ARTICLE 9. FISH AND WILDLIFE

Rule 1. Definitions

312 IAC 9-1-1 General application of definitions
Authority: IC 14-11-2-1; IC 14-22-2-6
Affected: IC 14-22

Sec. 1. The definitions provided in this rule apply throughout this article. *(Natural Resources Commission; 312 IAC 9-1-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2698; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-1.5 "Amphibian" defined
Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22

Sec. 1.5. "Amphibian" means the following:
(1) A frog, toad, salamander, caecilian, or other animal of the class Amphibia.
(2) The parts, eggs, or offspring of a species of the class Amphibia.
(Natural Resources Commission; 312 IAC 9-1-1.5; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3671; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-1-2 "Antlered deer" defined
Authority: IC 14-11-2-1; IC 14-22-2-6
Affected: IC 14-22

Sec. 2. "Antlered deer" means a deer with an antler at least three (3) inches long. *(Natural Resources Commission; 312 IAC 9-1-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2698; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-3 "Antlerless deer" defined
Authority: IC 14-11-2-1; IC 14-22-2-6
Affected: IC 14-22

Sec. 3. "Antlerless deer" means a deer other than an antlered deer. *(Natural Resources Commission; 312 IAC 9-1-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2698; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-3.2 "Aquatic life" defined
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 3.2. "Aquatic life" means all fish, reptiles, amphibians, mollusks, crustaceans, and any other animal that the department identifies after consultation with a biologist, zoologist, or other wildlife expert. *(Natural Resources Commission; 312 IAC 9-1-3.2; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-4 "Bait" defined *(Repealed)*

Sec. 4. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

312 IAC 9-1-5 "Bird" defined
Authority: IC 14-11-2-1; IC 14-22-2-6
Affected: IC 14-22

Sec. 5. "Bird" means the class of warm blooded vertebrate wild animals distinguished by having the body more or less covered with feathers and the forelimbs modified as wings, and includes the eggs of the animal. *(Natural Resources Commission; 312 IAC 9-1-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2698; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-5.3 "Crossbow" defined
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 5.3. "Crossbow" means a device for propelling an arrow by means of limbs mounted on a stock and a string and having a working safety that may be drawn, held, and released by a mechanical device and has the following:
(1) At least one hundred twenty-five (125) pounds pull.
(2) A mechanical safety.
(Natural Resources Commission; 312 IAC 9-1-5.3; filed Dec 1, 2011, 4:01 p.m.: 20111228-IR-312110101FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-1-5.5 "Disability" defined
Authority: IC 14-11-2-1; IC 14-22-2-6
Affected: IC 14-22

Sec. 5.5. "Disability" means a physical impairment to an individual resulting from an injury or disease, but excludes an impairment that is attributable to the normal aging process. *(Natural Resources Commission; 312 IAC 9-1-5.5; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-6 "Exempted wild animal" defined
Authority: IC 14-11-2-1; IC 14-22-2-6
Affected: IC 14-22

Sec. 6. "Exempted wild animal" means a wild animal, which is unprotected and may be taken or possessed at any time. *(Natural Resources Commission; 312 IAC 9-1-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-7 "Falconry" defined
Authority: IC 14-11-2-1; IC 14-22-2-6
Affected: IC 14-22

Sec. 7. "Falconry" includes:
(1) taking;

(2) possessing;
(3) caring for;
(4) training; and
(5) transporting;
raptors for the purpose of pursuing, hunting, and taking wild animals with raptors. *(Natural Resources Commission; 312 IAC 9-1-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 5, 2011, 1:38 p.m.: 20110803-IR-312100667FRA; errata filed Sep 15, 2011, 1:07 p.m.: 20110928-IR-312110555ACA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-7.5 "Game bird" defined
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 7.5. "Game bird" means the following:
(1) Pheasant.
(2) Quail.
(3) Grouse.
(4) Wild turkey.
(5) Mourning dove.
(Natural Resources Commission; 312 IAC 9-1-7.5; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-1-7.6 "Ground blind" defined
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 7.6. "Ground blind" means a structure or visual screen of any type that is located on or within four (4) feet of the ground that includes manmade or synthetic materials and results in concealing a hunter so that the hunter orange worn by the hunter may not be visible from one (1) or more directions. *(Natural Resources Commission; 312 IAC 9-1-7.6; filed Dec 1, 2011, 4:01 p.m.: 20111228-IR-312110101FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-8 "Handicap" defined *(Repealed)*

Sec. 8. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

312 IAC 9-1-9 "Hunter orange" defined *(Repealed)*

Sec. 9. *(Repealed by Natural Resources Commission; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA)*

312 IAC 9-1-9.5 "Ice fishing shelter" defined
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 9.5. "Ice fishing shelter" means a rigid or collapsible ice fishing house, shanty, or other fully enclosed structure. *(Natural Resources Commission; 312 IAC 9-1-9.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-9.7 "Inland water" defined

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

Sec. 9.7. "Inland water" means the:
(1) water of the state; and
(2) boundary waters of the state, except Lake Michigan and the Ohio River.
(Natural Resources Commission; 312 IAC 9-1-9.7; filed Jan 2, 2013, 3:42 p.m.: 20130130-IR-312120381FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-1-10 "Motor driven conveyance" defined

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

Sec. 10. "Motor driven conveyance" means:
(1) an automobile;
(2) a truck;
(3) a tractor;
(4) a combine;
(5) a wagon;
(6) a bus;
(7) an off-road vehicle;
(8) a recreational vehicle;
(9) a motorcycle;
(10) a moped;
(11) a dune buggy;
(12) a go-cart;
(13) a motorboat;
(14) an airplane; or
(15) other motorized conveyance capable of transporting an individual.
(Natural Resources Commission; 312 IAC 9-1-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-1-11 "Navigable waterway" defined *(Repealed)*

Sec. 11. *(Repealed by Natural Resources Commission; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1367)*

312 IAC 9-1-11.5 "Portable ice fishing shelter" defined *(Repealed)*

Sec. 11.5. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

312 IAC 9-1-12 "Possession" defined

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

Sec. 12. "Possession" means to:

(1) have direct physical control or knowingly have the power and the intention to exercise dominion or control over wild animals that are not alive; or

(2) knowingly have the power and intention of keeping a live wild animal in captivity where it cannot escape into the wild.

(Natural Resources Commission; 312 IAC 9-1-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 6, 2012, 3:10 p.m.: 20120307-IR-312110470FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-1-12.1 "Possession limit" defined

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

Sec. 12.1. "Possession limit" means twice the daily bag limit of a wild animal. *(Natural Resources Commission; 312 IAC 9-1-12.1; filed Feb 6, 2012, 3:10 p.m.: 20120307-IR-312110470FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-12.5 "Primary residence" defined

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

Sec. 12.5. "Primary residence" means an individual's principal or ordinary habitation used as a home or dwelling for a fixed or indefinite period of time. The term does not include temporary or transient lodging used during a:

(1) hunting;
(2) fishing;
(3) pleasure;
(4) recreation; or
(5) business;

trip or other temporary purpose. *(Natural Resources Commission; 312 IAC 9-1-12.5; filed Feb 6, 2012, 3:10 p.m.: 20120307-IR-312110470FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-12.6 "Processed" defined

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

Sec. 12.6. "Processed" means wild animals that have been:

(1) cut, wrapped, and frozen;
(2) dried;
(3) smoked;
(4) canned (in tins or jars);
(5) vacuum packed; or
(6) otherwise preserved for long term storage and later consumption.

(Natural Resources Commission; 312 IAC 9-1-12.6; filed Feb 6, 2012, 3:10 p.m.: 20120307-IR-312110470FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-1-13 "Raptor" defined *(Repealed)*

Sec. 13. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

312 IAC 9-1-13.3 "Reptile" defined
Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22

Sec. 13.3. "Reptile" means the following:
(1) A turtle, snake, lizard, amphisbaenian, crocodilian, tuatara, or other animal of the class Reptilia.
(2) The parts, eggs, or offspring of a species of the class Reptilia.
(Natural Resources Commission; 312 IAC 9-1-13.3; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3671; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-1-13.5 "Seine" defined
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 13.5. "Seine" means a net that is constantly attended and pulled through the water for the entrapment of fish. *(Natural Resources Commission; 312 IAC 9-1-13.5; filed Jan 2, 2013, 3:42 p.m.: 20130130-IR-312120381FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-14 "Threatened species" defined *(Repealed)*

Sec. 14. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

312 IAC 9-1-14.5 "Venomous reptile" defined
Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22

Sec. 14.5. "Venomous reptile" means a reptile that is normally considered a venomous or poisonous species where found in its native habitat and that can inflict serious bodily injury (as defined by IC 35-31.5-2-292) or death upon a human being, regardless of whether an individual animal has been surgically altered. *(Natural Resources Commission; 312 IAC 9-1-14.5; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3671; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; errata filed Dec 6, 2013, 11:12 a.m.: 20140101-IR-312130537ACA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-1-15 "Wears hunter orange" defined *(Repealed)*

Sec. 15. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

312 IAC 9-1-16 "Waterfowl" defined
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 16. "Waterfowl" means a:
(1) wild goose;
(2) brant;
(3) swan; or

(4) wild duck.
(Natural Resources Commission; 312 IAC 9-1-16; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

Rule 2. Restrictions and Standards Applicable to Wild Animals

312 IAC 9-2-1 Taking, chasing, and possessing wild animals *(Repealed)*

Sec. 1. *(Repealed by Natural Resources Commission; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA)*

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

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

Sec. 2. (a) An individual must not take or chase a wild mammal or bird from, by the use of, or with the aid of a motor driven conveyance, except:
(1) as authorized for an individual with a special hunting permit for a person with a disability under 312 IAC 9-10-10; and
(2) as provided in subsection (b).
(b) A motorboat may be used to:
(1) check traps that are lawfully set and maintained; or
(2) retrieve a dead or crippled waterfowl.
(c) A motorboat may be used to hunt waterfowl and squirrels if the motorboat is:
(1) beached;
(2) resting at anchor;
(3) tied to a stationary object; or
(4) otherwise without motion except as provided by:
(A) wind;
(B) water current; or
(C) hand-operated oars or paddles.
(d) An individual must not discharge a firearm or bow and arrows from a motor driven conveyance while the conveyance is in motion. *(Natural Resources Commission; 312 IAC 9-2-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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

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

Sec. 3. (a) Except as provided in subsection (b), a prohibition against the:
(1) possession;
(2) sale;
(3) offer for sale;
(4) purchase;
(5) offer for purchase;
(6) shipment;
(7) transportation;
(8) delivery; or
(9) receipt;
of a wild animal also applies to any part or portion of that wild animal.

(b) The prohibition established under subsection (a) does not apply to the following parts of wild animals taken lawfully:
(1) Tanned hides.
(2) Any portion of a furbearing mammal.
(3) Cured feathers.
(4) Squirrel tails.
(5) Untanned deer hides.
(6) Antlers.
(7) Hooves.
(8) Any portion of a river otter.
(9) Untanned squirrel hides.

(Natural Resources Commission; 312 IAC 9-2-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; filed May 28, 1998, 5:14 p.m.: 21 IR 3712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Feb 26, 2015, 2:01 p.m.: 20150325-IR-312140341FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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

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

Sec. 4. (a) An individual must not set or place a stake, a chain, a drag, a trap, any other portion of a trap, or a net that is designed to take a wild animal except:
(1) during a season established for trapping that wild animal;
(2) for coyotes, during any time of year by a person who possesses that land or has permission from the person who possesses that land;
(3) for wild animals that are damaging property and taken by a resident landowner or tenant under 312 IAC 9-3-15;
(4) for raptors with a falconry license in accordance with 312 IAC 9-10-13.1;
(5) with a scientific purposes license in accordance with 312 IAC 9-10-6; or
(6) with a nuisance wild animal control permit in accordance with 312 IAC 9-10-11.
(b) A person must not place or cause to be placed a trap (set or unset) capable of taking a migratory bird on a pole or post, unless the person possesses a permit issued by the U.S. Fish and Wildlife Service under 50 CFR 21, Subpart D and one (1) of the following that authorizes the taking of a migratory bird:
(1) A scientific purposes license issued by the department under 312 IAC 9-10-6.
(2) A migratory bird depredation permit issued by the department under 312 IAC 9-10-23.

(Natural Resources Commission; 312 IAC 9-2-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-2-5 Netting and trapping wild birds prohibited *(Repealed)*

Sec. 5. *(Repealed by Natural Resources Commission; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA)*

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

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

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

(2) nuisance wild animal control permit issued by the department under 312 IAC 9-10-11.

(b) An individual must not discharge a firearm in or over a fish rearing unit owned, controlled, or supervised by the state or the United States. *(Natural Resources Commission; 312 IAC 9-2-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-2-7 Endangered and threatened species *(Repealed)*

Sec. 7. *(Repealed by Natural Resources Commission; filed May 16, 2002, 12:25 p.m.: 25 IR 3049)*

312 IAC 9-2-8 Possession restrictions

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

Sec. 8. (a) An individual must not take more than the daily bag limit of a wild animal in a calendar day.

(b) An individual may carry the carcass of a wild animal for another individual while in the field or transporting from the field if the individual who took the wild animal is present.

(c) An individual must not:

(1) possess;

(2) ship;

(3) carry; or

(4) transport;

more than the possession limit of a wild animal after the beginning of the second day of the season established to take that wild animal unless the wild animal is tagged in accordance with subsection (f) or (g).

(d) The possession limit does not apply to a wild animal that is processed and stored at an individual's primary residence, except for waterfowl and migratory game birds.

(e) An individual who lawfully takes a wild animal may give to another individual one (1) or more carcasses of a wild animal, with no compensation of any kind.

(f) A wild animal that is gifted, left unattended while in the field, or not in the immediate vicinity of the individual who took the wild animal while in the field must have a tag attached or be in a container or bag that has the following information:

(1) The name and address of the individual who took the animal.

(2) The total number and species of wild animals taken.

(3) The date the wild animal was taken.

(4) The signature of the individual who took the animal.

(g) Notwithstanding subsection (f), an individual must tag a:

(1) white-tailed deer in accordance with 312 IAC 9-3-2; and

(2) wild turkey in accordance with 312 IAC 9-4-11.

(Natural Resources Commission; 312 IAC 9-2-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Feb 6, 2012, 3:10 p.m.: 20120307-IR-312110470FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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

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

Sec. 9. (a) Except as otherwise provided in this article, an individual may use dogs to chase a wild animal at any time.

(b) An individual who uses dogs to chase wild animals during a taking or hunting season for the species being chased must comply with the restrictions established in this article for the taking or hunting season. *(Natural Resources Commission; 312 IAC*

9-2-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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

Authority: IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22-6-1

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

(b) A violation of a license issued under this article is a violation of this article and IC 14-22-6-1. *(Natural Resources Commission; 312 IAC 9-2-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-2-11 State parks and state historic sites

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22-6-1

Sec. 11. (a) An individual must not take or chase a wild animal, other than a fish, in a state park or a state historic site except for employees of the department that are authorized to take a nonendangered:

(1) nonmigratory bird;
(2) mute swan;
(3) mammal; or
(4) reptile;

on a state park that is causing damage or threatening to cause damage or creating a public safety or health threat.

(b) Notwithstanding subsection (a), the property manager of a state park may authorize an individual to take a raccoon, Virginia opossum, striped skunk, beaver, or muskrat on that property that is causing damage or threatening to cause damage or creating a public safety or health threat:

(1) with written permission from the property manager; and
(2) with a nuisance wild animal control permit issued under 312 IAC 9-10-11 or with a valid trapping license if taken during the season established in 312 IAC 9-3 for that species.

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

(d) An individual qualified under this subsection may trap any European wall lizard (Podarcis muralis) from the Falls of the Ohio State Park and the adjacent federal Falls of the Ohio Wildlife Conservation Area in Clarksville, Indiana. In order to qualify under this subsection, an individual must do each of the following:

(1) Possess a written authorization from the division of state parks.
(2) Comply with any terms in the written authorization. These terms shall include a requirement that a European wall lizard can be taken only with approved methods.
(3) For the federal Falls of the Ohio Wildlife Conservation Area, comply with any other terms in the written authorization that are required by the U.S. Army Corps of Engineers.

(Natural Resources Commission; 312 IAC 9-2-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 19, 2003, 8:14 a.m.: 27 IR 459; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-2-12 Hunting, fishing, and the discharge of firearms and bow and arrows within 200 feet of a property administered by the department

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-22-2-6; IC 14-29-1-8
Affected: IC 14-22; IC 14-29-1

Sec. 12. (a) A restriction which applies to taking or chasing a wild animal on a property owned or administered by the department also applies to the portion of a navigable waterway located within two hundred (200) feet of the property. However, exempted from this subsection is any area of the navigable waterway which is immediately adjacent to and within one hundred (100) feet of land owned by a person other than the department.

(b) On a navigable waterway which is located within two hundred (200) feet of a property owned or administered by the division of state parks, the division of state museums and historic sites, or the division of nature preserves (other than a nature preserve administered by the division of fish and wildlife) of the department, a person must not discharge:

(1) a firearm; or

(2) an arrow.

(Natural Resources Commission; 312 IAC 9-2-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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

Authority: IC 14-22-2-6
Affected: IC 14-22-20; IC 14-22-23

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

(1) noncaptive wild bird or mammal; or

(2) animal held under a:

(A) game breeder license under IC 14-22-20 and 312 IAC 9-10-4;

(B) wild animal possession permit under 312 IAC 9-11; or

(C) rehabilitation permit under 312 IAC 9-10-9;

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

(b) Notwithstanding subsection (a), the holder of a valid:

(1) game breeder license under IC 14-22-20 and 312 IAC 9-10-4;

(2) wild animal possession permit under 312 IAC 9-11;

(3) rehabilitation permit under 312 IAC 9-10-9;

(4) falconry license under IC 14-22-23 and 312 IAC 9-10-13;

(5) scientific purposes license under 312 IAC 9-10-6; or

(6) special purpose educational permit under 312 IAC 9-10-9.5;

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

(c) Only the holder of a valid:

(1) wild animal possession permit under 312 IAC 9-11; or

(2) scientific purposes license under 312 IAC 9-10-6;

may alter the normal reproductive functions and the potential for pregnancy of a wild animal possessed under that license.

(d) Notwithstanding subsection (a), a:

(1) licensed veterinarian;

(2) county animal control agent;

(3) municipal animal control agent;

(4) holder of a nuisance wild animal control permit; or

(5) holder of a scientific purposes license;

may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia. *(Natural Resources Commission; 312 IAC*

9-2-13; filed May 28, 1998, 5:14 p.m.: 21 IR 3713; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed Nov 15, 2002, 3:42 p.m.: 26 IR 1068; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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; IC 29-1-1-3; IC 30-4-1-2

Sec. 1. (a) An owner or a lessee of farmland, and immediate family members that live with 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 an individual:

(1) listed on the tax assessment roll and whose name appears on the title to the property;
(2) who is a shareholder, partner, member, or owner of a business entity comprised solely of the members of an immediate family; or
(3) serving as a trustee and any named trust beneficiaries that are comprised solely of the members of an immediate family for trust property as defined in IC 30-4-1-2.

The term does not include an individual that is an heir to an estate as defined in IC 29-1-1-3.

(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; or
(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 the following:

(1) A corporation.
(2) A limited liability company.
(3) A partnership.
(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-2-15 General requirements for hunter orange on ground blinds

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-38-7

Sec. 15. An occupied ground blind must have at least one hundred forty-four (144) square inches of hunter orange that is visible on each side of the blind from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset when the hunter is required to wear hunter orange in accordance with IC 14-22-38-7 or 312 IAC 9-3-2(t). *(Natural Resources Commission; 312 IAC 9-2-15; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-2-16 Release of captive-bred mammals, reptiles, amphibians, and mussels

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22-6-1

Sec. 16. An individual must not release a captive-bred species of mammal, reptile, amphibian, or mussel into the wild except

as authorized under this article. *(Natural Resources Commission; 312 IAC 9-2-16; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

Rule 3. Mammals

312 IAC 9-3-1 Applicability

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

Sec. 1. This rule governs wild animals that are mammals. *(Natural Resources Commission; 312 IAC 9-3-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-2 General requirements and licenses for hunting deer

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22; IC 35-47-2

Sec. 2. (a) This section and sections 3, 4, 8, 9, and 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, 4, 8, 9, and 10 of this rule.
An individual who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.
(c) The licenses identified in this section are nonexclusive. An individual may apply for one (1) or more of these licenses.
(d) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, an individual must not hunt deer:
(1) unless the individual possesses a completed and signed license authorized under this section bearing the individual's name; or
(2) with a deer license issued to another individual.
(e) A youth hunter may take a deer during the youth deer season established in section 4(b) of this rule only if:
(1) issued a license to hunt deer with:
(A) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
(B) a nonresident youth deer firearms license under IC 14-22-12-1(a)(29);
(C) a nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30);
(D) a nonresident youth deer archery license under IC 14-22-12-1(a)(31);
(E) a nonresident youth extra deer crossbow license under IC 14-22-12-1(a)(32);
(F) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
(G) a nonresident youth extra deer bonus antlerless license under IC 14-22-12-1(a)(32);
(H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) before its repeal;
(I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal; or
(J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or
(2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.
(f) An individual may take a deer with a long bow, a recurve bow, or a compound bow during the archery season established in section 4(c) of this rule only if:
(1) issued a license to hunt deer by bow and arrows with:
(A) a resident deer archery license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);
(B) a nonresident deer archery license under IC 14-22-12-1(a)(17);

(C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
(D) a nonresident youth deer archery license under IC 14-22-12-1(a)(31);
(E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);
(F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);
(G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
(H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) before its repeal;
(I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal; or
(J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or

(2) hunting without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(g) An individual may take a deer with a crossbow during the archery season established in section 4(c) of this rule only if:

(1) issued a license to hunt deer with:
(A) a resident extra deer crossbow license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);
(B) a nonresident extra deer crossbow license under IC 14-22-12-1(a)(17);
(C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
(D) a nonresident youth extra deer crossbow license under IC 14-22-12-1(a)(31);
(E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);
(F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);
(G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
(H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) before its repeal;
(I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal; or
(J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or

(2) hunting without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(h) An individual may take a deer with a firearm during the firearms season established in section 4(e) of this rule only if:

(1) issued a license to hunt deer by firearms with:
(A) a resident deer firearms license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(12);
(B) a nonresident deer firearms license under IC 14-22-12-1(a)(15);
(C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
(D) a nonresident youth deer firearms license under IC 14-22-12-1(a)(29);
(E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);
(F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);
(G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
(H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) before its repeal;
(I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal; or
(J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or

(2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(i) An individual may take a deer with a muzzleloader during the muzzleloader season established in section 4(f) of this rule only if:

(1) issued a license to hunt deer by a muzzleloader with:
(A) a resident deer muzzleloader license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(13);
(B) a nonresident deer muzzleloader license under IC 14-22-12-1(a)(16);
(C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
(D) a nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30);
(E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);
(F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);
(G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
(H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) before its repeal;
(I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal; or
(J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or

(2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(j) An individual may take a deer during the deer reduction season established in section 4(d) of this rule only if:

(1) issued a license to hunt deer with:

(A) a resident extra deer reduction zone license under IC 14-22-12-1(a)(18);

(B) a nonresident extra deer reduction zone license under IC 14-22-12-1(a)(19);

(C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);

(D) a nonresident youth extra deer reduction zone license under IC 14-22-12-1(a)(32);

(E) an apprentice license of the types identified in clauses (A) through (D) under IC 14-22-12-1.7;

(F) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) before its repeal; or

(G) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal; or

(2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(k) An individual may take a deer during the special antlerless deer season established in section 4(h) of this rule only if:

(1) issued a license to hunt deer with:

(A) a resident extra deer bonus antlerless license under IC 14-22-12-1(a)(18);

(B) a nonresident extra deer bonus antlerless license under IC 14-22-12-1(a)(19);

(C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);

(D) a nonresident youth extra deer bonus antlerless license under IC 14-22-12-1(a)(32);

(E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);

(F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);

(G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);

(H) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7;

(I) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) before its repeal; or

(J) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal; or

(2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(l) An individual may take an antlerless deer in a designated county, by authority of an extra deer bonus antlerless license, only as authorized under section 4(g) and 4(h) of this rule.

(m) An individual must, immediately upon taking a deer, record on a piece of paper the following:

(1) The name and address of the individual who took the deer.

(2) The license number (if applicable) of the individual who took the deer.

(3) The sex of the deer.

(4) The month and day the deer was taken.

The individual that takes the deer must retain possession of the completed piece of paper until the paper is attached to the deer. The piece of paper must be attached to the deer if the individual who takes the deer does not maintain direct physical control of and constant visual contact with the deer carcass.

(n) An individual who takes a deer must cause delivery of the deer carcass to an official checking station for registration in the name of the individual who took the deer or cause the reporting of the take by providing true and accurate information required on the department's electronic harvest reporting system 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 individual who delivers the deer carcass to an official checking station for registration or reports the take on the department's electronic harvest reporting system must provide true and accurate information that includes the information on the piece of paper described in subsection (m).

(o) The head of a deer must remain attached to the carcass until the deer is registered either at an official checking station or through the department's electronic harvest reporting system.

(p) When a deer is registered:

(1) at an official deer checking station, the checking station operator must:

(A) record the information from the piece of paper described in subsection (m);

(B) report the take on the department's electronic harvest reporting system; and

(C) give the individual the confirmation number, which must be recorded on the piece of paper described in subsection (m); or

(2) using the department's electronic harvest reporting system, the individual who took the deer must record the confirmation number on the piece of paper described in subsection (m).

(q) The department's electronic harvest confirmation number must be maintained with a deer until processing of the deer begins.

(r) An individual must not hunt deer except from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(s) An individual must wear hunter orange:

(1) in a season set forth in section 4(b), 4(e), 4(f), and 4(h) of this rule;

(2) in that portion of the archery season set forth in section 4(c) of this rule that overlaps a season set forth in section 4(b), 4(e), 4(f), and 4(h) of this rule;

(3) when firearms are authorized under section 8(b) of this rule;

(4) in that portion of the deer reduction season set forth in section 4(d) of this rule that overlaps a season and is in a location where hunting is authorized in section 4(b), 4(e), 4(f), and 4(h) of this rule; and

(5) in the special antlerless season in the locations where the season is authorized in section 4(h) of this rule.

(t) An individual must not take more than one (1) antlered deer during the special youth, archery, firearm, and muzzleloader seasons authorized in section 4 of this rule from the first day of the special youth deer season of one (1) calendar year through the last day of the archery season in the following calendar year.

(u) An individual must not hunt deer with the use or aid of:

(1) bait, which includes:

(A) a food that is transported and placed for consumption, including, but not limited to, piles of corn and apples placed in the field;

(B) a prepared solid or liquid that is manufactured and intended for consumption by livestock or wild deer, including, but not limited to, commercial baits and food supplements;

(C) salt; or

(D) mineral supplements;

(2) snares;

(3) dogs; or

(4) other domesticated animals.

The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

(v) An area is considered baited for ten (10) days after the removal of the bait and the baited soil. Hunting an area, such as an orchard, which may be attractive to deer as the result of normal agricultural activity, is not prohibited.

(w) Notwithstanding subsection (u), an individual may use dogs only while on a leash to track or trail wounded deer.

(x) Notwithstanding subsection (u), an individual may use:

(1) donkeys;

(2) mules; and

(3) horses;

for transportation to and from a hunt but not while hunting.

(y) An individual must not hunt white-tailed deer possessed under the authority of a game breeder license under 312 IAC 9-10-4.

(z) An individual may possess a handgun in accordance with IC 35-47 while hunting deer.

(aa) "Deer license bundle" means a multiple privilege deer license that replaces a valid deer hunting license and allows an individual to take one (1) antlered deer and two (2) antlerless deer or three (3) antlerless deer in accordance with this section and sections 3 and 4 of this rule in the following seasons combined in one (1) year:

(1) Special youth.

(2) Archery.

(3) Firearms.

(4) Muzzleloader.

(5) Special antlerless only.

(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; errata filed Jul 21, 2006, 1:56 p.m.: 20060802-IR-312050214ACA; filed Jul 10, 2007, 2:09 p.m.: 20070808-IR-312060572FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; filed Dec 1, 2011, 4:01 p.m.: 20111228-IR-

312110101FRA; errata filed Jan 10, 2012, 1:19 p.m.: 20120125-IR-312120006ACA; filed Jul 9, 2012, 3:00 p.m.: 20120808-IR-312120065FRA; filed Dec 18, 2012, 2:00 p.m.: 20130116-IR-312120115FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-3-2.5 Hunting deer during special youth season *(Repealed)*

Sec. 2.5. *(Repealed by Natural Resources Commission; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA)*

312 IAC 9-3-3 Equipment for deer hunting

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22; IC 35-47-1-6

Sec. 3. (a) During the youth special deer season established in section 4(b) of this rule, a youth hunter must hunt deer only with the following equipment:

(1) A bow and arrow as described in subsection (b)(1) through (b)(5).
(2) A crossbow as defined in 312 IAC 9-1-5.3.
(3) A shotgun as described in subsection (d)(1).
(4) A muzzleloading long gun as described in subsection (d)(3).
(5) A rifle, with the use of cartridges described in subsection (d)(4).

(b) During the archery season established in section 4(c) of this rule, an individual must hunt deer only with equipment as follows:

(1) With a long bow, recurve bow, or compound bow that has at least thirty-five (35) pounds pull with a valid license identified at section 2(f) of this rule.
(2) With a crossbow with a valid license identified at section 2(g) of this rule.
(3) Arrows or bolts must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
(4) Poisoned or explosive arrows or bolts are unlawful.
(5) For long bows, recurve bows, and compound bows, 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.

(c) During the firearms season established in section 4(e) of this rule and the special antlerless season established in section 4(h) of this rule, an individual must hunt deer only with any of the following equipment:

(1) A shotgun.
(2) A shotgun with rifled barrel.
(3) A handgun.
(4) A muzzleloading long gun.
(5) A muzzleloading handgun.
(6) A rifle, with the use of cartridges described in subsection (d)(4) only.

(d) As used in section 2 of this rule, this section, and sections 4 and 8 of this rule, a firearm must meet the following specifications:

(1) A shotgun must have a gauge 10, 12, 16, 20, 28, or .410 bore loaded with a single projectile.
(2) A handgun must:
    (A) conform to the requirements of IC 35-47-1-6;
    (B) have a barrel at least four (4) inches long;
    (C) fire a bullet of two hundred forty-three thousandths (.243) inch diameter or larger; and
    (D) not be a rifle that has a barrel less than eighteen (18) inches.

The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. Full metal jacketed bullets are unlawful. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.

(3) A muzzleloading long 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.

(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.

(C) Have a maximum case length of one and eight-tenths (1.8) inches.

Full metal jacketed bullets are unlawful.

(e) During the muzzleloader season established in section 4(f) of this rule, an individual must hunt deer only with a:

(1) muzzleloading long gun as described in subsection (d)(3); or

(2) muzzleloading handgun as described in subsection (d)(3).

(f) During the deer reduction season established in section 4(d) of this rule, an individual may hunt deer with bows and arrows described in subsection (b) from September 15 through January 31 of the following year, or with firearms described in subsections (c) and (d) from the first Saturday after November 11 through January 31 of the following year.

(g) An individual must not erect, place, or hunt from a permanent tree or ground blind on state owned lands. A tree or ground blind placed on:

(1) a DNR property as defined at 312 IAC 8-1.5-6;

(2) U.S. Forest Service lands; or

(3) any national wildlife refuge;

must be portable and may be left overnight only between noon on September 15 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 (1/2) inch is prohibited. Each tree or ground blind must be legibly marked with the name, address, and telephone number of the owner of the blind in the English language or the individual's customer identification number issued by the department.

(h) An individual must not use infrared sensors to locate or take deer. An individual must not hunt or retrieve deer with the aid of an infrared detector.

(i) An individual must not possess or use an electronic deer call while hunting deer. *(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; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; filed Dec 1, 2011, 4:01 p.m.: 20111228-IR-312110101FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; errata filed Dec 6, 2013, 11:12 a.m.: 20140101-IR-312130537ACA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-4 Season dates and bag limits

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22; IC 35-47-2

Sec. 4. (a) An individual must not take more than one (1) deer with each deer license.

(b) The special youth deer season is two (2) consecutive days beginning on the Saturday immediately before October 1 or as approved annually by the director as follows:

(1) The seasonal limit for hunting deer under this subsection is one (1) antlered deer and the number of antlerless deer established under subsection (g) for the county being hunted. If the county being hunted is designated as an "A" county under subsection (g), the youth hunter may take no more than one (1) antlerless deer under this subsection.

(2) A youth hunter who takes an antlered deer under this subsection may not take another antlered deer during the:

(A) archery seasons established in subsection (c);
(B) firearm season established in subsection (e); or
(C) muzzleloader season established in subsection (f).

(3) As used in this section, "youth" means an individual who is less than eighteen (18) years of age by the date of the hunt.

(4) A youth who hunts a deer under this subsection must be accompanied by an adult of at least eighteen (18) years of age who:
(A) does not possess a firearm, bow and arrow, or crossbow while in the field, except for a handgun carried lawfully in accordance with IC 35-47-2;
(B) possesses a valid hunting license of any type that is not an apprentice license unless exempt from needing a hunting license under IC 14-22-11-1 and 312 IAC 9-2-14;
(C) must not accompany more than two (2) youth hunters at any one (1) time; and
(D) must be in close proximity and able to communicate with the youth hunter at all times.

(c) The archery deer season is from October 1 through the first Sunday in January. An individual must take not more than two (2) deer of which only one (1) may be antlered under this subsection.

(d) The deer reduction season is as follows:

(1) From September 15 through January 31 of the following year in a deer reduction zone.

(2) Under this subsection:
(A) An individual must take not more than ten (10) deer of which only one (1) may be antlered.
(B) At least one (1) antlerless deer must be taken in a deer reduction zone prior to taking an antlered deer.

(3) A deer taken under this subsection does not count against a bag limit for deer set elsewhere in this rule.

(4) Deer reduction zones subject to the deer reduction season shall be established on an annual basis by a temporary rule authorized by the director.

(e) The firearms deer season is from the first Saturday after November 11 and continues for an additional fifteen (15) days. An individual must take not more than one (1) antlered deer under this subsection.

(f) The deer hunting season for only using a muzzleloading long gun or muzzleloading handgun is from the first Saturday after the closing day of firearms season as established in subsection (e) and continues for an additional fifteen (15) days. An individual must not take more than one (1) deer of either sex under this subsection.

(g) The season and bag limit for hunting antlerless deer in a designated county, by authority of an extra deer bonus antlerless license, shall be established on an annual basis by a temporary rule authorized by the director.

(h) The special antlerless deer season is from December 26 through the first Sunday in January of the following year in counties with an antlerless quota of four (4) or more deer. An individual may take only antlerless deer under this subsection and may take only the number established under subsection (g) for the county being hunted. *(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; filed Jul 10, 2007, 2:09 p.m.: 20070808-IR-312060572FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; filed Nov 12, 2009, 3:53 p.m.: 20091209-IR-312090060FRA; filed Dec 1, 2011, 4:01 p.m.: 20111228-IR-312110101FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-5 Hunting deer by bow and arrows by authority of an extra deer license *(Repealed)*

Sec. 5. *(Repealed by Natural Resources Commission; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA)*

312 IAC 9-3-6 Hunting deer in a depredation zone by authority of an extra deer license *(Repealed)*

Sec. 6. *(Repealed by Natural Resources Commission; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA)*

312 IAC 9-3-7 Hunting deer in a designated county by authority of an extra deer license *(Repealed)*

Sec. 7. *(Repealed by Natural Resources Commission; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA)*

312 IAC 9-3-8 Hunting deer on designated military reserves and national wildlife refuges with additional deer hunting licenses

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-11-10; IC 14-22-12

Sec. 8. (a) This section governs the activities of an individual who is hunting deer on military reserves and national wildlife refuges.

(b) If selected by drawing or invitation, an individual may hunt deer under this section on a military reserve or national wildlife refuge as follows:

(1) By firearms from October 1 through December 31.

(2) By bow and arrows from October 1 through December 31.

The specific hunting dates and equipment will be determined annually by the department in conjunction with the management staff of the military reserve or national wildlife refuge.

(c) An individual must use equipment authorized under section 3 of this rule to take a deer under this section.

(d) An individual may take a deer on a military reserve or national wildlife refuge only if issued one (1) of the following licenses:

(1) A resident deer archery license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14).

(2) A nonresident deer archery license under IC 14-22-12-1(a)(17).

(3) A resident deer firearms license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(12).

(4) A nonresident deer firearms license under IC 14-22-12-1(a)(15).

(5) A resident deer muzzleloader license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(13).

(6) A nonresident deer muzzleloader license under IC 14-22-12-1(a)(16).

(7) A resident extra deer license under IC 14-22-12-1(a)(18).

(8) A nonresident extra deer license under IC 14-22-12-1(a)(19).

(9) A resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24).

(10) A nonresident youth deer firearms license under IC 14-22-12-1(a)(29).

(11) A nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30).

(12) A nonresident youth deer archery license under IC 14-22-12-1(a)(31).

(13) A nonresident youth extra deer license under IC 14-22-12-1(a)(32).

(14) An apprentice license of the types identified in subdivisions (1) through (13) under IC 14-22-12-1.7.

(15) A lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) *[IC 14-22-12-7 was repealed by P.L.2-2014, SECTION 76, effective March 13, 2014.]*.

(16) A lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) *[IC 14-22-12-7 was repealed by P.L.2-2014, SECTION 76, effective March 13, 2014.]*.

(e) An individual must comply with the season dates and bag limit for deer hunting as established in section 4 of this rule if using one (1) of the following licenses to hunt on a military reserve or national wildlife refuge:

(1) A resident deer archery license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14).

(2) A nonresident deer archery license under IC 14-22-12-1(a)(17).

(3) A resident deer firearms license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(12).

(4) A nonresident deer firearms license under IC 14-22-12-1(a)(15).

(5) A resident deer muzzleloader license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(13).

(6) A nonresident deer muzzleloader license under IC 14-22-12-1(a)(16).

(7) A resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24).

(8) A nonresident youth deer firearms license under IC 14-22-12-1(a)(29).

(9) A nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30).

(10) A nonresident youth deer archery license under IC 14-22-12-1(a)(31).

(11) A nonresident youth extra deer license under IC 14-22-12-1(a)(32).

(12) An apprentice license of the types identified in subdivisions (1) through (11) under IC 14-22-12-1.

(f) An individual may take one (1) deer of either sex for each extra deer military/refuge license on a military reserve or national wildlife refuge. An antlered deer taken under this section is exempted from the limitations placed on the taking of antlered deer set

forth in section 2 of this rule.

(g) In addition to the other licenses authorized by this section, the division may issue an extra deer military/refuge license under this subsection. This extra deer military/refuge license authorizes the taking of a deer of either sex only from a military reserve or national wildlife refuge.

(h) An individual must comply with all of the provisions in section 2 of this rule with the exception of subsections (a), (b), and (e) through (j). *(Natural Resources Commission; 312 IAC 9-3-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2705; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1532; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; filed Dec 1, 2011, 4:01 p.m.: 20111228-IR-312110101FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-9 Wild animals killed by other means; disposition

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

Sec. 9. (a) This section governs the following species of wild animals that die following a collision with a motor vehicle or are found dead:

(1) White-tailed deer.
(2) Fox or gray squirrel.
(3) Eastern cottontail rabbit.
(4) Furbearing mammal.
(5) River otter.
(6) Wild turkey.
(7) Bobwhite quail.
(8) Ring-necked pheasant.

(b) An individual may possess a species of wild animal listed in subsection (a) with a special purpose salvage permit issued in accordance with 312 IAC 9-10-13.5 or a permit issued by:

(1) a conservation officer;
(2) a district wildlife biologist for the department;
(3) a property manager or assistant property manager for the department; or
(4) an individual designated by the conservation officer.

