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## **TITLE 312 NATURAL RESOURCES COMMISSION**

### **Proposed Rule** LSA Document #04-253

#### **DIGEST**

Amends 312 IAC 9 concerning the sale and possession of endangered species of wild animals, hunting deer by bow and arrows, hunting deer by bow and arrows under an extra deer license, the taking of wild turkeys, the addition of the mole salamander to the list of amphibians native to Indiana, and amendments to modernize the common and scientific names of several reptiles and amphibians. Effective 30 days after filing with the secretary of state.

<b>312 IAC 9-2-14</b>	<b>312 IAC 9-4-11</b>
<b>312 IAC 9-2-15</b>	<b>312 IAC 9-5-4</b>
<b>312 IAC 9-3-4</b>	<b>312 IAC 9-5-7</b>
<b>312 IAC 9-3-5</b>	<b>312 IAC 9-5-9</b>

SECTION 1. 312 IAC 9-2-14 IS ADDED TO READ AS FOLLOWS:

#### **312 IAC 9-2-14 Sale of endangered species**

**Authority:** IC 14-22-34-6; IC 14-22-34-12; IC 14-22-34-13

**Affected:** IC 14-22-19-1

**Sec. 14. (a)** Except as provided in subsections (b) and (c), a person must not sell, transport for sale, or offer to sell or transport for sale in Indiana an endangered species or subspecies of wild animal or any part of an endangered species that appears as a wild animal listed as endangered in either of the following:

- (1)** 312 IAC 9-3-19, 312 IAC 9-4-14, 312 IAC 9-5-4, or 312 IAC 9-6-9.
- (2)** 50 CFR 17.11.

**(b)** A person who is transporting in interstate commerce a species or subspecies of wild animal, to be sold outside Indiana, is exempted from this section.

**(c)** A person who possesses a part of an endangered species of wild animal, and who has sufficient documentation to demonstrate the part was obtained lawfully, may sell the part if one (1) of the following conditions exists:

- (1)** The person is:
  - (A)** licensed under IC 14-22-19-1; and
  - (B)** lawfully engaged in the business of buying furbearing mammals or the untanned hides or furs of furbearing mammals in Indiana.
- (2)** The person took the wild animal in another state.
- (3)** The person is lawfully engaged in the sale, at retail, of the manufactured products of an endangered species of wild animal.

The documentation shall consist of legible copies of tags, receipts, hunting licenses, trapping licenses, permits, or other appropriate records from the state or country where the part was acquired. (*Natural Resources Commission; 312 IAC 9-2-14*)

SECTION 2. 312 IAC 9-2-15 IS ADDED TO READ AS FOLLOWS:

#### **312 IAC 9-2-15 Possession of endangered species of mammals, nonmigratory birds, reptiles, amphibians, fish, and crayfish**

**Authority:** IC 14-22-34-12; IC 14-22-34-13

**Affected:** IC 14-22-26-2

**Sec. 15. (a) Except as provided in subsections (c) and (d), a person must obtain a permit from the department to possess a wild animal, including its viable eggs, embryos, or gametes, if the animal is listed as an endangered species under 312 IAC 9-3-19, 312 IAC 9-4-14, 312 IAC 9-5-4, or 312 IAC 9-6-9 and is any of the following:**

- (1) A mammal.**
- (2) A nonmigratory bird.**
- (3) A reptile.**
- (4) An amphibian.**
- (5) A fish.**
- (6) A crayfish.**

**(b) Within sixty (60) days of possessing in Indiana any part of a wild animal listed as an endangered species or subspecies in subsection (a), or before transferring ownership of that part in Indiana, a person must apply for a permit. The application must:**

- (1) be completed on a department form; and**
- (2) include documentation sufficient to establish that the part was lawfully acquired.**

**The documentation shall consist of legible copies of tags, receipts, hunting licenses, trapping licenses, permits, or other appropriate records from the state or country where the part was acquired. Upon obtaining the permit, the applicant must permanently mark the part.**

**(c) A zoological park, as defined in IC 14-22-26-2, is exempted from this section.**

**(d) A person who demonstrates that the wild animal was lawfully obtained before July 1, 2005, is exempted from this section. Illustrations of documentation that may be used to demonstrate the wild animal was obtained lawfully before July 1, 2005, include the following:**

- (1) Dated photographs.**
- (2) Legible copies of tags.**
- (3) Receipts.**
- (4) Hunting licenses.**
- (5) Trapping licenses.**
- (6) Similar licenses.**

**A person may, but is not required to, apply on a department form for a permit to evidence qualification for an exemption under this subsection. (*Natural Resources Commission; 312 IAC 9-2-15*)**

**SECTION 3. 312 IAC 9-3-4, AS AMENDED AT 28 IR 538, SECTION 5, 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~~ by 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 a bow and arrows under IC 14-22-11-1.**

**(b) The season for hunting deer ~~with~~ by 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. After August 31, 2007, 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 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:

(A) track;

(B) trough;

(C) channel;

(D) arrow rest; or

(E) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(i) Notwithstanding subsection (h), a person may use a crossbow to take ~~antlerless~~ a deer of either sex 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:

(A) of less than one hundred twenty-five (125) pounds pull; or

~~(2) No person shall use a crossbow~~ (B) that does not have a mechanical safety.

