124; and~~
~~(B) east of Interstate 69.~~
~~(8) Jasper:~~
~~(A) south of State Highway 114; and~~
~~(B) west of Interstate 65.~~
~~(9) Jay.~~
~~(10) Newton, south of State Highway 114.~~
~~(11) Randolph, north of State Road 32.~~
~~(12) Rush, north of State Road 44.~~
~~(13) Shelby:~~
~~(A) east of State Road 9; and~~
~~(B) north of State Road 44.~~
~~(14) Wells, south of State Road 124.~~
~~(15) Whitley, south of U.S. 30.~~

(h) The special youth season for hunting wild turkeys under this subsection is two (2) consecutive days beginning on the Saturday immediately before the start of the spring turkey season in subsection (a). As used in this subsection, "youth" means an individual who is less than sixteen (16) years of age on the date of the hunt. A youth who hunts a wild turkey under this section must be accompanied by an adult who is at least eighteen (18) years of age. An adult accompanying a youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field. The seasonal limit for hunting turkeys under this subsection is one (1) bearded or male wild turkey. A youth hunter who takes a turkey under this subsection must not take another turkey during the spring turkey season in the same year.

~~(h)~~ **(i)** The use of:
(1) a dog;
(2) another domesticated animal;
(3) a live decoy;
(4) a recorded call;
(5) an electronically powered or controlled decoy; or
(6) bait;

to take a wild turkey is prohibited. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited that is attractive to wild turkeys resulting from normal agricultural practices.

~~(i)~~ **(j)** A person must not possess a handgun while hunting wild turkeys.

~~(j)~~ **(k)** 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.

~~(k)~~ **(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;
(B) license number (if applicable);
(C) date; and
(D) sex;
of the **wild** turkey taken.

~~(l)~~ **(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. After the checking station operator:
(A) records the permanent seal number on the log; and
(B) collects the piece of paper described in subsection ~~(k);~~ **(l);** 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 ~~(k)~~ **(l)** 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.

~~(m)~~ **(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)

SECTION 6. 312 IAC 9-5-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-2 Taking turtles
Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17
Affected: IC 14-22-11-1; IC 14-22-11-8; IC 14-22-12-1

Sec. 2. (a) The following species of turtles, and no others, may be taken under this section:
(1) ~~Common~~ **Eastern** snapping turtle (Chelydra serpentina serpentina).
(2) Smooth softshell turtle (Apalone mutica).
(3) Spiny softshell turtle (Apalone spinifera).

(b) The season for taking turtles is unlimited.

(c) The daily bag limit is twenty-five (25) turtles.

(d) A person must not take a turtle except by:
(1) a trap, a net, or other mechanical device ~~which~~ **that** has no opening below the surface of the water;
(2) hands;
(3) a gaff; or
(4) any method provided by statute or by 312 IAC 9-7 for sport fishing.

(e) Except as provided under IC 14-22-11-1, a resident must possess a hunting license or a fishing license issued under IC 14-22-11-8 to take a turtle. A nonresident must possess a nonresident yearly license to hunt under ~~IC 14-22-12-1(6).~~ **IC 14-22-12-1(a)(6).**
(Natural Resources Commission; 312 IAC 9-5-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3672; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 7. 312 IAC 9-5-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-4 Endangered and threatened species; reptiles and amphibians
Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17
Affected: IC 14-22-34-12

Sec. 4. The following species of reptiles and amphibians are threatened or endangered and are subject to the protections provided under IC 14-22-34-12:
(1) Hellbender (Cryptobranchus alleganiensis).
(2) Red salamander (Pseudotriton ruber).
(3) Four-toed salamander (Hemidactylium scutatum).
(4) Green salamander (Aneides aeneus).
(5) Copperbelly water snake (Nerodia erythrogaster).
(6) Butler's garter snake (Thamnophis butleri).
(7) Kirtland's snake (Clonophis kirtlandii).
(8) Scarlet snake (Cemophora coccinea).
(9) Smooth green snake ~~(Liochlorophis~~ **(Opheodrys** vernalis).
(10) Southeastern crowned snake (Tantilla coronata).
(11) Cottonmouth (Agkistrodon piscivorus).
(12) Massasauga (Sistrurus catenatus).
(13) Timber rattlesnake (Crotalus horridus).
(14) Eastern mud turtle (Kinosternon subrubrum).
(15) Spotted turtle (Clemmys guttata).
(16) Hieroglyphic river cooter (Pseudemys concinna).
(17) Alligator snapping turtle (Macrochelys ~~temmincki).~~ **temminckii).**
(18) Blanding's turtle (Emydoidea blandingii).
(19) Crawfish frog (Rana areolata).
(20) Ornate box turtle (Terrapene ornata).
(Natural Resources Commission; 312 IAC 9-5-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542; filed May 25, 2005, 10:15 a.m.: 28 IR 2947)

SECTION 8. 312 IAC 9-5-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-7 Sale and transport for sale of reptiles and amphibians native to Indiana
Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22; IC 20-19-2-8; IC 20-19-2-10

Sec. 7. (a) This section governs the:
(1) sale;
(2) transport for sale; or
(3) offer for sale or transport for sale;
of any reptile or amphibian native to Indiana regardless of place of origin.

(b) Except as otherwise provided in this section and in section 6(g) of this rule, the sale, transport for sale, or offer to sell or transport for sale of a reptile or amphibian native to Indiana is prohibited. A person must not sell a turtle, regardless of species or origin, with a carapace less than four (4) inches long, except for a valid scientific or educational purpose that is associated with one (1) of the following:

(1) A federal, state, county, city, or similar governmental agency that is engaged in scientific study or research.
(2) A scientific research organization.
(3) An accredited museum or institution of higher learning.
(4) An individual working in cooperation with a:
(A) college;
(B) university; or
(C) governmental agency.
(5) A private company under a contract for scientific or educational purposes.

(c) As used in this rule, "reptile or amphibian native to Indiana" means those reptiles and amphibians with the following scientific names, including common names for public convenience, but the scientific names control:

(1) Hellbender (Cryptobranchus alleganiensis).
(2) Common mudpuppy (Necturus maculosus).
(3) Streamside salamander (Ambystoma barbouri).
(4) Jefferson salamander (Ambystoma jeffersonianum).
(5) Blue-spotted salamander (Ambystoma laterale).
(6) Spotted salamander (Ambystoma maculatum).
(7) Marbled salamander (Ambystoma opacum).
(8) Mole salamander (Ambystoma talpoideum).
(9) Smallmouth salamander (Ambystoma texanum).
(10) Eastern tiger salamander (Ambystoma tigrinum tigrinum).
(11) Eastern newt (Notophthalmus viridescens).
(12) Green salamander (Aneides aeneus).
(13) Northern dusky salamander (Desmognathus fuscus).
(14) Southern two-lined salamander (Eurycea cirrigera).
(15) Longtailed salamander (Eurycea longicauda).
(16) Cave salamander (Eurycea lucifuga).
(17) Four-toed salamander (Hemidactylium scutatum).
(18) Northern redback salamander (Plethodon cinereus).
(19) Northern zigzag salamander (Plethodon dorsalis).
(20) Northern ravine salamander (Plethodon electromorphus).
(21) Northern slimy salamander (Plethodon glutinosus).
(22) Red salamander (Pseudotriton ruber).
(23) Lesser siren (Siren intermedia).
(24) Eastern spadefoot toad (Scaphiopus holbrookii).
(25) American toad (Bufo americanus).
(26) Fowler's toad (Bufo fowleri).
(27) **Northern** Cricket frog (Acris crepitans).
(28) Cope's gray treefrog (Hyla chrysoscelis).
(29) Green treefrog (Hyla cinerea).
(30) Eastern gray treefrog (Hyla versicolor).
(31) Spring peeper (Pseudacris crucifer).
(32) Southeastern chorus frog (Pseudacris feriarum).
~~(32)~~ **(33)** Western chorus frog (Pseudacris triseriata).
~~(33)~~ **(34)** Crawfish frog (Rana areolata).
~~(34)~~ **(35)** Plains leopard frog (Rana blairi).
~~(35)~~ **(36)** Bullfrog (Rana catesbeiana).
~~(36)~~ **(37)** Green frog (Rana clamitans).

~~(37)~~ **(38)** Northern leopard frog (Rana pipiens).
~~(38)~~ **(39)** Pickerel frog (Rana palustris).
~~(39)~~ **(40)** Southern leopard frog (Rana utricularia).
~~(40)~~ **(41)** Wood frog (Rana sylvatica).
~~(41) Common~~ **(42) Eastern** snapping turtle (Chelydra serpentina serpentina).
~~(42)~~ **(43)** Smooth softshell turtle (Apalone mutica).
~~(43)~~ **(44)** Spiny softshell turtle (Apalone spinifera).
~~(44)~~ **(45)** Alligator snapping turtle (Macrochelys ~~temmincki).~~ **temminckii).**
~~(45)~~ **(46)** Eastern mud turtle (Kinosternon subrubrum).
~~(46) Common musk~~ **(47) Stinkpot** turtle (Sternotherus odoratus).
~~(47)~~ **(48)** Midland painted turtle (Chrysemys picta marginata).
~~(48)~~ **(49)** Western painted turtle (Chrysemys picta bellii).
~~(49)~~ **(50)** Spotted turtle (Clemmys guttata).
~~(50)~~ **(51)** Blanding's turtle (Emydoidea blandingii).
~~(51)~~ **(52)** Common map turtle (Graptemys geographica).
~~(52)~~ **(53)** False map turtle (Graptemys pseudogeographica).
~~(53)~~ **(54)** Ouachita map turtle (Graptemys ouachitensis).
~~(54)~~ **(55)** Hieroglyphic river cooter (Pseudemys concinna).
~~(55)~~ **(56)** Eastern box turtle (Terrapene carolina).
~~(56)~~ **(57)** Ornate box turtle (Terrapene ornata).
~~(57)~~ **(58)** Red-eared slider (Trachemys scripta elegans).
~~(58)~~ **(59)** Eastern fence lizard (Sceloporus undulatus).
~~(59)~~ **(60)** Slender glass lizard (Ophisaurus attenuatus).
~~(60)~~ **(61)** Six-lined racerunner (Cnemidophorus sexlineatus).
~~(61)~~ **(62)** Five-lined skink (Eumeces fasciatus).
~~(62)~~ **(63)** Broadhead skink (Eumeces laticeps).
~~(63)~~ **(64)** Ground skink (Scincella lateralis).
~~(64)~~ **(65)** Eastern worm snake (Carphophis amoenus).
~~(65)~~ **(66)** Scarlet snake (Cemophora coccinea).
~~(66)~~ **(67)** Racer (Coluber constrictor).
~~(67)~~ **(68)** Kirtland's snake (Clonophis kirtlandii).
~~(68)~~ **(69)** Ringneck snake (Diadophis punctatus).
~~(69)~~ **(70)** Midland rat snake, also known as the black rat snake (Elaphe spiloides).
~~(70)~~ **(71)** Western rat snake (Elaphe ~~obsolete).~~ **obsoleta).**
~~(71)~~ **(72)** Western fox snake (Elaphe vulpina).
~~(72)~~ **(73)** Mud snake (Farancia abacura).
~~(73)~~ **(74)** Eastern hognose snake (Heterodon platirhinos).
~~(74)~~ **(75)** Prairie kingsnake (Lampropeltis calligaster calligaster).
~~(75)~~ **(76)** Black kingsnake (Lampropeltis getula nigra).
~~(76)~~ **(77)** Eastern milk snake (Lampropeltis triangulum triangulum).
~~(77)~~ **(78)** Red milk snake (Lampropeltis triangulum syspila).
~~(78)~~ **(79)** Copperbelly water snake (Nerodia erythrogaster).
~~(79)~~ **(80)** Diamondback water snake (Nerodia rhombifer).
~~(80)~~ **(81)** Northern water snake (Nerodia sipedon).
~~(81)~~ **(82)** Rough green snake (Opheodrys aestivus).
~~(82)~~ **(83)** Smooth green snake ~~(Liochlorophis~~ **(Opheodrys** vernalis).
~~(83)~~ **(84)** Bull snake (Pituophis catenifer sayi).
~~(84)~~ **(85)** Queen snake (Regina septemvittata).
~~(85)~~ **(86)** Brown snake (Storeria dekayi).
~~(86) Redbelly~~ **(87) Red-bellied** snake (Storeria occipitomaculata).
~~(87)~~ **(88)** Southeastern crowned snake (Tantilla coronata).
~~(88)~~ **(89)** Butler's garter snake (Thamnophis butleri).
~~(89)~~ **(90)** Western ribbon snake (Thamnophis proximus).
~~(90)~~ **(91)** Plains garter snake (Thamnophis radix).
~~(91)~~ **(92)** Eastern ribbon snake (Thamnophis sauritus).
~~(92)~~ **(93)** Common garter snake (Thamnophis sirtalis).

~~(93)~~ **(94)** Smooth earthsnake (Virginia valeriae).
~~(94)~~ **(95)** Northern copperhead (Agkistrodon contortrix).
~~(95)~~ **(96)** Cottonmouth ~~moccasin~~ (Agkistrodon piscivorus).
~~(96)~~ **(97)** Timber rattlesnake (Crotalus horridus).
~~(97)~~ **(98)** Massasauga (Sistrurus catenatus).

(d) As used in this section, "sale" means either of the following:
(1) Barter, purchase, trade, or offer to sell, barter, purchase, or trade.
(2) Serving as part of a meal by a restaurant, a hotel, a boarding house, or the keeper of an eating house.
However, a hotel, a boarding house, or the keeper of an eating house may prepare and serve during open season to:
(A) a guest, patron, or boarder; and
(B) the family of the guest, patron, or boarder;
a reptile or amphibian legally taken by the guest, patron, or boarder during the open season.

(e) As used in this section, "transport" means:
(1) to move, carry, or ship by any means; and
(2) for any common or contract carrier knowingly to move, carry, or receive for shipment;
a wild animal protected by law.

(f) A reptile or amphibian that is not on a state or federal endangered or threatened species list and with a color morphology that is:
(1) albinistic (an animal lacking brown or black pigment);
(2) leucistic (a predominately white animal); or
(3) xanthic (a predominately yellow animal);
is exempted from this section if it was not collected from the wild.

(g) The following are exempted from this section:
(1) An institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for the exemption, the institution must
have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of Health and Human Services.
(2) A sale made under a reptile captive breeding license governed by section 9 of this rule.
(3) The sale to and purchase of reptiles or amphibians by a:
(A) public school accredited under IC 20-19-2-8; or
(B) nonpublic school accredited under IC 20-19-2-8 and IC 20-19-2-10.
This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.
(4) The sale and purchase of a:
(A) bullfrog (Rana catesbeiana) tadpole; or
(B) green frog (Rana clamitans) tadpole;
produced by a resident holder of a hauler and supplier permit or an aquaculture permit if the tadpole is a byproduct of a fish production operation. As used in this subdivision, "tadpole" means the larval life stage of a frog for the period in which the tail portion of the body is at least one (1) inch long.

(h) A person who is transporting native reptiles and amphibians in interstate commerce, to be sold outside Indiana, is exempted from this section.
(Natural Resources Commission; 312 IAC 9-5-7; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3673; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1535; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543; filed May 25, 2005, 10:15 a.m.: 28 IR 2948; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

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

312 IAC 9-5-9 Reptile captive breeding license
Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22

Sec. 9. (a) This section:
(1) establishes the reptile captive breeding license; and
(2) sets the requirements for a person who wishes to apply for and maintain the license.

(b) The application must be made on a department form.

(c) The annual fee for a license under this section is fifteen dollars ($15).

(d) An application for a license under this section must be made within thirty (30) days of the effective date of this section for a reptile:
(1) described in subsection (e); and
(2) possessed by the applicant before the effective date of this section.
Any subsequent license application must be made within five (5) days after the applicant took possession of the first reptile described in subsection (e) and taken for captive breeding purposes.

(e) A reptile captive breeding license authorizes a person who holds the license to possess, breed, and sell the snakes listed in this section. In the following list, where both scientific names and common names are provided, common names are for public convenience, but the scientific names control:
(1) Midland rat snake, also known as the black rat snake (Elaphe spiloides).
(2) Western ratsnake (Elaphe obsoleta).
~~(2)~~ **(3)** Western fox snake (Elaphe vulpina).
~~(3)~~ **(4)** Eastern hognose snake (Heterodon platirhinos).
~~(4)~~ **(5)** Prairie kingsnake (Lampropeltis calligaster calligaster).
~~(5)~~ **(6)** Black kingsnake (Lampropeltis getula nigra).
~~(6)~~ **(7)** Eastern milk snake (Lampropeltis triangulum triangulum).
~~(7)~~ **(8)** Red milk snake (Lampropeltis triangulum syspila).
~~(8)~~ **(9)** Bull snake (Pituophis catenifer sayi).
~~(9)~~ **(10)** A snake that is not on a state or federal endangered or threatened species list and with a color morphology that is:
(A) albinistic (an animal lacking brown or black pigment);
(B) leucistic (a predominately white animal); or
(C) xanthic (a predominately yellow animal);
if it was not collected from the wild.

(f) Captive breeding stock other than a reptile described in subsection ~~(e)(9)~~ **(e)(10)** must be identified with an individually unique passive integrated transponder. A transponder must be implanted in each specimen. The type of transponder shall be approved by the commission. The imbedded transponder's code and other required information concerning the general health and condition of the animal must be:
(1) provided on a departmental form; and ~~be~~
(2) verified by a supervising veterinarian;
within fourteen (14) days after obtaining the animal.

(g) A reptile held under this section must be confined in a cage or other enclosure that makes escape of the animal unlikely. Each animal must be:
(1) provided with ample space; and
(2) kept in a sanitary and humane manner.
Animals and cages must be made available for inspection upon request by a conservation officer.

(h) Each animal possessed under this section must be lawfully acquired. ~~No~~

Not more than four (4) animals of each species described in subsection (e) may be collected annually from the wild. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition for animals not taken from the wild shall be presented to a conservation officer upon request. A person licensed under this section who collects an animal from the wild must document, on a departmental form, when and where the animal was collected. The animal must be fitted with a passive integrated transponder within fourteen (14) days of taking possession.

(i) A person licensed under this section must not possess an animal larger than the maximum sale length described in this subsection unless the animal is fitted with a transponder as part of the breeding stock of the person. Captive-bred offspring may only be sold before an individual attains the following total length:

(1) Fifteen (15) inches for an eastern hognose snake.
(2) Eighteen (18) inches for any of the following:
(A) A black rat snake.
(B) A western ratsnake.
~~(B)~~ **(C)** A western fox snake.
~~(C)~~ **(D)** A black kingsnake.
~~(D)~~ **(E)** A prairie kingsnake.
~~(E)~~ **(F)** An eastern milk snake.
~~(F)~~ **(G)** A red milk snake.
(3) Twenty-eight (28) inches for a bull snake.

(j) A person licensed under this section must maintain accurate records on a calendar year basis on the number and disposition of breeding stock and captive breed young. The records shall include **the following:**

(1) The species and number of animals captured, received, or sold. ~~and~~
(2) The birth dates of captive born animals. ~~In addition, the records shall include~~
(3) The complete name and complete address of the person from whom an animal was purchased or to whom an animal was sold.

The records shall be maintained at the place of business of the license holder for at least two (2) years after the end of the license year. Upon request by a conservation officer, the license holder must make the records available for inspection.

(k) A person licensed under this section must not release to the wild a captive breeder or the offspring of a captive breeder.

(Natural Resources Commission; 312 IAC 9-5-9; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3675; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 545; filed May 25, 2005, 10:15 a.m.: 28 IR 2950)

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

312 IAC 9-10-4 Game breeder licenses
Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-20
Affected: IC 4-21.5; IC 14-22

Sec. 4. (a) An application for a license as a game breeder of one (1) or more of the following species of wild animals (common names are included for public convenience, but the scientific names control) shall be made on a departmental form:

(1) Ring-necked pheasant (Phasianus colchicus).
(2) Bobwhite quail (Colinus virginianus).
(3) White-tailed deer (Odocoileus virginianus).
(4) Eastern cottontail rabbit (Sylvilagus floridanus).
(5) Gray squirrel (Sciurus carolinensis).
(6) Fox squirrel (Sciurus niger).
(7) Southern flying squirrel (Glaucomys volans).
(8) Beaver (Castor canadensis).

(9) Coyote (Canis latrans).
(10) Gray fox (Urocyon cinereoargenteus).
(11) Red fox (Vulpes vulpes).
(12) Mink (Mustela vison).
(13) Muskrat (Ondatra zibethicus).
(14) Opossum (Didelphis marsupialis).
(15) Raccoon (Procyon lotor).
(16) Striped skunk (Mephitis mephitis).
(17) Long-tailed weasel (Mustela frenata).
(18) Least weasel (Mustela nivalis or Mustela rixosa).

(b) An application for a ~~permit~~ **license** under this section must be made within five (5) days after the:
(1) acquisition of an animal within Indiana; or ~~within five (5) days after the~~
(2) importation of an animal into Indiana.
Each cage or enclosure will be inspected by a conservation officer before a license may be issued.

(c) A license holder may add a species to a game breeder license other than those identified in the application upon:
(1) an inspection by a conservation officer; and
(2) approval by the division of fish and wildlife.
A conservation officer must be notified within five (5) days of acquisition of the new species.

(d) Each animal possessed under this section must be lawfully acquired. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition shall be presented for inspection upon the request of a conservation officer. Game or furbearing mammals or game birds, other than wild turkeys, lawfully taken in season may be retained alive after the close of the season. Any person wishing to import:
(1) any live animal under this license; or
(2) the eggs of birds covered under this license;
must secure a certificate of veterinary inspection from an accredited veterinarian in the state of origin before the animal is shipped into Indiana. Documentation in the form of a copy of a valid game breeder license or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of wild animals.

(e) A wild animal must be confined in a cage or other enclosure that makes escape of the animal unlikely and prevents the entrance of a free-roaming animal of the same species. The cage or enclosure shall be large enough to provide the wild animal with ample space for exercise and to avoid overcrowding. All chainlink or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired. **The enclosure for white-tailed deer must have a perimeter fence consisting of at least a single eight (8) foot fence.** Night quarters, holding pens, and nesting boxes may not be used as primary housing. ~~Fresh water, rainproof dens, nest boxes, windbreaks, shelters, shade, and bedding~~ **The following** shall be provided as required for the comfort of the particular species of animal:
(1) Fresh water.
(2) Rainproof dens.
(3) Nest boxes.
(4) Windbreaks.
(5) Shelters.
(6) Shade.
(7) Bedding.
Each animal shall be handled, housed, and transported in a sanitary and humane manner. An enclosure must be provided with sufficient drainage to prevent standing water from accumulating. The cages or other enclosures must be made available upon request for inspection by a conservation officer.

(f) No wild animals may be released except for bobwhite quail and ring-

necked pheasants. Known diseased bobwhite quail and ring-necked pheasants may not be released. A license holder must report the escape of any white-tailed deer to a conservation officer within twenty-four (24) hours.

(g) A known diseased wild animal possessed under this section shall not be sold.

(h) A license holder must comply with all applicable state, local, or other federal laws.

(i) A license holder shall do the following:
(1) Record all ~~transactions by which a~~ **additions and deletions to the inventory for every** wild animal **that** is:
(A) born or has died;
(B) sold;
(C) traded;
(D) loaned;
(E) bartered; or
(F) given to another person;
on a departmental form or computerized record.
(2) Keep a copy of the ~~transaction record~~ **inventory** on the premises of the game breeder, ~~for at least two (2) years after the transaction~~ and a copy must be provided to a conservation officer upon request.
(3) Issue a valid, dated receipt for all animals sold, traded, bartered, or gifted and include the following information:
(A) Game breeder license number.
(B) Buyer and seller name and address.
(C) Number of animals sold.
(D) Species of animal sold.
A copy of all of the receipts issued must be on the premises of the game breeder for at least two (2) years after the year of the transaction.

(j) **A license expires on December 31 of the year the license is issued.**
The license holder ~~shall provide~~ **must file** an ~~annual report to~~ **application with** the division by February 15 **of each year in order to renew the license.** The annual report **must accompany the renewal application and** shall include for each species possessed under this license the ~~following information:~~ **number:**
(1) ~~number~~ bought;
(2) ~~number~~ sold;
(3) ~~number~~ born;
(4) ~~number~~ traded;
(5) ~~number~~ gifted;
(6) ~~number~~ of deaths; **and**
(7) on hand.

(k) A conservation officer may enter the premises of the license holder at all reasonable hours to inspect those premises and any records relative to the license. The conservation officer shall immediately notify the license holder if the inspection reveals that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and the:
(1) license may be suspended or revoked under IC 4-21.5; and ~~the~~
(2) wild animals may be confiscated;
if the license holder fails to comply with a provision of the license.

(l) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:
(1) A provision of a license issued under this section.
(2) IC 14-22-20.

(3) All applicable state, local, or other federal laws.

(Natural Resources Commission; 312 IAC 9-10-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jan 26, 2004, 10:45 a.m.: 27 IR 1789)

RULE RECORD FOR LSA DOCUMENT #06-134(F)

FISCAL YEAR 2006–2007

LSA Document #06-134(F)

(Administrative Cause Number 06-073E)

Filed with the Publisher: February 27, 2007, 2:23 p.m.

Small Business Regulatory Coordinator
Stephen L. Lucas, Division of Hearings, Natural Resources Commission, Indiana Government Center-South,402 West Washington Street, Room W272, Indianapolis, IN 46204, (317) 233-3322, slucas@nrc.in.gov

Document History
LSA Document #06-134(F)
Notice of Intent: June 1, 2006; 29 IR 3042
Proposed Rule: 20061122-IR-312060134PRA
Hearing Held: December 15, 2006
Approved by Attorney General: February 20, 2007
Approved by Governor: February 27, 2007
Filed with Publisher: February 27, 2007, 2:23 p.m.
Documents Incorporated by Reference: None Received by Publisher
Posted: 03/28/2007 by Legislative Services Agency

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On Wednesday, March 29, 2007, the Small Business Regulatory Coordinator for this rule, Stephen L. Lucas, filed by email from slucas@nrc.in.gov the following:

No comments have been received other than those referenced by the hearing officer in her report to the Natural Resources Commission. Thank you.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #06-134(F) at its January 16, 2007 meeting. No comments public comments were received at this meeting.

Excerpt from Hearing Officer Report dated December 29, 2006:

...

1. Report of Public Hearing

On June 9, 2006, a "notice of intent" was published in the INDIANA REGISTER (29 IR 3042) to adopt a rule that would add Dearborn County to the larger pine shoot beetle quarantine area. Dearborn County is declared "generally infested with larger pine shoot beetle." No comments were received in response to this notice.

A public hearing was convened as scheduled ... A public hearing notice was also placed on the E-calendar of the Natural Resources Commission Web site. No one from the public appeared for the hearing and no comments were filed regarding this rule promulgation.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-134(F)

DIGEST

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

312 IAC 18-3-12

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

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

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

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

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

(c) Exempted from subsection (b) are the following counties:
(1) Clark.
(2) Clay.
(3) Crawford.
(4) Daviess.
~~(5) Dearborn.~~
~~(6)~~ **(5)** Dubois.
~~(7)~~ **(6)** Floyd.
~~(8)~~ **(7)** Gibson.
~~(9)~~ **(8)** Greene.
~~(10)~~ **(9)** Harrison.
~~(11)~~ **(10)** Jackson.
~~(12)~~ **(11)** Jefferson.
~~(13)~~ **(12)** Knox.
~~(14)~~ **(13)** Lawrence.
~~(15)~~ **(14)** Martin.
~~(16)~~ **(15)** Ohio.
~~(17)~~ **(16)** Orange.
~~(18)~~ **(17)** Perry.
~~(19)~~ **(18)** Pike.
~~(20)~~ **(19)** Posey.
~~(21)~~ **(20)** Scott.
~~(22)~~ **(21)** Spencer.
~~(23)~~ **(22)** Sullivan.
~~(24)~~ **(23)** Switzerland.
~~(25)~~ **(24)** Vanderburgh.
~~(26)~~ **(25)** Warrick.
~~(27)~~ **(26)** Washington.

(d) The following items are regulated articles:
(1) The larger pine shoot beetle in any life stage.

(2) Entire plants or parts of the genus pine (Pinus spp.). Exempted from this subdivision are plants that conform to each of the following:
(A) Are less than thirty-six (36) inches high.
(B) Are one (1) inch in basal diameter or less.
(3) Logs and lumber of pine with bark attached. Exempted from this subdivision are logs of pine and pine lumber with bark attached if **the:**
(A) ~~the~~ source tree was felled during the period of July through October; and
(B) ~~the~~ logs and lumber are shipped from the quarantined area during the period of July through October.
(4) Any other article, product, or means of conveyance if determined by the division director to present the risk of spread of the larger pine shoot beetle.

(e) The following actions are ordered within the infested area:
(1) The movement by a person of a regulated article to a destination outside the infested area is prohibited, except under the following conditions:
(A) A thorough examination of all nursery stock takes place on a piece by piece basis.
(B) A statistically based examination of Christmas trees is made according to the following schedules:

TABLE 1. PAINTED (COLOR-ENHANCED)
PINE CHRISTMAS TREES[1]

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

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

TABLE 2. NATURAL (UNPAINTED)
CHRISTMAS TREES[1]

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

[1]If a pine shoot beetle is detected in any one (1) of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the shipment will be allowed to move with a limited permit. The limited permit must state, "All trees that remain unsold as of December 25 must be destroyed by burning or chipping or must be fumigated prior to January 1.".
(C) Following the examination, a determination is made that no life stages of the larger pine shoot beetle are present. The determination must be accompanied by either of the following:
(i) A certificate of inspection approved by the division.

