

Document: Proposed Rule

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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #01-102

DIGEST

Amends 312 IAC 9 that governs hunting deer by firearms, hunting deer by bow and arrows, hunting of deer in confined areas, turkey, brown trout, largemouth bass, walleye, channel catfish, fish sorting and a prohibition on waste, charter fishing, yellow perch, ice fishing, whooping cranes, sandhill cranes, aquaculture permit, and the meaning of "sale" as it applies to native reptiles and amphibians. Makes numerous technical corrections. Effective 30 days after filing with the secretary of state.

312 IAC 9-3-2	312 IAC 9-6-6
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SECTION 1. 312 IAC 9-3-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-2 General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 2. (a) This section and sections 3 through 10 of this rule govern the hunting, transportation, and disposal of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from this section and sections 3 through 9 of this rule. A person who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified by sections 3 through 8 of this rule are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Before September 1, 2007, a person must not take more than one (1) antlered deer during the seasons for an annual deer license.

~~(d)~~ (e) The use or aid of a food product that is transported and placed for consumption, salt, mineral blocks, prepared solid or liquid intended for ingestion (herein called bait), snares, dogs, or other domesticated animals to take deer is prohibited. A person must not hunt by the aid of bait or on or over a baited area. An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an orchard or another area which may be attractive to deer as the result of normal agricultural activity is not prohibited. The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

~~(e)~~ (f) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt deer unless the person possesses a completed and signed license bearing the person's name. The license must be accompanied by a temporary transportation tag bearing

the license number and the year of issuance. A person must not hunt with a deer license or tag issued to another person.

~~(g)~~ **(g)** The temporary transportation tag described in subsection ~~(e)~~ **(f)** must, immediately upon taking a deer, be notched as to the sex of the deer and the month and day of the kill. A tag which is notched other than three (3) times is void. A person must not tag a deer other than with a tag issued to the person who took the deer. A deer leg must be tagged before leaving the field. A deer which is in the field is not required to be tagged if the person who kills the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

~~(g)~~ **(h)** A person who takes a deer must deliver the deer carcass to an official checking station for registration on the occurrence of the earlier of one (1) of the following:

- (1) Within twenty-four (24) hours of taking of the deer.
- (2) Before the deer is removed from this state.

~~(h)~~ **(i)** After the checking station operator records the permanent seal number on the log and collects the upper portion of the license, where applicable, along with the temporary transportation tag, the hunter is provided with that seal. The seal must be affixed by the hunter and ~~locked between a tendon and bone sealed~~ **locked between a tendon and bone sealed** to prevent its removal (without ~~severing a tendon and must remain affixed until cutting the seal or the body part to which it is affixed~~, before processing of the deer begins, **by affixing the seal:**

- (1) between a tendon and bone;**
- (2) through a section of skin or flesh; or**
- (3) around a branched antler.**

(j) The checking station operator ~~shall~~ **must** accurately and legibly complete all forms provided by the department and must make those forms available to department personnel upon request.

~~(i)~~ **(k)** An individual authorized to act under this subsection must attach a paper to a deer carcass which states the name and address of the individual and the date and sex of the deer taken. The requirements of subsections ~~(e)~~ **(f)** through ~~(f)~~ **(g)** also apply except to the extent those subsections identify the physical characteristics of a tag. The individuals authorized to act under this subsection are as follows:

- (1) A lifetime license holder.
- (2) A youth license holder.
- (3) For a deer taken on a landowner's land, each of the following:
 - (A) The resident landowner.
 - (B) The spouse of the resident landowner.
 - (C) A child of the resident landowner who is living with the landowner.
- (4) For a deer taken on farmland leased from another person, each of the following:
 - (A) The resident lessee who farms the land.
 - (B) The spouse of the resident lessee.
 - (C) A child of the resident lessee who is living with the lessee.
- (5) An Indiana serviceman or servicewoman who is hunting under IC 14-22-11-11.

~~(j)~~ **(l)** A person must not erect, place, or hunt from a permanent tree blind on state-owned lands. A tree blind placed on state-owned or state-leased lands, U.S. Forest Service lands, ~~or lands of~~ the Muscatatuck National Wildlife Refuge, ~~or the Big Oaks National Wildlife Refuge~~ **must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber which penetrates a tree more than one-half (1/2) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.**

~~(k)~~ **(m)** The head of a deer must remain attached to the carcass until the ~~metal~~ tag is attached and locked at the deer checking station.

~~(l)~~ **(n)** The use of infrared sensors to locate or take deer is prohibited. It is unlawful to hunt or to retrieve deer with the aid of an infrared detector.

~~(m)~~ **(o)** Notwithstanding subsection ~~(d)~~; **(e)**, dogs may be used only while on a leash to track or trail wounded deer.

~~(n)~~ **(p)** Notwithstanding subsection ~~(d)~~; **(e)**, donkeys, mules, and horses may be used for transportation to and from a hunt but may

not be used while hunting. (*Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702*)

SECTION 2. 312 IAC 9-3-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-3 Hunting deer by firearms

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1; IC 35-47-2

Sec. 3. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- (1) issued a license to hunt deer by firearms under IC 14-22-12-1(12), IC 14-22-12-1(13), IC 14-22-12-1(15), or IC 14-22-12-1(16); or
- (2) hunting by the use of firearms under IC 14-22-11-1.

(b) The season for hunting deer with firearms is as follows:

- (1) The firearms season using shotgun, shotgun with rifled barrel, handgun, muzzle loading gun, or muzzle loading handgun is from the first Saturday after November 11 and continuing for an additional fifteen (15) days.
- (2) The seasonal limit for hunting deer under this subsection is one (1) antlered deer.

(c) In addition to the season established under subsection (b), the season for using a muzzle loading gun or muzzle loading handgun only extends from the first Saturday after the firearms season established under subsection (b) and continues for fifteen (15) additional days. The seasonal limit for hunting deer under this extended season is one (1) deer of either sex. ~~However, if an individual has taken an antlered deer in the same year during the season established under subsection (b), the individual must not take an antlered deer under this subsection.~~

(d) A person must not hunt deer except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(e) A person must not hunt deer unless that person wears hunter orange.

(f) Bow and arrows must not be possessed by a person while hunting under this section.