~~(3)~~ (2) 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; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538*)

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

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

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

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

Sec. 5. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

(1) issued a license to take an extra deer under IC 14-22-12-1(18) or IC 14-22-12-1(19) by means of a bow and arrows; or

(2) hunting under IC 14-22-11-1 with an extra deer license by means of a bow and arrows.

(b) Except as specified in subsection (d), the statewide seasonal limit for hunting under this section is one (1) deer of either sex. **After August 31, 2007**, a person must not take an antlered deer by means of a crossbow.

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

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

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

- (1) The Indianapolis urban deer zone includes **the following**:
  - (A) All of Marion County.
  - (B) That portion of Hendricks County east of State Highway 267.
  - (C) The southeast portion of Boone County as bounded by **the following**:
    - (i) State Highway 267.
    - (ii) Interstate Highway 65.
    - (iii) State Highway 32. ~~and~~
  - (D) That portion of Hamilton County south of State Highway 32.
- (2) The Fort Wayne urban deer zone includes that portion of Allen County lying within the bounds of Interstate Highway 69 and State Highway 469.
- (3) The Evansville urban deer zone includes all of Vanderburgh County.
- (4) The Lafayette urban deer zone includes the portion of Tippecanoe County north of State Highway 28.
- (5) The Gary urban deer zone includes that portion of Lake County north of U.S. Highway 30.
- (6) The Crown Point urban deer zone includes that portion of Lake County within the corporate limits of Crown Point.
- (7) The Chesterton urban deer zone includes the portion of Porter County north of U.S. Highway 94.
- (8) The Michigan City urban deer zone includes that portion of LaPorte County north of U.S. Highway 94.
- (9) The Madison urban deer zone includes that portion of Jefferson County bounded on the **following**:
  - (A) East by U.S. Highway 421. ~~as well as bounded on the~~
  - (B) North and west by State Highway 62. ~~and on the~~
  - (C) South by State Highway 56.

*(Natural Resources Commission; 312 IAC 9-3-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2704; filed Nov 5, 1997, 3:25 p.m.: 21 IR 931; filed May 28, 1998, 5:14 p.m.: 21 IR 3713; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1531; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 5. 312 IAC 9-4-11, AS AMENDED AT 28 IR 541, SECTION 13, 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 (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~~ **a bow** 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).

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

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

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

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

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

- (1) A 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) **A bow and arrows**, including crossbows as defined in 312 IAC 9-3-4(j), with the following restrictions:
  - (A) A person must not use a long bow or compound bow of less than thirty-five (35) pounds pull.
  - (B) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
  - (C) A person must not use a:
    - (i) crossbow of less than one hundred twenty-five (125) pounds pull;

~~(D)~~ **A person must not use a (ii) crossbow unless it has a mechanical safety; or**

~~(E)~~ **A person must not use a (iii) poisoned or explosive arrow.**

~~(F)~~ **(D) No portion of a bow's riser (handle) or:**

**(i) track;**

**(ii) trough;**

**(iii) channel;**

**(iv) arrow rest; or**

**(v) 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.

~~(G)~~ **(E) Before or after lawful shooting hours, a person must not possess a:**

**(i) long bow;**

**(ii) compound bow; or**

**(iii) crossbow;**

in the field if the nock of the arrow is placed on the bow string.

(g) A person must not hunt wild turkeys in the fall season except in a county the director designates, on an annual basis, by emergency rule **or in the spring season in the following counties:**

**(1) Adams, south of State Road 124.**

**(2) Blackford.**

**(3) Delaware.**

**(4) Grant, east of Interstate 69.**

**(5) Hancock, east of State Road 9.**

**(6) Henry.**

**(7) Huntington, south of State Road 124 and east of Interstate 69.**

**(8) Jasper, south of State Highway 114 and west of Interstate 65.**

**(9) Jay.**

**(10) Newton, south of State Highway 114.**

**(11) Randolph, north of State Road 32.**

**(12) Rush, north of State Road 44.**

**(13) Shelby, east of State Road 9 and north of State Road 44.**

**(14) Wells, south of State Road 124.**

**(15) Whitley, south of U.S. 30.**

(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 that is attractive to wild turkeys resulting from **either of the following:**

**(1) Normal agricultural practices. or**

**(2) The use of a:**

**(A) manufactured scent; a**

**(B) lure; or a**

**(C) chemical attractant.**

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

**(j) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt wild turkeys unless 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.**

**(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 is void if notched more than twice. 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 to an official turkey checking station within forty-eight (48) hours of taking for registration. After the checking station operator records the permanent seal number on the log, the person is provided with that seal. The 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.