(ii) A certificate or similar authorization issued by the U.S. Department of Agriculture under a parallel federal quarantine.
(D) The certificate for the absence of the larger pine shoot beetle must be attached to and remain on the regulated articles until the articles reach their destinations. This requirement is, however, satisfied if the:
(i) certificate is attached to the shipping document; and ~~the~~
(ii) regulated article is adequately described on the shipping document of the certificate.
(2) A regulated article originating outside the infested area may move through the infested area without a certificate of inspection if the point of origin of the regulated article is indicated on the waybill or shipping documents and transportation conforms with this subdivision. Passage through the infested area must be made without stopping, except for refueling or traffic conditions, and shall be conducted within either of the following conditions:
(A) The ambient temperature is below fifty (50) degrees Fahrenheit.
(B) The regulated article is carried in an enclosed vehicle with an adequate covering to prevent access by the larger pine shoot beetle. Examples of an adequate covering include canvas, plastic, or loosely woven cloth.
(3) A regulated article originating outside the infested area that is:
(A) moved into the infested area; and
(B) exposed to potential infestation by the larger pine shoot beetle;
is considered to have originated from the infested area. Any regulated article under this subdivision is controlled by subdivision (1).
(4) The movement of a regulated article from an infested area through any noninfested area to another infested area is prohibited without a certificate for the absence of the larger pine shoot beetle except where both of the following conditions are met:
(A) Passage through a noninfested area is made without stopping, except for refueling or traffic conditions, if:
(i) the ambient temperature is below fifty (50) degrees Fahrenheit; or ~~if~~
(ii) in an enclosed vehicle with an adequate covering to prevent access by the larger pine shoot beetle.
(B) The waybill or shipping documents accompanying any shipment of regulated articles within or through Indiana indicate the county and state of origin of the regulated articles.
(5) Any regulated article imported or moved within Indiana in violation of this section shall be immediately removed from any noninfested area or destroyed. The expense of compliance with this subdivision is the joint and several responsibility of any person possessing or owning the regulated article. Compliance with this subsection shall be performed under the direction of the division director.
(6) In addition to the penalty set forth in subdivision (5), a person who violates this section is subject to any administrative, civil, or criminal sanction set forth in IC 14-24 and this article.
(7) This section does not preclude the division director from issuing any permit under section 3 of this rule.
(Natural Resources Commission; 312 IAC 18-3-12; filed Nov 22, 1996, 3:00 p.m.: 20 IR 950; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1273; filed Feb 9, 1999, 4:16 p.m.: 22 IR 1945; filed Apr 4, 2001, 3:02 p.m.: 24 IR 2404; filed May 16, 2002, 12:28 p.m.: 25 IR 3049; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 19, 2003, 8:50 a.m.: 26 IR 3313; filed May 25, 2005, 10:30 a.m.: 28 IR 2951; filed Feb 27, 2007, 2:23 p.m.: 20070328-IR-312060134FRA)

RULE RECORD FOR LSA DOCUMENT #06-107(F)

FISCAL YEAR 2006–2007

LSA Document #06-107(F)

(Administrative Cause Number 05-137J)

Filed with the publisher: January 26, 2007, 10:48 a.m.

Small Business Regulatory Coordinator
Stephen L. Lucas, Division of Hearings, Natural Resources Commission, Indiana Government Center-South,402 West Washington Street, Room W272, Indianapolis, IN 46204, (317) 233-3322, slucas@nrc.in.gov

Document History
LSA Document #06-107(F)
Notice of Intent: May 1, 2006; 29 IR 2587
Proposed Rule: 20060920-IR-312060107PRA
Hearing Held: October 13, 2006
Approved by Attorney General: January 9, 2007
Approved by Governor: January 23, 2007
Filed with Publisher: January 26, 2007, 10:48 a.m.
Documents Incorporated by Reference: Indiana Rules of Court, Code of Judicial Conduct; effective January 1, 1999, including amendments passed through January 1, 2006

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On Wednesday, January 29, 2007, the Small Business Regulatory Coordinator for this rule, Stephen L. Lucas, filed by email from slucas@nrc.in.gov the following:

No comments have been received other than those referenced by the hearing officer in her report to the Natural Resources Commission. Thank you.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #06-107(F) at its November 14, 2006 meeting. No comments public comments were received at this meeting.

Excerpt from Hearing Officer Report dated October 24, 2006:

…

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) **Public Hearing Comments**

No public comments were received during the public hearing conducted on October 13, 2006.

b) **Comments Received Outside Public Hearing**

Senator Beverly Gard, District 28, through email correspondence dated November 29, 2005 stated:

Judge Lucas,
I apologize for the delay with my reply. You are exactly correct in your assessment of the legislative intent with the phrase "applicable provisions of the code of judicial conduct".

Your draft rule seems just fine to me and I think it will clarify the issue for any that may raise questions in the future.

I appreciate your giving me the opportunity to look at this.

…

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-107(F)

DIGEST

Adds 312 IAC 3-1-2.5 governing standards to identify the applicable provisions of the Code of Judicial Conduct for administrative law judges of the Natural Resources Commission under IC 14-10-2-2. Effective 30 days after filing with the Publisher.

312 IAC 3-1-2.5

SECTION 1. 312 IAC 3-1-2.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 3-1-2.5 Applicable provisions of the code of judicial conduct to administrative law judges

Authority: IC 14-10-2-4
Affected: IC 4-21.5; IC 14-10-2-2

Sec. 2.5. (a) The following definitions apply throughout this section:
(1) "Administrative law judge" means an administrative law judge for the natural resources commission.
(2) "Code of judicial conduct" refers to the code of judicial conduct adopted by the Indiana supreme court, effective January 1, 1999 (including amendments passed through January 1, 2006).

(b) This section is intended to assist with the implementation of IC 14-10-2-2(a)(2)(C), which requires administrative law judges to comply with the applicable provisions of the code of judicial conduct.

(c) For purposes of this section, wherever in the code of judicial conduct the term:
(1) "court personnel" or a term of similar application is used, the term applies to an employee of the commission's division of hearings, other than an administrative law judge; and
(2) "judge" is used, the term applies to an administrative law judge.

(d) Unless otherwise specified in subsection (e), the provisions of the code of judicial conduct are applicable to an administrative law judge. These provisions shall be liberally construed to implement the intention of IC 14-10-2-2.

(e) The following provisions of the code of judicial conduct are inapplicable to an administrative law judge:
(1) Canon 3B(11) and 3B(13).
(2) Canon 4C.
(3) Canon 4G, to the extent that the practice of law in a representational capacity on a pro bono publico basis pursuant to the Indiana Rules of Professional Conduct, Rule 6.1 is prohibited. Such practice of law shall, however, be conducted subject to all applicable requirements of the code of judicial conduct.
(4) Canon 4H(2).
(5) Canon 5A(3), 5A(4), 5B(1), 5C, 5D, and 5F.
(Natural Resources Commission; 312 IAC 3-1-2.5; filed Jan 26, 2007, 10:48 a.m.: 20070214-IR-312060107FRA)

RULE RECORD FOR LSA DOCUMENT #06-92(F)

FISCAL YEAR 2006–2007

LSA Document #06-92(F)

(Administrative Cause Number 05-195W)

Filed with the publisher: January 26, 2007, 10:45 a.m.

Small Business Regulatory Coordinator
Ken Smith, Department of Natural Resources, Division of Water, Indiana Government Center-South, 402 W. Washington Street, Room W264, Indianapolis, IN 46204
kesmith@dnr.in.gov

Document History
LSA Document #06-92(F)
Notice of Intent: May 1, 2006; 29 IR 2587
Proposed Rule: 20060830-IR-312060092PRA
Hearing Held: October 4, 2006
Approved by Attorney General: January 11, 2007
Approved by Governor: January 23, 2007
Filed with Publisher: January 26, 2007, 10:45 a.m.
Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On Wednesday, February 7, 2007, the Small Business Regulatory Coordinator for this rule, filed by email from **kesmith@dnr.in.gov** and the following:

No comments have been received other than those referenced by the hearing officer in her report to the Natural Resources Commission.

On Friday, August 3, 2007, the Small Business Regulatory Coordinator reported that no comments, complaints, or questions were received regarding this rule in the most current State fiscal year.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #06-92(F) at its November 14, 2006 meeting. No comments public comments were received at this meeting.

Excerpt from Hearing Officer Report dated October 11, 2006:

…

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) **Public Hearing Comments**

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

b) **Comments Received Outside Public Hearing**

No public comments were received outside the public hearing.

…

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-92(F)

DIGEST

Adds 312 IAC 10.5, governing the regulation of dams, to clarify definitions for the implementation of IC 14-27-7.5, implement the legislative mandate in IC 14-27-7.5-8 for the Department of Natural Resources to clarify, by rule, the criteria used for assigning a hazard classification to a structure that is based on the potential consequences resulting from the uncontrolled release of the structure's contents due to a failure of the structure, and include the statutorily required classifications of high hazard, significant hazard, and low hazard to be consistent with current practice for terms used in IC 14-27-7.5. Effective 30 days after filing with the Publisher.

312 IAC 10.5

SECTION 1. 312 IAC 10.5 IS ADDED TO READ AS FOLLOWS:

ARTICLE 10.5. REGULATION OF DAMS

Rule 1. Application and Administration

312 IAC 10.5-1-1 Application of article

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 1. This article:
(1) governs an activity that is controlled by IC 14-27-7.5; and
(2) establishes definitions and creates procedures related to hazard classifications.
(Natural Resources Commission; 312 IAC 10.5-1-1; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-1-2 Administration

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 2. (a) The division administers IC 14-27-7.5 and this article.

(b) Unless otherwise specified, the division director or a designate of the division director shall take any action that is appropriate for the implementation of IC 14-27-7.5 and this article.
(Natural Resources Commission; 312 IAC 10.5-1-2; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

Rule 2. Definitions

312 IAC 10.5-2-1 Applicability

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 1. The definitions in:
(1) IC 14-27-7.5-2 through IC 14-27-7.5-6;
(2) 312 IAC 1; and
(3) this rule;

apply throughout this article.
(Natural Resources Commission; 312 IAC 10.5-2-1; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-2 "Appurtenant works" defined

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 2. "Appurtenant works" means auxiliary features of a dam that are reasonably required for the safe and proper operation of the structure. The term may include each of the following:
(1) The spillway system.
(2) Outlet works.
(3) Gates and valves.
(4) Tunnels.
(5) Conduits.
(6) Levees.
(7) Embankments.
(Natural Resources Commission; 312 IAC 10.5-2-2; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-3 "Dam" defined

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5-1

Sec. 3. "Dam" means an artificial manmade barrier, including appurtenant works, that meets the conditions as given in IC 14-27-7.5-1.
(Natural Resources Commission; 312 IAC 10.5-2-3; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-4 "Design storm event" defined

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 4. "Design storm event" means the depth of precipitation that is used to calculate the volume and time distribution of runoff from a watershed that a spillway system must safely pass without jeopardizing the safety of the dam. The depth of precipitation typically ranges from fifty percent (50%) to one hundred percent (100%) of probable maximum precipitation, depending upon the hazard classification.
(Natural Resources Commission; 312 IAC 10.5-2-4; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-5 "Division" defined

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 5. "Division" means the division of water of the department.
(Natural Resources Commission; 312 IAC 10.5-2-5; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-6 "Division director" defined

Authority: IC 14-27-7.5-8

Affected: IC 14-27-7.5

Sec. 6. "Division director" means the director of the division.
(Natural Resources Commission; 312 IAC 10.5-2-6; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-7 "Maximum breach inundation area" defined

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 7. "Maximum breach inundation area" means the downstream area that would be affected by flooding from an uncontrolled release of a dam's contents when:
(1) the impoundment is at maximum design pool elevation;
(2) the downstream area is flooded from the spillway discharge when the dam breaches; and
(3) conditions exist that would result in the highest hazard potential for:
(A) property damage; or
(B) the possible loss of human life;
if the dam fails.
(Natural Resources Commission; 312 IAC 10.5-2-7; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-8 "Maximum design pool elevation" defined

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 8. "Maximum design pool elevation" means the highest water level impounded by the dam resulting from the design storm event, assuming both of the following:
(1) No:
(A) debris blockage;
(B) unplanned restrictions; or
(C) improper operation;
of the spillway system.
(2) Prestorm water level at the level of the principal spillway.
(Natural Resources Commission; 312 IAC 10.5-2-8; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-9 "Occupied quarters" defined

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 9. "Occupied quarters" means a structure that is or may be used for any of the following:
(1) Human living quarters.
(2) Business.
(3) Medical services.
(4) Education.
(5) Place of worship.
(6) Public office.
(7) Industrial facilities.
(8) Permanent or temporary overnight lodging for humans.
(Natural Resources Commission; 312 IAC 10.5-2-9; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-10 "Probable maximum precipitation" or "PMP" defined

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 10. "Probable maximum precipitation" or "PMP" means the greatest theoretical depth of precipitation for a given duration that is physically possible over a given size storm area at a particular geographical location, based upon National Weather Service hydrometeorological reports.
(Natural Resources Commission; 312 IAC 10.5-2-10; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-11 "Professional engineer" defined

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5; IC 25-31

Sec. 11. "Professional engineer" means an individual who, because of special knowledge of the:
(1) mathematical and physical sciences; and
(2) principles and methods of engineering analysis and design;
that are acquired by education and practical experience, is qualified to engage in the practice of engineering, as attested by the individual's registration as a professional engineer and license to practice engineering in Indiana under IC 25-31.
(Natural Resources Commission; 312 IAC 10.5-2-11; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-2-12 "Spillway system" defined

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 12. "Spillway system" means a structure or structures that conveys flow through, around, or over the dam. A spillway system typically consists of the following:
(1) A principal spillway.
(2) An emergency spillway.
(3) A drawdown mechanism.
(Natural Resources Commission; 312 IAC 10.5-2-12; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

Rule 3. Hazard Classification

312 IAC 10.5-3-1 Consideration of hazard classification

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 1. (a) The division shall assign whether a dam is classified as:
(1) high hazard;
(2) significant hazard; or
(3) low hazard;
based on best information available.

(b) In making the determination of assignment under subsection (a), the division shall apply existing U.S. Army Corps of Engineers Phase 1 reports and other appropriate documentation.

(c) The division may also consider observations of the dam and the vicinity of the dam, including the risk posed to human life and property if the dam fails.

(1) If an uncontrolled release of the structure's contents due to a failure of the structure may result in any of the following, the dam shall be considered high hazard:
(A) The loss of human life.
(B) Serious damage to:
(i) homes;
(ii) industrial and commercial buildings; or
(iii) public utilities.
(C) Interruption of service for more than one (1) day on any of the following:
(i) A county road, state two-lane highway, or U.S. highway serving as the only access to a community.
(ii) A multilane divided state or U.S. highway, including an interstate highway.
(D) Interruption of service for more than one (1) day on an operating railroad.
(E) Interruption of service to an interstate or intrastate utility, power or communication line serving a town, community, or significant military and commercial facility, in which disruption of power and communication would adversely affect the economy, safety, and general well-being of the area for more than one (1) day.
(2) If an uncontrolled release of the structure's contents due to a failure of the structure may result in any of the following, the dam shall be considered significant hazard:
(A) Damage to isolated homes.
(B) Interruption of service for not more than one (1) day on any of the following:
(i) A county road, state two-lane highway, or U.S. highway serving as the only access to a community.
(ii) A multilane divided state or U.S. highway, including an interstate highway.
(C) Interruption of service for not more than one (1) day on an operating railroad.
(D) Damage to important utilities where service would be interrupted for not more than one (1) day, but either of the following may occur:
(i) Buried lines can be exposed by erosion.
(ii) Towers, poles, and aboveground lines can be damaged by undermining or debris loading.
(3) If an uncontrolled release of the structure's contents due to a failure of the structure does not result in any of the items given in subdivision (1) or (2) and damage is limited to either farm buildings, agricultural land, or local roads, the dam shall be classified as low hazard.

(d) The division may modify an assignment of hazard classification, made previously under this article, if changes in the downstream development affect the potential for loss of human life and property.
(Natural Resources Commission; 312 IAC 10.5-3-1; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

312 IAC 10.5-3-2 Reconsideration of hazard classification

Authority: IC 14-27-7.5-8
Affected: IC 14-27-7.5

Sec. 2. (a) This section establishes a process by which a dam owner or another affected person may request reconsideration of a determination of hazard classification made under section 1 of this rule.

(b) The dam owner or other affected person may submit any technical information or reports that were not previously available to the division.

(c) The dam owner's or other affected person's professional engineer may develop and submit a maximum breach inundation area and current damage evaluation assessing the downstream area affected by a dam breach.
(1) If the maximum breach inundation area and current damage evaluation predicts any of the following, the dam shall be classified as high hazard:
(A) Flood depths greater than one (1) foot in any occupied quarters.
(B) Loss of human life may occur.
(C) Interruption of service for more than one (1) day on any of the following:
(i) A county road, state two-lane highway, or U.S. highway serving as the only access to a community.

(ii) A multilane divided state or U.S. highway, including an interstate highway.
(D) Interruption of service for more than one (1) day on an operating railroad.
(E) Damage to any occupied quarters where the flow velocity at the building compromises the integrity of the structure for human occupation.
(F) Interruption of service to an interstate or intrastate, utility, power or communication line serving a town, community, or significant military and commercial facility, in which disruption of power and communication would adversely affect the economy, safety, and general well-being of the area for more than one (1) day.
(2) If the maximum breach inundation area and current damage evaluation predicts any of the following, the dam shall be classified as significant hazard:
(A) Interruption of service for not more than one (1) day on any of the following:
(i) A county road, state two-lane highway, or U.S. highway serving as the only access to a community.
(ii) A multilane divided state or U.S. highway, including an interstate highway.
(B) Interruption of service for not more than one (1) day on an operating railroad.
(C) Damage to any occupied quarters that would not render the structure unusable.
(D) Damage to important utilities where service would be interrupted for not more than one (1) day, but either of the following may occur:
(i) Buried lines can be exposed by erosion.
(ii) Towers, poles, and aboveground lines can be damaged by undermining or debris loading.
(3) If the maximum breach inundation area and current damage evaluation results predict none of the items in subdivision (1) or (2) and damage is limited to farm buildings, agricultural land, or local roads, the dam shall be classified as low hazard.
(Natural Resources Commission; 312 IAC 10.5-3-2; filed Jan 26, 2007, 10:45 a.m.: 20070221-IR-312060092FRA)

RULE RECORD FOR LSA DOCUMENT #06-68(F)

FISCAL YEAR 2006–2007

LSA Document #06-68(F)

(Administrative Cause Number 06-046R)

Filed with the publisher: November 6, 2006, 8:58 a.m.

Small Business Regulatory Coordinator
Brock Mayes, Department of Natural Resources, Division of Reclamation, R. R. #2 Box 129, Jasonville, Indiana 47438, (812) 665-2207, bmayes@reclamation.dnr.state.in.us

Document History
LSA Document #06-68(F)
Notice of Intent: April 1, 2006; 29 IR 2254
Proposed Rule: May 1, 2006; 29 IR 2605
Hearing Held: June 2, 2006
Approved by Attorney General: October 26, 2006
Approved by Governor: November 6, 2006
Filed with Publisher: November 6, 2006, 8:58 a.m.
Documents Incorporated by Reference: 30 U.S.C. 1201-1328

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On December 11, 2006, Brock Mayes, the Small Business Regulatory Coordinator for this rule, filed by email from **bmayes@dnr.in.gov** and regular mail the following:

R.R. #2, Box 129
Jasonville, IN 47338
December 13, 2006

Ms. Jennifer M. Kane
Natural Resources Commission
Division of Hearings
Indiana Government Center South
402 W. Washington St., Room W 272
Indianapolis, Indiana 46204

Re: LSA #06-68(F)
SBRC Comment Report

Dear Ms. Kane:

As you are aware under IC 4-22-2-28.1 (i) the coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director: (1) not later than ten (10) days after the date on which the rule is file stamped by the secretary of state under section 35 of this chapter; and (2) before July 15 of each year during which the rule remains in effect. The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

As Small Business Regulatory Coordinator for the LSA #06-68(F) published in Final Rule on December 7, 2006. I am required to deliver a record of all comments received by December 15, 2006. At this time no comments have been received from small business affected by this rule. Required rule making procedures were followed starting with the public notice of intent to adopt a rule published in Indiana Register, all comment periods required by regulation were observed, and a public hearing was conducted on June 2, 2006. Any comments received during the hearing are on file with Division of Hearings. An electronic copy of this letter was also sent to you on December 13, 2006.

If you have any questions contact me at our office.

Sincerely,

Brock A. Mayes
Small Business Regulatory Coordinator (SBRC)
Division of Reclamation

/bm
cc: Bruce Stevens, Director Division of Reclamation

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources Gave final adoption to LSA Document #06-68(F) at its July 18, 2006 meeting. No comments public comments were received at this meeting.

Excerpt from Hearing Officer Report dated June 21, 2006

…

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) **Public Hearing Comments**

Department of Natural Resources

Bruce Stevens, Division of Reclamation, reported that the Division of Reclamation has discussed the proposed rule package with representatives of the coal industry throughout the rule adoption process. Mr. Stevens consulted with Mr. Nat Noland of the Indiana Coal Council on June 1, 2006 at which time Mr. Noland confirmed the Indiana Coal Council had not concerns with the proposed rule package although Mr. Noland indicated that he did not intend to participate in the public hearing scheduled for June 2, 2006.

b) **Comments Received Outside of Public Hearing**

No comment were received outside the public hearing.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-68(F)

DIGEST

Amends 312 IAC 25-1-57, 312 IAC 25-4-87, 312 IAC 25-5-16, 312 IAC 25-6-20, 312 IAC 25-6-66, and 312 IAC 25-7-1, which assist in the administration of IC 14-34 sometimes referred to as the "Indiana Surface Control and Reclamation Act" or "Indiana SMCRA") that governs surface coal mining and reclamation activities, to make numerous changes to help assure conformance with state and federal law, to qualify approved reclamation projects financed with less than 50 percent federal funding as "government financed construction", to remove requirements for submittal of an application for water impoundments of less than 100-acre feet and exempt impoundments that are entirely contained within an incised structure from examination requirements, to add provisions allowing the director of the Department of Natural Resources to initiate an application for bond release and clarify the procedure for conducting informal conferences regarding a proposed bond release, to clarify requirements for construction or reconstruction of primary roads, and to clarify the definition of "abandoned site" as used in 312 IAC 25-7-1. Effective upon the Department of Natural Resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of the Interior and notice of that approval being published in the Indiana Register.

312 IAC 25-1-57
312 IAC 25-4-87
312 IAC 25-5-16
312 IAC 25-6-20
312 IAC 25-6-66
312 IAC 25-7-1

SECTION 1. 312 IAC 25-1-57 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-1-57 "Government-financed construction" defined
Authority: IC 14-10-2-4; IC 14-34-2-1
Affected: IC 14-34

Sec. 57. "Government-financed construction" means construction funded **at** fifty percent (50%) or more by funds appropriated from a government financing agency's budget or obtained from general revenue bonds. **Government financing at less than fifty percent (50%) may qualify if** the ~~term does not mean~~ **construction is undertaken as an approved reclamation project under Title IV of the Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 through 30 U.S.C. 1328) and IC 14-34-19. Construction funded through:**

(1) a government financing agency guarantee;
(2) insurance;
(3) a loan;
(4) funds obtained through industrial revenue bonds or their equivalent; or
(5) an in-kind payment;

does not qualify as government-financed construction. *(Natural Resources Commission; 312 IAC 25-1-57; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3410, eff Dec 1, 2001)*

SECTION 2. 312 IAC 25-4-87 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-87 Underground mining permit applications; reclamation plan for siltation structures, impoundments, dams, embankments, and refuse piles
Authority: IC 14-10-2-4; IC 14-34-2-1
Affected: IC 14-34

Sec. 87. (a) Each application shall include a general plan and a detailed design plan for each proposed siltation structure, water impoundment, and coal processing waste dam, embankment, or refuse pile within the proposed permit area. The information required shall be provided as follows:

(1) Each general plan shall be as follows:

(A) Be prepared by, or under the direction of, and certified by a qualified registered professional engineer or by a professional geologist either of whom shall be experienced in the design and construction of impoundments.

(B) Contain **the following:**

(i) A description, map, and cross section of the structure and its location.

(C) ~~Contain~~ **(ii)** Preliminary hydrologic and geologic information required to assess the hydrologic impact of the structure.

(D) ~~Contain~~ **(iii)** A survey describing the potential effect on the structure from subsidence of the subsurface strata resulting from past underground mining operations if underground mining has occurred.

(E) ~~Contain~~ **(iv)** A certification statement that includes a schedule setting forth the dates when any detailed design plans for structures that are not submitted with the general plan will be submitted to the director. The director shall have approved, in writing, the detailed design plan for a structure before construction of the structure begins.

(2) Each detailed design plan for a structure shall be as follows:

(A) Be prepared by, or under the direction of, and certified by a qualified registered professional engineer with assistance from experts in related fields, such as **the following:**

(i) Geology.

(ii) Land surveying. ~~and~~

(iii) Landscape architecture.

(B) Include any geotechnical investigation, design, and construction requirements for the structure.

(C) Describe **the following:**

(i) The operation and maintenance requirements for each structure.

~~(D) Describe~~ **(ii)** The timetable and plans to remove each structure if appropriate.

~~(E)~~ **(D)** Identify those structures that meet or exceed the size and other criteria of 30 CFR 77.216(a) and include a copy of the plans for design and construction approved by the Mine Safety and Health Administration for those identified structures.

(b) Siltation structures, whether temporary or permanent, shall be designed in compliance with the requirements of 312 IAC 25-6-81. Any siltation structure or earthen structure that will remain on the proposed permit area as a permanent water impoundment shall also be designed to comply with the requirements of 312 IAC 25-6-84.

(c) Permanent and temporary impoundments shall be designed to comply with the requirements of **the following:**

(1) 312 IAC 25-6-84.

(2) 30 CFR 77.216-1. ~~and~~

(3) 30 CFR 77.216-2.

(d) Refuse piles shall be designed to comply with 312 IAC 25-6-98 through 312 IAC 25-6-102.

(e) Coal processing waste dams and embankments shall be designed to comply with the requirements of 312 IAC 25-6-98 and 312 IAC 25-6-106 through 312 IAC 25-6-108. Each plan shall also comply with the requirements of the Mine Safety and Health Administration, 30 CFR 77.216-1 and 30 CFR 77.216-2, and shall contain the results of a geotechnical investigation of the proposed dam or embankment foundation area to determine the structural competence of the foundation that will support the proposed dam or embankment structure and the impounded material. The geotechnical investigation shall be planned and supervised by an engineer or engineering geologist according to the following:

(1) The number, location, and depth of borings and test pits shall be determined using current, prudent engineering practice for the **following:**

(A) Size of the dam or embankment.

(B) Quantity of material to be impounded. ~~and~~
(C) Subsurface conditions.
(2) The character of the overburden and bedrock, the proposed abutment sites, and any adverse geotechnical conditions that may affect the particular dam, embankment, or reservoir site shall be considered.
(3) All springs, seepage, and ground water flow observed or anticipated during wet periods in the area of the proposed dam or embankment shall be identified on each plan.
(4) Consideration shall be given to the possibility of:
(A) mudflows;
(B) rock-debris falls; or
(C) other landslides;
into the dam, embankment, or impounded material.
(f) If the structure meets the Class B or C criteria for dams in TR-60 or meets the size and other criteria of 30 CFR 77.216(a), each plan under subsections (b), (c), and (e) shall include the following:
(1) A stability analysis of the structure that shall include, but not be limited to, **the following:**
(A) Strength parameters.
(B) Pore pressures.
(C) Long term seepage conditions.
(2) A description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

(g) If the proposed siltation structure, water impoundment, coal processing waste dam, or embankment is permanent and the:
(1) structure is twenty (20) feet or higher;
(2) drainage area above the structure is one (1) square mile or larger; or
(3) volume of water impounded is more than one hundred (100) acre-feet;
an application shall be submitted to the division of water, department of natural resources, and prior approval shall be obtained from the director before construction of the structure begins~~. If necessary to protect the health or safety of persons or property or the environment, even though the volume of water impounded is less than one hundred (100) acre-feet, the director may require an application to be made.~~
(Natural Resources Commission; 312 IAC 25-4-87; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3473, eff Dec 1, 2001; filed Apr 1, 2004, 3:00 p.m.: 27 IR 2448, eff Jan 1, 2005)

SECTION 3. 312 IAC 25-5-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-5-16 Performance bond release; requirements
Authority: IC 14-10-2-4; IC 14-34-2-1, IC 14-34-6-11
Affected: IC 4-21.5-3; IC 14-34-10-2; 30 CFR 800.40

Sec. 16. (a) A permittee may file a request with the department for the release of all or part of a performance bond or deposit. Within thirty (30) days after an application for bond or deposit release is filed with the department, the operator shall submit a copy of an advertisement placed at least once a week for four (4) successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. The advertisement must be part of any bond release application and shall include the following:
(1) The precise location of the land affected.
(2) The number of acres.
(3) The permittee's name.
(4) The permit number and the date approved.
(5) The amount of the bond filed and the portion sought to be released.
(6) The type and appropriate dates of reclamation work performed.
(7) A description of the results achieved relative to the operator's approved reclamation plan.
The advertisement shall also state that any person with a valid legal interest that might be adversely affected by release of the bond, or the responsible officer or head of any federal, Indiana, or local governmental agency that has jurisdiction by law or is authorized to develop and enforce environmental

standards with respect to the operations, may file written comments or objections or may request a public hearing ~~or informal conference~~ concerning the proposed release from bond with the department within thirty (30) days after the last publication of notice. The notice shall contain the address of the division for submission of comment and the calendar date for the close of the comment period. In addition, as part of any bond release application, the applicant shall submit copies of letters that the applicant has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities or water companies in the locality in which the surface coal mining and reclamation activities took place, providing notification of the request to seek release from the bond.