(g) The following requirements apply to the use of firearms under this section:

- (1) A shotgun must have a gauge 10, 12, 16, ~~or~~ 20, **or .410 bore** loaded with a single projectile. A shotgun may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.
- (2) A handgun must:
 - (A) conform to the requirements of IC 35-47-2;
 - (B) have a barrel at least four (4) inches long; and
 - (C) fire a bullet of .243 inch diameter or larger.

All 38 special ammunition is prohibited. The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. A handgun must not be concealed. Full metal jacketed bullets are unlawful. A handgun may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.

(3) A muzzle loading gun must be .44 caliber or larger, loaded with a single ball-shaped or elongated bullet of at least .44 caliber. A muzzle loading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzle loading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzle loading firearm must be loaded from the muzzle. A muzzle loading firearm may be possessed in the field outside lawful shooting hours only if:

- (A) for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or
- (B) for flintlock firearms, the pan is not primed.

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

(*Natural Resources Commission; 312 IAC 9-3-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272*)

SECTION 3. 312 IAC 9-3-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-4 Hunting deer by bow and arrows

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1

Sec. 4. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- (1) issued a license to hunt deer with bow and arrows under IC 14-22-12-1(14) or IC 14-22-12-1(17) and is supplemental to section 2 of this rule; or
- (2) hunting by the use of bow and arrows under IC 14-22-11-1.

(b) The season for hunting deer with bow and arrows during the early bow season is from October 1 through the firearms season (set forth in section 3(b) of this rule) and during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

(c) The urban deer season is from September 15 through the firearms season (set forth in section 3(b) of this rule) and during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

~~(d)~~ (d) The seasonal limit for hunting under this section is one (1) deer of either sex. ~~In addition, the following restrictions apply:~~

- ~~(1) A person who has taken an antlered deer under section 5 of this rule must not take an antlered deer under this section.~~
- ~~(2) A person must not take an antlered deer by means of a crossbow.~~

~~(e)~~ (e) A person must not hunt deer under this section except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

~~(f)~~ (f) A person must not hunt deer under this section unless that person wears hunter orange. However, this subsection does not apply before the commencement of the firearms season set forth in section 3(b) of this rule and after the muzzle loading gun season set forth in section 3(c) of this rule.

~~(g)~~ (g) A person must not hunt under this section unless that person possesses only one (1) bow. A firearm must not be possessed by ~~a~~ the person hunting under this section.

~~(h)~~ (h) The following requirements apply to the use of archery equipment under this section:

- (1) No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.
- (2) Arrows must be equipped with metal or metal-edged (or flint, chert, **or** obsidian napped) broadheads.
- (3) Poisoned or explosive arrows are unlawful.
- (4) Bows drawn, held, or released other than by hand or hand-held releases are unlawful.
- (5) A long bow or compound bow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.
- (6) No portion of the bow's riser (handle) or any track, trough, channel, arrow rest, or other device that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

~~(i)~~ (i) Notwithstanding subsection ~~(g)~~, (h), a person may use a crossbow to take antlerless deer during the late bow season from the first Saturday after the firearms season through the first Sunday in January if the following restrictions are met:

- (1) No person shall use a crossbow of less than one hundred twenty-five (125) pounds pull.
- (2) No person shall use a crossbow that does not have a mechanical safety.
- (3) A crossbow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.

~~(j)~~ (j) As used in this rule, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device. (*Natural Resources Commission; 312 IAC 9-3-4; filed May 12, 1997, 10:00 a.m.; 20 IR 2703; filed Nov 5, 1997, 3:25 p.m.; 21 IR 930*)

SECTION 4. 312 IAC 9-3-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-5 Hunting deer with bow and arrows by authority of an extra deer license

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1

Sec. 5. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:
(1) issued a license to take an extra deer under IC 14-22-12-1(18) or IC 14-22-12-1(19) by means of bow and arrows; or
(2) hunting under IC 14-22-11-1 with an extra deer license by means of bow and arrows.

(b) Except as specified in subsection (d), the statewide seasonal limit for hunting under this section is one (1) deer of either sex.
~~In addition, the following restrictions apply:~~

- ~~(1) A person who has taken an antlered deer under section 4 of this rule must not take an antlered deer under this section.~~
- ~~(2) A person must not take an antlered deer by means of a crossbow.~~

(c) The restrictions contained in section 4(b) and ~~4(d) 4(e) through 4(h) 4(i)~~ of this rule also apply to a license issued under this section.

(d) The seasonal limit for hunting deer in an urban deer zone is ~~one (1) antlerless deer for each of two (2) extra deer licenses in addition to the statewide extra deer limit: four (4) deer of which only one (1) may be antlered. A person must possess a valid extra deer license for each deer taken. A deer taken under this subsection does not count against a bag limit for deer set elsewhere in this rule.~~

(e) The following areas have been designated as urban deer zones:

(1) The Indianapolis urban deer zone includes all of Marion County, that portion of Hendricks County east of State Highway 267, the southeast portion of Boone County as bounded by State Highway 267, Interstate Highway 65, State Highway 32, and that portion of Hamilton County south of State Highway 32.

(2) The Fort Wayne urban deer zone includes that portion of Allen County lying within the bounds of Interstate Highway 69 and State Highway 469.

(3) The Evansville urban deer zone includes all of Vanderburgh County.

(4) The Lafayette urban deer zone includes the portion of Tippecanoe County north of State Highway 28.

(5) The Gary urban deer zone includes that portion of Lake County north of U.S. Highway 30.

(6) The Crown Point urban deer zone includes that portion of Lake County within the corporate limits of Crown Point.

(7) The Chesterton urban deer zone includes the portion of Porter County north of U.S. Highway 94.

(8) The Michigan City urban deer zone includes that portion of LaPorte County north of U.S. Highway 94.

(9) The Madison urban deer zone includes that portion of Jefferson County bounded on the east by U.S. Highway 421 as well as bounded on the north and west by State Highway 62 and on the south by State Highway 56.