(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.

(m) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken. *(Natural Resources Commission; 312 IAC 9-4-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541)*

SECTION 6. 312 IAC 9-5-4, AS AMENDED AT 28 IR 542, SECTION 15, 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 14-22-34-12

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:

- (1) Hellbender (*Cryptobranchus alleganiensis*).
- (2) ~~Northern~~ Red salamander (*Pseudotriton ruber*).
- (3) Four-toed salamander (*Hemidactylium scutatum*).
- (4) Green salamander (*Aneides aeneus*).
- (5) Copperbelly water snake (*Nerodia erythrogaster*).
- (6) Butler's garter snake (*Thamnophis butleri*).
- (7) Kirtland's snake (*Clonophis kirtlandii*).
- (8) Scarlet snake (*Cemophora coccinea*).
- (9) Smooth green snake (~~*Lioclorophis*~~ (***Lioclorophis*** *vernalis*)).
- (10) **Southeastern** 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) ~~Hioglyphic~~ **Hioglyphic** river cooter (*Pseudemys concinna*).
- (17) Alligator snapping turtle (~~*Macrochelys*~~ (***Macrochelys*** *temmincki*)).
- (18) Blanding's turtle (*Emydoidea 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; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542)*

SECTION 7. 312 IAC 9-5-7, AS AMENDED AT 28 IR 543, SECTION 17, 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, except for a valid scientific or educational purpose that is associated with one (1) of the following:

- (1) A federal, state, county, city, or similar governmental agency that is engaged in scientific study or research.
- (2) A scientific research organization.
- (3) An accredited museum or institution of higher learning.
- (4) An individual working in cooperation with a college, university, or governmental agency.
- (5) A private company under a contract for scientific or educational purposes.

(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) **Common** mudpuppy (*Necturus maculosus*).
- (3) Streamside salamander (*Ambystoma barbouri*).
- (4) ~~Jefferson's~~ **Jefferson** salamander (*Ambystoma jeffersonianum*).
- (5) Blue-spotted salamander (*Ambystoma laterale*).
- (6) Spotted salamander (*Ambystoma maculatum*).
- (7) Marbled salamander (*Ambystoma opacum*).
- (8) Mole salamander (*Ambystoma talpoideum*).**
- ~~(8)~~ **(9)** Smallmouth salamander (*Ambystoma texanum*).
- ~~(9)~~ **(10)** Eastern tiger salamander (*Ambystoma tigrinum tigrinum*).
- ~~(10)~~ **(11)** Eastern newt (*Notophthalmus viridescens*).
- ~~(11)~~ **(12)** Green salamander (*Aneides aeneus*).
- ~~(12)~~ **(13)** Northern dusky salamander (*Desmognathus fuscus*).
- ~~(13)~~ **(14) Southern** two-lined salamander (*Eurycea cirrigera*).
- ~~(14)~~ **(15)** Longtailed salamander (*Eurycea longicauda*).
- ~~(15)~~ **(16)** Cave salamander (*Eurycea lucifuga*).
- ~~(16)~~ **(17)** Four-toed salamander (*Hemidactylium scutatum*).
- ~~(17)~~ ~~Redbacked~~ **(18) Northern redback** salamander (*Plethodon cinereus*).
- ~~(18)~~ **(19) Northern** zigzag salamander (*Plethodon dorsalis*).
- (20) Northern ravine salamander (*Plethodon electromorphus*).**
- ~~(19)~~ **(21) Northern** slimy salamander (*Plethodon glutinosus*).
- ~~(20)~~ **(22) Southern** ravine salamander (*Plethodon richmondi*).
- ~~(21)~~ **(23)** Red salamander (*Pseudotriton ruber*).
- ~~(22)~~ **(24)** Lesser siren (*Siren intermedia*).
- ~~(23)~~ **(25)** Eastern spadefoot toad (*Scaphiopus holbrookii*).
- ~~(24)~~ **(26)** American toad (*Bufo americanus*).
- ~~(25)~~ **(27)** Fowler's toad (*Bufo fowleri*).
- ~~(26)~~ **(28)** Cricket frog (*Acris crepitans*).
- ~~(27)~~ **(29)** Cope's gray treefrog (*Hyla chrysoscelis*).
- ~~(28)~~ **(30)** Green treefrog (*Hyla cinerea*).
- ~~(29)~~ **(31)** Eastern gray treefrog (*Hyla versicolor*).
- ~~(30)~~ **(32)** Spring peeper (*Pseudacris crucifer*).
- ~~(31)~~ ~~Striped~~ **(33) Western** chorus frog (*Pseudacris triseriata*).
- ~~(32)~~ **(34)** Crawfish frog (*Rana areolata*).
- ~~(33)~~ **(35)** Plains leopard frog (*Rana blairi*).
- ~~(34)~~ **(36)** Bullfrog (*Rana catesbeiana*).

