

# ODNR Division of Wildlife

## Ohio Administrative Code Rule Changes

**The proposed rule changes below were proposed by the Ohio Wildlife Council on January 9 and February 6, 2013. Rules will be effective July 1, 2013 (unless otherwise noted).**

1501:31-1-02 Definition of terms.

It is proposed to add a definition for "controlled hunt" as there are several references to "controlled hunt" in the rules but no clear indication of what is meant by that.

It is proposed to add "grass carp" to the list of commercial fish species. Grass carp are non-native species in Lake Erie and its connected waters and are caught incidentally by commercial fishers. Grass carp found in Lake Erie are likely escapees from pond stocking activities and could have negative impacts on aquatic vegetation in Lake Erie and coastal areas. Allowing commercial fishers to harvest non-native grass carp will help the Division of Wildlife document their date and location of harvest and will help to further determine their abundance and distribution.

It is proposed to add a definition of "nuisance wild animal" to match the language in Ohio Revised Code 1531.40, which will become effective on March 27, 2013 as a result of HB420.

1501:31-3-04 Prohibited places and times for using nets in Lake Erie.

It is proposed to amend this rule to allow the use of seines in Sandusky Bay on Sundays during the commercial fishing season.

Current inconsistencies in commercial fishing law allows for seining on Sunday in Lake Erie, but does not allow for seining on Sunday in Sandusky Bay. Allowing seining on Sundays in Sandusky Bay would simplify seining laws on Lake Erie, making legal seining days consistent between Lake Erie and Sandusky Bay.

1501:31-3-15 Taking of certain species of fish with seine.

It is proposed to add the grass carp (*Ctenopharyngodon idella*) to the list of species that may be kept if taken by a commercial fisherman with an inland seine. Currently, any grass carp that are caught must be released.

Grass carp are non-native species in Lake Erie and its connected waters and are caught incidentally by commercial fishers. Grass carp found in Lake Erie are likely escapees from pond stocking activities and could have negative impacts on aquatic vegetation in Lake Erie and coastal areas. Allowing commercial fishers to harvest non-native grass carp will help the Division of Wildlife document their date and location of harvest and will help to further determine their abundance and distribution.

1501:31-9-03 Regulations on the use of firearms on division owned or controlled areas.

It is proposed to add Grant Lake to the list of areas that are limited to shotguns only and only when taking migratory birds, rabbits, pheasants, squirrel, and quail during the open season. This wildlife area is small and is very closely surrounded by homes. The use of a rifle, pistol, or revolver is already prohibited on this area.

1501:31-13-01 Sport fishing.

It is proposed to amend this rule to include grass carp, silver carp, black carp, big-head carp in the definition of "forage fish" and to include the term "rough fish" in that definition.

The term "rough fish" is used in the revised code, but "forage fish" is not. Neither term is defined except in this section. Species designates as such will include: sheepshead, carp, grass carp, silver carp, black carp, big-head carp, quillback, suckers, bowfin, gar, buffalo, gizzard shad, and goldfish.

1501:31-15-03 Nuisance wild animal regulations.

It is proposed that this rule be rescinded and rewritten as a result of Ohio House Bill 420. Development of the new rules is taking place with cooperation from members of the Ohio Pest Control Management Association, Ohio Wildlife Control Operators Association and the Ohio State Trappers Association.

HB420 states that the chief of the Division of Wildlife must develop rules pertaining to testing and certification of nuisance trappers, use of toxicants, and the process for applying for and receiving a license. Additional portions of the rule will address trapping and other control methods and species specific concerns.

It is proposed that the previous rule regarding control of nuisance wild animals will be rescinded. The newly proposed rule was developed with input from the Ohio Pest Control Management Association, Ohio Wildlife Control Operators Association and the Ohio State Trappers Association. The proposal defines the contents of a training course, testing and certification process for persons operating under a Nuisance Wild Animal Control Operators License as specified in ORC 1531.40. The proposal will allow the use of slightly larger traps than previously, the use of guns with silencers or mufflers, the use of toxicants as regulated by the Ohio Department of Agriculture and other additional tools by certified operators. The proposed rule mandates the euthanasia of certain species of nuisance wild animals, provides for an option of release or euthanasia for others and mandates release of some. The proposed rule is more liberal and provides the nuisance wild animal control industry with options and many more efficient means to conduct business.

1501:31-15-04 State-owned or -administered lands designated as public hunting areas.

It is proposed to add "Fayette County Area 002-WPA 24-1" to the list of public hunting areas.

1501:31-15-06 Areas requiring permit to hunt thereon.

It is proposed to amend this rule to allow a successful applicant for any controlled hunting, fishing or trapping permit issued by the Division of Wildlife to exchange that permit with another successful applicant drawn for the same controlled hunting, fishing or trapping opportunity.

1501:31-15-10 Wild turkey regulations.

It is proposed to start fall turkey hunting season the day after the early muzzleloading season for antlerless deer ends. This proposal would open the fall turkey season from the Monday immediately following the second consecutive Saturday and Sunday of October through the Sunday immediately following Thanksgiving.