(Natural Resources Commission; 312 IAC 9-3-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2704; filed Nov 5, 1997, 3:25 p.m.: 21 IR 931; filed May 28, 1998, 5:14 p.m.: 21 IR 3713)

SECTION 5. 312 IAC 9-3-7 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1

Sec. 7. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- ~~(1) issued a license to take an extra deer under IC 14-22-12-1(18) or IC 14-22-12-1(19); or~~
- ~~(2) hunting under IC 14-22-11-1 with the use of an extra deer license under IC 14-22-12-1(18) or IC 14-22-12-1(19).~~

~~(b) No person may take an antlerless deer under this section unless the person possesses an antlerless deer license issued by the division under this section.~~

~~(c) Except as provided in subsection (j), the season for hunting deer under this section is as follows:~~

~~(1) From the first Saturday after November 11 and continuing for an additional fifteen (15) days with bow and arrows or firearms.~~

~~(2) From the first Saturday after the day on which the period in subdivision (1) terminates and continuing for an additional fifteen (15) days with a muzzle loading gun.~~

~~(3) From the first Saturday after the day on which the period in subdivision (1) terminates and continuing through the first Sunday in January with bow and arrows.~~

~~(d) The seasonal limit for hunting under this section is one (1) antlerless deer for each license issued under this section.~~

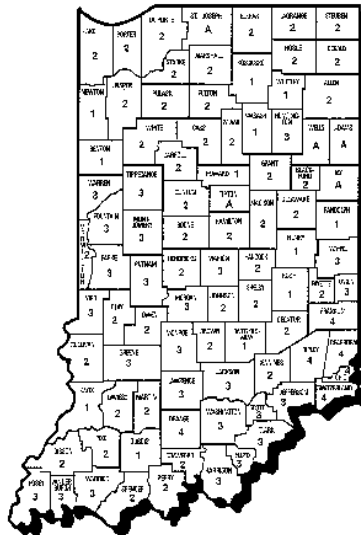
(e) A person who hunts by authority of this section must obtain an extra deer license for each deer. Section 2 of this rule, which governs the use of tags, applies to extra deer tags:

(f) A person who hunts under the authority of this section may use bow and arrows or any firearm which may otherwise be lawfully used to take deer under this rule:

(g) Sections 3(d) through 3(g) and 4(d) through 4(g) of this rule also apply to a license issued under this section:

(h) The seasonal bag limit for taking antlerless deer under this section is four (4) from Indiana:

(i) Except as provided in subsection (j), the county bag limit must not be exceeded from each county as set forth in the following map:



(j) For a county marked on the map in subsection (i) with the letter "A", the county bag limit is one (1) antlerless deer. The season for a county marked with the letter "A" is as follows:

(1) From the second Thursday after November 16 and continuing for an additional three (3) days with bow and arrows or with firearms:

(2) From the first Saturday after the day on which the period in subdivision (1) terminates and continuing for an additional fifteen (15) days with a muzzle loading gun:

(3) From the first Saturday after the day on which the period in subdivision (1) terminates and continuing through the first Sunday in January with bow and arrows:

Hunting deer in a designated county, by authority of an extra deer license, shall be addressed on an annual basis by an emergency rule approved by the director. (Natural Resources Commission; 312 IAC 9-3-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2705; filed Aug 15, 1997, 8:36 a.m.: 21 IR 29)

SECTION 6. 312 IAC 9-3-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-8 Hunting deer on designated military reserves, Big Oaks National Wildlife Reserve, and Muscatatuck National Wildlife Refuge; regular and extra deer hunting licenses

Authority: IC 14-22-2-6

Affected: IC 14-22-12-1

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

(1) Naval Weapons Support Center-Crane.

(2) Jefferson Proving Ground: **Big Oaks National Wildlife Refuge.**

(3) Atterbury Reserve Forces Training Area.

- (4) Indiana Army Ammunition Plant (Charlestown).
- (5) Newport Army Ammunition Plant.
- (6) Muscatatuck National Wildlife Refuge.
- (7) Leiber State Recreation Area (holders of handicap permits under 312 IAC 9-10-10 only).

(b) The season for hunting deer under this section by firearms is from November 1 through December 31.

(c) The season for hunting deer under this section by bow and arrows is from October 1 through December 31.

(d) Except as provided under subsections (b) through (c), a person who hunts by the authority of a firearms license issued under section 3 of this rule or bow and arrows license under section 4 or 5 of this rule is also subject to those sections.

(e) An individual may enter a drawing to hunt deer on the military reserves or on **Big Oaks National Wildlife Reserve or Muscatatuck National Wildlife Refuge**. If selected in the drawing, that individual may apply for:

- (1) an extra firearms military or refuge deer license;
- (2) an extra deer muzzle loader military or refuge license; or
- (3) an extra deer archery military or refuge license;

to hunt during the seasons established under subsections (b) through (c).

(f) Except as provided in subsection (g), the seasonal bag limit for hunting under this section is one (1) deer of either sex for each license, whether that license is issued under subsection (d) or (e). An antlered deer taken under this section is exempted from the limitations placed on the taking of antlered deer set forth in this rule.

(g) In addition to the other licenses authorized by this section, the division may issue an extra deer license under this subsection. This extra deer license authorizes the taking by bow and arrows of a deer of either sex from a site listed in subsection (a). This subsection is governed by IC 14-22-12-1(18) and IC 14-22-12-1(19).

(h) Section 2 of this rule, which governs the use of tags, generally, also applies to extra deer tags under this section. (*Natural Resources Commission; 312 IAC 9-3-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2705*)

SECTION 7. 312 IAC 9-4-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-11 Wild turkeys

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 11. (a) Except as provided in subsection (b), the season for hunting and possessing wild turkeys is from the first Wednesday after April 20 and continuing for an additional eighteen (18) consecutive days.

(b) The season for hunting and possessing wild turkeys on Camp Atterbury and the ~~Jefferson Proving Grounds~~ **Big Oaks National Wildlife Refuge** will be determined on an annual basis by the director.

(c) The limit for taking and possessing is one (1):

- (1) bearded wild turkey; or
- (2) male wild turkey.

(d) A person must not hunt wild turkeys except between one-half (½) hour before sunrise and ~~noon Eastern Standard Time (11 a.m. Central Standard Time): A turkey hunter must leave the field by 1 p.m. Eastern Standard Time (noon Central Standard Time):~~ **sunset.**

(e) A person must not take a wild turkey except with the use of one (1) of the following:

- (1) A 10, 12, 16, or 20 gauge shotgun loaded only with shot of 4, 5, 6, 7, or 7½.
- (2) A muzzle loading shotgun loaded only with shot of 4, 5, 6, 7, or 7½.
- (3) Bow and arrows.