(Natural Resources Commission; 312 IAC 9-3-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-3-10 Commercial processing of deer

Authority: IC 14-22-2-6
Affected: IC 14-22; IC 15-17; IC 32-30-6-6

Sec. 10. (a) A person who receives deer for processing and charges a fee must maintain accurate daily records of the following:

(1) The dates deer are received and disposed of.
(2) The name and address of the owner of the deer.
(3) The state or province from which the deer was taken.
(4) The official tag and seal number, certificate of ownership or game breeder license number, or the department's electronic harvest confirmation number.

(b) These records shall be retained by the person or persons responsible for preparation or maintenance for at least eighteen (18) months following that preparation and must register with the department by March 1 of each year.

(c) A law enforcement officer may enter premises used for deer preparation at all reasonable hours to inspect those premises and the daily records required under subsection (a).

(d) A deer processor must properly dispose of carcasses and other parts of deer to ensure that they do not become a public nuisance as defined in IC 32-30-6-6. Proper disposal includes:

(1) at a disposal plant licensed by the Indiana state board of animal health under IC 15-17;

(2) burial upon the owner's premises so that every part of the animal's carcass is at least four (4) feet under the natural surface of the earth;

(3) thorough and complete incineration;

(4) composting; or

(5) other methods approved by the director.

(Natural Resources Commission; 312 IAC 9-3-10; 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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Dec 18, 2012, 2:00 p.m.: 20130116-IR-312120115FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Sep 23, 2015, 9:57 a.m.: 20151021-IR-312140477FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-3-11 Beavers

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

Sec. 11. An individual may take beavers (Castor canadensis) from 8 a.m. on November 15 until noon on March 15 of the following year. *(Natural Resources Commission; 312 IAC 9-3-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-12 Foxes, coyotes, and skunks

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

Sec. 12. (a) An individual may hunt:

(1) red foxes (Vulpes vulpes); and

(2) gray foxes (Urocyon cinereoargenteus);

from October 15 through February 28 of the following year.

(b) An individual may trap:

(1) red foxes (Vulpes vulpes); and

(2) gray foxes (Urocyon cinereoargenteus);

from October 15 through January 31 of the following year.

(c) Except as provided in subsection (d), an individual may take coyotes (Canis latrans) and striped skunks (Mephitis mephitis) from October 15 through March 15 of the following year.

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

(1) must be euthanized within twenty-four (24) hours of capture; and

(2) shall not be:

(A) possessed for more than twenty-four (24) hours;

(B) sold;

(C) traded;

(D) bartered; or

(E) gifted.

(Natural Resources Commission; 312 IAC 9-3-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Apr

4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; filed Jul 31, 2008, 4:06 p.m.: 20080827-IR-312070749FRA; errata filed Oct 30, 2008, 10:56 a.m.: 20081119-IR-312080832ACA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-3-13 Minks, muskrats, and long-tailed weasels

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

Sec. 13. An individual may take:
(1) minks (Mustela vison);
(2) muskrats (Ondatra zibethicus); and
(3) long-tailed weasels (Mustela frenata);
from November 15 through January 31 of the following year. *(Natural Resources Commission; 312 IAC 9-3-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-14 Opossums and raccoons

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22; IC 35-47-2

Sec. 14. (a) An individual may do the following:
(1) Take raccoons and Virginia opossums from November 8 through January 31 of the following year.
(2) Chase raccoons and Virginia opossums from February 1 through October 25.
(b) An individual must not remove, attempt to remove, dislodge, or attempt to dislodge a raccoon or Virginia opossum from:
(1) a tree hollow;
(2) a hole;
(3) a den;
(4) a pocket;
(5) a cavity;
(6) a burrow;
(7) a tile; or
(8) any other place;
where the raccoon or Virginia opossum has secreted itself for security or protection or in which the raccoon maintains a nest or den. *(Natural Resources Commission; 312 IAC 9-3-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Jan 5, 2011, 3:15 p.m.: 20110202-IR-312100230FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-14.5 Possession of furbearing mammals

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-20

Sec. 14.5. (a) An individual must not possess the untanned hide or unprocessed carcass of any of the following species that have been lawfully taken except as authorized under subsection (d):

(1) Red fox (Vulpes vulpes).

(2) Gray fox (Urocyon cinereoargenteus).

(3) Striped skunk (Mephitis mephitis).

(4) Beaver (Castor canadensis).

(5) Mink (Mustela vison).

(6) Muskrat (Ondatra zibethicus).

(7) Long-tailed weasel (Mustela frenata).

(8) Virginia opossum (Didelphis marsupialis).

(9) Raccoon (Procyon lotor).

(b) Notwithstanding subsections (e), (g), and (h), an individual may possess a live furbearing mammal under one (1) of the following:

(1) A game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.

(2) A wild animal possession permit in compliance with 312 IAC 9-11.

(3) A wild animal rehabilitation permit in compliance with 312 IAC 9-10-9.

(4) A scientific purposes license in compliance with 312 IAC 9-10-6.

(5) A nuisance wild animal control permit in compliance with 312 IAC 9-10-11.

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

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

(8) A hunting or trapping license during the season established in this rule for that species.

(c) An individual may sell a live furbearing mammal only:

(1) during the hunting and trapping season established in this rule for that species with a hunting or trapping license; or

(2) with a valid game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.

(d) An individual may possess the untanned hide or unprocessed carcass of a lawfully obtained furbearing mammal listed in subsection (a) at any time of year.

(e) Except as authorized in subsection (g), an individual who traps a furbearing mammal during the trapping season established in this rule for that species must either:

(1) release the furbearing mammal into the wild in the county in which it was captured within twenty-four (24) hours of capture;

(2) euthanize the furbearing mammal immediately after removal from the trap or transport from the trap site; or

(3) sell, gift, barter, trade, or otherwise transfer the furbearing mammal to another individual within twenty-four (24) hours of capture.

(f) A captive furbearing mammal that is being transported must be properly handled in an expeditious manner to prevent unnecessary physical injury to the furbearing mammal.

(g) An individual who lawfully takes a:

(1) raccoon;

(2) red fox;

(3) gray fox; or

(4) coyote;

during the trapping season for that species may possess that animal live in captivity during the remainder of the trapping season for that species only as provided in subsections (f) and (h).

(h) After removal from a trap and transport from the trap site during the trapping season established in this rule for that species, an individual possessing a furbearing mammal under subsection (g) must do the following:

(1) Confine the mammal in a cage or other enclosure as follows:

(A) A cage or other enclosure that:

(i) makes escape of the mammal unlikely and prevents the entrance of a free-roaming mammal of the same species;

(ii) is structurally sound;

(iii) is of sufficient strength for the species involved;
(iv) is maintained in good repair and smoothly secured to prevent escape or injury to the mammal in the enclosure;
(v) is constructed to allow sufficient space for individual posture, to turn about freely, and to make normal social movements;
(vi) is secured when unattended with protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the mammal's health; and
(vii) has ambient ventilation by means of windows, doors, vents, fans, or air conditioning to protect the health of the mammal and to minimize drafts, odors, and condensation.

(B) Night quarters, transportation cages, and nesting boxes may not be used as primary housing.
(C) Surface water must be adequately drained from a cage or enclosure where the mammal is housed.
(D) Adequate lighting shall be provided by artificial or natural means and cycled for appropriate photoperiod, if necessary for the mammal in possession.

(2) Provide the following for the comfort of the particular species of mammal:
(A) Fresh, clean drinking water in clean containers on a daily basis.
(B) Appropriate and adequate food that is as follows:
(i) Unspoiled.
(ii) Uncontaminated.
(iii) Appropriate to the dietary needs of the mammal.
(iv) Of sufficient quantity for the mammal involved.
(v) Provided on a daily basis.
(C) Adequate shelter from the elements.
(D) Adequate shade.

(3) Remove and dispose of food wastes, feces, urine, and bedding from the enclosure and premises daily to maintain sanitary conditions and protect the mammal and human health.
(4) Remove trash, garbage, debris, and carcasses from the enclosure as soon as they are observed and appropriately disposed of.
(5) Either:
(A) euthanize a mammal possessed under this section no later than the last day of the season for that species; or
(B) apply for a game breeder license under IC 14-22-20 and 312 IAC 9-10-4 or wild animal possession permit under IC 14-22-20 and 312 IAC 9-11 within five (5) days after the close of the season for that species.

(6) Make a mammal possessed under this section available for inspection by a conservation officer upon request.

(Natural Resources Commission; 312 IAC 9-3-14.5; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Jul 5, 2011, 1:37 p.m.: 20110803-IR-312100614FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-3-15 Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, squirrels, or mute swans on private property

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-8-2-202; IC 14-22

Sec. 15. (a) Notwithstanding the requirements of this rule, a resident landowner or a tenant may take the following species of wild animals, without a permit at any time, if the wild animal is causing damage or threatening to cause damage to property or is posing a health or safety threat to persons or domestic animals:
(1) A beaver.
(2) A mink.
(3) A muskrat.
(4) A long-tailed weasel.
(5) A red fox.

(6) A gray fox.
(7) An opossum.
(8) A skunk.
(9) A raccoon.
(10) A fox squirrel.
(11) A gray squirrel.
(12) A mute swan.

(b) An individual who takes a wild animal under subsection (a) must comply with section 18 of this rule and do one (1) of the following:

(1) Release the wild animal on land in the county where the wild animal was captured only with permission of the landowner or property manager.
(2) Euthanize the wild animal within twenty-four (24) hours of capture.

(c) An individual who takes a wild animal under subsection (a) must not do the following:

(1) Possess the wild animal for more than twenty-four (24) hours.
(2) Sell, trade, barter, or gift the wild animal.
(3) Use a method prohibited in section 18 of this rule.

(d) An individual may take a wild animal listed in subsection (a) for a resident landowner or tenant with written permission from the landowner or tenant and with no compensation of any kind.

(e) As used in this section, a landowner or tenant is a person as defined in IC 14-8-2-202. *(Natural Resources Commission; 312 IAC 9-3-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Jul 5, 2011, 1:37 p.m.: 20110803-IR- 312100614FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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) An individual may take eastern cottontail rabbits (Sylvilagus floridanus) from November 1 through February 28 of the following year.

(b) An individual may take not more than five (5) eastern cottontail rabbits per day.

(c) An individual must not do the following:

(1) Hunt rabbits unless that person wears hunter orange.
(2) Remove, dislodge, or attempt to remove or dislodge a rabbit from a hole, den, cavity, or tree hollow with the aid of any of the following:
    (A) A ferret or other small animal.
    (B) A mechanical device.
    (C) A chemical.
    (D) Smoke.
    (E) Fire.
    (F) A fume.
(3) Hunt rabbits during the month of February on a department fish and wildlife area, Salamonie Lake, Mississinewa Lake, or Patoka Lake except from one-half (1/2) hour before sunrise to one-half (1/2) hour before sunset.

(d) A person must not possess a live eastern cottontail rabbit outside the season established in subsection (a) except with one (1) of the following:

(1) A game breeder license under 312 IAC 9-10-4.
(2) A wild animal possession permit under 312 IAC 9-11.
(3) A wild animal rehabilitation permit under 312 IAC 9-10-9.
(4) A scientific purposes license under 312 IAC 9-10-6.

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

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

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

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

(1) The hunter's name and address.

(2) The total number of rabbits taken.

(3) The date the rabbit was taken.

(4) The signature of the hunter who took the rabbit.

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

(1) The individual who lawfully took the eastern cottontail rabbit during the season established in subsection (a).

(2) An individual who received the carcass under subsection (e).

(3) An individual with a valid taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.

(4) An individual with a valid scientific purposes license under 312 IAC 9-10-6.

(5) An individual with a valid nuisance wild animal control permit under 312 IAC 9-10-11.

(6) An individual with a valid special purpose salvage permit under 312 IAC 9-10-13.5.

(g) A person must not sell a live eastern cottontail rabbit except under a valid game breeder license under IC 14-22-20 and 312 IAC 9-10-4. *(Natural Resources Commission; 312 IAC 9-3-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed July 28, 2003, 12:00 p.m.: 27 IR 286; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-17 Squirrels

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-20; IC 14-22-21

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

(b) The bag limit for each individual is not more than five (5) eastern gray squirrels and five (5) fox squirrels per day, in aggregate.

(c) Unless hunting from a boat, an individual hunting squirrels from November 1 through January 31 of the following year must wear hunter orange.

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

(e) An individual must not take a southern flying squirrel (Glaucomys volans) except with a:

(1) wild animal rehabilitation permit under 312 IAC 9-10-9;

(2) scientific purposes license under 312 IAC 9-10-6; or

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

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

(1) A game breeder license under IC 14-22-20 and 312 IAC 9-10-4.

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

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

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

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

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

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

(g) A person must not possess a live southern flying squirrel except with one (1) of the following:
(1) A wild animal possession permit under 312 IAC 9-11.
(2) A wild animal rehabilitation permit under 312 IAC 9-10-9.
(3) A scientific purposes license under 312 IAC 9-10-6.
(4) A nuisance wild animal control permit under 312 IAC 9-10-11.
(5) An educational or scientific institution registered or licensed with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(6) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(h) An individual who lawfully takes a squirrel may give to another individual one (1) or more carcasses of a squirrel, with no compensation of any kind. A squirrel that is gifted must have a tag attached that contains the following information:
(1) The hunter's name and address.
(2) The total number of squirrels taken.
(3) The date the squirrel was taken.
(4) The signature of the hunter who took the squirrel.
(i) A carcass of a squirrel may be possessed by the following:
(1) The individual who lawfully took the squirrel during the seasons established in subsections (a) and (c).
(2) An individual who received the carcass under subsection (h).
(3) An individual with a valid taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.
(4) An individual with a valid scientific purposes license under 312 IAC 9-10-6.
(5) An individual with a valid nuisance wild animal control permit under 312 IAC 9-10-11.
(6) An individual with a valid special purpose salvage permit under 312 IAC 9-10-13.5.
(j) A person must not sell a live squirrel listed in subsection (a) except under a valid game breeder license under IC 14-22-20 and 312 IAC 9-10-4. *(Natural Resources Commission; 312 IAC 9-3-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-18 Prohibited methods of pursuit and taking wild animals; exceptions
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 18. (a) A person must not take a wild animal with a foot-hold trap possessing saw-toothed or spiked jaws.
(b) A person must not take a wild animal with a foot-hold trap if the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) is greater than or equal to five and three-quarters (5 ¾) inches and the inside width between the trap's hinge posts (Figure 2) is greater than or equal to five and three-quarters (5 ¾) inches unless the jaws of the trap have at least a one-eighth (1/8) inch offset (Figure 3), the gap of the offset is filled with securely attached rubber pads, or the trap is completely covered by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5).
(c) A person must not take a wild animal with a foot-hold trap set on land if the inside jaw spread perpendicular to the trap's baseplate is greater than six and one-half (6 ½) inches and the inside width between the trap's hinge posts is greater than six and one-half (6 ½) inches.
(d) Notwithstanding subsection (b), a person may use species-specific foot-hold traps (Figure 6) that enclose the captured animal's foot, such as The EGG Trap™, Lil' Grizz Get'rz™, Duffer's Raccoon Trap™, Coon Cuffs™, and similar traps.

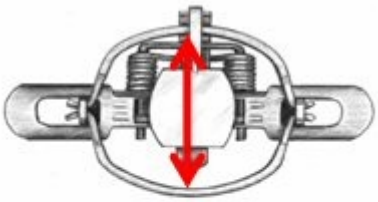

Figure 1
Widest inside jaw spread perpendicular to the trap's baseplate

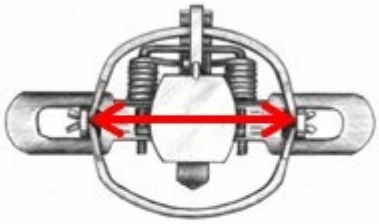

Figure 2
Inside distance between the trap's hinge posts.

Figure 3

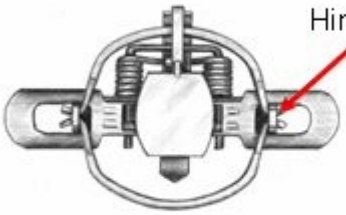

Figure 4

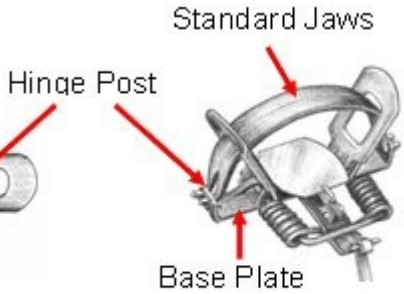

Figure 5

Figure 6

(e) As used in this section, "offset jaws" means the jaws of a leg-hold trap in which the holding area of the jaws is separated by a gap or offset (specified measurement) when the trap is closed (not in the set position). The gap or offset must extend at least eighty percent (80%) of the holding area of the trap's jaws.

(f) A person must not take a wild animal with a Conibear™, Dahlgren™, Bigelow™, or similar body-gripping trap if the widest vertical inside jaw spread measured at the horizontal center of the trap's jaws and the widest horizontal inside jaw spread measured at the vertical center of the trap's jaws is either of the following:

(1) larger than seven and one-half (7½) inches if square; or

(2) larger than eight (8) inches, if round.

Otherwise, the trap must be completely covered by water.

(g) A person must not use a snare to trap a wild animal except upon land owned by the user or with the written permission of the landowner. No snare shall be used that permits a circumference greater than fifteen (15) inches unless:

(1) at least fifty percent (50%) of the loop of the snare is covered by water; or

(2) 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) A person must not disturb the den or house of a wild animal:

(1) by shooting, digging, cutting, or chipping into the:

(A) leaf nest;

(B) hole;

(C) burrow;

(D) tree;

(E) cavity;

(F) pocket; or

(G) den; or

(2) with:

(A) the aid of:

(i) smoke;

(ii) fire;

(iii) fumes;

(iv) chemicals;

(v) a ferret; or

(vi) another small animal; or

(B) any mechanical device, other than a trap set lawfully, introduced into the:

(i) hole;

(ii) burrow;

(iii) tree; or

(iv) den;

where the animal is hidden or sheltered.

(i) A person must not wear or use a device to climb poles or trees for the purpose of dislodging a wild animal from a location:

(1) where the animal has secreted itself for security or protection; or

(2) in which the animal maintains a nest or den.

(j) A person must not possess an ax, a saw, or a device to climb poles or trees while in the field or woods at night for the

purpose of dislodging a wild animal from a location:

(1) where the animal has secreted itself for security or protection; or

(2) in which the animal maintains a nest or den.

(k) A person must not chase or take a furbearing mammal between sundown and sunrise without carrying a continuous shining light that is visible for at least five hundred (500) feet.

(l) A person must not hunt a furbearing mammal from a boat. *(Natural Resources Commission; 312 IAC 9-3-18; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-18.1 Bobcats

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

Sec. 18.1. (a) A person must not take a bobcat (Lynx rufus) except with one (1) of the following:

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

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

(b) An individual must not possess a live bobcat except as follows:

(1) With a wild animal rehabilitation permit under 312 IAC 9-10-9.

(2) With a scientific purposes license under 312 IAC 9-10-6.

(3) With a nuisance wild animal control permit under 312 IAC 9-10-11.

(4) With a wild animal possession permit under 312 IAC 9-11.

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

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

(c) An individual must not sell a live bobcat unless that person has a breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV. *(Natural Resources Commission; 312 IAC 9-3-18.1; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-18.2 River otters

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

Sec. 18.2. (a) An individual may trap a river otter (Lutra canadensis) from November 15 through March 15 of the following year. An individual who sets a trap for a river otter must be at least ten (10) years old, unless the individual has passed a state-certified trapper education course.

(b) In order to trap a river otter, an individual must possess one (1) of the following valid Indiana trapping licenses or be exempt from needing a license as authorized in IC 14-22-11-1:

(1) Resident yearly trapping license under IC 14-22-12-1(a)(4).

(2) Nonresident yearly trapping license under IC 14-22-12-1(a)(7).

(3) Resident youth consolidated hunting, trapping, and fishing license under IC 14-22-12-1(a)(24) or IC 14-22-11-10(b).

(4) Nonresident youth yearly trapping license under IC 14-22-12-1(a)(26).

(5) Lifetime basic trapping license under IC 14-22-12-7(a)(6) before its repeal.

(c) An individual must not take more than two (2) river otters per season. An individual that sets the trap that caught the river otter must count the river otter toward his or her season limit.

(d) An individual that kills a river otter:

(1) during the season after the individual's bag limit has been reached;
(2) after the statewide quota has been reached;
(3) in a county where the season is not open; or
(4) outside the season;
must notify the department within forty-eight (48) hours of killing the otter and make arrangements to give that river otter to the department. An individual who traps a river otter alive and does not include it in that individual's bag limit must release the river otter into the wild in the location in which it was captured immediately upon discovery or notification that a river otter has been caught in the trap.

(e) An individual must not trap river otters except in a county the director designates on an annual basis by temporary rule.

(f) Annually, the director shall establish by temporary rule the statewide quota for river otters that may be taken during a season. The director may close the season established under subsection (a) by temporary rule upon a determination that the allowable harvest of river otters for the year has been reached.

(g) An individual who takes a river otter must report the take or cause the reporting of the take by providing the information required on the department's electronic harvest reporting system within twenty-four (24) hours of the taking of the river otter. The individual who reports the take on the department's electronic harvest reporting system must provide true and accurate information. The confirmation number provided by the electronic harvest reporting system must be maintained with the river otter until the river otter is checked in with a designated department employee or at an official river otter checking station.

(h) An individual who takes a river otter during the trapping season must retain possession of the river otter and cause delivery of the skinned hide and carcass, including the head, of the river otter to a designated department employee or official river otter checking station within fifteen (15) days after the month of harvest. The department employee must:
(1) issue a tag and attach it to each hide in accordance with 50 CFR 23.69; and
(2) maintain possession of the skinned river otter carcass (not the hide).

(i) A river otter, including the hide and any other part or portion, taken during the trapping season must not be:
(1) sold;
(2) traded;
(3) bartered;
(4) gifted;
(5) transferred to a taxidermist or any other person; or
(6) shipped;
until registered through the department's electronic registration system and issued a tag by a department employee in accordance with subsection (h).

(j) After registering the river otter and obtaining the tag from the department in accordance with this section, an individual who takes a river otter may:
(1) sell;
(2) trade;
(3) barter;
(4) ship; or
(5) otherwise transfer;
the hide of a river otter in accordance with this section and 50 CFR 23.69.

(k) An individual may possess the untanned hide of a river otter that was lawfully obtained at any time of year.

(l) An individual must not possess a live river otter except as follows:
(1) With a wild animal rehabilitation permit under 312 IAC 9-10-9.
(2) With a scientific purposes license under 312 IAC 9-10-6.
(3) With a nuisance wild animal control permit under 312 IAC 9-10-11.
(4) By a registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(5) By a breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

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

312 IAC 9-3-18.2; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Feb 26, 2015, 2:01 p.m.: 20150325-IR-312140341FRA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-3-18.3 Badgers

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

Sec. 18.3. (a) A person must not take a badger (Taxidea taxus) except with one (1) of the following:
(1) A scientific purposes license under 312 IAC 9-10-6.
(2) A nuisance wild animal control permit under 312 IAC 9-10-11.
(b) A person must not possess a live badger except with one (1) of the following:
(1) A wild animal possession permit under 312 IAC 9-11.
(2) A wild animal rehabilitation permit under 312 IAC 9-10-9.
(3) A scientific purposes license under 312 IAC 9-10-6.
(4) A nuisance wild animal control permit under 312 IAC 9-10-11.
(5) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(6) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(c) A person must not sell a live badger unless that person has a breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV. *(Natural Resources Commission; 312 IAC 9-3-18.3; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-18.4 Possession and sale of bobcats 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 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 or her designee with written permission.

(b) In addition to subsection (a), a person must not possess a carcass or untanned hide of a bobcat or 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 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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Feb 26, 2015, 2:01 p.m.: 20150325-IR-312140341FRA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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 14-22-20; IC 15-17-5

Sec. 18.5. (a) An individual 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) Camelidae (camel and llama).

(3) Canidae (jackal, wild dog, and other exotic foxes).

(4) Cebidae (marmoset).

(5) Cercopithecidae (baboon and monkey).

(6) Dasypodidae (armadillo).

(7) Elephantidae (elephant).

(8) Equidae (wild horse and zebra), except for domestic horses.

(9) Felidae (mountain lion, lynx, tiger, and other exotic cats).

(10) Giraffidae (giraffe and okapi).

(11) Hippopotamidae (hippopotamus).

(12) Hyaenidae (hyaena).

(13) Macropodidae (kangaroo and wallaby).

(14) Myrmecophagidae (anteater).

(15) Orycteropodidae (aardvark).

(16) Pongidae (chimpanzee, bonobo, and gorilla).

(17) Procaviidae (hyrax).

(18) Protelidae (aardwolf).

(19) Rhinocerotidae (rhinoceros).

(20) Tapiridae (tapir).

(21) Tragulidae (chevrotain).

(22) Ursidae (bear), except for black bears.

(23) 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: bobcat, red fox, gray fox, and coyote.

(b) Notwithstanding subsection (a), an individual may take an exotic mammal only if the exotic mammal is:

(1) taken by a resident landowner or tenant while destroying or causing substantial damage to property that is owned or leased by the landowner or tenant;

(2) a species from the family camelidae and slaughtered in accordance with IC 15-17-5; or

(3) an animal that has escaped from captivity into the wild and is a known immediate threat to:

(A) public safety; or
(B) the health of wild animals.

(Natural Resources Commission; 312 IAC 9-3-18.5; filed May 12, 2006, 10:38 a.m.: 29 IR 3346; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Dec 10, 2010, 10:36 a.m.: 20110105-IR-312100104FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-3-18.6 Wild pigs

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

Sec. 18.6. (a) As used in this section, "wild pig" means any feral, untamed, or undomesticated hog from the family Suidae or family Tayassuidae that has one (1) or more of the following characteristics:

(1) Has acclimated to living in a wild or free-roaming environment.
(2) Was born in the wild.
(3) Is free-roaming without any visible tags, markings, or behavioral characteristics that would indicate a domestic state or private ownership.
(4) Has skeletal characteristics indicative of a wild or Eurasian origin including:
(A) skull characteristics of an elongated snout or sloping appearance with little or no stop at the eye line;
(B) a shoulder structure with a steep or razorback (predominate ridge along the back) appearance;
(C) hindquarters proportionally smaller than the forequarters lacking natural muscling found in commercial species; or
(D) visible tusks.

(b) A person must not import into or possess a live wild pig in the state of Indiana except as provided in subsection (e).
(c) A person must not:
(1) sell;
(2) transport for sale;
(3) offer to sell;
(4) barter;
(5) trade;
(6) lease;
(7) release or assist in the release of a live wild pig;
(8) offer for compensation any kind of wild pig hunting or taking privileges; or
(9) take or chase a wild pig with the use or aid of a dog, with the exception of authorized federal and state wildlife management employees.
(d) Notwithstanding subsection (c), an individual may take a wild pig only as follows:
(1) A resident landowner or other individual who has written permission from the landowner may take a wild pig on that land at any time without a permit.
(2) With a nuisance wild animal control permit issued under 312 IAC 9-10-11.
(3) With a scientific purposes license issued under 312 IAC 9-10-6.
(e) A live wild pig taken under this subsection shall:
(1) be euthanized immediately at the site or transported from the site only to another site where it is euthanized immediately; and
(2) not be:
(A) possessed except as authorized in subdivision (1);
(B) sold;
(C) traded;
(D) bartered;
(E) gifted; or
(F) released.

(f) The following are exempted from this section:

(1) A zoo that is a permanent establishment accredited by the American Zoological Association or the Zoological Association of America.
(2) A scientific research institution licensed or registered with the United States Department of Agriculture and Indiana secretary of state.
(3) The Purdue University Animal Disease Diagnostic Laboratory.
(4) An organization or a person housing a wild pig at the written request of the department.
(5) An individual who transports a wild pig through Indiana if the:
(A) individual transporting the wild pig in the state does not stop and unload the wild pig in Indiana unless taken directly to slaughter at an official state or federally inspected slaughter establishment for immediate slaughter; and
(B) wild pig is continuously confined in a container that is of sufficient strength to prevent the pig from escaping or coming into contact with the public.
(g) As used in this section, a wild pig does not include a swine that is:
(1) currently recognized in commercial livestock production, including those commonly known as:
(A) heritage;
(B) heirloom;
(C) crosses of heritage, heirloom, and other swine of Eurasian origin; and
(D) similar breeds;
(2) raised and sold only for agriculture or medicinal purposes, such as breeding stock, exhibition, and slaughter for food or the production of medicinal substances;
(3) enclosed in a manner that makes its escape unlikely;
(4) not knowingly or intentionally released into the wild;
(5) not captured from the wild;
(6) not escaped into the wild; and
(7) not offered for hunting, trapping, or chasing privileges.
(Natural Resources Commission; 312 IAC 9-3-18.6; filed Dec 10, 2010, 10:36 a.m.: 20110105-IR-312100104FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-3-18.7 Bats
Authority: IC 14-22-2-6; IC 14-22-34-15
Affected: IC 14-22

Sec. 18.7. (a) An individual may take a bat only as authorized in this section.
(b) At any time of year and without a permit, an individual may take up to five (5) individual bats within a twenty-four (24) hour period from one (1) dwelling if the bat constitutes a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner and is taken within or on a human dwelling to include:
(1) a residence;
(2) a place of work; or
(3) an outbuilding.
(c) Except as otherwise authorized in this subsection, a person must have one (1) of the following to take or possess a bat:
(1) A nuisance wild animal control permit issued under 312 IAC 9-10-11.
(2) A scientific purposes license issued under 312 IAC 9-10-6.
(3) A limited take permit issued under 312 IAC 9-10-18.
(4) A wild animal rehabilitation permit issued under 312 IAC 9-10-9.
(d) A species of bat listed in 50 CFR 17.11 may be unintentionally or unknowingly taken if on a structure or in natural habitat without a permit from the department.
(e) The issuance of a permit or exemption from a permit under this section does not relieve a person from any requirement for a federal permit or authorization issued by the United State Fish and Wildlife Service. If the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail. *(Natural Resources Commission; 312 IAC 9-3-18.7; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-3-18.8 Black bears

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

Sec. 18.8. (a) A person must not take a black bear (Ursus americanus) except with one (1) of the following:
(1) A scientific purposes license issued under 312 IAC 9-10-6.
(2) A nuisance wild animal control permit issued under 312 IAC 9-10-11.
(b) A person must not possess a live black bear except with one (1) of the following:
(1) A wild animal possession permit issued under 312 IAC 9-11.
(2) A wild animal rehabilitation permit issued under 312 IAC 9-10-9.
(3) A scientific purposes license issued under 312 IAC 9-10-6.
(4) A nuisance wild animal control permit issued under 312 IAC 9-10-11.
(5) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(6) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(c) A person must not sell a live black bear unless that person has a breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(d) A person must not release a black bear into the wild. *(Natural Resources Commission; 312 IAC 9-3-18.8; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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 myotis (Myotis sodalis).
(2) Gray myotis (Myotis grisescens).
(3) Evening bat (Nycticeius humeralis).
(4) Allegheny woodrat (Neotoma magister).
(5) Swamp rabbit (Sylvilagus aquaticus).
(6) Franklin's ground squirrel (Spermophilus franklinii).
(7) Little brown bat (Myotis lucifugus).
(8) Northern long-eared myotis (Myotis septentrionalis).
(9) Tri-colored bat (Perimyotis subflavus).
(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-3-20 Exempted mammals

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

Sec. 20. Any mammal not identified in this article is an exempted wild animal. *(Natural Resources Commission; 312 IAC 9-3-20; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

Rule 4. Birds

312 IAC 9-4-1 Applicability

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

Sec. 1. This rule governs wild animals that are birds. *(Natural Resources Commission; 312 IAC 9-4-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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

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

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

(b) The:

(1) annual seasons;
(2) bag limits;
(3) hunting restrictions; and
(4) shooting hours;

for migratory birds and waterfowl are as determined under 50 CFR 20.

(c) An individual must not hunt:

(1) ducks;
(2) geese;
(3) mourning doves;
(4) woodcock;
(5) coots;
(6) snipe;
(7) rails; or
(8) gallinules;

unless the individual is registered with and possesses an identification number issued through the Harvest Information Program.

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

(1) registration with; and
(2) possession of an identification number issued through;

the Harvest Information Program.

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

(f) An individual must not take a migratory bird listed as an endangered species in this rule unless the individual possesses a scientific purposes license under 312 IAC 9-10-6.

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

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

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

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

(k) An individual must not:

(1) construct or place a permanent blind; or

(2) leave a portable blind overnight;
on property owned or leased by the department.

(l) In order to hunt waterfowl, an individual must satisfy all of the following requirements:

(1) Possess one (1) of the following valid Indiana hunting licenses or be exempt from needing a license as authorized in IC 14-22-11-1:

(A) A resident yearly hunting license under IC 14-22-12-1(a)(2).

(B) A resident yearly hunting and fishing license under IC 14-22-12-1(a)(3).

(C) A nonresident yearly hunting license under IC 14-22-12-1(a)(6).

(D) A nonresident five-day hunting license under IC 14-22-12-1(a)(10).

(E) A nonresident youth yearly hunting license under IC 14-22-12-1(a)(25).

(F) A resident youth consolidated hunting, trapping, and fishing license under IC 14-22-12-1(a)(24) or IC 14-22-11-10(b).

(G) A disabled American veteran's hunting license under IC 14-22-12-1.5.

(H) An apprentice hunting license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7.

(I) A lifetime basic hunting license under IC 14-22-12-7(a)(2) before its repeal.

(J) A lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) before its repeal.

(K) A lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal.

(2) Possess a valid Indiana waterfowl stamp privilege issued under IC 14-22-7-4.

(m) An individual must not possess lead shot while hunting mourning doves on a department property.

(n) An individual may take Eurasian collared doves during the season for hunting mourning doves in accordance with 50 CFR 20. The bag limit for mourning doves does not apply to Eurasian collared doves that are taken as long as the head and a feathered wing are attached. The bag limit for mourning doves does include Eurasian collared doves if the head and feathered wing are not attached.

(o) An individual may take a raptor from the wild only with a:

(1) wild animal rehabilitation permit issued under 312 IAC 9-10-9;

(2) scientific purposes license issued under 312 IAC 9-10-6;

(3) falconry license issued under 312 IAC 9-10-13.1; or

(4) migratory bird depredation permit under IC 14-22-6-3.

(p) An individual may take a live migratory bird, other than a raptor, from the wild only:

(1) with a wild animal rehabilitation permit issued under 312 IAC 9-10-9;

(2) with a scientific purposes license issued under 312 IAC 9-10-6;

(3) with a migratory bird depredation permit under IC 14-22-6-3;

(4) during a hunting season as authorized in this section and 50 CFR 20;

(5) as authorized in section 7.2 of this rule and 50 CFR 21.43 for brown-headed cowbird, common grackle, red-winged blackbird, Brewer's blackbird, or American crow taken in accordance with section 7.2 of this rule and 50 CFR 21.43;

(6) as authorized in subsections (t) and (u) for a Canada goose; or

(7) as authorized by a public use airport under IC 14-22-11-1(b)(5).

(q) An individual may possess, breed, and sell raptors with a raptor propagation permit issued by the U.S. Fish and Wildlife Service in accordance with 50 CFR 21.30 without a permit from the department.

(r) A migratory bird that is taken from the wild may be possessed live only with a:

(1) wild animal rehabilitation permit issued under 312 IAC 9-10-9;

(2) special purpose educational permit issued under 312 IAC 9-10-9.5;

(3) scientific purposes license issued under 312 IAC 9-10-6; or

(4) falconry license issued under 312 IAC 9-10-13.1.

(s) An individual may possess, breed, and sell captive-bred waterfowl in accordance with 50 CFR 21 without a permit from the department.

(t) An individual may take the nest and eggs of Canada geese between March 1 and June 30 in accordance with 50 CFR 21.50 without a permit from the department.

(u) An individual may take a live Canada goose that is causing damage or threatening to cause damage to property or causing a health or safety threat to persons or domestic animals with a permit from the department.

(v) An individual may take a migratory bird that is causing damage to property or posing a health or safety threat to persons or domestic animals with a migratory bird depredation permit issued under IC 14-22-6-3. Exempted from this section is a:

(1) Canada goose, or the nests and eggs thereof, taken in accordance with a hunting season authorized under 50 CFR 20 or subsections (t) and (u);

(2) migratory bird taken during a hunting season in accordance with this section and 50 CFR 20; or

(3) brown-headed cowbird, common grackle, red-winged blackbird, Brewer's blackbird, or American crow taken in accordance with section 7.2 of this rule and 50 CFR 21.43.

(w) The nest of a migratory bird may be taken only:

(1) in accordance with subsection (t) or (v);

(2) with a special purpose salvage permit under 312 IAC 9-10-13.5;

(3) with a scientific purposes license issued under 312 IAC 9-10-6; or

(4) if unoccupied by a bird or egg and destroyed or relocated.

(x) An individual may capture and humanely remove a trapped live migratory bird that is not an endangered species from the interior of a building or enclosure/structure and release it immediately outside the building or enclosure or give it to an individual with a wild animal rehabilitation permit issued under 312 IAC 9-10-9 in accordance with 50 CFR 21.12. *(Natural Resources Commission; 312 IAC 9-4-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; errata filed Apr 29, 2010, 3:05 p.m.: 20100512-IR-312090479ACA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-4-2.5 Mute swans

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

Sec. 2.5. (a) An individual may possess a live mute swan only if each of the following is satisfied:

(1) The swan is pinioned before six (6) weeks of age.

(2) The swan is in an enclosure that prevents its escape into the wild.

(b) A wing of each swan must be pinioned so the:

(1) metacarpal bones of one (1) wing or a portion of the metacarpal bones are removed; and

(2) swan is permanently incapable of flight.

(c) An individual may sell a live mute swan only if each of the following is satisfied:

(1) The swan is pinioned by six (6) weeks of age.

(2) The swan:

(A) is not released into the wild; and

(B) will be held in an enclosure that prevents its escape into the wild.

(3) The individual keeps an inventory of the number of mute swans possessed, including all swans that are born or die, and all transactions by which a mute swan is sold, traded, loaned, bartered, or given to another individual. The individual must issue a valid, dated receipt for all mute swans sold, traded, bartered, or gifted and include the following information:

(A) The name and address of the buyer or person to whom the mute swans were gifted.

(B) The name and address of the seller.

(C) The number of mute swans sold.

(D) The date sold.

(Natural Resources Commission; 312 IAC 9-4-2.5; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-4-3 Nontoxic shot requirements while hunting waterfowl *(Repealed)*

Sec. 3. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

312 IAC 9-4-4 Hunting blinds on lakes *(Repealed)*

Sec. 4. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

312 IAC 9-4-5 Geese

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

Sec. 5. (a) An individual may hunt the following species of geese in accordance with section 2(b) of this rule:
(1) Canada geese (Branta canadensis).
(2) Snow geese (Chen caerulescens).
(3) Greater white-fronted geese (Anser albifrons).
(4) Lesser white-fronted geese (Anser erythropus).
(5) Ross's geese (Chen rossii).
(b) An individual must not possess more than the following number of shotgun shells while hunting geese from designated shooting units or sites within Atterbury, Hovey Lake, Kankakee, Jasper-Pulaski, or Pigeon River Fish and Wildlife Areas:
(1) If the daily limit is one (1) goose, the individual may possess not more than four (4) shotgun shells.
(2) If the daily limit is two (2) geese, the individual may possess not more than eight (8) shotgun shells.
(3) If the daily limit is three (3) geese, the individual may possess not more than ten (10) shotgun shells.
(4) If the daily limit is four (4) geese, the individual may possess not more than twelve (12) shotgun shells.
(5) If the daily limit is five (5) geese, the individual may possess not more than fourteen (14) shotgun shells.
(c) In addition to subsection (a), an individual may take a lesser snow goose (Anser caerulescens) or a Ross's goose (Anser rossii) as follows:
(1) From February 16 through March 31 in the following counties:
(A) Adams.
(B) Allen.
(C) Boone.
(D) Clay.
(E) Dekalb.
(F) Elkhart.
(G) Greene.
(H) Hamilton.
(I) Hancock.
(J) Hendricks.
(K) Huntington.
(L) Johnson.
(M) Kosciusko.
(N) LaGrange.
(O) LaPorte.
(P) Madison.
(Q) Marion.
(R) Marshall.
(S) Morgan.
(T) Noble.
(U) Parke.
(V) Shelby.
(W) Starke.
(X) Steuben.