~~(35)~~ **(37)** Green frog (*Rana clamitans*).  
~~(36)~~ **(38)** Northern leopard frog (*Rana pipiens*).  
~~(37)~~ **(39)** Pickerel frog (*Rana palustris*).  
~~(38)~~ **(40)** Southern leopard frog (*Rana utricularia*).  
~~(39)~~ **(41)** Wood frog (*Rana sylvatica*).  
~~(40)~~ **(42)** Common snapping turtle (*Chelydra serpentina serpentina*).  
~~(41)~~ **(43)** Smooth softshell turtle (*Apalone mutica*).  
~~(42)~~ **(44)** Spiny softshell turtle (*Apalone spinifera*).  
~~(43)~~ **(45)** Alligator snapping turtle (~~*Macrochelys*~~ **(*Macrochelys* temmincki)**).  
~~(44)~~ **(46)** Eastern mud turtle (*Kinosternon subrubrum*).  
~~(45)~~ **(47)** **Common** musk turtle (*Sternotherus odoratus*).  
~~(46)~~ **(48)** Midland painted turtle (*Chrysemys picta marginata*).  
~~(47)~~ **(49)** Western painted turtle (*Chrysemys picta bellii*).  
~~(48)~~ **(50)** Spotted turtle (*Clemmys guttata*).  
~~(49)~~ **(51)** Blanding's turtle (*Emydoidea blandingii*).  
~~(50)~~ **(52)** **Common** map turtle (*Graptemys geographica*).  
~~(51)~~ **(53)** False map turtle (*Graptemys pseudogeographica*).  
~~(52)~~ **(54)** Ouachita map turtle (*Graptemys ouachitensis*).  
~~(53)~~ ~~**Hieroglyphic**~~ **(55) Hieroglyphic** river cooter (*Pseudemys concinna*).  
~~(54)~~ **(56)** Eastern box turtle (*Terrapene carolina*).  
~~(55)~~ **(57)** Ornate box turtle (*Terrapene ornata*).  
~~(56)~~ **(58)** Red-eared slider (*Trachemys scripta elegans*).  
~~(57)~~ **(59)** Eastern fence lizard (*Sceloporus undulatus*).  
~~(58)~~ **(60)** Slender glass lizard (*Ophisaurus attenuatus*).  
~~(59)~~ **(61)** Six-lined racerunner (*Cnemidophorus sexlineatus*).  
~~(60)~~ **(62)** Five-lined skink (*Eumeces fasciatus*).  
~~(61)~~ ~~**Broad-headed**~~ **(63) Broadhead** skink (*Eumeces laticeps*).  
~~(62)~~ **(64)** Ground skink (*Scincella lateralis*).  
~~(63)~~ **(65)** **Eastern** worm snake (*Carphophis amoenus*).  
~~(64)~~ **(66)** Scarlet snake (*Cemophora coccinea*).  
~~(65)~~ **(67)** Racer (*Coluber constrictor*).  
~~(66)~~ **(68)** Kirtland's snake (*Clonophis kirtlandii*).  
~~(67)~~ ~~**Northern**~~ **(69)** Ringneck snake (*Diadophis punctatus*).  
~~(68)~~ ~~**Black**~~ **(70) Midland** rat snake, **also known as the black rat snake** (*Elaphe obsoleta obsoleta*): **spiloides**).  
~~(69)~~ ~~**Gray**~~ **(71) Western** rat snake (*Elaphe obsoleta*). ~~**spiloides**~~.  
~~(70)~~ **(72)** Western fox snake (*Elaphe vulpina vulpina*).  
~~(71)~~ **(73)** Mud snake (*Farancia abacura*).  
~~(72)~~ **(74)** Eastern hognose snake (*Heterodon platirhinos*).  
~~(73)~~ **(75)** Prairie kingsnake (*Lampropeltis calligaster calligaster*).  
~~(74)~~ **(76)** Black kingsnake (*Lampropeltis getula nigra*).  
~~(75)~~ **(77)** Eastern milk snake (*Lampropeltis triangulum triangulum*).  
~~(76)~~ **(78)** Red milk snake (*Lampropeltis triangulum sypila*).  
~~(77)~~ ~~**Northern**~~ **(79)** Copperbelly **water snake** (*Nerodia erythrogaster*).  
~~(78)~~ **(80)** Diamondback water snake (*Nerodia rhombifer*).  
~~(79)~~ ~~**banded**~~ **(81)** Northern ~~**banded**~~ water snake (*Nerodia sipedon*).  
~~(80)~~ **(82)** Rough green snake (*Opheodrys aestivus*).  
~~(81)~~ ~~**Lioclorophis**~~ **(83) Lioclorophis** (*Lioclorophis vernalis*).  
~~(82)~~ **(84)** Bull snake (*Pituophis catenifer sayi*).  
~~(83)~~ **(85)** Queen snake (*Regina septemvittata*).  
~~(84)~~ **(86)** Brown snake (*Storeria dekayi*).  
~~(85)~~ ~~**Redbelly**~~ **(87) Redbelly** snake (*Storeria occipitomaculata*).  
~~(86)~~ **(88)** **Southeastern** crowned snake (*Tantilla coronata*).  
~~(87)~~ **(89)** Butler's garter snake (*Thamnophis butleri*).  
~~(88)~~ **(90)** Western ribbon snake (*Thamnophis proximus*).



