

**Document:** Emergency Rule, **Register Page Number:** 27 IR 4040

**Source:** September 1, 2004, Indiana Register, Volume 27, Number 12

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## TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-223(E)

### DIGEST

Temporarily amends 312 IAC 9 to govern noncommercial hunts at Chain O'Lakes State Park, Charlestown State Park, Clifty Falls State Park, Fort Harrison State Park, Harmonie State Park, Indiana Dunes State Park, Lincoln State Park, Ouabache State Park, Pokagon State Park, Potato Creek State Park, Shades State Park, Summit Lake State Park, Tippecanoe River State Park, Turkey Run State Park, Whitewater Memorial State Park, and Twin Swamps Nature Preserve. Under IC 4-22-2-37.1, IC 14-22-2-6, IC 14-10-2-5, and IC 14-22-6-13 (applicable to state parks), the director of the department of natural resources adopts the emergency rule set forth in this document. The emergency rule is adopted with the awareness the regulation of wild animals in Indiana is the responsibility of the department of natural resources, and with a heightened awareness of that responsibility (as well as a responsibility for the welfare of flora and other fauna), within Indiana state parks and dedicated nature preserves. More particularly, based upon the opinion of professional biologists, the director has determined: (A) white-tailed deer have caused, and will continue to cause, obvious and measurable damage to the ecological balance within these properties; and (B) the ecological balance within these properties will not be maintained unless action is taken to control their populations. Examples of damages caused by excessive deer populations include reduction of rare plant species and sampling data that show, more generally, vegetation species disturbance in areas accessible to deer browsing. Effective August 5, 2004.

**SECTION 1. (a) Notwithstanding 312 IAC 9-2-11, 312 IAC 8-2, and any other provision governing hunting a wild animal within a state park, individuals qualified under this SECTION may hunt white-tailed deer on November 15 through November 16, 2004, and November 29 through November 30, 2004, at the following sites and within the following schedules:**

- (1) Chain O'Lakes State Park from 7:30 a.m. until 4 p.m., EST.
- (2) Charlestown State Park from 7:30 a.m. until 4 p.m., EST.
- (3) Clifty Falls State Park from 7:30 a.m. until 4 p.m., EST.
- (4) Fort Harrison State Park from 7:30 a.m. until 4 p.m., EST.
- (5) Harmonie State Park from 6:30 a.m. until 3 p.m., CST.
- (6) Indiana Dunes State Park from 6:30 a.m. until 3 p.m., CST.
- (7) Lincoln State Park from 7:30 a.m. until 4 p.m., EST.
- (8) Ouabache State Park from 7:30 a.m. until 4 p.m., EST.
- (9) Pokagon State Park from 7:30 a.m. until 4 p.m., EST.
- (10) Potato Creek State Park from 7:30 a.m. until 4 p.m., EST.
- (11) Shades State Park from 7:30 a.m. until 4 p.m., EST.
- (12) Summit Lake State Park from 7:30 a.m. until 4 p.m., EST.
- (13) Tippecanoe River State Park from 7:30 a.m. until 4 p.m., EST.
- (14) Turkey Run State Park from 7:30 a.m. until 4 p.m., EST.
- (15) Whitewater Memorial State Park from 7:30 a.m. until 4 p.m., EST.

**(b) Except as provided in subsection (q) for Clifty Falls State Park and Fort Harrison State Park, a deer may be lawfully taken under this SECTION only by the use of a firearm that may be lawfully used to hunt deer in Indiana.**

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

- (1) Possess at least one (1) valid resident license issued under 312 IAC 9-3-3, 312 IAC 9-3-4, or IC 14-22-12-7 to take deer.
- (2) Be at least eighteen (18) years old by October 1, 2004.

(d) For each state park other than Clifty Falls State Park and Fort Harrison State Park, the department will determine the participants for the hunt by first selecting individuals who have completed a course of instruction in hunter safety under IC 14-22-35. If more than the maximum number of individuals who have completed this course apply for a license under this SECTION, the department will select the participants for that state park by a drawing from those individuals who have completed the course. If fewer than the maximum number of individuals who have completed this course apply for a license, the department shall supplement the participation list with applicants who have not completed a course of instruction in hunter safety. If supplementing the participation list with applicants who have not completed a course of instruction results in more applications than the maximum number of individuals who may be issued a license, the department will select the supplemental participants by a drawing from those individuals who have not completed the course.

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

(1) The forms are available at all state parks and reservoirs, at the Customer Service Center in the Indiana Government Center-South, 402 West Washington Street, Room W160, Indianapolis, Indiana 46204, and on the Internet through the department's homepage.

(2) In order to qualify an applicant for participation, a completed form (including a photocopy of a license issued to the applicant as identified in subsection (c)(1)) must be actually received by 4 p.m., EST (4 p.m., CDT), on October 1, 2004, at the Department of Natural Resources, Division of State Parks and Reservoirs, 402 West Washington Street, Room W298, Indianapolis, Indiana 46204.

