

**Request for preliminary adoption of amendments to 312 IAC 8 related to DNR property rules.
Administrative Cause No. 21-FW-018**

The Department of Natural Resources is proposing the property-related rule changes listed below that are a result of meetings with staff from the division of fish and wildlife, state parks, forestry, nature preserves, and law enforcement.

312 IAC 8-2-3: This change allows a tree stand or hunting blind to be left on a DNR Property, provided that the stand or hunting blind left overnight be marked with the name, address and telephone number of the owner of the stand or the owner's customer identification number issued by the department. It also clarifies that existing administrative rules applicable to tree stands or hunting blinds used for deer or migratory birds and waterfowl are applicable to the use of those stands and blinds on DNR properties.

Additional authorizations proposed in the rule would allow a person to place a trail or game camera on DNR properties designated in the rule if the owner is identified on the camera. Dedicated nature preserves and state parks, for example, will not allow trail or game cameras placed on their properties in order to prevent harm to vegetation where the camera is placed and help keep visitors from going off of trails to set up a camera.

Additional language prohibits any person from placing bait for wild birds or deer on a DNR property except for the exemptions listed in the rule, such as bait or food placed for management by an authorized department employee, agricultural operations (such as crops planted and harvested on a DNR property), and bird feeders placed by department employees. This provision is intended to prevent hunters from being unknowingly placed in an illegal situation of hunting in an area where bait was placed by another person. It is illegal to hunt deer and wild turkeys with the use of bait pursuant to 312 IAC 9-3-2(u) for deer and 312 IAC 9-4-11(g) for wild turkeys. Furthermore, it is illegal to hunt migratory birds using bait pursuant to federal regulations in 50 CFR 20.21. Recently, property staff have found that people, other than hunters, have scattered corn and placed other food considered to be bait on properties where deer and bird hunting is allowed. This amendment is necessary to ensure that each member of the public is able to fully utilize DNR properties for recreational purposes. The definition of bait is included in this rule to be consistent with the definition of bait in 312 IAC 9-3-3(u) and federal regulations governing baiting for migratory birds.

312 IAC 8-2-10: One rule change will allow shed deer antlers to be picked up by members of the public without the need for a permit. Currently, it is not clear whether a permit or license is required to collect shed antlers and the amendment will clarify the current practice, which does not require a permit or license.

An additional change in this rule will require a license from a department representative to use a magnet or magnetized equipment to remove any item from public waters on a DNR property. "Magnet fishing" has become popular in the last few years and involves the use of a magnet to retrieve metal in waterways and lakes. However, some magnets have resulted in the removal of firearms and other dangerous items. This rule limits the items that can be removed to only those that are able to be carried and retrieved by hand

without the assistance of motorized equipment, thereby limiting the size of the item that can be removed. By requiring the license, it also ensures that DNR property staff are aware of the activity, which will allow the DNR to require dangerous items to be turned into the property office and trash to be properly disposed.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #21-

DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or

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

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

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

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

(B) be legibly marked with the:

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

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

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

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

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

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

(2) A person must:

(A) register with the department; and

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

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

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

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

(6) A person must not:

(A) discharge a firearm using automatic fire;

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

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

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

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

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

(A) An entry fee.

(B) Competition for any of the following:

(i) Cash.

(ii) Awards.

(iii) Trophies.

(iv) Citations.

(v) Prizes.

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

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

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

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

(1) eastern snapping turtles;

(2) smooth softshell turtles;

(3) spiny softshell turtles;

(4) bullfrogs; and

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

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

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

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

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

Affected: IC 14

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

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

- (E) Mushrooms.
- (F) Leaves.
- (G) Greens.
- (4) Pick berries, fruits, nuts, fallen cones, mushrooms, leaves, or greens on a nature preserve, or another property administered by the division of nature preserves, unless the property is located at any of the following:
 - (A) A state park.
 - (B) A reservoir property.
 - (C) A fish and wildlife area.
 - (D) A state forest.
- (5) Damage, interfere with, or remove:
 - (A) a work of art;
 - (B) an artifact;
 - (C) a rock or mineral;
 - (D) a shipwreck;
 - (E) an archeological site;
 - (F) a historic site;
 - (G) a building; or
 - (H) a sign.
- (6) Place or maintain a:
 - (A) structure;
 - (B) device;
 - (C) dock;
 - (D) buoy;
 - (E) ramp; or
 - (F) sign

except as provided in 312 IAC 8-2-3.

- (7) Use a metal detector, except on a sand, swimming beach as approved by an authorized representative.
- (8) Rock climb or rappel.
- (9) Collect firewood on a state park.
- (10) Dig or excavate any material from the ground.
- (11) Regardless of whether taken lawfully, sell any material taken from a DNR property. Exempted from this subdivision are materials taken under a license issued by the department that specifically authorizes the sale of the material.
- (12) Use a magnet or magnetized equipment to remove any item from public waters on a DNR property. If authorized by a license, the magnet must be able to be carried and retrieved by hand without the assistance of motorized equipment.**

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