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TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #05-261(F)

DIGEST

Amends 312 IAC 9-3-2 and adds 312 IAC 9-3-18.5, concerning the hunting of white-tailed deer possessed under a game breeder license and the taking, possessing, and releasing of exotic mammals, to prohibit the taking and releasing of the exotic mammals described in this rule. Adds 312 IAC 9-10-21 concerning cervidae possession permits. Effective 30 days after filing with the Secretary of State.

312 IAC 9-3-2

312 IAC 9-3-18.5

312 IAC 9-10-21

SECTION 1. 312 IAC 9-3-2, AS AMENDED AT 28 IR 536, SECTION 3, 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:

- (1) hunting;
- (2) transportation; and
- (3) disposal;

of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from **the following:**

- (1) This section. ~~and~~
- (2) 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:

- (1) a food product that is transported and placed for consumption;
- (2) salt;
- (3) mineral blocks;
- (4) prepared solid or liquid intended for ingestion (herein called bait);
- (5) snares;
- (6) dogs; or
- (7) 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) The hunting of white-tailed deer possessed under the authority of a game breeder license under 312 IAC 9-10-4 is prohibited.

~~(f)~~ **(g)** Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt:

- ~~(1)~~ 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 or~~
- ~~(2)~~ with a deer license ~~or tag~~ issued to another person.

~~(g)~~ The temporary transportation tag described in subsection ~~(f)~~ **(h) A piece of paper** must, immediately upon taking a deer, be notched as to state the following:

- (1) The name and address of the person.**
- (2) The license number (if applicable).**
- ~~(3)~~ The sex of the deer. ~~and~~
- ~~(4)~~ The month and day of the kill: ~~A tag 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 was taken.~~

A deer leg must be tagged **with the piece of paper** before leaving the field. A deer that is in the field is not required to be tagged if the person who ~~kills~~ **takes** the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

~~(h)~~ **(i)** A person who takes a deer must 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 forty-eight (48) hours of ~~the~~ 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)~~ **(j)** 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 piece of paper described in subsection (h), the operator shall give the seal or the body part to which it is affixed); before processing of the deer begins, by affixing person. The person must immediately affix~~ the seal:

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

to prevent its removal (without cutting the seal or the body part to which it is affixed). The seal must be maintained until processing of the deer begins.

~~(j)~~ **(k)** The checking station operator must **do the following:**

- ~~(1)~~ Accurately and legibly complete all forms provided by the department. ~~and must~~
- ~~(2)~~ Make those forms available to department personnel upon request.

~~(k)~~ An individual authorized to act under this subsection must attach to a deer carcass 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:
(1) state-owned or state-leased lands;
(2) U.S. Forest Service lands;
(3) the Muscatatuck National Wildlife Refuge; or
(4) 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 that penetrates a tree more than one-half (½) 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~~ **A person must not** 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):
(1) donkeys;
(2) mules; and
(3) 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; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536; filed May 12, 2006, 10:38 a.m.: 29 IR 3344)*

SECTION 2. 312 IAC 9-3-18.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-3-18.5 Exotic mammals

Authority: IC 14-22-2-6; IC 14-22-32-6

Affected: IC 14-8-2-278; IC 14-22; IC 15-2.1-24

Sec. 18.5. (a) A person must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the following families of mammals:

- (1) **Bradypodidae (tree sloth).**
- (2) **Bovidae (gazelle, bighorn sheep, antelope, and wildebeest), except for domestic cattle (genus Bos, including all dairy and beef animals) and buffalo (Bison bison).**
- (3) **Camelidae (camel and llama).**
- (4) **Canidae (jackal, wild dog, and other exotic foxes).**
- (5) **Cebidae (marmoset).**
- (6) **Cercopithecidae (baboon and monkey).**
- (7) **Cervidae (elk, moose, caribou, and other exotic deer).**
- (8) **Dasypodidae (armadillo).**
- (9) **Elephantidae (elephant).**
- (10) **Equidae (wild horse and zebra), except for domestic horses.**
- (11) **Felidae (mountain lion, lynx, tiger, and other exotic cats).**
- (12) **Giraffidae (giraffe and okapi).**
- (13) **Hippopotamidae (hippopotamus).**
- (14) **Hyaenidae (hyaena).**
- (15) **Macropodidae (kangaroo and wallaby).**
- (16) **Myrmecophagidae (anteater).**
- (17) **Orycteropodidae (aardvark).**
- (18) **Pongidae (chimpanzee, bonobo, and gorilla).**
- (19) **Procaviidae (hyrax).**

- (20) Protelidae (aardwolf).
- (21) Rhinocerotidae (rhinoceros).
- (22) Suidae (wild boar and other exotic swine), except for domestic swine.
- (23) Tapiridae (tapir).
- (24) Tayassuidae (javelina and peccary).
- (25) Tragulidae (chevrotain).
- (26) Ursidae (bear).
- (27) A hybrid or genetically altered mammal of any of these families.

Exempted from this section are the following species of mammals that are not considered to be exotic mammals: white-tailed deer, bobcat, red fox, gray fox, and coyote.

- (b) Notwithstanding subsection (a), a person may take an exotic mammal only if the exotic mammal is:
 - (1) taken by a resident landowner or tenant while causing damage to property that is owned or leased by the landowner or tenant; or
 - (2) a species from the family:
 - (A) suidae and:
 - (i) has been released or escaped from captivity; or
 - (ii) is a member of a breeding population in the wild; or
 - (B) bovidae, camelidae, or cervidae and slaughtered in accordance with IC 15-2.1-24.