(b) The director may initiate an application for the release of a bond. If a bond release application is initiated by the director, the department shall perform the notification and certification requirements otherwise imposed on the permittee under this section.

~~(b)~~ **(c)** The permittee shall include in the application for bond release a notarized statement that certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of this article and the approved reclamation plan. The certification shall be submitted for each application or phase of bond release.

~~(c)~~ **(d)** Within thirty (30) days after receipt of the notification and request, or as soon afterwards as weather conditions permit, the department shall conduct an inspection and evaluation of the reclamation work. The evaluation shall consider, among other things, **the following:**

(1) The degree of difficulty to complete any remaining reclamation.
(2) Whether pollution of surface and subsurface water is occurring.
(3) The probability pollution will continue. ~~and~~
(4) The estimated cost of abating the pollution.

The surface owner, agent, or lessee shall be given notice of the inspection by the director and may participate with the department in the inspection. The department shall notify, in writing, the permittee and any other interested person of a decision whether to release all or part of the performance bond or deposit within sixty (60) days after receipt of the request if no public hearing **or informal conference** is held under subsection ~~(g)~~ **(i) or (j) or** if ~~a~~ **an informal conference is held under subsection (i) or** public hearing is held under subsection ~~(g), an administrative law judge shall enter an order under IC 4-21.5-3-27~~ **(j)** within thirty (30) days after the **informal conference or public** hearing is completed.

~~(d)~~ **(e)** The department may release the bond or deposit, in whole or in part, upon a determination the reclamation covered by the bond or deposit or portion thereof has been accomplished as required by IC 14-34 according to the following schedule:

(1) Phase I. After the operator completes the backfilling, regrading, and drainage control of a bonded area under the approved reclamation plan, sixty percent (60%) of the bond or collateral for the applicable permit may be released.
(2) Phase II. After the operator establishes revegetation on the regraded mined lands under the approved reclamation plan, an additional twenty-five percent (25%) of the total original bond amount may be released. No part of the bond or deposit shall be released under this subdivision if the lands to which the release would be applicable are contributing suspended solids to the stream flow or run-off outside the permit area in excess of the limitations in IC 14-34 and until soil productivity for prime farmlands has returned to the equivalent levels of yield as nonmined land of the same soil type in the surrounding area as determined from the soil survey performed under IC 14-34. If a siltation structure is to be retained as a permanent impoundment, a bond release may occur under this subdivision if provisions for sound future maintenance by the operator or the landowner are made with the department.
(3) Phase III. The department may release the remaining bond only after **the:**
   (A) ~~the~~ operator has successfully completed all surface coal mining and reclamation activities required in IC 14-34, this article, or the permit; and
   (B) ~~the~~ expiration of the period specified for operator responsibility in IC 14-34-10-2.

~~(e)~~ **(f)** If the director disapproves the application for release of the bond or portion thereof, the director shall notify the permittee, the surety, and any person with an interest in collateral as provided for in section 12 of this rule, in writing:

(1) stating the reasons for disapproval; and
(2) recommending corrective actions necessary to secure the release and allowing an opportunity for a public hearing.

~~(f)~~ **(g)** If an application is made for total or partial bond release, the department shall notify any municipality in which a surface coal mining operation is located by certified mail at least thirty (30) days before granting the release.

~~(g) Any person with a valid legal interest that might be adversely affected by release of the bond or the responsible officer or head of any federal, state, or local government agency that has jurisdiction by law or is authorized to develop and enforce environmental standards with respect to the operation may file written objections to the proposed release with the department within thirty (30) days after the last publication of the notice under subsection (a). If written objections are filed, and a hearing requested, the department shall inform all the interested parties of the time and place of the hearing and hold a public hearing in the locality of the surface coal mining operation proposed for bond release within thirty (30) days of the request for such hearing (or, at the option of the person filing the hearing request, in Indianapolis or Jasonville). The date, time, and location of the hearing shall also be advertised by the department in a newspaper of general circulation in the locality of the mine for two (2) consecutive weeks.~~

(h) A determination by the director under the provisions of this article or IC 14-34 is subject to review. An affected person may obtain administrative review under IC 4-21.5 and 312 IAC 3-1. The division of hearings of the commission shall, as soon as practicable, conduct any appropriate proceeding.

~~(h)~~ **(i) Upon receipt of written objection or a request for public hearing under subsection (a), the** department, **at the discretion of the director,** may set a dispute under this section for an informal conference **to resolve the objection.** Conduct of an informal conference does not alter or prejudice the rights and responsibilities under this section of **any of the following:**
(1) A permittee.
(2) A person who files objections.
(3) The department. ~~or~~
(4) Another interested person.

~~(i) For the purpose of such hearing, the department shall have the authority to:~~
~~(1) administer oaths;~~
~~(2) subpoena witnesses or written or printed materials;~~
~~(3) compel the attendance of witnesses or production of the materials; and~~
~~(4) take evidence, including, but not limited to, inspections of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity.~~
~~A verbatim record of each public hearing shall be made and a transcript made available on the motion of any party or by order of the department.~~

(j) If objections filed under subsection (a) are not resolved through an informal conference, the department shall hold a public hearing within a reasonable time following the receipt of the request. The public hearing shall be conducted as follows:
(1) The date, time, and location of the public hearing shall be sent to the permittee and other parties to the hearing and advertised by the department in a newspaper of general circulation in the county where the surface coal mining and reclamation operation proposed for bond release is located one (1) time each week for two (2) consecutive weeks.
(2) The requirements of IC 4-21.5-3 shall not apply to the conduct of the public hearing. The public hearing shall be conducted by a representative of the director, who may accept oral or written statements and any other relevant information from any party to the public hearing. An electronic or stenographic record shall be made unless waived by all parties. The record shall be maintained and shall be accessible to the parties of the public hearing until final release of the applicant's performance bond or other equivalent guarantee under this article.
(3) The department shall furnish all parties of the public hearing with the following:

(A) The written findings of the director based on the public hearing.
(B) The reasons for the finding.
(4) If all parties requesting the public hearing withdraw their request before the conference is held, the public hearing may be canceled.

(Natural Resources Commission; 312 IAC 25-5-16; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3506, eff Dec 1, 2001; errata filed Nov 20, 2001, 11:55 a.m.: 25 IR 1182; filed Apr 1, 2004, 3:00 p.m.: 27 IR 2455, eff Jan 1, 2005; errata filed Sep 8, 2004, 2:42 p.m.: 28 IR 214)

SECTION 4. 312 IAC 25-6-20 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-20 Surface mining; hydrologic balance; permanent and temporary impoundments
Authority: IC 14-10-2-4; IC 14-34-2-1
Affected: IC 14-34

Sec. 20. (a) This section applies to both temporary and permanent impoundments and must satisfy the following conditions:

(1) An impoundment meeting the:

(A) Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60); or ~~an impoundment meeting the~~

(B) size or other criteria of 30 CFR 77.216(a);

shall comply with the requirements of 30 CFR 77.216 and this rule.

(2) The design of impoundments shall be certified in accordance with 312 IAC 25-4-49 as designed to meet the requirements of this rule using current, prudent engineering practices and any design criteria established by the director. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.

(3) Impoundments must meet the following criteria for stability:

(A) An impoundment meeting the:

(i) Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60); or ~~an impoundment meeting the~~

(ii) size or other criteria of 30 CFR 77.216(a);

shall have a minimum static safety factor of one and five-tenths (1.5) for a normal pool with steady state seepage saturation conditions and a seismic safety factor of at least one and two-tenths (1.2).

(B) Impoundments not meeting the:

(i) Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60); or ~~not meeting the~~

(ii) size or other criteria of 30 CFR 77.216(a);

except for a coal mine waste impounding structure ~~and located where failure would not be expected to cause loss of life or serious property damage~~ shall have a minimum static safety factor of one and three-tenths (1.3) for a normal pool with steady state seepage saturation conditions.

(C) ~~In lieu~~ **Instead** of meeting the static safety factor requirements of clause (B), the applicant may elect, in order to ensure stability for temporary impoundments not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) or not meeting the size or other criteria of 30 CFR 77.216(a) to grade as follows:

(i) The side slopes of the settled embankments shall not be steeper than two (2) horizontal to one (1) vertical on the upstream slopes.

(ii) The downstream slopes shall not be steeper than three (3) horizontal to one (1) vertical. An impoundment constructed within these guidelines shall not be approved for permanent postmining land use until the criteria for permanent impoundments of this section have been satisfied.

(4) The size and configuration of the impoundment shall be adequate for its intended purposes. Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume. Impoundments meeting the Class B or C criteria for dams in TR-60 shall comply with the freeboard hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60.

(5) Foundations and abutments for an impounding structure shall be:

(A) stable during all phases of construction and operation; and ~~shall be~~

(B) designed based on adequate and accurate information on the foundation conditions.
For an impoundment meeting the size or other criteria of 30 CFR 77.216(a) or the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability. All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed, if necessary, to ensure stability.

(6) Slope protection shall be provided to protect against **the following:**

(A) Surface erosion at the site. ~~and protect against~~

(B) Sudden drawdown.

(7) An impoundment shall include either a combination of principal and emergency spillways or a single spillway configured as specified in clause (A), designed and constructed to safely pass the applicable design precipitation event specified in clause (B), except as set forth in subsection (c)(1).

(A) The director may approve a single open channel spillway that is:

(i) of nonerodible construction and designed to carry sustained flows; or

(ii) earth-lined or grass-lined and designed to carry short term, infrequent flows at nonerosive velocities where sustained flows are not expected.

(B) Except as specified in subsection (c)(1), the required design precipitation event for an impoundment meeting the spillway requirements of this section is as follows:

(i) For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

(ii) For an impoundment meeting the Class B or C criteria for dams in TR-60, the emergency spillway hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or greater event as specified by the director.

(iii) For an impoundment not meeting the:

(AA) size or other criteria of 30 CFR 77.216(a); or ~~not meeting the~~

(BB) Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60);

a twenty-five (25) year, six (6) hour event, or greater event as specified by the director.

(8) The vertical portion of any remaining highwall must be located far enough below the low water line, along the extent of the highwall, to provide adequate safety and access for proposed water users. If surface run-off enters the impoundment, the side slope must be protected to prevent erosion.

(9) A qualified registered professional engineer or other qualified professional specialist under the direction of a professional engineer, either of whom shall be experienced in the construction of impoundments, shall inspect each impoundment according to the following provisions:

(A) Inspections shall be made:

(i) regularly during construction;

(ii) upon completion of construction; and

(iii) at least yearly until removal of the structure or release of the performance bond.

(B) The qualified registered professional engineer shall, within thirty (30) days after each inspection required in clause (A), provide to the director a certified report that the impoundment has been constructed or maintained, or both, as designed and in
accordance with the approved plan and this article. The report shall include discussion of the following:

(i) Any appearance of instability, structural weakness, or other hazardous condition.

(ii) Depth and elevation of any impounded waters.

(iii) Existing storage capacity.

(iv) Any existing or required monitoring procedures and instrumentation.

(v) Any other aspects of the structure affecting stability.

(C) A copy of the report shall be retained at or near the mine site.

(D) Impoundments:

(i) subject to 30 CFR 77.216; or

(ii) meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60);

must be examined in accordance with 30 CFR 77.216-3.

(E) Impoundments that do not meet the size or other criteria of 30 CFR 77.216(a) or do not meet the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) shall be

examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness, or other hazardous conditions. At least one (1) of the quarterly examinations conducted during the calendar year shall be certified by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness, or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and this section. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The certified examination report shall be submitted to the director within thirty (30) days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 312 IAC 25-5-16. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the examination requirements of this clause following approval by the director:

(i) Impoundments that are completely incised.

(ii) Impoundments that are entirely contained within an incised structure such that the incised structure would completely contain the waters of the impoundment should failure occur and failure would not create a potential threat to public health and safety or threaten significant environmental harm.

~~(ii)~~ **(iii)** Water impounding structures that:

(AA) impound water to a design elevation ~~no~~ **not** more than five (5) feet above the upstream toe of the structure; and ~~that~~

(BB) can have a storage volume of not more than twenty (20) acre-feet;

provided the exemption request is accompanied by a report sealed by a qualified registered professional engineer licensed in the state accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the director ~~prior to~~ **before** approval and periodically thereafter. The director may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself.

~~(iii)~~ **(iv)** Impoundments that do not facilitate mining or reclamation, including, but not limited to, the following:

(AA) Sewage lagoons.
(BB) Landscaping ponds.
(CC) Pools or wetlands in replaced stream channels.
(DD) Existing impoundments not yet used to facilitate mining.
(EE) Ephemeral water bodies.
(FF) Active mining pits.
(GG) Differential settlement pools.

(10) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the director of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the director shall be notified immediately. The director shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

(b) Permanent impoundments of water may be authorized by the director upon the basis of the following demonstration:

(1) The quality of the impounded water shall be suitable on a permanent basis for its intended use and, after reclamation, will meet applicable Indiana and federal water quality standards, and discharge of water from the impoundments will meet applicable effluent limitations and shall not degrade the quality of receiving waters to less than the water quality standards established under applicable Indiana and federal laws.

(2) The level of water shall be sufficiently stable to support the intended use.

(3) Water impoundments shall not result in the diminution of the quality or quantity of water used by adjacent or surrounding landowners for:

(A) agricultural;

(B) industrial;

(C) recreational; or
(D) domestic;
uses.
(4) The size and configuration of the impoundment are adequate for the intended purposes. The impoundment has an adequate freeboard to resist overtopping by waves and by sudden increases in storage volume.
(5) The impoundments will be suitable for the approved postmining land use.
(6) The design, construction, and maintenance of structures shall achieve the minimum design requirements applicable to structures constructed and maintained under the Watershed Protection and Flood Prevention Act, P.L.83-566 (16 U.S.C. 1006).
(7) Final grading will provide for adequate safety and access for proposed water users.
(8) For final cut and permanent incised impoundments, final graded slopes down to the water level shall not exceed in grade thirtythree and one-third percent (33a%) or the lesser slope needed to do the following:
(A) Protect the public health and safety.
(B) Enable the permittee to **do the following:**
(i) Place topsoil on the slope under section 11 of this rule. ~~and to~~
(ii) Revegetate the slope under sections 54 through 61 of this rule.

(c) The director may authorize the construction of temporary impoundments as part of a surface coal mining operation. ~~In lieu~~ **Instead** of meeting the requirements in subsection (a)(7)(A), the director may approve an impoundment that relies primarily on storage to control the run-off from the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current, prudent engineering practices. Such an impoundment shall be located where failure would not be expected to cause loss of life or serious property damage, except where in the case of an impoundment:
(1) meeting the:
(A) Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60); or ~~meeting the~~
(B) size or other criteria of 30 CFR 77.216(a);
it is designed to control the precipitation of the probable maximum precipitation of a six (6) hour event or greater event as specified by the director; or
(2) not meeting the:
(A) size or other criteria of 30 CFR 77.216(a); or ~~not meeting the~~
(B) Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60);
it is designed to control the precipitation of a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

(d) All embankments of temporary and permanent impoundments and surrounding areas and diversion ditches disturbed or created by construction shall be graded, fertilized, seeded, and mulched under sections 54 through 61 of this rule after the embankment is completed. The active upstream face of the embankment where water is impounded may be riprapped or otherwise stabilized. Areas:
(1) in which the vegetation is not successful; or
(2) where rills and gullies develop;
shall be repaired and revegetated under sections 51 and 54 through 61 of this rule.

(e) Plans for any enlargement, reduction in size, reconstruction, or other modification of dams or impoundments shall:
(1) be submitted to the director; and ~~shall~~
(2) comply with the requirements of this section.
Except where a modification is required to eliminate an emergency condition constituting a hazard to public health, safety, or the environment, the director shall approve the plans before modification begins.
(Natural Resources Commission; 312 IAC 25-6-20; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3517, eff Dec 1, 2001; filed Apr 1, 2004, 3:00 p.m.: 27 IR 2458, eff Jan 1, 2005; errata filed Sep 8, 2004, 2:42 p.m.: 28 IR 214)

SECTION 5. 312 IAC 25-6-66 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-66 Surface mining; primary roads
Authority: IC 14-10-2-4; IC 14-34-2-1
Affected: IC 14-34

Sec. 66. Primary roads shall meet the requirements of section 65 of this rule and the following:

(1) The construction or reconstruction of primary roads shall be certified in a report to the director by a qualified registered professional engineer with experience in the design and construction of roads. The report shall indicate that the primary road has been constructed or reconstructed as designed and in accordance with the approved plan.

(2) Each primary road embankment shall have a minimum static safety factor of one and three-tenths (1.3) ~~and~~ **or** be designed in compliance with the following design standards:

(A) The:

(i) embankment foundation area shall be cleared of all organic material; and ~~the~~

(ii) entire foundation surface shall be scarified.

(B) If the natural slope of the foundation as measured at right angles to the roadway center line is steeper than 8h:1v, the embankment shall be benched into the existing slope beginning at the embankment toe and then filled with compacted level lifts.

(C) The embankment fill material shall be free of **the following:**

(i) Sod.

(ii) Large roots. ~~and~~

(iii) Other large vegetative matter.

(D) The fill shall be brought up in horizontal layers of such thickness as required to facilitate compaction in accordance with prudent construction standards.

(E) The moisture content of the fill material shall be sufficient to secure proper compaction.

(F) The side slopes of the embankment shall be no steeper than 2h:1v.

(G) Maximum fill height shall be twenty-five (25) feet as measured from natural ground at the downstream toe to the top of the embankment.

(H) Embankments shall:

(i) have a minimum top width of (h + 35)/5, where "h" is the embankment height as measured from natural ground at the downstream toe to the top of the embankment; and ~~shall~~

(ii) be adequate for the intended use.

(3) The location of primary roads shall be established in accordance with the following provisions:

(A) To minimize erosion, a primary road shall be located, insofar as is practicable, on the most stable available surface.

(B) Fords of perennial or intermittent streams that drain a watershed of at least one (1) square mile by primary roads are prohibited unless they are specifically approved by the director as temporary routes during periods of road construction.

(4) In accordance with the approved plan, drainage shall be controlled as follows:

(A) Each primary road shall be constructed, or reconstructed, and maintained to have adequate drainage control using structures such as, but not limited to, the following:

(i) Bridges.

(ii) Ditches.

(iii) Cross drains.

(iv) Ditch relief drains.

(B) The drainage control system shall be designed to safely pass the peak run-off from a ten (10) year, six (6) hour precipitation event or greater event as specified by the director as follows:

(i) Drainage pipes and culverts shall be installed as designed and maintained:

(AA) in a free and operating condition; and

(BB) to prevent or control erosion at inlets and outlets.

(ii) Drainage ditches shall be constructed and maintained to prevent uncontrolled drainage over the road surface and embankment.

(iii) Culverts shall be installed and maintained to sustain the following:

(AA) The vertical soil pressure.

(BB) The passive resistance of the foundation.
(CC) The weight of vehicles using the road.
(C) Natural stream channels shall not be altered or relocated without the prior approval of the director in accordance with applicable provisions under sections 13 through 19 and 28 of this rule.
(D) Except as provided in subdivision (3)(B), structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices. The director shall ensure that low water crossings are designed, constructed, and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to stream flow.
(5) Primary roads shall be surfaced with nontoxic material approved by the director as being sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road.
(Natural Resources Commission; 312 IAC 25-6-66; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3544, eff Dec 1, 2001; filed Apr 1, 2004, 3:00 p.m.: 27 IR 2462, eff Jan 1, 2005)

SECTION 6. 312 IAC 25-7-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-7-1 Inspections of sites
Authority: IC 14-10-2-4; IC 14-34-2-1
Affected: IC 14-34-15; IC 14-34-16-7; IC 14-34-16-8

Sec. 1. (a) The director shall conduct inspections as follows:
(1) Except as provided in subsection (f), on an irregular basis averaging not less frequently than the following:
(A) One (1) partial inspection per month and one (1) complete inspection per calendar quarter for each active surface coal mining and reclamation operation.
(B) One (1) partial inspection as frequently as is necessary to ensure effective enforcement and one (1) complete inspection per calendar quarter for each inactive surface coal mining and reclamation operation.
(2) Without notice to the person being inspected or any agents or employees of that person except for necessary on-site meetings.
(3) Include the prompt filing of inspection reports adequate to enforce IC 14-34 and this article.

(b) The director shall conduct any inspections of coal exploration operations that are necessary to ensure compliance with IC 14-34 and this article.

(c) Aerial inspections shall be conducted in a manner that reasonably ensures the identification and documentation of conditions at each surface coal mining and reclamation site inspected.

(d) Any potential violation observed during an aerial inspection shall be investigated on-site upon the occurrence of earlier of the following:
(1) Within three (3) days after the aerial inspection.
(2) Immediately, if there is an indication of a condition, practice, or violation constituting cause for the issuance of a cessation order under IC 14-34-15-6.

(e) An on-site investigation conducted under subsection (d) is not an additional partial inspection or an additional complete inspection under subsection (a).

(f) In lieu of the inspection frequency established in subsection (a), the regulatory authority shall inspect each abandoned site on a set frequency commensurate with the public health and safety and environmental considerations present at each specific site, but in no case shall the inspection frequency be set at less than one (1) complete inspection per calendar year. In selecting an alternate frequency authorized under this subsection, the regulatory authority shall do the following:
(1) First conduct a complete inspection of the abandoned site.
(2) Provide public notice and opportunity to comment under subsection (g).

(3) Prepare and maintain for public review a written finding justifying the alternative inspection frequency selected. The written finding shall justify the new inspection frequency by affirmatively addressing in detail the following criteria:

(A) How the site meets each of the criteria under the definition of an abandoned site in subsection (h) to qualify for a reduction in inspection frequency.

(B) Whether, and to what extent, there exists on the site an impoundment, an earthen structure, or another condition that poses, or may reasonably be expected to ripen into, imminent dangers to the health or safety of the public or significant environmental harm to land, air, or water resources.

(C) The extent to which an existing impoundment or earthen structure was constructed and certified in accordance with prudent engineering designs approved in the permit.

(D) The degree to which erosion and sediment control is present and functioning.

(E) The extent to which the site is located near or above:

(i) an urbanized area;

(ii) a community;

(iii) an occupied dwelling;

(iv) a school; and

(v) another public or commercial building or facility.

(F) The extent of reclamation completed ~~prior to~~ **before** abandonment and the degree of stability of an unreclaimed area, taking
into consideration:

(i) any physical characteristic of the land mined; and

(ii) the extent of settlement or revegetation that has occurred naturally.

(G) Based on a review of the complete or partial inspection report record for the site during at least the last two (2) consecutive years, the rate at which adverse environmental or public health and safety conditions have and can be expected to progressively deteriorate.

(g) The public notice and opportunity to comment required under subsection (f)(2) shall be provided as follows:

(1) The regulatory authority shall place a notice in the newspaper with the broadest circulation in the locality of the abandoned site providing the public with a thirty (30) day period in which to submit written comments.

(2) The public notice shall contain the following:

(A) **The** name of **the** permittee.

(B) **The** permit number.

(C) **The** precise location of the land affected.

(D) **The** proposed inspection frequency.

(E) **The** general reasons for reducing the inspection frequency.

(F) **The** bond status of the permit.

(G) **The** telephone number and address of the regulatory authority where written comments on the reduced inspection frequency may be submitted.

(H) **The** closing date of the comment period.

(h) As used in this section, the following definitions apply:

(1) "Abandoned site" means a surface coal mining and reclamation operation for which the director has found, in writing, each of the following:

(A) All surface and underground coal mining and reclamation activities at the site have ceased.

(B) The director has issued at least one (1) notice of violation and either:

(i) is unable to serve the notice despite diligent efforts to do so; or

(ii) the notice was served and has progressed to a failure-to-abate cessation order.

(C) The director is taking action:

(i) to ensure that the permittee and operator, and owners and controllers of the permittee and operator, will be precluded from receiving future permits while violations continue at the site; and

(ii) under IC 14-34-16-7, IC 14-34-16-8, IC 14-34-15-7, or IC 14-34-15-11 to ensure that abatement occurs or that there will not be a recurrence of the failure-to-abate, except where, after evaluating the circumstances, the director concludes that further enforcement offers little or no likelihood of successfully compelling abatement or recovering any reclamation costs.

(D) If the site is or was permitted or bonded, both of the following are determined:

(i) The permit has expired or been revoked. ~~or permit revocation proceedings have been initiated and are being pursued diligently.~~

(ii) The director has initiated and:

(AA) is diligently pursuing forfeiture of; or

(BB) has forfeited;

any available performance bond.

(2) "Complete inspection" means an on-site review of a person's compliance with all permit conditions and requirements imposed under IC 14-34 and this article within the area disturbed or affected by the surface mining and reclamation operation.

(3) "Inactive surface coal mining and reclamation operation" means a surface coal mining and reclamation operation for which both of the following are satisfied:

(A) The reclamation has been completed that is necessary to obtain release of the portion of bond specified in ~~312 IAC 25-5-16(e)(2).~~ **312 IAC 25-5-16(e)(2).**

(B) The bond has been released.

(4) "Partial inspection" means an on-site or aerial review of a person's compliance with some of the permit conditions and requirements imposed under IC 14-34 and this article.

(Natural Resources Commission; 312 IAC 25-7-1; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3590, eff Dec 1, 2001; errata filed Nov 20, 2001, 11:55 a.m.: 25 IR 1182; filed Apr 1, 2004, 3:00 p.m.: 27 IR 2468, eff Jan 1, 2005; errata filed Sep 8, 2004, 2:42 p.m.: 28 IR 214)

SECTION 7. SECTIONS 1 through 6 of this document take effect upon the Department of Natural Resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of Interior and notice of that approval being published in the Indiana Register.

RULE RECORD FOR LSA DOCUMENT #06-67(F)

FISCAL YEAR 2006–2007

LSA Document #06-67(F)

(Administrative Cause Number 06-045R)

Filed with the publisher: September 19, 2006, 9:27 a.m.

Small Business Regulatory Coordinator
Brock Mayes, Department of Natural Resources, Division of Reclamation, R. R. #2 Box 129, Jasonville, Indiana 47438, (812) 665-2207, bmayes@reclamation.dnr.state.in.us

Document History
LSA Document #06-67(F)
Notice of Intent: April 1, 2006; 29 IR 2254
Proposed Rule: May 1, 2006; 29 IR 2602
Hearing Held: June 2, 2006
Approved by Attorney General: September 7, 2006
Approved by Governor: September 18, 2006
Filed with Publisher: September 19, 2006, 9:27a.m.
Documents Incorporated by Reference: None Received by Publisher
Small Business Regulatory Coordinator:
DIN: 20061018-IR-312060067FRA

SMALL BUSINESS REGULATORY COORDINATOR RECORD

R.R. #2, Box 129
Jasonville, IN 47338
October 23, 2006

Ms. Jennifer M. Kane
Natural Resources Commission
Division of Hearings
Indiana Government Center South
402 W. Washington St., Room W 272
Indianapolis, Indiana 46204

Re: LSA #06-67(F)
SBRC Comment Report

Dear Ms. Kane:

As you are aware under IC 4-22-2-28.1 (i) the coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director: (1) not later than ten (10) days after the date on which the rule is file stamped by the secretary of state under section 35 of this chapter; and (2) before July 15 of each year during which the rule remains in effect. The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

As Small Business Regulatory Coordinator for the LSA #06-67(F) amendment filed with the publisher on September 19, 2006. I am required to deliver a record of all comments received by October 27, 2006. At this time no comments have been received from small business affected by this rule. Required rule making procedures were followed starting with the public notice of intent to adopt a rule published in Indiana Register, all comment periods required by regulation were observed, and a public hearing was conducted on June 2, 2006. Any comments received during the hearing are on file with Division of Hearings. An electronic copy of this letter was also sent to you on October 23, 2006.

If you have any questions contact me at our office.

Sincerely,

Brock A. Mayes
Small Business Regulatory Coordinator (SBRC)
Division of Reclamation

/bm
cc: Bruce Stevens, Director Division of Reclamation

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources Gave final adoption to LSA Document #06-67(F) at its July 18, 2006 meeting. No comments public comments were received at this meeting.

Excerpt from Hearing Officer Report dated June 21, 2006

…

REPORT OF PUBLIC HEARING AND COMMENTS

a) **Public Hearing Comments**

Department of Natural Resources
Bruce Stevens, Division of Reclamation, reported that this proposed rule package had been developed at the request of the coal industry. The language of the rule amendment was provided to representatives of the coal industry, who subsequently expressed their support for the package. There have been no negative comments received by the Department. Mr. Stevens consulted with Mr. Nat Noland of the Indiana Coal Council on June 1, 2006 at which time Mr. Noland confirmed the Indiana Coal Council had no concerns with the proposed rule package although Mr. Noland indicated that he did not intend to participate in the public hearing scheduled for June 2, 2006.

