

**Document:** Emergency Rule

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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #00-262(E)

**DIGEST**

Temporarily amends 312 IAC 9 to govern noncommercial hunts at Big Walnut Nature Preserve and Twin Swamps Nature Preserve. Under IC 4-22-2-37.1, IC 14-10-2-5, and IC 14-22-2-6, the director of the department of natural resources adopts the emergency rule set forth in this document. The emergency rule is adopted with the awareness the regulation of wild animals in Indiana is the responsibility of the department of natural resources, and with a heightened awareness of that responsibility (as well as a responsibility for the welfare of flora and other fauna), within dedicated nature preserves. Based upon the opinion of professional biologists, the director has determined: (A) white-tailed deer within these nature preserves have caused, and will continue to cause, obvious and measurable damage to the ecological balance within these preserves; and (B) the ecological balance within the nature preserves will not be maintained unless action is taken to control their populations. Examples of damages caused by excessive deer populations include reduction of rare plant species and sampling data that show, more generally, vegetation species disturbance in areas accessible to deer browsing. Effective November 19, 2000.

**SECTION 1. (a) Notwithstanding any other provision governing hunting a wild animal within a nature preserve dedicated under IC 14-31-1, individuals qualified under this SECTION may by firearms only hunt white-tailed deer at the following sites and within the following schedules:**

**(1) Big Walnut Nature Preserve in Putnam County from 7:30 a.m. until 4 p.m., EST on December 1 through December 2, 2000.**

**(2) Twin Swamps Nature Preserve in Posey County from 6:30 a.m. until 3 p.m., CST on December 1 through December 2, 2000.**

**(b) In order to apply for a license under this SECTION, an individual must satisfy both of the following requirements:**

**(1) Possess at least one (1) valid resident license issued under 312 IAC 9-3-3, 312 IAC 9-3-4, or IC 14-22-12-7 to take deer.**

**(2) Be at least eighteen (18) years old by November 20, 2000.**

**(c) The maximum number of individuals for each site each day who may be issued a license is as set forth in this subsection:**

**(1) For Big Walnut Nature Preserve, twenty (20) individuals.**

**(2) For Twin Swamps Nature Preserve, thirty (30) individuals.**

**(d) For both nature preserves, the department will determine the participants for the hunt by first selecting individuals who have completed a course of instruction in hunter safety under IC 14-22-35. If more than the maximum number of individuals who have completed this course apply for a license under this SECTION, the department will select the participants for that nature preserve by a drawing from those individuals who have completed the course. If fewer than the maximum number of individuals who have completed this course apply for a license, the department shall supplement the participation list with applicants who have not completed a course of instruction in hunter safety. If supplementing the participation list with applicants who have not completed a course of instruction results in more applications than the maximum number of individuals who may be issued a license, the department will select the supplemental participants by a drawing from those individuals who have not completed the course.**

**(e) An application for a license under this SECTION must be completed on a department form as described in this subsection:**

**(1) The forms are available at all state parks and reservoirs, at Hovey Lake Fish and Wildlife Area, at the Customer Service Center in the Indiana Government Center-South, 402 West Washington Street, Room W160, Indianapolis, Indiana 46204, and on the Internet through the department's homepage. Forms may also be available at other staffed DNR property offices.**

**(2) In order to qualify an applicant for participation, a completed form (including a photocopy of a license issued to the**

applicant as identified in subsection (c)(1) must be actually received by 4:00 p.m., EST (3:00 p.m., CST), on November 20, 2000, at the Department of Natural Resources, Division of Nature Preserves, 402 West Washington Street, Room W267, Indianapolis, Indiana 46204.

(f) An individual may file no more than three (3) separate applications for three (3) individual applicants, as long as each application is accompanied by a deer license described in subsection (c)(1). Up to three (3) applications may be submitted as a unit so all or none of the applicants will be selected to participate in the hunt. The submission by an individual of more than one (1) application disqualifies the individual (and any other individual submitting as a unit with the individual) from participating in the drawing.

(g) Any drawing required by this SECTION will be conducted on a random basis. Written notice will be mailed by the department to successful applicants.

(h) Each individual issued a license to participate in the deer control hunt at Big Walnut Nature Preserve will be randomly assigned to either of two (2) management units with designated parking assignments. Each license holder must comply with the requirements set forth in the assignment.

(i) The form of the license under this SECTION shall be as determined by the department. Each participant in the hunt must possess and display evidence of the license as specified by the department.

(j) Notwithstanding 312 IAC 9-1-15, a participant must expose outer garments with hunter orange that include both of the following:

- (1) A hat or cap.
- (2) A vest, coat, jacket, or coveralls.

(k) During the hunt, an individual must not take more than:

- (1) Three (3) total deer.
- (2) Included among the total deer taken, there must not be more than one (1) antlered deer.

(l) A deer taken under this SECTION does not apply to any bag limit for taking deer established by 312 IAC 9.

(m) All deer must be delivered to a designated check station within the nature preserve.

(n) An individual must not enter a nature preserve described in this SECTION from 8 p.m., EST (7 p.m., CST) on Thursday, November 30 through 8 a.m., EST (7 a.m., CST) on Sunday, December 3, 2000, unless the individual satisfies both subsection (o) and subsection (p).

(o) An individual shall enter a nature preserve described in this SECTION only at a site designated by the department.

(p) In order to enter a nature preserve described in this SECTION, an individual must be one (1) of the following:

- (1) An individual granted a license under this SECTION.
- (2) A representative of the media.
- (3) An employee of the department.
- (4) Another individual with credentials supplied by the department.

SECTION 2. SECTION 1 of this document expires on December 15, 2000.

*LSA Document #00-262(E)*

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