(f) A person must not hunt wild turkeys ~~except~~ in the following counties:

- (1) Benton: **Rush.**
- (2) Boone: **Shelby.**
- (3) Brown:
- (4) Bartholomew:
- (5) Carroll (either west of State Road 75 or north of State Road 18):
- (6) Cass:
- (7) Clark:
- (8) Clay:
- (9) Clinton:
- (10) Crawford:
- (11) Daviess:
- (12) Dearborn:
- (13) Decatur:
- (14) Dekalb (North of U.S. 6):
- (15) Dubois:
- (16) Fayette:
- (17) Floyd:
- (18) Fountain:
- (19) Franklin:
- (20) Fulton:
- (21) Gibson:
- (22) Grant:
- (23) Greene:
- (24) Harrison:
- (25) Hendricks:
- (26) Huntington (either west of State Road 5 or south of State Road 124):
- (27) Jackson:
- (28) Jasper:
- (29) Jefferson:
- (30) Jennings:
- (31) Johnson:
- (32) Knox:
- (33) Kosciusko (west of State Road 15):
- (34) LaGrange (east of State Road 9):
- (35) Lake:
- (36) LaPorte (either south of U.S. 30 or east of State Road 39):
- (37) Lawrence:
- (38) Marshall:
- (39) Martin:
- (40) Miami:
- (41) Monroe:
- (42) Montgomery:
- (43) Morgan:
- (44) Newton:
- (45) Noble (both east of State Road 9 and north of U.S. 6):
- (46) Ohio:
- (47) Orange:
- (48) Owen:
- (49) Parke:
- (50) Perry:
- (51) Pike:
- (52) Porter (south of State Road 8):
- (53) Posey:
- (54) Pulaski:

- (55) Putnam:
- (56) Ripley:
- (57) St. Joseph (either west of State Road 23 or south of U.S. 6):
- (58) Scott:
- (59) Spencer:
- (60) Starke:
- (61) Steuben:
- (62) Sullivan:
- (63) Switzerland:
- (64) Tippecanoe:
- (65) Union:
- (66) Vanderburgh:
- (67) Vermillion:
- (68) Vigo:
- (69) Wabash:
- (70) Warren:
- (71) Warrick:
- (72) Washington:
- (73) Wayne:
- (74) White:

(g) The use of a dog, another domesticated animal, a live decoy, a recorded call, **an electronically powered or controlled decoy**, or bait to take a wild turkey is prohibited. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited which is attractive to wild turkeys resulting from:

- (1) normal agricultural practices; or
- (2) the use of a manufactured scent, a lure, or a chemical attractant.

(h) A person must not possess a handgun while hunting wild turkeys.

(i) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt wild turkeys unless that person possesses a completed and signed license bearing the person's name. The license must be accompanied by a temporary transportation tag bearing the license number and the year of issuance. A person must not hunt with a wild turkey license or tag issued to another person.

(j) The temporary transportation tag described in subsection (i) must, immediately after taking a wild turkey, be notched as to the month and day of the taking **and attached to a leg of the turkey directly above the spur**. A tag which is notched more than twice is void. The temporary transportation tag must be attached to a leg of the wild turkey directly above the spur. The turkey must be transported to an official turkey checking station within twenty-four (24) hours of taking for registration. After the checking station operator records the permanent seal number on the log, the hunter is provided with that seal. The hunter shall immediately and firmly affix the seal to the leg of the turkey directly above the temporary transportation tag. The seal must remain affixed until processing of the turkey begins. The official turkey checking station operator shall accurately and legibly complete all forms provided by the department and make those forms available to department personnel on request.

(k) Each of the following individuals must tag a turkey carcass **immediately after taking** with a paper **which that** states the name and address of the individual and the date the turkey was taken:

- (1) A lifetime license holder.
- (2) A youth license holder.
- (3) For a wild turkey taken on a landowner's land, each of the following:
 - (A) The resident landowner.
 - (B) The spouse of the resident landowner.
 - (C) A child of the resident landowner who is living with the landowner.
- (4) For a wild turkey taken on land leased from another person, each of the following:
 - (A) The resident lessee who farms the land.
 - (B) The spouse of the resident lessee.
 - (C) A child of the resident lessee who is living with the lessee.

(5) An Indiana serviceman or servicewoman hunting under IC 14-22-11-11.

(l) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken. (*Natural Resources Commission; 312 IAC 9-4-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715*)

SECTION 8. 312 IAC 9-4-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-14 Endangered and threatened species; birds

Authority: IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22

Sec. 14. The following species of birds are threatened or endangered and are subject to the protections provided under 312 IAC 9-2-7:

- (1) American bittern (*Botaurus lentiginosus*).
- (2) Least bittern (*Ixobrychus exilis*).
- (3) Black-crowned night-heron (*Nycticorax nycticorax*).
- (4) Yellow-crowned night-heron (*Nyctanassa violacea*).
- (5) Trumpeter swan (*Sygnus buccinator*).
- (6) Osprey (*Pandion haliaetus*).
- (7) Bald eagle (*Haliaeetus leucocephalus*).
- (8) Northern harrier (*Circus cyaneus*).
- (9) Peregrine falcon (*Falco peregrinus*).
- (10) Black rail (*Laterallus jamaicensis*).
- (11) King rail (*Rallus elegans*).
- (12) Virginia rail (*Rallus limicola*).
- (13) ~~Sandhill~~ **Whooping** crane (*Grus ~~canadensis~~: americana*).
- (14) Piping plover (*Charadrius melodus*).
- (15) Upland sandpiper (*Bartramia longicauda*).
- (16) Least tern (*Sterna antillarum*).
- (17) Black tern (*Chlidonias niger*).
- (18) Barn owl (*Tyto alba*).
- (19) Short-eared owl (*Asio flammeus*).
- (20) Bewick's wren (*Thryomanes bewickii*).
- (21) Sedge wren (*Cisothorus platensis*).
- (22) Marsh wren (*Cisothorus palustris*).
- (23) Loggerhead shrike (*Lanius ludovicianus*).
- (24) Golden-winged warbler (*Vermivora chrysoptera*).
- (25) Kirtland's warbler (*Dendroica kirtlandii*).
- (26) Bachman's sparrow (*Aimophila aestivalis*).
- (27) Henslow's sparrow (*Ammodramus henslowii*).
- (28) Yellow-headed blackbird (*Xanthocephalus xanthocephalus*).