…

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-67(F)

DIGEST

Amends 312 IAC 25-6-143 to allow commercial forest resources on reclaimed prime farmland provided soil productivity is demonstrated according to soil productivity standards. Amends 312 IAC 25-4-102 to require an applicant that proposes to establish commercial forest resources on prime farmland to submit for approval a commercial forest planting plan, commercial forest management plan, and documentation of landowner consent. Effective upon the Department of Natural Resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of the Interior and notice of that approval being published in the Indiana Register.

312 IAC 25-4-102
312 IAC 25-6-143

SECTION 1. 312 IAC 25-4-102 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-102 Special categories of mining; prime farmland
Authority: IC 14-10-2-4; IC 14-34-2-1
Affected: IC 4-21.5; IC 14-34; 30 CFR 785.17

Sec. 102. (a) In an initial permit application under this article for an existing surface coal mining operation that held a valid permit on August 3, 1977, with continuous permits held since that date, the applicant shall set forth the geographical area that is encompassed by the operation. The permit applied for, however, need only cover the area to be affected during the period of the permit for which the application is made. The director shall determine the geographical areas that are exempt from the prime farmland provisions of IC 14-34 and this article. In making the determination, the director shall consider all relevant factors bearing upon the extent of the geographical area upon which the applicant intended to conduct surface coal mining operations as of August 3, 1977, including the following:

(1) A map showing the geographical location of:
(A) the area for which the determination is requested; and
(B) the area previously affected by surface coal mining and reclamation operations.

(2) Information concerning the contractual coal sales commitments that existed before August 4, 1977, for the mining operation.

(3) Maps and other documents that identify the location and extent of the applicant's surface and mineral rights control for all properties within the area upon which the determination is requested and whether the applicant:
(A) acquired the rights:
(i) before August 4, 1977; **or**
~~(B) acquired the rights~~ **(ii)** after August 3, 1977; or
~~(C)~~ **(B)** does not control the rights currently.

(4) Mining plans, maps, or other documents prepared before August 4, 1977, that identify the area intended to be mined by the existing operations.

(5) Maps or other documents identifying the extent of coal exploration activity performed by the applicant in the area before August 4, 1977.

(6) Copies of any other permits issued to the applicant by governmental agencies before August 4, 1977, with respect to those operations upon those lands for which this determination is sought.

(7) The legal and financial commitments made by the applicant in connection with the mining operation as of August 3, 1977, with respect to those lands for which this determination is requested.

(8) Any other relevant information.

(b) In making the determination required under subsection (a), no one (1) or group of factors is controlling. The determination shall be made by the director based upon all relevant factors of the particular surface coal mining operation for which the permit and determination is sought. The determination applies:

(1) to all subsequent and continuous permits for the existing surface coal mining operation; or

(2) until the director determines the operations have permanently ceased.

(c) The requirements of subsection (d) apply to a permittee who conducts or intends to conduct surface coal mining and reclamation operations on prime farmland historically used for cropland. Subsection (d) does not apply to an existing surface coal mining operation that held a valid permit on August 3, 1977, with continuous permits held since that date.

(d) If land within the proposed permit area is identified as prime farmland under section 39 or 80 of this rule, the applicant shall submit a plan for the mining and restoration of the land. Each plan must include the following:

(1) A soil survey of the permit area under the standards of the National Cooperative Soil Survey and under the procedures set forth in United States Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951). The soil survey shall include a description of soil mapping units and a representative soil profile as determined by the United States Natural Resources Conservation Service, including, but not limited to:

(A) soil horizon depths;

(B) pH; and

(C) the range of soil densities;

for each prime farmland soil unit within the permit area. Other representative soil-profile descriptions from the locality, prepared according to the standards of the National Cooperative Soil Survey, may be used if their use is approved by the state conservationist, United States Natural Resources Conservation Service. The director may request the operator to provide information on other physical and chemical soil properties as needed to make a determination that the operator has the technical capability to restore the prime farmland within the permit area to the soil reconstruction standards of 312 IAC 25-6-139 through 312 IAC 25-6-143.

(2) The proposed method and type of equipment to be used for removal, storage, and replacement of soil under 312 IAC 25-6-139 through 312 IAC 25-6-143.

(3) The location of areas to be used for the separate stockpiling of the soil and a plan for soil stabilization before redistribution.

(4) Applicable:

(A) agricultural school studies;

(B) scientific data from comparable areas; or

(C) similar documentation;

that supports the use of suitable material other than the A horizon, B horizon, or C horizon to obtain on the restored area equivalent or higher levels of yield as nonmined prime farmlands in the surrounding area under equivalent levels of management.

(5) A plan describing the conservation practices to be used to adequately control erosion and sedimentation and restoration of an adequate soil moisture regime during the period from completion of regrading until release of the performance bond under 312 IAC 25-5. Proper adjustments must be proposed so that final graded land is not exposed to erosion during seasons when vegetation or conservation practices cannot be established due to weather conditions.

(6) A demonstration based on:

(A) soil surveys;

(B) scientific data; or

(C) standard agronomic practices;

that the applicant using the proposed method of reclamation has the capability, within a reasonable time, to achieve equivalent or higher levels of yield after mining as existed before mining.

(7) Current estimated level of yields under high levels of management of prime farmland.
(8) If the applicant proposes to establish commercial forest resources on the prime farmland, the plan must also include the following:
(A) A commercial forest planting plan that shall include the following:
(i) A stocking rate.
(ii) A plan for replanting as needed.
(B) A commercial forest management plan.
(C) Documentation of landowner consent.

(e) Before any permit is issued for areas that include prime farmland, the director shall consult with the state conservationist of the Natural Resources Conservation Service. The state conservationist shall do the following:
(1) Provide for the review of and comment on the proposed method of soil reconstruction in the plan submitted under subsection (d).
(2) Suggest revisions resulting in more complete and adequate reconstruction if the state conservationist considers the soil reconstruction methods to be inadequate. The state conservationist has fifteen (15) days after consultation with the director to respond.
(3) Provide to the director a list of prime farmland soils **and** their:
(A) location;
(B) physical and chemical characteristics;
(C) crop yields; and
(D) associated data necessary to support adequate prime farmland descriptions.
(4) Assist the director in determining the adequacy of all soil surveys required in subsection (d)(1) through (d)(3).

(f) A permit for the mining and reclamation of prime farmland may be granted by the director if the director finds, in writing, upon the basis of a complete application, the following:
(1) The approved proposed postmining land use of prime farmland will be cropland.
(2) The permit incorporates as specific conditions the contents of the plan submitted under subsection (d), after consideration of any revisions to that plan suggested by the state conservationist under subsection (e).
(3) The applicant has the technological capability to restore the prime farmland, within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management.
(4) The proposed operations will be conducted in compliance with the requirements of 312 IAC 25-6-139 through 312 IAC 25-6-143 and other environmental protection performance and reclamation standards for mining and reclamation of prime farmland of the regulatory program.
(5) The aggregate total prime farmland acreage shall not be decreased from that which existed ~~prior to~~ **before** mining. Waterbodies, if any, to be constructed during mining and reclamation must be located within the postreclamation nonprime farmland portions of the permit area. The:
(A) creation of any waterbody must be approved by the director; and ~~the~~
(B) consent of all affected property owners within the permit area shall be obtained.
(Natural Resources Commission; 312 IAC 25-4-102; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3481, eff Dec 1, 2001; filed Apr 1, 2004, 3:00 p.m.: 27 IR 2449, eff Jan 1, 2005; errata filed Sep 8, 2004, 2:42 p.m.: 28 IR 214)

SECTION 2. 312 IAC 25-6-143 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-143 Prime farmland; special performance standards; revegetation and restoration of soil productivity
Authority: IC 14-10-2-4; IC 14-34-2-1
Affected: IC 14-34

Sec. 143. (a) Following prime farmland soil replacement, the soil surface shall be stabilized with a vegetative cover or other means that effectively controls soil loss by wind and water erosion.

(b) Prime farmland soil productivity shall be restored under the following provisions:
(1) Measurement of soil productivity shall be initiated within ten (10) years after completion of the soil replacement.
(2) Soil productivity on the mined and reclaimed prime farmland area shall be measured using one (1) of the following methods:
(A) Growing crops on a representative sample of the area using the test plot standards of section 60 of this rule.
(B) Growing crops on all of the area.
(3) The:
(A) sampling techniques contained in section 60 of this rule; and ~~the~~
(B) statistical methodology contained in section 61 of this rule;
shall be used to measure soil productivity.
(4) The period for measuring crop production (yield) shall be at least three (3) crop years before the release of the operator's performance bond.
(5) The level of management applied during the measurement period shall be the same as the level of management used for nonmined prime farmland in the surrounding area.
(6) Restoration of soil productivity is achieved when the yield during the measurement period equals or exceeds one hundred percent (100%) of the success standard found at section 59(c) of this rule for any three (3) years of the responsibility period. One hundred percent (100%) of the success standard must be met with a ninety percent (90%) statistical confidence level, in other words, a one (1) sided test with a 0.10 alpha error. Where reference crops are used for demonstrating productivity, the yield comparisons shall be established for the same period for nonmined soils of the same or similar texture or slope phase of the soil series in the surrounding area under equivalent management practices.
(7) The reference crop on which restoration of soil productivity is proven shall be selected from the crops most commonly produced on the surrounding prime farmland. Where row crops are the dominant crops grown on prime farmland in the area, the row crops requiring the greatest rooting depth shall be chosen as one (1) of the reference crops.
(8) The reference crop yield may be adjusted for factors including:
(A) disease;
(B) weather;
(C) tillage management;
(D) pests; and
(E) seed or plant selection;
specified in section 59(c) of this rule.
(9) In determining the period of responsibility under 312 IAC 25-5-7, the director may approve selective husbandry practices (except for augmented seeding, fertilization, or irrigation) without extending the period of responsibility for revegetation success and bond liability if:
(A) the selective husbandry practices can be expected to continue as part of the postmining land use; or
(B) discontinuance of the practices after the liability period will not reduce the probability of permanent revegetation success.
(10) Selective husbandry practices that may be approved under subdivision (9) are normal conservation practices within the region for unmined lands having land uses similar to the approved postmining land use of the disturbed area and may include the following:
(A) Disease, pest, and vermin control.
(B) Repair of rills and gullies.
(C) Pruning, reseeding, or transplanting specifically necessitated by these practices.
(11) The selection of reference areas shall be guided by section 59 of this rule. The selection of an approved reference area must be accomplished with concurrence by the Soil Conservation Service of the United States Department of Agriculture.

(c) Commercial forest resources may be established on reclaimed prime farmland provided that productivity is demonstrated by subsection (b) and as follows:
(1) The director has approved a forest planting plan and forest management plan in consultation with the division of forestry.
(2) Landowner consent has been obtained.

(3) Forest compatible, permanent ground cover sufficient to control erosion is established and all erosion areas must be repaired or otherwise stabilized.
(4) The required soil replacement depth is verified and approved before trees are planted.
(5) Soil productivity shall be demonstrated under subsection (b).
(Natural Resources Commission; 312 IAC 25-6-143; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3586, eff Dec 1, 2001)

SECTION 3. SECTIONS 1 and 2 of this document take effect upon the Department of Natural Resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of the Interior and notice of that approval being published in the Indiana Register.

RULE RECORD FOR
LSA DOCUMENT #06-9(F)

FISCAL YEAR 2006–2007

LSA Document #06-9(F)

(Administrative Cause Number 05-184A)

Filed with the publisher: July 11, 2006, 2006, 9:04 a.m.

Small Business Regulatory Coordinator
Stephen L. Lucas, Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, IN 46204, (317) 233-3322, slucas@nrc.in.gov

Document History
LSA Document #06-9(F)
Notice of Intent: February 1, 2006; 29 IR 1583
Proposed Rule: April 1, 2006; 29 IR 2269
Hearing Held: April 24, 2006
Approved by Attorney General: June 21, 2006
Approved by Governor: July 10, 2006
Filed with Publisher: July 11, 2006, 9:04 a.m.
Documents Incorporated by Reference: None Received by Publisher
Posted: 08/02/2006 by Legislative Services Agency
DIN: 20060802-IR-312060009FRA

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On August 03, 2006, Stephen L. Lucas, the Small Business Regulatory Coordinator for this rule, filed by email from **slucas@nrc.in.gov** the following:

> Please note for the record that no comments regarding this rule have been received from small businesses. Indeed, no comments have been received from any member of the public.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources Gave final adoption to LSA Document #06-9(F) at its May 16, 2006 meeting. No public comments were received at this meeting.

HEARING OFFICER'S REPORT

Excerpt from the Hearing Officer's Report dated April 24, 2006

…

II. Report of Public Hearing and Comments

The public hearing was convened as scheduled on April 24, 2006. No member of the public appeared or has otherwise offered comments.

…

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #06-9(F)

DIGEST

Amends 312 IAC 8-1-4, 312 IAC 8-2-3, 312 IAC 8-2-9, 312 IAC 9-5-7, 312 IAC 9-10-7, 312 IAC 10-3-6, 312 IAC 10-4-4, 312 IAC 11-2-4, 312 IAC 11-2-11, 312 IAC 11-2-14.5, 312 IAC 11-2-21, 312 IAC 11-2-24, 312 IAC 11-2-27, 312 IAC 11-2-28, and 312 IAC 11-4-2 through 312 IAC 11-4-6 to update or correct statutory cross-references and to correct clerical or grammatical errors in rules of the Natural Resources Commission. Repeals 312 IAC 11-2-28. Effective 30 days after filing with the Publisher.

312 IAC 8-1-4	**312 IAC 11-2-21**
312 IAC 8-2-3	**312 IAC 11-2-24**
312 IAC 8-2-9	**312 IAC 11-2-27**
312 IAC 9-5-7	**312 IAC 11-2-28**
312 IAC 9-10-7	**312 IAC 11-4-2**
312 IAC 10-3-6	**312 IAC 11-4-3**
312 IAC 10-4-4	**312 IAC 11-4-4**
312 IAC 11-2-4	**312 IAC 11-4-5**
312 IAC 11-2-11	**312 IAC 11-4-6**
312 IAC 11-2-14.5	

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

312 IAC 8-1-4 Definitions

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 9-13-2-196; IC 9-25-2-4; IC 14-8-2-185; IC 14-8-2-261; IC 14-31-1

Sec. 4. The following definitions are supplemental to those set forth at 312 IAC 1 and apply throughout this article:
(1) "Authorized representative" means the director or another person designated by the director.
(2) "Berry" means the fruiting body of the following:
(A) A blackberry.
(B) A blueberry.
(C) A dewberry.
(D) An elderberry.
(E) A gooseberry.
(F) A huckleberry.
(G) A mulberry.
(H) A raspberry.
(I) A serviceberry.
(J) A strawberry.
(3) "DNR property" means land and water owned, licensed, leased, or dedicated under IC 14-31-1 or under easement to the state or managed by the department. The following areas are, however, exempted from the term:
(A) Public freshwater lakes.
(B) Navigable waterways.
(C) Buildings and grounds (other than those of the Indiana state museum) not located at recreational, natural, or historic sites.
An area is not exempted because the department has issued a lease, license, or concession to another person.
(4) "Fallen cone" means the fruiting body of a coniferous tree that is no longer attached to a living tree.
(5) "Firearm or bow and arrows" means:

(A) a firearm;
(B) an air gun;
(C) a CO_2 gun;
(D) a spear gun;
(E) a bow and arrows;
(F) a crossbow;
(G) a paint gun; or
(H) a similar mechanical device;
that can be discharged and is capable of causing injury or death to a person or an animal or damage to property.
(6) "Fruit" means the fruiting body of the following:
(A) Apples.
~~(A)~~ **(B)** Cherries.
~~(B)~~ **(C)** Grapes.
~~(C) Apples.~~
(D) Hawthorns.
(E) Persimmons.
(F) Plums.
(G) Pears.
(H) Pawpaws.
(I) Roses.
(7) "Greens" means the aboveground shoots or leaves of the following:
(A) Asparagus.
(B) Dandelion.
(C) Mustard.
(D) Plantain.
(E) Poke.
(8) "Group boat dock" means an artificial basin or enclosure for the reception of watercraft that is owned and maintained by adjacent landowners for their private usage.
(9) "Leaf" means the leaf of a woody plant for use in a leaf collection or similar academic project.
(10) "License" means:
(A) a license;
(B) a permit;
(C) an agreement;
(D) a contract;
(E) a lease;
(F) a certificate; or
(G) any other form of approval;
issued by the department. A license may authorize an activity otherwise prohibited by this rule.
(11) "Mushroom" means edible fungi.
(12) "Nut" means the seeds of the following:
(A) Hazelnuts.
(B) Hickories.
(C) Oaks.
(D) Pecans.
(E) Walnuts.
(13) "Off-road vehicle" has the meaning set forth in ~~IC 14-16-1-3.~~ **IC 14-8-2-185.**
(14) "Public road" means a public highway under IC 9-25-2-4 that is designated by the department for use by the public.
(15) "Recreation area" means an area that is managed by the department for specific recreation activities.
(16) "Snowmobile" has the meaning set forth in IC 14-8-2-261.
(17) "Vehicle" has the meaning set forth in IC 9-13-2-196(d).
(Natural Resources Commission; 312 IAC 8-1-4; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 552, eff Jan 1, 2000; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1544; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3713; filed Sep 19, 2003, 8:14 a.m.: 27 IR 455; 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)

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

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

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

Sec. 3. (a) A person must 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 unnocked; 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.

(b) Except as provided in subsection (a)(1), a firearm or bow and arrows may not be possessed on DNR properties within any of the following:
(1) A nature preserve unless hunting is authorized under subsection (c).
(2) A property administered by the division of museums and historic sites.
(3) A campground.
(4) A picnic area.
(5) A beach.
(6) A service area.
(7) A headquarters building.
(8) A hunter check station.
(9) A developed recreation site.

(c) A person may hunt on a state forest administered by the division of forestry, a reservoir administered by the division of state parks and reservoirs, or a wildlife area administered by the division of fish and wildlife. A person using any of these areas must do the following:
(1) Comply with all federal and state hunting, trapping, and firearms laws.
(2) On a fish and wildlife area and a reservoir property, obtain a one (1) day hunting permit and record from a checking station. The person must:
(A) retain the permit and record **card** while in the field for the authorized date; and
(B) as directed, return them to the department.
(3) Refrain from hunting on a nature preserve if prohibited by signage posted at the site.

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

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

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

(f) Unless otherwise designated, a person must not discharge a firearm or bow and arrows within two hundred (200) feet of any of the following:
(1) A campsite.
(2) A boat dock.
(3) A launching ramp.
(4) A picnic area.
(5) A bridge.

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

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

(i) A person must not take a reptile or amphibian unless the person is issued a scientific collector license under 312 IAC 9-10-6. Exempted from this subsection are:
(1) turtles taken under 312 IAC 9-5-2; and
(2) frogs taken under 312 IAC 9-5-3;
from a DNR property where hunting or fishing is authorized.
(Natural Resources Commission; 312 IAC 8-2-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 553, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3714; filed Sep 19, 2003, 8:14 a.m.: 27 IR 456; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 461, eff Jan 1, 2006; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

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

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

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

Sec. 9. (a) A person must not swim, or allow a child or other person in the person's care to swim, other than at the following locations:
(1) At a designated swimming beach or pool during designated hours.
(2) From a watercraft between sunrise and sunset in an embayment on a reservoir property established under 312 IAC 5-10 as an idle speed zone, but not:
(A) in a causeway; or
(B) within one hundred (100) feet of a designated launching ramp or other public use facility.

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

(c) A person must not scuba dive unless in compliance with each of the following:
(1) A license is issued by the department.
(2) Between the hours of sunrise and sunset.
(3) A diving flag is displayed to designate the area in use.

(d) A person must not engage in tow ~~kit~~ **kite** flying, except during the following periods:
(1) On weekdays from sunrise to sunset.
(2) Except as provided in subdivision (3), on Saturdays, Sundays, or holidays, from sunrise until 11 a.m. and from 5 p.m. until sunset.
(3) On:
(A) Memorial Day weekend;
(B) the Fourth of July and a Saturday or Sunday that immediately precedes or follows the Fourth of July; and
(C) Labor Day weekend;
from sunrise until 11 a.m.
(Natural Resources Commission; 312 IAC 8-2-9; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Sep 19, 2003, 8:14 a.m.: 27 IR 458; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 4. 312 IAC 9-5-7 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22; IC 20-19-2-8; IC 20-19-2-10

Sec. 7. (a) This section governs the:
(1) sale;
(2) transport for sale; or
(3) offer for sale or transport for sale;
of any reptile or amphibian native to Indiana regardless of place of origin.

(b) Except as otherwise provided in this section and in section 6(g) of this rule, the sale, transport for sale, or offer to sell or transport for sale of a reptile or amphibian native to Indiana is prohibited. A person must not sell a turtle, regardless of species or origin, with a carapace less than four (4) inches long, except for a valid scientific or educational purpose that is associated with one (1) of the following:

(1) A federal, state, county, city, or similar governmental agency that is engaged in scientific study or research.
(2) A scientific research organization.
(3) An accredited museum or institution of higher learning.
(4) An individual working in cooperation with a:
(A) college;
(B) university; or
(C) governmental agency.
(5) A private company under a contract for scientific or educational purposes.

(c) As used in this rule, "reptile or amphibian native to Indiana" means those reptiles and amphibians with the following scientific names, including common names for public convenience, but the scientific names control:
(1) Hellbender (Cryptobranchus alleganiensis).
(2) Common mudpuppy (Necturus maculosus).
(3) Streamside salamander (Ambystoma barbouri).
(4) Jefferson salamander (Ambystoma jeffersonianum).
(5) Blue-spotted salamander (Ambystoma laterale).
(6) Spotted salamander (Ambystoma maculatum).
(7) Marbled salamander (Ambystoma opacum).
(8) Mole salamander (Ambystoma talpoideum).
(9) Smallmouth salamander (Ambystoma texanum).
(10) Eastern tiger salamander (Ambystoma tigrinum tigrinum).
(11) Eastern newt (Notophthalmus viridescens).
(12) Green salamander (Aneides aeneus).
(13) Northern dusky salamander (Desmognathus fuscus).
(14) Southern two-lined salamander (Eurycea cirrigera).
(15) Longtailed salamander (Eurycea longicauda).
(16) Cave salamander (Eurycea lucifuga).
(17) Four-toed salamander (Hemidactylium scutatum).
(18) Northern redback salamander (Plethodon cinereus).
(19) Northern zigzag salamander (Plethodon dorsalis).
(20) Northern ravine salamander (Plethodon electromorphus).
(21) Northern slimy salamander (Plethodon glutinosus).
(22) Red salamander (Pseudotriton ruber).
(23) Lesser siren (Siren intermedia).
(24) Eastern spadefoot toad (Scaphiopus holbrookii).
(25) American toad (Bufo americanus).
(26) Fowler's toad (Bufo fowleri).
(27) Cricket frog (Acris crepitans).
(28) Cope's gray treefrog (Hyla chrysoscelis).
(29) Green treefrog (Hyla cinerea).
(30) Eastern gray treefrog (Hyla versicolor).
(31) Spring peeper (Pseudacris crucifer).
(32) Western chorus frog (Pseudacris triseriata).
(33) Crawfish frog (Rana areolata).
(34) Plains leopard frog (Rana blairi).
(35) Bullfrog (Rana catesbeiana).
(36) Green frog (Rana clamitans).
(37) Northern leopard frog (Rana pipiens).
(38) Pickerel frog (Rana palustris).
(39) Southern leopard frog (Rana utricularia).
(40) Wood frog (Rana sylvatica).
(41) Common snapping turtle (Chelydra serpentina serpentina).
(42) Smooth softshell turtle (Apalone mutica).
(43) Spiny softshell turtle (Apalone spinifera).

(44) Alligator snapping turtle (Macrochelys temmincki).
(45) Eastern mud turtle (Kinosternon subrubrum).
(46) Common musk turtle (Sternotherus odoratus).
(47) Midland painted turtle (Chrysemys picta marginata).
(48) Western painted turtle (Chrysemys picta bellii).
(49) Spotted turtle (Clemmys guttata).
(50) Blanding's turtle (Emydoidea blandingii).
(51) Common map turtle (Graptemys geographica).
(52) False map turtle (Graptemys pseudogeographica).
(53) Ouachita map turtle (Graptemys ouachitensis).
(54) Hieroglyphic river cooter (Pseudemys concinna).
(55) Eastern box turtle (Terrapene carolina).
(56) Ornate box turtle (Terrapene ornata).
(57) Red-eared slider (Trachemys scripta elegans).
(58) Eastern fence lizard (Sceloporus undulatus).
(59) Slender glass lizard (Ophisaurus attenuatus).
(60) Six-lined racerunner (Cnemidophorus sexlineatus).
(61) Five-lined skink (Eumeces fasciatus).
(62) Broadhead skink (Eumeces laticeps).
(63) Ground skink (Scincella lateralis).
(64) Eastern worm snake (Carphophis amoenus).
(65) Scarlet snake (Cemophora coccinea).
(66) Racer (Coluber constrictor).
(67) Kirtland's snake (Clonophis kirtlandii).
(68) Ringneck snake (Diadophis punctatus).
(69) Midland rat snake, also known as the black rat snake (Elaphe spiloides).
(70) Western rat snake (Elaphe obsolete).
(71) Western fox snake (Elaphe vulpina vulpina).
(72) Mud snake (Farancia abacura).
(73) Eastern hognose snake (Heterodon platirhinos).
(74) Prairie kingsnake (Lampropeltis calligaster calligaster).
(75) Black kingsnake (Lampropeltis getula nigra).
(76) Eastern milk snake (Lampropeltis triangulum triangulum).
(77) Red milk snake (Lampropeltis triangulum syspila).
(78) Copperbelly water snake (Nerodia erythrogaster).
(79) Diamondback water snake (Nerodia rhombifer).
(80) Northern water snake (Nerodia sipedon).
(81) Rough green snake (Opheodrys aestivus).
(82) Smooth green snake (Liochlorophis vernalis).
(83) Bull snake (Pituophis catenifer sayi).
(84) Queen snake (Regina septemvittata).
(85) Brown snake (Storeria dekayi).
(86) Redbelly snake (Storeria occipitomaculata).
(87) Southeastern crowned snake (Tantilla coronata).
(88) Butler's garter snake (Thamnophis butleri).
(89) Western ribbon snake (Thamnophis proximus).
(90) Plains garter snake (Thamnophis radix).
(91) Eastern ribbon snake (Thamnophis sauritus).
(92) Common garter snake (Thamnophis sirtalis).
(93) Smooth earthsnake (Virginia valeriae).
(94) Northern copperhead (Agkistrodon contortrix).
(95) Cottonmouth moccasin (Agkistrodon piscivorus).
(96) Timber rattlesnake (Crotalus horridus).
(97) Massasauga (Sistrurus catenatus).

(d) As used in this section, "sale" means either of the following:

(1) Barter, purchase, trade, or offer to sell, barter, purchase, or trade.
(2) Serving as part of a meal by a restaurant, a hotel, a boarding house, or the keeper of an eating house. However, a hotel, a boarding house, or the keeper of an eating house may prepare and serve during open season to:
(A) a guest, patron, or boarder; and
(B) the family of the guest, patron, or boarder;
a reptile or amphibian legally taken by the guest, patron, or boarder during the open season.

(e) As used in this section, "transport" means:
(1) to move, carry, or ship ~~a wild animal protected by law~~ by any means; and
(2) for any common or contract carrier knowingly to move, carry, or receive for shipment;
a wild animal protected by law.

(f) A reptile or amphibian that is not on a state or federal endangered or threatened species list and with a color morphology that is:
(1) albinistic (an animal lacking brown or black pigment);
(2) leucistic (a predominately white animal); or
(3) xanthic (a predominately yellow animal);
is exempted from this section if it was not collected from the wild.

(g) **The following are** exempted from this section: ~~is~~
(1) An institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for the exemption, the institution must have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of Health and Human Services.
~~(h) Exempted from this section is~~ **(2)** A sale made under a reptile captive breeding license governed by section 9 of this rule.
~~(i) Exempted from this section is~~ **(3)** The sale to and purchase of reptiles or amphibians by a:
(A) public school accredited under ~~IC 20-1-1-6(a)(5)~~ **IC 20-19-2-8;** or
(B) nonpublic school accredited under ~~IC 20-1-1-6(a)(9)~~ **IC 20-19-2-8** and ~~IC 20-1-1-6.2.~~ **IC 20-19-2-10.**
This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.
~~(j) Exempted from this section is~~ **(4)** The sale and purchase of a:
(A) bullfrog (Rana catesbeiana) tadpole; or
(B) green frog (Rana clamitans) tadpole;
produced by a resident holder of a hauler and supplier permit or an aquaculture permit if the tadpole is a byproduct of a fish production operation. As used in this ~~subsection,~~ **subdivision,** "tadpole" means the larval life stage of a frog for the period in which the tail portion of the body is at least one (1) inch long.

~~(k)~~ **(h)** A person who is transporting native reptiles and amphibians in interstate commerce, to be sold outside Indiana, is exempted from this section.
(Natural Resources Commission; 312 IAC 9-5-7; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3673; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1535; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543; filed May 25, 2005, 10:15 a.m.: 28 IR 2948; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 5. 312 IAC 9-10-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-7 Field trial permits

Authority: IC 14-22-2-6; IC 14-22-24
Affected: IC 14-22

Sec. 7. (a) A field ~~trip~~ **trial** permit may be issued only for a trial listed with the division by a sanctioning national or regional hunting dog association. The list must include the following:

(1) The name of the sponsoring club, group, or individual.
(2) The name and address of the responsible official.
(3) The type and location of the trial.
(4) The location of the trial headquarters.
(5) The dates of the trial.