- ~~(89)~~ **(91)** Plains garter snake (*Thamnophis radix*).
- ~~(90)~~ **(92)** Eastern ribbon snake (*Thamnophis sauritus*).
- ~~(91)~~ **(93)** Common garter snake (*Thamnophis sirtalis*).
- ~~(92)~~ ~~Western~~ **(94)** **Smooth** earthsnake (*Virginia valeriae*).
- ~~(93)~~ **(95)** Northern copperhead (*Agkistrodon contortrix*).
- ~~(94)~~ **(96)** Cottonmouth moccasin (*Agkistrodon piscivorus*).
- ~~(95)~~ **(97)** Timber rattlesnake (*Crotalus horridus*).
- ~~(96)~~ **(98)** Massasauga (*Sistrurus catenatus*).

(d) As used in this section, “sale” means **either of the following**:

- (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. However, a hotel, a boarding house, or the keeper of an eating house may prepare and serve during open season to:
  - (A) a guest, patron, or boarder; and
  - (B) the family of the guest, patron, or boarder;
 a reptile or amphibian legally taken by the guest, patron, or boarder during the open season.

(e) As used in this section, “transport” means 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)~~ **IC 20-1-1-6(a)(5)** or nonpublic school accredited under ~~IC 20-1-1-6(11)~~ **IC 20-1-1-6(a)(9)** and ~~IC 20-1-1-6-2~~ **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~~ **means** the larval life stage of a frog for the period in which the tail portion of the body is at least one (1) inch long.

(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; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543*)

SECTION 8. 312 IAC 9-5-9, AS AMENDED AT 28 IR 545, SECTION 18, 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 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 Midland** rat snake, **also known as the black rat snake** (*Elaphe ~~obsoleta obsoleta~~: spiloides*).

(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 sypila*).

(8) Bull snake (*Pituophis catenifer sayi*).

(9) A snake that is not on a state or federal endangered or threatened species list and with a color morphology that is:

(A) albinistic (an animal lacking brown or black pigment);

(B) leucistic (a predominately white animal); or

(C) xanthic (a predominately yellow animal);

if it was not collected from the wild.

(f) Captive breeding stock other than a reptile described in subsection (e)(9) must be identified with an individually unique passive integrated transponder. 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 **be** 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 **any of the following:**

(A) A black rat snake.

(B) A western fox snake.

(C) A black kingsnake.

(D) A prairie kingsnake.

(E) An eastern milk snake. ~~or~~

(F) A 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 available for inspection.

(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; filed Sep 23, 2004, 3:00 p.m.: 28 IR 545*)

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

*Under IC 4-22-2-24, notice is hereby given that on March 1, 2005 at 4:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 2, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments concerning the sale and possession of endangered species of wild animals, hunting deer by bow and arrows, hunting deer by bow and arrows under an extra deer license, the taking of wild turkeys, the addition of the mole salamander to the list of amphibians native to Indiana, and amendments to modernize the common and scientific names of several reptiles and amphibians. 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