(Y) St. Joseph.
(Z) Sullivan.
(AA) Vermillion.
(BB) Vigo.
(CC) Wells.
(DD) Whitley.

(2) From February 1 through March 31 in all other Indiana counties.

(3) In addition to the license requirements under section 2 of this rule, an individual must obtain a free permit from the department to take a lesser snow goose or Ross's goose under this subsection.

(4) Notwithstanding section 2 of this rule, an individual taking a lesser snow goose or Ross's goose in February or March is exempt from the requirements to register for and possess an identification number through the Harvest Information Program under section 2(d) of this rule.

(Natural Resources Commission; 312 IAC 9-4-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-4-6 Woodcock *(Repealed)*

Sec. 6. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

312 IAC 9-4-7 Hungarian partridges *(Repealed)*

Sec. 7. *(Repealed by Natural Resources Commission; filed Sep 23, 2004, 3:00 p.m.: 28 IR 556)*

312 IAC 9-4-7.1 American crows

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

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

(b) An individual may take an unlimited number of crows. *(Natural Resources Commission; 312 IAC 9-4-7.1; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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

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

Sec. 7.2. An individual may take:

(1) brown-headed cowbirds (Molothrus ater);
(2) common grackles (Quicalus quiscula);
(3) red-winged blackbirds (Agelaius phoeniceus);
(4) Brewer's blackbirds (Euphagus cyanocephalus); and
(5) American crows (Corvus brachyrhynchos);

if the birds are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife or concentrated in numbers and in a manner that constitutes a health hazard or nuisance as provided under 50 CFR 21.43. *(Natural Resources Commission; 312 IAC 9-4-7.2; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep*

18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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

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

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

(1) during the season established for that species in this rule;

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

(3) with a special purpose salvage permit under 312 IAC 9-10-13.5.

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

(1) The name and address of the individual who took the bird.

(2) The total number and species of birds taken.

(3) The date the birds were taken.

(4) The signature of the hunter who took the birds.

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

(1) The individual who lawfully took the bird during the season established for that bird.

(2) An individual who received the carcass under subsection (b).

(3) An individual with a valid taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.

(4) An individual with a valid scientific purposes license under 312 IAC 9-10-6.

(5) An individual with a valid nuisance wild animal control permit under 312 IAC 9-10-11.

(6) An individual with a valid special purpose salvage permit under 312 IAC 9-10-13.5.

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

(1) with a game breeder license under IC 14-22-20 and 312 IAC 9-10-4;

(2) with a dog training ground permit under 312 IAC 9-10-16 for a period of less than five (5) consecutive days only;

(3) with a private shooting preserve license under IC 14-22-31;

(4) with a scientific purposes license under 312 IAC 9-10-6;

(5) with a wild animal rehabilitation permit under 312 IAC 9-10-9; or

(6) if purchased from a licensed game breeder and released into the wild within five (5) days of taking possession of the birds.

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

(1) Ring-necked pheasants (Phasianus colchicus).

(2) Northern bobwhite quail (Colinus virginianus).

(3) Ruffed grouse (Bonasa umbellus).

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

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

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

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

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

(3) A special purpose salvage permit under 312 IAC 9-10-13.5.

(4) A taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.

(i) An individual must not:

(1) possess;

(2) ship;

(3) carry; or

(4) transport;

more than the possession limit of a carcass of a game bird listed under this section after the beginning of the second day of the season established to take that bird in this rule.

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

(1) an endangered species; or

(2) a species listed in subsection (a);

at any time without a license from the department. *(Natural Resources Commission; 312 IAC 9-4-7.5; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Feb 6, 2012, 3:10 p.m.: 20120307-IR-312110470FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-4-8 Pheasants

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

Sec. 8. (a) Except as provided in subsection (c), an individual may hunt ring-necked pheasants (Phasianus colchicus) from November 1 through December 15 of that calendar year.

(b) Except as provided in subsection (c), the daily bag limit is two (2) cock ring-necked pheasants per day.

(c) From the Saturday before Thanksgiving through December 15, an individual may hunt:

(1) two (2) ring-necked pheasants per day of either sex on:

(A) Atterbury;

(B) Tri-County;

(C) Glendale; and

(D) J.E. Roush;

Fish and Wildlife Areas; and

(2) two (2) cock ring-necked pheasants per day on:

(A) Pigeon River;

(B) Willow Slough; and

(C) Winamac;

Fish and Wildlife Areas.

During the season established under this subsection, whenever applicable, a hunter must pay designated fees and hunt only ring-necked pheasants within assigned units.

(d) The head and head plumage of a ring-necked pheasant must remain attached to the carcass while the ring-necked pheasant is in transit from the site of taking. *(Natural Resources Commission; 312 IAC 9-4-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-4-9 Quail

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

Sec. 9. (a) An individual may hunt northern bobwhite quail (Colinus virginianus) only as follows:

(1) South of Interstate 74, from November 1 through January 10 of the following year.

(2) North of Interstate 74, from November 1 through December 15 of that calendar year.

(b) Except as provided in subsection (c), the daily bag limit for bobwhite quail per day is as follows:

(1) Four (4) northern bobwhite quail north of Interstate 74.

(2) Eight (8) northern bobwhite quail south of Interstate 74.

(c) On a department fish and wildlife area, Salamonie Lake, Mississinewa Lake, and Patoka Lake, the daily bag limit is:

(1) two (2) northern bobwhite quail north of Interstate 74; and

(2) four (4) northern bobwhite quail south of Interstate 74.

(Natural Resources Commission; 312 IAC 9-4-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-4-10 Ruffed grouse

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

Sec. 10. An individual shall not hunt ruffed grouse (Bonasa umbellus). *(Natural Resources Commission; 312 IAC 9-4-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Aug 27, 2010, 10:52 a.m.: 20100922-IR-312090984FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-4-11 Wild turkeys

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22; IC 35-47

Sec. 11. (a) Except as provided in subsection (c), an individual may hunt wild turkeys (Meleagris gallopavo) in the spring from the first Wednesday after April 20 and continuing for an additional eighteen (18) consecutive days. On property managed by the division of fish and wildlife, an individual may hunt wild turkeys under this subsection only until noon (central time) or 1:00 p.m. (Eastern time).

(b) An individual may hunt wild turkeys (Meleagris gallopavo) during the fall as follows:

(1) With firearms from the first Wednesday after October 14 and continuing for an additional eleven (11) consecutive days in the following counties only:

(A) Bartholomew.
(B) Brown.
(C) Clark.
(D) Clay
(E) Crawford.
(F) Daviess.
(G) Dearborn.
(H) DeKalb.
(I) Dubois.
(J) Elkhart.
(K) Fayette.
(L) Floyd.
(M) Fountain.
(N) Franklin.
(O) Gibson.
(P) Greene.
(Q) Harrison.
(R) Jackson.
(S) Jefferson.
(T) Jennings.
(U) Knox.
(V) Kosciusko.
(W) LaGrange.

(X) LaPorte.
(Y) Lawrence.
(Z) Marshall.
(AA) Martin.
(BB) Monroe.
(CC) Morgan.
(DD) Noble.
(EE) Ohio.
(FF) Orange.
(GG) Owen.
(HH) Parke.
(II) Perry.
(JJ) Pike.
(KK) Posey.
(LL) Putnam.
(MM) Ripley.
(NN) Scott.
(OO) Spencer.
(PP) St. Joseph.
(QQ) Starke.
(RR) Steuben.
(SS) Sullivan.
(TT) Switzerland.
(UU) Union.
(VV) Vanderburgh.
(WW) Vermillion.
(XX) Vigo.
(YY) Warren.
(ZZ) Warrick.
(AAA) Washington.

(2) With a bow and arrows from:

(A) October 1 to the end of the fall turkey season with firearms as established in subdivision (1); and

(B) the first Saturday after the closing day of deer firearms season as established in 312 IAC 9-3-4(e) through the first Sunday in January.

(c) The spring and fall seasons for hunting and possessing wild turkeys on Camp Atterbury shall be determined by the director on an annual basis to prevent interference with military training exercises.

(d) An individual may take one (1):

(1) bearded or male wild turkey during the spring season; and

(2) wild turkey of either sex during the fall season.

(e) An individual must not do the following:

(1) Hunt wild turkeys except between one-half (1/2) hour before sunrise and sunset.

(2) Take a wild turkey except with the use of any of the following:

(A) A shotgun or muzzleloading shotgun:

(i) not smaller than 20 gauge; and

(ii) not larger than 10 gauge;

loaded only with shot of size 4, 5, 6, 7, or 7 1/2.

(B) A bow and arrows, including crossbows as defined in 312 IAC 9-1-5.3, with the following restrictions:

(i) An individual must not use a:

(AA) long bow; or

(BB) compound bow;

of less than thirty-five (35) pounds pull.
(ii) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
(iii) An individual must not use a:
(AA) crossbow of less than one hundred twenty-five (125) pounds pull;
(BB) crossbow without a mechanical safety; or
(CC) poisoned or explosive arrow.
(iv) No portion of a bow's riser (handle) or:
(AA) track;
(BB) trough;
(CC) channel;
(DD) arrow rest; or
(EE) other device;
that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(3) Hunt wild turkeys in the fall season that takes place during the deer muzzleloader season as established in 312 IAC 9-3-4(f) or during the deer special late antlerless season in a location where authorized as established in 312 IAC 9-3-4(h) unless that individual wears hunter orange.

(4) Call wild turkeys for another individual unless licensed in accordance with subsection (j) or (k). The individual who calls the wild turkey may have already harvested a wild turkey.

(f) The special youth season for hunting wild turkeys under this subsection is two (2) consecutive days beginning on the Saturday immediately before the start of the spring turkey season established in subsection (a). As used in this subsection, "youth" means an individual who is less than eighteen (18) years of age on the date of the hunt. A youth who hunts a wild turkey under this section must be accompanied by an adult who is at least eighteen (18) years of age. An adult accompanying a youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field. The seasonal limit for hunting wild turkeys under this subsection is one (1) bearded or male wild turkey. A youth hunter who takes a wild turkey under this subsection must not take another wild turkey during the spring turkey season in the same year.

(g) An individual must not use or possess:
(1) a dog;
(2) another domesticated animal;
(3) a live decoy;
(4) a recorded call;
(5) an electronically powered or controlled decoy; or
(6) bait;
while hunting a wild turkey. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited that is attractive to wild turkeys resulting from normal agricultural practices.

(h) An individual may possess a handgun while hunting wild turkeys in accordance with IC 35-47.

(i) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, an individual must not hunt:
(1) wild turkeys unless possessing a completed and signed license bearing the individual's name; or
(2) with a wild turkey license issued to another individual.

(j) An individual may take a wild turkey during the spring season established under subsection (a) only if:
(1) issued a license to hunt wild turkeys with:
(A) a resident youth consolidated hunting license under IC 14-22-11-10(b);
(B) a resident spring turkey license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(20);
(C) a nonresident spring turkey license under IC 14-22-12-1(a)(21);
(D) a resident youth consolidated hunting license under IC 14-22-12-1(a)(24);
(E) a nonresident youth spring turkey license under IC 14-22-12-1(a)(27);
(F) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) before its repeal;
(G) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal; or
(H) an apprentice spring turkey hunting license under IC 14-22-12-1.7; or
(2) hunting under IC 14-22-11-1.

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

(1) issued a license to hunt wild turkeys with:

(A) a resident youth consolidated hunting license under IC 14-22-11-10(b);

(B) a resident fall turkey license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(22);

(C) a nonresident fall turkey license under IC 14-22-12-1(a)(23);

(D) a resident youth consolidated hunting license under IC 14-22-12-1(a)(24);

(E) a nonresident youth fall turkey license under IC 14-22-12-1(a)(28);

(F) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4) before its repeal;

(G) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal; or

(H) an apprentice fall turkey hunting license under IC 14-22-12-1.7; or

(2) hunting under IC 14-22-11-1.

(l) Immediately after taking a wild turkey, an individual must attach a piece of paper to a leg of the turkey directly above the spur stating the following:

(1) The name and address of the individual who took the turkey.

(2) The license number (if applicable) of the individual who took the turkey.

(3) The date the wild turkey was taken.

(4) The sex of the wild turkey taken.

(m) An individual who takes a wild turkey must do one (1) of the following:

(1) Cause delivery of the wild turkey to an official turkey checking station within forty-eight (48) hours of taking as follows:

(A) Register the wild turkey in the name of the individual who took the wild turkey.

(B) Provide the check station with true and accurate information that includes the information on the piece of paper described in subsection (l).

(C) Record the confirmation number provided by the department's electronic harvest reporting system on the piece of paper described in subsection (l).

(2) Cause the reporting of the take by providing true and accurate information required on the department's electronic harvest reporting system within forty-eight (48) hours of taking. The individual who took the wild turkey or the individual reporting the take of the turkey must record the department's electronic harvest confirmation number on the piece of paper described in subsection (l). This confirmation number must be maintained with the turkey until processing of the turkey begins.

(n) The department's electronic harvest confirmation number must be maintained with a wild turkey that is gifted to another individual until processing of the wild turkey begins.

(o) The official wild turkey checking station operator shall accurately report the taking of the wild turkey on the department's electronic harvest reporting system and give the individual the confirmation number.

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

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

(1) place;

(2) expose;

(3) deposit;

(4) distribute; or

(5) scatter;

grain, salt, or other feed to lure, attract, or entice a wild turkey to an area where a person may take the wild turkey. *(Natural Resources Commission; 312 IAC 9-4-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541; filed May 25, 2005, 10:15 a.m.: 28 IR 2946; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Apr 3, 2009, 1:48 p.m.: 20090429-IR-312080740FRA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Aug 27, 2010, 10:52 a.m.: 20100922-IR-312090984FRA; filed Dec 18, 2012, 2:00 p.m.: 20130116-IR-312120115FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-4-12 Crows *(Repealed)*

Sec. 12. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

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

Sec. 13. *(Repealed by Natural Resources Commission; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

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 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 (Cygnus buccinator).
(6) Rufa red knot (Calidris canutus rufa).
(7) Northern harrier (Circus cyaneus).
(8) Black rail (Laterallus jamaicensis).
(9) King rail (Rallus elegans).
(10) Virginia rail (Rallus limicola).
(11) Common moorhen (Gallinula chloropus).
(12) Whooping crane (Grus americana).
(13) Piping plover (Charadrius melodus).
(14) Upland sandpiper (Bartramia longicauda).
(15) Least tern (Sterna antillarum).
(16) Black tern (Chlidonias niger).
(17) Barn owl (Tyto alba).
(18) Short-eared owl (Asio flammeus).
(19) Sedge wren (Cisothorus platensis).
(20) Marsh wren (Cisothorus palustris).
(21) Loggerhead shrike (Lanius ludovicianus).
(22) Cerulean warbler (Dendroica cerulea).
(23) Golden-winged warbler (Vermivora chrysoptera).
(24) Kirtland's warbler (Dendroica kirtlandii).
(25) Henslow's sparrow (Ammodramus henslowii).
(26) 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; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-4-15 Exempted species of birds

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

Sec. 15. An individual may take:
(1) house sparrows (Passer domesticus);
(2) European starlings (Sturnus vulgaris);
(3) rock pigeons (Columba livia) (not including homing pigeons); and
(4) monk parakeets (Myiopsitta monachus);
at any time without a license from the department. *(Natural Resources Commission; 312 IAC 9-4-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

Rule 5. Reptiles and Amphibians

312 IAC 9-5-1 Reptiles and amphibians

Authority: IC 14-22
Affected: IC 14-22

Sec. 1. (a) This rule governs wild animals that are reptiles and amphibians.
(b) All reptiles and amphibians native to Indiana are wild animals protected by law.
(c) An individual may take a reptile or amphibian only if:
(1) issued a license to hunt or fish with:
(A) a resident yearly fishing license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(1);
(B) a resident yearly hunting license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(2);
(C) a resident yearly fishing and hunting license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(3);
(D) a nonresident yearly hunting license under IC 14-22-12-1(a)(6);
(E) a nonresident youth yearly hunting license under IC 14-22-12-1(a)(25);
(F) a resident senior yearly fishing license under IC 14-22-12-1(a)(33), IC 14-22-12-1(a)(34), or IC 14-22-12-1(a)(35);
(G) a lifetime hunting license under IC 14-22-12-7(a)(2) *[IC 14-22-12-7 was repealed by P.L.2-2014, SECTION 76, effective March 13, 2014.]* or IC 14-22-12-7(a)(4 *[IC 14-22-12-7 was repealed by P.L.2-2014, SECTION 76, effective March 13, 2014.]*);
(H) a lifetime fishing license under IC 14-22-12-7(a)(1) *[IC 14-22-12-7 was repealed by P.L.2-2014, SECTION 76, effective March 13, 2014.]* or IC 14-22-12-7(a)(3) *[IC 14-22-12-7 was repealed by P.L.2-2014, SECTION 76, effective March 13, 2014.]*;
(I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) *[IC 14-22-12-7 was repealed by P.L.2-2014, SECTION 76, effective March 13, 2014.]*;
(J) an apprentice license of the types identified in clauses (B) through (E) under IC 14-22-12-1.7;
(K) a scientific purposes license under IC 14-22-22 and 312 IAC 9-10-6; or
(L) a nuisance wild animal control permit under 312 IAC 9-10-11; or
(2) hunting or fishing without a license under IC 14-22-11-1 and 312 IAC 9-2-14.
(d) A person has the burden of proving the person qualifies for an exception under IC 14-22 or this rule. *(Natural Resources Commission; 312 IAC 9-5-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3671; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-5-2 Taking turtles *(Repealed)*

Sec. 2. *(Repealed by Natural Resources Commission; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)*

312 IAC 9-5-3 Taking bullfrogs and green frogs *(Repealed)*

Sec. 3. *(Repealed by Natural Resources Commission; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)*

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 endangered and are subject to the protections provided under IC 14-22-34-12:

(1) Hellbender (Cryptobranchus alleganiensis).
(2) Red salamander (Pseudotriton ruber).
(3) Green salamander (Aneides aeneus).
(4) Copper-bellied watersnake (Nerodia erythrogaster neglecta).
(5) Butler's gartersnake (Thamnophis butleri).
(6) Kirtland's snake (Clonophis kirtlandii).
(7) Scarletsnake (Cemophora coccinea).
(8) Smooth greensnake (Opheodrys vernalis).
(9) Southeastern crowned snake (Tantilla coronata).
(10) Cottonmouth (Agkistrodon piscivorus).
(11) Massasauga (Sistrurus catenatus).
(12) Timber rattlesnake (Crotalus horridus).
(13) Eastern mud turtle (Kinosternon subrubrum).
(14) Spotted turtle (Clemmys guttata).
(15) River cooter (Pseudemys concinna).
(16) Alligator snapping turtle (Macrochelys temminckii).
(17) Blanding's turtle (Emydoidea blandingii).
(18) Crawfish frog (Lithobates areolatus).
(19) Ornate box turtle (Terrapene ornata).
(20) Plains leopard frog (Lithobates blairi).
(21) Mole salamander (Ambystoma talpoideum).

(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Oct 28, 2011, 10:10 a.m.: 20111123-IR-312110196FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-5-5 Exempted reptiles and amphibians *(Repealed)*

Sec. 5. *(Repealed by Natural Resources Commission; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3678)*

312 IAC 9-5-6 Collection and possession of reptiles and amphibians native to Indiana

Authority: IC 14-22
Affected: IC 14-22

Sec. 6. (a) An individual may take reptiles or amphibians from the wild only as authorized under this section.
(b) Except as provided in this section, an individual must not take more than two (2) per day and not more than four (4) from

April 1 through March 31 of the following year of any one (1) species of reptile or amphibian native to Indiana.

(c) An individual may take not more than four (4) of the following species of turtles per day, singly or in aggregate:

(1) Eastern snapping turtle (Chelydra serpentina serpentina).

(2) Smooth softshell turtle (Apalone mutica).

(3) Spiny softshell turtle (Apalone spinifera).

A turtle taken under this subsection may be taken only between July 1 and March 31 of the following year and be at least twelve (12) inches in carapace length.

(d) As used in this section, "carapace length" means a straight-line measure along the top surface of the carapace that runs from the central point on the front edge of the carapace, directly behind the turtle's neck, to a central point on the hind edge of the carapace, directly above the turtle's tail.

(e) An individual may take not more than twenty-five (25) of the following species of frogs per day, singly or in aggregate:

(1) American bullfrog (Lithobates catesbeianus).

(2) Green frog (Lithobates clamitans).

(f) An individual must not possess more than four (4) live reptiles or amphibians of any one (1) species native to Indiana except:

(1) as authorized in subsection (e);

(2) with a turtle possession permit under section 11 of this rule;

(3) with a wild animal rehabilitation permit under 312 IAC 9-10-9;

(4) with a scientific purposes license under 312 IAC 9-10-6; or

(5) with a wild animal possession permit under 312 IAC 9-11.

(g) Except as otherwise provided in this section, an individual may take turtles at any time of the year.

(h) An individual may take frogs as established in subsection (e) from June 15 through April 30 of the following year.

(i) An individual may take turtles by any of the following methods:

(1) A trap, a net, or another mechanical device that has no opening below the surface of the water.

(2) Hands.

(3) A gaff.

(4) Any method provided by 312 IAC 9-7-2 for sport fishing.

(j) An individual may take frogs by any of the following methods:

(1) A gig or spear having a head not more than three (3) inches wide and a single row of tines.

(2) A bow and arrows.

(3) A club.

(4) Hands.

(5) A single pole or hand line with not more than one (1) hook or artificial lure affixed.

(6) A .22 caliber firearm, as long as the projectiles discharged from the barrel of the firearm are birdshot, except on a state park.

(7) An air rifle, except on a state park. As used in this section, an air rifle must fire a projectile that is a lead pellet and a minimum of .177 in diameter and fire at least five hundred (500) feet per second.

(k) An individual may use:

(1) a spotlight;

(2) a searchlight; or

(3) another artificial light;

to assist in taking frogs.

(l) Notwithstanding subsections (b) through (e), an individual must not take the following from the wild:

(1) A reptile or amphibian egg.

(2) An eastern box turtle (Terrapene carolina).

(3) An endangered species of reptile or amphibian.

(m) An individual must not sell a reptile or amphibian except for the following:

(1) A reptile or amphibian lawfully possessed and fitted with a passive integrated transponder under section 9(h) of this rule.

(2) A bullfrog or green frog tadpole in accordance with section 7(g) of this rule.

(n) An individual must not sell the offspring of an amphibian taken under this section.

(o) An individual possessing a valid reptile captive breeder license issued under section 9 of this rule may sell the offspring of a species of snake listed in section 9 of this rule, taken under this section, to any person.

(p) An individual must not release back into the wild a reptile or amphibian taken from the wild under this section except as follows:

(1) A reptile or amphibian may be released without a permit issued under subdivision (2) if the reptile or amphibian:

(A) has not been held in an enclosure with another reptile or amphibian;

(B) has not been in captivity for more than thirty (30) days; and

(C) is released at the point of capture.

(2) The division issues a permit to an individual to release an animal, and the individual releases the animal under the terms of the permit.

(q) An individual may possess a live eastern box turtle only with a:

(1) turtle possession permit under section 11 of this rule;

(2) wild animal rehabilitation permit under 312 IAC 9-10-9; or

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

(r) An individual may possess a live endangered species of reptile or amphibian only with a:

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

(2) wild animal rehabilitation permit under 312 IAC 9-10-9; or

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

(s) An individual may possess a live venomous reptile only with a:

(1) wild animal possession permit under 312 IAC 9-11; or

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

(Natural Resources Commission; 312 IAC 9-5-6; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3672; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; errata filed Sep 1, 2010, 11:08 a.m.: 20100915-IR-312100567ACA; filed Feb 6, 2012, 3:10 p.m.: 20120307-IR-312110470FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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
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;

of any reptile or amphibian native to Indiana regardless of place of origin.

(b) Except as otherwise provided in this section and in section 9 of this rule, an individual must not sell, transport for sale, or offer to sell a reptile or amphibian that is native to Indiana.

(c) As used in this rule, "reptile or amphibian that is native to Indiana" means those reptiles and amphibians with the following scientific names and their first generation hybrids with a species not included in this subsection (the common names are provided 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) Small-mouthed salamander (Ambystoma texanum).
(10) Eastern tiger salamander (Ambystoma 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) Long-tailed salamander (Eurycea longicauda).
(16) Cave salamander (Eurycea lucifuga).
(17) Four-toed salamander (Hemidactylium scutatum).
(18) Northern red-backed 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 (Anaxyrus americanus).
(26) Fowler's toad (Anaxyrus fowleri).
(27) Northern cricket frog (Acris crepitans).
(28) Cope's gray treefrog (Hyla chrysoscelis).
(29) Green treefrog (Hyla cinerea).
(30) Gray treefrog (Hyla versicolor).
(31) Spring peeper (Pseudacris crucifer).
(32) Southeastern chorus frog (Pseudacris feriarum).
(33) Western chorus frog (Pseudacris triseriata).
(34) Crawfish frog (Lithobates areolatus).
(35) Plains leopard frog (Lithobates blairi).
(36) American bullfrog (Lithobates catesbeianus).
(37) Green frog (Lithobates clamitans).
(38) Northern leopard frog (Lithobates pipiens).
(39) Pickerel frog (Lithobates palustris).
(40) Southern leopard frog (Lithobates sphenocephalus).
(41) Wood frog (Lithobates sylvaticus).
(42) Eastern snapping turtle (Chelydra serpentina serpentina).
(43) Smooth softshell turtle (Apalone mutica).
(44) Spiny softshell turtle (Apalone spinifera).
(45) Alligator snapping turtle (Macrochelys temminckii).
(46) Eastern mud turtle (Kinosternon subrubrum).
(47) Eastern musk turtle (Sternotherus odoratus).
(48) Midland painted turtle (Chrysemys picta marginata).
(49) Western painted turtle (Chrysemys picta bellii).
(50) Spotted turtle (Clemmys guttata).
(51) Blanding's turtle (Emydoidea blandingii).
(52) Northern map turtle (Graptemys geographica).
(53) False map turtle (Graptemys pseudogeographica).
(54) Ouachita map turtle (Graptemys ouachitensis).
(55) River cooter (Pseudemys concinna).
(56) Eastern box turtle (Terrapene carolina).
(57) Ornate box turtle (Terrapene ornata).
(58) Red-eared slider (Trachemys scripta elegans).

(59) Eastern fence lizard (Sceloporus undulatus).
(60) Slender glass lizard (Ophisaurus attenuatus).
(61) Six-lined racerunner (Aspidoscelis sexlineata).
(62) Common five-lined skink (Plestiodon fasciatus).
(63) Broadhead skink (Plestiodon laticeps).
(64) Little brown skink (Scincella lateralis).
(65) Eastern wormsnake (Carphophis amoenus).
(66) Scarletsnake (Cemophora coccinea).
(67) North American racer (Coluber constrictor).
(68) Kirtland's snake (Clonophis kirtlandii).
(69) Ring-necked snake (Diadophis punctatus).
(70) Gray ratsnake, also known as the black ratsnake (Pantherophis spiloides).
(71) Western foxsnake (Pantherophis vulpinus).
(72) Red-bellied mud snake (Farancia abacura).
(73) Eastern hog-nosed snake (Heterodon platirhinos).
(74) Prairie kingsnake (Lampropeltis calligaster calligaster).
(75) Eastern black kingsnake (Lampropeltis getula nigra).
(76) Eastern milksnake (Lampropeltis triangulum triangulum).
(77) Red milksnake (Lampropeltis triangulum syspila).
(78) Copper-bellied watersnake (Nerodia erythrogaster neglecta).
(79) Diamond-backed watersnake (Nerodia rhombifer).
(80) Northern watersnake (Nerodia sipedon).
(81) Rough greensnake (Opheodrys aestivus).
(82) Smooth greensnake (Opheodrys vernalis).
(83) Bullsnake (Pituophis catenifer sayi).
(84) Queensnake (Regina septemvittata).
(85) Dekay's brownsnake (Storeria dekayi).
(86) Red-bellied snake (Storeria occipitomaculata).
(87) Southeastern crowned snake (Tantilla coronata).
(88) Butler's gartersnake (Thamnophis butleri).
(89) Western ribbonsnake (Thamnophis proximus).
(90) Plains gartersnake (Thamnophis radix).
(91) Eastern ribbonsnake (Thamnophis sauritus).
(92) Common gartersnake (Thamnophis sirtalis).
(93) Smooth earthsnake (Virginia valeriae).
(94) Copperhead (Agkistrodon contortrix).
(95) Cottonmouth (Agkistrodon piscivorus).
(96) Timber rattlesnake (Crotalus horridus).
(97) Massasauga (Sistrurus catenatus).

(d) As used in this section, "sale" includes any 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 recognized under IC 20-19-2-10 and accredited under IC 20-19-2-8.

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) an American bullfrog (Lithobates catesbeianus) tadpole; or

(B) a green frog (Lithobates 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; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-5-7.5 Sale of turtles not native to Indiana

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

Sec. 7.5. An individual 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.

(Natural Resources Commission; 312 IAC 9-5-7.5; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-5-8 Possession, sale, and transport of dangerous reptiles

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22

Sec. 8. (a) This section governs the possession, sale, transport for sale, or offer to sell any dangerous reptile.

(b) An individual must not possess, sell, transport for sale, or offer to sell a dangerous reptile (other than by a zoological park).

(c) Exempted from this section is an individual who is transporting dangerous reptiles in interstate commerce to be sold outside Indiana.

(d) Notwithstanding subsection (b), an individual may possess a dangerous reptile under a Class III Wild Animal Possession permit issued under 312 IAC 9-11.

(e) Exempted from this section is 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.

(f) As used in this section, "dangerous reptile" includes both of the following:

(1) A venomous reptile.

(2) A crocodilian that is at least five (5) feet long.

(g) As used in this section, "sale" includes:

(1) barter, purchase, trade, or offer to sell, barter, purchase, or trade; or

(2) serving as part of a meal by a restaurant, a hotel, a boarding house, or an eating house keeper; however, a hotel, a boarding house, or an eating house keeper 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 legally taken by the guest, patron, or boarder during the open season.

(h) As used in this section, "transport" means to move, carry, or ship a wild animal protected by law by any means and for any common or contract carrier knowingly to move, carry, or receive for shipment a wild animal protected by law.

(i) As used in this section, "zoological park" means an entity that satisfies one (1) of the following:

(1) A permanent establishment that is a member of the American Association of Zoological Parks and Aquariums (also known as the American Zoo and Aquarium Association).

(2) An agency of local government, open to and administered for the public, to provide education, conservation, and preservation of the earth's fauna.

(Natural Resources Commission; 312 IAC 9-5-8; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3674; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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 an individual 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 five (5) days after the applicant took possession of the first reptile described in subsection (e) and taken for captive breeding purposes.

(e) An individual holding a valid reptile captive breeding license may 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) Gray ratsnake, also known as the black ratsnake (Pantherophis spiloides).

(2) Western foxsnake (Pantherophis vulpinus).

(3) Eastern hog-nosed snake (Heterodon platirhinos).

(4) Prairie kingsnake (Lampropeltis calligaster calligaster).

(5) Eastern black kingsnake (Lampropeltis getula nigra).

(6) Eastern milksnake (Lampropeltis triangulum triangulum).
(7) Red milksnake (Lampropeltis triangulum syspila).
(8) Bullsnake (Pituophis catenifer sayi).
(9) 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) must be identified with an individually unique passive integrated transponder (pit tag). A transponder must be implanted in each specimen. The type of transponder must be able to be read by an AVID reader. 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
(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. 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. An individual 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) An individual 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 hog-nosed snake.
(2) Eighteen (18) inches for any of the following:
(A) A gray ratsnake.
(B) A western foxsnake.
(C) An eastern black kingsnake.
(D) A prairie kingsnake.
(E) An eastern milksnake.
(F) A red milksnake.
(3) Twenty-eight (28) inches for a bullsnake.

(j) An individual licensed under this section must maintain accurate records on a calendar year basis on the number and disposition of breeding stock and captive bred young. The records shall include the following:
(1) The species and number of animals captured, received, or sold.
(2) The birth dates of captive born animals.
(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) An individual 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; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; errata filed Sep 1, 2010, 11:08 a.m.: 20100915-IR-312100567ACA; readopted filed May 20, 2014,

9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-5-10 Possession and captive breeding of reptiles acquired before January 1, 1999 *(Repealed)*

Sec. 10. *(Repealed by Natural Resources Commission; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA)*

312 IAC 9-5-11 Turtle possession permit

Authority: IC 14-10-2-4; IC 14-22
Affected: IC 4-21.5

Sec. 11. (a) Except as provided in subsection (b), this section establishes the requirements that an individual must satisfy to possess a turtle that is listed in section 7(c) of this rule.

(b) Exempted from this section is any species of turtle that is possessed lawfully under section 6 of this rule.

(c) An individual must be an Indiana resident to receive a permit under this section.

(d) An individual must submit, on a departmental form, an application for a permit under this section within ten (10) days after taking possession of a native species of turtle. The application must show the individual lawfully obtained the turtle. For a turtle that was lawfully obtained:

(1) a receipted invoice;
(2) a bill of lading; or
(3) other evidence approved by the director;

must accompany the application.

(e) If supported by appropriate documentation, native species of turtles that were legally obtained may be possessed under this permit.

(f) A conservation officer shall inspect each cage or enclosure before the first permit can be issued to an applicant. A turtle must be:

(1) quarantined for at least thirty (30) days and display no signs of illness before being placed with other turtles; 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.

(g) A turtle possessed under this section:

(1) must not be:
    (A) bred;
    (B) sold;
    (C) traded;
    (D) bartered; or
    (E) released into the wild; and
(2) may be given only to an individual who possesses a permit under this section.

(h) A turtle with a straight-line carapace length of four (4) inches or greater must be permanently marked with a unique passive integrated transponder (pit tag) implanted under the skin or another permanent unique identifier. Only pit tags that can be read by an AVID Reader may be implanted.

(i) A permit holder must not commercially advertise adoption services, including charging a fee to adopt or re-home a turtle.

(j) A permit holder must not place a turtle on public display unless the person also possesses an educational permit issued under 312 IAC 9-10-9.5.

(k) 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 or identification of the unique permanent identifier for each turtle.
(l) A conservation officer:
(1) may enter the premises of the permit holder at all reasonable hours to inspect:
(A) those premises;
(B) any records relative to the permit; and
(C) any turtle possessed under this permit;
(2) shall immediately notify the permit holder if the inspection reveals a turtle is being kept under unsanitary or inhumane conditions; and
(3) may make a second inspection after ten (10) days to determine if any permit deficiency has been corrected that was reported to the permit holder.
(m) A permit expires on June 30 of the third year following the year in which the permit was issued. A renewal application must be submitted to the department by July 31 of the year the permit expires.
(n) The permit holder must provide an annual report on a completed departmental form to the division by July 15 of each year with the following information:
(1) The taxa and number of each native species of turtle.
(2) The date the turtle was obtained.
(3) The unique passive integrated transponder code of each implanted turtle or another type of unique permanent identification. The permit holder must submit one (1) or more photographs that document the permanent unique identifier with the annual report submitted to the division by July 15 of the year following the date the first permit was issued.
(4) How each turtle was obtained.
(o) 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; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

Rule 6. Sport Fishing, Commercial Fishing; Definitions, Restrictions, and Standards

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 in 312 IAC 9-1, the following definitions apply throughout this rule and 312 IAC 9-7 through 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) "Artificial lure" means a man-made object used to attract fish with attached single-prong or multiple-prong hooks, excluding bait as defined in this rule.
(5) "Asian carp" means the following:
(A) Bighead carp.
(B) Black carp.
(C) Grass carp.
(D) Silver carp.
(6) "Atlantic salmon" means the species Salmo salar.
(7) "Bait" means the following:
(A) Natural fish food including bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn, and other food substances not containing any ingredient to stupefy, injure, or kill fish.
(B) Any substance designed to attract fish by taste or scent including dough bait, putty or paste-type bait, and any fly or lure or bait containing or used with such substances.
(C) Soft plastic bait (unscented) including synthetic eggs, synthetic worms, synthetic grubs, and soft plastic lures.
(8) "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.
(9) "Bighead carp" means the species Hypophthalmichthys nobilis.
(10) "Black bass" means the following species:
(A) Largemouth bass.
(B) Smallmouth bass.
(C) Spotted bass.
(11) "Black bullhead" means the species Ictalurus melas.
(12) "Black carp" means the species Mylopharyngodon piceus.
(13) "Black crappie" means the species Pomoxis nigromaculatus.
(14) "Bloater" means the species Coregonus hoyi.
(15) "Blue catfish" means the species Ictalurus furcatus.
(16) "Bluegill" means the species Lepomis macrochirus.
(17) "Bluntnose minnow" means the species Pimephales notatus.
(18) "Bowfin" means the species Amia calva.
(19) "Brook trout" means the species Salvelinus fontinalis.
(20) "Brown bullhead" means the species Ictalurus nebulosus.
(21) "Brown trout" means the species Salmo trutta.
(22) "Buffalo" means the genus Ictiobus.
(23) "Bullhead" means the following species:
(A) Black bullhead.
(B) Brown bullhead.
(C) Yellow bullhead.
(24) "Burbot" means the species Lota lota.
(25) "Carp" means the species Cyprinus carpio.
(26) "Cast net" means a net:
(A) not more than twenty (20) feet in diameter; and
(B) having stretch mesh not larger than three-fourths (3/4) inch; or
(C) having stretch mesh not larger than two (2) inches if used only on the waters listed in section 8(b)(1) of this rule.
(27) "Cavefish" means a fish of the family Amblyopsidae.
(28) "Chain pickerel" means the species Esox niger.

(29) "Channel catfish" means the species Ictalurus punctatus.
(30) "Chinook salmon" means the species Oncorhynchus tshawytscha.
(31) "Chub" means the following species:
(A) Bloater.
(B) Kiyi.
(32) "Cisco" means the species Coregonus artedii.
(33) "Closed aquaculture system" means a rearing facility designed to prevent the escape of cultured organisms to the wild.
(34) "Coho salmon" means the species Oncorhynchus kisutch.
(35) "Crappie" means the following:
(A) White crappie.
(B) Black crappie.
(36) "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 (1/2) inch.
(37) "Diploid" means a cell or organism that has two (2) complete sets of chromosomes.
(38) "Exotic catfish" means a walking catfish or other member of the family Clariidae.
(39) "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;
(K) a stone moroko;
(L) a wels catfish;
(M) a zander; or
(N) a hybrid or genetically altered fish of any of these species.
(40) "Fathead minnow" means the species Pimephales promelas.
(41) "Flathead catfish" means the species Pylodictis olivaris.
(42) "Fly" means an artificial lure constructed of any material except bait, as defined in this rule, attached to a single-prong hook.
(43) "Freshwater drum" means the species Aplodinotus grunniens.
(44) "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; and
(D) that may be hand held to seize, hold, or sustain fish.
(45) "Gar" means the genus Lepisosteus.
(46) "Genetically altered fish" means a fish that is the product of genetic manipulation, including polyploidy, gynogenesis, gene transfer, and hormonal sex control.
(47) "Gizzard shad" means the species Dorosoma cepedianum.
(48) "Golden shiner" means the species Notemigonus crysoleucas.
(49) "Goldfish" means the species Carassius auratus.
(50) "Grab hook" means a device or implement used as a tong to clutch, close down upon, or grasp fish.
(51) "Grass carp" means the species Ctenopharyngodon idella.