The list must be received by the division by February 1 for a trial to be conducted the following March through August and by August 1 for a trial to be conducted the following September through February, except a field trial to be held solely on property owned, leased, or managed by the division.

(b) An application for a field trial permit must be:
(1) completed on a departmental form; and
(2) received by the division at least twenty-one (21) days before the proposed field trial.

(c) The field trial permit and a complete roster of participants in the field trial must be:
(1) kept at the trial headquarters during the event; ~~The permit~~ and ~~the roster must be~~
(2) presented to a conservation officer upon request.

(d) During a field trial, each participant shall carry a card approved by the responsible official ~~which~~ **that** specifies **the following:**
(1) The number of the field trial permit. ~~and~~
(2) The name and address of the participant.

The card must be presented to a conservation officer upon request.
(Natural Resources Commission; 312 IAC 9-10-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 6. 312 IAC 10-3-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 10-3-6 Local approval of activities within a floodway

Authority: IC 14-28-1-5; IC 14-28-3-2
Affected: IC 14-28-1; IC 14-28-3

Sec. 6. (a) A county or municipality shall not authorize:
(1) a structure;
(2) an obstruction;
(3) a deposit; or
(4) an excavation;
in a floodway until a license is issued by the department under IC 14-28-1.

(b) A county or municipality may place terms and conditions on a local license issued for a site in a floodway. The terms and conditions must not be less restrictive than those required by the department under this article.

(c) A license from the department under ~~IC 14-18-1~~ **IC 14-28-1** and 312 IAC 10-4 is not required for a site within a fringe.

(d) Where a floodway is not separately delineated, a county or municipality shall refer a license application for work in a flood plain to the department for advice and recommendations.
(Natural Resources Commission; 312 IAC 10-3-6; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3391, eff Jan 1, 2002; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 7. 312 IAC 10-4-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 10-4-4 Flood easements

Authority: IC 14-10-2-4; IC 14-28-1-5; IC 14-28-3-2
Affected: IC 14-28-1-29

Sec. 4. If a license application includes the creation of a flood easement, the applicant must demonstrate to the satisfaction of the department the project:
(1) will not constitute an unreasonable hazard to the safety of life or property;
(2) is not unreasonably detrimental to fish, wildlife, or botanical resources; and
(3) is either:
(A) a dam;
(B) a flood control project under ~~IC 14-18-1-29;~~ **IC 14-28-1-29;** or
(C) a public works project.
(Natural Resources Commission: 312 IAC 10-4-4; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3393, eff Jan 1, 2002; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 8. 312 IAC 11-2-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-2-4 "Boatwell" defined

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

Sec. 4. "Boatwell" means a manmade excavation along the ~~legally established or average normal waterline or~~ shoreline **or water line** of a public freshwater lake that:
(1) is used for the mooring of a boat; and
(2) has been stabilized to prevent erosion.
(Natural Resources Commission; 312 IAC 11-2-4; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2220; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

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

312 IAC 11-2-11 "Glacial stone" defined

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

Sec. 11. "Glacial stone" means a rounded stone that satisfies ~~both~~ each of the following:
(1) Was produced by glacial activity.
(2) No individual stone weighs more than one hundred twenty (120) pounds.
(3) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.
(4) Not more than ten percent (10%) of the material passes through a six (6) inch sieve.
(Natural Resources Commission; 312 IAC 11-2-11; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2221; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 14, 2005, 2:45 p.m.: 29 IR 464; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 10. 312 IAC 11-2-14.5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-2-14.5 "Natural shoreline" defined

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

Sec. 14.5. "Natural shoreline" means a continuous section of unaltered shoreline or ~~waterline~~ **water line** where the distance between lawful permanent structures is at least two hundred fifty (250) feet.

(Natural Resources Commission; 312 IAC 11-2-14.5; filed Sep 14, 2005, 2:45 p.m.: 29 IR 464; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 11. 312 IAC 11-2-21 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-2-21 "Seawall" defined

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

Sec. 21. "Seawall" means a manmade structure placed along the ~~legally established or average normal waterline or~~ shoreline **or water line** of a public freshwater lake for the purpose of shoreline stabilization.
(Natural Resources Commission; 312 IAC 11-2-21; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2222; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 12. 312 IAC 11-2-24 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-2-24 "Significant wetland" defined

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

Sec. 24. "Significant wetland" means a transitional area between terrestrial and deep-water habitats containing at least one (1) of the following:
(1) At least two thousand five hundred (2,500) square feet of contiguous, emergent vegetation or rooted vegetation with floating leaves landward or lakeward of the ~~legally established or average normal waterline or~~ shoreline **or water line.** The areal extent of the vegetation is independent of ownership.
(2) Adjacent wetland areas designated by a federal or state agency under one (1) of the following:
(A) National Wetlands Inventory.
(B) U.S. Army Corps of Engineers Wetlands Delineation Manual (1987).
(C) National Food Security Act Manual (1994).
(3) The existence of a species listed at 15 IR 1312 in the Roster of Indiana Animals and Plants ~~which~~ that are Extirpated, Endangered, Threatened, or Rare.
(Natural Resources Commission; 312 IAC 11-2-24; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2222; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 14, 2005, 2:45 p.m.: 29 IR 465; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 13. 312 IAC 11-2-27 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-2-27 "Underwater beach" defined

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

Sec. 27. "Underwater beach" means an area of a lakebed that is both **of the following:**
(1) Lakeward of the ~~waterline or~~ shoreline **or water line** of a public freshwater lake. ~~and~~
(2) Used for a recreational ~~purposes,~~ **purpose,** such as wading or swimming.
(Natural Resources Commission; 312 IAC 11-2-27; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2223; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 14. 312 IAC 11-4-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-4-2 New seawalls

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

Sec. 2. (a) A written license under IC 14-26-2 and this rule is required for the construction or placement of a seawall within or along the ~~legally established or average normal waterline or~~ shoreline **or water line** of a public freshwater lake.

(b) If a new seawall is to be placed:
(1) in a significant wetland; or
(2) along a natural shoreline;
the seawall must be comprised of bioengineered materials.

(c) If a new seawall is to be placed in an area of special concern, the seawall must be comprised of either or both of the following:
(1) Bioengineered materials.
(2) Glacial stone.

(d) If a new seawall is to be placed in a developed area, the seawall must be comprised of one (1) or any combination of the following:
(1) Bioengineered material.
(2) Glacial stone.
(3) Riprap.
(4) Concrete.
(5) Steel sheet piling.

(e) For a new seawall comprised of glacial stone or riprap, the base of the wall must not extend more than four (4) feet lakeward of the ~~waterline or~~ shoreline **or water line.**

(f) The lakeward face of the new seawall must be located along the public freshwater lake's ~~legally established or average normal waterline or~~ shoreline **or water line** as determined by the department.

(g) The lakeward extent of bioengineered material must be coordinated with the department before filing the license application.

(h) The director or a delegate may not issue a license for the placement of an impermeable material behind or beneath a new seawall.

(i) Filter cloth placed behind or beneath a new seawall must be properly anchored to prevent displacement or flotation.

(j) Erosion from disturbed areas landward of the ~~waterline or~~ shoreline **or water line** must be controlled to prevent its transport into the lake.

(k) Toe protection placed along the lakeward face of a new bulkhead seawall must not extend more than one (1) foot lakeward of the new seawall.
(Natural Resources Commission; 312 IAC 11-4-2; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2225; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 14, 2005, 2:45 p.m.: 29 IR 466; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 15. 312 IAC 11-4-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-4-3 Seawall refacing

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

Sec. 3. (a) A written license under IC 14-26-2 and this rule is required to reface on the lakeward side of a seawall that is located within or along the ~~waterline or~~ shoreline **or water line** of a public freshwater lake.

(b) Except as provided in 312 IAC 11-3-1(e), the director or a delegate shall not issue a license to reface a seawall if the wall has been previously refaced.

(c) To qualify for a license if a seawall is to be refaced in a significant wetland or an area of special concern, the seawall reface must be comprised of like materials in accordance with the following seawall types:
(1) For an existing concrete seawall, the seawall reface may be comprised of one (1) or any combination of the following:
(A) Concrete.
(B) Glacial stone.
(C) Bioengineered materials.
(2) For an existing steel sheet piling seawall, the seawall reface may be comprised of one (1) or any combination of the following:
(A) Steel sheet piling.
(B) Glacial stone.
(C) Bioengineered materials.
(3) For an existing riprap seawall, the seawall reface may be comprised of one (1) or any combination of the following:
(A) Riprap.
(B) Glacial stone.
(C) Bioengineered materials.
(4) For an existing glacial stone seawall, the seawall reface may be comprised of one (1) or any combination of the following:
(A) Glacial stone.
(B) Bioengineered materials.
(5) For an existing bioengineered seawall, the seawall reface may be comprised of bioengineered materials only.
(6) For all other seawall types, the seawall reface may be comprised of one (1) or any combination of the following:
(A) Glacial stone.
(B) Bioengineered materials.

(d) To qualify for a license if a seawall is to be refaced in a developed area, the seawall reface must be comprised of one (1) or any combination of the following:
(1) Bioengineered material.
(2) Glacial stone.
(3) Riprap.
(4) Concrete.
(5) Steel sheet piling.

(e) For a seawall reface comprised of:
(1) glacial stone or riprap, the reface must not extend more than four (4) feet lakeward of the ~~waterline or~~ shoreline **or water line** at the base of the existing wall;
(2) concrete, the reface must:
(A) not extend more than twelve (12) inches lakeward of the existing seawall; and
(B) be keyed to the lakeward face of the existing seawall;
(3) steel sheet piling, the reface must not extend more than six (6) inches lakeward of the existing seawall; and
(4) bioengineered material, the lakeward extent of the reface must be coordinated with the department before filing the permit application.

(f) Any walk or structural tie constructed on top of the existing seawall must be located landward of the seawall face.

(g) The director or a delegate shall not issue a license for the placement of an impermeable material behind or beneath a seawall reface.

(h) Filter cloth placed behind or beneath the seawall reface must be properly anchored to prevent displacement or flotation.

(i) Erosion from disturbed areas landward of the ~~waterline or~~ shoreline **or water line** must be controlled to prevent its transport into the lake.

(j) Toe protection placed along the lakeward face of a refaced bulkhead seawall must not extend more than one (1) foot lakeward of the refaced seawall.
(Natural Resources Commission; 312 IAC 11-4-3; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2225; filed Jan 23, 2001, 10:05 a.m.: 24 IR 1616; filed May 25, 2004, 8:45 a.m.: 27 IR 3063; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 14, 2005, 2:45 p.m.: 29 IR 467; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 16. 312 IAC 11-4-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-4-4 Underwater beaches

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

Sec. 4. (a) A written license under IC 14-26-2 and this rule is required to place material for an underwater beach within a public freshwater lake.

(b) The director or a delegate shall not issue a license for the placement of:
(1) filter cloth; or
(2) an impermeable material;
beneath or in an underwater beach.

(c) The director or a delegate shall not issue a license for the placement of an underwater beach:
(1) in a significant wetland; or
(2) along a natural shoreline.

(d) To qualify for a license to place an underwater beach in an area of special concern, the underwater beach must:
(1) not exceed six hundred twenty-five (625) square feet;
(2) not extend:
(A) more than thirty (30) feet lakeward of the ~~normal waterline or~~ shoreline **or water line;** or
(B) to a depth of six (6) feet;
whichever occurs earlier;
(3) be placed on not more than one-half (½) the length of the ~~waterline or~~ shoreline **or water line** of the riparian owner;
(4) be comprised of clean, nontoxic pea gravel;
(5) not exceed six (6) inches in thickness; and
(6) be thin enough or tapered so the ~~waterline or~~ shoreline **or water line** will not be extended lakeward. ~~when the public freshwater lake is at its average normal water level.~~

(e) To qualify for a license to place an underwater beach in a developed area, the underwater beach must:
(1) be comprised of clean, nontoxic pea gravel;

(2) not exceed six (6) inches ~~thick;~~ in thickness;
(3) be placed on not more than one-half (½) the length of the ~~waterline or~~ shoreline **or water line** of the riparian owner;
(4) extend not:
(A) more than fifty (50) feet lakeward from the ~~waterline or~~ shoreline **or water line;** or
(B) beyond a depth of six (6) feet;
whichever occurs earlier; and
(5) be thin enough or tapered so the ~~waterline or~~ shoreline **or water line** will not be extended lakeward. ~~when the public freshwater lake is at its normal water level.~~

(f) If beach material has been placed previously under this section, the additional material must not:
(1) extend beyond the limits of the previous beach material; and
(2) exceed the size restrictions specified in subsections (d) and (e).

(g) Erosion from disturbed areas landward of the ~~waterline or~~ shoreline **or water line** must be controlled to prevent its transport into the lake.
(Natural Resources Commission; 312 IAC 11-4-4; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2226; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1547; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 14, 2005, 2:45 p.m.: 29 IR 467; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 17. 312 IAC 11-4-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-4-5 Boatwell excavations or constructions

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

Sec. 5. (a) A written license under IC 14-26-2 and this rule is required to excavate or construct a boatwell that is within or adjacent to the ~~legally established or average normal waterline or~~ shoreline **or water line** of a public freshwater lake.

(b) The department may not issue a license for the excavation or construction of a boatwell in:
(1) a significant wetland; or
(2) an area of special concern.

(c) To qualify for a license to place a boatwell in a developed area, the excavation or construction of the boatwell must not:
(1) adversely affect the:
(A) water level;
(B) significant wetlands; or
(C) natural resources;
of the public freshwater lake;
(2) exceed twenty (20) feet wide;
(3) extend more than thirty (30) feet landward from the ~~waterline or~~ shoreline **or water line;** and
(4) be connected to the public freshwater lake until the landward sides of the boatwell have been stabilized to prevent erosion.

(d) Erosion from disturbed areas landward of the ~~legally established or average normal waterline or~~ shoreline **or water line** must be controlled to prevent its transport into the lake.
(Natural Resources Commission; 312 IAC 11-4-5; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2226; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 18. 312 IAC 11-4-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-4-6 Boatwell fills

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

Sec. 6. (a) A written license under IC 14-26-2 and this rule is required to fill an existing boatwell along a public freshwater lake.

(b) To qualify for a license, the existing boatwell must:
(1) not exceed twenty (20) feet wide;
(2) not extend more than thirty (30) feet landward from the ~~waterline or~~ shoreline **or water line;**
(3) not be filled until a seawall or other permanent barrier has been constructed across the lakeward end of the boatwell to prevent the fill material from entering the public freshwater lake; and
(4) be filled with only clean, nontoxic material.

(c) Erosion from disturbed areas landward of the ~~waterline or~~ shoreline **or water line** must be controlled to prevent its transport into the lake.
(Natural Resources Commission; 312 IAC 11-4-6; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2227; errata filed Apr 27, 1999, 4:45 p.m.: 22 IR 2883; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

SECTION 19. 312 IAC 11-2-28 IS REPEALED.

RULE RECORD FOR LSA DOCUMENT #05-344(F)

FISCAL YEAR 2006–2007

LSA Document #05-344(F)

(Administrative Cause Number 05-148A)

Filed with Secretary of State: June 9, 2006, 3:40 p.m.

Small Business Regulatory Coordinator

John Bergman, Department of Natural Resources, Division of State Parks and Reservoirs, Indiana Government Center-South, 402 West Washington Street, Room W298, Indianapolis, IN 46204, (317) 232-4131, jbergman@dnr.in.gov

Document History
LSA Document #05-344(F)
Notice of Intent: 29 IR 1245
Proposed Rule: 29 IR 1975
Hearing Held: March 27, 2006
Approved by Attorney General: June 6, 2006
Approved by Governor: June 9, 2006
Filed with Secretary of State: June 9, 2006, 3:40 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 31, 2007, the Small Business Regulatory Coordinator, John Bergman, by email filed the following report:

> No comments were received concerning this rule from small Businesses during the review period.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #05-344(F)

DIGEST

Amends 312 IAC 8-2-8 to provide for the use of motorized carts at state parks and recreation areas consistent with amendments to IC 14-19-1-1 that were enacted through HEA 1765-2005. Effective 30 days after filing with the Secretary of State.

312 IAC 8-2-8

SECTION 1. 312 IAC 8-2-8, AS AMENDED AT 29 IR 463, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-8 Vehicles, trails, watercraft, and aircraft

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1
Affected: IC 14-19-1-0.5; IC 14-22-11-1

Sec. 8. (a) A person must not operate a vehicle:
(1) at a speed greater than:
(A) thirty (30) miles per hour on straight, open stretches of road; or
(B) fifteen (15) miles per hour on steep grades, curves, or where posted; or
(2) other than on a public road.

(b) A person must not park:
(1) a vehicle;
(2) watercraft; or
(3) associated equipment;
except at a site designated by the department.

(c) A person must not operate a motorized cart on a DNR property except as follows:
(1) The person must demonstrate both of the following:
(A) The person holds a valid driver's license.
(B) The person is either of the following:
(i) At least sixty-five (65) years of age that is evidenced by the valid driver's license.
(ii) Has a disability, as defined by the federal Social Security Administration guidelines (42 U.S.C. 416), that is evidenced by documentation from the Social Security Administration.
(2) A person must not operate a motorized cart other than within a campground.
(3) A motorized cart must meet the following lighting requirements if operated between the hours of sunset and sunrise:
(A) Have a lamp on the front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart.
(B) Have a lamp on the rear exhibiting a red light visible at least five hundred (500) feet behind the motorized cart.
(4) A restriction applicable to the operation, parking, or other use of a vehicle under this section also applies to a motorized cart.
(5) As used in this subsection, "campground" means an area where provisions are made for the accommodation of any of the following:
(A) Tents.
(B) Recreational vehicles.
(C) Vacation mobile homes.
(6) As used in this subsection, "motorized cart" has the meaning set forth in IC 14-19-1-0.5.

~~(c)~~ **(d)** A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not:
(1) hike;
(2) bike;
(3) ski;
(4) horseback ride; or
(5) operate an off-road vehicle or snowmobile;
except on a trail designated for the purpose. A person must not ride, lead, drive, or hitch an animal, except where designated by the department.

~~(d)~~ **(e)** A person must not operate or maintain a watercraft on a lake:
(1) containing fewer than three hundred (300) acres unless powered only by an electric trolling motor with not more than:
(A) two (2) 12-volt batteries; or
(B) one (1) 24-volt battery;
(2) except under motor horsepower and speed zone requirements applicable to the lake; and
(3) for fourteen (14) consecutive days without removal from the lake unless otherwise moored in a designated area.

~~(e)~~ **(f)** A person must not launch, dock, or moor a watercraft or another floating device, except for approved periods and at sites designated by the department for those purposes. A person must not:
(1) leave a watercraft unattended in a courtesy dock provided by the department; or
(2) moor a watercraft at a designated group dock or mooring post unless the watercraft exhibits a valid mooring permit.

~~(f)~~ **(g)** A person must not leave a vehicle, watercraft, or associated equipment at a DNR property unless the person is actively engaged in the use of:
(1) a DNR property; or
(2) an adjacent:
(A) public freshwater lake; or
(B) navigable waterway.

~~(g)~~ **(h)** A person must not land, taxi, take-off, park, or moor:
(1) an aircraft;
(2) a hang glider;
(3) an ultralite;
(4) a powered model aircraft; or
(5) a hot air balloon;
except at a site designated for that purpose or pursuant to a license.
(Natural Resources Commission; 312 IAC 8-2-8; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 463, eff Jan 1, 2006; filed Jun 9, 2006, 3:40 p.m.: 20060705-IR-312050344FRA)

RULE RECORD FOR LSA DOCUMENT #05-341 (F)

FISCAL YEAR 2006–2007

LSA Document #06-341(F)

(Administrative Cause Number 05-191W)

Filed with the publisher: *July 14, 2006, 1:23 p.m.*

Small Business Regulatory Coordinator
Mark Basch, Department of Natural Resources, Division of Water, Room W264, Indianapolis, IN 46204, (877) 928-3755 or (317) 232-0154, mbasch@dnr.in.gov

Document History
LSA Document #05-341(F)
Notice of Intent: January 1, 2006; 29 IR 1245
Proposed Rule: April 1, 2006; 29 IR 2265
Hearing Held: April 24, 2006
Approved by Attorney General: July 6, 2006
Approved by Governor: July 13, 2006
Filed with Publisher: July 14, 2006, 1:23 p.m.
Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On August 10, 2006, the Small Business Regulatory Coordinator for this rule, Mark Basch, filed by email from **mbasch@dnr.in.gov** the following:

Thank you for the update regarding the direct push amendments to the Water Well Construction Rule (312 IAC 13). To date, the Division of Water has received no complaints from small business regarding the rule amendment. Our office has received positive feedback from Geoprobe, Inc., a manufacturer of direct push equipment, as they have been actively promoting the rule amendments. Geoprobe is located in Salina, Kansas, and I do not believe they are considered a small business.

On August 14, 2007, the Small Business Regulatory Coordinator for this rule, Mark Basch, filed by email from **mbasch@dnr.in.gov** the following:

The Division of Water received no complaints from small businesses during the past fiscal year with regard to the revisions made to the water well construction rule. Division staff typically receive approximately 100 questions/comments (two per week) regarding application of the rule each year.

All questions were believed to have been resolved to the satisfaction of the agency and small businesses involved.

Approximately 1 hour was spent on SBRC duties during the past fiscal year with regard to LSA Document #06-341(F).

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #06-92(F) at its May 16, 2006 meeting. An excerpt of the minutes follows.

…

Consideration of Rule Processing Report of Public Hearing, Comments, and Presentation for Final Adoption of Amendments to 312 IAC 13 Governing Water Well Drillers; Administrative Cause Number 05-191W; LSA #05-341(F)

Stephen Lucas also presented this item. He said presented for consideration as to final adoption were amendments to the rules governing water well drilling contractors. He then deferred to Mark Bash from Division of Water who is primarily responsible for administering the rules.

Basch provided the Commission members with a photograph of equipment for a "direct push" well. He explained that the thermal grouts are used for monitoring wells. The new process would allow a temporary casing to be installed, a well to be set, and then the casings to be removed afterwards. He said that the current rules were written before the new technology was available. "Therefore, we're looking to change the rule to allow for its installation."

Patrick Bennett with the Indiana Manufacturers Association addressed the Commission. He said, "I was here in November to encourage your preliminary adoption, and am here to encourage your final adoption of this rule. It saves time, it saves money. This is an exceptional method for use in monitoring wells, and we'd appreciate your consideration and we encourage you to final adopt the rule."

Jane Stautz moved to give final adoption to amendments to 312 IAC 13 governing water well drillers to approve use of the "direct push" method for monitoring wells and to make other changes as published for preliminary adoption. Damien Schmelz seconded the motion. Upon a voice vote, the motion carried.

…

Excerpt from Hearing Officer Report dated October 24, 2006:

…

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) **Public Hearing Comments**

No public comments were received during the public hearing conducted on October 13, 2006.

b) **Comments Received Outside Public Hearing**

Senator Beverly Gard, District 28, through email correspondence dated November 29, 2005 stated:

Judge Lucas,
I apologize for the delay with my reply. You are exactly correct in your assessment of the legislative intent with the phrase "applicable provisions of the code of judicial conduct".

Your draft rule seems just fine to me and I think it will clarify the issue for any that may raise questions in the future.

I appreciate your giving me the opportunity to look at this.

…

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #05-341(F)

DIGEST

Amends 312 IAC 13-8-1, 312 IAC 13-8-3, and 312 IAC 13-10-2, governing water well drilling contractors, to apply new grouting requirements to geothermal heat pump wells, replace numerical diameter requirements for a monitoring well by a functionality requirement, modify the standards for a filter pack seal in a monitoring well, establish standards for a monitoring well constructed by the direct push method, and, for a cover on a bucket well or a hand dug well that was abandoned before January 1, 1988, no longer authorize lumber if treated with chromium copper arsenic salt. Makes other technical changes. Effective 30 days after filing with the Publisher.

312 IAC 13-8-1; 312 IAC 13-8-3; 312 IAC 13-10-2

SECTION 1. 312 IAC 13-8-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 13-8-1 Geothermal heat pump wells

Authority: IC 14-10-2-4; IC 25-39-4-2; IC 25-39-4-9
Affected: IC 25-39

Sec. 1. (a) This section establishes standards for drilling ground water heat pump systems that are in addition to the general requirements for drilling a well under 312 IAC 12.

(b) If a return well is used with an open loop system, its design shall provide a water transmitting capacity that is at least one and one-half (1½) times the required water supply of the heat pump unit.

(c) With respect to a vertical closed loop system, boreholes shall be pressure grouted from the bottom of the borehole to the ground surface **with a high solids bentonite grout that may contain sand to enhance thermal conductivity.**
(Natural Resources Commission; 312 IAC 13-8-1; filed Nov 22, 1999, 3:34 p.m.: 23 IR 770; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Jul 14, 2006, 1:23 p.m.: 20060809-IR-312050341FRA)

SECTION 2. 312 IAC 13-8-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 13-8-3 Monitoring wells

Authority: IC 14-10-2-4; IC 25-39-4-2; IC 25-39-4-9
Affected: IC 25-39

Sec. 3. (a) This section establishes standards for monitoring wells that are in addition to the general requirements for drilling a well under this article.

(b) A monitoring well shall be equipped with casing. ~~having a~~ **The composition, wall thickness, and** nominal diameter of ~~at least:~~
~~(1) three-fourths (¾) of an inch if~~ the ~~well is installed for the primary purpose of monitoring ground water levels; or~~
~~(2) two (2) inches if~~ **casing shall be sufficient to allow** the well ~~is installed~~ **to be used** for ~~the primary~~ **its intended** purpose. ~~of monitoring the quality of ground water.~~

(c) Monitoring well casing shall be new first class material that meets the American Society of Testing Materials (ASTM) standards ASTM A-120 (1984) or ASTM A-53 (1987) or the American Petroleum

Institute (API) standards API-5A or API-5L (1987). Thermoplastic pipe shall comply with ASTM F-480 (1981). Well casing shall be as follows:
(1) Clean and free of rust, grease, oil, or contaminants and composed of materials that will have minimal impact on the quality of a water sample.
(2) Centered in the borehole and free of obstructions so ~~that~~ monitoring devices can be lowered into the well.

(d) A monitoring well screen shall be composed of materials that will not corrode or react with chemicals found in the ground water at the site. The well screen slots shall not be hand cut and shall be sized to retain at least ninety percent (90%) of the grain size of the introduced filter pack or natural formation materials if an introduced filter pack is not used. The introduced filter pack shall:
(1) be properly sized and graded; and ~~shall~~
(2) not extend more than two (2) feet above the top of the screen or the uppermost water bearing unit to be monitored in the well annulus unless otherwise approved by the division.

(e) A filter pack seal of **bentonite slurry or granular,** pelletized, medium grade, or coarse grade crushed bentonite may be placed in the annulus directly above the filter pack **or sand grout barrier.** The filter pack seal shall:
(1) be installed ~~so~~ **to prevent** bridging; ~~is prevented,~~ and ~~the filter pack seal can~~
(2) not extend ~~no~~ more than two (2) feet above the filter pack **or sand grout barrier.**

(f) Except as provided in subsection (h), the finished well casing:
(1) shall extend at least two (2) feet above the ground level; and
(2) if located in a flood plain, must be:
(A) at least two (2) feet above the elevation of the regulatory flood; or ~~be~~
(B) equipped with a watertight cap.
The monitoring well shall be located to protect against surface water ponding, and earthen materials, neat cement, or concrete shall be placed around the well casing to drain surface water from the well.

(g) A monitoring well, located where the casing is susceptible to damage, shall be equipped with a protective outer pipe consisting of a metal casing having a diameter large enough to allow easy access to the well. The protective cover pipe shall be firmly anchored in the ground. Additional protective devices, for example, brightly colored posts around the well, are required where ~~the well could be damaged by~~ construction equipment or vehicular traffic **could damage the well.**

(h) A monitoring well must be equipped with a locking cap or cover to prevent unauthorized access. The locking cap may be placed:
(1) directly on the well casing; or
(2) if required under subsection (g), ~~placed~~ on the protective cover pipe.

(i) A monitoring well installed so that the top of the well casing is finished at an elevation below the ground surface shall be equipped with a watertight cap. The top of the well casing shall terminate at a depth no greater than one (1) foot below the ground surface and shall be located in a flush mounted protective cover pipe. The flush mounted protective cover pipe shall include each of the following:
(1) A watertight one (1) piece or continuous welded metal casing:
(A) at least one (1) foot long; and
(B) having a nominal diameter at least four (4) inches greater than the nominal diameter of the monitoring well.
The casing shall be flanged for greater stability if installed in a location likely to be subject to vehicular traffic.
(2) A concrete ground surface seal, if an impervious surface, for example, concrete or asphalt, is not present. The ground surface seal shall be installed and extend ~~no~~ **not** more than three (3) feet below the ground surface.
(3) A sealed lid ~~which~~ **that** is not more than one-half (½) inch higher than the elevation of the ground surface. The sealed lid shall be **as follows:**

(A) Of a quality to withstand vehicular traffic if installed in a location likely to be subject to vehicular traffic. ~~The lid shall be~~
(B) Clearly marked with the words "MONITORING WELL" or "MONITOR" and also display the words "DO NOT FILL".