(c) A person may not possess an exotic mammal that is a species from a family listed in subsection (a) except as otherwise provided by statute or this article.

- (d) A person:
 - (1) may not release an exotic mammal that is a species from a family listed in subsection (a) into the wild in Indiana except as otherwise provided by statute or this article; and
 - (2) must report the escape of any exotic mammal listed in subsection (a) to a conservation officer within twenty-four (24) hours.

- (e) As used in this rule, “exotic mammal” means a species that is:
 - (1) not native to Indiana; or
 - (2) extirpated from Indiana and either a:
 - (A) wild animal; or
 - (B) feral animal other than a dog or cat.

(Natural Resources Commission; 312 IAC 9-3-18.5; filed May 12, 2006, 10:38 a.m.: 29 IR 3346)

SECTION 3. 312 IAC 9-10-21 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-10-21 Cervidae possession permit

Authority: IC 14-22-2-4; IC 14-22-2-6; IC 14-22-6-1; IC 14-22-32

Affected: IC 4-21.5; IC 14-22

Sec. 21. (a) Except as provided in subsection (b), this section establishes the requirements that a person must satisfy to possess one (1) or more species of exotic mammals from the cervidae family.

(b) Exempted from this section is an accredited zoological park, circus, carnival, or research facility licensed under 9 CFR Chapter 1, Subchapter A.

(c) An application for a cervidae possession permit for one (1) or more of the following species of exotic mammals in the cervidae family (common names are included for public convenience, but the scientific names control) must be made on a departmental form:

- (1) Deer (all species, except white-tailed deer, *Odocoileus virginianus*).
- (2) Elk (*Cervus canadensis*).
- (3) Caribou (all species).
- (4) Moose (*Alces alces*).

(5) A hybrid or genetically altered mammal of any of the cervidae family.

(d) Each cage or enclosure will be inspected by a conservation officer before a permit may be issued. An application for a permit under this section must be made within five (5) days after the:

- (1) acquisition of an animal within Indiana; or**
- (2) importation of an animal into Indiana.**

(e) The enclosure must have a perimeter fence consisting of at least a single eight (8) foot fence. Each cage or enclosure used to house animals shall be large enough to provide each animal with ample space for exercise and to avoid overcrowding. All chainlink or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired. Night quarters and holding pens may not be used as primary housing. The following shall be provided as required for the comfort of the particular species of animal:

- (1) Fresh water.**
- (2) Windbreaks.**
- (3) Shelters.**
- (4) Shade.**
- (5) Bedding.**

Each animal shall be handled, housed, and transported in a sanitary and humane manner. An enclosure used to house the animals must be provided with sufficient drainage to prevent standing water from accumulating. Upon a request by a conservation officer, any cage or other enclosure must be made available for inspection.

(f) Each animal possessed under this section must be lawfully acquired. At least one (1) of the following shall be presented for inspection upon the request of a conservation officer:

- (1) A receipted invoice.**
- (2) A bill of lading.**
- (3) Other satisfactory evidence of lawful acquisition.**

Documentation in the form of a copy of a valid cervidae possession permit or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of the animals.

(g) A permit holder must report the escape of any mammal possessed under this section to a conservation officer within twenty-four (24) hours. No animals possessed under this section may be released.

(h) A permit holder must comply with all applicable state, local, or other federal laws. An animal possessed under this section may be administered a pharmaceutical product approved by a state or federal agency for the purpose of prevention or treatment of any of the following:

- (1) Malnutrition.**
- (2) Illness.**
- (3) Disease.**
- (4) Injury.**
- (5) Stress.**

A licensed veterinarian may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia in compliance with all state and federal laws.

(i) A person must not sell a wild animal possessed under this section if the person knows or should know the animal is diseased.

(j) A permit holder must do the following:

(1) Record all transactions by which a wild animal possessed under this section is:

- (A) sold;**
- (B) traded;**
- (C) loaned;**
- (D) bartered; or**
- (E) given;**

to another person on a departmental form or computerized record.

(2) Keep a copy of the transaction record on the premises of the permit holder for at least two (2) years after the transaction

and provide a copy to a conservation officer upon request.

(3) Issue a valid, dated receipt for all animals sold, traded, bartered, or gifted and include the following information:

- (A) The cervidae possession permit number.**
- (B) The buyer's and seller's name and address.**
- (C) The number of animals sold.**
- (D) The species of the animal sold.**

(k) A permit expires on December 31 of the year the permit is issued. The permit holder must provide an annual report to the division by February 15. The annual report shall include for each species possessed under this permit the number:

- (1) bought;**
- (2) sold;**
- (3) born;**
- (4) traded;**
- (5) gifted;**
- (6) of deaths; and**
- (7) on hand.**

(l) 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 that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and:

- (1) the permit may be suspended or revoked under IC 4-21.5; and**
- (2) the wild animals may be confiscated if the permit holder fails to comply with a provision of the permit.**

(m) 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 provision of a permit issued under this section.**
- (2) All applicable state, local, or other federal laws.**

(Natural Resources Commission; 312 IAC 9-10-21; filed May 12, 2006, 10:38 a.m.: 29 IR 3346)

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