(52) "Green sunfish" means the species Lepomis cyanellus.
(53) "Hook" includes either single-prong or multiple-prong hooks. A multiple-prong hook or two (2) or more single-prong hooks employed to hold a single bait, as defined in this rule, shall be considered a single hook in counting the allowable total in use.
(54) "Hybrid striped bass" means the hybrid of striped bass and white bass.
(55) "Hybrid sunfish" means a hybrid of the genus Lepomis.
(56) "Kiyi" means the species Coregonus kiyi.
(57) "Lake herring" means the species Coregonus artedii.
(58) "Lake sturgeon" means the species Acipenser fulvescens.
(59) "Lake trout" means the species Salvelinus namaycush.
(60) "Lake whitefish" means the species Coregonus clupeaformis.
(61) "Largemouth bass" means the species Micropterus salmoides.
(62) "Minnow" means the following:
(A) Species of the minnow family Cyprinidae, except the following:
(i) Exotic species identified at section 7 of this rule.
(ii) Endangered species identified at section 9 of this rule.
(B) The following species:
(i) Sucker.
(ii) Brook stickleback (Culaea inconstans).
(iii) Gizzard shad.
(iv) Threadfin shad.
(v) Alewife.
(C) Notwithstanding IC 14-22-16, 312 IAC 9-7-15, and 312 IAC 9-7-16, live gizzard shad, threadfin shad, and alewife may only be collected, used, possessed, sold, bartered, and disposed of in accordance with section 8 of this rule.
(63) "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 (1/2) inch.
(64) "Minnow trap" means a fish trapping device not exceeding twenty-four (24) inches long. The opening of the throat shall not exceed two (2) inches in diameter.
(65) "Mosquitofish" means the species Gambusia affinis.
(66) "Muskellunge" means the species Esox masquinongy.
(67) "Northern pike" means the species Esox lucius.
(68) "Paddlefish" means the species Polyodon spathula.
(69) "Pole" and "line" means fishing equipment held in the hand, including a cane pole, casting rod, spinning rod, fly rod, or ice fishing tackle commonly known as a tip-up but does not include snaring, trotlines, set lines, throw lines, limb lines, drop lines, or other tackle normally attached in a fixed position.
(70) "Quagga mussel" means the species Dreissena bugensis.
(71) "Rainbow trout" means the species Oncorhynchus mykiss.
(72) "Redear sunfish" means the species Lepomis microlophus.
(73) "Rock bass" means the species Ambloplites rupestris.
(74) "Round goby" mean the species Neogobius melanostomus.
(75) "Rudd" means the species Scardinius erythrophthalmus.
(76) "Ruffe" means the species Gymnocephalus cernuus.
(77) "Sauger" means the species Sander canadensis.
(78) "Saugeye" means the hybrid of walleye and sauger.
(79) "Shad" means the following genera:
(A) Alosa.
(B) Dorosoma.
(80) "Shovelnose sturgeon" means the species Scaphirhynchus platorynchus.
(81) "Silver carp" means the species Hypophthalmichthys molitrix.

(82) "Single hook" means a fishing hook consisting of the following:
(A) One (1) shank.
(B) One (1) point.
(83) "Smallmouth bass" means the species Micropterus dolomieui.
(84) "Smelt" means the genus Osmerus.
(85) "Snakehead" means all species of the family Channidae, including the following genera:
(A) Channa.
(B) Parachanna.
(86) "Sockeye salmon" means the species Oncorhynchus nerka.
(87) "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.
(R) Trout or salmon.
(88) "Spotted bass" means the species Micropterus punctulatus.
(89) "Steelhead" means the species Oncorhyncus mykiss.
(90) "Stone moroko" means the species Pseudorasbora parva.
(91) "Stretch mesh" means the extended distance or length between the extreme angles of a single mesh of net.
(92) "Striped bass" means the species Morone saxatilis.
(93) "Sucker" means the following genera:
(A) Carpiodes.
(B) Moxostoma.
(C) Hypentelium.
(D) Catostomus.
(E) Erimyzon.
(94) "Sunfish" means all species and hybrids of the genus Lepomis except endangered species identified at section 9 of this rule.
(95) "Threadfin shad" means the species Dorosoma petenense.
(96) "Tiger muskellunge" means the hybrid of muskellunge and northern pike.
(97) "Tilapia" means all species of the genus Tilapia.
(98) "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.
(99) "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.
(H) Atlantic salmon.

(100) "Tubenose goby" means the species Proterorhinus marmoratus.
(101) "Walleye" means the species Sander vitreus.
(102) "Warmouth" means the species Lepomis gulosus.
(103) "Wels catfish" means the species Silurus glanis.
(104) "White bass" means the species Morone chrysops.
(105) "White catfish" means the species Ictalurus catus.
(106) "White perch" means the species Morone americana.
(107) "White crappie" means the species Pomoxis annularis.
(108) "Yellow bass" means the species Morone mississippiensis.
(109) "Yellow bullhead" means the species Ictalurus natalis.
(110) "Yellow perch" means the species Perca flavescens.
(111) "Zander" means the species Sander lucioperca.
(112) "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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 22, 2011, 1:13 p.m.: 20110323-IR-312100501FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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 subsections (b) and (c), the measurement of the length of a fish 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.

(c) The measurement of the eye to fork length of paddlefish must be taken in a straight line from the foremost point of the eye 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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA; filed Jan 2, 2013, 3:42 p.m.: 20130130-IR-312120381FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-6-3 Fish sorting restrictions and the prohibition of waste

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

Sec. 3. (a) Except as provided in subsection (b), an individual must not sort and release a fish taken previously in the day in order to replace the fish with another where the same bag limit applies to both fish.

(b) A fish may be released without counting toward the daily bag limit only if the fish is as follows:

(1) Alive and in apparent good health.

(2) Capable of swimming away normally under its own power.

(3) Returned to the water from which it was taken before the end of the day.

(4) In a place where the immediate escape of the fish is not prevented.

(c) The intentional waste or destruction of any species of fish taken under this rule is prohibited unless the species is required by law to be killed. An individual must not mutilate and return a fish to the water. This section does not apply if a fish is required by law to be released or is lawfully used as bait.

(d) Offal or filth resulting from catching, curing, cleaning, or shipping fish in or near state waters must be burned, buried, or otherwise disposed in a sanitary manner that:

(1) does not pollute the water; and

(2) is not or does not become detrimental to public health or comfort.

(Natural Resources Commission; 312 IAC 9-6-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-6-4 Release of fish that cannot lawfully be possessed

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

Sec. 4. (a) An individual who takes a fish that cannot lawfully be possessed by that individual does not violate this article if the fish is:

(1) taken at a lawful location and in a lawful manner; and

(2) immediately returned to the waters from which the fish was taken without unreasonable injury.

(b) Notwithstanding subsection (a), an individual who takes an exotic catfish must kill the fish immediately upon capture or otherwise comply with section 7 of this rule.

(c) The individual taking the fish is responsible for immediately returning the fish to the waters from which the fish was taken without unreasonable injury. *(Natural Resources Commission; 312 IAC 9-6-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-6-5 Fishing gear left unattended or unidentified

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

Sec. 5. (a) Fishing gear not properly attended or identified that is left in waters containing state-owned fish may be confiscated and destroyed by a conservation officer.

(b) A fish-holding basket, live box, live net, or any other structure in which aquatic life is contained or held and left unattended shall be plainly labeled with the name and address of the owner. This does not include live wells or other devices that hang over the side of a boat or are located within the boat. *(Natural Resources Commission; 312 IAC 9-6-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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. An individual must not take or possess fish at any of the following locations:

(1) 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).
(2) From the East Race waterway in the city of South Bend in St. Joseph County.
(3) 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.
(4) From April 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.
(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.
(5) On or along Trail Creek in Michigan City in LaPorte County from either of the following locations:
(A) Within one hundred (100) feet upstream (generally southeasterly) of the sea lamprey control barrier.
(B) From the sea lamprey control barrier downstream (generally northwesterly) to the Pottawatomie Country Club Golf Course property line, which is located adjacent to Springland Avenue.

(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-6-7 Exotic fish

Authority: IC 14-22-2-6
Affected: IC 14-22-2-3

Sec. 7. (a) Except as otherwise provided under this section, an individual must not import, possess, propagate, buy, sell, barter, trade, transfer, loan, or release into public or private waters any of the following live fish or recently hatched or juvenile live fish or their viable eggs or genetic material:
(1) Exotic catfish.
(2) Bighead carp.
(3) Black carp.
(4) Silver carp.
(5) White perch.
(6) Snakehead.

(7) Rudd.
(8) Ruffe.
(9) Tubenose goby.
(10) Round goby.
(11) Stone moroko.
(12) Zander.
(13) Wels catfish.
(14) A hybrid or genetically altered fish of any of these species.

(b) An individual who takes possession of a fish listed in subsection (a) does not violate this section if the fish listed in subsection (a) is killed immediately upon capture by doing one (1) of the following:

(1) Remove the head of the fish.
(2) Remove the gill arches from at least one (1) side of the fish.
(3) Eviscerate the fish.

(c) This section does not apply to the following:

(1) The use of a fish by a properly accredited zoological park as defined in 312 IAC 9-5-8(i).
(2) During the lawful interstate shipment of fish through the state if the fish are not unloaded or do not leave the control of a common carrier.
(3) A person who lawfully possesses an exotic fish under an aquaculture permit issued under 312 IAC 9-10-17 or a scientific purposes license issued under 312 IAC 9-10-6 for medical, educational, or scientific purposes.

(d) A person who possesses federally listed injurious species must also comply with 18 U.S.C. 42 and 50 CFR 16. *(Natural Resources Commission; 312 IAC 9-6-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3868; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-6-8 Carp and gizzard shad as bait

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

Sec. 8. (a) An individual must not use live carp as bait.

(b) An individual must not use live gizzard shad or threadfin shad as bait except as follows:

(1) An individual may collect live gizzard shad or threadfin shad for use as bait only from the following:
  (A) Brookville Reservoir.
  (B) Cecil M. Harden Reservoir.
  (C) Monroe Reservoir.
  (D) Patoka Reservoir.
  (E) Lake Freeman.
  (F) Lake Shafer.
  (G) Hardy Lake.
  (H) The Ohio River main stem, excluding all embayments.

(2) An individual:
  (A) may use the live gizzard shad and threadfin shad as bait only within the body of water where it is collected; and
  (B) must not transport live gizzard shad and threadfin shad from the body of water where collected.

(c) An individual must:

(1) kill any live gizzard shad or threadfin shad collected for bait and not used; and
(2) immediately kill gizzard shad and threadfin shad collected at waters not listed in subsection (b)(1).

(d) An individual must not possess live gizzard shad or threadfin shad at waters other than those listed in subsection (b)(1).

(e) An individual may collect live alewife from Lake Michigan for use as bait only on Lake Michigan.

(f) An individual must:

(1) not transport live alewife from Lake Michigan;
(2) kill any live alewife collected for bait and not used; and
(3) immediately kill alewife collected from waters other than Lake Michigan.
(g) An individual must not possess live alewife other than on Lake Michigan. *(Natural Resources Commission; 312 IAC 9-6-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 22, 2011, 1:13 p.m.: 20110323-IR-312100501FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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 endangered and are subject to the protections provided under IC 14-22-34-12:
(1) Lake sturgeon (Acipenser fulvescens).
(2) Hoosier cavefish (Amblyopsis hoosieri), formerly known as the northern cavefish (Amblyopsis 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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-6-10 Exempted fish
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 10. Any fish not defined in section 1 or 9 of this rule is an exempted wild animal. *(Natural Resources Commission; 312 IAC 9-6-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-6-11 Commercial shipment or processing of fish
Authority: IC 14-22-2-6; IC 14-22-11-12
Affected: IC 14-22

Sec. 11. (a) A person shall not ship fish into or within Indiana for commercial purposes unless the shipment is accompanied by a dated bill of lading setting forth the:
(1) species, number, or poundage;
(2) origin;
(3) destination; and
(4) name and address of the purchaser.
The bill of lading and the shipment shall be made available upon demand for inspection by a conservation officer.

(b) A person who commercially imports or sells trout or salmon must retain for two (2) years following the importation or sale a legible commercial invoice or bill of sale or, if imported from Canada, the customs entry or customs brokers statement, including the following:

(1) The date of the transaction.

(2) The quantity and purchase price of each species.

(3) The formal entry number (if applicable).

(4) The name and address of the seller or exporter.

(c) A person who delivers fish for processing under subsection (d) must tag the fish before delivery. The tag shall include the following information:

(1) The name and address of the person making delivery.

(2) The species of the fish.

(3) How and when the fish were obtained.

(d) A person who, for a fee, smokes, pickles, or otherwise processes trout or salmon for another person shall maintain a record of all financial transactions relating to that activity for at least two (2) years after the date of the transaction. The record shall include the following:

(1) The number, weight, and species of the fish.

(2) The names and addresses of the persons from whom the fish were received and to whom the fish were delivered.

(3) The dates of receipt and delivery.

The tag described in subsection (c) must not be removed by the person who performs processing except during actual processing. That person shall make storage areas, work areas, books, and records available upon demand for inspection by a conservation officer. *(Natural Resources Commission; 312 IAC 9-6-11; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-6-12 Prohibition on gifting fish

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-13

Sec. 12. An individual must not gift fish listed in section 1 of this rule to another person whether taken in:

(1) Indiana;

(2) the boundary waters of this state; or

(3) another state and brought into Indiana;

knowingly or intentionally for the purpose of stocking a private lake for which customers pay for the opportunity to fish. *(Natural Resources Commission; 312 IAC 9-6-12; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

Rule 7. Sport Fishing

312 IAC 9-7-1 Applicability

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

Sec. 1. (a) This rule applies to an individual who fishes on waters containing state-owned fish.

(b) An individual may take a fish in waters containing state-owned fish, boundary waters, and waters of the state only if:

(1) issued a license to fish with a:

(A) resident yearly fishing license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(1);

(B) resident one-day fishing license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(8);

(C) resident senior yearly fishing license under IC 14-22-12-1(a)(33) or IC 14-22-12-1(a)(35);

(D) resident senior fish for life license under IC 14-22-12-1(a)(34);

(E) resident yearly fishing and hunting license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(3);

(F) nonresident yearly fishing license under IC 14-22-12-1(a)(5);

(G) nonresident one-day fishing license under IC 14-22-12-1(a)(8);
(H) nonresident seven-day fishing license under IC 14-22-12-1(a)(9);
(I) lifetime fishing license under IC 14-22-12-7(a)(1) before its repeal or IC 14-22-12-7(a)(3) before its repeal;
(J) commercial fishing license under IC 14-22-13 or IC 14-22-14;
(K) scientific purposes license under IC 14-22-22 and 312 IAC 9-10-6; or
(L) lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5) before its repeal; or
(2) fishing without a license under IC 14-22-11-1, IC 14-22-11-8, or 312 IAC 9-2-14.

(Natural Resources Commission; 312 IAC 9-7-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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 16 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.
(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 subsections (g) and (k), an individual must affix to each line or pole not more than:
(1) three (3) hooks;
(2) three (3) artificial lures; or
(3) a combination of hooks or artificial lures not to exceed a total of three (3).

(d) An individual must not take fish from:
(1) waters containing state-owned fish;
(2) waters of the 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) An individual must not take trout or salmon from a water of the state unless the fish is hooked in the mouth.

(f) An individual 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;
(2) must bear a legible tag with the name and address of the user or the individual's customer identification number issued by the department; 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 water of the state.

(g) An individual must not ice fish on waters of the state, except as follows:
(1) A tip-up (a device that uses a flag to signal when a fish takes the bait from a fishing line) must:
(A) be constantly in sight of the user; and
(B) have affixed a legible tag bearing the name and address of the user or the individual's customer identification number issued by the department.
(2) An ice fishing shelter must visibly bear the name and address of the owner or the owner's customer identification number issued by the department in three (3) inch block letters on the outside of the door.
(3) An ice fishing 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.
(4) An ice fishing shelter must be removed from the waters before ice-out.
(5) Except from January 1 through February 15, an ice fishing shelter must be removed daily.

(h) An individual must not take fish with more than one (1) trotline, set line, or throw line. A line must have 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 or the individual's customer identification number issued by the department must be affixed to each trotline. Each trotline must be attended at least once every twenty-four (24) hours. An individual must not take fish from Lake Michigan with a trotline, set line, or throw line.

(i) An individual must not take fish from a lake with free-float lines or fish from a river or stream with more than five (5) freefloat lines. Not more than one (1) hook shall be affixed to each line. A free-float line:

(1) shall bear the name and address of the user or the individual's customer identification number issued by the department; and

(2) must not be constructed of glass.

Each free-float line must be in constant attendance by the person fishing.

(j) An individual 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) Portage Burns Waterway (formerly known as 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) An individual must not fish:

(1) the waterways described in subsection (j);

(2) the St. Joseph River and its tributary streams from the Twin Branch dam downstream to the Michigan state line (St. Joseph County); or

(3) the East Fork White River from Williams Dam to the Huron and Williams Road bridge in Lawrence County from March 15 through April 20;

with more than one (1) single hook per line or one (1) artificial lure. Single hooks, including those on artificial lures, shall not exceed one-half (1/2) inch from point to shank. Double and treble hooks on artificial lures shall not exceed three-eighths (3/8) inch from point to shank.

(l) An individual may take smelt from March 1 through May 30 only from Lake Michigan and only by the use of dip nets, seines, or nets as follows:

(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 (1 1/2) 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, or underwater spear, take only any sucker, carp, Asian carp, gar, bowfin, buffalo, or shad and only from the following rivers:

(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 (1/2) mile below its junction with Big

Creek in Carroll County. An individual must not possess a fish spear or fish gig in, on, or adjacent to the Tippecanoe River from one-half (1/2) 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) In addition to any other lawful method, an individual may take a sucker, carp, Asian carp, gar, bowfin, buffalo, or shad by:

(1) bowfishing equipment or crossbow from Lake Michigan; or

(2) spear, gig, spear gun, underwater spear, crossbow, or bowfishing equipment from another lake.

(o) An individual may take a sucker, carp, Asian carp, gar, or bowfin with not more than one (1) snare only between sunrise and sunset.

(p) Except as specified at subsection (j), an individual may use bowfishing equipment or a crossbow on rivers and streams to take any sucker, carp, Asian carp, gar, bowfin, buffalo, or shad. *(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-7-3 Catfish

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

Sec. 3. (a) An individual must not take or possess a channel catfish, blue catfish, or flathead catfish from a river or stream unless the catfish is at least thirteen (13) inches long. Except as otherwise provided in this section, an individual may take or possess an unlimited number of channel catfish, blue catfish, or flathead catfish from a river or stream.

(b) Except as otherwise provided in subsections (c) and (d), an individual must not take or possess more than ten (10) catfish in aggregate of any size from a lake or reservoir per day.

(c) Notwithstanding subsection (b), an individual may take channel catfish from Turtle Creek Reservoir (Sullivan County) without regard to a bag limit.

(d) Notwithstanding subsections (a) through (c), an individual must not take more than one (1) each per day of a:

(1) channel catfish that is at least twenty-eight (28) inches long;

(2) blue catfish that is at least thirty-five (35) inches long; and

(3) flathead catfish that is at least thirty-five (35) inches long;

from a river, stream, lake, or reservoir.

(e) Notwithstanding subsection (b), an individual must not take more than five (5) channel catfish from:

(1) Fidler Pond in Elkhart County;

(2) Failing Lake (also known as Gentian Lake) in Steuben County; and

(3) Flat Fork Creek Park Ponds A and B in Hamilton County.

(Natural Resources Commission; 312 IAC 9-7-3; 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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Nov 4, 2015, 1:10 p.m.: 20151202-IR-312140510FRA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-7-4 Muskellunge and tiger muskellunge

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

Sec. 4. (a) Except as otherwise provided in this section or section 16(g) of this rule, an individual must not take or possess a muskellunge or tiger muskellunge unless that muskellunge or tiger muskellunge is at least thirty-six (36) inches long.

(b) An individual may take or possess not more than one (1) in total for muskellunge and tiger muskellunge per day.

(c) An individual must not take or possess a muskellunge or tiger muskellunge unless that muskellunge or tiger muskellunge is at least forty-four (44) inches long from the following lakes in Kosciusko County:

(1) Lake Webster.

(2) Backwater Lake.

(3) Kiser Lake.

(Natural Resources Commission; 312 IAC 9-7-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-7-5 Northern pike

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

Sec. 5. (a) An individual must not take or possess a northern pike unless that northern pike is at least twenty-four (24) inches long.

(b) An individual must not take or possess more than three (3) northern pike per day, with no more than one (1) per day over thirty (30) inches long.

(c) Notwithstanding subsections (a) and (b), an individual must not take or possess more than six (6) northern pike per day of any size from Hamilton Lake in Steuben County, with no more than one (1) per day over thirty (30) inches long. *(Natural Resources Commission; 312 IAC 9-7-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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 or section 16(g) of this rule, an individual may take or possess not more than five (5) black bass in aggregate per day.

(b) An individual may take or possess not more than three (3) black bass from Lake Michigan in aggregate per day. An individual must not possess more than three (3) black bass in aggregate while fishing in or on Lake Michigan.

(c) Except as otherwise provided in this section, an individual must not take or possess a black bass except:

(1) if taken from rivers or streams in Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, Clark, Jefferson, Switzerland, Ohio, and Dearborn counties the black bass must be at least twelve (12) inches long;

(2) if taken from rivers or streams, except as stated in subdivision (1), the black bass must be greater than fifteen (15) inches long or less than twelve (12) inches long, with not more than two (2) being greater than fifteen (15) inches; or

(3) if taken from lakes or reservoirs (including Lake Michigan), the black bass must be at least fourteen (14) inches long.

(d) An individual may take or possess largemouth bass of any length in the following lakes:

(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) An individual 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 lakes:

(1) Buffalo Trace Lake in Harrison County.
(2) Ferdinand State Forest Lake in Dubois County.
(3) Montgomery City Park Lake in Daviess County.

(f) An individual may take or possess not more than one (1) largemouth bass from Turtle Creek Reservoir in Sullivan County. An individual must not take or possess a largemouth bass from Turtle Creek Reservoir unless the largemouth bass is at least twenty (20) inches long.

(g) An individual may take or possess not more than five (5) largemouth bass in aggregate per day from Patoka Lake in Orange, Crawford, and Dubois counties. An individual must not take or possess a largemouth bass from Patoka Lake unless the largemouth bass is at least fifteen (15) inches long.

(h) An individual must not take or possess a largemouth bass from Harden Lake in Parke County unless the largemouth bass is at least sixteen (16) inches long.

(i) An individual must not take or possess more than two (2) largemouth bass per day, and an individual 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) Loon Pit at Blue Grass Fish and Wildlife Area in Warrick County.
(5) Bluegrass Pit at Blue Grass Fish and Wildlife Area in Warrick County.
(6) J. C. Murphey Lake at Willow Slough Fish and Wildlife Area in Newton County.
(7) Kunkel Lake in Wells County.
(8) Fidler Pond in Elkhart County.
(9) Failing Lake (also known as Gentian Lake) in Steuben County.
(10) Flat Fork Creek Park Ponds A and B in Hamilton County.

(j) An individual must not take or possess more than five (5) black bass in aggregate per day from the Blue River located in Crawford and Harrison counties and Big Long Lake in LaGrange County. Each black bass taken from the Blue River in Crawford and Harrison counties and Big Long Lake in LaGrange County must be less than twelve (12) inches long or more than fifteen (15) inches long but not more than two (2) per day can be taken that are longer than fifteen (15) inches.

(k) An individual may take or possess not more than one (1) black bass from Sugar Creek located in Parke, Montgomery, Boone, Clinton, and Tipton counties per day, and the black bass must be at least twenty (20) inches long.

(l) If this section prohibits an individual from taking or possessing a black bass from a specified water of the state, an individual must not possess a black bass of the prohibited class on or adjacent to the specified water of the state. *(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Apr 25, 2012, 3:48 p.m.: 20120523-IR-312110358FRA; errata filed Jun 4, 2012, 3:20 p.m.: 20120613-IR-312120283ACA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-7-7 White bass; hybrid striped bass
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 7. (a) Except as provided in subsection (b), an individual may take or possess not more than twelve (12) for any combination of white bass and hybrid striped bass per day.

(b) An individual may take or possess any combination of not more than two (2) white bass and hybrid striped bass that exceed seventeen (17) inches. *(Natural Resources Commission; 312 IAC 9-7-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-7-8 Striped bass
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 8. An individual may take or possess not more than two (2) striped bass per day. *(Natural Resources Commission; 312 IAC 9-7-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-7-9 Crappie *(Repealed)*

Sec. 9. *(Repealed by Natural Resources Commission; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA)*

312 IAC 9-7-10 Sunfish *(Repealed)*

Sec. 10. *(Repealed by Natural Resources Commission; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA)*

312 IAC 9-7-11 Rock bass
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 11. An individual may take or possess not more than twenty-five (25) rock bass per day. *(Natural Resources Commission; 312 IAC 9-7-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-7-12 Walleye; sauger; saugeye
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 12. (a) Except as provided in subsection (d) and section 16(g) of this rule an individual may take or possess not more than six (6) of any combination of walleye, sauger, or saugeye per day.

(b) Except as provided in section 16(g) of this rule and as otherwise provided in this section, an individual must not take or possess a:

(1) walleye south of State Road 26 unless it is at least fourteen (14) inches long;

(2) walleye north of State Road 26 unless it is at least sixteen (16) inches long; or

(3) saugeye unless it is at least fourteen (14) inches long and taken from Huntingburg Lake in Dubois County or Sullivan Lake

in Sullivan County.

(c) An individual must not take or possess a walleye from:

(1) Lake George in Steuben County unless it is at least fifteen (15) inches long; and

(2) Bass Lake in Starke County and Wolf Lake in Lake County unless it is at least fourteen (14) inches long.

(d) An individual must not take or possess more than two (2) walleye per day from Wall Lake in LaGrange County. *(Natural Resources Commission; 312 IAC 9-7-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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) Except as provided in subsections (b) and (c), an individual must not take or possess a brook trout, rainbow trout, or brown trout from a stream or river except as follows:

(1) The trout is at least seven (7) inches long.

(2) Not more than five (5) trout are taken per day, of which not more than one (1) may be a brown trout.

(3) The trout are taken from the last Saturday of April after 6 a.m., local time, through December 31.

(4) If brown trout are taken from the East Fork of the Whitewater River downstream of Brookville Reservoir in Franklin County, the brown trout are at least eighteen (18) inches long.

(b) An individual may fish for brook trout, brown trout, lake trout, or rainbow trout from January 1 through April 14 on streams or rivers provided that all fish are released in accordance with 312 IAC 9-6-4.

(c) Notwithstanding subsection (a), an individual may fish for brook trout, brown trout, lake trout, or rainbow trout in the following streams and rivers in Elkhart County provided that all fish are released in accordance with 312 IAC 9-6-4:

(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.

An individual may use artificial lures and artificial flies. Fishing with live or natural baits, food products, or chemical attractants is prohibited.

(d) An individual may take and possess a trout or salmon from a lake only as follows:

(1) At any time of year.

(2) Not more than five (5) trout or salmon are taken per day, of which not more than one (1) may be a brown trout.

(3) The brown trout are at least eighteen (18) inches long if taken from Oliver Lake, Olin Lake, or Martin Lake in LaGrange County.

(e) An individual must not take or possess a trout or salmon taken from Lake Michigan or its tributaries unless as follows:

(1) The fish is at least fourteen (14) inches long.

(2) Not more than five (5) trout and salmon are taken in aggregate under this subsection per day, of which not more than three

(3) shall be lake trout.

(3) The individual possesses not more than a single day's bag limit identified in this subsection while fishing on Lake Michigan. Exempted from this subsection, however, are trout or salmon taken from the St. Joseph River in St. Joseph and Elkhart counties and its tributaries upstream from the Twin Branch Dam.

(f) 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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Oct 24, 2017, 8:46 a.m.: 20171122-*

IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-7-14 Sunfish, crappie, and other species of fish

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

Sec. 14. (a) Except as otherwise provided in section 16(g) of this rule, an individual may take or possess not more than twenty-five (25) crappies per day and an unlimited number of yellow bass per day.

(b) A crappie taken at Dogwood Lake in Daviess County and Hardy Lake in Scott County must be at least nine (9) inches long.

(c) Except on the Ohio River, an individual may take or possess not more than twenty-five (25) redear sunfish per day.

(d) Except as provided in subsections (a), (b), (c), and (e), 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) Shad.
(15) Smelt.
(16) Sucker.
(17) Yellow bass.
(18) Redear sunfish.
(19) Crappie.

(e) Notwithstanding subsections (a), (c), and (d), an individual must not take or possess more than the following:

(1) Twenty-five (25) of any combination of bluegill, redear sunfish, and crappie per day from J. C. Murphey Lake at Willow Slough Fish and Wildlife Area in Newton County.

(2) Fifteen (15) of any combination of bluegill, redear sunfish, and crappie per day from the following:

(A) Fidler Pond in Elkhart County.
(B) Failing Lake (also known as Gentian Lake) in Steuben County.
(C) Flat Fork Creek Park Ponds A and B in Hamilton County.

(f) If a bowfin contains roe, the roe must remain intact and inside the body of the fish while on the body of water or adjacent to the water being fished, and until processing of the fish begins.

(g) An individual must not:

(1) screen;
(2) wash;
(3) otherwise process;
(4) preserve;
(5) store;
(6) maintain possession;
(7) gift to any other individual;
(8) sell; or
(9) transport;

roe removed from a bowfin without a roe harvester's license issued under 312 IAC 9-8-7. *(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-7-15 Minnows

Authority: IC 14-22-2-6
Affected: IC 14-22-16

Sec. 15. (a) An individual may take minnows at any time during the year.
(b) An individual must not take minnows except by:
(1) a minnow trap;
(2) a dip net;
(3) a minnow seine;
(4) a cast net;
(5) lawful sport fishing methods provided in this rule; or
(6) methods authorized under a scientific purposes license under 312 IAC 9-10-6.
(c) An individual must not transport beyond the limits of this state more than one hundred (100) minnows in a twenty-four (24) hour period. This subsection does not apply to a person:
(1) engaged in commercially raising minnows in private waters for sale;
(2) with a scientific purposes license under 312 IAC 9-10-6; or
(3) with a bait dealer's license under IC 14-22-16.
(d) A person must not sell minnows unless the person is issued a bait dealer's license under IC 14-22-16.
(e) An individual must not use a cast net, seine, or any other device to collect minnows extending from a dam downstream five hundred (500) yards on:
(1) inland water; or
(2) the boundary waters of this state, except for the Ohio River.
(Natural Resources Commission; 312 IAC 9-7-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-7-16 Sport fishing on the Ohio River

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

Sec. 16. (a) This section governs fishing on the Ohio River, excluding all bays and tributaries.
(b) An individual must not take fish except by any of the following:
(1) Fishing pole or hand line.
(2) Float fishing.
(3) Setlines:
(A) attached to:
(i) a tree limb;
(ii) a tree trunk;
(iii) a bank pole; or
(iv) the bank itself; and
(B) each bearing:
(i) one (1) single or multibarbed hook; and
(ii) at least one (1) legible tag with the name and address of the user or the individual's customer identification

number issued by the department affixed to each setline.

(4) Not more than two (2) trotlines per individual. Each trotline shall:

(A) have not more than fifty (50) single or multibarbed baited hooks placed not closer together than eighteen (18) inches;

(B) be tended at least once every twenty-four (24) hours; and

(C) have at least one (1) legible tag affixed with the name and address of the user or the individual's customer identification number issued by the department.

(c) An individual may take an exempted species of fish as defined in 312 IAC 9-6-10 or any Asian carp, sucker, carp, gar, bowfin, buffalo, or shad by the methods prescribed in subsection (b) or according to the following methods:

(1) Long bow, including compound bow, or crossbow with an arrow having one (1) or more barbs and a line attached. An exempted species of fish without scales shall not be taken with bow and arrow or crossbow during nighttime hours (from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise).

(2) Gigging from February 1 through May 10 with any pronged or barbed instrument attached to the end of a rigid object. A person must not take fish by gigging from a boat or platform.

(3) Fish spear.

(4) Spear gun.

(5) Underwater spear.

(d) An individual must not take fish under this section by means of a hook dragged or jerked through the water with the intent to snag fish on contact.

(e) An individual must not take fish within two hundred (200) yards below any dam on the Ohio River except by fishing pole or hand line.

(f) An individual must not take minnows from the Ohio River except by:

(1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor having a throat opening greater than one (1) inch in diameter;

(2) a dip net not to exceed three (3) feet in diameter;

(3) a minnow seine not to exceed thirty (30) feet long and six (6) feet deep nor having mesh size larger than one-fourth (1/4) inch bar mesh;

(4) a cast net; or

(5) lawful fishing methods provided in this section.

(g) An individual may take fish in the Ohio River only by sport fishing methods authorized under this section as follows:

	Daily Bag	Possession Limit	Size (Inches)
Bass (largemouth, smallmouth, and spotted)	6	12	12 (except no size limit on spotted bass)
Bass (white, yellow, striped, and hybrids)	30	60	Not more than 4 fish can be 15 or longer
Rock bass	15	30	none
Walleye, sauger, and saugeye	10	20	none
Muskellunge and tiger muskellunge	2	2	30
Crappie	30	60	none
Catfish (blue, channel, and flathead)	none	none	13

(h) Nothwithstanding subsection (g), an individual may take no more than one (1) each per day of a:

(1) channel catfish that is at least twenty-eight (28) inches long;

(2) blue catfish that is at least thirty-five (35) inches long; and

(3) flathead catfish that is at least thirty-five (35) inches long.

(Natural Resources Commission; 312 IAC 9-7-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; errata filed Nov 24, 1997, 4:30 p.m.: 21 IR 1347; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 22, 2011, 1:13 p.m.: 20110323-IR-312100501FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Nov 4, 2015, 1:10 p.m.: 20151202-IR-312140510FRA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-7-17 Fishing guide license

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-15-4

Sec. 17. (a) An individual may not take another individual sport fishing for hire on boundary waters or inland water without a fishing guide license issued by the director under IC 14-22-15-4 and this section.

(b) A license holder under this section shall, on a departmental form, keep legible and accurate daily fishing records of the:

(1) species;

(2) numbers, locations, and dates of fish taken; and

(3) number of fishermen and hours fished;

while engaged in guided fishing activity. These daily records shall be recorded before the licensed fishing person departs the boat or leaves the fishing guide at the conclusion of the fishing trip.

(c) A license holder under this section shall, on a departmental form, prepare a monthly report of the information maintained on the daily fishing records. The monthly report shall be submitted to the division of fish and wildlife before the fifteenth day of each month following the month covered. The report shall be submitted each month regardless of whether guided fishing activity occurs in the month covered unless the license holder has submitted an inactive license form to signify that no fishing activity will take place for the remainder of the calendar year. The inactive license form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive.

(d) A conservation officer or other authorized representative of the department may, at any reasonable time, inspect the daily fishing records required under subsection (b) or IC 14-22-15-4. *(Natural Resources Commission; 312 IAC 9-7-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jan 2, 2013, 3:42 p.m.: 20130130-IR-312120381FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-7-18 Yellow perch

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

Sec. 18. (a) An individual may take or possess not more than fifteen (15) yellow perch on Lake Michigan.

(b) An individual must not take or possess more than fifteen (15) yellow perch while fishing on Lake Michigan. *(Natural Resources Commission; 312 IAC 9-7-18; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1541; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-7-19 Paddlefish

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

Sec. 19. Except as provided in 312 IAC 9-8-7 with an Ohio River roe harvester's license, a person must not take paddlefish from any water of the state. *(Natural Resources Commission; 312 IAC 9-7-19; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA; filed Jan 2, 2013, 3:42 p.m.: 20130130-IR-312120381FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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) An individual must not take or possess a shovelnose sturgeon unless the shovelnose sturgeon is at least twenty-five (25) inches in fork length.

(b) Notwithstanding subsection (a), if a shovelnose sturgeon contains roe, the roe must remain intact and inside the body of the fish while on the body of water or adjacent to the water being fished, and until processing of the fish begins.

(c) An individual must not:

(1) screen;

(2) wash;

(3) otherwise process;

(4) preserve;

(5) store;

(6) maintain possession;

(7) gift to any other individual;

(8) sell; or

(9) transport;

roe removed from a shovelnose sturgeon without a roe harvester's license issued under 312 IAC 9-8-7. *(Natural Resources Commission; 312 IAC 9-7-20; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-7-21 Lake whitefish

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

Sec. 21. An individual may take or possess not more than twelve (12) lake whitefish per calendar day. *(Natural Resources Commission; 312 IAC 9-7-21; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

Rule 8. Commercial Fishing

312 IAC 9-8-1 General requirements and definitions

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-13

Sec. 1. (a) This rule applies to a person who is issued a commercial fishing license by the department.

(b) The following definitions apply throughout this rule:

(1) "Caviar" means the processed, salted, nonfertilized roe.

(2) "Commercial fishing gear" means all equipment associated with commercial fishing, including, but not limited to, the boat, all parts of the nets, traps, seines, trotlines, live boxes, anchors, and lead ropes used to capture or hold fish.

(3) "Helper" means any individual who accompanies and assists a commercial fishing license holder or licensed roe harvester in the harvest, possession, transportation, or sale of fish.

(4) "Hoop net", also known as fyke net, trap net, or barrel net, means a barrel shaped net made of synthetic twine, cotton, linen, or nylon and supported by hoops. One (1) or more throats are attached inside the hoop structures to prevent escape of the fish. Hoops may be any shape and may be constructed of wood, metal, fiberglass, or plastic materials. Individual hoops must not be directly connected to or supported by other hoops with any rigid material, other than the mesh netting, so that the net has the ability to collapse. One (1) gear tag issued by the department must be attached.

(5) "Roe" means the internal egg mass in an ovary or the female gametes, but not caviar.

(6) "Roe-bearing species" means the following species:

(A) Shovelnose sturgeon.

(B) Paddlefish.

(C) Bowfin.

(7) "Roe dealer" means a person who possesses a valid roe dealer's license issued under section 8 of this rule to purchase, process, transport, and sell roe.

(8) "Roe harvester" means an individual who possesses a valid roe harvester's license issued under section 7 of this rule to harvest, possess, transport, begin processing, and sell, but not purchase, roe.

(9) "Screened eggs" means nonfertilized roe that has been screened and washed to remove fat and separate the eggs, but not salted.

(10) "Seine", for purposes of this rule, means a net in the water that is attended by individuals pulling it through the water for the entrapment of fish. A seine must have both float and lead lines and have wood, fiberglass, or metal poles attached to each end.

(11) "Slat trap", also known as basket trap or slat basket, means a commercial fishing device constructed entirely of wood or plastic, or both, slats in a boxlike or cylindrical shape. Slat traps may have no more than two (2) outside funnel openings. No wire or other mesh may be added to the trap. At least two (2) openings not less than one and one-fourth (1 1/4) inches wide must be located between the slats. These openings shall not be restricted by cross-bracings to a length shorter than eight (8) inches long. The trap shall be not larger than two (2) feet in diameter or square end measure. One (1) gear tag issued by the department must be attached to the open ring or square.

(c) A commercial fishing license holder, licensed roe harvester, or roe dealer who possesses or sells a fish described in this article must comply with 312 IAC 9-6-11. The bill of lading and the shipment must be made available upon request for inspection by a conservation officer.

(d) The department shall not issue a commercial fishing license, roe harvester's license, or roe dealer's license to an individual whose sport fishing, commercial fishing, roe dealer, or roe harvester license has been suspended or revoked, during the term of the suspension or revocation.