(j) A monitoring well installed by the rotary or auger drilling method shall have a borehole with a diameter at least two (2) inches greater than the nominal diameter of the casing. Except as provided in subsection (e), the well shall be grouted as follows:
(1) Granular bentonite ~~can~~ **may** be used to grout a monitoring well if **the:**
(A) ~~the~~ diameter of the borehole is four (4) inches or larger than the nominal diameter of the well casing; and
(B) ~~the~~ well is not more than twenty-five (25) feet deep.
(2) Except as provided in subdivision (3), the annulus of the monitoring well shall be pressure grouted with neat cement or a bentonite slurry or be grouted with pelletized, medium grade, or coarse grade crushed bentonite from the top of the filter pack or filter pack seal under subsection (e) (for a well installed in unconsolidated materials) or the bottom of the well casing (for a well penetrating bedrock) to the ground surface or to within one (1) foot of the ground surface if a flush mounted protective cover pipe is installed if **the:**
(A) ~~the~~ diameter of the borehole is four (4) inches or larger than the nominal diameter of the well casing; and
(B) ~~the~~ well is not more than one hundred (100) feet deep.
(3) The annulus of the monitoring well shall be pressure grouted with neat cement or a bentonite slurry from the top of the filter pack or filter pack seal under subsection (e) (for a well installed in unconsolidated materials) or the bottom of the well casing (for a well penetrating bedrock) to the ground surface or to within one (1) foot of the ground surface if a flush mounted protected cover pipe is installed where either **the:**
(A) ~~the~~ diameter of the borehole is less than four (4) inches larger in diameter than the nominal diameter of the well casing; or
(B) ~~the~~ well is more than one hundred (100) feet deep.

(k) A monitoring well installed by the cable tool method shall be grouted as follows:
(1) The well casing shall be centered in a borehole:
(A) with a diameter of at least two (2) inches greater than the nominal diameter of the casing to be driven; ~~The borehole shall be~~
(B) dug at least three (3) feet, but ~~no~~ **not** more than five (5) feet, below the ground surface; and ~~shall be~~
(C) filled with granular bentonite or a bentonite slurry during the installation of the casing. Notwithstanding 312 IAC 13-5-1(c), bentonite slurry may be introduced into the borehole annulus by gravity methods during the installation of the well casing.
(2) Grouting shall be performed as provided under subsection (i) if a larger diameter:
(A) temporary casing is used to install a smaller diameter permanent well casing; or
(B) borehole is drilled to install a smaller diameter well casing.

(l) A monitoring well installed by the direct push method must be constructed as follows:
(1) The well shall be equipped with a prepacked well screen.
(2) A sand grout barrier shall:
(A) be placed directly above the prepacked well screen in the annulus between the well casing (riser pipe) and the borehole wall as the probe rods are retracted;
(B) be installed to prevent bridging; and
(C) extend not more than two (2) feet above the top of the prepacked well screen.
(3) A filter pack seal may be installed under subsection (e) directly above the sand grout barrier.
(4) The remaining annulus between the well casing (riser pipe) and probe rods shall be pressure grouted with neat cement or a bentonite slurry from the top of the sand grout barrier or filter pack seal to:
(A) if a flush-mounted protective pipe is installed, within one (1) foot of the ground surface; or
(B) the ground surface.
(5) The probe rods shall be pulled during installation of the grout material.

~~(l)~~ **(m)** A monitoring well shall be developed following installation and before water samples are collected. This development shall be accomplished to produce water that is as free as practicable from **the following:**
(1) Sediment.
(2) Drill cuttings. ~~and~~
(3) Drilling fluids.
If a well is installed to monitor ground water quality, the well shall be adequately developed to present a representative sample of the water quality.

~~(m)~~ **(n)** Contaminated drill cuttings, fluids, and surge and wash waters produced in the drilling and development of a monitoring well shall be collected and contained to:
(1) prevent contamination of the area; and ~~to~~
(2) protect persons who might otherwise come in contact with these materials.

~~(n)~~ **(o)** Monitoring well construction and development equipment that comes in contact with contaminated water or contaminated geologic materials shall be cleaned with high-pressure hot water or steam, using inorganic soap or other suitable solvents, and rinsed thoroughly. Contaminated fluids or wash waters shall be collected and contained so that the result is not:
(1) contamination of the area; or
(2) a hazard to individuals who may come in contact with these materials.
(Natural Resources Commission; 312 IAC 13-8-3; filed Nov 22, 1999, 3:34 p.m.: 23 IR 770; errata filed Dec 30, 1999, 4:02 p.m.: 23 IR 1109; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Jul 14, 2006, 1:23 p.m.: 20060809-IR-312050341FRA)

SECTION 3. 312 IAC 13-10-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 13-10-2 Permanent abandonment of wells

Authority: IC 14-10-2-4; IC 25-39-4-2; IC 25-39-4-6; IC 25-39-4-9
Affected: IC 25-39

Sec. 2. (a) A well abandoned before January 1, 1988, must be sealed at or above the ground surface by a welded, threaded, or mechanically attached watertight cap. The well shall be maintained so the well does not become a source or channel of ground water contamination. A well that poses a hazard to human health must also be plugged under subsection (c). A cased or uncased bucket well or a hand dug well (other than buried slab construction) that was abandoned before January 1, 1988, shall be closed in conformance with one (1) of the following procedures:
(1) Covered with a reinforced concrete slab:
(A) at least four (4) inches thick; and
(B) having a diameter larger than the nominal diameter of the borehole or the well casing.
(2) Equipped with a properly reinforced cover:
(A) constructed of pressure treated lumber; ~~using chromium copper arsenic salt, that has~~
(B) having dimensions larger than the nominal diameter of the borehole or well casing; ~~The cover shall be~~ **and**
(C) protected against the water with roofing or other water repelling materials that are properly maintained to ensure the integrity of the cover.
Closure shall not be performed under this subdivision, however, if the cover is in direct contact with ground water or surface water.
(3) Closed as otherwise approved by the division.

(b) A well drilled before January 1, 1988, and abandoned before January 1, 1994, shall be **as follows:**
(1) Sealed at or above the ground surface by a welded, threaded, or mechanically attached watertight cap. ~~The well shall be~~
(2) Maintained so the well does not become a source or channel of ground water contamination.

A well that poses a hazard to human health must also be plugged under subsection (c).

(c) A well abandoned after December 31, 1987, shall be plugged with an impervious grouting material to prevent the **following:**
(1) Migration of materials or fluids in the well. ~~and the~~
(2) Loss of pressure in a confined aquifer.

(d) A well drilled after December 31, 1987, and not equipped with casing must be plugged within seventy-two (72) hours after completion.

(e) This subsection applies as follows to a cased or uncased well abandoned after December 31, 1987:
(1) The plugging material must consist of one (1) or a combination of the following:
(A) Neat cement with not more than five percent (5%) by weight of bentonite additive.
(B) Bentonite slurry, which can include polymers designed to retard swelling.
(C) Pelletized, medium grade, or coarse grade crushed bentonite.
(D) Other materials approved by the commission.
(2) The following methods apply:
(A) Cement and bentonite slurries shall be pumped into place in a continuous operation with a grout pipe introducing the plugging material at the bottom of the well and moving the pipe progressively upward as the well is filled.
(B) Plugging materials other than neat cement or bentonite slurry shall be installed in a manner to prevent bridging of the well or borehole. The well or borehole shall be measured periodically throughout the plugging process to ensure that bridging does not occur.
(3) The following procedures apply:
(A) An abandoned well shall be disconnected from the water system. Any substance that may interfere with plugging shall be removed, if practicable.
(B) A well, other than:
(i) a monitoring well;
(ii) a dewatering well; or
(iii) an uncased borehole;
shall be chlorinated before abandonment as provided in 312 IAC 13-9-1.
(4) A cased well shall be plugged as follows:
(A) With neat cement, bentonite slurry, or medium grade or coarse grade crushed or pelletized bentonite from the bottom of the well to within two (2) feet below the ground surface unless otherwise provided by the department.
(B) The well casing shall be severed at least two (2) feet below the ground surface, and a cement plug larger in diameter than the borehole shall be:
(i) constructed over the borehole; and
(ii) covered with natural clay material to the ground surface.
(5) An uncased well (other than a borehole drilled by a bucket rig or a dewatering well governed by subdivision (8) or (9)) shall be filled with:
(A) natural clay materials;
(B) neat cement;
(C) bentonite slurry; or
(D) medium grade or coarse grade crushed or pelletized bentonite;
from the bottom of the borehole to a depth of ~~no~~ **not** less than twenty-five (25) feet below ground surface. The borehole shall be filled with neat cement or medium grade or coarse grade crushed or pelletized bentonite from a depth ~~no~~ **not** less than twenty-five (25) feet below ground surface to within two (2) feet below ground surface. The remaining borehole shall be filled with natural clay material to ground surface.
(6) A cased or uncased monitoring well shall be plugged from the bottom of the well or borehole to the ground surface with a:
(A) bentonite slurry; or
(B) pelletized or coarse grade crushed bentonite.
(7) A bucket well shall be plugged as follows:
(A) A bucket well installed as buried slab construction shall be filled with gravel from the bottom of the well to within ten (10) feet below the ground surface. Neat cement, bentonite slurry, or pelletized, medium

grade, or coarse grade crushed bentonite shall be installed in the casing or well pipe from ~~no~~ **not** less than ten (10) feet below the ground surface to within two (2) feet below the ground surface. The well pipe shall be:
(i) severed at least two (2) feet below the ground surface; and
(ii) covered with a cement plug larger in diameter than the well pipe.
The remaining hole shall be filled with natural clay material to the ground surface.
(B) Bucket well construction:
(i) using casing with an inside diameter of less than twelve (12) inches extending the entire length of the borehole; and
(ii) equipped with a well screen;
shall be abandoned under subdivision (4)(A).
(C) An uncased borehole drilled by a bucket rig shall be filled with natural clay material:
(i) from the bottom of the hole to the ground surface; ~~The clay material shall be~~ **and**
(ii) thoroughly tamped to minimize settling.
(D) For other than buried slab construction, a bucket well shall be filled with gravel from the bottom of the well to at least five (5) feet below ground surface. The top section of the concrete or tile well casing shall be removed to cause the top of the well to terminate below ground surface. The well shall be filled with at least one (1) foot of:
(i) neat cement;
(ii) bentonite slurry; or
(iii) pelletized, medium grade, or coarse grade crushed bentonite;
from at least five (5) feet below ground surface to the top of the well casing. The well casing shall be covered with a cement plug larger in diameter than the borehole. The remaining hole shall be filled with natural clay material to ground surface.
(8) If a dewatering well casing is removed following use, the remaining borehole shall initially be filled with granular, pelletized, medium grade, or coarse grade crushed bentonite a minimum of one (1) foot thick. The remainder of the borehole shall be:
(A) filled with natural earth materials obtained during the drilling process to the ground surface; and ~~be~~
(B) thoroughly tamped to minimize settling.
(9) If a dewatering well casing is removed following use and the well site will be excavated as part of the construction project, the remaining borehole shall be:
(A) filled with natural earth materials obtained during the drilling process to the ground surface; and ~~be~~
(B) thoroughly tamped to minimize settling.

(f) The division shall be notified in writing of a well abandonment within thirty (30) days after plugging is completed.
(Natural Resources Commission; 312 IAC 13-10-2; filed Nov 22, 1999, 3:34 p.m.: 23 IR 773; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Jul 14, 2006, 1:23 p.m.: 20060809-IR-312050341FRA)

RULE RECORD FOR LSA DOCUMENT #05-324(F)

FISCAL YEAR 2006–2007

LSA Document #05-324(F)

(Administrative Cause Number 05-106L)

Filed with Publisher: July 14, 2006, 1:24 p.m.

Small Business Regulatory Coordinator

Stephen L. Lucas, Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, IN 46204, (317) 233-3322, slucas@nrc.in.gov.

Document History
LSA Document #05-324(F)
Notice of Intent: December 1, 2005; 29 IR 834
Proposed Rule: March 1, 2006; 29 IR 1974
Hearing Held: April 11, 2006
Approved by Attorney General: June 29, 2006
Approved by Governor: July 13, 2006
Filed with Publisher: July 14, 2006, 1:24 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On August 9, 2006, The Small Business Regulatory Coordinator submitted the following:

Please reflect for the record that I have received no comments other than those received in the progression of the hearing process for rule adoption. Those are included in the administrative file and consist of the petition from the Sullivan County Park and Lake Recreation Board that administers Sullivan Lake and that sought the rule.

Stephen L. Lucas
Small Business Regulatory Coordinator
Natural Resources Commission
Indiana Government Center South
402 West Washington Street, Room W272
Indianapolis, IN 46204-2739
317-233-3322
slucas@nrc.IN.gov

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #05-324(F)

DIGEST

Amends 312 IAC 5-9, which establishes watercraft restrictions on waterways owned by public utilities, by adding a new section 312 IAC 5-9-5 to govern watercraft operations on Sullivan Lake in Sullivan County. Effective 30 days after filing with the Publisher.

312 IAC 5-9-5

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

312 IAC 5-9-5 Watercraft operation restrictions on Sullivan Lake in Sullivan County

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3
Affected: IC 14; IC 32-19-1-1

Sec. 5. (a) This section establishes special watercraft restrictions on Sullivan Lake in Sullivan County.

(b) A person must not operate a watercraft in excess of thirty (30) miles per hour.

(c) The following zones are established where a person must not operate a watercraft in excess of idle speed:
(1) Begins at a point with a buoy placed at the following:
(A) SPC 428092.46 (UTM 4328395.51) north and SPC 874146.32 (UTM 466950.38) east.
(B) SPC 427980.98 (UTM 4328283.79) north and SPC 874447.69 (UTM 467251.54) east.
(2) At a point with a buoy placed at the following:
(A) SPC 428702.73 (UTM 4329005.95) north and SPC 873717.08 (UTM 466521.85) east.
(B) SPC 428578.03 (UTM 4328881.34) north and SPC 873674.27 (UTM 466478.95) east.
(3) At a point with a buoy placed at the following:
(A) SPC 429732.56 (UTM 4330035.03) north and SPC 874125.04 (UTM 466930.60) east.
(B) SPC 429889.99 (UTM 4330192.41) north and SPC 874128.56 (UTM 466934.27) east.
(4) In the northern portion of the lake from a line extended shoreline to shoreline just south of the area known as the old railroad bed and more particularly described with a buoy placed at the following:
(A) SPC 430360.34 (UTM 4330662.94) north and SPC 873746.63 (UTM 466552.91) east.
(B) SPC 430375.49 (UTM 4330677.83) north and SPC 874013.26 (UTM 466819.46) east.

(d) The following zones are established where a person must not enter and operate any watercraft in when marked by navigational buoys, and all other times a person must not operate in excess of idle speed:
(1) Begins at a point with a buoy placed at the following:
(A) SPC 428513.44 (UTM 4328816.69) north and SPC 873767.44 (UTM 466572.02) east.
(B) SPC 428486.10 (UTM 4328789.25) north and SPC 873885.10 (UTM 466689.61) east.
(2) At a point with a buoy placed at the following:
(A) SPC 428387.53 (UTM 4328690.63) north and SPC 873977.69 (UTM 466782.08) east.
(B) SPC 428284.70 (UTM 4328587.80) north and SPC 874022.02 (UTM 466826.30) east.

(e) The coordinates used in this section have the meanings set forth in IC 32-19-1-1, 312 IAC 1-1-27.5, and 312 IAC 1-1-29.3 and referenced as "SPC" and "UTM".
(Natural Resources Commission; 312 IAC 5-9-5; filed Jul 14, 2006, 1:24 p.m.: 20060809-IR-312050324FRA)

RULE RECORD FOR LSA DOCUMENT #05-288(F)

FISCAL YEAR 2006–2007

LSA Document #05-288(F)

(Administrative Cause Number 05-126G)

Filed with Secretary of State: May 25, 2006, 3:15 p.m.

Small Business Regulatory Coordinator

Current Coordinator

James AmRhein, Assistant Director, Permitting and Compliance, Department of Natural Resources, Division of Oil and Gas, 402 West Washington Street, Room 293, Indianapolis, IN 46204, (317) 232-6961,
jamrhein@dnr.in.gov

Past Coordinators

Brock A. Mayes, Department of Natural Resources, Division of Reclamation, R.R. #2 Box 129, Jasonville, Indiana 47438, (812) 665-2207, bmayes@reclamation.dnr.state.in.us

Document History

LSA Document #05-288(F)
Notice of Intent Published: November 1, 2005; 29 IR 576
Proposed Rule Published: February 1, 2006; 29 IR 1733
Hearing Held: February 27, 2006
Approved by Attorney General: May 12, 2006
Approved by Governor: May 24, 2006
Filed with Secretary of State: May 25, 2006, 3:15 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 23, 2007, the Small Business Regulatory Coodinator, Jim AmRhein, filed by email the following report:

> There were no comments received this past fiscal year concerning the definitions recently added to the rule.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #05-288(F)

DIGEST

Amends 312 IAC 16-1 to delete a citation to 312 IAC 17-3, the enabling statute for which was repealed by P.L.80-2005, SECTION 6, and to add definitions for eight terms utilized within IC 14-37-7 and 312 IAC 16-5-4. Effective 30 days after filing with the Secretary of State.

312 IAC 16-1-1
312 IAC 16-1-2.5
312 IAC 16-1-28.3
312 IAC 16-1-31.2
312 IAC 16-1-32.5
312 IAC 16-1-32.6
312 IAC 16-1-39.6
312 IAC 16-1-39.8
312 IAC 16-1-52

SECTION 1. 312 IAC 16-1-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-1-1 Definitions
Authority: IC 14-37-3
Affected: IC 14-37

Sec. 1. The definitions in this rule apply throughout this article. ~~and 312 IAC 17-3.~~ *(Natural Resources Commission; 312 IAC 16-1-1; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2326; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)*

SECTION 2. 312 IAC 16-1-2.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-2.5 "Active underground mine" defined
Authority: IC 14-37-3
Affected: IC 14-34; IC 14-37

Sec. 2.5. "Active underground mine" means an underground coal mine permitted under IC 14-34 that is currently producing coal. *(Natural Resources Commission; 312 IAC 16-1-2.5)*

SECTION 3. 312 IAC 16-1-28.3 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-28.3 "Inactive underground mine" defined
Authority: IC 14-37-3
Affected: IC 14-34-19; IC 14-37

Sec 28.3. "Inactive underground mine" means an underground coal mine within the jurisdiction of IC 14-34, except an abandoned coal mine under the jurisdiction of IC 14-34-19 that is not currently producing coal. *(Natural Resources Commission; 312 IAC 16-1-28.3)*

SECTION 4. 312 IAC 16-1-31.2 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-31.2 "Intermediate string of casing" defined
Authority: IC 14-37-3
Affected: IC 14-37

Sec. 31.2. "Intermediate string of casing" means a length of pipe set below the surface casing string, but before the production casing is run, to isolate one (1) or more zones. *(Natural Resources Commission; 312 IAC 16-1-31.2)*

SECTION 5. 312 IAC 16-1-32.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-32.5 "Mine floor" defined
Authority: IC 14-37-3
Affected: IC 14-37

Sec. 32.5. "Mine floor" means the upper surface of a stratum underlying a coal seam, whether or not the coal seam has been extracted. *(Natural Resources Commission; 312 IAC 16-1-32.5)*

SECTION 6. 312 IAC 16-1-32.6 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-32.6 "Mine plan" defined
Authority: IC 14-37-3
Affected: IC 14-37

Sec 32.6. "Mine plan" means a map filed under 312 IAC 16-5-4(b) by a person having title or legal interest showing the land on which a commercially mineable coal resource exists. *(Natural Resources Commission; 312 IAC 16-1-32.6)*

SECTION 7. 312 IAC 16-1-39.6 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-39.6 "Permit boundary" defined
Authority: IC 14-37-3
Affected: IC 14-34; IC 14-37

Sec 39.6. "Permit boundary" means that area on which mining operations will affect the ground surface or in which underground mine workings are, or will be, located as designated on the maps approved by the division of reclamation as a part of the mining permit issued under IC 14-34.
(Natural Resources Commission; 312 IAC 16-1-39.6)

SECTION 8. 312 IAC 16-1-39.8 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-39.8 "Pillar" defined
Authority: IC 14-37-3
Affected: IC 14-37

Sec. 39.8. "Pillar" means a column of coal or rock remaining after removal of coal for the purpose of supporting the overlying strata and materials. *(Natural Resources Commission; 312 IAC 16-1-39.8)*

SECTION 9. 312 IAC 16-1-52 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-52 "Workable limits" defined
Authority: IC 14-37-3
Affected: IC 14-37

Sec. 52. "Workable limits" means the boundary of the coal resource that can be mined using current mining technology.
(Natural Resources Commission; 312 IAC 16-1-52)

RULE RECORD FOR LSA DOCUMENT #05-263(F)

FISCAL YEAR 2006–2007

LSA Document #05-263(F)

(Administrative Cause Number 05-104L)

Filed with Secretary of State: May 9, 2006, 2:25 p.m.

Small Business Regulatory Coordinator

Stephen L. Lucas, Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, IN 46204, (317) 233-3322, slucas@nrc.in.gov

Document History

LSA Document #05-263(F)
Notice of Intent Published: October 1, 2005; 29 IR 56
Proposed Rule Published: December 1, 2005; 29 IR 839
Hearing Held: January 4, 2006
Approved by Attorney General: April 28, 2006
Approved by Governor: May 9, 2006
Filed with Secretary of State: May 9, 2006, 2:25 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 25, 2007, the Small Business Regulatory Coodinator indicated by email that no comments, complaints, and questions were received during the most recent fiscal year.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #05-263(F)

DIGEST

Amends 312 IAC 5-7-5, which establishes special watercraft speed zones on Ohio River embayments in Switzerland County, by making the entirety of Turtle Creek Bay an idle speed zone. Effective 30 days after filing with the Secretary of State.

312 IAC 5-7-5

SECTION 1. 312 IAC 5-7-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-7-5 Ohio River embayments and tributaries; Bryant Creek and Turtle Creek in Switzerland County; watercraft speed zones
Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3; IC 14-29-1-8
Affected: IC 14

Sec. 5. A person must not operate a watercraft in excess of idle speed for the following embayments and tributaries of the Ohio River located in Switzerland County:

(1) On Bryant Creek within two hundred (200) feet of a boat launching ramp located in the northeast quarter of the northwest quarter of the northwest quarter of section 34, township 2 north, range 1 west as designated by buoys placed by the department.

(2) On Turtle Creek ~~for one thousand one hundred fifty (1,150) feet~~ **Bay** upstream from the confluence of the Ohio River and Turtle Creek.

(Natural Resources Commission; 312 IAC 5-7-5; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2375, eff Jan 1, 2002)

RULE RECORD FOR LSA DOCUMENT #05-262(F)

FISCAL YEAR 2006–2007

LSA Document #05-262(F)

(Administrative Cause Number 05-156D)

Filed with Secretary of State: May 9, 2006, 2:25 p.m.

Small Business Regulatory Coordinator

Gregg McCollam, Assistant Director, Division of Fish and Wildlife, Department of Natural Resources, Indiana Government Center-South, 402 W. Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-9382, gmccollam@dnr.in.gov

Document History

LSA Document #05-262(F)
Notice of Intent Published: October 1, 2005; 29 IR 55
Proposed Rule Published: January 1, 2006; 29 IR 1249
Hearing Held: February 2, 2006
Approved by Attorney General: April 28, 2006
Approved by Governor: May 9, 2006
Filed with Secretary of State: May 9, 2006, 2:25 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 30, 2007, the Small Business Regulatory Coordinator indicated that no comments, complaints, or questions were received during the most recent state fiscal year.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #05-262(F)

DIGEST

Adds 312 IAC 9-3-2.5 to establish a special youth deer hunting season the weekend before the start of the early archery season (October 1), to allow any youth 15 years of age or younger, accompanied by an adult of at least 18 years of age, to be able to take one antlerless deer during this special youth deer season, and to require the youth hunter to possess a valid youth hunting license, to have taken a hunter education course, and to comply with all other deer hunting regulations. Effective 30 days after filing with the Secretary of State.

312 IAC 9-3-2.5

SECTION 1. 312 IAC 9-3-2.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-2.5 Hunting deer during special youth season
Authority: IC 14-22-2-6
Affected: IC 14-22-11-1; IC 14-22-12-1; IC 14-22-12-7

Sec. 2.5. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual youth who is either of the following:
(1) Issued a license to hunt deer under IC 14-22-12-1(a)(24).
(2) Hunting deer under IC 14-22-11-1 or IC 14-22-12-7.
As used in this section, "youth" means an individual who is fifteen (15) years of age or younger by the date of the hunt.

(b) The season for hunting deer under this section is two (2) consecutive days beginning on the Saturday immediately before October 1 or as approved annually by the director.

(c) The seasonal limit for hunting deer under this section is one (1) antlerless deer.

(d) A youth who hunts a deer under this section must be:
(1) fifteen (15) years of age or younger; and
(2) accompanied by an adult of at least eighteen (18) years of age.
An adult accompanying the youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field and shall not be required to possess a deer hunting license.

(e) A youth hunter must not hunt deer except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(f) A youth hunter must not hunt deer unless wearing hunter orange. An adult accompanying the youth hunter must wear hunter orange while in the field.

(g) A youth must not hunt a deer under this section with any type of equipment except a firearm or bow and arrow, including a crossbow. A youth must not possess more than one (1) type of equipment to take a deer while in the field.

(h) The following requirements apply to the use of firearms under this section:
(1) A shotgun:
(A) must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile; and
(B) may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.

(2) A muzzle loading gun must be .44 caliber or larger, loaded with a bullet at least .357 inch or larger. A muzzle loading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzle loading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzle loading gun must be capable of being loaded only from the muzzle, including both powder and bullet. A muzzle loading gun may be possessed in the field outside lawful shooting hours only if:
(A) for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or
(B) for flintlock firearms, the pan is not primed.
(3) Over-and-under combination rifle-shotguns are prohibited.

(i) The following requirements apply to the use of archery equipment under this section:
(1) No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.
(2) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
(3) Poisoned or explosive arrows are unlawful.
(4) Bows drawn, held, or released other than by hand or hand-held releases are unlawful.
(5) A long bow or compound bow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.
(6) No portion of the bow's riser (handle) or any:
(A) track;
(B) trough;
(C) channel;
(D) arrow rest; or
(E) other device;
that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.
(j) The following requirements apply to the use of a crossbow under this section:

(1) No youth shall use a crossbow:
(A) of less than one hundred twenty-five (125) pounds pull; and
(B) that does not have a mechanical safety.
(2) A crossbow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.

(k) As used in this section, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device.
(Natural Resources Commission; 312 IAC 9-3-2.5)

RULE RECORD FOR LSA DOCUMENT #05-261(F)

FISCAL YEAR 2006–2007

LSA Document #05-261(F)

(Administrative Cause Number 05-144D)

Filed with Secretary of State: May 12, 2006, 10:38 a.m.

Small Business Regulatory Coordinator

Gregg McCollam, Assistant Director, Division of Fish and Wildlife, Department of Natural Resources, Indiana Government Center-South, 402 W. Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-9382, gmccollam@dnr.in.gov

Document History

LSA Document #05-261(F)
Notice of Intent Published: October 1, 2005; 29 IR 55
Proposed Rule Published: February 1, 2006; 29 IR 1727
Hearing Held: February 27, 2006
Approved by Attorney General: April 28, 2006
Approved by Governor: May 12, 2006
Filed with Secretary of State: May 12, 2006, 10:38 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 30, 2007, the Small Business Regulatory Coordinator reported:

> Two questions concerning taking of white-tailed deer and other animals behind a high fence (312 IAC 9-3-2 and 312 IAC 9-3-18.5). The questions were resolved.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #05-261(F)

DIGEST

Amends 312 IAC 9-3-2 and adds 312 IAC 9-3-18.5, concerning the hunting of white-tailed deer possessed under a game breeder license and the taking, possessing, and releasing of exotic mammals, to prohibit the taking and releasing of the exotic mammals described in this rule. Adds 312 IAC 9-10-21 concerning exotic mammals possession permits. Effective 30 days after filing with the Secretary of State.

312 IAC 9-3-2
312 IAC 9-3-18.5
312 IAC 9-10-21

SECTION 1. 312 IAC 9-3-2, PROPOSED TO BE AMENDED AT 29 IR 619, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-2 General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year
Authority: IC 14-22-2-6
Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 2. (a) This section and sections 3 through 10 of this rule govern the:
(1) hunting;
(2) transportation; and
(3) disposal;
of deer.

(b) Species of deer other than white-tailed deer (Odocoileus virginianus) are exempted from the following:
(1) This section.
(2) Sections 3 through 9 of this rule.
A person who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified by sections 3 through 8 of this rule are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Before September 1, 2007, a person must not take more than one (1) antlered deer during the seasons for an annual deer license.

(e) The use or aid of:
(1) a food product that is transported and placed for consumption;
(2) salt;
(3) mineral blocks;
(4) prepared solid or liquid intended for ingestion (herein called bait);
(5) snares;
(6) dogs; or
(7) other domesticated animals;
to take deer is prohibited. A person must not hunt by the aid of bait or on or over a baited area. An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an orchard or another area, which may be attractive to deer as the result of normal agricultural activity, is not prohibited. The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

(f) The hunting of white-tailed deer possessed under the authority of a game breeder license under 312 IAC 9-10-4 is prohibited.

~~(f)~~ **(g)** Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt:
(1) deer unless the person possesses a completed and signed license bearing the person's name; or
(2) with a deer license issued to another person.