(*Natural Resources Commission; 312 IAC 9-4-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; filed May 28, 1998, 5:14 p.m.: 21 IR 3717*)

SECTION 9. 312 IAC 9-5-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-7 Sale and transport for sale of reptiles and amphibians native to Indiana

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22; IC 20-1-1-6; IC 20-1-1.6-2

Sec. 7. (a) This section governs the sale, transport for sale, or offer for sale or transport for sale of any reptile or amphibian native to Indiana, regardless of place of origin.

(b) Except as otherwise provided in this section and in section 6(g) of this rule, the sale, transport for sale, or offer to sell or

transport for sale, a reptile or amphibian native to Indiana is prohibited.

(c) As used in this rule, “reptile or amphibian native to Indiana” means those reptiles and amphibians with the following scientific names, including common names for public convenience, but the scientific names control:

- (1) Hellbender (*Cryptobranchus alleganiensis*).
- (2) Mudpuppy (*Necturus maculosus*).
- (3) Streamside salamander (*Ambystoma barbouri*).
- (4) Jefferson’s salamander (*Ambystoma jeffersonianum*).
- (5) Blue-spotted salamander (*Ambystoma laterale*).
- (6) Spotted salamander (*Ambystoma maculatum*).
- (7) Marbled salamander (*Ambystoma opacum*).
- (8) Smallmouth salamander (*Ambystoma texanum*).
- (9) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*).
- (10) Eastern newt (*Notophthalmus viridescens*).
- (11) Green salamander (*Aneides aeneus*).
- (12) Northern dusky salamander (*Desmognathus fuscus*).
- (13) Two-lined salamander (*Eurycea cirrigera*).
- (14) Longtailed salamander (*Eurycea longicauda*).
- (15) Cave salamander (*Eurycea lucifuga*).
- (16) Four-toed salamander (*Hemidactylium scutatum*).
- (17) Redbacked salamander (*Plethodon cinereus*).
- (18) Zigzag salamander (*Plethodon dorsalis*).
- (19) Slimy salamander (*Plethodon glutinosus*).
- (20) Ravine salamander (*Plethodon richmondi*).
- (21) Red salamander (*Pseudotriton ruber*).
- (22) Lesser siren (*Siren intermedia*).
- (23) Eastern spadefoot toad (*Scaphiopus holbrookii*).
- (24) American toad (*Bufo americanus*).
- (25) Fowler’s toad (*Bufo fowleri*).
- (26) Cricket frog (*Acris crepitans*).
- (27) Cope’s gray tree frog (*Hyla chrysoscelis*).
- (28) Eastern gray tree frog (*Hyla versicolor*).
- (29) Spring peeper (*Pseudacris crucifer*).
- (30) Striped chorus frog (*Pseudacris triseriata*).
- (31) Crawfish frog (*Rana areolata*).
- (32) Plains leopard frog (*Rana blairi*).
- (33) Bullfrog (*Rana catesbeiana*).
- (34) Green frog (*Rana clamitans*).
- (35) Northern leopard frog (*Rana pipiens*).
- (36) Pickerel frog (*Rana palustris*).
- (37) Southern leopard frog (*Rana utricularia*).
- (38) Wood frog (*Rana sylvatica*).
- (39) Common snapping turtle (*Chelydra serpentina serpentina*).
- (40) Smooth softshell turtle (*Apalone mutica*).
- (41) Spiny softshell turtle (*Apalone spinifera*).
- (42) Alligator snapping turtle (*Macrolemys temmincki*).
- (43) Eastern mud turtle (*Kinosternon subrubrum*).
- (44) Musk turtle (*Sternotherus odoratus*).
- (45) Midland painted turtle (*Chrysemys picta marginata*).
- (46) Western painted turtle (*Chrysemys picta bellii*).
- (47) Spotted turtle (*Clemmys guttata*).
- (48) Blanding’s turtle (*Emydoidea blandingii*).
- (49) Map turtle (*Graptemys geographica*).
- (50) False map turtle (*Graptemys pseudogeographica*).
- (51) Ouachita map turtle (*Graptemys ouachitensis*).

- (52) Heiroglyphic river cooter (*Pseudemys concinna*).
- (53) Eastern box turtle (*Terrapene carolina*).
- (54) Ornate box turtle (*Terrapene ornata*).
- (55) Red-eared slider (*Trachemys scripta elegans*).
- (56) Eastern fence lizard (*Sceloporus undulatus*).
- (57) Slender glass lizard (*Ophisaurus attenuatus*).
- (58) Six-lined racerunner (*Cnemidophorus sexlineatus*).
- (59) Five-lined skink (*Eumeces fasciatus*).
- (60) Broad-headed skink (*Eumeces laticeps*).
- (61) Ground skink (*Scincella lateralis*).
- (62) Worm snake (*Carphophis amoenus*).
- (63) Scarlet snake (*Cemophora coccinea*).
- (64) Racer (*Coluber constrictor*).
- (65) Kirtland's snake (*Clonophis kirtlandii*).
- (66) Northern ringneck snake (*Diadophis punctatus*).
- (67) Black rat snake (*Elaphe obsoleta obsoleta*).
- (68) Gray rat snake (*Elaphe obsoleta spiloides*).
- (69) Western fox snake (*Elaphe vulpina vulpina*).
- (70) Mud snake (*Farancia abacura*).
- (71) Eastern hognose snake (*Heterodon platirhinos*).
- (72) Prairie king snake (*Lampropeltis calligaster calligaster*).
- (73) Black king snake (*Lampropeltis getula nigra*).
- (74) Eastern milk snake (*Lampropeltis triangulum triangulum*).
- (75) Red milk snake (*Lampropeltis triangulum sypila*).
- (76) Northern copperbelly (*Nerodia erythrogaster*).
- (77) Diamondback water snake (*Nerodia rhombifer*).
- (78) Northern banded water snake (*Nerodia sipedon*).
- (79) Rough green snake (*Opheodrys aestivus*).
- (80) Smooth green snake (*Opheodrys vernalis*).
- (81) Bull snake (*Pituophis melanoleucus sayi*).
- (82) Queen snake (*Regina septemvittata*).
- (83) Brown snake (*Storeria dekayi*).
- (84) Redbellied snake (*Storeria occipitomaculata*).
- (85) Crowned snake (*Tantilla coronata*).
- (86) Butler's garter snake (*Thamnophis butleri*).
- (87) Western ribbon snake (*Thamnophis proximus*).
- (88) Plains garter snake (*Thamnophis radix*).
- (89) Eastern ribbon snake (*Thamnophis sauritus*).
- (90) Common garter snake (*Thamnophis sirtalis*).
- (91) Western earth snake (*Virginia valeriae*).
- (92) Northern copperhead (*Agkistrodon contortrix*).
- (93) Cottonmouth moccasin (*Agkistrodon piscivorus*).
- (94) Timber rattlesnake (*Crotalus horridus*).
- (95) Eastern massasauga (*Sistrurus catenatus*).