(e) A helper of a commercial fishing license holder or licensed roe harvester must:

(1) be in the same boat as the license holder while participating in commercial fishing or the harvesting of roe-bearing species on waters open to commercial fishing;

(2) only transport, carry, or ship lawfully harvested fish with a bill of lading in accordance with 312 IAC 9-6-11(a).

(f) A commercial fishing license holder or licensed roe harvester shall not allow an individual who has a sport fishing, commercial fishing, roe dealer, or roe harvester license suspended or revoked, either by a court or administrative process, in Indiana or any other jurisdiction, to serve as a helper during the term of the suspension or revocation.

(g) The cutting or mutilation of live roe-bearing species to check for eggs is prohibited except that a 10-gauge needle may be inserted into the abdomen between the pectoral and pelvic fins to determine the presence of eggs.

(h) A fish-holding basket, live box, live net, or any other structure in which aquatic life is contained or held and left unattended shall be plainly labeled with the name and address of the owner. This does not include live wells or other devices that hang over the side of a boat or are located within the boat.

(i) A person must not possess sport fishing gear, participate in any sport fishing activity (including, but not limited to, checking sport trotlines or poles), or possess fish caught with sport fishing gear while onboard a boat:

(1) from which commercial fishing gear is actively being set, retrieved, or transported;

(2) that is being transported to set or retrieve commercial fishing gear; or

(3) that is transporting fish captured or held with commercial fishing gear.

(Natural Resources Commission; 312 IAC 9-8-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jan 2, 2013, 3:42 p.m.: 20130130-IR-312120381FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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
Affected: IC 14-22-13; IC 14-22-14

Sec. 2. (a) This section applies to license holders engaged in commercial fishing on inland water.

(b) For purposes of this section, "license holder" means an individual licensed under IC 14-22-13 to use in, and to possess for

use in, the water, seines, nets, or other commercial fishing gear authorized in this rule.

(c) A license holder may take and sell fish that are taken with:

(1) commercial fishing gear; and

(2) a valid commercial fishing license issued under this rule and 312 IAC 9-6-11.

(d) A license holder 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.

(e) A license holder subject to this rule must not possess trout or salmon.

(f) A license holder 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 thirteen (13) inches long.

(25) Channel catfish less than thirteen (13) inches long.

(26) Flathead catfish less than thirteen (13) inches long.

(27) Lake whitefish less than eighteen (18) inches long.

(28) Yellow perch.

(g) A license holder may take and sell shovelnose sturgeon that are at least twenty-five (25) inches measured in accordance with 312 IAC 9-6-2(b) only from October 1 through May 31 and only with a valid inland water roe harvester's license.

(h) A license holder may take no more than one (1) each per day of a:

(1) channel catfish that is at least twenty-eight (28) inches long;

(2) blue catfish that is at least thirty-five (35) inches long; and

(3) flathead catfish that is at least thirty-five (35) inches long.

(i) A license holder must do the following:

(1) Keep true and accurate daily records on a departmental form in ink and include the following:

(A) The pounds by live weight of each species of fish harvested.

(B) The number of pieces of each type of gear fished by date.

(C) The county and river fished.

(2) Submit to the department the completed form required under subdivision (1) by the fifteenth day of each month for the preceding month whether the license holder fished or not unless the license holder has submitted an inactive license form to signify that no commercial fishing will take place on inland water for the remainder of the calendar year. The inactive license form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive.

(3) Allow onboard and dockside inspections of the gear and catch at any time by a conservation officer or other authorized representative of the department.

(j) A license holder must do the following:

(1) Tend each piece of fishing gear at least once every forty-eight (48) hours and remove all fish taken by the gear at that time.

(2) Remove each item of gear immediately upon the completion of fishing.

(k) This subsection applies to commercial fishing conducted on the part of the Wabash River that forms the boundary between Illinois and Indiana as follows:

(1) A license holder under this subsection may only use hoop nets or slat traps. A license holder must not use the following:

(A) Wings or leads.

(B) Entanglement gear of any kind, including, but not limited to, gill nets or trammel nets.

(C) A net having stretch mesh less than two (2) inches or bar mesh less than one (1) inch.

(D) A net that obstructs more than one-half (1/2) of the width of the river.

(2) A license holder may use a seine that has at least one (1) seine tag issued by the department attached to each seine. A license holder must not use a seine:

(A) that exceeds one hundred (100) yards in length;

(B) having stretch mesh less than five (5) inches; or

(C) that obstructs more than one-half (1/2) of the width of the river.

(3) Commercial fishing gear may not be used within a tributary of the Wabash River (with the exception of the White River and Patoka River) as denoted by a line drawn from point to point across the mouth of the tributary at the existing water level or the ordinary high water mark, whichever is lower.

(l) This subsection applies to commercial fishing on inland water of Indiana except for the part of the Wabash River that forms the boundary between Illinois and Indiana as follows:

(1) A license holder must not conduct commercial fishing on inland water containing state-owned fish, except for the following rivers:

(A) The Wabash River downstream from the southernmost city limits of Lafayette (U.S. 231 bridge) to where the river forms the boundary between Indiana and Illinois.

(B) The White River downstream from the junction of its east and west forks to where the White River joins the Wabash River.

(C) The west fork of the White River downstream from its junction with the Eel River in Greene County to the junction of the east and west forks of the White River.

(D) The east fork of the White River downstream from its junction with the Lost River in Martin County to the junction of the east and west forks of the White River.

(E) The Patoka River three hundred (300) yards downstream of the dam below the State Road 164 bridge in the city of Jasper to where the Patoka River joins the Wabash River.

(2) A license holder under this subsection may only use hoop nets. A license holder must not use the following:

(A) More than four (4) hoop nets.

(B) A net having a diameter, width, or height of more than six (6) feet.

(C) A net having stretch mesh less than two (2) inches or bar mesh less than one (1) inch.

(D) Wings or leads.

(3) Commercial fishing gear may not be used within a tributary of the waters listed in this subsection as denoted by a line drawn from point to point across the mouth of the tributary at the existing water level or the ordinary high water mark, whichever is lower.

(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA;

filed Jan 2, 2013, 3:42 p.m.: 20130130-IR-312120381FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Nov 4, 2015, 1:10 p.m.: 20151202-IR-312140510FRA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-8-3 Commercial fishing on Lake Michigan *(Repealed)*

Sec. 3. *(Repealed by Natural Resources Commission; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA)*

312 IAC 9-8-4 Commercial fishing on the Wabash River boundary waters *(Repealed)*

Sec. 4. *(Repealed by Natural Resources Commission; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA)*

312 IAC 9-8-5 Commercial fishing on inland water *(Repealed)*

Sec. 5. *(Repealed by Natural Resources Commission; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA)*

312 IAC 9-8-6 Commercial fishing on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-13

Sec. 6. (a) This section applies to license holders engaged in commercial fishing on the Ohio River as authorized under IC 14-22-13.

(b) "License holder" means an individual licensed under IC 14-22-13 to use in, and to possess for use in, the water:

(1) seines;
(2) nets; or
(3) other commercial fishing gear.

(c) A license holder shall not take or sell fish except in accordance with IC 14-22-13, this section, and 312 IAC 9-10. A license holder 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.

(d) 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) Blue catfish less than thirteen (13) inches long.
(22) Channel catfish less than thirteen (13) inches long.
(23) Flathead catfish less than thirteen (13) inches long.
(24) Shovelnose sturgeon less than twenty-five (25) inches measured in accordance with 312 IAC 9-6-2(b) and taken from June 1 through September 30.
(25) Paddlefish less than thirty-two (32) inches measured in accordance with 312 IAC 9-6-2(c) and taken from May 1 through October 31.
(e) A license holder may take no more than one (1) each per day of a:
(1) channel catfish that is at least twenty-eight (28) inches long;
(2) blue catfish that is at least thirty-five (35) inches long; and
(3) flathead catfish that is at least thirty-five (35) inches long.
(f) 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
(2) license holder is complying with the law.
(g) A person must not possess a seine, net, or commercial trotline except as authorized with a valid 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.
(h) The use of commercial fishing gear authorized under this section is limited as follows:
(1) Commercial fishing gear cannot be used on or within fifty (50) yards of a bay or inlet of the Ohio River denoted by a line drawn from point to point across the bay or inlet.
(2) Commercial fishing gear cannot be used beyond the bank of the Ohio River, the ordinary high watermark of the Ohio River as defined by 312 IAC 1-1-26, or within fifty (50) yards of the mouth of a stream denoted by a line drawn from point to point across a stream at its farthest most downstream location at the existing water level or ordinary high watermark, whichever is lowest.
(3) Commercial fishing gear cannot be used in the following locations:
(A) John T. Myers Dam downstream 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.
(B) Newburgh Dam downstream to the end of the outer lock wall.
(C) Cannelton Dam downstream to the end of the outer lock wall.
(D) McAlpine Dam downstream to the K and I railroad bridge.
(E) Markland Dam downstream to the end of the outer lock wall.
(i) The license holder must tend each item of fishing gear not less frequently than once every twenty-four (24) hours and all fish taken by the gear removed, except that hoop nets or slat traps may be left unattended for not more than seventy-two (72) hours at which time all fish taken by the gear must be removed. Each item of gear must be removed immediately upon the completion of fishing.
(j) 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 issued by the department 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 that can be fished from November 1 through April 30 is four (4) inches.

(B) The only bar mesh size that can be fished from May 1 through October 31 is from four (4) inches to four and one-half (4 1/2) inches.
(C) The nets referenced in this subdivision may be fished weighted or as a flag net.
(D) At least one (1) tag issued by the department must be attached to the net for each one hundred (100) feet of net or part thereof.
(4) The following restrictions apply to a commercial trotline:
(A) Each line must have more than fifty (50) hooks placed not closer than eighteen (18) inches apart.
(B) One (1) tag issued by the department must be attached.
(C) The trotline must be:
(i) not longer than three thousand (3,000) feet, including staging; and
(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.
(ii) Both float and lead lines.
(iii) Wood, fiberglass, metal poles, or brails attached to each end.
(B) A seine in the water must be attended by individuals pulling the seine through the water for the entrapment of fish.
(C) A seine must have at least one (1) tag issued by the department attached for each one hundred (100) feet of net or part thereof.
(6) The following restrictions apply to a slat trap:
(A) No wire or other mesh may be added to the trap.
(B) At least two (2) openings not less than one and one-fourth (1 1/4) inches wide must be located between the slats. These openings shall not be restricted by cross-bracings to a length shorter than eight (8) inches long.
(C) The trap shall be not larger than two (2) feet in diameter or square end measure.
(D) A tag issued by the department must be attached to the open ring or square.
(k) A license holder must do the following:
(1) Keep true and accurate daily catch records of harvested fish in ink on a departmental form that includes the following:
(A) The pounds by live weight for each species of fish.
(B) The aggregate number of the following:
(i) Blue catfish.
(ii) Channel catfish.
(iii) Flathead catfish.
(iv) Paddlefish.
(v) Shovelnose sturgeon.
(C) Of the catfish reported in accordance with subdivision (B) *[clause (B)]*, the number of the following:
(i) Blue catfish over thirty-five (35) inches.
(ii) Channel catfish over twenty-eight (28) inches.
(iii) Flathead catfish over thirty-five (35) inches.
(D) The location fished by Ohio River pool name and river mile.
(E) The amount of daily fishing effort by gear type as follows:
(i) Total length of net fished (in feet) per day each for seines, gill nets, and trammel nets.
(ii) Total number each of hoop nets, slat traps, and dip nets fished per day.
(iii) Total number of trotline hooks fished per day.
(2) Submit to the department the completed form required under subdivision (1) by the fifteenth day of each month for the preceding month whether the license holder fished or not unless the license holder has submitted an inactive license form to signify that no commercial fishing on the Ohio River will take place for the remainder of the calendar year. The inactive license form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive.
(3) Allow on-board and dockside inspection of the gear and catch at any time by a conservation officer or other authorized representative of the department.

(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA; filed Jan 2, 2013, 3:42 p.m.: 20130130-IR-312120381FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Nov 4, 2015, 1:10 p.m.: 20151202-IR-312140510FRA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-8-7 Roe harvester's license

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-13-2.5

Sec. 7. (a) An individual must not take, possess, or sell roe-bearing species without a valid roe harvester's license, except for bowfin and shovelnose sturgeon taken or possessed in accordance with 312 IAC 9-6 and 312 IAC 9-7.

(b) An individual must apply for a roe harvester's license on a departmental form.

(c) An applicant for a roe harvester's license must:

(1) be at least eighteen (18) years of age;

(2) possess a valid commercial fishing license; and

(3) provide valid identification of all helpers on a departmental form.

(d) The maximum annual number of roe harvester's licenses is as follows:

(1) Fifteen (15) resident or nonresident licenses (total) for the Ohio River.

(2) Fifteen (15) resident licenses for inland water of the state.

(e) The division shall prioritize the issuance of roe harvester's licenses as follows:

(1) First, to residents of Indiana.

(2) Second, upon those applications by individuals who have submitted completed monthly reports to the department under this rule and who have submitted a completed renewal application no later than December 15 of the year preceding the license year requested.

(3) Third, upon the order the application was received by the division of fish and wildlife.

(f) A roe harvester must do the following:

(1) Prepare a true and accurate daily transaction report on a departmental form in ink for each day of the month that roe-bearing fish were harvested and include the following:

(A) The length of the fish by species for each fish harvested.

(B) The number of each roe-bearing species harvested.

(C) The river where roe-bearing species were harvested.

(D) Whether the fish contains eggs or not.

(E) The date.

(F) The name of any helper.

(2) Submit the signed daily transaction report to the department by the fifteenth day of each month for the preceding month for each day that roe-bearing fish were harvested unless the license holder has submitted an inactive license form to signify that no harvesting of roe or roe-bearing species will take place for the remainder of the calendar year. The inactive license form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive.

(3) Notify the department on a departmental form of any change in the list of helpers.

(4) Not allow an individual to participate in the harvest, possession, transportation, or sale of roe or roe-bearing species until the list of helpers on which the individual is identified has been received by the division.

(5) Fish for roe-bearing species only in accordance with this rule.

(6) Retain for at least five (5) years a copy of all records and reports required under this section.

(7) Sell roe or screened eggs only to an Indiana-licensed roe dealer.

(8) Leave the roe intact and inside the body of the fish while on the body of water or adjacent to the water being fished.

(g) A roe harvester may:

(1) sell the meat of an individual roe-bearing species of fish that does not contain roe to any other person; and

(2) screen and wash the roe in accordance with 21 CFR 123, but shall not salt or otherwise process the roe, unless licensed as a roe dealer under section 8 of this rule.

(h) A roe harvester's license issued under this section is not transferable.

(i) Upon request by a conservation officer or other authorized representative of the department, a license holder must allow:

(1) access to all records and reports required under this rule upon request; and

(2) entry and inspection of the license holder's premises, equipment, boats, vehicles, and facilities.

(Natural Resources Commission; 312 IAC 9-8-7; filed Jan 2, 2013, 3:42 p.m.: 20130130-IR-312120381FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-8-8 Roe dealer's license

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-13-2.5

Sec. 8. (a) A person must not purchase or process roe-bearing species without a valid roe dealer's license, with the exception of the meat and caviar from roe-bearing species.

(b) A person must apply for a roe dealer's license on a departmental form. A person must submit a completed renewal application no later than December 15 of the year preceding the license year requested.

(c) A person applying for a roe dealer's license must be at least eighteen (18) years of age.

(d) A roe dealer must do the following:

(1) Not purchase fish, roe, screened eggs, or caviar that the roe dealer knows was taken or possessed unlawfully.

(2) Possess a valid roe dealer's license while purchasing, receiving, transporting, or selling roe or screened eggs and while processing roe or screened eggs into caviar for human consumption.

(3) Submit a complete, true, and accurate report to the department by the fifteenth day of the following month on a signed departmental form in ink that includes the following information:

(A) The name and license number of the roe harvester.

(B) The number of pounds of screened eggs of each roe-bearing species received.

(C) The final processed weight (caviar) of each roe-bearing species received.

(D) The date the roe or screened eggs were received for each roe-bearing species.

(4) Maintain for a period of five (5) years an accurate record of all transactions involving roe-bearing species or roe, or both, purchased from a roe harvester or roe dealer including:

(A) the roe, screened eggs, or caviar sold;

(B) the date purchased, sold, or otherwise transferred; and

(C) the name and address of the individual or company to or from whom the roe, screened eggs, or caviar was sold, transferred, or purchased.

(5) Complete and sign the roe harvester's license transaction record for each transaction on a departmental form on the date of purchasing roe-bearing species from the roe harvester that includes the following information:

(A) The date the product is received.

(B) Pounds of screened eggs for each roe-bearing species of fish.

(6) Obey all state and federal laws applicable to the processing of roe and products of roe-bearing species.

(e) A roe dealer's license issued under this section is not transferable.

(f) A roe dealer must, upon request by a conservation officer or other authorized representative of the department, allow:

(1) access to all records and reports required in this rule upon request; and

(2) entry and inspection of the license holder's premises, equipment, boats, vehicles, and facilities.

(Natural Resources Commission; 312 IAC 9-8-8; filed Jan 2, 2013, 3:42 p.m.: 20130130-IR-312120381FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Oct 24, 2017, 8:46 a.m.: 20171122-IR-312170262FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

Rule 9. Invertebrates

312 IAC 9-9-1 Applicability

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

Sec. 1. This rule governs wild animals that are invertebrates. *(Natural Resources Commission; 312 IAC 9-9-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2726; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-9-2 Crayfish

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

Sec. 2. (a) An individual may take crayfish at any time of year.

(b) An individual must not take crayfish except by:

(1) a minnow trap;
(2) a dip net;
(3) a minnow seine;
(4) hands;
(5) a cast net;
(6) lawful sport fishing methods provided in 312 IAC 9-7; or
(7) methods authorized under a scientific purposes license under 312 IAC 9-10-6.

(c) An individual must not transport beyond the limits of this state more than one hundred (100) crayfish in a twenty-four (24) hour period, provided that this subsection does not apply to a person engaged in commercially raising crayfish in private waters for sale.

(d) An individual must not take crayfish unless the individual is:

(1) issued a sport fishing license under IC 14-22-12-1;
(2) issued a scientific purposes license under 312 IAC 9-10-6; or
(3) taking crayfish without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(e) An individual may use the aid of illumination from:

(1) a spotlight;
(2) a search light; or
(3) an artificial light;

to take crayfish.

(f) An individual must not take crayfish from the Ohio River except by:

(1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor have a throat opening greater than one (1) inch in diameter;
(2) a dip net not to exceed three (3) feet in diameter;
(3) a minnow seine not to exceed thirty (30) feet in length and six (6) feet in diameter nor have a mesh size larger than one-fourth (1/4) inch bar mesh;
(4) a cast net;
(5) lawful sport fishing methods provided in 312 IAC 9-7-17(b); or
(6) methods authorized under a scientific purposes license under 312 IAC 9-10-6.

(g) A person must not sell crayfish unless the person is issued a bait dealer's license under IC 14-22-16. *(Natural Resources Commission; 312 IAC 9-9-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2726; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 22, 2011, 1:13 p.m.: 20110323-IR-312100501FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-9-3 Mussels

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-2-4; IC 14-22-17-3

Sec. 3. (a) Except as otherwise provided under this section, an individual must not take mussels and mussel shells from the waters of the state.

(b) An individual must not possess mussels or mussel shells except with a:

(1) scientific purposes license under 312 IAC 9-10-6; or

(2) special purpose possession permit for mussel shells obtained from the department for educational purposes only under IC 14-22-2-4.

(c) An individual must not import, possess, or release into public or private waters, a zebra mussel, quagga mussel (Drissena sp.), or Asiatic clam (Corbicula sp.).

(d) An individual who takes a mussel listed in subsection (c) does not violate this section if the mussel taken is killed immediately upon capture.

(e) An individual may possess a live mussel listed in subsection (d) if the mussel is held under a scientific purposes license issued under 312 IAC 9-10-6.

(f) No license under IC 14-22-17-3(1) or IC 14-22-17-3(3) shall be issued to:

(1) take;

(2) possess;

(3) ship;

(4) sell;

(5) buy; or

(6) export;

mussels or mussel shells. *(Natural Resources Commission; 312 IAC 9-9-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2727; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; errata filed Dec 6, 2013, 11:12 a.m.: 20140101-IR-312130537ACA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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 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) Fanshell (Cyprogenia stegaria).

(5) Snuffbox (Epioblasma triquetra).

(6) Fat pocketbook (Potamilus capax).

(7) Rough pigtoe (Pleurobema plenum).

(8) White catspaw (Epioblasma obliquata perobliqua).

(9) Northern riffleshell (Epioblasma torulosa rangiana).

(10) Rayed bean (Villosa fabalis).

(11) Round hickorynut (Obovaria subrotunda).

(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-

312120403FRA; filed Sep 13, 2013, 3:02 p.m.: 20131009-IR-312120670FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-9-5 Exempted invertebrates

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

Sec. 5. Any invertebrate not identified in this rule is an exempted wild animal. *(Natural Resources Commission; 312 IAC 9-9-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

Rule 10. Special Licenses; Permits and Standards

312 IAC 9-10-1 Applicability

Authority: IC 14-22-2-3; IC 14-22-2-6
Affected: IC 14-22

Sec. 1. This rule governs special licenses and permits applicable to the management of wild animals. A license or permit issued under this rule may authorize the possession, sale, or disposition of a wild animal which would otherwise be unlawful under this article. *(Natural Resources Commission; 312 IAC 9-10-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-2 Commercial shipment or processing of fish *(Repealed)*

Sec. 2. *(Repealed by Natural Resources Commission; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)*

312 IAC 9-10-3 Aquatic vegetation control permits

Authority: IC 14-22-2-6; IC 14-22-9-10
Affected: IC 14-22-9-10

Sec. 3. (a) Except as provided under IC 14-22-9-10(a), a person must obtain a permit under this section before seeking to control aquatic vegetation through:

(1) chemical;
(2) mechanical;
(3) physical; or
(4) biological;

means in waters of the state.

(b) As provided under IC 14-22-9-10(a), this section does not apply to a landowner or tenant of real property adjacent to public waters or boundary waters of the state when controlling aquatic vegetation in the immediate vicinity of a boat landing or bathing beach located on or adjacent to the real property of the landowner or tenant if the following conditions exist:

(1) Aquatic vegetation is controlled in one (1) contiguous area that is:
    (A) six hundred twenty-five (625) square feet or smaller;
    (B) along the legally established, average, or normal shoreline for twenty-five (25) feet or less;
    (C) where the water depth is six (6) feet or less.
(2) Aquatic vegetation control efforts are repeated only within the same area in the same calendar year.
(3) If the vegetation-free area already exists within the immediate vicinity of a boat landing or bathing beach on the real property of the landowner or tenant, any aquatic vegetation control efforts require a permit.

(c) Before obtaining a permit under this section, a person must complete an application on a departmental form that includes the following information:

(1) The common name of the target plants and relative abundance of other dominant plants in each area to be controlled.

(2) The acreage to be controlled, with affected areas illustrated on a legible map.

(3) The maximum depth of the water, the maximum perpendicular distance from shoreline, and the linear distance along the shoreline where plants are to be treated.

(4) The name and amount of the chemical to be used in each treatment, if a chemical control is used.

(5) The duration and timing of control efforts, if controls will be repeated under a single permit.

(6) The location of any water supply intake that may be adversely affected by the aquatic vegetation control activities.

(7) The species, stocking rate, and release location, if a biological control is used.

(8) The type of equipment and location of disposal area, if a mechanical control is used.

(9) The name and contact information for the person who will conduct the control effort.

(10) Any other information reasonably required by the department to effectively review the application.

(d) An applicant for a permit under this section must demonstrate each of the following to the satisfaction of the department:

(1) The proposed treatment is likely to provide effective relief.

(2) The proposed treatment will not result in any of the following:

(A) A hazard to humans, animals, or other nontarget organisms.

(B) A significant adverse impact to:

(i) the treated waterway;

(ii) endangered or threatened species; or

(iii) beneficial organisms within the treatment area or in adjacent areas, either directly or through habitat destruction.

(C) An unreasonable restriction on an existing use of the waterway.

(3) The proposed treatment will not occur within one hundred fifty (150) feet perpendicular to the shoreline of a public freshwater lake, along an area classified as a significant wetland under 312 IAC 11-2-24, except where the applicant demonstrates the treatment can be conducted without reducing the ecological value of the area.

(4) The following apply if a chemical is to be used for aquatic vegetation control:

(A) The chemical is labeled and registered for this purpose by the United States Environmental Protection Agency.

(B) Prior written approval is received from the department of environmental management if the waterway to be treated is a public drinking water supply.

(e) A permit issued under this section is limited to:

(1) the terms of the application; and

(2) conditions imposed on the permit by the department.

(f) Except as otherwise provided in this subsection, before the application of a substance permitted under this section, the permit holder must post clearly visible signs at the treatment area indicating the substance that will be applied and what precautions should be taken. For a treatment to be performed on a reservoir for drinking water supply that is owned by a municipality, the posting required under this subsection may be provided no later than thirty-six (36) hours before the permitted activity.

(g) A permit holder must submit a report on a departmental form not later than the seven (7) days following the control effort, providing the date, location, acreage, and method used in each area where controls were implemented. *(Natural Resources Commission; 312 IAC 9-10-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Nov 14, 2003, 5:30 p.m.: 27 IR 1165, eff Jan 1, 2004; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Jun 11, 2012, 2:49 p.m.: 20120711-IR-312120109FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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) A person shall apply for a license as a game breeder on a departmental form.

(b) A license holder under this section may possess one (1) or more of the following:
(1) Ring-necked pheasant (Phasianus colchicus).
(2) Bobwhite quail (Colinus virginianus).
(3) Eastern cottontail rabbit (Sylvilagus floridanus).
(4) Gray squirrel (Sciurus carolinensis).
(5) Fox squirrel (Sciurus niger).
(6) Beaver (Castor canadensis).
(7) Coyote (Canis latrans).
(8) Gray fox (Urocyon cinereoargenteus).
(9) Red fox (Vulpes vulpes).
(10) Mink (Mustela vison).
(11) Muskrat (Ondatra zibethicus).
(12) Opossum (Didelphis marsupialis).
(13) Raccoon (Procyon lotor).
(14) Striped skunk (Mephitis mephitis).
(15) Long-tailed weasel (Mustela frenata).
(16) Least weasel (Mustela nivalis or Mustela rixosa).
(c) A license holder under subsection (a) may lawfully acquire and possess the following:
(1) Furbearing mammals and eastern cottontail rabbits that must have been one (1) of the following:
(A) Lawfully taken in season.
(B) Born in captivity.
(2) Fox squirrels and gray squirrels that have been born in captivity.
(3) Ring-necked pheasants and bobwhite quail that have been hatched in captivity.
(d) A license holder under subsection (a) may possess the following:
(1) Furbearing mammals, squirrels, and eastern cottontail rabbits for breeding purposes under IC 14-22-20.
(2) Ring-necked pheasants and bobwhite quail for:
(A) breeding purposes;
(B) food; or
(C) release.
(e) A person must apply for a license under this section:
(1) within five (5) days after the acquisition of an animal within Indiana;
(2) within five (5) days after the importation of an animal into Indiana; or
(3) if it is a raccoon, red fox, gray fox, or coyote and obtained within the trapping season for that species of animal, within five (5) days of the close of the season for that species.

Each enclosure for these animals must be inspected by a conservation officer before a license may be issued.

(f) A license holder under this section may add a species other than those identified in the application upon:
(1) an inspection by a conservation officer; or
(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.

(g) A license holder under this section who imports:
(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 or certificate of compliance as specified at 345 IAC 1-3-24 before the animal or egg 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.

(h) A license holder under this section must present at least one (1) of the following for inspection upon the request of a conservation officer for each animal possessed:
(1) A receipt.
(2) An invoice.

(3) Other satisfactory evidence of lawful acquisition, including documentation of natural birth.

(i) For ring-necked pheasants, bobwhite quail, furbearing mammals, eastern cottontail rabbits, fox squirrels, and gray squirrels, the following requirements apply:

(1) A wild animal must be confined in a cage or other enclosure that:

(A) makes escape of the animal unlikely; and

(B) prevents the entrance of a free-roaming animal of the same species.

(2) The cage or enclosure shall be large enough to:

(A) allow the wild animal to turn about freely; and

(B) make normal postural adjustments.

(3) All chainlink or welded wire edges shall be:

(A) smoothly secured to prevent injury to the animals; and

(B) kept properly repaired.

(4) Night quarters, holding pens, and nesting boxes may not be used as primary housing.

(5) The following shall be provided as required for the comfort of the particular species of animal:

(A) Fresh water.

(B) Rainproof dens.

(C) Nest boxes.

(D) Windbreaks.

(E) Shelters.

(F) Shade.

(G) Bedding.

(6) Each animal shall be handled, housed, and transported in a sanitary and humane manner.

(7) An enclosure must be provided with sufficient drainage to prevent standing water from accumulating.

(8) The cages or other enclosures must be made available upon request for inspection by a conservation officer.

(j) An animal possessed under this section may be administered a pharmaceutical product in accordance with state and federal laws and 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.

(k) A license holder under this section shall not release animals possessed under this section except for bobwhite quail and ring-necked pheasants. A license holder under this section shall not release known diseased bobwhite quail and ring-necked pheasants.

(l) A license holder under this section must not sell an animal possessed under this section if the animal is known to be diseased.

(m) A license holder under this section must comply with all applicable state, local, or other federal laws that govern the possession and sale of the animals possessed under this section.

(n) A license holder under this section shall do the following:

(1) Maintain an inventory of all wild animals possessed under this section.

(2) Record all 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 signed departmental form or computerized record with a signature that is either electronic or in ink. If recorded on a departmental form, the person must complete the form in ink.

(3) Keep a copy of the complete and accurate inventory on the premises of the game breeder.

(4) Provide a copy of the inventory to a conservation officer upon request.

(5) Issue a valid, dated receipt prepared in ink for all animals or their products that are 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 or products 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 five (5) years after the year of the transaction.

(o) A license expires on December 31 of the year the license is issued. The license holder must file an application with the division by January 31 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 number:

(1) bought;

(2) sold;

(3) born;

(4) traded;

(5) gifted;

(6) of deaths; and

(7) on hand.

(p) A conservation officer may enter the premises of the license holder at all reasonable hours to conduct an inspection in accordance with subsections (q) and (r).

(q) During an inspection, the license holder or the license holder's designee shall comply with both of the following:

(1) Meet the conservation officer at the time of inspection to provide access to all enclosures where animals possessed under a license issued under this section are housed.

(2) Provide access to all records relative to the license issued under this section.

(r) While conducting an inspection, the conservation officer must comply with the following:

(1) Upon request of the license holder or the license holder's designee and prior to entering the enclosure where animals are housed, follow appropriate sanitation practices to prevent the spread of disease if the license holder provides sanitation supplies or protective equipment.

(2) Give due consideration to the safety and welfare of the animals.

(3) Notify the license holder if the inspection reveals a violation of this section or IC 14-22-20. The conservation officer may make a second inspection after no sooner than fifteen (15) days after the reported violations unless critical conditions exist as determined at the reasonable discretion of the conservation officer. The wild animals may be confiscated if the license holder fails to correct the violations of the license requirements.

(s) 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; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Apr 8, 2010, 1:49 p.m.: 20100505-IR-312090486FRA; filed Dec 10, 2010, 10:36 a.m.: 20110105-IR-312100104FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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 a person who performs taxidermy services on a wild animal for another person.

(b) A person shall apply for a taxidermist license on a departmental form.

(c) A person issued a license under this section 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

(B) dates of receipt and delivery; and

(2) be retained at the premises of the person issued the license 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 issued a license under this section shall not accept delivery of a carcass or any part or portion of a wild animal unless the carcass, part, or portion of a wild animal is tagged with the following information:

(1) The name and address of the person making delivery.

(2) The species of animal.

(3) The

date, manner, and

location, including the county and state or country (if taken outside the United States), where the animal was obtained.

(e) A person issued a license under this section shall not remove the tag described in subsection (d) from the carcass, part, or portion of a wild animal except during active taxidermy operations.

(f) A person issued a license under this section may sell a lawfully acquired and mounted specimen of wild animal, where the:

(1) tag is affixed; and

(2) sale is immediately recorded in a log book.

(g) A person issued a license under this section 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 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

(2) storage or work area;

of a person issued a license under this section 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 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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-10-6 Scientific purposes licenses

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

Affected: IC 4-21.5; IC 14-22-22-2; IC 20-19-2-8; IC 20-19-2-10; IC 20-20-2-2

Sec. 6. (a) An individual shall apply for a scientific purposes license on a departmental form and include the following information:

(1) The purpose for taking wild animals.

(2) The species of wild animal and the number of the species to be taken.

(3) The location from which wild animals are to be taken.

(4) The method of taking wild animals.

(5) The intent to administer any:

(A) drug;
(B) vaccine;
(C) steroid;
(D) microorganism; or
(E) other chemical;

to the wild animal taken.

(6) The intended treatment of the wild animal taken, including the use of bacterial or other markers and any proposed genetic modification.

(7) The disposition of the wild animal taken or nest or egg of a wild bird taken.

(8) For a new applicant, the signatures of two (2) scientists that have a degree in the biological sciences attesting to the character, academic and scientific accomplishments, and fitness of the applicant. An applicant currently pursuing a bachelor's degree must obtain the signature of a faculty biologist for that taxonomic group.

(b) A license issued under this section is subject to the specifications set forth in the application and to terms, conditions, and restrictions on the license. The director may condition the license according to any of the following:

(1) The species of wild animal and number of the species that may be taken.

(2) The location and method of taking wild animals.

(3) The time and seasons for taking wild animals.

(4) The location from which wild animals may be taken.

(5) The use and disposition of the wild animal or nest or egg of a wild bird held, treated, or taken under this rule.

(6) The applicant receiving and possessing a valid license from the United States Fish and Wildlife Service under 50 CFR 17.22, 50 CFR 17.32, 50 CFR 21.22, 50 CFR 21.23, and 50 CFR 21.27 for any of the following:

(A) A migratory bird.
(B) The nest or egg of a migratory bird.
(C) A federally endangered or threatened species of wild animal.

(c) The license holder under this section must carry the license and any amendments to the license when conducting any activity authorized by the license.

(d) The director may amend the conditions of a license issued under this section at any time upon written notification to the license holder. A notice under this subsection is subject to IC 4-21.5.

(e) The director may issue a license under this section only to a properly accredited individual who will take the wild animal or nest or egg of a wild bird for a scientific purpose, including scientific education. A properly accredited individual is one who meets at least one (1) of the following requirements:

(1) Holds a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.

(2) Be currently pursuing a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.

(3) Hold a federal permit for the purpose indicated in the application.

(4) Be requested by an accredited educational or scientific institution to perform this activity for the institution. The institution must present a valid and compelling need for the applicant to perform the activity covered by this license for the institution.

(5) Be sponsored by the department to perform the activity for the protection and regulation of wild animal populations.

(f) An applicant must be affiliated with one (1) of the following:

(1) One (1) of the following schools:

(A) A public school accredited under IC 20-19-2-8.
(B) A nonpublic school recognized under IC 20-19-2-10 and accredited under IC 20-19-2-8.
(C) A college or university.

(2) A federal, state, city, county, or similar government agency associated with a biological or scientific area of study or research.

(3) A nonprofit educational organization with an exemption from federal income tax under 26 U.S.C. 501(c)(3). The educational organization must be associated with a biological or scientific area of study or research. The applicant must provide written documentation to the department certifying that tax exemption status has been achieved under 26 U.S.C. 501(c)(3).

(4) A scientific research organization, accredited museum, or institution of higher learning, consulting firms, individuals

working in cooperation with a college, university, or government agency, or private company under a contract for scientific or educational purposes.

(g) An individual possessing a license under this section must ensure compliance with monitoring, tagging, and reporting requirements for all extra-label drug use as required in 21 CFR 530, et seq. (1998). Documentation in the form of written approval from a licensed veterinarian or approval from a university animal care and use committee to use the drug or chemical for the purposes intended must be submitted to the department.

(h) An individual possessing a license under this section must not sell or transport for sale and offer to sell a wild animal or a part of a wild animal possessed under the authority of the license issued under this section. As used in this subsection, "sale" includes barter, purchase, or trade or the offer to sell, barter, purchase, or trade.

(i) A license issued under this section is not transferable. An individual may assist the license holder if the license holder is present and oversees the activities of the individual.

(j) The license holder must obtain permission from the landowner or public land property manager to conduct an activity authorized by a license issued under this section. For an activity to be conducted on lands owned or operated by a federal, state, or local agency, the license holder must also comply with the conditions imposed by the property manager or the designee of the property manager.

(k) A license issued under this section expires on December 31 of the year the license is issued. A report of the collection must be supplied within sixty (60) days after the expiration of the license and contain the following information:

(1) Any species of wild animal taken.

(2) The date on which a wild animal or nest or egg of a wild bird was taken.

(3) A description of the location of the site of capture.

(4) The number of each species taken.

(5) The treatments and markings, if any, of any wild animal taken.

(6) The disposition of any wild animal or nest or egg of a wild bird taken.

The department shall not renew a license unless a properly completed report is received in a timely fashion.

(l) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder:

(1) fails to comply with:

(A) a provision of a license issued under this section; or

(B) IC 14-22-22-2;

(2) provides false information on the license application and report;

(3) fails to establish that the taking or release of a wild animal would not threaten the welfare of the wild animal population or the people; or

(4) collects or releases a specimen that is likely to threaten the welfare of the:

(A) wild animal population; or

(B) people.

(Natural Resources Commission; 312 IAC 9-10-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2729; filed Nov 15, 2002, 3:42 p.m.: 26 IR 1069; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Mar 4, 2008, 12:31 p.m.: 20080402-IR-312070486FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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 person may be issued a field trial permit only for a trial approved by a sanctioning national or regional hunting dog association that is approved by the division.

(b) A person must apply for a field trial permit on a completed departmental form received by the division at least ten (10) business 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; and

(2) presented to a conservation officer upon request.
(d) During a field trial, each participant shall carry a card approved by the responsible official that specifies the following:
(1) The number of the field trial permit.
(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; errata filed Aug 9, 2006, 12:00 p.m.: 20060906-IR-312060009ACA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-8 Fish stocking permits
Authority: IC 14-22-2-6
Affected: IC 14-22

Sec. 8. (a) A person must not stock fish unless a permit is obtained from the division under this section.
(b) An application for a fish stocking permit shall include the following information:
(1) The species and number of fish to be stocked.
(2) The location of the waters to be stocked.
(3) The reasons for the stocking.
(4) The date of the proposed stocking.
(5) The source of the fish to be stocked.
(Natural Resources Commission; 312 IAC 9-10-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-10-9 Wild animal rehabilitation permit
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22

Sec. 9. (a) This section governs a permit to possess a wild animal for rehabilitation. The permit is:
(1) required to temporarily possess any wild animal that is:
(A) a mammal;
(B) a bird;
(C) a reptile; or
(D) an amphibian;
for rehabilitation purposes; and
(2) available only to an individual who is a resident of Indiana.
(b) An individual may, without a permit, take possession of a sick, injured, or orphaned wild animal and transport it to an individual with a valid permit under this section within twenty-four (24) hours.
(c) An application for a permit under this section shall be completed on a departmental form and must provide the following:
(1) The applicant has one (1) year of experience with one (1) of the following types of facilities that works with the species to be rehabilitated:
(A) A licensed veterinarian who has a wild animal rehabilitation permit.
(B) A zoological park.
(C) A university animal clinic.
(D) A licensed wild animal rehabilitator who has had a permit for at least three (3) years.
Documentation of the experience with a licensed veterinarian, university animal clinic, zoological park, or licensed wild animal rehabilitator must be submitted with the application.

(2) The name and address of a veterinarian willing to assist the applicant with the rehabilitation of wild animals. The veterinarian shall sign the application and attest to having experience in the care of the species of wild animals to be rehabilitated. If the applicant is a veterinarian, the signature of another veterinarian is not required.