~~(g)~~ **(h)** A piece of paper must, immediately upon taking a deer, state the following:
(1) The name and address of the person.
(2) The license number (if applicable).
(3) The sex of the deer.
(4) The month and day the deer was taken.
A deer leg must be tagged with the piece of paper before leaving the field. A deer that is in the field is not required to be tagged if the person who takes the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

~~(h)~~ **(i)** A person who takes a deer must cause delivery of the deer carcass to an official checking station for registration on the occurrence of the earlier of the following:
(1) Within forty-eight (48) hours of the taking of the deer.
(2) Before the deer is removed from this state.
The person who delivers the deer carcass to an official checking station for registration must provide accurate information for the check station logs.

~~(i)~~ **(j)** After the checking station operator records the permanent seal number on the log and collects the piece of paper described in subsection ~~(g)~~, **(h),** the operator shall give the seal to the person. The person must immediately affix the seal:
(1) between a tendon and bone;
(2) through a section of skin or flesh; or
(3) around a branched antler;
to prevent its removal (without cutting the seal or the body part to which it is affixed). The seal must be maintained until processing of the deer begins.

~~(j)~~ **(k)** The checking station operator must do the following:
(1) Accurately and legibly complete all forms provided by the department.
(2) Make those forms available to department personnel upon request.

~~(k)~~ **(l)** A person must not erect, place, or hunt from a permanent tree blind on state-owned lands. A tree blind placed on:
(1) state-owned or state-leased lands;
(2) U.S. Forest Service lands;
(3) the Muscatatuck National Wildlife Refuge; or
(4) the Big Oaks National Wildlife Refuge;
must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half (½) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.

~~(l)~~ **(m)** The head of a deer must remain attached to the carcass until the tag is attached and locked at the deer checking station.

~~(m)~~ **(n)** The use of infrared sensors to locate or take deer is prohibited. ~~It is unlawful to~~ **A person must not** hunt or retrieve deer with the aid of an infrared detector.

~~(n)~~ **(o)** Notwithstanding subsection (e), dogs may be used only while on a leash to track or trail wounded deer.

~~(o)~~ **(p)** Notwithstanding subsection (e):
(1) donkeys;
(2) mules; and
(3) horses;
may be used for transportation to and from a hunt but may not be used while hunting.

~~(p)~~ **(q)** The possession of an electronic deer call is prohibited. A person must not hunt deer with the aid of an electronic deer call.
(Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536)

SECTION 2. 312 IAC 9-3-18.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-18.5 Exotic mammals
Authority: IC 14-22-2-6; IC 14-22-32-6
Affected: IC 14-8-2-278; IC 14-22; IC 15-2.1-24

Sec. 18.5. (a) A person must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the following families of mammals:
(1) Bradypodidae (tree sloth).
(2) Bovidae (gazelle, bighorn sheep, antelope, and wildebeest), except for domestic cattle (genus Bos, including all dairy and beef animals) and buffalo (Bison bison).
(3) Camelidae (camel and llama).
(4) Canidae (jackal, wild dog, and other exotic foxes).
(5) Cebidae (marmoset).
(6) Cercopithecidae (baboon and monkey).
(7) Cervidae (elk, moose, caribou, and other exotic deer).
(8) Dasypodidae (armadillo).
(9) Elephantidae (elephant).
(10) Equidae (wild horse and zebra), except for domestic horses.
(11) Felidae (mountain lion, lynx, tiger, and other exotic cats).
(12) Giraffidae (giraffe and okapi).
(13) Hippopotamidae (hippopotamus).
(14) Hyaenidae (hyaena).
(15) Macropodidae (kangaroo and wallaby).
(16) Myrmecophagidae (anteater).
(17) Orycteropodidae (aardvark).
(18) Pongidae (chimpanzee, bonobo, and gorilla).
(19) Procaviidae (hyrax).
(20) Protelidae (aardwolf).
(21) Rhinocerotidae (rhinoceros).
(22) Suidae (wild boar and other exotic swine), except for domestic swine.
(23) Tapiridae (tapir).
(24) Tayassuidae (javelina and peccary).
(25) Tragulidae (chevrotain).
(26) Ursidae (bear).
(27) A hybrid or genetically altered mammal of any of these families.
Exempted from this section are the following species of mammals that are not considered to be exotic mammals: white-tailed deer, bobcat, red fox, gray fox and coyote.

(b) Notwithstanding subsection (a), a person may take an exotic mammal only if the exotic mammal is:
(1) taken by a resident landowner or tenant while causing damage to property that is owned or leased by the landowner or tenant; or

(2) a species from the family:
(A) suidae and:
(i) has been released or escaped from captivity; or
(ii) is a member of a breeding population in the wild; or
(B) bovidae, camelidae, or cervidae and slaughtered in accordance with IC 15-2.1-24.

(c) A person may not possess an exotic mammal that is a species from a family listed in subsection (a) except as otherwise provided by statute or this article.

(d) A person:
(1) may not release an exotic mammal that is a species from a family listed in subsection (a) into the wild in Indiana except as otherwise provided by statute or this article; and
(2) must report the escape of any exotic mammal listed in subsection (a) to a conservation officer within twenty-four (24) hours.

(e) As used in this rule, "exotic mammal" means a species that is:
(1) not native to Indiana; or
(2) extirpated from Indiana and either a:
(A) wild animal; or
(B) feral animal other than a dog or cat.
(Natural Resources Commission; 312 IAC 9-3-18.5)

SECTION 3. 312 IAC 9-10-21 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-10-21 Cervidae possession permit
Authority: IC 14-22-2-4; IC 14-22-2-6; IC 14-22-6-1; IC 14-22-32
Affected: IC 4-21.5; IC 14-22

Sec. 21. (a) Except as provided in subsection (b), this section establishes the requirements that a person must satisfy to possess one (1) or more species of exotic mammals from the cervidae family.

(b) Exempted from this section is an accredited zoological park, circus, carnival, or research facility licensed under 9 CFR Chapter 1, Subchapter A.
(c) An application for a cervidae possession permit for one (1) or more of the following species of exotic mammals in the cervidae family (common names are included for public convenience, but the scientific names control) must be made on a departmental form:
(1) Deer (all species, except white-tailed deer, *Odocoileus virginianus*).
(2) Elk (Cervus canadensis).
(3) Caribou (all species).
(4) Moose (Alces alces).
(5) A hybrid or genetically altered mammal of any of the cervidae family.

(d) Each cage or enclosure will be inspected by a conservation officer before a permit may be issued. An application for a permit under this section must be made within five (5) days after the:
(1) acquisition of an animal within Indiana; or
(2) importation of an animal into Indiana.

(e) The enclosure must have a perimeter fence consisting of at least a single eight (8) foot fence. Each cage or enclosure used to house animals shall be large enough to provide each animal with ample space for exercise and to avoid overcrowding. All chainlink or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired. Night quarters- and holding pens may not be used as primary housing. The following shall be provided as required for the comfort of the particular species of animal:
(1) Fresh water.
(2) Windbreaks.
(3) Shelters.

(4) Shade.
(5) Bedding.

Each animal shall be handled, housed, and transported in a sanitary and humane manner. An enclosure used to house the animals must be provided with sufficient drainage to prevent standing water from accumulating. Upon a request by a conservation officer, any cage or other enclosure must be made available for inspection.

(f) Each animal possessed under this section must be lawfully acquired. At least one (1) of the following shall be presented for inspection upon the request of a conservation officer:

(1) A receipted invoice.
(2) A bill of lading.
(3) Other satisfactory evidence of lawful acquisition.

Documentation in the form of a copy of a valid cervidae possession permit or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of the animals.

(g) A permit holder must report the escape of any mammal possessed under this section to a conservation officer within twenty-four (24) hours. No animals possessed under this section may be released.

(h) A permit holder must comply with all applicable state, local, or other federal laws. An animal possessed under this section may be administered a pharmaceutical product approved by a state or federal agency for the purpose of prevention or treatment of any of the following:

(1) Malnutrition.
(2) Illness.
(3) Disease.
(4) Injury.
(5) Stress.

A licensed veterinarian may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia in compliance with all state and federal laws.

(i) A person must not sell a wild animal possessed under this section if the person knows or should know the animal is diseased.

(j) A permit holder must do the following:

(1) Record all transactions by which a wild animal possessed under this section is:
(A) sold;
(B) traded;
(C) loaned;
(D) bartered; or
(E) given;

to another person on a departmental form or computerized record.
(2) Keep a copy of the transaction record on the premises of the permit holder for at least two (2) years after the transaction and provide a copy to a conservation officer upon request.
(3) Issue a valid, dated receipt for all animals sold, traded, bartered, or gifted and include the following information:
(A) The cervidae possession permit number.
(B) The buyer's and seller's name and address.
(C) The number of animals sold.
(D) The species of the animal sold.

(k) A permit expires on December 31 of the year the permit is issued. The permit holder must provide an annual report to the division by February 15. The annual report shall include for each species possessed under this permit the number:

(1) bought;
(2) sold;
(3) born;

(4) traded;
(5) gifted;
(6) of deaths; and
(7) on hand.

(l) A conservation officer may enter the premises of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit. The conservation officer shall immediately notify the permit holder if the inspection reveals that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and:

(1) the permit may be suspended or revoked under IC 4-21.5; and
(2) the wild animals may be confiscated if the permit holder fails to comply with a provision of the permit.

(m) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

(1) A provision of a permit issued under this section.
(2) All applicable state, local, or other federal laws.*(Natural Resources Commission; 312 IAC 9-10-21)*

RULE RECORD FOR LSA DOCUMENT #05-248(F)

FISCAL YEAR 2006–2007

LSA Document #05-248(F)

(Administrative Cause Number 05-081G)

Filed with Secretary of State: May 12, 2006, 10:28 a.m.

Small Business Regulatory Coordinator

Current Coordinator

James AmRhein, Assistant Director, Permitting and Compliance, Department of Natural Resources, Division of Oil and Gas, 402 West Washington Street, Room 293, Indianapolis, IN 46204, (317) 232-6961, jamrhein@dnr.in.gov

Past Coordinators

Brock A. Mayes, Department of Natural Resources, Division of Reclamation, R.R. #2 Box 129, Jasonville, Indiana 47438, (812) 665-2207, bmayes@reclamation.dnr.state.in.us

Document History
LSA Document #05-248(F)
Notice of Intent Published: October 1, 2005; 29 IR 55
Proposed Rule Published: February 1, 2006; 29 IR 1725
Hearing Held: February 27, 2006
Approved by Attorney General: May 4, 2006
Approved by Governor: May 12, 1006
Filed with Secretary of State: May 12, 2006, 10:28 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 23, 2007, the Small Business Regulatory Coordinator, Jim AmRhein, filed the following report:

> Three comments concerning protection of coal resources. All three issues were resolved to the satisfaction of both the division and businesses involved. Because of the new language added to this rule, operators now have opportunities to save considerable money by requesting and receiving waivers from coal companies concerning the setting of a mine string.

TITLE 312 IAC NATURAL RESOURCES COMMISSION

Final Rule
LSA Document # 05-248(F)

DIGEST

Amends 312 IAC 16-5-4 to authorize the director of the Department of Natural Resources to grant a variance from the requirement to install an intermediate string of casing as a result of amendments to IC 14-37-7-3 (P.L.80-2005, SECTION 6), which requires the running of an intermediate string of casing, whether drilled through a pillar or not, to 50 feet below the base of a commercially mineable coal resource for any oil and gas well drilled on lands underlain by an inactive underground mine or on lands within the permit boundaries of and active underground mine permitted under IC 14-34, and which variance is authorized under specific circumstances upon receipt of a written application for such variance, and to outline the provisions necessary for consideration of a variance request that includes well drilling in a manner that maintains structural integrity, is protective of the environment, and for which written consent from the coal operator of the underground mine has been granted. Amends 312 IAC 16-5-5 to correct an administrative code citation. Effective 30 days after filing with the Secretary of State.

312 IAC 16-5-4
312 IAC 16-5-5

SECTION 1. 312 IAC 16-5-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-5-4 Protection of coal resources
Authority: IC 14-37-3-11
Affected: IC 4-21.5; IC 14-34; IC 14-37-7

Sec. 4. (a) **Except as provided in subsection (b),** if a well for oil and gas purposes is proposed to be drilled on lands:
(1) underlaid by an inactive underground mine; or ~~on lands~~
(2) within the permit boundaries of an active underground mine permitted under IC 14-34;
and if the well is completed as a well for oil and gas purposes, an owner or operator shall run an intermediate string of casing from the surface to a point at least fifty (50) feet below the base of the commercially mineable coal resources or the mine floor, whether drilled through a pillar or not.

(b) Upon written application to the director by a person that proposes to drill a well described in subsection (a), the director may grant a variance from the requirements of subsection (a) if, with respect to a proposed well on land described in:
(1) subsection (a)(1), written consent to the variance is given by:
(A) the permittee under IC 14-34; or
(B) the person that has the right to develop the coal resource; or
(2) subsection (a)(2), written consent to the variance is given by the coal mine operator under IC 14-34.

(c) If a variance is granted under subsection (b), the well must be completed as follows:
(1) In the manner required under this article.
(2) In a manner that prevents the following:
(A) Waste.
(B) Fresh water pollution.
(C) Blowouts.
(D) Cavings.
(E) Seepages.
(F) Fires.
(G) Unreasonably detrimental effects upon fish, wildlife, and botanical resources.

~~(b)~~ **(d)** A person engaged in the production of commercially mineable coal resources may file with the division a dated mine plan showing the workable limits of a proposed underground mine on lands for which the person has title or a legal interest, but for which an intermediate string is not required under subsection (a). The person may file amendments to its proposed underground mine.

~~(c)~~ **(e)** If a well is drilled and completed as a well for oil and gas purposes:
(1) through a commercially mineable coal resource; and
(2) within an area for which a mine plan is filed under subsection ~~(b)~~, **(d);**
an owner or operator shall set a production string of casing, properly centralized and cemented, as documented by a sonic cement bond-variable density log.

~~(d)~~ **(f)** An owner or operator shall provide at least forty-eight (48) hours notice to the division and to the person who filed the mine plan before commencing logging operations under subsection ~~(c)~~. **(e).** The person who filed the mine plan is entitled to:
(1) be present during logging operations; and ~~to~~
(2) examine the log.

~~(e)~~ **(g)** The division shall determine the adequacy of cement bonding, and, in the event of a bonding failure between fifty (50) feet below and one hundred (100) feet above the commercially mineable coal resource, an owner or operator must perform remedial action, as ordered by the commission, that results in adequate bonding.

~~(f)~~ **(h)** Within thirty (30) days of commencing logging operations, an owner or operator must provide the division and the person who filed the mine plan with a copy of the sonic cement bond-variable density log.

~~(g)~~ **(i)** Preparation of the log required under subsection ~~(c)~~ **(e)** and any remedial action required under subsection ~~(e)~~ **(g)** are at the expense of the owner or operator.

~~(h)~~ **(j)** If a well is drilled and completed as a well for oil and gas purposes through a commercially mineable coal resource, except a coal resource identified in subsection (a) or subsections ~~(b)~~ **(d)** through ~~(g)~~, **(i),** that resource shall be protected by a properly cemented, centralized production string of casing.

~~(i)~~ **(k)** The division shall notify a permit applicant if the application is within the permit boundaries of an underground mine:
(1) permitted under IC 14-34; ~~or~~
(2) for which a mine plan has been filed as provided in subsections ~~(b)~~ **(d)** through ~~(g)~~ **(i);** or
(3) which contains commercially mineable coal resources as set forth in section 5 of this rule.
No permit may be issued except under IC 4-21.5 and 312 IAC 3.

~~(j)~~ **(l)** Nothing in this section shall be construed to relieve an owner or operator from compliance with sections 19 and 20 of this rule. *(Natural Resources Commission; 312 IAC 16-5-4; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2338; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)*

SECTION 2. 312 IAC 16-5-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-5-5 Identification of commercially mineable coal resources
Authority: IC 14-37-3-11
Affected: IC 4-21.5; IC 14-37

Sec. 5. (a) The location of known commercially mineable coal resources is set forth in Cementing Depths for Mineable Coals, 1984 edition, as prepared by the Indiana geological survey. Upon receipt of a permit application under IC 14-37 and this article, the division shall determine whether the application is for an area known to contain a commercially mineable coal resource.

(b) A person may seek to revise Cementing Depths of Mineable Coals by filing a written request for an informal hearing under ~~310 IAC 16-2-3~~. **312 IAC 16-2-3.**

(c) The location of commercially mineable coal resources referenced in Cementing Depths for Mineable Coals is presumed to be complete and accurate, but the presumption may be rebutted by an affected person under IC 4-21.5 and 312 IAC 3-1. ***(Natural Resources Commission; 312 IAC 16-5-5; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2339; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)***

RULE RECORD FOR LSA DOCUMENT #05-214(F)

FISCAL YEAR 2006–2007

LSA Document #05-214(F)

(Administrative Cause Number 05-118D)

Filed with Secretary of State June 23, 2006, 2:24 p.m.

Small Business Regulatory Coordinator

Gregg McCollam, Assistant Director, Division of Fish and Wildlife, Department of Natural Resources, Indiana Government Center-South, 402 W. Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-9382, gmccollam@dnr.in.gov

Document History

LSA Document #05-214(F)
Notice of Intent: September 1, 2005; 28 IR 3611
Proposed Rule: November 1, 2005; 29 IR 616
Hearing Held: February 24, 2006
Approved by Attorney General: June 14, 2006
Approved by Governor: June 23, 2006
Filed with Secretary of State: June 23, 2006, 2:24 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 30, 2007, the Small Business Regulatory Coodinator reported that no comments, complaints, or questions were received during the most recent state fiscal year.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #05-214(F)

DIGEST

Amends 312 IAC 9 concerning taking, chasing, and possessing wild animals; fishing, hunting, and trapping without a license by owners and lessees of farmland; tagging requirements for deer hunting; hunting deer by firearms; coyotes; bobcats; river otters; badgers; endangered species of mammals; migratory birds and waterfowl; mute swans; tagging requirements for wild turkey hunting; turtle possession permits; taxidermist licenses; nuisance wild animal control permits; fur buyers' licenses; and confining, enclosing, and housing bobcats under a wild animal possession permit. Effective 30 days after filing with the Secretary of State.

312 IAC 9-2-1; 312 IAC 9-2-14; 312 IAC 9-3-2; 312 IAC 9-3-3; 312 IAC 9-3-12; 312 IAC 9-3-18.1; 312 IAC 9-3-18.2; 312 IAC 9-3-18.3; 312 IAC 9-3-18.4; 312 IAC 9-3-19; 312 IAC 9-4-2; 312 IAC 9-4-11; 312 IAC 9-5-11; 312 IAC 9-10-5; 312 IAC 9-10-11; 312 IAC 9-10-12; 312 IAC 9-11-13

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

312 IAC 9-2-1 Taking, chasing, and possessing wild animals

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

Sec. 1. ~~(a) It is unlawful to~~ **A person must not:**
(1) take;
(2) chase; or
(3) possess;
a wild animal except as provided by statute or by this article.

~~(b) Notwithstanding subsection (a), this article does not apply to groundhogs.~~
(Natural Resources Commission; 312 IAC 9-2-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

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

312 IAC 9-2-14 Fishing, hunting, and trapping without a license by owners and lessees of farmland

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

Sec. 1. (a) An owner or a lessee of farmland, and immediate family members of the owner or lessee, if exempted under IC 14-22-11-1, may:
(1) fish;
(2) hunt; or
(3) trap;
on the farmland without obtaining a license under this article.

(b) As used in this section, "owner" means either:
(1) an individual listed on the tax assessment roll and whose name appears on the title to the property;
(2) a business entity whose shareholders, partners, members, or owners are comprised solely of the members of an immediate family.

(c) As used in this section, "lessee" means either:
(1) an individual to whom a lease is made for the farmland and who farms that land;
(2) a business entity to which a lease is made for the farmland and whose shareholders, partners, members, or owners are comprised solely of the members of an immediate family who farm that land.

(d) As used in this section, "business entity" means:
(1) a corporation;
(2) a limited liability company;
(3) a partnership; or
(4) any legal entity organized for a profitable or charitable purpose.
(Natural Resources Commission; 312 IAC 9-2-14; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

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

312 IAC 9-3-2 General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year

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

Sec. 2. (a) This section and sections 3 through 10 of this rule govern the:
(1) hunting;
(2) transportation; and
(3) disposal;
of deer.

(b) Species of deer other than white-tailed deer (Odocoileus virginianus) are exempted from the following:
(1) This section.
(2) Sections 3 through 9 of this rule.
A person who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified by sections 3 through 8 of this rule are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Before September 1, 2007, a person must not take more than one (1) antlered deer during the seasons for an annual deer license.

(e) The use or aid of:
(1) a food product that is transported and placed for consumption;
(2) salt;
(3) mineral blocks;
(4) prepared solid or liquid intended for ingestion (herein called bait);
(5) snares;
(6) dogs; or
(7) other domesticated animals;
to take deer is prohibited. A person must not hunt by the aid of bait or on or over a baited area. An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an orchard or another area, which may be attractive to deer as the result of normal agricultural activity, is not prohibited. The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

~~(f) The hunting of white-tailed deer possessed under the authority of a game breeder license under 312 IAC 9-10-4 is prohibited.~~

~~(g)~~ **(f)** Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt:
(1) deer unless the person possesses a completed and signed license bearing the person's name; or
(2) with a deer license issued to another person.

~~(h)~~ **(g)** A piece of paper must, immediately upon taking a deer, state the following:
(1) The name and address of the person.
(2) The license number (if applicable).
(3) The sex of the deer.
(4) The month and day the deer was taken.
A deer leg must be tagged with the piece of paper before leaving the field. A deer that is in the field is not required to be tagged if the person who takes the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

~~(i)~~ **(h)** A person who takes a deer must cause delivery of the deer carcass to an official checking station for registration on the occurrence of the earlier of the following:
(1) Within forty-eight (48) hours of the taking of the deer.
(2) Before the deer is removed from this state.
The person who delivers the deer carcass to an official checking station for registration must provide accurate information for the check station logs.

~~(j)~~ **(i)** After the checking station operator records the permanent seal number on the log and collects the piece of paper described in subsection ~~(h),~~ **(g),** the operator shall give the seal to the person. The person must immediately affix the seal:
(1) between a tendon and bone;
(2) through a section of skin or flesh; or
(3) around a branched antler;
to prevent its removal (without cutting the seal or the body part to which it is affixed). The seal must be maintained until processing of the deer begins.

~~(k)~~ **(j)** The checking station operator must do the following:
(1) Accurately and legibly complete all forms provided by the department.
(2) Make those forms available to department personnel upon request.

~~(l)~~ **(k)** A person must not erect, place, or hunt from a permanent tree blind on state-owned lands. A tree blind placed on:
(1) state-owned or state-leased lands;
(2) U.S. Forest Service lands;
(3) the Muscatatuck National Wildlife Refuge; or
(4) the Big Oaks National Wildlife Refuge;
must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half (½) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.

~~(m)~~ **(l)** The head of a deer must remain attached to the carcass until the tag is attached and locked at the deer checking station.

~~(n)~~ **(m)** The use of infrared sensors to locate or take deer is prohibited. ~~A person must not~~ **It is unlawful to** hunt or retrieve deer with the aid of an infrared detector.

~~(o)~~ **(n)** Notwithstanding subsection (e), dogs may be used only while on a leash to track or trail wounded deer.

~~(p)~~ **(o)** Notwithstanding subsection (e):
(1) donkeys;
(2) mules; and
(3) horses;
may be used for transportation to and from a hunt but may not be used while hunting.

~~(q)~~ **(p)** The possession of an electronic deer call is prohibited. A person must not hunt deer with the aid of an electronic deer call.
(Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536; filed May 12, 2006, 10:38 a.m.: 29 IR 3344; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

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

312 IAC 9-3-3 Hunting deer by firearms

Authority: IC 14-22-2-6
Affected: IC 14-22-11-1; IC 14-22-12-1; IC 35-47-2

Sec. 3. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:
(1) issued a license to hunt deer by firearms under IC 14-22-12-1(12), IC 14-22-12-1(13), IC 14-22-12-1(15), or IC 14-22-12-1(16); or
(2) hunting by the use of firearms under IC 14-22-11-1.

(b) The season for hunting deer with firearms is as follows:
(1) The firearms season using:
(A) shotgun;
(B) shotgun with rifled barrel;
(C) handgun;
(D) muzzle loading gun; or
(E) muzzle loading handgun;
is from the first Saturday after November 11 and ~~continuing~~ **continues** for an additional fifteen (15) days.
(2) The seasonal limit for hunting deer under this subsection is one (1) antlered deer.

(c) In addition to the season established under subsection (b), the season for using a muzzle loading gun or muzzle loading handgun only:
(1) extends from the first Saturday after the firearms season established under subsection (b); and
(2) continues for fifteen (15) additional days.
The seasonal limit for hunting deer under this extended season is one (1) deer of either sex.

(d) A person must not hunt deer except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(e) A person must not **do the following:**
(1) Hunt deer unless that person wears hunter orange.
~~(f) A person must not~~ **(2)** Possess bow and arrows while hunting under this section.

~~(g)~~ **(f)** The following requirements apply to the use of firearms under this section:
(1) A shotgun:
(A) must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile; ~~A shotgun~~ **and**
(B) may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.
(2) A handgun must:

(A) conform to the requirements of IC 35-47-2;
(B) have a barrel at least four (4) inches long; and
(C) fire a bullet of **two hundred forty-three thousandths** (.243) inch diameter or larger.
All 38 special ammunition is prohibited. The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. A handgun must not be concealed. Full metal jacketed bullets are unlawful. A handgun may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.
(3) A muzzle loading gun must be .44 caliber or larger, loaded with a bullet at least **three hundred fifty-seven thousandths** (.357) inch or larger. A muzzle loading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzle loading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzle loading ~~firearm~~ **gun** must be **capable of being** loaded **only** from the muzzle, **including both powder and bullet.** A muzzle loading ~~firearm~~ **gun** may be possessed in the field outside lawful shooting hours only if:
(A) for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or
(B) for flintlock firearms, the pan is not primed.
(4) Over-and-under combination rifle-shotguns are prohibited.
(Natural Resources Commission; 312 IAC 9-3-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 5. 312 IAC 9-3-12 IS AMENDED TO READ AS FOLLOWS:

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

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

Sec. 12. (a) The season for hunting:
(1) red foxes; and
(2) gray foxes;
is from noon on October 15 until noon on February 28 of the following year.

(b) The season for trapping:
(1) red foxes;
(2) gray foxes; and
(3) skunks;
is from 8 a.m. on October 15 until noon on January 31 of the following year.

(c) Except as provided in subsection (d), the season for:
(1) hunting ~~and trapping~~ coyotes is from noon on October 15 until noon on March 15 of the following year; **and**
(2) trapping coyotes is from 8 a.m. on October 15 until noon on March 15 of the following year.
A coyote must not be possessed from April 5 through October 14 except to provide for its prompt disposal.

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

(e) A person must not possess **the following:**
(1) A red fox or gray fox except from October 15 until March 20 of the following year.
~~(f) A person must not possess~~ **(2)** A skunk except from October 15 until February 20 of the following year.

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

SECTION 6. 312 IAC 9-3-18.1 IS ADDED 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 person must not take or possess a bobcat (Felis rufus) except as otherwise provided by this article.
(Natural Resources Commission; 312 IAC 9-3-18.1; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 7. 312 IAC 9-3-18.2 IS ADDED 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.
(Natural Resources Commission; 312 IAC 9-3-18.2; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 8. 312 IAC 9-3-18.3 IS ADDED 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.
(Natural Resources Commission; 312 IAC 9-3-18.3; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 9. 312 IAC 9-3-18.4 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-18.4 Possession and sale of bobcats, river otters, and badgers

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

Sec. 18.4. (a) A person must not possess or sell a carcass, hide, or any part of a bobcat, river otter, or badger unless the person meets one (1) of the following requirements:
(1) The person possesses satisfactory documentation that the carcass, hide, or part was lawfully acquired. Satisfactory documentation must include one (1) or more of the following:
(A) A legible copy of any of the following:

(i) A tag.
(ii) A receipt.
(iii) A hunting license.
(iv) A trapping license.
(v) A permit.
(vi) Other appropriate record from the state or country where the animal, including any part or portion of the animal, was acquired.
(B) A receipt from either of the following:
(i) A fur buyer licensed under 312 IAC 9-10-12.
(ii) A taxidermist licensed under 312 IAC 9-10-5.
(2) The person obtains the:
(A) carcass;
(B) hide; or
(C) part;
from the director or his designee with written permission.

(b) In addition to subsection (a), a person must not possess a carcass or untanned hide of a:
(1) bobcat;
(2) river otter; or
(3) badger;
for more than fourteen (14) days unless the person is a fur buyer licensed under 312 IAC 9-10-12.