(d) As used in this section, "sale" ~~includes~~ **means:**

(1) barter, purchase, trade, or offer to sell, barter, purchase, or trade; **and or**

(2) serving as part of a meal by a restaurant, a hotel, a boardinghouse, or an eating house keeper; however, a hotel, a boardinghouse, 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 or amphibian legally taken by the guest, patron, or boarder during the open season.

(e) 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.

(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) 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.

(h) Exempted from this section is a sale made under a reptile captive breeding license governed by section 9 of this rule.

(i) Exempted from this section is the sale to and purchase of reptiles or amphibians by a public school accredited under IC 20-1-1-6(8) or nonpublic school accredited under IC 20-1-1-6(11) and IC 20-1-1.6-2. This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.

(j) Exempted from this section is the sale and purchase of a bullfrog (*Rana catesbeiana*) tadpole or green frog (*Rana clamitans*) tadpole produced by a resident holder of a hauler and supplier permit or an aquaculture permit, if the tadpole is a byproduct of a fish production operation. As used in this subsection, a tadpole is 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. (*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*)

SECTION 10. 312 IAC 9-6-3 IS AMENDED TO READ AS FOLLOWS:

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. It is ~~unlawful to~~ **(a) Except as provided in subsection (b), a person 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. A person must not mutilate and return a fish to the water. This section does not, however, 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)

SECTION 11. 312 IAC 9-6-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-6 Areas closed to fishing

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 6. A person must not take or possess fish at any of the following locations:

- (1) From April 1 through June 15 from:
 - (A) the east branch of the Little Calumet River in Porter County from U.S. 12 upstream to U.S. 20, excluding its tributaries; and
 - (B) Trail Creek in LaPorte County from the Franklin Street Bridge in Michigan City upstream to U.S. 35, excluding its tributaries.
- (2) Within one hundred (100) feet above or below the Linde Dame (Prax Air) on the East Branch of the Little Calumet River within Porter County (Northeast Quarter of Section 32, Township 37 North, Range 6 West).
- (3) From the East Race waterway in the city of South Bend in St. Joseph County.
- (4) From the St. Joseph River in St. Joseph County:
 - (A) within one hundred (100) feet of the entrance or exit of the East Race waterway;
 - (B) from the fish ladders located at the South Bend dam in the city of South Bend or the ~~Unroyal~~ **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 ~~Unroyal~~ **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 ~~Unroyal~~ **Downtown Mishawaka** dam to the ~~State Road 331~~ **Main Street bridge in the city of Mishawaka.**
- (5) From April 20 to the last Saturday in April from:
 - (A) the Pigeon River (and Pigeon Creek) in LaGrange County from the Steuben County line to County Road 410 East (Troxel's bridge), but excluding the impoundment known as the Mongo Mill Pond;
 - (B) Harding Run, Curtis Creek, Bloody Run, and Graveyard Run (tributaries of the Pigeon River) in LaGrange County;
 - (C) Turkey Creek north of County Road 100 South in LaGrange County; and
 - (D) Rainbow Pit located in the Pigeon River Fish and Wildlife Area approximately one and one-tenth (1.1) miles east of Ontario in LaGrange County.

(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)

SECTION 12. 312 IAC 9-7-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-2 Sport fishing methods, except on the Ohio River

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 2. (a) Except as provided under section 13 of this rule with respect to the Ohio River, this section governs the lawful methods for fishing under this rule.

- (b) An individual may take fish with the aid of illumination of a spotlight, search light, or artificial light.
- (c) An individual may take fish with not more than three (3) poles, hand lines, or tip-ups at a time. Except as provided in subsection (g), affixed to each line shall be no more than (2) hooks or two (2) artificial baits or harnesses for use with live bait.
- (d) ~~It is unlawful to~~ **A person must not** take fish from waters containing state-owned fish, waters of this state, or boundary waters by means of a hook dragged or jerked through the water with the intent to snag fish on contact.
- (e) ~~It is unlawful to~~ **A person must not** take trout or salmon from a waterway unless the fish is hooked in the mouth.
- (f) ~~It is unlawful to~~ **A person must not** fish with more than ten (10) limb lines or drop lines at a time. Each line shall have not more than one (1) hook affixed and must bear a legible tag with the name and address of the user. Each line 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 which wholly or partly crosses a waterway.
- (g) ~~It is unlawful to~~ **A person must not** ice fish, except as provided in ~~this subsection~~: **as follows:**
 - (1) A tip-up must be constantly in sight of the user and must have affixed a legible tag bearing the name and address of the user.
 - (2) An ice ~~shanty~~ **fishing enclosure that is placed on the waters of this state** must bear the name and address of the owner visibly in three (3) inch block letters on ~~the door~~ **at least one (1) exterior vertical side**. At least one (1) red reflector, ~~shall or a three (3) inch by three (3) inch reflective material strip,~~ **must** be mounted on each exterior side of a ~~shanty~~: **an ice fishing enclosure.**
 - (3) An ice ~~shanty~~ **fishing enclosure** must be removed from waters of this state before ice-out.

(4) If an ice shanty fishing enclosure is used after February 15 of a calendar year, the shanty ice fishing enclosure must be removed daily.