(3) A listing of the wildlife rehabilitation reference books in possession of the applicant. The individual must have at least one (1) reference book that:

(A) includes information pertaining to each species listed on the application form; and

(B) is on the list approved by the department.

(4) The names, addresses, and telephone numbers of any other individuals who will assist the applicant.

(5) The species or type of animals that will be accepted for rehabilitation.

(6) A description of the rehabilitation facilities, equipment, and supplies. The description shall include the following:

(A) Cages.

(B) Intensive care units.

(C) Aviaries.

(D) Medical supplies.

(E) Other items to be utilized in the rehabilitation process.

A cage description shall provide its internal dimensions and shall specify the materials used for flooring, walls, and perches.

(7) The applicant is at least eighteen (18) years of age.

(d) Before a permit may be issued, the applicant must correctly answer at least eighty percent (80%) of the questions on a written examination supervised and administered by the department covering basic biology, care of wild animals, and the laws relating to wild animal rehabilitation as follows:

(1) An individual who fails to correctly answer at least eighty percent (80%) of the questions on the examination may retake the examination not more than two (2) additional times within ninety (90) days, but not again within one hundred eighty (180) days after the third failure.

(2) Exempted from this subsection is an individual who has had a permit under this section for ten (10) years and taken in at least twelve (12) wild animals each year for rehabilitation.

(e) A permit holder must, every three (3) years after being issued a permit, either:

(1) satisfy the same requirements as are set forth in subsection (d) on another examination; or

(2) complete eight (8) hours of continuing education as approved by the division, including courses that will be sponsored by the department, National Wildlife Rehabilitator's Association, or International Wildlife Rehabilitation Council.

A permit holder who is exempt under subsection (d)(2) is also exempt from the requirements under this subsection.

(f) A conservation officer must inspect the cages and any other enclosures where wild animals will be housed before a permit may be issued to a new applicant. A conservation officer may inspect the enclosures, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

(g) An amended application or written request must be filed with the division if there is a change to the address of the applicant, the name of the assisting veterinarian, the identity of assistants, or the addition of species of wild animals that was provided in the original application.

(h) The permit holder must file an application by January 31 of each year in order to renew the permit. The annual report required under subsection (m) must accompany the renewal application. The signature of a veterinarian is not required for a renewal application.

(i) The issuance of a permit under this section does not relieve an individual from any requirement for a federal permit. If the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail.

(j) Public exhibition or display of any wild animal possessed pursuant to a permit issued under this section is prohibited. Only assistants and other individuals dropping off an animal for rehabilitation at the permit holder's facility may view or have contact with the wild animal unless specifically authorized in writing by the department. Electronic viewing and photographs are allowed.

(k) A permit holder must maintain facilities for the retention of a wild animal possessed under this section in a sanitary condition as follows and conform with any other conditions specified by the permit:

(1) Cages must be cleaned daily using nonirritating methods unless medical treatment necessitates otherwise.

(2) The permit holder and any assistants listed on the permit must observe and provide care for wild animals at least once daily unless otherwise specified by the permit.

(3) Wild animals must be kept in enclosures and in an environment that minimizes human contact at all times to prevent

imprinting and bonding to humans. The permit holder or designated assistants should interact with the wild animal only to the extent necessary to provide adequate care and treatment.

(4) Wild animals must not be allowed to come into contact with any individuals other than:

(A) a permit holder;

(B) an assistant listed on a rehabilitation permit;

(C) a licensed veterinarian;

(D) an animal control officer;

(E) a law enforcement officer; or

(F) an authorized department employee.

(5) Wild animals must not be housed in a cage that would allow physical contact of the animals undergoing rehabilitation with domestic or companion animals or animals kept under any other license or permit unless authorized in writing by the department.

(6) If suspected of having an infectious disease, wild animals must be quarantined in areas designated for that purpose.

(7) Wild animals must be kept separated from human living quarters and activities unless intensive care is required, but unweaned wild animals may be housed in human living quarters that are away from human activities.

(8) Wild animals must be housed in enclosures that:

(A) are structurally sound;

(B) are of sufficient strength for the species involved;

(C) are maintained in good repair to prevent escape or injury to wild animals being rehabilitated;

(D) are constructed to allow sufficient space for individual posture and social movements, unless medical treatment necessitates restricted mobility;

(E) are secured when unattended;

(F) have protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the animal's health;

(G) have ambient temperatures that are appropriate for the species located within the enclosure;

(H) have adequate ventilation by means of:

(i) windows;

(ii) doors;

(iii) vents;

(iv) fans; or

(v) air conditioning;

to protect wild animal health and to minimize drafts, odors, and condensation;

(I) maintain adequate lighting by artificial or natural means that is cycled for appropriate photoperiod, if necessary for the species in possession; and

(J) provide adequate shade, weatherproof shelters, nest boxes, perches, and dens to protect wild animals from inclement weather and direct sun if kept outdoors.

(9) No exposed sharp objects, ponds with steeply sloped banks, toxic paints or sealants, or poisonous vegetation may be used in the construction of enclosures.

(10) Enclosures shall have either visual barriers or be separated by distance to restrict a wild animal's view of humans and other species being rehabilitated to reduce inappropriate imprinting, socialization, habituation, or stress, unless a view of humans and other wild animals will not affect the animal's ability to survive in the wild.

(11) Wild animals must be fed as follows:

(A) Appropriately and adequately to meet nutritional needs unless medical treatment necessitates restricted food intake.

(B) With food that is palatable, free of contamination, and of sufficient quantity and nutritive value for the species involved, including the use of supplemental vitamins and minerals when necessary for recovery.

(C) With food receptacles that are appropriately sized, easily accessible, and kept sanitary and safe.

(12) Wild animals must be given water as follows:

(A) Fresh clean water for drinking shall be provided throughout the day unless medical treatment necessitates restricted water intake.

(B) Additional water shall be provided for species requiring bathing, swimming, or misting unless medical treatment

necessitates restricted water exposure.

(C) With water receptacles that are appropriately sized, easily accessible, kept sanitary as much as possible, and safe.

(13) Removal and disposal of wild animal food wastes, feces and urine, and bedding from the enclosure and premises shall be performed daily to maintain sanitary conditions and protect wild animal and human health. Trash, garbage, debris, and carcasses must be removed from the enclosure as soon as they are observed and appropriately disposed of.

(14) Cages, rooms, hard surfaced pens, kennels, runs, equipment, and food and water receptacles shall be sanitized between each adult wild animal use and between litters to prevent disease transmission.

(l) A permit holder must maintain current records for each wild animal to include the following:

(1) The species and condition of the animal.

(2) The name, address, and telephone number of the donor or other source of the animal.

(3) The date of receipt by the permit holder.

(4) The treatment provided to the animal while in captivity, including the identification of and date of administration of any pharmaceutical product or other chemical to a mammal or reptile.

(5) The method and date of disposition of the wild animal.

All records must be maintained at the facility of the permit holder for a minimum of three (3) years.

(m) The permit holder shall provide a signed annual report to the division by January 31 of each year. The report shall list the following:

(1) The species and condition of each animal.

(2) The date the animal was received.

(3) The name and county of the donor or other source.

(4) The method, location, and date of disposition of the animal.

The report may be a computerized record signed by the permit holder under oath or affirmation to be a true and accurate account of all wild animals taken in for rehabilitation during that year or on a form provided by the department and must be maintained at the facility of the permit holder for a minimum of three (3) years.

(n) As soon as a wild animal is capable of fending for itself, the animal must be released into the wild as follows:

(1) The wild animal must be released on land only with permission of the landowner.

(2) Mammals must be tagged or marked as directed by the department if given a pharmaceutical product or other chemical for the purpose of tranquilizing or anesthetizing the mammal unless the product administered is labeled as safe for human consumption and the mammal is released after the clearance period.

(3) A bird must be released in the county from which it was originally found except:

(A) a bird that is being released outside the breeding season for that species;

(B) a bird that has been in a rehabilitation facility for ninety (90) calendar days or more;

(C) a bird that is not in the order Anserifomes, Charadriiformes, Columbiformes, Falconiformes, Galliformes, Gruiformes, or Strigiformes; or

(D) a bird that is a juvenile;

may be released in an appropriate habitat in any county that is within that species' normal range in Indiana.

(4) A reptile or amphibian must be released at the site where found, unless the origin is unknown. If the origin is unknown, the reptile or amphibian may be released in an appropriate habitat in the permit holder's county of residence.

(5) For mammals, the following apply:

(A) A mammal must be released in the county from which it was originally found or obtained, unless the origin is unknown or the mammal is a juvenile.

(B) If the mammal's origin is unknown, the mammal may be released in an appropriate habitat in the permit holder's county of residence.

(C) If the mammal is a juvenile and was housed together with other animals of the same species, the group may be released in appropriate habitat in a county where at least one (1) member of the group originated.

(D) In addition to the requirements in subdivisions (1) and (2) and clauses (A) through (C), raccoons, Virginia opossums, striped skunks, coyotes, and foxes must be released only as follows or be euthanized:

(i) The release site must consist of at least two (2) contiguous acres.

(ii) Not more than eight (8) animals per species may be released per two (2) acres of any site per calendar year.

(E) In addition to the requirements in subdivisions (1) and (2) and clauses (A) through (C), white-tailed deer must be

released only as follows or be euthanized:

(i) The release site must consist of at least five (5) contiguous acres.

(ii) The release site must be outside city limits.

(iii) Not more than ten (10) white-tailed deer may be released per site per calendar year.

(o) A permit holder may keep a nonreleasable wild animal, other than a white-tailed deer, only if approved by the division of fish and wildlife as follows:

(1) For educational purposes under a special purpose educational permit under section 9.5 of this rule as follows:

(A) For mammals other than white-tailed deer, as follows:

(i) A wild animal possession permit must be obtained under 312 IAC 9-11.

(ii) Not more than three (3) mammals per species and six (6) mammals total may be possessed if twelve (12) or fewer total mammal programs are presented to the public each calendar year.

(iii) Not more than five (5) mammals per species and not more than twenty (20) mammals total may be possessed if thirteen (13) or more total mammal programs are presented to the public each calendar year.

(iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

(B) For birds, as follows:

(i) A special purpose educational permit must be obtained under section 9.5 of this rule.

(ii) Not more than three (3) birds per species may be possessed and six (6) birds total if twelve (12) or fewer programs with each bird are presented to the public each calendar year.

(iii) Not more than five (5) birds per species may be possessed and not more than twenty (20) birds total if thirteen (13) or more bird programs with each bird are presented to the public each calendar year.

(iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

(C) For reptiles, as follows:

(i) A turtle possession permit must be obtained under 312 IAC 9-5-11 to possess an eastern box turtle, and a wild animal possession permit must be obtained under 312 IAC 9-11 to possess an endangered species of reptile.

(ii) Not more than three (3) reptiles per species and six (6) reptiles total may be possessed if twelve (12) or fewer total reptile programs are presented to the public each calendar year.

(iii) Not more than four (4) reptiles per species and not more than twenty (20) reptiles total may be possessed if thirteen (13) or more total reptile programs are presented to the public each calendar year.

(iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

(2) For fostering other wild animals only if five (5) mammals or birds of the same species have been reported in at least the two (2) previous years.

(3) Wild animals that have been used in educational programs or as foster parents and are no longer capable of being used in that capacity due to age or health may be kept with written permission from the division of fish and wildlife.

(4) Wild animals possessed lawfully prior to July 1, 2010, are exempt from the requirements in this subsection.

(5) Nonreleasable wild animals may be transferred:

(A) to an individual with a permit under this section;

(B) to an individual with a special purpose educational permit under section 9.5 of this rule;

(C) if the wild animal is a raptor, to an individual with a falconry license under section 13.1 of this rule that has had a permit for at least three (3) consecutive years;

(D) if a migratory bird, to an individual with a permit or authorization from the United States Fish and Wildlife Service to possess the bird; or

(E) to a zoo accredited by the Association of Zoos and Aquariums and licensed or registered with the United States Department of Agriculture;

for use in fostering or educational programs in accordance with this subsection.

(6) A determination that a wild animal is nonreleasable must be based upon a licensed veterinarian's examination and statement.

(7) As used in this subsection, "nonreleasable" means a wild animal that:

(A) cannot obtain food on its own in the wild;

(B) does not exhibit locomotive skills necessary for that species to survive;
(C) does not possess adequate vision to find or catch, or both, food and maneuver in a normal manner; or
(D) cannot otherwise fend for itself without medical care due to disease or extensive injuries.

(p) An individual who does not hold a permit under this section but is listed as an assistant on a permit issued under this section may assist a permit holder, but only if the permit holder supervises the individual as follows:

(1) An assistant must be at least sixteen (16) years of age to provide assistance at the permit holder's facility.
(2) An assistant under eighteen (18) years of age must be under the direct and on-site supervision of the permit holder.
(3) An assistant of eighteen (18) years of age or older may provide assistance at the permit holder's facility or as follows:
(A) With written authorization, an assistant listed on the permit may possess a wild animal under this section at a location not authorized on the permit for not more than thirty (30) consecutive days unless authorized by the department.
(B) The permit holder maintains responsibility for the care of the wild animal.
(C) The permit holder provides supervision with written instructions and is available for phone contact with the assistant at all times.
(D) The facilities of the assistant meet the same facility standards as the permit holder.
(E) The wild animal possessed by an assistant is returned to the permit holder at the time of weaning or release, whichever comes first.

(q) A permit holder may possess a wild animal for rehabilitation under this section for one hundred eighty (180) days except as follows:

(1) Exceptions may be approved by the department, but additional time will not be authorized for the sole purpose of releasing the wild animal outside the hunting season for that species.
(2) Migratory birds may only be possessed in accordance with the permit holder's federal migratory bird permit.
(3) Turtles with shell fractures may be possessed for up to two (2) years if housed separately from all other turtles.

(r) All white-tailed deer that are taken in for rehabilitation and determined to be nonreleasable must be euthanized.

(s) A mammal, nonmigratory bird, reptile, or amphibian taken in for rehabilitation that is:

(1) diseased;
(2) severely injured, unless determined by a licensed veterinarian to be treatable and released within one hundred eighty (180) days from the date obtained by the licensed rehabilitator; or
(3) a turtle with a shell fracture unless determined by a licensed veterinarian to be treatable and released within two (2) years;

must be euthanized.

(t) Euthanasia must be carried out with the:

(1) safest;
(2) quickest; and
(3) most painless;

available method as recommended and approved by the division of fish and wildlife.

(u) Carcasses of wild animals that are euthanized or otherwise die while in the care of a permit holder must be:

(1) buried;
(2) incinerated on private property with prior permission of the landowner;
(3) given to a veterinarian or landfill for proper disposal;
(4) put in the trash if double-bagged;
(5) if euthanized with chemicals, disposed of only according to the chemical label;
(6) kept for educational purposes only if the permit holder also has a special purpose salvage permit issued under section 13.5 of this rule;
(7) donated to a properly licensed university or other educational or scientific institution that has a special purpose salvage permit issued under section 13.5 of this rule; or
(8) donated to a person with a permit from the United States Fish and Wildlife Service for Native American religious purposes.

(v) A permit holder must not:

(1) commercially advertise rehabilitation services or solicit for rehabilitation a wild animal that is subject to this section;
(2) have a wild animal spayed or neutered or in any way have its reproductive function altered; or
(3) mark or tag the wild animals in any way, such as with a collar or ear tag, except as required in subsection (n)(2) or in writing from the department.

(w) A permit holder must notify the department within twenty-four (24) hours of acquiring an endangered species or a bald or golden eagle, whether live or dead, and the location and date of acquisition.

(x) A permit holder must notify the department within twenty-four (24) hours if the permit holder has reason to believe that a wild animal has been subjected to criminal activity.

(y) Wild animals, including their carcasses and parts, possessed under this section must not be sold, bartered, or transferred to another individual or to a permit holder's game breeder license except:

(1) for carcasses and parts, as authorized in subsection (u);

(2) for a live wild animal that is in need of continued rehabilitation, the wild animal may be transferred to another individual:

(A) with a permit under this section; or

(B) if a raptor, to an individual with a falconry license under section 13.1 of this rule; or

(3) for nonreleasable wild animals, as authorized in subsection (o).

(z) A copy of the permit issued under this section must be possessed by the permit holder when transporting a wild animal possessed under this section to another location and be available and on-site when possessing and caring for wild animals authorized under this section.

(aa) 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 permit issued under this section.

(2) This article or IC 14-22.

(Natural Resources Commission; 312 IAC 9-10-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 9, 2011, 10:30 a.m.: 20110309-IR-312100418FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Sep 23, 2015, 9:57 a.m.: 20151021-IR-312140477FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-10-9.5 Special purpose educational permit

Authority: IC 14-22-2-6; IC 14-22-11-12
Affected: IC 4-21.5; IC 14-22

Sec. 9.5. (a) This section governs a special purpose educational permit. The permit is required for a person who conducts an educational display or lecture using a live wild animal that is a mammal, bird, reptile, or amphibian protected under this article. Exempted from this section are reptiles and amphibians, lawfully collected and possessed under 312 IAC 9-5-6. The permit is available only to a person who is at least one (1) of the following:

(1) A licensed rehabilitator.

(2) A licensed falconer.

(3) A wild animal possession permit holder.

(4) A special purpose turtle possession permit holder.

(5) An educational institution such as a corporation or organization whose primary function is conservation education.

(6) A nonprofit organization.

(7) A person who is employed or sponsored by an educational institution or a nonprofit organization.

(8) A person with a special purpose possession permit from the United States Fish and Wildlife Service for a nonreleasable migratory bird.

(b) This section does not apply to any zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) An application must be made on a departmental form providing the following:

(1) Documentation, in the form of a copy of a valid license, permit, receipt, or rehabilitation report showing that the wild animal was lawfully acquired.

(2) If the animal was obtained under a rehabilitation permit, that the animal is permanently injured and nonreleasable.

(3) An outline of the educational program that includes an explanation of the legal acquisition of the wild animal. A permit shall not be issued unless the proposed education program meets the following criteria:

(A) Promotes the survival and role of wild animals in their natural habitat.

(B) Promotes an understanding of the ecological needs of wild populations of the species.

(C) Does not promote or encourage opposition to the scientific management of wildlife, including the regulated taking of wild animals in a manner consistent with state or federal law.

(d) A person possessing a wild animal under this section shall handle, house, and transport the wild animal in a manner that:

(1) is safe;

(2) is sanitary;

(3) is humane; and

(4) prevents the escape of the animal.

(e) A person possessing a wild animal under this section that was obtained under a rehabilitation permit must not:

(1) display that wild animal as part of or to promote a commercial venture or in a manner that might cause a member of the public to reasonably confuse the display with a commercial venture; or

(2) use that wild animal for commercial or for-profit purposes or to draw attendance to or promote a commercial undertaking or activity, such as a convention, sports show, or similar activity.

(f) A person possessing a wild animal under this section must not place the wild animal in physical contact with the public unless the wild animal is a species of reptile that is neither venomous nor endangered.

(g) A person shall not possess a migratory bird under this section unless the U.S. Fish and Wildlife Services also issues a special purpose possession permit. If the terms of the federal permit and the permit under this section differ, the more restrictive terms govern.

(h) A person possessing a wild animal under this section must not maintain or display a wild animal in a manner that does any of the following:

(1) Poses a hazard to public safety.

(2) Poses a hazard to property of a person other than the permit holder.

(3) Harms the health of the wild animal.

(4) Violates this article or the permit issued under this section.

(i) The permit issued under this section must be carried and displayed when conducting any authorized activities.

(j) A person possessing a valid permit under this section must file an application and annual report by February 1 of each year in order to renew the permit. The annual report must contain the following:

(1) The numbers and species of wild animals used.

(2) The location of each program.

(3) The date of each program.

(4) The name of the group to whom the program was given.

(k) A person possessing a permit under this section shall maintain a copy of the records relative to this permit for at least two (2) years after the expiration date of the permit.

(l) A permit issued under this section may be suspended, denied, or revoked under IC 4-21.5 if the person possessing the permit does any of the following:

(1) Fails to comply with a provision of a permit issued under this section.

(2) Possesses the wild animal in a manner that constitutes maltreatment or neglect of the animal.

(3) Violates any applicable state, local, or federal law.

(m) A conservation officer may, at any reasonable time, inspect the records and wild animals possessed by a person issued a permit under this section. *(Natural Resources Commission; 312 IAC 9-10-9.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 551; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-10 Hunting permit for persons with disabilities

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

Affected: IC 14-22

Sec. 10. (a) The division of fish and wildlife may issue a permit under this section to an individual with a disability to take a wild animal, if the disability would otherwise make the taking of a wild animal by the individual difficult or impossible.

(b) An individual must apply for a permit on a completed and signed departmental form that includes a statement of disability completed by a licensed physician or nurse practitioner.

(c) Except as otherwise provided in this subdivision, no renewal application is required unless the disability is temporary as indicated by a licensed physician or nurse practitioner. A permit issued to an individual with a temporary disability is effective from the date of issuance through the last day of the spring wild turkey hunting season established under 312 IAC 9-4-11.

(d) The division may issue a permit under this section that authorizes an individual to hunt wild animals from a stationary motor driven conveyance subject to the following restrictions:

(1) The permit holder must:

(A) abide by all other hunting laws;

(B) possess a valid hunting license and the permit issued under this section; and

(C) obtain in advance the permission of the manager of public property (local, state, or federal) to gain vehicular access to lands or roads that are otherwise closed to vehicular traffic.

(2) The permit holder must display a windshield identification placard supplied by the division of fish and wildlife while hunting from a vehicle. The placard must be displayed in such a way as to be visible from at least fifty (50) feet.

(e) An individual may be designated to assist an individual issued a permit under this section in the retrieval of wild game harvested by the permit holder.

(f) The division may waive other provisions of this article for an individual issued a permit under this section. *(Natural Resources Commission; 312 IAC 9-10-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2731; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 552; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-11 Nuisance wild animal control permit

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

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.

If it is a black bear, there must be a known (confirmed), immediate safety risk to persons or domestic animals. The method and dates of control and disposition of the animal shall be set forth in the permit.

(b) A live wild animal taken under this section shall not be:

(1) possessed for more than forty-eight (48) hours;

(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 and every four (4) years thereafter, either:

(A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or

(B) complete sixteen (16) 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) An application for a nuisance wild animal control permit must be completed on a departmental form and filed with the division of fish and wildlife.

(f) An individual who does not hold a permit under subsection (d) may assist a permittee, but only if the permittee directly supervises or coordinates the activities of the unpermitted person. A copy of the permit must be on the person when conducting any authorized activities.

(g) A captive animal must be properly handled in an expeditious manner to prevent unnecessary physical injury.

(h) The following methods may be used to take a wild animal under this section:

(1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.

(2) Steel and live traps, except as follows:

(A) A foothold trap that possesses saw-toothed or spiked jaws.

(B) A foothold trap that:

(i) has the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) greater than or equal to five and three-quarters (5 3/4) inches and the inside width between the trap's hinge posts (Figure 2) greater than or equal to five and three-quarters (5 3/4) inches unless the jaws of the trap have at least a one-eighth (1/8) inch offset (Figure 3), the gap of the offset is filled with securely attached rubber pads, or the trap is completely covered by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5); and

(ii) has an inside jaw spread perpendicular to the trap's baseplate greater than six and one-half (6 1/2) inches and the inside width between the trap's hinge posts greater than six and one-half (6 1/2) inches and set on land.

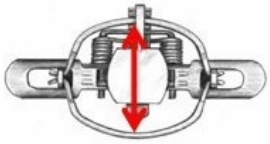

Figure 1
Widest inside jaw spread perpendicular to the trap's baseplate

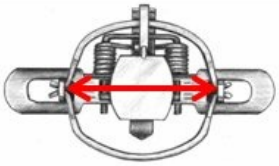

Figure 2
Inside distance between the trap's hinge posts.

Figure 3

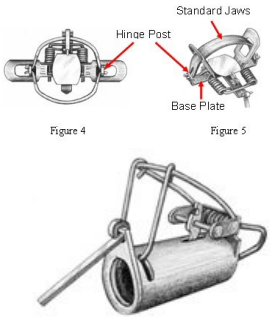

Figure 6

(C) A Conibear™, Dahlgren™, Bigelow™, or similar body-gripping trap that has the widest vertical inside jaw spread measured at the horizontal center of the trap's jaws and the widest horizontal inside jaw spread measured at the vertical center of the trap's jaws is larger than eight (8) inches unless the trap is completely covered by water.

(D) As used in this subsection, "offset jaws" means the jaws of a leg-hold trap in which the holding area of the jaws is separated by a gap or offset (specified measurement) when the trap is closed (not in the set position). The gap or offset must extend at least eighty percent (80%) of the holding area of the trap's jaws.

(3) Snares with a circumference not 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).

(4) Any other methods specified by the permit.

(i) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

(j) 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 with prior consent from the landowner or landowner's agent;

(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

(B) landowner's agent;

before an animal is released on any property.

(4) Notwithstanding subdivision (1), an attempt must be made to first capture and relocate an endangered species into the appropriate habitat. If not feasible or possible, then an endangered species may be euthanized only with written authorization by the division of fish and wildlife.

(5) The carcass of a bear taken under this permit must be given to the department within seven (7) business days of taking the bear.

(6) A permit holder must notify the division of fish and wildlife within twenty-four (24) hours of the taking of more than five (5) individual bats from any one (1) site/structure from June 1 through July 31.

(k) 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.
(5) The name and address of the landowner where each animal was released (if applicable).
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.

(l) A permittee must file an application by January 31 of each year in order to renew a permit. The annual report required under subsection (m) must accompany the renewal application.

(m) The permit holder shall provide an annual report to the division by January 31 of each year. The report shall list the following:
(1) The:
(A) number; and
(B) species;
of animals taken.
(2) The county where the animal was captured.
(3) The method of disposition.
(4) The name and address of the landowner, including county, where each animal was released (if applicable).

(n) 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.
(B) This article.
(C) A term of the permit.
(2) Provides false information to obtain a permit under this section.
(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.

(o) No permit shall be issued under this section:
(1) for the control of a migratory bird, except a mute swan; or
(2) if granting the permit would violate a federal law.

(p) Except as authorized in subsection (q), the hide, carcass, or other part or portion of a wild animal taken under this section shall not be:
(1) sold;
(2) traded;
(3) bartered; or
(4) gifted, except if gifted with no compensation of any kind to:
(A) an accredited scientific or educational institution with a special purpose salvage permit issued under section 13.5 of this rule; or
(B) the department;
if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(q) The meat of a wild animal taken under this section may be retained or gifted to another person for personal consumption if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(r) A permit holder must obtain permission from the landowner or tenant prior to setting a trap, snare, or other device or capturing a wild animal on that landowner or tenant's property.

(s) A conservation officer may inspect the equipment, wild animals, and any records relative to a permit issued under this section at any reasonable hour. *(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; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.:*

20081210-IR-312080672RFA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Sep 23, 2015, 9:57 a.m.: 20151021-IR-312140477FRA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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) A fur buyer's license must be obtained under this section before a person engages in the business of buying furbearing mammals, river otters, badgers, and bobcats or the untanned hides, skins, or furs of furbearing mammals, river otters, badgers, and bobcats in Indiana.

(c) A person shall make application for a license under this section on a departmental form.

(d) Except as otherwise provided in this subsection, a licensed fur buyer may possess the carcasses and untanned hides of:

(1) furbearing mammals;

(2) river otters;

(3) badgers; and

(4) bobcats;

that are lawfully taken until June 30 of the year the license expires.

(e) A licensed fur buyer must do the following:

(1) Not possess the carcass or untanned hide or any part of a bobcat or badger unless the carcass, untanned hide, or part was lawfully acquired outside Indiana.

(2) Document the date and method of lawful acquisition of each untanned hide or carcass of a bobcat and badger by obtaining 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.

(3) Record the date and method of lawful acquisition of each untanned hide or carcass of a wild animal other than a bobcat and badger.

(f) A licensed fur buyer may possess a carcass or untanned hide after June 30 of the year the license expires upon the submission of a signed report to the department by June 30 identifying the species, number, and location of furs or carcasses kept.

(g) 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.

(h) A conservation officer may, at any reasonable time, inspect the records, hides, and carcasses of wild animals possessed by a licensed fur buyer. *(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Feb 26, 2015, 2:01 p.m.: 20150325-IR-312140341FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-13 Falconry licenses *(Repealed)*

Sec. 13. *(Repealed by Natural Resources Commission; filed Jul 5, 2011, 1:38 p.m.: 20110803-IR-312100667FRA)*

312 IAC 9-10-13.1 Falconry licenses

Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-23
Affected: IC 4-21.5; IC 14-22-31; IC 35-47-2

Sec. 13.1. (a) A license is required under this section for an individual to practice falconry.
(b) The following definitions apply throughout this section:
(1) "Abatement" means the use of a raptor to mitigate depredation and nuisance problems from other birds for the protection of human health and safety and domestic and wild animals.
(2) "Aerie" means the nest of a raptor on a cliff, mountaintop, or man-made building.
(3) "Bate" means to attempt to fly off of something while tethered.
(4) "Captive-bred" means raptors, including their eggs, hatched in captivity from parents that mated in captivity or otherwise transferred gametes in captivity.
(5) "Chamber-raised" means parent-reared for a minimum of ten (10) weeks.
(6) "Eyass" means a young raptor that is:
(A) still in the nest or aerie; and
(B) not capable of flying.
The term is also known as a nestling.
(7) "Giant hood" means any enclosure that affords protection and a suitable perching surface, be it a modified dog style carrier, cardboard box, custom plastic or wood constructed enclosure, including the enclosed areas of vehicles with perching set-ups such as those used by falcons.
(8) "Hack" means to temporarily release a raptor held for falconry to the wild so that it must survive on its own.
(9) "Hybrid" means an offspring of birds listed as two (2) or more distinct species in 50 CFR 10.13, or offspring of birds recognized by ornithological authorities as two (2) or more distinct species listed in 50 CFR 10.13.
(10) "Imping" means grafting a damaged feather with a molted feather onto a trained raptor to repair damage.
(11) "Imprinted" means a bird that is hand-raised, from two (2) weeks of age until it has fledged, and has identified itself with humans rather than its own species. An imprinted bird is considered to be so for its entire lifetime.
(12) "Leg band" means a permanent, nonreusable, numbered United States Fish and Wildlife Service band supplied by the department to be affixed to a raptor's leg.
(13) "Mew" means an indoor enclosure for housing a raptor.
(14) "Passage bird" means a wild raptor that is still in its immature plumage, with no presence of new adult tail or primary wing feathers.
(15) "Retrices" means the long, stiff, asymmetrically shaped, but symmetrically paired feathers on the tail of a bird.
(16) "Seamless metal band" means a numbered and seamless United States Fish and Wildlife Service band that is placed on the raptor's leg (metatarsus) to identify it as captive-bred.
(17) "Weathering area" means an outdoor enclosure for housing a raptor.
(18) "Wild raptor" means a raptor that was originally taken from the wild, regardless of how long it is held in captivity or transferred to another license holder or permit/license type.
(c) An application to practice falconry must be completed upon a signed departmental form.
(d) The department recognizes the following three (3) classes of falconry licenses:
(1) An apprentice class falconry license may be issued to an applicant as follows who:
(A) Is at least twelve (12) years of age.
(B) If under eighteen (18) years of age submits an application that is cosigned by a parent or legal guardian who is legally responsible for the applicant's activities.
(C) Submits with the application a document signed and dated by a holder of a valid general or master class license who is at least eighteen (18) years of age and has at least two (2) years of experience at the general falconer level who agrees

to sponsor and assist the applicant with the following:

(i) Learning about the husbandry and training of raptors held for falconry.

(ii) Learning about relevant wildlife laws and regulations.

(iii) Deciding what species of raptor is appropriate for the applicant to possess while an apprentice.

(D) Complies with subsection (j).

(E) Has raptor housing facilities that an Indiana conservation officer has inspected and found to meet the standards set forth in subsection (m).

(2) A general class falconry license may be issued to an applicant as follows who:

(A) Is at least sixteen (16) years of age.

(B) If under eighteen (18) years of age submits an application that is cosigned by a parent or legal guardian who is legally responsible for the applicant's activities.

(C) Submits with the application a signed and dated document from the applicant's apprentice class license sponsor stating that the applicant has practiced falconry with a wild raptor possessed under the applicant's apprentice class falconry license or equivalent for at least four (4) months of each of two (2) consecutive years. The falconry practice:

(i) shall include hunting with that raptor; and

(ii) may include the capture and release of falconry raptors.

(3) A master class falconry license may be issued to an applicant who has practiced falconry with raptors possessed by the applicant under a general class falconry license or equivalent for at least four (4) months of each of five (5) calendar years. The falconry practice shall include hunting with the applicant's raptors.

(e) If a sponsor identified under subsection (d)(1)(C) terminates sponsorship of an apprentice class license holder, the following:

(1) The sponsor shall provide the following:

(A) The apprentice class license holder with a signed and dated document stating the apprentice class license holder's falconry experience and the term of sponsorship that can be used by the apprentice class license holder to comply with subsection (d)(2)(C).

(B) The department with written notification within five (5) calendar days of the sponsorship termination.

(2) The apprentice class license holder shall submit a document to the department that is compliant with the requirements under subsection (d)(1)(C) identifying a new sponsor within thirty (30) calendar days of the termination.

(f) A lapsed falconry license may be reinstated as follows:

(1) An individual whose falconry license has lapsed for fewer than five (5) years may have the license reinstated at the level held previously if the applicant can establish the class of license previously held.

(2) An individual whose falconry license has lapsed for five (5) years or longer may have the license reinstated at the level held previously if the applicant:

(A) complies with subsection (j); and

(B) can prove the class of license held previously.

(3) A falconry license that has been suspended or revoked will not be reinstated under this subsection during the term of the suspension or revocation.

(g) An individual who has experience in falconry and has resided in the United States for at least sixty (60) days but not more than two (2) years may qualify for a falconry license appropriate to the individual's experience if the applicant:

(1) complies with subsection (j);

(2) has raptor housing facilities that an Indiana conservation officer has inspected and found to meet the standards set forth in subsection (m); and

(3) provides documentation of experience sufficient for the department to determine the class of falconry license, consistent with subsection (d), for which the applicant is qualified.

(h) If a license holder moves raptors possessed under this section outside the jurisdiction of the department, the license holder must notify the:

(1) department; and

(2) permitting authority in the license holder's new jurisdiction;

of the address change within thirty (30) days.

(i) If an individual holding a valid falconry license from another jurisdiction within the United States moves to Indiana bringing

raptors possessed under that license, the individual must within thirty (30) days:

(1) notify the department of the address change; and

(2) apply for a license under this section.

The individual may retain possession of raptors while applying for a license.

(j) Before a license may be issued under subsection (d)(1), (f)(2), or (g), the applicant must correctly answer at least eighty percent (80%) of the questions on a supervised examination covering:

(1) raptor biology;

(2) the care and handling of raptors; and

(3) federal and state laws relating to falconry.

An individual who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not for a third time within one hundred eighty (180) days after a second failure.

(k) A license under this section expires the last day of February of the third year following the year in which the license was issued.

(l) A license holder must comply with the following banding and reporting requirements:

(1) A leg band must be obtained from the department before a license holder attempts to acquire a raptor from the wild.

(2) A leg band must be attached to each raptor within ten (10) days of acquisition.

(3) Within ten (10) days of:

(A) acquiring a raptor;

(B) transferring a raptor to another license type or individual;

(C) banding or rebanding a raptor;

(D) microchipping a raptor;

(E) losing a raptor that has escaped into the wild and is not recovered within thirty (30) days;

(F) losing a raptor due to death or theft; or

(G) releasing a raptor;

a license holder shall enter the required information in the federal electronic database or submit a Form 3-186A to the department.

(4) A captive-bred raptor must be banded with a seamless metal band obtained from the United States Fish and Wildlife Service.

(5) In addition to the leg band required under subdivision (1) and the seamless metal band required under subdivision (4), a license holder may also purchase and implant an ISO (International Organization for Standardization) compliant (134.2 kHz) microchip in a raptor possessed under this section.

(6) If a seamless metal band is removed or lost, a license holder must report it and request a replacement band from the department within ten (10) days of removal or noting the loss of the band.

(7) If a leg band must be removed or is lost from a raptor in a license holder's possession, the license holder must report the loss of the band within five (5) days and must then do at least one (1) of the following:

(A) Request a leg band from the department and reband the raptor.

(B) Purchase and implant an ISO compliant (134.2 kHz) microchip in the raptor.

(8) A license holder or any other individual must not alter, deface, or counterfeit a leg band or seamless metal band.

(9) A license holder may remove the rear tab on a leg band and smooth any imperfect surface, if the integrity of the band and the numbering are not affected.

(10) If a license holder documents health problems or injury in a raptor caused by a leg band or seamless metal band, the license holder may request an exemption from the department for that raptor. If an exemption is approved by the department, the license holder must keep a copy of the exemption paperwork on his or her person when transporting or flying the raptor. If the raptor is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the license holder must replace the band with an ISO compliant microchip that will be supplied by the department. The department will not provide a microchip for a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless the license holder has demonstrated that a band causes an injury or a health problem for the raptor.

(11) A license holder may not band a raptor taken from the wild with a seamless metal band.

(m) A license holder shall provide housing facilities as follows:

(1) All facilities shall be inspected by an Indiana conservation officer and found to meet the standards in this subsection before

obtaining a bird for use in falconry.
(2) All facilities shall provide humane and healthful living conditions.
(3) The license holder may house compatible raptors together untethered.
(4) Each raptor must have access to a pan of clean water unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.
(5) Primary enclosures shall be mews or weathering areas or a combination of characteristics of both that provides the following:
(A) A suitable perch for each raptor with at least one (1) opening for sunlight.
(B) Protection for the raptor from the environment, predators, domestic animals, or other undue disturbance.
(C) An area large enough to allow the raptor to fly if not tethered or, if tethered, to fully extend its wings or bate without damaging its feathers or contacting other raptors.
(6) In addition to the requirements of subdivisions (1) through (5), the following are applicable to mews:
(A) Mews must be large enough to allow easy access for the care and feeding of the raptors.
(B) For raptors that are not tethered, walls of mews that are not solid must be protected on the inside. Suitable protective materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.
(C) Acceptable mews may include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.
(D) A raptor may be kept inside a license holder's place of residence if:
(i) a suitable perch is provided; and
(ii) the raptor is tethered except when being moved into or out of the location where it is kept.
The license holder is not required to modify windows or other openings of the residence.
(7) In addition to the requirements of subdivisions (1) through (5), the following are applicable to a weathering area:
(A) A weathering area must be totally enclosed and be made of:
(i) heavy gauge wire;
(ii) heavy-duty plastic mesh;
(iii) slats;
(iv) pipe;
(v) wood; or
(vi) another suitable material.
(B) A weathering area must be covered.
(C) A weathering area must:
(i) have at least one (1) covered perch for each raptor; and
(ii) be constructed of acceptable design to protect the raptor from predators, weather, domestic animals, or other undue disturbance.
(D) A weathering area must be large enough to ensure that the raptors cannot strike the enclosure when flying from the perch.
(E) New types of weathering areas or husbandry practices, or both, may be used if they satisfy the requirements above and are approved in writing by the department.
(8) A temporary housing facility must:
(A) be used for not more than one hundred twenty (120) consecutive calendar days;
(B) have a suitable perch; and
(C) protect the raptor from extreme temperatures, predators, domestic animals, wind, and excessive disturbances.
(9) The license holder may keep raptors outside in the open if they are under watch by the license holder or the license holder's designee in a weathering yard at a falconry meet or other location.
(10) The license holder's housing facilities may be located on property owned by another person only if the license holder submits a signed and dated statement confirming that the property owner agrees that the falconry facilities and raptors may be inspected by a conservation officer at any reasonable time of day without advance notice in the presence of the license holder or in the presence of the property owner, except the conservation officer may not enter the facilities or disturb the raptors unless the license holder is present.

(11) The license holder must inform the department within five (5) business days if the location of the housing facilities has changed.