(c) A fur buyer licensed under 312 IAC 9-10-12, or a taxidermist licensed under 312 IAC 9-10-5, who sells:
(1) a carcass;
(2) a hide; or
(3) any part;
of a bobcat, river otter, or badger must provide the purchaser with the documentation described in subsection (a). A purchaser who relies in good faith upon the documentation may offer it as an affirmative defense to an infraction or civil penalty alleging a violation of subsection (a).
(Natural Resources Commission; 312 IAC 9-3-18.4; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 10. 312 IAC 9-3-19 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-19 Endangered species of mammals

Authority: IC 14-22-2-6; IC 14-22-34-17
Affected: IC 14-22-34-2; IC 14-22-34-12

Sec. 19. The following species of mammals are ~~threatened or~~ endangered and are subject to the protections provided under IC 14-22-34-12:
~~(1) Bobcat (Felis rufus).~~
~~(2)~~ **(1)** Indiana bat (Myotis sodalis).
~~(3)~~ **(2)** Gray bat (Myotis grisescens).
~~(4)~~ **(3)** Southeastern bat (Myotis austroriparius).
~~(5)~~ **(4)** Evening bat (Nycticeius humeralis).
~~(6) Badger (Taxidea taxus).~~
~~(7)~~ **(5)** Eastern wood rat (Neotoma floridana).
~~(8)~~ **(6)** Swamp rabbit (Sylvilagus aquaticus).
~~(9)~~ **(7)** Franklin's ground squirrel (Spermophilus franklinii).
~~(10) River otter (Lutra canadensis).~~
(Natural Resources Commission; 312 IAC 9-3-19; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; 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 Migratory birds and waterfowl

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

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

(b) A person must not hunt migratory birds and waterfowl, **except for mute swans (Cygnus olor),** unless the person:
(1) is registered with; ~~the Harvest Information Program~~ and
(2) 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 one of the armed services of the United States.~~

(c) A person must not take or possess a Virginia rail.
(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)

SECTION 12. 312 IAC 9-4-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-11 Wild turkeys

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

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

(b) The fall season for hunting and possessing wild turkeys with a bow and arrows:
(1) is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday after October 14; and
(2) continues for an additional four (4) consecutive days;
except as provided in subsection (c).

(c) The spring and fall seasons for hunting and possessing wild turkeys on:
(1) Camp Atterbury; and
(2) the Big Oaks National Wildlife Refuge;
shall be determined by the director on an annual basis.

(d) The limit for taking and possessing is one (1):
(1) bearded or male wild turkey during the spring season; and
(2) wild turkey of either sex during the fall season.

(e) A person must not hunt wild turkeys except between one-half (½) hour before sunrise and sunset.

(f) A person must not take a wild turkey except with the use of one (1) of the following:
(1) A shotgun ~~not smaller than 20 gauge and not larger than 10 gauge loaded only with shot of size 4, 5, 6, 7, or 7½.~~
~~(2) A~~ **or** muzzle loading shotgun:
(A) not smaller than 20 gauge; and
(B) not larger than 10 gauge;
loaded only with shot of **size** 4, 5, 6, 7, or 7½.
~~(3)~~ **(2)** A bow and arrows, including crossbows as defined in 312 IAC 9-3-4(j), with the following restrictions:
(A) A person must not use a:
(i) long bow; or
(ii) compound bow;
of less than thirty-five (35) pounds pull.
(B) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
(C) A person must not use a:
(i) crossbow of less than one hundred twenty-five (125) pounds pull;
(ii) crossbow unless it has a mechanical safety; or
(iii) poisoned or explosive arrow.
(D) No portion of a bow's riser (handle) or:
(i) track;
(ii) trough;
(iii) channel;
(iv) arrow rest; or
(v) other device;
that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.
(E) Before or after lawful shooting hours, a person must not possess a:
(i) long bow;
(ii) compound bow; or
(iii) crossbow;
in the field if the nock of the arrow is placed on the bow string.

(g) A person must not hunt wild turkeys in the fall season except in a county the director designates on an annual basis by emergency rule or in the spring season in the following counties:
(1) Adams, south of State Road 124.
(2) Blackford.
(3) Delaware.
(4) Grant, east of Interstate 69.
(5) Hancock, east of State Road 9.
(6) Henry.
(7) Huntington:
(A) south of State Road 124; and
(B) east of Interstate 69.
(8) Jasper:
(A) south of State Highway 114; and
(B) west of Interstate 65.
(9) Jay.
(10) Newton, south of State Highway 114.
(11) Randolph, north of State Road 32.
(12) Rush, north of State Road 44.
(13) Shelby:
(A) east of State Road 9; and
(B) north of State Road 44.
(14) Wells, south of State Road 124.
(15) Whitley, south of U.S. 30.

(h) The use of:
(1) a dog;
(2) another domesticated animal;
(3) a live decoy;
(4) a recorded call;
(5) an electronically powered or controlled decoy; or
(6) bait;
to take a wild turkey is prohibited. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited that is attractive to wild turkeys resulting from ~~either of the following:~~
~~(1)~~ normal agricultural practices.
~~(2) The use of a:~~
~~(A) manufactured scent;~~
~~(B) lure; or~~
~~(C) chemical attractant.~~

(i) A person must not possess a handgun while hunting wild turkeys.

(j) 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; ~~The license must be accompanied by a temporary transportation tag bearing the license number and the year of issuance. A person must not hunt~~ **or**
(2) with a wild turkey license ~~or tag~~ issued to another person.

(k) ~~The temporary transportation tag described in subsection (j)~~ **A piece of paper** must, immediately after taking a wild turkey:
(1) be ~~notched as to the month and day of the taking and~~ attached to a leg of the turkey directly above the spur; ~~A tag is void if notched more than twice.~~ **and**
(2) state the: ~~temporary transportation tag must be attached to a leg~~
(A) name and address of the person;
(B) license number (if applicable);
(C) date; and
(D) sex;
of the ~~wild~~ turkey ~~directly above the spur.~~ **taken.**

(l) A person who takes a turkey must **do the following:**
(1) Cause delivery of the turkey to an official turkey checking station within forty-eight (48) hours of taking for registration. After the checking station operator:
(A) records the permanent seal number on the log; **and**
(B) collects the piece of paper described in subsection (k);
the person is provided with that seal. ~~The person must~~
(2) Immediately and firmly affix the seal to the leg of the turkey **as follows:**
(A) Directly above the ~~temporary transportation tag.~~ **piece of paper described in subsection (k) for a turkey taken during the spring season.**
(B) Through a section of skin or flesh to prevent its removal (without cutting the seal or the body part to which it is affixed) for a turkey taken in the fall season.
The **permanent** seal must remain affixed until processing of the turkey begins. The official turkey checking station operator shall accurately and legibly complete all forms provided by the department and make those forms available to department personnel on request.

~~(l) Each of the following individuals must tag a turkey carcass immediately after taking with a paper that states the name and address of the individual and the date the turkey was taken:~~
~~(1) A lifetime license holder.~~
~~(2) A youth license holder.~~
~~(3) For a wild turkey taken on a landowner's land, each of the following:~~
~~(A) The resident landowner.~~

~~(B) The spouse of the resident landowner.~~
~~(C) A child of the resident landowner who is living with the landowner.~~
~~(4) For a wild turkey taken on land leased from another person, each of the following:~~
~~(A) The resident lessee who farms the land.~~
~~(B) The spouse of the resident lessee.~~
~~(C) A child of the resident lessee who is living with the lessee.~~
~~(5) An Indiana serviceman or servicewoman hunting under IC 14-22-11-11.~~

(m) 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)

SECTION 13. 312 IAC 9-5-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-11 Turtle possession permit

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 4-21.5; IC 14-22

Sec. 11. (a) **Except as provided in subsection (b),** this section establishes the requirements ~~for a special purpose~~ **that a person must satisfy to possess a** turtle ~~possession permit~~ **that is listed in section 7(c) of this rule.**

(b) ~~Only an Indiana resident can qualify for a permit under this section. An application must be made on a departmental form.~~ Exempted from this section is any:
(1) species of turtle that is possessed lawfully under section 2, 3, or 6 of this rule; and ~~any~~
(2) endangered species of native turtle that is possessed lawfully under 312 IAC 9-11.

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

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

~~(c)~~ **(e) A person must submit, on a departmental form,** an application ~~must be made~~ **for a permit under this section** within ten (10) days after taking possession of a native turtle. ~~that was not taken from the wild or for~~ The ~~possession of an eastern box turtle that was~~ **application must show the person** lawfully ~~acquired by~~ **obtained** the ~~person before January 1, 2005. A person does not violate section 6 of this rule if the person obtains a permit under this section for an eastern box~~ turtle. ~~An application must show the~~ **For a** turtle **that** was lawfully ~~acquired.~~ **obtained:**
(1) a receipted invoice;
(2) a bill of lading; or
(3) other evidence approved by the director;
must accompany the application. ~~To permit a turtle from outside Indiana, the turtle must have been taken lawfully and must be accompanied by~~ A certificate of veterinary inspection from the state of origin **must accompany an application for a turtle obtained outside Indiana.**

~~(d)~~ **(f)** If supported by appropriate documentation, an unlimited number of native turtles that were legally obtained but not taken from the wild may be possessed under this permit.

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

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

The cage or enclosure must provide the turtle with ample space for exercise and to avoid overcrowding. Each turtle shall be handled, housed, and transported in a sanitary and humane manner. Mature male and female turtles of the same species must be caged separately. Upon request by a conservation officer, an applicant must make any cage or enclosure available for inspection.

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

~~(g)~~ **(i)** A ~~native~~ turtle with a straight-line carapace length of four (4) inches or greater ~~held under this permit~~ must be permanently marked with a unique passive integrated transponder (pit tag) implanted under the skin. Only pit tags that can be read by an AVID Reader may be implanted. **The director may, however, approve a temporary identification method for use on a sick or injured turtle.**

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

(k) A ~~turtle possessed under this section~~ **permit holder** must not ~~be publicly displayed except under an~~ **place a turtle on public display unless the person also possesses an** educational permit issued under 312 IAC 9-10-9.5.

~~(i)~~ **(l)** A copy of the records must be kept on the premises of the permit holder for at least two (2) years after the turtle was obtained, and a copy must be provided to a conservation officer upon request. The records shall include the following:
(1) The:
(A) taxa;
(B) number;
(C) carapace length; and
(D) weight;
of each turtle obtained.
(2) The:
(A) complete name;
(B) address; and
(C) telephone number;
of the person from whom a turtle was obtained.
(3) The date obtained.
(4) The unique passive integrated transponder code of each implanted turtle.

~~(j)~~ **(m)** A conservation officer:
(1) may enter the premises of the permit holder at all reasonable hours to inspect:
(A) those premises; and
(B) any records relative to the permit; ~~The conservation officer~~
(2) shall immediately notify the permit holder if the inspection reveals a turtle is being kept under unsanitary or inhumane conditions; ~~A conservation officer~~ **and**
(3) may make a second inspection after ten (10) days ~~and the~~ **to determine if any** permit ~~may be suspended or revoked under IC 4-21.5, and the turtles may be confiscated, if~~ **deficiency has been corrected that was reported to** the permit holder. ~~fails to comply with the permit.~~

~~(k)~~ **(n)** A permit expires on ~~December 31~~ **June 30** of the year the permit was issued.

(o) The permit holder must provide an annual report to the division by ~~February~~ **July** 15 of each year with the following information: ~~for each turtle possessed under this permit:~~
(1) The taxa and number of each native turtle. ~~obtained.~~
(2) The:
(A) complete name;
(B) address; and
(C) telephone number;
of the person from whom a turtle was obtained.
(3) The date **the turtle was** obtained.
(4) The unique passive integrated transponder code of each implanted turtle **or another type of unique identification.**

~~(l)~~ **(p)** A permit may be suspended, denied, or revoked **and any turtle confiscated,** under IC 4-21.5, if the permit holder fails to comply with any of the following:
(1) A permit issued under this section.
(2) This article.
(3) Another applicable state, local, or federal law.
(Natural Resources Commission; 312 IAC 9-5-11; filed Sep 23, 2004, 3:00 p.m.: 28 IR 546; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 14. 312 IAC 9-10-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-5 Taxidermist licenses

Authority: IC 14-22-2-6; IC 14-22-21
Affected: IC 4-21.5; IC 14-22

Sec. 5. (a) A license is required under this section for an individual who performs taxidermy services on a wild animal for another person.

(b) An application for a taxidermist license shall be completed on a departmental form.

(c) A license holder must maintain accurate records, on a calendar year basis, showing the names and addresses of persons from or to whom wild animals were received or delivered. The records shall:
(1) include the:
(A) species and numbers of wild animals; and ~~the~~
(B) dates of receipt and delivery; ~~The records shall~~ **and**
(2) be retained at the premises of the license holder for at least two (2) years after the end of the license year.
A copy of the records must be provided to a conservation officer upon request.

(d) ~~A person who delivers~~ **The carcass or any part or portion of** a wild animal **that is delivered** to a taxidermist must ~~tag the carcass~~ **be tagged** with the following information:
(1) The name and address of the person making delivery to the taxidermist.
(2) The species of animal.
(3) The:
(A) date and manner; ~~the animal was obtained.~~ **and**
(B) location, including the county and state or country (if taken outside the United States), where; the animal was obtained.

(e) A taxidermist shall not remove from the carcass, except during active taxidermy operations, the tag described in subsection (d).

(f) A taxidermist may sell a lawfully acquired and mounted specimen of wild animal, where **the:**
(1) ~~the~~ tag is affixed; and
(2) ~~the~~ sale is immediately recorded in a log book.

(g) A taxidermist shall not possess a wild animal taken outside the season except under a permit obtained from the department under this subsection. A permit for a special taxidermy mount of a protected species may be granted under this subsection only to an agency or institution ~~which~~ **that** engages in wildlife education or research as a primary function.

(h) Any:
(1) record, tag, log book, or other documentation required under this section; and ~~any~~
(2) storage or work area;
of a taxidermist shall be made available upon request for inspection by a conservation officer.

(i) A federal taxidermy permit is required to perform taxidermy work on **any** migratory ~~birds.~~ **bird except a mute swan.**

(j) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:
(1) A provision of a license issued under this section.
(2) IC 14-22-21.
(Natural Resources Commission; 312 IAC 9-10-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 15. 312 IAC 9-10-11 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-22-2-6; IC 14-22-28
Affected: IC 14-22; IC 35-46-3-12

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is:
(1) causing damage or threatening to cause damage to property; or
(2) posing a health or safety threat to persons or domestic animals.
The method of control and disposition of the animal shall be set forth in the permit.

(b) A wild animal taken under this section shall not be:
(1) possessed for more than forty-eight (48) hours; and ~~shall not be~~
(2) sold;
(3) traded;
(4) bartered; or
(5) gifted.

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

(d) A person who charges a fee or provides a service to the public for nuisance wild animal control services must obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:
(1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.
(2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit, either:

(A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or
(B) complete thirty-two (32) hours of continuing education as approved by the division.
(3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.

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

(f) A captive animal must be handled in an expeditious and humane manner in compliance with IC 35-46-3-12.

(g) Permittees may use the following:
(1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.
(2) Steel and live traps, except for the following:
(A) A foothold trap:
(i) possessing saw-toothed or spiked jaws; **or**
~~(B) A foot-hold trap~~ **(ii)** sized #3 or larger without offset jaws unless the trap is completely covered with water.
~~(C)~~ **(B)** A Conibear, Dahlgren, Bigelow, or other killer trap that is:
(i) eight (8) inches or larger in diameter; or ~~is~~
(ii) larger than eight (8) inches by eight (8) inches unless the trap is completely covered by water.
(3) Snares with a circumference no greater than fifteen (15) inches unless:
(A) at least fifty percent (50%) of the loop of the snare is covered by water; or
(B) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

(h) All traps must be checked at least once every twenty-four (24) hours.

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

(j) A permit expires on December 31 of the year the permit is issued. The permittee must maintain a current record to include the following:
(1) The name and address of the landowner assisted.
(2) The date assistance was provided.
(3) The number and species of animals affected.
(4) The method of disposition.
A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

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

(l) The permit holder shall provide an annual report to the division by January 15 of each year. The report shall list the following:
(1) The:
(A) number; ~~of animals taken.~~ **and**
~~(2) The~~ **(B)** species;
of animals taken.
~~(3)~~ **(2)** The county where the animal was captured.
~~(4)~~ **(3)** The method of disposition.
~~(5)~~ **(4)** The county where released (if applicable).

(m) A permit issued under this section may be suspended or revoked if the permittee **does the following:**
(1) Fails to comply with **any of the following:**
(A) IC 14-22. ~~or~~
(B) This article.
~~(2) Fails to comply with~~ **(C)** A term of the permit.
~~(3)~~ **(2)** Provides false information to obtain a permit under this section.
~~(4)~~ **(3)** Uses or employs any:
(A) deception;
(B) false pretense; or
(C) false promise;
to cause a consumer to enter into an agreement for the removal of a nuisance wild animal.

(n) No permit shall be issued under this section:
(1) for the control of a migratory bird **except a mute swan;**
(2) for a wild animal that is identified under this article as:
(A) an endangered; ~~species~~ or
(B) a threatened;
species; or
(3) if granting the permit would violate a federal law.
(Natural Resources Commission; 312 IAC 9-10-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; filed Oct 28, 2002, 12:03 p.m.: 26 IR 692; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 16. 312 IAC 9-10-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-12 Fur buyers' licenses

Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-19
Affected: IC 14-22-19-3

Sec. 12. (a) This section applies to a person who is issued a fur buyer's license under IC 14-22-19-3.

(b) **Except as otherwise provided in this subsection,** a licensed fur buyer may possess the carcasses and untanned hides:
(1) of furbearing mammals ~~which~~ **that** are lawfully taken in season for not more than sixty (60) days after the last day of that season; **and**
(2) for bobcats, river otters, and badgers, for not more than sixty (60) days from receipt of the carcass or untanned hide.

(c) A licensed fur buyer must do the following:
(1) Not possess the carcass or untanned hide or any part of a bobcat, river otter, or badger unless the carcass, untanned hide, or part was lawfully acquired outside Indiana.
(2) Document lawful acquisition by providing from the seller a legible copy of any:
(A) tag;

(B) receipt;
(C) hunting license;
(D) trapping license;
(E) permit; or
(F) other appropriate record;
from the state or country where the animal, including any part or portion of the animal, was acquired.

~~(c)~~ **(d)** Notwithstanding subsection (b), a licensed fur buyer may, as authorized by the division director, possess a carcass or untanned hide in excess of sixty (60) days after the:
(1) close of a season; **or**
(2) receipt of a carcass or untanned hide of a bobcat, river otter, or badger;
upon the submission of a report identifying the species, number, and location that furs or carcasses are kept.

(e) A licensed fur buyer must issue a valid, dated receipt for any wild animal that is sold, traded, bartered, or gifted. The receipt must include the following information:
(1) The fur buyer's license number.
(2) The buyer's and the seller's names and addresses.
(3) The:
(A) number; and
(B) species;
of animals sold.
(Natural Resources Commission; 312 IAC 9-10-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

SECTION 17. 312 IAC 9-11-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-13 Confining, enclosing, and housing for particular wild animals

Authority: IC 14-22-26
Affected: IC 14-22

Sec. 13. (a) This section sets standards for:
(1) confining;
(2) enclosing; and
(3) housing;
particular kinds of wild animals ~~which~~ **that** must be satisfied by a person licensed under this rule.

(b) Rabbits must be provided with the following:
(1) Bone, wood, or fibrous food to gnaw.
(2) The:
(A) walls;
(B) roof; and
(C) floor;
of the cage shall be constructed with mesh having openings not more than one and one-half (1½) inches.

(c) Squirrels must be provided with the following:
(1) Climbing perches.
(2) Nest boxes with:
(A) wood shavings; or
(B) another approved material.
(3) ~~For fox squirrels and gray squirrels,~~ The walls, roof, and floor of the cage shall be constructed with mesh having openings not more than **as follows:**
(A) For fox squirrels and gray squirrels, one (1) inch.

~~(4)~~ **(B)** For flying squirrels: ~~the walls, roof, and floor of the cage shall be constructed with mesh having openings not more than~~
(i) three-fourths (¾) of an inch; or
(ii) one (1) inch by one-half (½) inch;
maximum mesh.

(d) Beavers must be provided with the following:
(1) Nest boxes or other sheltered retreats.
(2) Gnawing logs.
(3) A pool of fresh water with easy access. ~~Half~~ **One-half (½)** of the required floor space shall be a pool of water at least two and one-half (2½) feet deep.
(4) The walls, roof, and floor of the cage shall be constructed of at least:
(A) eleven and one-half (11½) gauge chain link; or
(B) the equivalent.
A six (6) inch overhang or the equivalent containment may be substituted for a full roof.

(e) Coyotes must be provided with the following:
(1) A sheltered retreat and either:
(A) a den; or
(B) an elevated wood platform.
(2) A cage floor shall have a three (3) foot barrier or apron around the inside of the cage. The barrier shall be constructed of one (1) inch by two (2) inch maximum mesh. The mesh shall be made from:
(A) nonrusting, galvanized welded steel; or
(B) an equivalent material.
(3) The:
(A) walls;
(B) roof; and
(C) floor;
of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh.

(f) Foxes must be provided with the following:
(1) A sheltered retreat and either:
(A) a den; or
(B) an elevated wood platform.
(2) Limbs.
(3) The cage floor shall have a three (3) foot barrier or apron around the inside of the cage. The barrier shall be constructed of one (1) inch by two (2) inch maximum mesh. The mesh shall be made from:
(A) nonrusting, galvanized welded steel; or
(B) an equivalent material.
(4) The:
(A) walls;
(B) roof; and
(C) floor;
of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh.

(g) Minks must be provided with the following:
(1) A nest box or sheltered retreat with bedding.
(2) Limbs.
(3) The:
(A) walls;
(B) roof; and
(C) floor;
of the cage shall be constructed with mesh not larger than one (1) inch.

(h) Muskrats must be provided with the following:
(1) A nest box or sheltered retreat.

(2) Gnawing logs.
(3) A pool of fresh water with easy access. ~~Half~~ **One-half (½)** of the required floor space shall be a pool of water at least two and one-half (2½) feet deep.
(4) The:
(A) walls;
(B) roof; and
(C) floor;
of the cage shall be constructed with mesh ~~which~~ **that** is not larger than one and one-half (1½) inches.

(i) Opossums must be provided with the following:
(1) A nest box or sheltered retreat.
(2) Limbs.
(3) The:
(A) walls;
(B) roof; and
(C) floor;
of the cage shall be constructed with mesh ~~which~~ **that** is not larger than two (2) inches.

(j) Raccoons must be provided with the following:
(1) A nest box or sheltered retreat.
(2) Limbs.
(3) A:
(A) wading pool; or
(B) water container;
appropriate to the size of the animal.
(4) The:
(A) walls;
(B) roof; and
(C) floor;
of the cage shall be constructed with mesh ~~which~~ **that** is not larger than two (2) inches.

(k) Skunks must be provided with the following:
(1) A nest box or sheltered retreat.
(2) The:
(A) walls;
(B) roof; and
(C) floor;
of the cage shall be constructed with mesh ~~which~~ **that** is not larger than two (2) inches.

(l) Weasels must be provided with the following:
(1) A nest box or sheltered retreat.
(2) Limbs.
(3) ~~For long-tailed weasels,~~ The walls, roof, and floor of the cage shall be constructed from mesh ~~which~~ **that** is not larger than **as follows:**
(A) For long-tailed weasels, one (1) inch.
~~(4)~~ **(B)** For least weasels, ~~the walls, roof, and floor of the cage shall be constructed from mesh which is not larger than~~ one-half (½) inch.

(m) Wolves must be provided with the following:
(1) A sheltered retreat and either:
(A) a den; or
(B) an elevated wood platform.
(2) The walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with:
(A) a two and one-half (2½) inch maximum mesh; or
(B) the equivalent.

(3) A three (3) foot incline at the top of an eight (8) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.

(n) Bears must be provided with the following:
(1) For sun bears, Asiatic bears, sloth bears, and spectacled bears, the following:
(A) A den with shavings, straw, or a wooden platform or flooring for reclining. The den shall:
(i) have a floor space of at least four (4) feet by four (4) feet; and ~~shall~~
(ii) be at least four (4) feet high.
(B) A suitable scratching post.
(C) An indestructible pool or tub. The pool or tub shall:
(i) contain at least twelve and one-half (12½) feet of surface area; and
(ii) be at least two (2) feet deep.
(D) The:
(i) walls;
(ii) roof; and
(iii) floor;
of the cage shall be constructed of not less than nine (9) gauge steel chain link.
(E) For:
(i) sun bears;
(ii) sloth bears; and
(iii) spectacled bears;
an artificial heat source that is sufficient to maintain a minimum ambient air temperature of forty-five **(45)** degrees Fahrenheit. ~~(45°F).~~
(2) For American black bears, European brown bears, and Russian brown bears, the following:
(A) A den with shavings, straw, or a wooden platform or floor for reclining. The den shall:
(i) have a floor space of at least four (4) feet by six (6) feet; and ~~shall~~
(ii) be at least four (4) feet high.
(B) A suitable scratching post.
(C) An indestructible pool or tub. The pool or tub shall:
(i) contain at least twenty-eight (28) square feet of surface area; and
(ii) be at least three (3) feet deep.
(D) The:
(i) walls;
(ii) roof; and
(iii) floor;
of the cage shall be constructed of not less than nine (9) gauge steel chain link.
(3) For polar, grizzly, and Kodiak bears, the following:
(A) A den with shavings, straw, or a wooden platform or flooring for reclining. The den shall:
(i) have a floor space of at least six (6) feet by six (6) feet; ~~of floor space~~ and ~~shall~~
(ii) be at least six (6) feet high.
(B) A suitable scratching post.
(C) An indestructible pool or tub. The pool or tub shall:
(i) contain at least seventy-eight (78) square feet of surface area; and
(ii) be at least three (3) feet deep.
(D) The:
(i) walls;
(ii) roof; and
(iii) floor;
of the cage shall be constructed of not less than six (6) gauge steel chain link.

(o) Cats must be provided with the following:
(1) For lions, tigers, cheetahs, snow leopards, and their hybrids, the following:
(A) A den adequate to provide privacy and comfort for all animals in the enclosure.
(B) An elevated:
(i) wooden loafing platform; or ~~an elevated~~
(ii) dry natural substrate loafing area;

large enough for all animals in the enclosure.
(C) A tree limb or other suitable scratching block.
(D) For lions and tigers, the walls, roof, and floor of the cage shall be constructed of not less than nine (9) gauge steel chain link with:
(i) a two and one-half (2½) inch mesh maximum; or
(ii) the equivalent.
A three (3) foot incline at the top of a fourteen (14) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.
(E) For cheetahs and snow leopards, the walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with:
(i) a two and one-half (2½) inch mesh maximum; or
(ii) the equivalent.
For cheetahs, a three (3) foot incline at the top of the eight (8) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.
(F) For lions and cheetahs, an artificial heat source that is sufficient to maintain a minimum ambient air temperature of forty-five **(45)** degrees Fahrenheit. ~~(45°F).~~
(2) For black leopards, spotted leopards, jaguars, clouded leopards, mountain lions (also sometimes called pumas or cougars), European lynxes, and their hybrids, the following:
(A) Dens large enough to provide privacy and comfort to all animals in the enclosure.
(B) An elevated:
(i) wood loafing platform; or ~~an elevated~~
(ii) dry natural substrate loafing area;
within the enclosure.
(C) A tree limb or other suitable scratching block.
(D) For black leopards, spotted leopards, jaguars, and mountain lions, the walls, roof, and floor of the cage shall be constructed of not less than nine (9) gauge steel chain link with:
(i) a two and one-half (2½) inch mesh maximum; or
(ii) the equivalent.
(E) For black leopards, spotted leopards, jaguars, and mountain lions, a three (3) foot incline at the top of a fourteen (14) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.
(F) For clouded leopards and European lynxes, the walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with:
(i) a two and one-half (2½) inch maximum mesh; or
(ii) the equivalent.
(3) For caracals, Canada lynxes, golden cats, ocelots, servals, jungle cats, fishing cats, **bobcats,** and their hybrids, the following:
(A) Dens large enough to provide privacy and comfort to all animals in the enclosure.
(B) An elevated:
(i) wooden loafing platform; or ~~an elevated~~
(ii) dry natural substrate loafing area;
large enough for all animals within the enclosure.
(C) A tree limb or other suitable scratching block.
(D) The:
(i) walls;
(ii) roof; and
(iii) floor;
of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh. Any weld must be as strong as the wire.
(E) ~~For golden cats,~~ An artificial heat source that is sufficient to maintain a minimum ambient air temperature of **as follows:**
(i) For golden cats, forty-five **(45)** degrees Fahrenheit. ~~(45°F).~~
~~(F)~~ **(ii)** For jungle cats and serval cats, ~~an artificial heat source that is sufficient to maintain the ambient air temperature of~~ fifty-five **(55)** degrees Fahrenheit. ~~(55°F).~~

(4) For margays, leopard cats, pallas cats, marble cats, Geoffrey's cats, African wild cats, European wild cats, jaguarundis, little spotted cats, African black footed cats, sand cats, flatheaded cats, pampas cats, and their hybrids, the following:
(A) Dens large enough to provide privacy and comfort to all animals in the enclosure.
(B) An elevated:
(i) wooden loafing platform; or ~~an elevated~~
(ii) dry natural substrate loafing area;
large enough for all animals within the enclosure. The top of the den or den box may be designed to meet this requirement.
(C) A tree limb or other suitable scratching block.
(D) The:
(i) walls;
(ii) roof; and
(iii) floor;
of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh. Any weld must be as strong as the wire.
(E) ~~For pallas cats,~~ An artificial heat source that is sufficient to maintain a minimum ambient air temperature of **as follows:**
(i) For pallas cats, forty-five **(45)** degrees Fahrenheit. ~~(45°F) shall be provided.~~
~~(F)~~ **(ii)** For Geoffrey's cats, leopard cats, African wild cats, little spotted cats, African black footed cats, sand cats, flat headed cats, and pampas cats, ~~an artificial heat source that is sufficient to maintain a minimum ambient air temperature of~~ fifty-five **(55)** degrees Fahrenheit. ~~(55°F).~~
(Natural Resources Commission; 312 IAC 9-11-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2741; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA)

*