(5) As used in this subsection, “ice fishing enclosure” means an ice shanty or ice fishing tent.

(h) It is unlawful to A person must not take fish with more than one (1) trot line, set line, or throw line. A line must have no more than fifty (50) hooks affixed. A trot line must be anchored to the bottom or set not less than three (3) feet below the surface of the water. A legible tag with the name and address of the user must be affixed to each trot line. Each trot line must be attended at least once every twenty-four (24) hours. It is unlawful to take fish from Lake Michigan with a trot line, set line, or throw line.

(i) It is unlawful to A person must not take fish from a lake with free float lines or to fish from a waterway with more than five (5) free-float lines. Not more than one (1) hook shall be affixed to each line. A float shall bear the name and address of the user and must not be constructed of glass. Each free-float line must be in constant attendance by the person fishing.

(j) It is unlawful to A person must not possess a fish spear, gig, gaff, pitchfork, bowfishing equipment, crossbow, grab hook, spear gun, club, snag hook, or underwater spear in, on, or adjacent to:

- (1) the Galena River (LaPorte County);
- (2) Trail Creek (LaPorte County);
- (3) the East Branch of the Little Calumet River (LaPorte and Porter Counties);
- (4) Salt Creek (Porter County);
- (5) the West Branch of the Little Calumet River (Lake and Porter Counties);
- (6) Burns Ditch (Porter and Lake Counties);
- (7) Deep River downstream from the dam at Camp 133 (Lake County); or
- (8) the tributaries of these waterways.

(k) It is unlawful to A person must not fish the waterways described in subsection (j) or from the St. Joseph River and its tributary streams from the Twin Branch dam downstream to the Michigan state line (St. Joseph County) with more than one (1) single hook per line or one (1) artificial bait or harness for use with live bait. Single hooks, including those on artificial baits, shall not exceed one-half (½) inch from point to shank. Double and treble hooks on artificial baits shall not exceed three-eighths (¾) inch from point to shank.

(l) It is unlawful to A person must not take smelt from other than Lake Michigan and Oliver Lake in LaGrange County by the use of dip nets, seines, or nets except from March 1 through May 30 with either of the following:

- (1) One (1) dip net not to exceed twelve (12) feet in diameter.
- (2) One (1) seine or net not to exceed twelve (12) feet long and six (6) feet deep and having a stretch mesh larger than one and one-half (1½) inches.

Each seine or net shall have affixed a legible tag with the name and address of the user.

(m) An individual may, by means of a fish spear, gig, speargun, or underwater spear, take only any sucker, carp, gar, bowfin, buffalo, or shad and only from the following waterways:

- (1) West Fork of the White River from its junction with the East Fork upstream to the dam below the Harding Street generating plant of the Indianapolis Power and Light Company in Marion County.
- (2) East Fork of the White River from its junction with the West Fork upstream to the dam at the south edge of the city of Columbus in Bartholomew County.
- (3) White River from its junction with the West Fork of the White River and East Fork of the White River to its junction with the Wabash River in Gibson, Knox, and Pike Counties.
- (4) Wabash River from its junction with the Ohio River upstream to State Road 13 at the south edge of the city of Wabash in Wabash County.
- (5) Tippecanoe River upstream from its junction with the Wabash River to one-half (½) mile below its junction with Big Creek in Carroll County. (It is unlawful to possess a fish spear or fish gig in, on, or adjacent to the Tippecanoe River from one-half (½) mile below its junction with Big Creek in Carroll County upstream to the Oakdale Dam which forms Lake Freeman.)
- (6) Maumee River from the Ohio state line upstream to the Anthony Boulevard Bridge in the city of Fort Wayne.
- (7) Kankakee River from the Illinois state line upstream to State Road 55 bridge south of the city of Shelby in Lake County.
- (8) St. Joseph River in St. Joseph and Elkhart Counties.

(n) An individual may use a pitchfork or bow and arrow on a waterway only:

- (1) to take any sucker, carp, gar, bowfin, buffalo, or shad; between
- (2) sunrise and sunset.

(o) In addition to any other lawful method, an individual may take a sucker, carp, gar, bowfin, buffalo, or shad:

- (1) by bow and arrows from Lake Michigan; or
- (2) by spear, gig, spear gun, underwater spear, pitchfork, or bow and arrows from another lake.

(p) An individual may take a sucker, carp, gar, or bowfin with not more than one (1) snare only between sunrise and sunset. *(Natural Resources Commission; 312 IAC 9-7-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719)*

SECTION 13. 312 IAC 9-7-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-3 Catfish

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 3. (a) ~~It is unlawful to~~ **A person must not** possess channel catfish, blue catfish, or flathead catfish taken from a waterway unless those catfish are at least ten (10) inches long.

(b) Except as otherwise provided in subsection (c), the daily bag limit is ten (10) for any combination of channel catfish, blue catfish, and flathead catfish taken from a lake.

(c) Channel catfish may be taken from Gibson Lake (Gibson County) **and Turtle Creek Reservoir (Sullivan County)** without regard to a bag limit. *(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)*

SECTION 14. 312 IAC 9-7-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-6 Black bass

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 6. (a) Except as otherwise provided in this section, the aggregate daily bag limit is five (5) black bass.

(b) The aggregate daily bag limit is three (3) for black bass taken from Lake Michigan. A person must not possess more than three (3) black bass while fishing in or on Lake Michigan.

(c) Except as otherwise provided in this section, the minimum size limit for black bass taken from a waterway is twelve (12) inches but is fourteen (14) inches for black bass taken from lakes (including Lake Michigan).

(d) No minimum length limit for largemouth bass applies for the lakes listed in this subsection as follows:

- (1) Brownstown Pit in Jackson County.
- (2) Burdette Park Lakes in Vanderburgh County.
- (3) Chandler Town Lake in Warrick County.
- (4) Cypress Lake in Jackson County.
- (5) Deming Park Lakes in Vigo County.
- (6) Garvin Park Lake in Vanderburgh County.
- (7) Glen Miller Pond in Wayne County.
- (8) Hayswood Lake in Harrison County.
- (9) Henry County Memorial Park Lake in Henry County.
- (10) Hovey Lake in Posey County.
- (11) Krannert Lake in Marion County.
- (12) Lake Sullivan in Marion County.
- (13) Ruster Lake in Marion County.