(n) The license holder shall make:

(1) records;

(2) housing facilities;

(3) raptors; and

(4) equipment;

available for inspection by an Indiana conservation officer at any reasonable time without advance notice in the presence of the license holder. In the event of immediate concern for the welfare of the raptor, the department may conduct an inspection with a court order without the presence of a license holder.

(o) The license holder must have his or her falconry license, or legible copies, in immediate possession at all times if the license holder is not at the location of his or her primary housing facilities and is:

(1) trapping;

(2) transporting;

(3) working with; or

(4) flying;

the raptor.

(p) When:

(1) transporting a raptor;

(2) hunting with a raptor; or

(3) a raptor is away from the permanent facility where it is housed;

a license holder shall provide a suitable perch that is protected from extreme temperatures, wind, and excessive disturbance. A giant hood or similar enclosure is acceptable for transporting or housing a raptor when the raptor is away from its primary enclosure.

(q) A license holder must have the following equipment for each raptor:

(1) A pair of jesses of high quality leather or suitable synthetic material or the materials and equipment to make them. Traditional one (1) piece jesses may be used on a raptor when not being flown.

(2) A flexible, weather-resistant leash and a strong swivel of acceptable falconry design.

(3) An appropriate, reliable scale or balance graduated to increments of not more than one-half (1/2) ounce (fifteen (15) grams) for weighing a raptor.

(r) A license holder may allow an individual to temporarily care for a raptor possessed under this section as follows:

(1) The license holder shall provide the individual providing the care with the following:

(A) A copy of the Form 3-186A showing that the license holder is the possessor of each raptor.

(B) A signed and dated statement:

(i) authorizing the temporary possession of the raptor;

(ii) specifying the duration of the temporary possession; and

(iii) specifying what the caregiver is authorized to do with the raptor.

(2) If the caregiver holds a valid falconry license, the caregiver may do the following:

(A) Care for the raptor for a maximum one hundred twenty (120) consecutive days.

(B) Care for the raptor at the facilities of the license holder or the caregiver.

(C) Fly the raptor as authorized by the license holder if the caregiver holds the appropriate level falconry license.

(3) If the caregiver does not hold a valid falconry license, the caregiver may do the following:

(A) Care for the raptor for a maximum of forty-five (45) consecutive days.

(B) Care for the raptor only at the facilities of the license holder.

(C) Not fly the raptor for any reason.

(4) Notwithstanding subdivision (2)(A) or (3)(A), the department may approve indefinite extensions of temporary care in extenuating circumstances, including:

(A) illness;

(B) military service; or

(C) family emergency.

The department will consider such instances on a case-by-case basis.

(5) A raptor in temporary care will remain on the falconry license of the individual identified on the Form 3-186A. If the caregiver is also a license holder, the raptor will not be counted against the limit of raptors that can be possessed by the caregiver.

(s) To practice falconry, an individual who resides in the state of Indiana for more than one hundred twenty (120) consecutive days, but does not maintain a primary residence in the state, must:

(1) obtain a license under this section within one hundred twenty (120) days of arriving in Indiana;

(2) be a valid license holder in the individual's state of residence; and

(3) possess only the number and species of raptors authorized under this section for the license class held.

(t) Regardless of the number of state, tribal, or territorial falconry permits possessed, the following:

(1) An apprentice class license holder shall possess not more than one (1) raptor at a time as follows:

(A) The first raptor possessed must be either:

(i) a wild American kestrel (Falco sparverius); or

(ii) a wild red-tailed hawk (Buteo jamaicensis);

that the apprentice class license holder actively participated in capturing from the wild.

(B) After possessing a raptor described in clause (A) for six (6) months or longer, an apprentice class license holder may subsequently possess:

(i) an American kestrel (Falco sparverius);

(ii) a red-tailed hawk (Buteo jamaicensis); or

(iii) a Harris's hawk (Parabuteo unicinctus);

that is wild or captive-bred and chamber-raised.

(C) The raptor must not be taken from the wild as an eyass.

(D) The raptor must not be imprinted on humans.

(2) A general class license holder shall not possess more than three (3) raptors as follows:

(A) The raptors may be of any Falconiform or Strigiform species except a:

(i) federally listed threatened or endangered species;

(ii) bald eagle (Haliaeetus leucocephalus);

(iii) white-tailed eagle (Haliaeetus albicilla);

(iv) Steller's sea eagle (Haliaeetus pelagicus); or

(v) golden eagle (Aquila chrysaetos).

(B) The raptors may be wild, captive-bred, or hybrid species.

(3) A master class license holder may possess any Falconiform or Strigiform species except a bald eagle as follows:

(A) Only five (5) of the raptors possessed, including golden eagles, may be wild raptors.

(B) An unlimited number of captive-bred raptors may be possessed only if the license holder:

(i) trains them in the pursuit of wild game; and

(ii) uses them in hunting.

(C) Only one (1) federally listed threatened or endangered species of raptor may be possessed.

(D) A maximum of three (3) eagles of the species:

(i) golden eagle;

(ii) white-tailed eagle; or

(iii) Steller's sea eagle;

may be possessed if the department approves a request to possess an eagle under clause (E).

(E) A master class license holder shall obtain the approval of the department before obtaining an eagle under clause (D) by submitting documentation of the following:

(i) The license holder's experience in handling large raptors, including information about the species the individual has handled and the type and duration of the activity in which the experience was gained.

(ii) At least two (2) letters of reference from individuals with experience handling or flying, or both, large raptors such as eagles, ferruginous hawks (Buteo regalis), red-tailed hawks (Buteo jamaicensis), goshawks (Accipiter gentilis), or great horned owls (Bubo virginianus). Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the license holder's ability to care

for eagles and fly them in falconry.

(u) A license holder may take a raptor from the wild for use in falconry only as follows:

(1) A license holder may take not more than two (2) raptors from the wild annually.

(2) A license holder must not take a species of raptor from the wild in Indiana that is classified as threatened or endangered under:

(A) 50 CFR 17.11; or

(B) 312 IAC 9-4-14.

(3) An individual with a falconry license issued by another state may lawfully take a raptor in Indiana only if the individual has a master or general class falconry license issued from the state of residence.

(4) Eyasses may be taken from the wild only by the holder of a general or master class falconry license from January 1 through August 31 of each year subject to the following restrictions:

(A) The holder of a general class falconry license may take only one (1) eyass each year.

(B) The holder of a master class falconry license may take not more than two (2) eyasses each year.

(C) At least one (1) eyass must remain in the nest.

(5) A license holder may take passage birds from September 1 through the last day of February of the following year.

(6) A license holder may take only the following species of raptor over one (1) year of age:

(A) American kestrel (Falco sparverius).

(B) Great horned owl (Bubo virginianus).

These raptors may be taken at any time of year.

(7) A license holder may not intentionally capture a raptor species that may not be possessed by the license holder.

(8) A license holder must not take raptors at any time or in any manner that violates any law on whose land the license holder is trapping.

(9) A license holder must immediately release any raptor that is captured unintentionally or is not allowed to be possessed.

(10) A master class license holder authorized to possess golden eagles may capture an immature or subadult golden eagle in a livestock depredation area in accordance with 50 CFR 21.29.

(11) A master class license holder may take not more than one (1) raptor of a federally threatened species from the wild each year if:

(A) the take is allowed in the location where the raptor was taken;

(B) the raptor is taken in accordance with this section; and

(C) a federal endangered species permit is obtained before taking the raptor.

(12) Raptors may be taken by an individual other than the license holder as follows:

(A) If the license holder is present at the capture site, as follows:

(i) The individual capturing the raptor is not required to hold a license under this subsection.

(ii) The capture of the raptor counts towards the take of wild raptors by the license holder.

(iii) The license holder must fulfill the requirements of subsection (l).

(B) If the license holder is not present at the capture site, as follows:

(i) The individual capturing the raptor must hold a general or master class falconry license.

(ii) The individual capturing the raptor must fulfill the requirements of subsection (l) and if the raptor is transferred to another license holder the license holder who retains the raptor shall also fulfill the requirements of subsection (l).

(C) Notwithstanding clause (B), the holder of a general or master class falconry license may capture a raptor for a license holder who has a long-term or permanent physical impairment that prevents him or her from attempting to capture a raptor species to use for falconry. The license holder with the long-term or physical impairment who retains the raptor shall:

(i) fulfill the requirements of subsection (l); and

(ii) count the raptor towards the take of wild raptors.

(13) Except under subdivision (12)(C), a license holder who captures a wild raptor and transfers the wild raptor to another license holder in the same calendar year must count the raptor as one (1) of the raptors the license holder is allowed to take from the wild that year. The transferred wild raptor will not count against the take of wild raptors by the transferee.

(14) If a raptor is injured by the trapping efforts of a license holder, the license holder must:

(A) put the raptor on the license holder's falconry license and:

(i) count the raptor against the license holder's take of wild raptors;

(ii) count the raptor against the license holder's limit of raptors that can be possessed;

(iii) fulfill the requirements of subsection (l); and

(iv) have the raptor treated by a veterinarian or a wild animal rehabilitator licensed under section 9 of this rule and 50 CFR 21.29; or

(B) give the raptor directly to:

(i) a licensed veterinarian;

(ii) a wild animal rehabilitator licensed under section 9 of this rule and 50 CFR 21.29; or

(iii) an appropriate department employee.

Under either option, the license holder is responsible for the costs of care and rehabilitation of the raptor.

(15) A master class license holder may take an unbanded, juvenile peregrine falcon (Falco peregrines) from the wild in accordance with the season dates and bag limit authorized in 50 CFR 20 and this section and only with prior written approval from the division.

(v) A license holder may acquire any age of raptor of a species the license holder is authorized to possess directly from a rehabilitator only as follows:

(1) Transfer to a license holder is at the discretion of the rehabilitator.

(2) A raptor that is acquired from a rehabilitator will count as one (1) of the raptors allowed to be taken from the wild that year.

(w) A license holder may transfer raptors as follows:

(1) A captive-bred raptor marked with a seamless metal band or microchip may be sold, purchased, bartered, or traded to an individual who is authorized to possess captive-bred raptors.

(2) A wild raptor may be given to the holder of another permit type as follows:

(A) To the holder of a raptor propagation permit, including the falconry license holder, as follows:

(i) A sharp-shinned hawk (Accipiter striatus), Cooper's hawk (Accipiter cooperii), Merlin (Falco columbarius), or American kestrel after used in falconry for at least one (1) year.

(ii) All other wild raptors after used in falconry for two (2) years.

(B) At any time after the license holder's acquisition of a wild raptor the raptor may be transferred to the holder of another permit type that authorizes the possession of the wild raptor if the wild raptor has been injured and a licensed veterinarian or wild animal rehabilitator licensed under section 9 of this rule has determined that the wild raptor can no longer be flown for falconry. The license holder shall submit a certification from the veterinarian or wild animal rehabilitator confirming that the wild raptor is not useable in falconry.

(3) Unlimited transfers of wild or captive-bred raptors are allowed, but a license holder must not exceed the limit of raptors that can be possessed for the license class held.

(x) A species or subspecies that was recently removed from the federal List of Endangered and Threatened Wildlife may be used in falconry only if:

(1) the U.S. Fish and Wildlife Service has published a management plan for the species;

(2) take of the species is authorized by the management plan; and

(3) the raptor is taken in accordance with the management plan.

(y) Raptors captured with bands, markings, or transmitters are subject to the following:

(1) A license holder may take a raptor banded with a Federal Bird Banding Laboratory aluminum band if authorized under subsections (t) and (u), except for a peregrine falcon, which must be released immediately.

(2) A license holder who captures a raptor, including a peregrine falcon, that has a Federal Bird Banding Laboratory aluminum band, or other research band, research marking, or transmitter shall:

(A) promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263; and

(B) if the raptor is a peregrine falcon that is fitted with a research band (such as a colored band with alphanumeric codes) or research marking, immediately release the raptor, except as authorized in subdivision (3).

(3) Notwithstanding subdivisions (1) and (2), a license holder who captures a raptor, including a peregrine falcon, that is fitted with a transmitter may possess the raptor for a maximum of thirty (30) days to do the following:

(A) Contact the researcher.

(B) At the discretion of the researcher, allow the researcher or the researcher's designee to:
(i) replace the transmitter;
(ii) replace the transmitter batteries; or
(iii) remove the transmitter.
If the researcher removes the transmitter the license holder may keep the raptor if the license holder lawfully took and is authorized to possess the raptor.
(4) If a license holder temporarily possesses a raptor under this subsection, it will not count against the license holder's limit of raptors that can be possessed.
(z) A license holder may recapture a falconry raptor, including a peregrine falcon that has a leg band, a seamless metal band, a transmitter, falconry equipment, or any other item attached to its body identifying it as a falconry raptor.
(1) A license holder who recaptures a falconry raptor shall comply with the following:
(A) Report the capture to the department within five (5) working days after the capture.
(B) Return the raptor to the individual who lost it if the individual is authorized to possess it.
(C) Dispose of a raptor whose legal possession cannot be determined at the direction of the department.
(2) A license holder may keep a falconry raptor that was lawfully recaptured if the individual who lost the raptor is not authorized to possess the raptor or does not wish to possess it.
(3) The temporary possession of a falconry raptor under this subsection will not count against the license holder's limit of raptors that can be possessed.
(4) The recapture of a wild raptor is not considered to be taking a raptor from the wild.
(aa) Raptors possessed under the falconry license of a deceased license holder may be transferred by the:
(1) surviving spouse;
(2) executor;
(3) administrator; or
(4) other legal representative;
to another license holder within ninety (90) days of the death of the license holder. After ninety (90) days, disposition of a raptor held under a falconry license of deceased individual is at the discretion of the department.
(bb) The permanent release of raptors to the wild must comply with the following:
(1) A license holder shall not permanently release a raptor that is:
(A) not native to the state of Indiana; or
(B) a hybrid.
(2) A license holder may release a captive-bred raptor that is native to Indiana at an appropriate time of year and an appropriate location only after:
(A) obtaining prior written approval from the department; and
(B) hacking the raptor under subsection (dd) at an appropriate time of year and an appropriate location.
(3) A license holder may release a wild raptor that is native to Indiana at an appropriate time of year and an appropriate location without prior approval from the department. A license holder must:
(A) remove the raptor's leg band prior to the release; and
(B) return the leg band to the department.
(cc) To hack a raptor, a general or master class license holder must:
(1) obtain the prior written approval from the department;
(2) include the raptor against the license holder's limit of raptors that can be possessed;
(3) be authorized to possess the raptor being hacked; and
(4) contact the department before hacking a raptor to ensure that the license holder does not conduct hacking activities:
(A) near a nesting area of a federally threatened or endangered bird species; or
(B) in any other location where the raptor is likely to harm a federally listed threatened or endangered animal species that might be disturbed or taken by the falconry bird.
A license holder can contact the United States Fish and Wildlife Service office in Indiana for information on state and federally-endangered species.
(dd) A license holder may use other acceptable falconry practices in training and conditioning raptors, including:
(1) the use of creance (tethered) flying;

(2) lures;
(3) balloons; or
(4) kites.
(ee) A license holder must never intentionally release a raptor for free flight while it is wearing "slitted" style mew jesses.
(ff) A license holder shall affix at least two (2) functioning radio transmitters to any hybrid raptor being free flown for any reason.
(gg) A license holder hunting with a raptor may be accompanied by other individuals who shall not:
(1) have paid a fee or received any other compensation of any type to accompany the license holder; and
(2) handle a raptor possessed by a license holder except to hold or practice flying the raptor while under the direct and on-site supervision of the license holder.
(hh) A license holder may hunt wild animals by the use of a raptor only as follows:
(1) The season for hunting:
(A) eastern cottontail rabbits, northern bobwhite quail, and ring-necked pheasants is from September 1 through February 28 of the following year; and
(B) gray and fox squirrels is from August 15 through February 15 of the following year.
(2) The daily bag limit per raptor is two (2) rabbits, two (2) squirrels, one (1) quail, and one (1) pheasant, except during the seasons for these wild animals established under 312 IAC 9-3 and 312 IAC 9-4, when the daily bag limits established under those rules apply.
(3) The season and bag limits for taking waterfowl and migratory birds are those set forth in 312 IAC 9-4 and 50 CFR 21.
(4) If a raptor kills an animal without the intent of the license holder that is:
(A) not in the regular hunting season; or
(B) in excess of a bag limit;
the license holder must not possess the animal but the raptor may feed upon the carcass before leaving the site.
(5) A license holder may hunt a species listed in this subsection during any time of day.
(6) A license holder may possess a handgun in accordance with IC 35-47 while hunting with a raptor under this section.
(7) A license holder must ensure that the raptor does not take state or federally listed threatened or endangered wild animals. A license holder can contact the United States Fish and Wildlife Service office in Indiana for information on federally listed threatened or endangered species. A license holder must report the take of any federally listed threatened or endangered species to the United States Fish and Wildlife Service Ecological Services Field Office for the location in which the take occurred.
(8) A license holder may hunt wild animals under this subsection on:
(A) public lands where authorized; and
(B) private lands with the permission of the landowner or custodian.
(9) A license holder may hunt the following species of birds:
(A) American crows in accordance with 312 IAC 9-4-7.1 and 312 IAC 9-4-7.2.
(B) European starlings.
(C) English sparrows.
(D) Rock pigeons.
The use or aid of a motor driven conveyance that is not under power or in motion and on private property is allowed under this subsection. Except as authorized under subdivision (6), the license holder shall not possess a firearm of any type while using a motor driven conveyance.
(10) A license holder may hunt a wild animal without wearing hunter orange only on property in which a local ordinance prohibits the use of firearms.
(ii) Only a license holder may possess a wild animal taken with the aid of a raptor, except that a license holder may give to another individual one (1) or more carcasses or parts of wild animals lawfully taken by a raptor with no compensation of any kind. A wild animal that is gifted must have a tag attached that contains the following information:
(1) The license holder's name and address.
(2) The total number and species of wild animals taken.
(3) The date the wild animal was taken.
(4) The signature of the license holder whose raptor took the wild animal.
(jj) Abatement activities may be conducted by the following:

(1) The holder of a master class license with a raptor possessed under this section only if the license holder has been issued a special purpose abatement permit issued by the United States Fish and Wildlife Service.

(2) The holder of a general class license with a raptor possessed under this section only as a subpermittee of the holder of a special purpose abatement permit.

A license holder may receive payment for providing abatement services.

(kk) A license holder may hunt any species listed in 50 CFR Part 21.43, 44, 45, or 46 with a raptor at any time in accordance with the conditions of an applicable depredation order issued under 50 CFR 22, as long as the license holder is not paid for doing so.

(ll) A license holder may fly raptors at and take pen-raised ring-necked pheasants and northern bobwhite quail that have been released into the wild for training purposes:

(1) on a dog training ground licensed under section 16 of this rule;

(2) on a shooting preserve licensed under IC 14-22-31; or

(3) during the season for that species in accordance with 312 IAC 9-4.

(mm) A license holder may use a raptor possessed under this section in conservation education programs presented in public venues as follows:

(1) A license holder may present conservation education programs as follows:

(A) A license holder is not required to obtain a special purpose educational permit under section 9.5 of this rule provided that any fee charged does not exceed the amount required to recoup the costs of presenting the program.

(B) A license holder shall hold a valid special purpose educational permit under section 9.5 of this rule if the license holder presents conservation education programs for profit.

(2) An apprentice class license holder may present conservation programs only under the direct supervision of a general or master class license holder.

(3) A raptor used in conservation education programs must be used by the license holder primarily for falconry.

(4) All conservation education programs must provide information about:

(A) raptor biology;

(B) the ecological role of raptors; and

(C) the conservation needs of raptors and other migratory birds;

although not all of these topics must be addressed in every presentation.

(5) A raptor mounted by a taxidermist under subsection (rr)(3)(B) may be used in conservation education programs.

(6) The license holder is responsible under 50 CFR 13.50 for all liability associated with conservation education activities undertaken.

(nn) A license holder may use raptors possessed under this section in captive propagation if the license holder or the person overseeing the propagation has a raptor propagation permit from the U.S. Fish and Wildlife Service. A license holder:

(1) is not required to transfer a raptor from his or her falconry license if the raptor is used in captive propagation for fewer than eight (8) months in a twelve (12) month period of time; and

(2) must permanently transfer the raptor to the raptor propagation permit and band the raptor as required in 50 CFR 21.30 if the raptor is used in captive propagation for more than eight (8) months in a twelve (12) month period.

(oo) As follows, a license holder:

(1) May without receiving compensation allow a raptor possessed under this section to be photographed, filmed, or depicted visually by other means to create sources of information on the following:

(A) The practice of falconry.

(B) Raptor biology.

(C) The ecological role of raptors.

(D) The conservation needs of raptors and other migratory birds.

(2) Is prohibited from allowing a raptor possessed under this section to be used for the purpose of the following:

(A) Making the following:

(i) Movies or other commercial entertainment.

(ii) Commercials or other advertisements.

(iii) Any other commercial ventures that are not related to falconry.

(B) Promoting or endorsing any:

(i) products;
(ii) merchandise;
(iii) goods;
(iv) services;
(v) meetings; or
(vi) fairs;

except as provided in subdivision (3).

(C) Representing any:
(i) business;
(ii) company;
(iii) corporation; or
(iv) other organization.

(3) May with or without receiving compensation use a raptor possessed under this section to promote or endorse the following:
(A) A nonprofit falconry organization or association.
(B) Materials, equipment, products, or endeavors related to falconry, including falconry training and education.
(C) Scientific research and publication.

(pp) A general or master class license holder may assist a wild animal rehabilitator licensed under section 9 of this rule and 50 CFR 21.31 to condition raptors in preparation for their release to the wild only as follows:

(1) The license holder must possess a document from the rehabilitator that:
(A) identifies the raptor; and
(B) explains that the license holder is assisting in the raptor's rehabilitation.

(2) If the license holder's facilities comply with this section, notwithstanding section 9 of this rule, the license holder is not required to comply with the housing facility standards and is not subject to inspection under:
(A) section 9 of this rule; or
(B) 50 CFR 21.31.

(3) A license holder must do the following:
(A) Return any raptor that cannot be permanently released to the wild to the rehabilitator for placement within one hundred eighty (180) days unless the United States Fish and Wildlife Service Migratory Bird Permit office authorizes the license holder to retain the raptor for longer than one hundred eighty (180) days.
(B) Upon coordination with the rehabilitator:
(i) release all releasable raptors to the wild or return them to the rehabilitator for release within the one hundred eighty (180) days unless the United States Fish and Wildlife Service Migratory Bird Permit office authorizes the license holder to retain and condition the raptor for longer than one hundred eighty (180) days; or
(ii) transfer the raptor to the license holder's falconry license.

(4) The raptor in the possession of a license holder will remain under the permit of the wild animal rehabilitator and is not required to be added to the falconry license unless transferred under subdivision (3)(B)(ii).

(qq) A license holder shall manage feathers of raptors as follows:

(1) For imping, a license holder may possess flight feathers for each species of raptor possessed or previously held for as long as the person has a valid falconry license.

(2) A license holder may for imping purposes receive feathers from and give feathers to other individuals holding valid licenses under:
(A) this section;
(B) section 9 of this rule for wild animal rehabilitation; or
(C) 50 CFR 21.30 for raptor propagation in the United States.

(3) A license holder may donate raptor feathers, except golden eagle feathers, to:
(A) any person or institution with a valid permit to possess them; or
(B) anyone exempt from the permit requirement under 50 CFR 21.12.

(4) A license holder is not required to gather feathers that are molted or otherwise lost by a raptor except for primary or secondary flight feathers or retrices from a golden eagle.

(5) A license holder must collect all molted flight feathers and retrices from a golden eagle. If the license holder does not need

the feathers for imping purposes or upon expiration, denial, suspension, or revocation of a falconry license, the license holder shall send all feathers (including body feathers) to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.

(6) A license holder must not buy, sell, or barter raptor feathers.

(7) Upon the expiration, denial, suspension, or revocation of a falconry license, all feathers of any species of raptor except a golden eagle must be:

(A) given to an individual or any institution exempt from the permit requirements under 50 CFR 21.12;

(B) given to an individual authorized by permit to acquire and possess the feather;

(C) burned;

(D) buried; or

(E) otherwise destroyed.

(rr) A license holder must dispose of a carcass of a raptor possessed under this section only as follows:

(1) For golden eagles, the entire body, including all feathers, talons, and other parts, must be sent to the National Eagle Repository.

(2) For all other species, the body or feathers of the raptor must be:

(A) given to an individual or institution exempt from permit requirements under 50 CFR 21.12;

(B) given to an individual authorized by permit to acquire and possess such parts or feathers;

(C) burned;

(D) buried; or

(E) otherwise destroyed;

within ten (10) days of the raptor's death or final veterinarian examination to determine the cause of death.

(3) A license holder may keep the body of any falconry raptor, except a golden eagle, if the raptor was banded or microchipped prior to its death for:

(A) feathers useable for imping; or

(B) mounting by a taxidermist with the:

(i) leg band remaining on the body; or

(ii) microchip left in place.

(4) The license holder shall take appropriate precautions to avoid the risk of secondary poisoning of eagles and other scavengers by carcasses of euthanized raptors.

(5) A license holder who does not:

(A) donate the carcass or feathers; or

(B) have the body mounted by a taxidermist;

may possess the flight feathers for as long as the license holder holds a valid license under this section and maintains documentation of the acquisition of the raptor.

(ss) A license may be suspended, denied, or revoked if the license holder fails to comply with any of the following:

(1) This section.

(2) IC 14-22.

(tt) A license holder may seek administrative review under IC 4-21.5 of an action to suspend, deny, or revoke a license. *(Natural Resources Commission; 312 IAC 9-10-13.1; filed Jul 5, 2011, 1:38 p.m.: 20110803-IR-312100667FRA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-13.5 Special purpose salvage permit

Authority: IC 14-11-2-1; IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22

Sec. 13.5. (a) This section governs a special purpose salvage permit. A special purpose salvage permit may be issued only to a person who is at least one (1) of the following:

(1) A licensed wild animal rehabilitator under section 9 of this rule.

(2) A nature center, a nonprofit organization, or an educational institution.

(3) An individual employed or sponsored by an educational institution.

(b) A person must:

(1) apply for a permit under this section on a departmental form; and

(2) include the purpose for salvaging a wild animal.

Approval may be given to use a salvaged wild animal for food, science, education, or a similar purpose.

(c) A special purpose salvage permit may be issued to salvage a wild animal, which is a mammal, reptile, amphibian, or bird, found dead. The applicant must not have participated in the death of the animal.

(d) A salvaged wild animal must not be used as part of or to promote a commercial venture. A salvaged wild animal may not be used for any purpose other than for the purpose stated on the permit.

(e) A person issued a permit under this section must tag each wild animal, and the tag must remain attached to the wild animal until disposed of in accordance with the permit. A tag shall have the following information:

(1) The date and county in which the wild animal was salvaged.

(2) The name of the person who salvaged the wild animal.

(f) A person issued a permit under this section must:

(1) carry and display a copy of the permit while conducting activities and salvage approved by the permit; and

(2) obtain permission from the owner of real property or from a public land property manager before salvaging a wild animal.

(g) Within six (6) months after acquisition or by the end of the calendar year, whichever is earlier, the person issued a permit under this section must deposit any animal salvaged at a location approved on the permit. Any unused animal must be delivered to a conservation officer or disposed of as otherwise authorized on the permit.

(h) A permit is also required from the U.S. Fish and Wildlife Service to salvage a migratory bird, their parts, nests, or eggs. If the terms of the federal permit and a permit issued under this section differ, the more restrictive terms govern.

(i) A person issued a permit under this section must file an application by February 1 of each year in order to renew a permit. By February 1 of the year following expiration of a permit, the permit holder must provide the division with a listing of each animal salvaged and the date and location where salvaged. A copy of the records of animals salvaged must be kept on the premises of the permit holder for at least two (2) years after the wild animal is salvaged. Upon the request of a conservation officer, a copy these records must be provided.

(j) The validity of this permit is conditioned upon observance of federal, state, and local laws.

(k) A license may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with this article, IC 14-22, or a permit issued under this section. *(Natural Resources Commission; 312 IAC 9-10-13.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 553; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-14 Fish hauler's and supplier's permit

Authority: IC 14-22-2-6
Affected: IC 14-22-16

Sec. 14. (a) A fish hauler's and supplier's permit must be obtained under this section before a person:

(1) imports live fish from another state or another country for sale; or

(2) raises fish for sale for any purpose, live or dead.

(b) A person shall make application for a permit under this section on a departmental form.

(c) A person applying for a permit under this section must establish that a fish that is raised in Indiana or imported in Indiana and will be sold:

(1) is free of any communicable disease;

(2) will not become a nuisance; and

(3) will not damage a native wild species or a domestic species of animal or plant.

(d) A permit issued under this section expires on December 31 for the year of its issuance.

(e) Subject to conditions imposed on the permit by the department, a permittee may import, produce, or sell live fish of the species listed under section 15(e) of this rule and the following species:

(1) Brown trout.

(2) Hybrid striped bass.
(3) Rainbow trout.
(4) Tiger muskellunge.
(5) Tilapia.
(f) This section does not apply to a person who possesses fish other than those listed in 312 IAC 9-6-7 and who:
(1) is engaged in raising, importing, or selling live fish exclusively for use in the aquarium pet trade; or
(2) holds a bait dealer's license under IC 14-22-16 and is engaged exclusively in the sale of live fish for bait.
(Natural Resources Commission; 312 IAC 9-10-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2735; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-10-15 Fish importation permit
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 15. (a) Except as provided in subsection (e), a person must obtain a fish importation permit under this section before a person imports any live fish for sale or release.
(b) An application for a fish importation permit must be submitted by an applicant at least ten (10) days in advance of the proposed date of importation.
(c) An applicant must establish that a fish to be imported:
(1) is free of any communicable disease;
(2) will not become a nuisance; and
(3) will not damage a native wild species or a domestic species of animal or plant.
(d) A person is exempted from this section who possesses fish other than those listed in 312 IAC 9-6-7 and who is either engaged in:
(1) importing live fish exclusively for confinement and exhibit in a zoo or another public display; or
(2) supplying live fish for use in the aquarium pet trade.
(e) Live fish of the following species, other than genetically altered fish, may be imported without obtaining a permit under this section:
(1) Black crappie.
(2) Blue catfish.
(3) Bluegill.
(4) Bluntnose minnow.
(5) Buffalo.
(6) Bullhead.
(7) Burbot.
(8) Carp.
(9) Channel catfish.
(10) Fathead minnow.
(11) Flathead catfish.
(12) Freshwater drum.
(13) Golden shiner.
(14) Goldfish.
(15) Green sunfish.
(16) Hybrid sunfish.
(17) Largemouth bass.
(18) Mosquitofish.
(19) Muskellunge.
(20) Northern pike.

(21) Redear sunfish.
(22) Rock bass.
(23) Smallmouth bass.
(24) Striped bass.
(25) Sucker.
(26) Walleye.
(27) Warmouth.
(28) White bass.
(29) White catfish.
(30) White crappie.
(31) Yellow perch.

(Natural Resources Commission; 312 IAC 9-10-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2735; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Sep 23, 2015, 9:57 a.m.: 20151021-IR-312140477FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-10-16 Dog training ground permit

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-20; IC 14-22-31

Sec. 16. (a) A person may take northern bobwhite quail (Colinus virginianus) or ring-necked pheasants (Phasianus colchicus) that have been raised in captivity for the purpose of training dogs only pursuant to a permit issued under this section.

(b) An application for a dog training ground permit must be completed on a department form and filed with the division. A person must demonstrate the applicant owns or controls a contiguous tract of land of at least five (5) and not more than twenty (20) acres to be used as the dog training ground.

(c) A permit shall not be issued under this section for land located within one (1) mile of a state-owned or state-controlled public hunting area.

(d) Only one (1) dog training ground may be licensed by the department on a contiguous tract of land.

(e) A person issued a permit under this section shall mark the entire boundary of the land permitted as a dog training ground with signs:

(1) at least sixteen (16) inches wide and sixteen (16) inches long;
(2) having a white background;
(3) stating "dog training ground" in one (1) inch high lettering; and
(4) placed not more than five hundred (500) feet apart.

(f) A person issued a permit under this section shall:

(1) band the northern bobwhite quail or ring-necked pheasants with a standard metal or plastic leg band before release on the dog training ground;
(2) have in possession a:
    (A) bill of sale for the game birds released for training; or
    (B) copy of the person's game breeder license; and
(3) maintain a daily record of the training activities on the dog training ground that includes the:
    (A) name and address of each trainer using the ground;
    (B) number and species of birds released; and
    (C) number and species of birds taken.

(g) A person must not take bobwhite quail or ring-necked pheasants under this section except between sunrise and sunset.

(h) A person issued a permit under this section shall not sell or possess a bobwhite quail or ring-necked pheasant in captivity for more than five (5) days unless the person possesses a valid game breeder license under IC 14-22-20 and section 4 of this rule.

(i) The dog training ground cannot be used for any of the following:

(1) A field trial, unless a permit is held under section 7 of this rule.
(2) A shooting preserve, unless a license is held under IC 14-22-31.

(3) The purpose of possessing or breeding game birds for release unless the person is licensed under IC 14-22-20 and section 4 of this rule.

(j) A permit issued under this section expires December 31 of the year in which the permit was issued.

(k) 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. *(Natural Resources Commission; 312 IAC 9-10-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-17 Aquaculture permit

Authority: IC 14-22-2-6
Affected: IC 14-22-27

Sec. 17. (a) A person must not import, raise, sell, or transport fish into or within Indiana without an aquaculture permit issued under this section, except as provided in:

(1) sections 14 and 15 of this rule; or

(2) subsection (b).

(b) A permit is not required under this section by a person who possesses fish, other than those listed in 312 IAC 9-6-7, and who is engaged in either of the following:

(1) The production, importation, or sale of live fish exclusively for use in the aquarium pet trade.

(2) The importation of live fish exclusively for confinement and exhibition in a zoo or another public display.

(c) A person shall apply for an aquaculture permit on a department form. The director may attach any appropriate conditions to a permit.

(d) A permit issued under this section expires on December 31 of the year of issuance.

(e) In addition to conditions imposed by the director under subsection (c), the following conditions apply to an aquaculture permit to import, produce, raise, sell, or transport triploid grass carp:

(1) No stocking of triploid grass carp may take place in public waters except as provided in IC 14-22-27.

(2) The seller must deliver and stock the fish.

(3) A copy of each bill of sale and triploidy certification must be:

(A) conveyed to each buyer; and

(B) retained by the permit holder for two (2) years.

(4) A purchaser of triploid grass carp must retain the bill of sale and the triploidy certification for at least two (2) years.

(5) A permit holder must submit a quarterly report on a departmental form not later than the fifteenth day of the month following the end of a quarter, regardless of whether fish have been stocked during the time period.

(6) Fish holding facilities, stocking reports, stocking trucks, other documents required under this subsection, and live fish may be inspected at any reasonable time by the division or a conservation officer. Not more than six (6) fish from a lot or truck load may be removed by the department for verification of the chromosome number.

(7) As used in this subsection and subsection (e), "triploid grass carp" means grass carp certified to be triploid by the U.S. Fish and Wildlife Service.

(f) In addition to conditions imposed by the director under subsection (c), a person who possesses an aquaculture permit to import, produce, raise, sell, or transport diploid grass carp must comply with the following conditions:

(1) No stocking of diploid grass carp may take place in any public or private waters except as provided in this subsection and IC 14-22-27.

(2) A live diploid grass carp may be possessed only for the purpose of producing triploid grass carp or producing diploid grass carp capable of producing triploid grass carp.

(3) A diploid grass carp may be sold only to a person who holds a valid aquaculture permit.

(4) All diploid grass carp must be held in a closed aquaculture system.

(5) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must submit an annual report to the division on a department form.

(6) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must be capable of accurately determining the number of sets of chromosomes of the fish in the possession of the permit holder under certification procedures of the U.S. Fish and Wildlife Service.

(Natural Resources Commission; 312 IAC 9-10-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; filed May 28, 1998, 5:14 p.m.: 21 IR 3730; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1541; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 554; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-10-18 Limited take permits for specific state endangered species

Authority: IC 14-22-34-17
Affected: IC 14-22

Sec. 18. (a) The department may issue a permit under this section to an individual, organization, corporation, or government agency to take a state endangered species. This permit may only be issued for state endangered species that are either federal proposed species or federal listed species.

(b) The permit application under this section shall be made as follows:

(1) The applicant must submit a Habitat Conservation Plan.

(2) The division of fish and wildlife will supply an outline of information sections that must be included in the Habitat Conservation Plan. This outline will include, but not necessarily be limited to, the following sections:

(A) Current status of the endangered species.

(B) Description of area of impact.

(C) Specific impacts to the species' habitat.

(D) Conservation actions to be undertaken to ensure no detrimental effect to the endangered species.

(E) Schedule for enacting the conservation actions.

(F) Guarantees to ensure those enactment of conservation actions.

(c) The permit application has to be available for a minimum of thirty (30) days for public review and comment. The director shall determine whether the permit will be issued after review of comments received during the review and comment period.

(d) The permit may be revoked at any time if the provisions of the Habitat Conservation Plan are not enacted according to the schedule in the plan. *(Natural Resources Commission; 312 IAC 9-10-18; filed May 12, 1997, 10:00 a.m.: 20 IR 2737; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-19 Fish tagging or marking permit

Authority: IC 14-22-2-6
Affected: IC 14-22-27

Sec. 19. (a) A person must not place a mark or tag on a fish and release it into public waters without a permit issued by the department under this section.

(b) A person shall apply for a fish tagging and marking permit on a departmental form.

(c) A person shall submit the application to the department at least twenty-one (21) days before the proposed date of tagging or marking and must include the following information:

(1) The name, address, and telephone number of the person applying for the permit.

(2) The name of the waterway and county where tagging or marking will occur.

(3) The species, size, and number of fish to be tagged or marked.

(4) The tagging or marking dates.

(5) The reason for tagging or marking fish.

(d) A person issued a permit under this section must carry the permit while tagging or marking fish and present it to a department representative upon request.

(e) An application for a fish tagging or marking permit is subject to specifications set forth in the application and to terms and

conditions set by the department.

(f) A permit issued under this section expires no later than December 31 of the year issued.

(g) The permit issued under this section cannot be transferred or sold for use by another person.

(h) The department may withdraw use of the permit for resource protection or management purposes.

(i) A person issued a permit under this section shall submit a report of marking and tagging by species, number, size of fish, and location to the department within fifteen (15) days after the expiration of the permit.

(j) Exempted from this section is an individual who marks or tags a fish under a scientific purposes license under section 6 of this rule. *(Natural Resources Commission; 312 IAC 9-10-19; filed May 28, 1998, 5:14 p.m.: 21 IR 3731; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-20 Mammal, bird, reptile, amphibian, mollusk, and crustacean importation permit for release

Authority: IC 14-22-2-6; IC 14-25-1
Affected: IC 14

Sec. 20. (a) A person must obtain a wild animal import permit under this section before the person can import:

(1) a mammal;

(2) a bird;

(3) a reptile;

(4) an amphibian;

(5) a mollusk; or

(6) a crustacean;

for release or sale for release in Indiana.

(b) A person shall submit an application for a wild animal import permit and the appropriate fee for each species or release site not less than ten (10) days in advance of proposed importation.

(c) A permit may be granted only if the applicant establishes the animal to be imported:

(1) is free of any communicable disease;

(2) will not become a nuisance; and

(3) will not damage a native wild animal, a domesticated species of animal, or a species of plant.

(d) A person shall apply for a permit under this section on a departmental form and must include the following:

(1) Information regarding the health and safe handling of the imported wild animal.

(2) The current and historic status of the species in the state.

(3) Information regarding the goal of releasing the specimen.

(4) The ability of the specimen to survive after release and achieve the release goal.

(5) The genetic appropriateness of the released specimen.

(6) Public support for a release.

(7) Anticipated post release impact and management guidelines.