(f) An individual may file no more than three (3) separate applications for three (3) individual applicants, as long as each application is accompanied by a deer license described in subsection (c)(1). Up to three (3) applications may be submitted as a unit so that all or none of the applicants will be selected to participate in the hunt. The submission by an individual of more than one (1) application per period disqualifies the individual (and any other individual submitting as a unit with the individual) from participating in the drawing. For the purposes of this subsection, one (1) "period" is November 15 through November 16, 2004, and the other "period" is November 29 through November 30, 2004.

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

(h) Each individual issued a license under this SECTION will be randomly assigned to specific management units with designated parking assignments. Each license holder must comply with the requirements set forth in the assignment.

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

(j) Notwithstanding 312 IAC 9-1-15, a participant (except for a participant at Clifty Falls State Park and Fort Harrison State Park) must expose outer garments with hunter orange, which include both of the following:

(1) A hat or cap.

(2) A vest, coat, jacket, or coveralls.

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

(1) Three (3) total deer.

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

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

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

(n) An individual must not enter a state park described in this SECTION during the following periods:

(1) from 8 p.m., EST (7 p.m., CST) on Sunday, November 14 through 8 a.m., EST (7 a.m., CST) on Wednesday, November 17, 2004; or

(2) from 8 p.m., EST (7 p.m., CST) on Sunday, November 28 through 8 a.m., EST (7 a.m., CST) on Wednesday, December 1, 2004;

unless the individual satisfies both subsection [*sic.*, *subsections*] (o) and (p).

(o) An individual shall enter a state park only at a site designated by the department.

(p) In order to enter a state park, an individual must be one (1) of the following:

(1) An individual granted a license under this SECTION.

(2) A representative of the media.

(3) An employee of the department.

(4) Another individual with credentials supplied by the department.

(q) This subsection provides additional requirements that must be satisfied by a participant in the hunts at Clifty Falls State Park and Fort Harrison State Park:

(1) Except as otherwise provided in subdivision (2), an applicant must have successfully completed the International Bowhunter Education Program before participating in a hunt at Clifty Falls State Park and Fort Harrison State Park. A copy of documents showing completion shall be included with the application.

(2) If the maximum number is not filled with applicants who have successfully completed the International Bowhunter Education Program, a supplemental drawing shall be held among applicants who hold a valid Hunter Education Card to fill the remaining positions.

(3) An individual who participates in the hunt must not discharge bow and arrows except from a tree stand.

SECTION 2. (a) Notwithstanding any other provision governing hunting a wild animal within a nature preserve dedicated under IC 14-31-1, individuals qualified under this SECTION may by firearms only hunt white-tailed deer at Twin Swamps Nature Preserve in Posey County from 6:30 a.m. until 3 p.m., CST on November 15 through November 16, 2004, and November 29 through November 30, 2004.

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

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

(2) Be at least eighteen (18) years old by October 1, 2004.

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

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

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

(2) In order to qualify an applicant for participation, a completed form (including a photocopy of a license issued to the applicant as identified in subsection (b)(1)) must be actually received by 4:00 p.m., EST (3:00

p.m., CST), on October 1, 2004, at the Department of Natural Resources, Division of State Parks and Reservoirs, 402 West Washington Street, Room W298, Indianapolis, Indiana 46204.

(e) An individual may file no more than three (3) separate applications for three (3) individual applicants, as long as each application is accompanied by a deer license described in subsection (b)(1). Up to three (3) applications may be submitted as a unit so all or none of the applicants will be selected to participate in the hunt. The submission by an individual of more than one (1) application per period disqualifies the individual (and any other individual submitting as a unit with the individual) from participating in the drawing. For the purposes of this subsection, one (1) "period" is November 15 through November 16, and the other "period" is November 29 through November 30, 2004.

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

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

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

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

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

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

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

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

(l) An individual must not enter Twin Swamps Nature Preserve during the following periods:

- (1) from 8 p.m., EST (7 p.m., CST) on Sunday, November 14 through 8 a.m., EST (7 a.m., CST) on Wednesday, November 17, 2004; or
- (2) from 8 p.m., EST (7 p.m., CST) on Sunday, November 28 through 8 a.m., EST (7 a.m., CST) on Wednesday, December 1, 2004;

unless the individual satisfies both subsection (n) and subsection (o).

(m) An individual shall enter Twin Swamps Nature Preserve only at a site designated by the department.

(n) In order to enter Twin Swamps Nature Preserve, an individual must be one (1) of the following:

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

SECTION 3. SECTIONS 1 and 2 of this document expire on December 13, 2004.

*LSA Document #04-223(E)*

*Filed with Secretary of State: August 5, 2004, 11:35 a.m.*