It is proposed that the following counties be added to those open for hunting turkey during the fall season: Butler, Delaware, Fairfield, Franklin, Hamilton, Huron, Seneca, Warren.

1501:31-15-11 Deer regulations.

It is proposed that language be added stating that antlerless permits may be used in controlled hunts with the approval of the chief of the Division of Wildlife.

It is proposed that the following changes be made:

- Bag limits will now be listed by counties instead of zones. The proposed bag limits are as follows:
  - It shall be unlawful to hunt or take more than two deer per license year from the following counties combined: Darke, Erie, Fayette, Hancock, Madison, Ottawa, Sandusky or Wood counties.
    - One deer may be taken on an either-sex permit, one on an antlerless permit in these counties
  - It shall be unlawful to hunt or take more than three deer per license year from Auglaize, Butler, Champaign, Clark, Gallia, Harrison, Henry, Hocking, Jackson, Jefferson, Lawrence, Logan, Meigs, Mercer, Miami, Monroe, Montgomery, Perry, Preble, Ross, Shelby, VanWert, and Washington counties.
    - Two deer may be taken on an either-sex permit, one on an antlerless permit in these counties
  - It shall be unlawful to hunt or take more than four deer per license year from Adams, Allen, Ashland, Ashtabula, Athens, Belmont, Brown, Carroll, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Defiance, Delaware, Fairfield, Franklin, Fulton, Geauga, Greene, Guernsey, Hamilton, Hardin, Highland, Holmes, Huron, Knox, Lake, Licking, Lorain, Lucas, Mahoning, Marion, Medina, Morgan, Morrow, Muskingum, Noble, Paulding, Pickaway, Pike, Portage, Putnam, Richland, Scioto, Seneca, Stark, Summit, Trumbull, Tuscarawas, Union, Vinton, Warren, Wayne, Williams and Wyandot counties
    - Three deer may be taken on an either-sex permit, one on an antlerless permit
    - It is proposed that the statewide bag limit for deer be nine, but no more than one antlered deer regardless of method of take or location.

It is proposed that an additional six deer may be taken from controlled hunt opportunities approved by the chief; will not count toward the statewide bag limit.

Only one antlered deer may be taken statewide, regardless of method or location.

It is proposed that antlerless deer permits will not be valid after the Sunday before the start of deer gun season, except controlled hunts authorized by the chief of the Division of Wildlife.

It is proposed that a statewide, two-day muzzleloader only season be added for antlerless deer only during the second weekend of October. No antlered deer may be taken by any means during this two day season. It is further proposed that the special muzzleloader season on Salt Fork, Wildcat Hollow and Shawnee areas and the statewide two-day gun season in late December be eliminated.

It is proposed that the hours for hunting deer be extended to one-half hour past sunset in all deer firearms seasons. This will be consistent with hunting hours for other species and with the hours for archery hunting for deer.

It is proposed that the references to the "statewide muzzleloader season be changed to "deer muzzleloader season" because of the newly proposed "antlerless deer muzzleloader season" to avoid confusion.

Portions of the rule were restructured for clarity.

1501:31-15-12 Urban deer units.

It is proposed that this rule be rescinded. The urban deer units will be eliminated. When first developed, the urban deer units were designed to increase hunting pressure in specific areas where the deer herd was higher and human/deer conflicts were occurring. Current deer populations are higher across the state, and hunters are not traveling to and increasing pressure in the urban zones, thereby making them ineffective.

1501:31-15-13 Early muzzleloading deer hunting areas.

It is proposed that this rule be rescinded. The special hunts in Salt Fork, Wildcat Hollow and Shawnee areas in southeastern Ohio as defined in this rule will be eliminated, as the early muzzleloader hunting opportunities are being expanded statewide, to occur the second weekend of October.

1501:31-15-17 Seasons for game birds, game quadrupeds and furbearing animals.

It is proposed that the restrictions on hunting cottontail rabbits, in the snowshoe hare release area, be lifted due to the apparent failure of the snowshoe restoration project. However, any remaining snowshoe hares will continue to have state endangered species status and it will remain illegal to kill snowshoe hares in Ohio.

It is proposed that the season dates for crows be changed to open on June 7, 2013 and close March 8, 2014, then reopen June 6, 2014 and close on March 7, 2014.

1501:31-16-01 Wildlife minimum values.

It is proposed that all restitution values set in this rule be re-evaluated based on the due to population changes as set forth in Ohio Revised Code. Some of these values were determined over five years ago and due to criteria changes or other factors they may decrease or increase.

The following changes are recommended:

Lake Erie watersnake from \$750 to \$1,000  
Peregrine Falcon from \$2,500 to \$1,000  
Black bear from \$1,000 to \$2,500  
Wild turkey adult male from \$500 to \$750 (hens and "jakes" stay at \$500)  
Mink, Weasels, Red and Gray Foxes, Beaver and Muskrat from \$20 to \$100  
All other furbearers from \$20 to \$50

1501:31-21-02 Duck blind permit requirements.

It is proposed to add language to classify that a person age 15 or under, participating in a controlled waterfowl hunt drawing, is not required to possess a wetland habitat stamp or federal migratory bird stamp in order to participate, as they are not required to have one to hunt migratory birds.