(e) The department may require conditions in the permit that are lawful under IC 14 and this article.

(f) A permit issued under this rule expires one (1) year from the date of issuance.

(g) A person is exempted from the permitting requirements of this section if the wild animal to be imported is possessed under any of the following conditions:

(1) During interstate shipment through Indiana.

(2) By a zoo, carnival, menagerie, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(3) Following import into Indiana for confinement and exhibit in a zoo or other public display.

(Natural Resources Commission; 312 IAC 9-10-20; filed May 28, 1998, 5:14 p.m.: 21 IR 3731; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-10-21 Cervidae possession permit *(Repealed)*

Sec. 21. *(Repealed by Natural Resources Commission; filed Dec 10, 2010, 10:36 a.m.: 20110105-IR-312100104FRA)*

312 IAC 9-10-22 Shooting preserve license
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-31

Sec. 22. (a) An application for a shooting preserve license must be completed on a departmental form and filed with the division of fish and wildlife.

(b) The boundaries of the land licensed under this section must be marked with clearly visible signs at least eighteen (18) inches wide and twelve (12) inches long with a white background and at least one (1) inch high lettering that states "licensed shooting preserve". The signs must be placed no more than five hundred (500) feet apart and along the entire boundary of the licensed shooting preserve.

(c) Notwithstanding subsection (b), a sign posted prior to May 1, 2014, may continue to be in use by a license holder as long as it is legible, but must meet the requirements in subsection (b) no later than October 1, 2019. *(Natural Resources Commission; 312 IAC 9-10-22; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-23 Migratory bird depredation permit
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 23. (a) The director may without fee issue a temporary permit to take a migratory bird 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 and dates of control and disposition of the bird shall be set forth in the permit.

(b) Exempted from this section is a migratory bird taken during the hunting season in accordance with 312 IAC 9-4-2 and 50 CFR 20 or a migratory bird taken without a permit in accordance with 312 IAC 9-4-7.2 or 312 IAC 9-3-15.

(c) A migratory bird taken under this section shall not be:
(1) possessed for more than forty-eight (48) hours;
(2) sold;
(3) traded;
(4) bartered; or
(5) gifted except as authorized in this section.

(d) A property owner, lessee, or other person may obtain a permit under this section for the control of a nuisance migratory bird.

(e) An application for a migratory bird depredation permit must be completed on a departmental form and filed with the division of fish and wildlife.

(f) An individual who does not hold a permit under this section may assist a permittee, but only if the permittee directly supervises or coordinates the activities of the unpermitted person. Only individuals named on the permit are authorized to act as assistants of the permittee.

(g) A copy of the permit must be on the individual when conducting any activities authorized under this permit.

(h) A live migratory bird must be properly handled in an expeditious manner to prevent unnecessary physical injury to the migratory bird.

(i) Live migratory birds that are taken under this section must be:
(1) released as authorized on the permit;
(2) gifted to a wild animal rehabilitator licensed under section 9 of this rule;
(3) gifted to a falconer licensed under section 13.1 of this rule; or
(4) euthanized in accordance with 50 CFR 21 and the conditions on the permit.

(j) Carcasses of migratory birds that are euthanized under this permit must be:
(1) buried;
(2) incinerated on private property with prior permission of the landowner;
(3) given to a veterinarian for proper disposal;
(4) given to a landfill for proper disposal;
(5) donated to a properly licensed university or other educational or scientific institution that has a special purpose salvage permit issued under section 13.5 of this rule;
(6) retained or donated for no compensation of any kind; or
(7) as otherwise authorized on the permit.
(k) The following methods may be used to take a migratory bird under this section:
(1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.
(2) Traps, including bal-chatri and other traps that are specified on the permit.
(3) Any other methods specified by the permit.
(l) Traps must be checked at least once every twenty-four (24) hours, and any bird caught in a trap must be removed from that trap within twelve (12) hours from notice to the permit holder of a bird caught in the trap.
(m) The following restrictions apply to the treatment of a bird captured live under this permit:
(1) The bird must be:
(A) released in the county of capture with prior consent from the landowner or landowner's agent;
(B) euthanized; or
(C) treated as otherwise authorized in the permit.
(2) A bird 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
(B) landowner's agent;
before a bird is captured, killed, or released on any property.
(n) A permit expires on March 31 of the year following the date of issuance unless otherwise specified on the permit.
(o) The permit holder must maintain a current record to include the following:
(1) The name and address of the landowner assisted (if applicable).
(2) The date the bird was taken.
(3) The number and species of birds 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 date the bird was taken and must be presented to a conservation officer upon request.
(p) The permit holder shall provide an annual report to the division by April 30 of each year following the date of issuance. The report shall list the following:
(1) The:
(A) number; and
(B) species;
of birds taken.
(2) The method and location of disposition.
(q) A permittee must file an application by April 30 of each year in order to renew a permit. The annual report required under subsection (p) must accompany the renewal application.
(r) 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.
(B) This article.

(C) A term of the permit.

(2) Provides false information to obtain a permit under this section.

(s) A conservation officer may inspect any equipment, birds, and any records relative to a permit issued under this section at any reasonable hour. *(Natural Resources Commission; 312 IAC 9-10-23; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-24 Trapper education permit

Authority: IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22

Sec. 24. (a) This section governs a trapper education permit. A permit is required for a person to conduct a trapper education course and set a trap for a wild animal as part of the course.

(b) The permit is available only to a person who is at least one (1) of the following:

(1) A nonprofit organization.

(2) An authorized employee of the department.

(3) A person who is employed or sponsored by an educational institution or a nonprofit organization.

(c) An application for a permit under this section shall be completed on a departmental form and must provide the following:

(1) An outline of the educational program that includes an explanation of the legal methods of trapping and ethics.

(2) The location where the course will be held.

(3) The types of traps that will be set.

(4) The locations (addresses) of any traps set.

(5) The date of the course.

(d) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

(e) Wild animals must be taken in accordance with 312 IAC 9-3-18 and either:

(1) released in the county of capture with prior consent from the landowner or landowner's agent;

(2) euthanized; or

(3) treated as otherwise authorized in the permit.

(f) A wild animal taken under this section must be euthanized with the:

(1) safest;

(2) quickest; and

(3) most painless;

available method as recommended and approved by the division of fish and wildlife.

(g) Wild animals taken under this section shall not be:

(1) possessed for more than forty-eight (48) hours by instructors or students;

(2) sold;

(3) traded;

(4) bartered; or

(5) gifted, except as authorized in subsection (h).

(h) A dead wild animal that is taken under this section may be gifted with no compensation of any kind to:

(1) an accredited scientific institution or nonprofit organization with a special purpose salvage permit issued under section 13.5 of this rule; or

(2) the department;

if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken. *(Natural Resources Commission; 312 IAC 9-10-24; filed Sep 23, 2015, 9:57 a.m.: 20151021-IR-312140477FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-10-25 Deer control permit

Authority: IC 14-22-28-2; IC 14-10-2-4
Affected: IC 4-21.5; IC 14-22

Sec. 25. (a) This section governs the issuance of a deer control permit to control a white-tailed deer.

(b) A deer control permit may be issued under this section to take a white-tailed deer that is doing the following:

(1) Causing or threatening to cause economic damage to property in excess of five hundred dollars ($500) annually. Damage to the following may be considered in computing economic impact to property:

(A) A building or dwelling and related improvements to real property.
(B) Agricultural row crop.
(C) Hay, stored grain, or livestock food.
(D) Cover crop.
(E) A vineyard.
(F) An orchard.
(G) Landscape vegetation.
(H) Truck crop.
(I) A tree nursery.
(J) A tree.
(K) A food garden of one (1) acre or greater in size.
(L) Ornamental vegetation.
(M) Other commercial vegetation established by humans.

Browsing or antler rubbing to naturally occurring vegetation or vegetation not planted by humans shall not be considered in computing economic damage.

(2) Posing an immediate health or safety threat to persons or domestic animals.

(3) Affecting the management of free-ranging white-tailed deer on a city, community, or federal property evidenced by:

(A) deer vehicle collisions;
(B) economic damage to property in excess of five hundred dollars ($500) annually evidenced in accordance with subdivision (1); or
(C) ecological damage to vegetation that would result in the incidental take of a state or federally threatened or endangered species.

(c) An application for a deer control permit must be completed on a departmental form and filed with the division of fish and wildlife.

(d) The methods for taking and number of deer that may be taken shall be set forth in the permit.

(e) The permit holder may designate up to ten (10) unpermitted individuals to assist the permit holder in taking the deer under the following conditions:

(1) The permit holder must directly supervise and coordinate the activities of the unpermitted individuals.

(2) The unpermitted individuals must:

(A) be identified on the permit;
(B) be in compliance with the hunter education requirement set forth at IC 14-22-11-5; and
(C) possess a copy of the permit when conducting any authorized activities.

(f) For each deer killed, the permit holder must:

(1) cause the removal of all antlers and dispose of them in accordance with subsection (j)(2);

(2) dispose of the carcass, including the meat, hide, and any other part of the white-tailed deer, except for any antlers, by:

(A) burial;
(B) incineration;
(C) rendering;
(D) processing of the meat at a deer processing facility;
(E) gifting the meat to another person or organization; or
(F) storing the meat for human consumption; and

(3) maintain a true and accurate record of the:

(A) date and time killed;
(B) sex of each white-tailed deer killed;
(C) disposition of the carcass;
(D) equipment used to take each white-tailed deer; and
(E) name and address of the person in possession of the carcass of any white-tailed deer kept or gifted under subdivision (2)(C) through (2)(F).

(g) The meat of a deer taken under this section must not be sold, traded, or bartered.

(h) A permit issued under this section may be issued only as follows:

(1) To take white-tailed deer outside the hunting season for white-tailed deer established at 312 IAC 9-3-4 for a duration of no more than ninety (90) days.

(2) To take white-tailed deer during the hunting seasons for white-tailed deer established at 312 IAC 9-3-4 only:
(A) if an immediate health or safety threat exists; or
(B) as authorized in subsection (b)(3);
for a duration of no more than ninety (90) days or other duration established by the director.

(3) A permit may be renewed for no more than ninety (90) additional days in one (1) calendar year.

(i) If meat from white-tailed deer taken under a permit issued under this section will be donated or used for human consumption, a department form must accompany the meat or carcass at all times until processing of the deer is completed.

(j) Within fourteen (14) days of the expiration of the permit issued under this section, the permit holder must:

(1) cause the delivery of the records described in subsection (f)(3) to the address on the form; and

(2) destroy the antlers by burial or incineration or deliver the antlers to a designated department property office during its established business hours or to a division of fish and wildlife representative.

(k) The permit holder and all unpermitted individuals identified under subsection (e) and listed on the permit issued under this section must carry this permit when taking deer authorized under this permit.

(l) The permit holder and all unpermitted individuals identified under subsection (e) and listed on the permit issued under this section shall not advertise the availability or use of deer or a deer control permit through any printed or electronic media format.

(m) A deer control permit application may be denied or a deer control permit issued under this section may be suspended or revoked in accordance with IC 4-21.5 if the permit holder or any unpermitted individuals identified under subsection (e) and listed on the permit issued under this section does the following:

(1) Fails to comply with any of the following:
(A) This section.
(B) IC 14-22.
(C) A term of the permit.

(2) Provides false information to obtain a permit under this section.

(Natural Resources Commission; 312 IAC 9-10-25; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-10-26 Endangered species propagation permit

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-15
Affected: IC 4-21.5; IC 14-22-6-1

Sec. 26. (a) A person must not breed or rear in captivity an endangered species of wild animal except under a propagation permit issued under this section.

(b) A person must apply for a propagation permit on a departmental form filed with the division of fish and wildlife. The applicant must include the following with the application:

(1) Information regarding the health and safe handling of the wild animal.

(2) The current and historic status of the species in the state.

(3) Information regarding the purpose of the propagation.

(4) Documentation of legal acquisition of the original stock of wild animal for breeding or rearing.

(c) A permit issued under this section may authorize:

(1) the release of an animal bred or reared under the propagation permit into the wild in Indiana in accordance with the

conditions of the permit; or

(2) further conservation activities for the restoration of wild animal species (i.e., genetics research, conditioning, development of broodstock).

(d) A permit issued under this section authorizing the release of a specimen into the wild may only be issued if the applicant establishes the animal bred or reared in captivity:

(1) is, as testing is scientifically possible and appropriate for the species and age of the animal, free of any communicable disease;

(2) will not become a nuisance; and

(3) will not damage a:

(A) native wild animal;

(B) domesticated species of animal; or

(C) species of plant;

(4) is capable of surviving after release and achieving the release goal;

(5) is genetic appropriate; and

(6) is capable of meeting anticipated post release impact and management guidelines.

(e) A propagation permit application may be denied or a propagation permit issued under this section may be suspended or revoked in accordance with IC 4-21.5 if the person:

(1) fails to comply with:

(A) this article; or

(B) a term of the permit;

(2) provides false information to obtain a permit under this section;

(3) possesses a propagation permit authorizing release of a wild animal into the wild and fails to establish that the release of a wild animal into the wild will not threaten the welfare of a wild animal population or the people; or

(4) fails to establish the legal acquisition of the species or health and safe handling of the wild animal.

(Natural Resources Commission; 312 IAC 9-10-26; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

Rule 11. Wild Animal Possession Permits

312 IAC 9-11-1 Wild animal possession permit applicability

Authority: IC 14-10-2-4; IC 14-11-4-5; IC 14-11-4-9; IC 14-22-26

Affected: IC 14-11-4; IC 14-22-26-2

Sec. 1. (a) Except as provided in IC 14-22-26-2 or as exempted under subsections (d) and (e), a person must have a permit issued by the department under this rule to possess a wild animal if the wild animal is either of the following:

(1) Referenced in this rule.

(2) Listed in this article as an endangered species or a threatened species.

(b) A separate permit:

(1) is required for each individual wild animal; and

(2) applies only to the location stated in the permit.

(c) A permit issued under this rule expires one (1) year from the date of issuance. If a timely and sufficient application is made for a permit renewal under section 3 of this rule, however, the permit does not expire until the department has entered a final determination with respect to the renewal application.

(d) A wild animal that is possessed under any of the following licenses and permits is exempted from this rule:

(1) A game breeder license issued under 312 IAC 9-10-4.

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

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

(4) An endangered species of turtle possessed under 312 IAC 9-5-11.

(e) This rule does not apply to the lawful taking or possessing of a wild animal as follows:

(1) During a season established under this article.

(2) During the first six (6) months from the date of birth, if the animal is the offspring of a wild animal lawfully possessed under this rule.

(3) The mammal is possessed by a zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(4) During the interstate shipment of animals through the state of Indiana.

(f) A person who possesses a wild animal under this rule is responsible for complying with all applicable requirements of this rule, including those that govern permit renewals and permit site relocations. *(Natural Resources Commission; 312 IAC 9-11-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2737; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 554; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-11-2 First permit to possess a wild animal

Authority: IC 14-22-26
Affected: IC 14-22

Sec. 2. (a) This section governs the first permit under this rule to possess a particular wild animal.

(b) A person who wishes to possess a wild animal, described as Class I or Class II in this rule, must apply for a permit under this rule within five (5) days of taking possession of the animal that was lawfully acquired and in accordance with this rule.

(c) A person who wishes to possess a wild animal, described as Class III in this rule must obtain a permit under this rule before the person takes possession of the animal and in accordance with this rule. In addition to any procedural requirements, a notice under this subsection must also describe the following:

(1) The species of the wild animal.

(2) Where the animal will be possessed.

(d) Within forty-five (45) days after the issuance of a permit, the permit holder must submit written verification from a licensed veterinarian that the animal appears to be:

(1) free of disease; and

(2) in good health;

to the division of fish and wildlife.

(e) An application for a Class III wild animal must present a plan for the quick and safe recapture of the wild animal if the animal escapes or, if recapture is impracticable, for the destruction of the animal. After notification by the department of an intention to issue a permit, but before the permit is issued, the applicant must obtain the equipment needed to carry out the recapture and destruction plan. The nature and extent of the recapture plan and the equipment needed are dependent on the danger the escaped animal poses to:

(1) persons;

(2) domestic animals;

(3) livestock; and

(4) other wildlife;

in the vicinity of the escape.

(f) A permit holder who possesses a Class III wild animal must notify the department immediately after the discovery of any escape of the animal from the perimeter fence.

(g) A permit application must be:

(1) completed on a department form; and

(2) accompanied by a fee in the amount of ten dollars ($10).

(h) A conservation officer shall inspect the:

(1) cages or enclosures;

(2) wild animal (if already in possession); and

(3) documentation of legal acquisition (if the wild animal is already in possession);

after the application is received and prior to the issuance of a permit.

(i) An applicant must provide documentation that the wild animal was lawfully acquired. A receipted invoice, bill of lading,

or other evidence approved by the director shall accompany the application to establish compliance with this subsection. *(Natural Resources Commission; 312 IAC 9-11-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2738; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1366; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 555; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-11-3 Renewal permit to possess a wild animal

Authority: IC 14-22-26
Affected: IC 14-22

Sec. 3. (a) This section governs a renewal permit to possess a wild animal where a permit was previously issued for the same wild animal at the same site under section 2 of this rule.

(b) A person who wishes to continue in possession of a wild animal after the expiration date in the permit must file an application for a renewal permit within thirty (30) days of the expiration date.

(c) An application for a renewal permit must be accompanied by a written verification by a veterinarian which states the following:

(1) The wild animal was observed at least once during the prior year or more frequently if necessary to provide adequate veterinarian care. Frequency of the visits is determined by the attending veterinarian, not the facility.

(2) The wild animal was properly immunized.

(3) The wild animal appears to have been properly cared for in the following other areas of animal husbandry:

(A) Appropriate:

(i) facilities, personnel, and equipment for pest control, sanitation, quarantine, capture, and restraint; and

(ii) medical observation.

(B) Appropriate handling, tranquilization, and euthanasia was provided under veterinarian guidance.

(C) Nutrition and diets.

(d) A conservation officer may reinspect the cages or enclosures at any time. The conservation officer shall attempt to give a permittee a twenty-four (24) hour notice prior to the reinspection, but, if the officer is unsuccessful in contacting the permittee, the officer may proceed with the scheduled inspection without making any further attempts to notify anyone. No notice is necessary if the officer has reason to believe the health and safety of the animal is in danger if there is a delay. The conditions observed by the conservation officer during a reinspection will be considered in determining whether to renew a permit. *(Natural Resources Commission; 312 IAC 9-11-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2738; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-11-4 Permit to possess a relocated wild animal

Authority: IC 14-10-2-4; IC 14-22-26
Affected: IC 14-11-4; IC 14-22

Sec. 4. (a) This section governs a permit to possess a wild animal if a permittee under section 2 or 3 of this rule wishes to relocate the animal.

(b) For a permit to possess a Class III wild animal, the permittee must satisfy IC 14-11-4 before the department may issue a permit to possess the animal at a new location. In addition to any procedural requirements, a notice under this subsection must also describe the following:

(1) The species of the wild animal.

(2) Where the animal will be possessed.

(c) A new written verification from a veterinarian is not required under this section. *(Natural Resources Commission; 312 IAC 9-11-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18,*

2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-11-5 Classifications of wild animals which require a permit under IC 14-22-26 *(Repealed)*

Sec. 5. *(Repealed by Natural Resources Commission; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)*

312 IAC 9-11-6 Class I wild animals for which a permit is required
Authority: IC 14-22-26
Affected: IC 14-22

Sec. 6. (a) A permit is required under this rule for the following Class I wild animals:
(1) Rabbit (Sylvilagus floridanus).
(2) Squirrel (Sciurus carolinensis, Sciurus niger, and Glaucomys volans).
(b) As used in this rule, "Class I wild animal" means a wild animal that, because of its nature, habits, or status, is not a threat to personal or public safety. *(Natural Resources Commission; 312 IAC 9-11-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-11-7 Class II wild animals for which a permit is required
Authority: IC 14-10-2-4; IC 14-22-26
Affected: IC 14-22

Sec. 7. (a) A permit is required under this rule for the following Class II wild animals:
(1) Beaver (Castor canadensis).
(2) Coyote (Castor latrans).
(3) Gray fox (Urocyon cinereoargenteus).
(4) Red fox (Vulpes fulva).
(5) Mink (Mustela vison).
(6) Muskrat (Ondatra zibethicus).
(7) Virginia opossum (Didelphis marsupialis).
(8) Raccoon (Procyon lotor).
(9) Striped skunk (Mephitis mephitis).
(10) Weasel (Mustela frenata, Mustela nivalis, and Mustela rixosa).
(11) Serval (Leptailurus serval).
(12) Leopard cat (Prionailurus bengalensis).
(13) Margay cat (Felis wiedi).
(14) Jaguarundi cat (Felis yagouaroundi).
(15) Jungle cat (Felis chaus).
(16) Pallas' cat (Felis manul).
(17) Sand cat (Felis margarita).
(18) Black-footed cat (Felis nigripes).
(19) Flat-headed cat (Prionailurus planiceps).
(20) Fishing cat (Prionailurus viverrinus).
(21) Geoffroy's cat (Leopardus geoffroyi).
(22) Pampas cat (Leopardus pajeros).
(23) Little spotted cat (Leopardus tigrinus).
(24) Pantanal cat (Leopardus braccatus).
(25) Marbled cat (Pardofelis marmorata).
A hybrid of any of these species with a domestic dog or domestic cat is exempt from permitting under this section.

(b) As used in this rule, "Class II wild animal" means a wild animal that, because of its nature, habits, or status, may pose a threat to human safety. *(Natural Resources Commission; 312 IAC 9-11-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-11-8 Class III wild animals for which a permit is required

Authority: IC 14-10-2-4; IC 14-22-26-3
Affected: IC 14-22

Sec. 8. (a) A permit is required under this rule for the following Class III wild animals:
(1) Wolves that are purebred.
(2) Bears (all species).
(3) Wild cats (all species), except feral cats and cats listed in section 7 of this rule.
(4) Venomous reptiles.
(5) Crocodilians that are at least five (5) feet long.
A hybrid of any of these species with a domestic dog or domestic cat is exempt from permitting under this section.

(b) As used in this rule, "Class III wild animal" means a wild animal that presents a real or potential threat to human safety. *(Natural Resources Commission; 312 IAC 9-11-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3676; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-11-9 Classification of endangered species or threatened species

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-26-6; IC 14-22-34-17
Affected: IC 14-22

Sec. 9. (a) If an application is submitted under this rule to possess a wild animal that is an endangered species or a threatened species, but the animal is not identified in sections 6 through 8 of this rule, the division shall designate the wild animal as being within Class I, Class II, or Class III before the permit is issued.

(b) The division may require that a wild animal possessed under this section is identified with an individually unique transponder, a unique notch, or another method of permanent marking approved by the director. *(Natural Resources Commission; 312 IAC 9-11-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2740; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3676; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-11-10 Confining and enclosing wild animals

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

Sec. 10. (a) This section establishes general requirements for confining or otherwise enclosing a wild animal that must be demonstrated in an application under this rule. A person who holds a permit must maintain compliance with this section while in possession of the wild animal.

(b) All wild animals must have a designated primary enclosure.

(c) All wild animals shall be kept in cages or enclosures. Walls and restraints affixed to windows, doors, and other means of entry or exit must be as strong as what is prescribed in section 13 of this rule for cage construction.

(d) All cages shall:
(1) be well braced and, when necessary, securely fastened to the floor or ground; and
(2) utilize metal clamps, ties, welds, or braces of equivalent strength as that prescribed for cage construction.

(e) Except as provided in subsection (f), the cage or enclosure required for a Class III wild animal must also be surrounded by a perimeter chain link fence that is at least six (6) feet high. Fencing material that is equal in strength and durability to chain link may be substituted.

(f) A venomous reptile must be kept in a locked container within a locked building, compound, or enclosure. The premises shall have a notice clearly and conspicuously posted to provide the:

(1) location of the nearest, most readily available source of appropriate anti-venin; and

(2) telephone number of the nearest poison control center.

(g) A wild animal must not be chained or tethered, except under the following conditions:

(1) During training sessions. During these sessions, the wild animal must be under the direct supervision of the permittee or an employee of the permittee. Training may take place only within the perimeter fence, not in public view, and while under strict control of the handler.

(2) During an emergency.

(3) While repairs are being made to the cage.

(h) A Class III wild animal must have secondary housing, for example, a den, shift cage, or transport crate, in which the animal can be secured. The secondary housing must be as strong as what is required for cage construction. The animal may be housed in secondary housing for a set period of time upon the written instructions of a licensed veterinarian.

(i) A modification from the general cage requirements may be granted upon a written finding by the director that the overall welfare of the animal and public safety would be maintained if the modification were implemented. *(Natural Resources Commission; 312 IAC 9-11-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2740; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3676; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-11-11 General housing requirements and specifications

Authority: IC 14-22-26
Affected: IC 14-22

Sec. 11. (a) This section provides general housing requirements and specifications that apply to an animal possessed under this rule.

(b) Unless otherwise specified in the permit, a cage or enclosure must be completely enclosed.

(c) Wild animals that are compatible with one another may be held in the same enclosure if the required floor space is provided.

(d) Common walls between animals that are not compatible must be constructed so the animals cannot gain access to each other.

(e) All mammals must have a den or nest box.

(f) Dens shall be large enough to ensure that each animal contained therein has sufficient space to:

(1) turn about freely; and

(2) make normal postural adjustments.

(g) If sunlight is likely to cause overheating or discomfort to an animal, sufficient shade shall be provided to protect any animal kept outdoors from direct sunlight.

(h) If the ambient air temperature falls below that needed for good health of the animal, an artificial heat source must be provided that is sufficient to maintain the required ambient air temperature.

(i) If a pool of water is required or used, the floor space occupied by the pool is in addition to the required minimum floor space, unless otherwise specified in the license.

(j) Night quarters, holding pens, and nesting boxes may not be used as primary housing.

(k) All chain link or welded wire edges shall be smoothly secured to prevent injury to the animals.

(l) If a cage is required to be constructed of mesh, unless otherwise specified, the mesh shall be made from welded or woven steel wire or an equivalent material. The floor of such a cage need not be constructed of mesh. Any equivalent strength material may be used.

(m) An enclosure must be provided with sufficient drainage to prevent standing water from accumulating.

(n) If a concrete floor is specified in a permit, either wood plank flooring or a natural substrate may be used to cover the

concrete.

(o) Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination. *(Natural Resources Commission; 312 IAC 9-11-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2740; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-11-12 Designated wild animals; minimum pen, cage, or enclosure size requirements

Authority: IC 14-22-26
Affected: IC 14-22

Sec. 12. (a) Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

(b) The requirements in subsection (a) are subordinate to any requirements contained elsewhere in this rule or in the license. *(Natural Resources Commission; 312 IAC 9-11-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2741; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

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 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) 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.
  (B) For flying squirrels:
    (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. 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. 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 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 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 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 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) The walls, roof, and floor of the cage shall be constructed from mesh that is not larger than as follows:
(A) For long-tailed weasels, one (1) inch.
(B) For least weasels, 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

(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.
(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
(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; and
(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
(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.

(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

(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

(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) 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.

(ii) For jungle cats and serval cats, fifty-five (55) degrees Fahrenheit.

(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
(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) 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.
(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, fifty-five (55) degrees Fahrenheit.

(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; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-11-13.5 Confinement and enclosure requirements for venomous reptiles and crocodilians

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-26-6; IC 14-22-34-17
Affected: IC 14-22

Sec. 13.5. (a) This section sets standards for confining and enclosing venomous reptiles and crocodilians that must be satisfied by a person licensed under this rule.
(b) A venomous reptile must be provided with the following:
(1) The perimeter of the enclosure for a snake less than six (6) feet long shall be at least one and one-half (1½) times the length of the snake. The perimeter of the enclosure for a snake at least six (6) feet long shall be at least two (2) times the length of the snake.
(2) For each venomous lizard, a cage with rounded corners must be provided that is at least twenty-four (24) inches long, eighteen (18) inches wide, and fifteen (15) inches high. For each additional lizard, the size of the cage shall be increased by four (4) inches in length and width.
(3) All enclosures must be adequately ventilated. The floor of the enclosure shall be constructed of a nonabrasive material. The substrate shall facilitate the ability to maintain a clean and healthy environment. Hiding areas shall be provided for each animal.
(4) The containers for venomous reptiles shall be labeled with the common and scientific name (scientific genus and species name) of the species and the number of the animals contained inside. The label shall be legibly marked with the warning: Poisonous or Venomous.
(5) Indoor cages shall be fronted with Plexiglas, acrylic, or plate glass at least one-fourth (¼) inch thick. Cages are to be tightly closed at the top, and all doors are to be tightly fitted and securely locked. Cages must be constructed of one (1) of the following:
(A) Waterproof plywood at least one-fourth (¼) inch thick.
(B) Concrete plastered over wire.
(C) Sheet metal.
(D) Interlocking lumber at least three-fourths (¾) inch thick.
(E) Fiberglass.
(F) Plastic.
(6) Outdoor cages or pits shall have floors of concrete or masonry construction at least two (2) inches thick. Sides shall be

similar construction at least six (6) inches thick, with a minimum height of four (4) feet from the floor unless completely roofed over by close-meshed wire. The corners of open pits shall be designed or guarded to prevent the escape of reptiles by climbing. Entrance doors accessible to the public shall be kept key locked.

(c) Crocodilians that are at least five (5) feet long must be provided with the following:

(1) The cage must be at least one and one-half (1½) times as long and wide as each animal in the enclosure.

(2) The cage walls must be constructed of one (1) of the following:

(A) Concrete.

(B) Concrete block.

(C) Nine (9) gauge chain link or welded wire with no more than two (2) inch by four (4) inch size mesh.

(3) One-third (⅓) of the cage space shall be a pool of water that is deep enough for an animal to immerse itself. If more than one (1) animal is present, the pool shall be large enough so all animals can immerse themselves simultaneously. Pool surfaces shall be made of nonabrasive material, and the pool shall have a drain.

(4) The portion of an enclosure not occupied by the pool shall be covered with nonabrasive material, such as earth or grass.

(5) Crocodilians shall be confined in a manner that precludes them from coming into contact with the public.

(6) The walls of an open pen shall be at least six (6) feet high. If a wall is made of climbable material, such as fencing, the top one and one-half (1½) feet shall be constructed of a slippery, nonclimbable material. A wall shall either be buried deeply enough to prevent escape by digging or shall be fitted with a buried apron. Chain link or welded wire edges shall be smoothly secured to prevent injury to the animals.

(7) The walls of a totally enclosed pen shall have the upper one-half (½) constructed of one (1) of the following:

(A) Concrete.

(B) Concrete block.

(C) Nine (9) gauge chain link or welded wire with no more greater than two (2) inch by four (4) inch size mesh.

Concrete or concrete block shall be used for the lower one-half (½) of the enclosure. A wall shall be buried deeply enough to prevent escape by digging or shall be fitted with a buried apron. Chain link or welded wire edges shall be smoothly secured to prevent injury to the animals.

(d) Notwithstanding section 14(c) of this rule, a person who possesses a venomous reptile or crocodilian that was lawfully acquired by the person, and used for a purpose described in section 14(c) of this rule before September 1, 1999, may continue the purpose where the person files with the department a written petition by November 1, 1999, that demonstrates to the satisfaction of the department:

(1) the identity of the reptile and its lawful acquisition;

(2) the purpose to which the reptile has been and would continue to be put;

(3) precautions to make it unlikely the reptile would pose a hazard to another person or the property of another person; and

(4) assurances the reptile has been and would continue to be treated humanely.

(Natural Resources Commission; 312 IAC 9-11-13.5; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3677; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-11-14 Maintaining a wild animal possessed under this rule

Authority: IC 14-10-2-4; IC 14-22-26
Affected: IC 14-22

Sec. 14. (a) A person must not maintain a wild animal in a manner that does any of the following:

(1) Poses a hazard to public safety.

(2) Poses a hazard to property of a person other than the permit holder.

(3) Harms the health of the wild animal.

(4) Violates this article or the license under which the animal is possessed.

(b) A person must not possess a wild animal in a condition that is any of the following:

(1) Unsafe.

(2) Unsanitary.

(3) Constitutes maltreatment or neglect of the animal.

(4) Allows the escape of the animal.

(c) A person must not use a wild animal in any of the following manners:

(1) For a commercial purpose unless the person is issued a commercial license by the United States Department of Agriculture or the wild animal is an alligator snapping turtle (Macroclemys temmincki) lawfully acquired by the applicant prior to January 1, 1998.

(2) For a sporting purpose.

(3) As a public display.

(d) As used in this rule, "commercial purpose" means to breed, sell, publicly exhibit or display, barter, trade, lease, or other use for which the permittee receives compensation of any kind, other than for educational purposes in accordance with a special purpose educational permit authorized in 312 IAC 9-10-9.5. Electronic viewing and photographs are allowed.

(e) A special purpose educational permit must be obtained under 312 IAC 9-10-9.5 before a person uses a Class I, Class II, or Class III wild animal for an educational purpose unless the wild animal is an alligator snapping turtle (Macroclemys temmincki) lawfully acquired by the applicant before January 1, 1998.

(f) A wild animal must be provided with fresh drinking water in clean containers on a daily basis, except as necessary for medical reasons with written instructions from a veterinarian.

(g) A swimming pool or wading pool that is provided for the use of a wild animal must be cleaned as needed to maintain good water quality.

(h) Surface water must be adequately drained from a cage or enclosure where a wild animal is possessed.

(i) A wild animal must be provided with food that is each of the following:

(1) Unspoiled.

(2) Uncontaminated.

(3) Appropriate to the dietary needs of the animal.

(j) Fecal wastes and food wastes must be removed daily from cages and stored or disposed to prevent noxious odors and insect pests. Hard floors shall be scrubbed and disinfected weekly. Large pens and paddocks with dirt floors shall be raked at least once every three (3) days and the waste removed. *(Natural Resources Commission; 312 IAC 9-11-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2743; filed May 19, 2003, 9:11 a.m.: 26 IR 3324; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 555; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-11-15 License revocation, seizure of a wild animal, reimbursement for expenses, and escaped wild animals

Authority: IC 14-22-26

Affected: IC 4-21.5-3-8; IC 4-21.5-4; IC 14-22-26-5

Sec. 15. (a) The department may revoke a permit issued under this rule because of a failure of the permittee to comply with IC 14-22, this article, or a term of the permit. A proceeding under this subsection is subject to IC 4-21.5-3-8.

(b) The department may restrict or suspend a license under IC 4-21.5-4 if:

(1) an emergency exists with respect to the safety of the public or the health of the animal; or

(2) the director believes an emergency exists under IC 14-22-26-5(a).

(c) The department may seize a wild animal where:

(1) an emergency exists under subsection (b); or

(2) a final order has been made by the commission to:

(A) revoke a permit issued under this section;

(B) confiscate the wild animal; and

(C) provide for its final disposition.

(d) The owner of a wild animal seized under this section is liable for the costs incurred by the department in seizing and holding the animal and for the proceedings under this section. A final order by the commission under subsection (c)(2) shall include a determination of those costs.

(e) The department may destroy a wild animal where the wild animal has escaped and poses an immediate threat to the safety

of the public. *(Natural Resources Commission; 312 IAC 9-11-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2744; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

Rule 12. Hunter Education

312 IAC 9-12-1 Applicability

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-11-5

Sec. 1. This rule implements and applies the requirements for hunter education set forth in IC 14-22-11-5. *(Natural Resources Commission; 312 IAC 9-12-1; filed May 27, 1997, 3:50 p.m.: 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-12-2 Mandatory hunter education for an individual born after December 31, 1986

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

Sec. 2. (a) In addition to the requirements for obtaining a hunting license under IC 14-22-11, an individual born after December 31, 1986, must have successfully completed a course in hunter education by the department or the department's agent under IC 14-22-35-1 and this rule.

(b) As used in subsection (a), "department's agent" includes a person approved to administer a hunter education program in Indiana, as well as a program found by the director to provide hunter education substantially equivalent to an approved Indiana program in any of the following:

(1) Another state.
(2) A province of Canada.
(3) Another country.

(c) An individual born after December 31, 1986, is exempt from the requirements in subsection (a) if the individual:

(1) purchases an apprentice hunting license authorized under IC 14-22-12-1.7;
(2) otherwise complies with the requirements under this article; and
(3) is accompanied by an individual who is at least eighteen (18) years of age that either:
    (A) holds a valid hunting license of any type that is not an apprentice license; or
    (B) is not required to have a hunting license under IC 14-22-11 and 312 IAC 9-2-14.

(Natural Resources Commission; 312 IAC 9-12-2; filed May 27, 1997, 3:50 p.m.: 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-12-2.5 Special circumstances hunter education certification

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-12-1.8
Affected: IC 12-7-2-61; IC 14-22-35; IC 20-35-1-8

Sec. 2.5. (a) As used in this section, "individual with special circumstances" means an individual who:

(1) has a developmental disability as defined in IC 12-7-2-61;
(2) is a student with a disability as defined in IC 20-35-1-8; or
(3) has a developmental disability as defined in IC 12-7-2-61 that manifests itself on or after the individual is twenty-two (22) years of age and is due to injury or disease, but excludes an impairment that is attributable to the normal aging process.

(b) The department may issue a special circumstances hunting safety card under this section to an individual with special circumstances as described in this section who attends a complete course of instruction in hunter education offered by the department

or the department's agent under IC 14-22-35 but is unable to pass the examination.

(c) An individual with special circumstances must apply for a special circumstances hunting safety card on a completed and signed departmental form that includes a statement of disability completed by a licensed physician or nurse practitioner. If the applicant is under eighteen (18) years of age, a parent or legal guardian who is legally responsible for the applicant's activities must sign the application. *(Natural Resources Commission; 312 IAC 9-12-2.5; filed Sep 14, 2015, 2:02 p.m.: 20151014-IR-312140511FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)*

312 IAC 9-12-3 Demonstration of compliance with hunter education requirements

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22-11-3; IC 14-22-12-1.7

Sec. 3. (a) An agent duly appointed by the director under IC 14-22-11-3, or a clerk of a county circuit court, must not issue a hunting license to an individual subject to section 2 of this rule unless the individual:

(1) demonstrates compliance with section 2 or 2.5 of this rule; or

(2) purchases an apprentice hunting license under IC 14-22-12-1.7.

(b) An individual subject to section 2 or 2.5 of this rule may demonstrate successful completion of a hunter education program by any one (1) of the following methods:

(1) The presentation of a certificate of completion that indicates a hunter education program offered by the department or the department's agent was successfully completed by the applicant. A certificate of completion shall be completed on a department form.

(2) For an individual less than twelve (12) years of age upon completion of attendance at a hunter education course, the presentation of a certificate of attendance that indicates a hunter education program offered by the department or the department's agent has been monitored by the applicant. A license issued under this subdivision authorizes an applicant to hunt only if the applicant is accompanied by a parent or guardian. A certificate of attendance shall be prepared on a department form.

(3) A statement made under oath or affirmation by the applicant, on a department form, stating the applicant successfully completed a hunter education program approved under section 2 of this rule.

(4) A properly completed hunting license issued previously to the applicant.

(5) A final order from the commission under IC 4-21.5 and 312 IAC 3 stating the applicant is entitled to receive a hunting license.

(6) The presentation of a special circumstances hunting safety card issued by the department.

(Natural Resources Commission; 312 IAC 9-12-3; filed May 27, 1997, 3:50 p.m.: 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Sep 14, 2015, 2:02 p.m.: 20151014-IR-312140511FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-12-4 Notations on hunting license

Authority: IC 14-10-2-3; IC 14-22-2-6
Affected: IC 14-22-11-3; IC 14-22-11-5

Sec. 4. An agent duly appointed by the director under IC 14-22-11-3, or a clerk of a county circuit court, shall note the following:

(1) The hunter education course certification number.

(2) An indication whether the license is restricted by the terms of section 3(b)(2) of this rule.

(Natural Resources Commission; 312 IAC 9-12-4; filed May 27, 1997, 3:50 p.m.: 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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