(14) Schnebelt Pond in Dearborn County.

(e) A person must not take or possess a largemouth bass unless the largemouth bass is less than twelve (12) inches long or more than fifteen (15) inches long from the following designated waters:

- (1) Buffalo Trace Lake in Harrison County.
- (2) Celina Lake in Perry County.
- (3) Delaney Park Lake in Washington County.
- (4) Indian Lake in Perry County.
- (5) Saddle Lake in Perry County.
- (6) Scales Lake in Warrick County.
- (7) Shakamak State Park Lakes in Clay County, Greene County, and Sullivan County.
- (8) Tipsaw Lake in Perry County.
- (9) ~~Westwood Run in Henry~~ **Ferdinand State Forest Lake in Dubois** County.

(f) The daily bag limit is one (1) largemouth bass from Turtle Creek Reservoir in Sullivan County. A person must not take or possess a largemouth bass from Turtle Creek Reservoir unless the largemouth bass is at least twenty (20) inches long.

(g) A person must not take or possess a largemouth bass from Patoka Lake (Orange, Crawford, and Dubois Counties) or Dogwood Lake (Daviness County) unless the largemouth bass is at least fifteen (15) inches long.

(h) A person must not take or possess a largemouth bass from Harden Lake (Parke County) unless the largemouth bass is at least sixteen (16) inches long.

(i) The daily bag limit is two (2) largemouth bass, and a person must not take or possess a largemouth bass unless the largemouth bass is at least eighteen (18) inches long, from the following designated waters:

- (1) Tri-County State Fish and Wildlife Area.
- (2) Robinson Lake in Whitley County and Kosciusko County.
- (3) Ball Lake in Steuben County.
- (4) Gibson Lake in Gibson County.

(j) A person must not take or possess a largemouth bass from Dove Hollow Lake at Glendale State Fish and Wildlife Area.

(k) If this section prohibits a person from taking or possessing a black bass from a specified lake or waterway, a person must not possess a bass of the prohibited class on or adjacent to the lake or waterway. (*Natural Resources Commission; 312 IAC 9-7-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721*)

SECTION 15. 312 IAC 9-7-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-12 Walleye; sauger; saugeye

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 12. (a) The daily bag limit is six (6) for any combination of walleye, sauger, or saugeye.

(b) Except on ~~Sullivan Lake and~~ the Ohio River, and as provided in subsection (c), a person must not possess a walleye or saugeye unless it is at least fourteen (14) inches long.

(c) A person must not possess a walleye from the St. Joseph River in St. Joseph County or Elkhart County unless it is at least fifteen (15) inches long. (*Natural Resources Commission; 312 IAC 9-7-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2719*)

SECTION 16. 312 IAC 9-7-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-13 Trout and salmon

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 13. (a) A person must not possess a brook trout, rainbow trout, or brown trout unless the trout is as follows:

- (1) Except as provided in subsection (d), at least seven (7) inches long.
- (2) Taken from the last Saturday of April after 5 a.m., local time, through December 31, if taken from other than a lake.

(b) Except as otherwise provided in this section, the daily bag limit is five (5) trout.

(c) Except as provided in subsection (d), the daily bag limit for lake trout is three (3).

(d) A person must not possess a brown trout from Oliver Lake, Olin Lake, or Martin Lake (LaGrange County) unless the trout is at least eighteen (18) inches long. The daily bag limit is five (5) trout of which no more than one (1) shall be brown trout.

(d) (e) A person must not possess a trout or salmon taken from Lake Michigan or its tributaries unless the fish is at least fourteen (14) inches long. The daily bag limit is five (5) for any combination of trout and salmon taken under this subsection, of which no more than two (2) shall be lake trout. Exempted from this subsection, however, are trout taken from the St. Joseph River in St. Joseph and Elkhart Counties and its tributaries upstream from the Twin Branch Dam.

(e) (f) A person must not possess more than a single day's bag limit identified in subsection (d) while fishing on Lake Michigan.

(f) (g) 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*)

SECTION 17. 312 IAC 9-7-17 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-17 Charter fishing boat operator's license

Authority: IC 14-22-2-6; IC 14-22-15

Affected: IC 14-22-15-4

Sec. 17. (a) An individual may not take another individual sport fishing for hire on:

- (1) Indiana waters;
- (2) waters containing state-owned fish; or
- (3) state boundary waters;

without a charter fishing boat operator's 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 charter fishing. These daily records shall be recorded before the licensed fishing person departs the boat 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 director or the director's representative before the fifteenth day of each month following the month covered. The report shall be submitted each month regardless of whether charter 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 director or the director's representative before the fifteenth day of the month following the month the license is deemed inactive.**

(d) The director or the director's representative 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*)

SECTION 18. 312 IAC 9-7-18 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-18 Yellow perch

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18. (a) The daily bag limit is fifteen (15) yellow perch on Lake Michigan.

(b) **A person must not 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*)

SECTION 19. 312 IAC 9-10-17 IS AMENDED TO READ AS FOLLOWS:

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 through 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) An application for an aquaculture permit shall be prepared on a department form. The director may attach any appropriate conditions to a permit. The permit expires on December 31 of the year of issuance.

(d) In addition to the requirements of subsection (c), an aquaculture permit to import, produce, raise, sell, or transport triploid grass carp is based on the following conditions:

- (1) No stocking of triploid grass carp may take place in public waters except as provided in IC 14-22-27.
- (2) The permit holder must deliver and stock the fish.
- (3) A copy of each bill of sale and triploidy certification must be conveyed to each buyer and must be 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.

(e) In addition to the requirements of subsection (c), an aquaculture permit to import, produce, raise, sell, or transport diploid grass carp is based on 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)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 22, 2001 at 6:00 p.m., at the Garrison, Fort Harrison State Park, 6002 North Post Road, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on amendments to 312 IAC 9 that govern hunting deer by firearms, hunting deer by bow and arrows, hunting of deer in confined areas, turkey, brown trout, largemouth bass, walleye, channel catfish, fish sorting and a prohibition on waste, charter fishing, yellow perch, ice fishing, whooping cranes, sandhill cranes, aquaculture permit, and the meaning of "sale" as it applies to native reptiles and amphibians and makes numerous technical corrections. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission