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## **TITLE 312 NATURAL RESOURCES COMMISSION**

### **Proposed Rule** LSA Document #03-311

#### **DIGEST**

Amends 312 IAC 9 concerning ice fishing shelter; portable ice fishing shelter; general requirements for deer hunting; hunting deer by firearms; hunting deer by bow and arrows; commercial processing of deer; beavers; foxes, coyotes, and skunks; minks, muskrats, and long-tailed weasels; opossums and raccoons; taking squirrels to protect property; squirrels; Hungarian partridges; ruffed grouse; wild turkeys; endangered species of birds; collection and possession of amphibians; reptile captive breeding license; special purpose turtle possession permit; endangered species of fish; sport fishing methods for ice fishing; largemouth bass; trout; special purpose salvage permit; aquaculture permit; and wild animal possession permit. Effective 30 days after filing with the secretary of state.

<b>312 IAC 9-1-9.5</b>	<b>312 IAC 9-5-6</b>
<b>312 IAC 9-1-11.5</b>	<b>312 IAC 9-5-7</b>
<b>312 IAC 9-3-2</b>	<b>312 IAC 9-5-9</b>
<b>312 IAC 9-3-3</b>	<b>312 IAC 9-5-11</b>
<b>312 IAC 9-3-4</b>	<b>312 IAC 9-6-9</b>
<b>312 IAC 9-3-10</b>	<b>312 IAC 9-7-2</b>
<b>312 IAC 9-3-11</b>	<b>312 IAC 9-7-6</b>
<b>312 IAC 9-3-12</b>	<b>312 IAC 9-7-13</b>
<b>312 IAC 9-3-13</b>	<b>312 IAC 9-10-9</b>
<b>312 IAC 9-3-14</b>	<b>312 IAC 9-10-9.5</b>
<b>312 IAC 9-3-15</b>	<b>312 IAC 9-10-10</b>
<b>312 IAC 9-3-17</b>	<b>312 IAC 9-10-13.5</b>
<b>312 IAC 9-4-7</b>	<b>312 IAC 9-10-17</b>
<b>312 IAC 9-4-10</b>	<b>312 IAC 9-11-1</b>
<b>312 IAC 9-4-11</b>	<b>312 IAC 9-11-2</b>
<b>312 IAC 9-4-14</b>	<b>312 IAC 9-11-14</b>
<b>312 IAC 9-5-4</b>	

SECTION 1. 312 IAC 9-1-9.5 IS ADDED TO READ AS FOLLOWS:

#### **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 an ice fishing house, shanty, or fully enclosed structure.** *(Natural Resources Commission; 312 IAC 9-1-9.5)*

SECTION 2. 312 IAC 9-1-11.5 IS ADDED TO READ AS FOLLOWS:

#### **312 IAC 9-1-11.5 “Portable ice fishing shelter” defined**

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

**Affected:** IC 14-22

**Sec. 11.5. “Portable ice fishing shelter” means a temporary structure that is each of the following:**

- (1) Collapsible.**
- (2) Constructed of natural or synthetic type material.**

**(3) Easily carried or hauled to and from the ice by an individual.**  
(Natural Resources Commission; 312 IAC 9-1-11.5)

SECTION 3. 312 IAC 9-3-2, AS READOPTED AT 27 IR 286, SECTION 1, 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.

(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.

(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) The temporary transportation tag described in subsection (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 that~~ 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 that~~ 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.

(h) A person who takes a deer must ~~deliver~~ **cause delivery** of 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)~~ **forty-eight (48)** hours of taking of the deer.

(2) Before the deer is removed from this state.

**The person who delivers the deer carcass to an official checking station for registration must provide accurate information for the check station logs.**

(i) 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 sealed to prevent its removal (without 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 must accurately and legibly complete all forms provided by the department and must make those

forms available to department personnel upon request.

(k) An individual authorized to act under this subsection must attach ~~a paper~~ to a deer carcass ~~which a paper that~~ states the name and address of the individual and the date and sex of the deer taken. The requirements of subsections (f) through (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.

(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, 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 that~~ penetrates a tree more than one-half ( $\frac{1}{2}$ ) 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.

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

(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.

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

(p) Notwithstanding subsection (e), donkeys, mules, and horses may be used for transportation to and from a hunt but may not be used while hunting.

**(q) The possession of an electronic deer call is prohibited. A person must not hunt deer with the aid of an electronic deer call.** (*Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

SECTION 4. 312 IAC 9-3-3, AS READOPTED AT 27 IR 286, SECTION 1, 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.

(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 **must not possess bow and arrows** 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, 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.~~ **.357 inch or larger.** A muzzle loading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzle loading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzle loading firearm 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; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 5. 312 IAC 9-3-4, AS READOPTED AT 27 IR 286, SECTION 1, 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) The seasonal limit for hunting under this section is one (1) deer of either sex. ~~A person must not take an antlered deer by means of a crossbow.~~

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

(f) A person must not hunt deer under this section unless that person wears hunter orange. However, this subsection does not apply 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) A person must not hunt under this section unless that person possesses only one (1) bow. A ~~firearm must not be possessed by the person~~ **must not possess a firearm while** hunting under this section.

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

(1) No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.

(2) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

(3) Poisoned or explosive arrows are unlawful.

(4) Bows drawn, held, or released other than by hand or hand-held releases are unlawful.

(5) A long bow or compound bow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.

(6) No portion of the bow's riser (handle) or any 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) Notwithstanding subsection (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) As used in this rule, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device. (*Natural Resources Commission; 312 IAC 9-3-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 5, 1997, 3:25 p.m.: 21 IR 930; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

SECTION 6. 312 IAC 9-3-10, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-3-10 Commercial processing of deer**

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

**Affected:** IC 14-22

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 or certificate of ownership 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 annually.**

(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). (*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*)

SECTION 7. 312 IAC 9-3-11, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-3-11 Beavers**

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

**Affected: IC 14-22**

Sec. 11. (a) The season for taking beavers is from 8 a.m. on November 15 until noon on March 15 of the following year.

(b) ~~It is unlawful to~~ **A person must not** possess a beaver except from November 15 until ~~March 22~~ **April 4** 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)*

SECTION 8. 312 IAC 9-3-12, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

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

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

**Affected: IC 14-22**

Sec. 12. (a) ~~Except as provided in subsection (c);~~ The season for hunting red foxes **and** gray foxes ~~and coyotes~~ is from noon on October 15 until noon on February 28 of the following year.

(b) ~~Except as provided in subsection (c);~~ The season for trapping red foxes, gray foxes, ~~coyotes~~, and skunks is from 8 a.m. on October 15 until noon on January 31 of the following year.

**(c) Except as provided in subsection (d), the season for hunting and trapping coyotes is from noon on October 15 until noon on March 15 of the following year. A coyote must not be possessed from April 5 through October 14 except to provide for its prompt disposal.**

~~(c) It is lawful for:~~

~~(1)~~ **(d)** A person who possesses land, or ~~(2)~~ another person designated in writing by that person, ~~to~~ **may** take coyotes on that land at any time.

~~(d) It is unlawful to~~ **(e) A person must not** possess a red fox or gray fox except from October 15 until March ~~7~~ **20** of the following year.

~~(e) It is unlawful to~~ **(f) A person must not** possess a skunk except from October 15 until February ~~7~~ **20** of the following year. *(Natural Resources Commission; 312 IAC 9-3-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 9. 312 IAC 9-3-13, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

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

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

**Affected: IC 14-22**

Sec. 13. (a) The season for trapping minks, muskrats, and long-tailed weasels is from 8 a.m. on November 15 until noon on January 31 of the following year.

(b) ~~It is unlawful to~~ **A person must not** possess a mink, muskrat, or long-tailed weasel except from November 15 until February ~~7~~ **20** 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)*

SECTION 10. 312 IAC 9-3-14, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-3-14 Opossums and raccoons**

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

**Affected: IC 14-22**

Sec. 14. (a) Except as provided in subsection (b), the seasons applicable to raccoons and opossums are as follows:

- (1) Hunting from noon on November 8 until noon on January 31 of the following year.
- (2) Trapping from 8 a.m. on November 15 until noon on January 31 of the following year.
- (3) Chasing from noon on February 15 until noon on October 14.

(b) A nonresident may hunt raccoons under subsection (a)(1) and may trap raccoons under subsection (a)(2) only to the extent that these raccoon seasons in the state of the nonresident are open to Indiana residents.

(c) ~~It is unlawful for an individual or hunting party to~~ **A person must not** possess a firearm, air rifle, or another device capable of taking a raccoon or opossum while chasing a raccoon or opossum during the chasing season established under subsection (a)(3).

(d) ~~It is unlawful to~~ **A person must not** remove, attempt to remove, dislodge, or attempt to dislodge a raccoon from a tree hollow, hole, den, pocket, cavity, burrow, tile, or other place where the raccoon has secreted itself for security or protection or in which the raccoon maintains a nest or den.

(e) ~~It is unlawful to~~ **A person must not** possess an opossum or a raccoon except from November 8 through February 7 **20** of the following year. (*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*)

SECTION 11. 312 IAC 9-3-15, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-3-15 Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, or squirrels to protect property**

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

**Affected: IC 14-22**

Sec. 15. (a) Notwithstanding the requirements of this rule, a resident landowner or a tenant may, without a permit at any time, take a beaver, mink, muskrat, long-tailed weasel, red fox, gray fox, opossum, skunk, ~~or raccoon,~~ **fox squirrel, or gray squirrel** that is discovered while damaging property.

(b) ~~It is unlawful to take~~ **A person who takes** a mammal under subsection (a) ~~unless the landowner or tenant reports~~ **must report** the taking to the division director or to a conservation officer within seventy-two (72) hours of the taking. The mammal ~~shall~~ **must** be disposed of in a lawful manner. **A person must not release a mammal except in the county where the mammal was captured.** (*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*)

SECTION 12. 312 IAC 9-3-17, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-3-17 Squirrels**

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

**Affected: IC 14-22**

Sec. 17. (a) The season for hunting and possessing gray squirrels and fox squirrels is as follows:

- (1) From August 15 through December 31 north of U.S. 40.
- (2) From August 15 through January 31 of the following year south of U.S. 40.

(b) The daily bag limit is five (5) squirrels.

(c) Unless hunting from a boat, ~~it is unlawful for~~ a person ~~to~~ **must not** hunt squirrels after the first Friday of November after November 3 through January 31 of the following year unless that person wears hunter orange.

(d) ~~It is unlawful to~~ **A person must not** shoot into or to otherwise disturb the leaf nest or den of a squirrel.

(e) ~~It is unlawful to~~ **A person must not** hunt or possess a flying squirrel **except as otherwise provided by this article.** (*Natural*

*Resources Commission; 312 IAC 9-3-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 13. 312 IAC 9-4-10, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-4-10 Ruffed grouse**

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

**Affected:** IC 14-22

Sec. 10. (a) The season for hunting and possessing ruffed grouse is from October 1 through ~~December 31~~: **the first Friday after November 9.**

(b) The daily bag limit is two (2) ruffed grouse.

(c) A person must not hunt ruffed grouse except in the following counties:

- (1) Bartholomew.
- (2) Brown.
- (3) Clark.
- (4) Crawford.
- (5) Dearborn (south of U.S. 50).
- (6) Greene (east of U.S. 231).
- (7) Jackson.
- (8) Jefferson.
- (9) Jennings (south of U.S. 50).
- (10) Johnson.
- (11) LaGrange (except Pigeon River Fish and Wildlife Area).
- (12) Lawrence.
- (13) Martin.
- (14) Morgan.
- (15) Monroe.
- (16) Ohio.
- (17) Orange.
- (18) Owen.
- (19) Putnam (south of U.S. 40).
- (20) Perry.
- (21) Ripley (south of U.S. 50).
- (22) Scott.
- (23) Steuben (except Pigeon River Fish and Wildlife Area).
- (24) Switzerland.
- (25) Washington.

(d) A person must not hunt ruffed grouse unless that person wears hunter orange. *(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)*

SECTION 14. 312 IAC 9-4-11, AS READOPTED AT 27 IR 286, SECTION 1, 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)~~; **(c)**, the **spring** 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 fall season for hunting and possessing wild turkeys with bows and arrows is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday after October 14 and continues for an additional four (4) consecutive days except as provided in subsection (c).**

~~(b)~~ **(c) The season spring and fall seasons for hunting and possessing wild turkeys on Camp Atterbury and the Big Oaks National Wildlife Refuge will shall be determined by the director on an annual basis. by the director.**

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

- (1) bearded or male wild turkey or during the spring season; and**
- (2) male wild turkey of either sex during any fall season.**

~~(d)~~ **(e) A person must not hunt wild turkeys except between one-half (½) hour before sunrise and sunset.**

~~(e)~~ **(f) 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 not smaller than 20 gauge and not larger than 10 gauge loaded only with shot of size 4, 5, 6, 7, or 7½.**
- (2) A muzzle loading shotgun not smaller than 20 gauge and not larger than 10 gauge loaded only with shot of 4, 5, 6, 7, or 7½.**
- (3) Bow and arrows.**

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

- (1) Rush.**
- (2) ~~Shelby~~: any fall season except in a county the director designates, on an annual basis, by emergency rule.**

~~(g)~~ **(h) 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 that 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)~~ **(i) A person must not possess a handgun while hunting wild turkeys.**

~~(i)~~ **(j) 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 possessing a completed and signed license bearing the person's name. The license must be accompanied by a temporary transportation tag bearing the license number and the year of issuance. A person must not hunt with a wild turkey license or tag issued to another person.**

~~(j)~~ **(k) The temporary transportation tag described in subsection (j) 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 void if notched more than twice. is void. The temporary transportation tag must be attached to a leg of the wild turkey directly above the spur. A person who takes a turkey must cause delivery of the turkey must be transported to an official turkey checking station within twenty-four (24) forty-eight (48) hours of taking for registration. After the checking station operator records the permanent seal number on the log, the hunter person is provided with that seal. The hunter shall person must 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)~~ **(l) Each of the following individuals must tag a turkey carcass immediately after taking with a paper that states the name and address of the individual and the date the turkey was taken:**

- (1) A lifetime license holder.**
- (2) A youth license holder.**
- (3) For a wild turkey taken on a landowner's land, each of the following:**
  - (A) The resident landowner.**
  - (B) The spouse of the resident landowner.**

- (C) A child of the resident landowner who is living with the landowner.
- (4) For a wild turkey taken on land leased from another person, each of the following:
  - (A) The resident lessee who farms the land.
  - (B) The spouse of the resident lessee.
  - (C) A child of the resident lessee who is living with the lessee.
- (5) An Indiana serviceman or servicewoman hunting under IC 14-22-11-11.

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

**(n) A person must not hunt turkeys from the first Wednesday after October 14 and continuing for an additional four (4) consecutive days unless the person wears hunter orange while moving in the field. When the hunter is stationary, the hunter orange clothing may be removed provided that the hunter posts at least one hundred (100) square inches of hunter orange that is visible in all directions within fifteen (15) feet of the hunter's stationary position.** *(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)*

SECTION 15. 312 IAC 9-4-14, AS READOPTED AT 27 IR 286, SECTION 1, 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 ~~IC 14-22-34-12~~: **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 crane (*Grus canadensis*)~~: **Common moorhen (*Gallinula chloropus*).**
- (14) Whooping crane (*Grus americana*).**
- ~~(14)~~ **(15)** Piping plover (*Charadrius melodus*).
- ~~(15)~~ **(16)** Upland sandpiper (*Bartramia longicauda*).
- ~~(16)~~ **(17)** Least tern (*Sterna antillarum*).
- ~~(17)~~ **(18)** Black tern (*Chlidonias niger*).
- ~~(18)~~ **(19)** Barn owl (*Tyto alba*).
- ~~(19)~~ **(20)** 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)~~ **(26)** Henslow's sparrow (*Ammodramus henslowii*).
- ~~(28)~~ **(27)** 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)

SECTION 16. 312 IAC 9-5-4, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-5-4 Endangered and threatened species; reptiles and amphibians**

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

**Affected:** IC 14-22

Sec. 4. The following species of reptiles and amphibians are threatened or endangered and are subject to the protections provided under ~~IC 14-22-34-12~~: **312 IAC 9-2-7:**

- (1) Hellbender (*Cryptobranchus ~~alleganiensis~~*): ***alleganiensis***).
- (2) Northern red salamander (*Pseudotriton ruber*).
- (3) Four-toed salamander (*Hemidactylium scutatum*).
- (4) Green salamander (*Aneides ~~aeneus~~*): ***aeneus***).
- (5) Copperbelly water snake (*Nerodia erythrogaster*).
- (6) Butler's garter snake (*Thamnophis butleri*).
- (7) Kirtland's snake (*Clonophis ~~kirtlandi~~*): ***kirtlandii***).
- (8) Scarlet snake (*Cemophora coccinea*).
- (9) Smooth green snake (~~*Ophedrys*~~ (***Ophedrys*** *vernalis*)).
- (10) Crowned snake (*Tantilla coronata*).
- (11) Cottonmouth (*Agkistrodon piscivorus*).
- (12) Massasauga (*Sistrurus catenatus*).
- (13) Timber rattlesnake (*Crotalus horridus*).
- (14) Eastern mud turtle (*Kinosternon subrubrum*).
- (15) Spotted turtle (*Clemmys guttata*).
- (16) Heiroglyphic turtle (*Pseudemys concinna*).
- (17) Alligator snapping turtle (*Macrochelys temmincki*).
- (18) Blanding's turtle (*Emydoidea ~~blandingi~~*): ***blandingii***).
- (19) Crawfish frog (*Rana areolata*).
- (20) Ornate box turtle (*Terrapene ornata*).

(Natural Resources Commission; 312 IAC 9-5-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 17. 312 IAC 9-5-6, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-5-6 Collection and possession 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 14-22-11-1; IC 14-22-11-8; IC 14-22-12-1

Sec. 6. (a) A resident must not collect reptiles or amphibians from the wild unless the person **holds a valid:**

- (1) ~~holds a valid~~ hunting license, or is excepted from holding a valid hunting license, under IC 14-22-11-1; or
- (2) ~~holds a valid~~ fishing license, or is excepted from holding a fishing license, under IC 14-22-11-8.

(b) A nonresident must not collect reptiles or amphibians from the wild unless the person possesses a nonresident yearly license to hunt under IC 14-22-12-1(6).

(c) Except as provided in sections 2 and 3 of this rule, the possession limit is four (4) with respect to any species of reptile or amphibian ~~collected native to Indiana possessed~~ under this section **except as provided in section 11 of this rule. A person must not, however, collect an eastern box turtle (*Terrapene carolina*) from the wild.**

(d) A person must not collect a reptile or amphibian ~~eggs~~ **egg** from the wild.

(e) Except for a reptile lawfully possessed and fitted with a passive integrated transponder under section 9(h) of this rule, a reptile

or amphibian collected under this section must not be sold.

(f) The offspring of an amphibian taken under this section must not be sold.

(g) ~~The offspring of a reptile taken under this section may be sold by~~ A reptile captive breeder (who is in compliance with section 9 of this rule) **may sell the offspring of a reptile, taken under this section,** to any person.

**(h) A reptile or amphibian taken from the wild must not be released back into the wild unless one (1) of the following conditions is met:**

**(1) A person releases an animal without a permit issued under subdivision (2) where the animal as follows:**

**(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.**

**(C) Is released at the point of capture.**

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

*(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)*

SECTION 18. 312 IAC 9-5-7, AS READOPTED AT 27 IR 286, SECTION 1, 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 of a reptile or amphibian native to Indiana is prohibited. **A person must not sell a turtle, regardless of species or origin, with a carapace less than four (4) inches long.**

(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 holbrooki* ~~holbrooki~~ **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) Green tree frog (*Hyla cinerea*).**
- ~~(28)~~ **(29)** Eastern gray tree frog (*Hyla versicolor*).
- ~~(29)~~ **(30)** Spring peeper (*Pseudacris crucifer*).
- ~~(30)~~ **(31)** Striped chorus frog (*Pseudacris triseriata*).
- ~~(31)~~ **(32)** Crawfish frog (*Rana areolata*).
- ~~(32)~~ **(33)** Plains leopard frog (*Rana blairi*).
- ~~(33)~~ **(34)** Bullfrog (*Rana catesbeiana*).
- ~~(34)~~ **(35)** Green frog (*Rana clamitans*).
- ~~(35)~~ **(36)** Northern leopard frog (*Rana pipiens*).
- ~~(36)~~ **(37)** Pickerel frog (*Rana palustris*).
- ~~(37)~~ **(38)** Southern leopard frog (*Rana utricularia*).
- ~~(38)~~ **(39)** Wood frog (*Rana sylvatica*).
- ~~(39)~~ **(40)** Common snapping turtle (*Chelydra serpentina serpentina*).
- ~~(40)~~ **(41)** Smooth softshell turtle (*Apalone mutica*).
- ~~(41)~~ **(42)** Spiny softshell turtle (*Apalone spinifera*).
- ~~(42)~~ **(43)** Alligator snapping turtle (*Macrolemys temmincki*).
- ~~(43)~~ **(44)** Eastern mud turtle (*Kinosternon subrubrum*).
- ~~(44)~~ **(45)** Musk turtle (*Sternotherus odoratus*).
- ~~(45)~~ **(46)** Midland painted turtle (*Chrysemys picta marginata*).
- ~~(46)~~ **(47)** Western painted turtle (*Chrysemys picta bellii*).
- ~~(47)~~ **(48)** Spotted turtle (*Clemmys guttata*).
- ~~(48)~~ **(49)** Blanding's turtle (*Emydoidea blandingii*).
- ~~(49)~~ **(50)** Map turtle (*Graptemys geographica*).
- ~~(50)~~ **(51)** False map turtle (*Graptemys pseudogeographica*).
- ~~(51)~~ **(52)** Ouachita map turtle (*Graptemys ouachitensis*).
- ~~(52)~~ **(53)** Heiroglyphic river cooter (*Pseudemys concinna*).
- ~~(53)~~ **(54)** Eastern box turtle (*Terrapene carolina*).
- ~~(54)~~ **(55)** Ornate box turtle (*Terrapene ornata*).
- ~~(55)~~ **(56)** Red-eared slider (*Trachemys scripta elegans*).
- ~~(56)~~ **(57)** Eastern fence lizard (*Sceloporus undulatus*).
- ~~(57)~~ **(58)** Slender glass lizard (*Ophisaurus attenuatus*).
- ~~(58)~~ **(59)** Six-lined racerunner (*Cnemidophorus sexlineatus*).
- ~~(59)~~ **(60)** Five-lined skink (*Eumeces fasciatus*).
- ~~(60)~~ **(61)** Broad-headed skink (*Eumeces laticeps*).
- ~~(61)~~ **(62)** Ground skink (*Scincella lateralis*).
- ~~(62)~~ **(63)** Worm snake (*Carphophis amoenus*).
- ~~(63)~~ **(64)** Scarlet snake (*Cemophora coccinea*).
- ~~(64)~~ **(65)** Racer (*Coluber constrictor*).
- ~~(65)~~ **(66)** Kirtland's snake (*Clonophis kirtlandii*).
- ~~(66)~~ **(67)** Northern ringneck snake (*Diadophis punctatus*).
- ~~(67)~~ **(68)** Black rat snake (*Elaphe obsoleta obsoleta*).
- ~~(68)~~ **(69)** Gray rat snake (*Elaphe obsoleta spiloides*).
- ~~(69)~~ **(70)** Western fox snake (*Elaphe vulpina vulpina*).
- ~~(70)~~ **(71)** Mud snake (*Farancia abacura*).
- ~~(71)~~ **(72)** Eastern hognose snake (*Heterodon platirhinos*).
- ~~(72)~~ **(73)** Prairie king snake (*Lampropeltis calligaster calligaster*).
- ~~(73)~~ **(74)** Black king snake (*Lampropeltis getula nigra*).

- ~~(74)~~ **(75)** Eastern milk snake (*Lampropeltis triangulum triangulum*).
- ~~(75)~~ **(76)** Red milk snake (*Lampropeltis triangulum sypila*).
- ~~(76)~~ **(77)** Northern copperbelly (*Nerodia erythrogaster*).
- ~~(77)~~ **(78)** Diamondback water snake (*Nerodia rhombifer*).
- ~~(78)~~ **(79)** Northern banded water snake (*Nerodia sipedon*).
- ~~(79)~~ **(80)** Rough green snake (*Opheodrys aestivus*).
- ~~(80)~~ **(81)** Smooth green snake (*Opheodrys vernalis*).
- ~~(81)~~ **(82)** Bull snake (*Pituophis melanoleucus catenifer sayi*).
- ~~(82)~~ **(83)** Queen snake (*Regina septemvittata*).
- ~~(83)~~ **(84)** Brown snake (*Storeria dekayi*).
- ~~(84)~~ **(85)** Redbellied snake (*Storeria occipitomaculata*).
- ~~(85)~~ **(86)** Crowned snake (*Tantilla coronata*).
- ~~(86)~~ **(87)** Butler's garter snake (*Thamnophis butleri*).
- ~~(87)~~ **(88)** Western ribbon snake (*Thamnophis proximus*).
- ~~(88)~~ **(89)** Plains garter snake (*Thamnophis radix*).
- ~~(89)~~ **(90)** Eastern ribbon snake (*Thamnophis sauritus*).
- ~~(90)~~ **(91)** Common garter snake (*Thamnophis sirtalis*).
- ~~(91)~~ **(92)** Western earth snake (*Virginia valeriae*).
- ~~(92)~~ **(93)** Northern copperhead (*Agkistrodon contortrix*).
- ~~(93)~~ **(94)** Cottonmouth moccasin (*Agkistrodon piscivorus*).
- ~~(94)~~ **(95)** Timber rattlesnake (*Crotalus horridus*).
- ~~(95)~~ **(96)** Eastern massasauga (*Sistrurus catenatus*).

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

- (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 **the keeper of an eating house; keeper**, however, a hotel, a boarding house, or **the keeper of 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.

**(k) 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)*

SECTION 19. 312 IAC 9-5-9, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-5-9 Reptile captive breeding license**

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

**Affected:** IC 14-22

Sec. 9. (a) This section establishes the reptile captive breeding license and sets the requirements for a person who wishes to apply for and maintain the license.

(b) The application must be made on a department form.

(c) The annual fee for a license under this section is fifteen dollars (\$15).

(d) An application for a license under this section must be made within thirty (30) days of the effective date of this section for a reptile described in subsection (e) and possessed by the applicant before the effective date of this section. Any subsequent license application must be made within five (5) days after the applicant took possession of the first reptile described in subsection (e) and taken for captive breeding purposes.

(e) A reptile captive breeding license authorizes a person who holds the license to possess, breed, and sell the ~~reptiles~~ **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) Black rat snake (*Elaphe obsoleta obsoleta*).
- (2) Western fox snake (*Elaphe vulpina*).
- (3) Eastern hognose snake (*Heterodon platirhinos*).
- (4) Prairie kingsnake (*Lampropeltis calligaster calligaster*).
- (5) Black kingsnake (*Lampropeltis getula nigra*).
- (6) Eastern milk snake (*Lampropeltis triangulum triangulum*).
- (7) Red milk snake (*Lampropeltis ~~triangulum~~ **triangulum** sypila*).
- (8) Bull snake (*Pituophis ~~melanoleucus~~ **catenifer** sayi*).
- (9) A ~~reptile~~ **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. A transponder must be implanted in each specimen. The type of transponder shall be approved by the commission. The imbedded transponder's code and other required information concerning the general health and condition of the animal must be provided on a departmental form, and 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 provided with ample space and kept in a sanitary and humane manner. Animals and cages must be made available for inspection upon request by a conservation officer.

(h) Each animal possessed under this section must be lawfully acquired. No more than four (4) animals of each species described in subsection (e) may be collected annually from the wild. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition for animals not taken from the wild shall be presented to a conservation officer upon request. A person licensed under

this section who collects an animal from the wild must document, on a departmental form, when and where the animal was collected. The animal must be fitted with a passive integrated transponder within fourteen (14) days of taking possession.

(i) A person licensed under this section must not possess an animal larger than the maximum sale length described in this subsection unless the animal is fitted with a transponder as part of the breeding stock of the person. Captive-bred offspring may only be sold before an individual attains the following total length:

- (1) Fifteen (15) inches for an eastern hognose snake.
- (2) Eighteen (18) inches for a black rat snake, western fox snake, black king snake, prairie king snake, eastern milk snake, or red milk snake.
- (3) Twenty-eight (28) inches for a bull snake.

(j) A person licensed under this section must maintain accurate records on a calendar year basis on the number and disposition of breeding stock and captive breed young. The records shall include the species and number of animals captured, received, or sold and the birth dates of captive born animals. In addition, the records shall include 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 ~~must be made~~ available for inspection. ~~upon request by a conservation officer.~~

(k) A person licensed under this section must not release to the wild a captive breeder or the offspring of a captive breeder. *(Natural Resources Commission; 312 IAC 9-5-9; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3675; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 20. 312 IAC 9-5-11 IS ADDED TO READ AS FOLLOWS:

**312 IAC 9-5-11 Special purpose turtle possession permit**

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

**Affected:** IC 4-21.5; IC 14-22

**Sec. 11. (a) This section establishes the requirements for a special purpose turtle possession permit.**

**(b) Only an Indiana resident can qualify for a permit under this section. An application must be made on a departmental form.**

**(c) An application must be made within ten (10) days after taking possession of a native turtle that was not taken from the wild or for the possession of an eastern box turtle that was lawfully acquired by the person before September 1, 2004. A person does not violate section 6 of this rule if the person obtains a permit under this section for an eastern box turtle. An application must show the turtle was lawfully acquired. A receipted invoice, bill of lading, or other evidence approved by the director must accompany the application. To permit a turtle from outside Indiana, the turtle must have been taken lawfully and must be accompanied by a certificate of veterinary inspection from the state of origin.**

**(d) If supported by appropriate documentation, an unlimited number of native turtles that were legally obtained but not taken from the wild may be possessed under this permit.**

**(e) A conservation officer shall inspect each cage or enclosure before a permit can be issued. A turtle must be quarantined for at least thirty (30) days and display no signs of illness before being placed with other turtles. A turtle must be confined in a cage or other enclosure that makes escape of the animal unlikely and prevents the entrance of free-roaming turtles. The cage or enclosure must provide the turtle with ample space for exercise and to avoid overcrowding. Each turtle shall be handled, housed, and transported in a sanitary and humane manner. Mature male and female turtles of the same species must be caged separately. Upon request by a conservation officer, an applicant must make any cage or enclosure available for inspection.**

**(f) A turtle possessed under this section must not be bred, sold, traded, bartered, or released into the wild. A turtle possessed under this section may be given only to an individual who possesses a permit under this section.**



(g) A native turtle with a straight-line carapace length of four (4) inches or greater held under this permit must be permanently marked with a unique passive integrated transponder (pit tag) implanted under the skin. Only pit tags that can be read by an AVID Reader may be implanted.

(h) A permit holder must not commercially advertise adoption services. A turtle possessed under this section must not be publicly displayed except under an educational permit issued under 312 IAC 9-10-9.5.

(i) 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 taxa, number, carapace length, and weight of each turtle obtained.
- (2) The complete name, address, and telephone number of the person from whom a turtle was obtained.
- (3) The date obtained.
- (4) The unique passive integrated transponder code of each implanted turtle.

(j) A conservation officer may enter the premises of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit. The conservation officer shall immediately notify the permit holder if the inspection reveals a turtle is being kept under unsanitary or inhumane conditions. A conservation officer may make a second inspection after ten (10) days, and the permit may be suspended or revoked under IC 4-21.5, and the turtles may be confiscated, if the permit holder fails to comply with the permit.

(k) A permit expires on December 31 of the year the permit was issued. The permit holder must provide an annual report to the division by February 15 of each year with the following information for each turtle possessed under this permit:

- (1) The taxa and number of each native turtle obtained.
- (2) The complete name, address, and 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.

(l) 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.
- (3) Another applicable state, local, or federal law.

*(Natural Resources Commission; 312 IAC 9-5-11)*

SECTION 21. 312 IAC 9-6-9, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-6-9 Endangered and threatened species of fish**

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

**Affected:** IC 14-22

Sec. 9. The following species of fish are threatened or endangered and are subject to the protections provided under ~~IC 14-22-34-~~  
~~12-~~ **312 IAC 9-2-7:**

- (1) Lake sturgeon (*Acipenser fulvescens*).
- (2) Cavefishes (*Amblyopsidae* species).
- (3) Redside dace (*Clinostomus elongatus*).
- ~~(4) Bluebreast darter (*Etheostoma caeruleum*).~~
- ~~(5) Spotted darter (*Etheostoma maculatum*).~~
- ~~(6) Spottail darter (*Etheostoma squamiceps*).~~
- ~~(7) Tippecanoe darter (*Etheostoma tippecanoe*).~~
- ~~(8) (4) Variegated darter (*Etheostoma variatum*).~~
- ~~(9) (5) Gilt darter (*Percina evides*).~~
- ~~(10) Harlequin darter (*Etheostoma histrio*).~~
- ~~(11) (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)*

SECTION 22. 312 IAC 9-7-2, AS READOPTED AT 27 IR 286, SECTION 1, 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, searchlight, 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 **two** (2) hooks or two (2) artificial baits or harnesses for use with live bait.

(d) 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) A person must not take trout or salmon from a waterway unless the fish is hooked in the mouth.

(f) A person must not fish with more than ten (10) limb lines or drop lines at a time. Each line 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~~ **that** wholly or partly crosses a waterway.

(g) A person must not ice fish **on waters of this state**, except ~~as provided~~ 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 fishing ~~enclosure that is placed on the waters of this state between sunset and sunrise~~ **shelter** must **visibly** bear the name and address of the owner ~~visibly in three (3) inch block letters on at least one (1) exterior vertical side. At least one (1) red reflector, or a three (3) inch by three (3) inch reflective material strip, must be mounted on each exterior side of an ice fishing enclosure: the outside of the door.~~

(3) A portable ice fishing shelter that is left unattended must visibly bear the name and address of the owner in three (3) inch block letters on an exterior wall.

(4) An ice fishing shelter or portable shelter that is on the waters between sunset and sunrise must have, on each side of the structure or shelter, at least one (1) red reflector or a three (3) inch by three (3) inch reflective material strip.

~~(3)~~ (5) An ice fishing ~~enclosure shelter or portable shelter~~ must be removed from the waters of this state before ice-out.

~~(4) If an ice fishing enclosure is used after (6) Except from January 1 through February 15, of a calendar year, the an ice fishing enclosure shelter or portable shelter~~ must be removed daily.

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

(h) 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) 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) A person must not possess a fish spear, gig, gaff, pitchfork, bowfishing equipment, crossbow, grab hook, spear gun, club, snag hook, or underwater spear in, on, or adjacent to **any of the following**:

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

(k) A person must not fish the waterways described in subsection (j) or from the St. Joseph River and its tributary streams from the Twin Branch dam downstream to the Michigan state line (St. Joseph County) with more than one (1) single hook per line or one (1) artificial bait or harness for use with live bait. Single hooks, including those on artificial baits, shall not exceed one-half ( $\frac{1}{2}$ ) inch from point to shank. Double and treble hooks on artificial baits shall not exceed three-eighths ( $\frac{3}{8}$ ) inch from point to shank.

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

- (1) One (1) dip net not to exceed twelve (12) feet in diameter.
- (2) One (1) seine or net not to exceed twelve (12) feet long and six (6) feet deep and having a stretch mesh larger than one and one-half ( $1\frac{1}{2}$ ) 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, 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 ( $\frac{1}{2}$ ) 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 ( $\frac{1}{2}$ ) mile below its junction with Big Creek in Carroll County upstream to the Oakdale Dam ~~which that~~ forms Lake Freeman.)
- (6) Maumee River from the Ohio state line upstream to the Anthony Boulevard Bridge in the city of Fort Wayne.
- (7) Kankakee River from the Illinois state line upstream to State Road 55 bridge south of the city of Shelby in Lake County.
- (8) St. Joseph River in St. Joseph and Elkhart counties.

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

- ~~(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 **by**:

- (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; 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)*

SECTION 23. 312 IAC 9-7-6, AS READOPTED AT 27 IR 286, SECTION 1, 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) Ferdinand State Forest Lake in Dubois County.
- (10) Montgomery City Park Lake in Daviess County.**

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

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

(h) A person must not take or possess a largemouth bass from 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.

**(5) Loon Pit at Blue Grass Fish and Wildlife Area in Warrick County.**

**(6) Bluegrass Pit at Blue Grass Fish and Wildlife Area in Warrick County.**

(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; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 24. 312 IAC 9-7-13, AS READOPTED AT 27 IR 286, SECTION 1, 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~~ **March** 31, if taken from other than a lake.

**A person must not fish for trout during the closed season.**

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

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

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

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

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

(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; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 25. 312 IAC 9-10-9, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-10-9 Wild animal rehabilitation permit**

**Authority:** IC 14-22-2-6; IC 14-22-11-12

**Affected:** IC 4-21.5; IC 14-22

Sec. 9. (a) **This section governs a permit to possess a wild animal which is a mammal or bird protected by law, may be possessed for rehabilitation. purposes only in accordance with a The permit as issued is required for a mammal, bird, reptile, or amphibian and is available only to an individual who is a resident of Indiana. A white-tailed deer must not be possessed under this section for more than one hundred eighty (180) days unless a conservation officer inspects the animal and determines an extended period may be reasonably expected to result in its rehabilitation.**

(b) An application for a permit under this section shall be completed on a departmental form and must establish the following:  
(1) The applicant has rehabilitation experience and a knowledge of wildlife rehabilitation techniques. The required experience and knowledge may be met by one (1) of the following:

(A) A bachelor of science degree in a wildlife related field.

(B) At least one (1) year of experience with a:

(i) veterinarian;

(ii) zoo;

(iii) university animal clinic;

(iv) county animal shelter; or

(v) licensed rehabilitation clinic.

(C) Possession for at least two (2) years of another permit under this section.

(D) Other knowledge and background, including the completion of rehabilitation workshops and seminars, if found by the division director to qualify the applicant.

(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 and rehabilitation of wild mammals and birds. **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.

(4) The names, addresses, and telephone numbers of any other individuals who will assist the applicant. **Assistants must possess sufficient experience and adequate facilities to tend the species in their care and be authorized in writing by the permit holder to provide care for that species of animal in their own facility.**

(5) The species 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) Falconry equipment.

(E) Medical diagnostic equipment.

(F) Medical supplies.

(G) Food sources.

(H) 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. The applicant shall list what species will be housed in the various enclosures and the purpose for each enclosure, for example, convalescing, training, or quarantine.

(c) An amended application ~~shall~~ **must** be filed with the division if there is a material change to the information provided in the original application. ~~If additional persons will assist the permit holder, The amended application shall must include their names, addresses, and telephone numbers. the name, address, and telephone number of any additional person who would assist the permit holder.~~

(d) The permit holder must file an application by January 15 of each year in order to renew the permit. The annual report required under subsection (i) must accompany the renewal application. The signature of a veterinarian is not required for a renewal application.

(e) 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.

(f) A wild animal possessed pursuant to a permit issued under this section must not be displayed or placed in physical contact with the public, except according to the terms of ~~a an educational permit issued under this subsection. A permit may be issued by the division director if:~~

~~(1) the purpose for displaying the animal is primarily educational; and~~

~~(2) the animal is not displayed:~~

~~(A) as part of or to promote a commercial venture; or~~

~~(B) in a manner which might cause a member of the public to confuse display of the animal with a commercial venture because of proximity in time or place between the animal's display and the commercial venture.~~

**section 9.5 of this rule.**

(g) A permit holder must maintain facilities for the retention of a wild animal possessed under this section in a sanitary condition and to conform with any other conditions specified by the permit.

(h) 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.
- (5) The method and date of disposition of the wild animal.

(i) The permit holder shall provide an annual report to the division by January 15 of each year. The report shall list the following:

- (1) The species and condition of each animal.
- (2) The date the animal was received.
- (3) The name and address of the donor or other source.
- (4) The **method, location, and** date of disposition of the animal.

(j) As soon as a ~~mammal or bird~~ **wild animal** is capable of fending for itself, the animal shall be released into the wild as directed by a conservation officer. If a ~~mammal or bird~~ **wild animal** is not capable of fending for itself, a conservation officer ~~should~~ **must** be contacted for further instructions ~~as to the~~ **concerning its** disposition. ~~of the animal.~~

(k) A permit holder ~~shall~~ **must** not commercially advertise rehabilitation services or solicit ~~mammals or birds~~ for rehabilitation **a wild animal that is subject to this section.**

**(l) 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.**
- (3) Another applicable state, local, or federal law.**

*(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)*

SECTION 26. 312 IAC 9-10-9.5 IS ADDED TO READ AS FOLLOWS:

**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 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 licensed game breeder.**
- (4) A wild animal possession permit holder.**
- (5) A special purpose turtle possession permit holder.**
- (6) An educational institution.**
- (7) A nonprofit organization.**
- (8) An individual who is employed or sponsored by an educational institution or a nonprofit organization.**

**(b) Exempted from this section is 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. An applicant must show that a wild animal was lawfully acquired with proper documentation. If the animal was obtained under a rehabilitation permit, the animal must be permanently injured and nonreleasable. Documentation must be in the form of a copy of a valid license, permit, receipt, or rehabilitation report showing the lawful acquisition of the wild animal.

(d) An animal possessed under this permit must be handled, housed, and transported in a sanitary and humane manner. 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.

(e) An application must include 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 educational program meets the following criteria:

- (1) Promotes the survival and role of wild animals in their natural habitat.
- (2) Promotes an understanding of the ecological needs of wild populations of the species.
- (3) 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.

(f) An animal must not be displayed 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. A person must not use an animal for commercial or for-profit purposes. A person must not use an animal to draw attendance to or promote a commercial undertaking or activity, such as a convention, sports show, or similar activity.

(g) An animal must not be placed in physical contact with the public.

(h) A migratory bird must not be used 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.

(i) A permit holder 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 under which the animal is possessed.

(j) The permit issued under this section must be carried on the permit holder and displayed when conducting any authorized activities.

(k) The permit holder must file an application by February 1 of each year in order to renew the permit. The annual report shall accompany the renewal application. The report must contain the following:

- (1) Numbers and species of wild animals used.
- (2) Location of each program.
- (3) Date of each program.
- (4) Name of the group to whom the program was given.

(l) A copy of the records relative to this permit must be kept on the premises of the permit holder for at least two (2) years after the expiration date of the permit. Upon request by a conservation officer, the permit holder must provide these records.

(m) A license may be suspended, denied, or revoked under IC 4-21.5 if the permit holder does any of the following:

- (1) Fails to comply with a provision of a permit issued under this section.
- (2) Possessed the wild animal in a manner that constitutes maltreatment or neglect of the animal.
- (3) Violates any applicable state, local, or federal law.

*(Natural Resources Commission; 312 IAC 9-10-9.5)*



SECTION 27. 312 IAC 9-10-10, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-10-10 Hunting permit for persons with disabilities**

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

**Affected:** IC 14-22

Sec. 10. (a) The department may issue a permit under this section to a ~~handicapped individual~~ **person with a disability** to take wildlife, if the ~~handicap~~ **disability** would otherwise make the taking of wildlife by the individual difficult or impossible. The permit applies from August 15 through the last day of the wild turkey hunting season established under 312 IAC 9-4-11.

(b) A permit application under this section shall be made as follows:

(1) The initial application shall be made on a departmental form and delivered to the division by July 1 for the current year hunting season. The application form may be obtained from the division beginning on May 1 of each year.

(2) The initial application must be accompanied by a statement of disability completed by a physician.

(3) **The division shall review** each completed application. ~~is reviewed by the division:~~ The director may issue a permit under this section by August 1 of each year. If an application is not recommended for approval, the applicant ~~will~~ **shall** be notified by mail.

(4) Except as otherwise provided in this subdivision, no renewal application is required for a ~~handicap~~ **person with disabilities hunting** permit. An applicant with a temporary ~~handicap~~ **disability** may be required by the division to submit, on an annual basis, additional documentation from a physician and a renewal application.

(c) A person issued a permit under this section may hunt wild animals from a stationary motor driven conveyance subject to the following restrictions:

(1) The permit holder must abide by all other hunting laws.

(2) The permit holder must possess a valid hunting license and the permit issued under this section.

(3) The permit holder must 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.

(4) The permit holder may 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.

(d) An individual may be designated to assist a person issued a permit under this section in the retrieval of wild game harvested by the permit holder.

(e) The director may waive other provisions of 312 IAC 9-3 for an individual permit holder. The use of a crossbow may be specially authorized during archery season for hunting deer. (*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*)

SECTION 28. 312 IAC 9-10-13.5 IS ADDED TO READ AS FOLLOWS:

**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. The permit is available only to a person who is at least one (1) of the following:

(1) A licensed rehabilitator.

(2) A nature center, nonprofit organization, or educational institution.

(3) An individual employed or sponsored by an educational institution.

(b) An application must be made on a departmental form and include the purpose for salvaging a wild animal. Approval may be given to use an 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) An animal must not be salvaged for any other reasons than for the purpose stated on the permit or used as part of or to promote a commercial venture.

(e) The permit holder must tag each animal, and the tag must remain attached to the specimen until disposed of under this section. A tag shall have the following information:

- (1) Date and county in which the specimen was salvaged.
- (2) Name of the person who salvaged the specimen.

(f) The permit holder must carry and display a copy of the permit while conducting activities and salvage only within a county approved by the permit. The permit holder must obtain permission from the landowner or from a public land property manager before salvaging an animal on public land.

(g) Within six (6) months after acquisition or by the end of the calendar year, whichever is earlier, the permit holder must deposit any animal salvaged at a location approved on the permit. Any unused animal must be delivered to a conservation officer.

(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) The permit holder 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 specimen is obtained. 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*)

SECTION 29. 312 IAC 9-10-17, AS READOPTED AT 27 IR 286, SECTION 1, 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~~ seller 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; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1541; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 30. 312 IAC 9-11-1, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-11-1 Applicability**

**Authority:** 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 ~~section~~ **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 is required for each individual wild animal and 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 is exempted from this rule:

(1) A game breeder license issued under 312 IAC 9-10-4.

(2) A scientific collector permit issued under 312 IAC 9-10-6.

(3) A mammal or bird rehabilitation permit issued under 312 IAC 9-10-9.

(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 zoos, carnivals, menageries, animal dealers, pet shops, circuses, or nature centers 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.

(5) As authorized by a permit issued by the U.S. Department of the Interior.

(f) A person who possesses a wild animal is responsible for complying with all applicable requirements of this rule, including those which govern permit renewals and permit site relocations.

(g) A person who possesses a wild animal for which a permit is required under this rule, but who does not possess a permit, is subject to the standards, requirements, and sanctions of this rule. *(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)*

SECTION 31. 312 IAC 9-11-2, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-11-2 First permit to possess a wild animal**

**Authority:** IC 14-22-26

**Affected:** IC 14-11-4; 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 ~~possesses~~ **wishes to possess** a wild animal, described as Class I or Class II under section 5 of this rule, must ~~apply to the department for~~ **obtain** a permit under this rule ~~within five (5) days after acquiring~~ **before the person takes possession** of the animal.

(c) A person who wishes to possess a wild animal, described as Class III, must satisfy IC 14-11-4 and ~~receive~~ **obtain** a permit under this rule before the person takes possession of the animal. 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.
- (3) The type of enclosure ~~which that~~ would be used.

(d) A permit application must include a written verification from a licensed veterinarian that the animal appears to be free of disease, appropriately immunized, and in good health.

(e) An application 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 persons, domestic animals, livestock, and other wildlife in the vicinity of the escape.

(f) A permit ~~to possess~~ **holder who possesses** a Class III wild animal ~~shall require the permit holder to~~ **must** notify the department immediately after the discovery of any escape of the animal.

(g) A permit application must be completed on a department form and accompanied by a fee in the amount of ten dollars (\$10).

(h) A conservation officer ~~will~~ **shall** inspect the cages or enclosures after the application is received.

(i) An application must show 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)*

SECTION 32. 312 IAC 9-11-14, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-11-14 Maintaining a wild animal possessed under this rule**

**Authority: 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 ~~permittee~~: **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 (*Macrolemys temmincki*) lawfully acquired by the applicant prior to January 1, 1998.
- (2) For a sporting purpose.
- (3) As a public display.

(d) ~~If 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 is used for an educational purpose or the wild animal must be confined in a cage that prevents contact with the public.~~ **is an alligator snapping turtle (*Macrolemys temmincki*) lawfully acquired by the applicant prior to January 1, 1998.**

(e) A wild animal must be provided with fresh drinking water in clean containers on a daily basis.

(f) A swimming pool or wading pool ~~which that~~ is provided for the use of a wild animal must be cleaned as needed to maintain good water quality.

(g) Surface water must be adequately drained from a cage or enclosure where a wild animal is possessed.

(h) 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.

(i) 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*)

SECTION 33. 312 IAC 9-4-7 IS REPEALED.

### ***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on March 25, 2004 at 5:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments concerning ice fishing, deer hunting, commercial processing of deer, beavers, foxes, coyotes, skunks, minks, muskrats, long-tailed weasels, opossums, raccoons, squirrels, Hungarian partridges, ruffed grouse, wild turkeys, endangered species of birds, amphibians, reptiles, turtles, endangered species of fish, sport fishing, largemouth bass, trout, special purpose salvage permits, aquaculture permits, and wild animal possession permits. 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