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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #01-444

DIGEST

Amends 312 IAC 9-10-11 that governs nuisance wild animal control. Establishes examination requirements before a person can lawfully assist another with the capture, possession, and release of a nuisance wild animal. Establishes requirements for periodic reexamination or for the completion of continuing education. Minimum standards are provided for measures to control, treat, or euthanize a wild animal. Identifies causes for which a permit can be suspended or revoked. Effective 30 days after filing with secretary of state.

312 IAC 9-10-11

SECTION 1. 312 IAC 9-10-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-11 Nuisance wild animal control permit

Authority: IC 14-22-2-6; IC 14-22-28

Affected: IC 14-22

Sec. 11. (a) The director may without fee issue a temporary permit to control ~~outside the seasons established by this article;~~ a nuisance wild animal **that is causing damage to property or posing an immediate health or safety threat to persons or domestic animals.** The method of control and disposition of the animal shall be set forth in the permit.

(b) A wild animal taken under this section shall not be possessed for more than ~~twelve (12)~~ **forty-eight (48)** hours and shall not be sold, traded, bartered, or gifted.

(c) A person who ~~applies for owns or has interest in property may obtain~~ a permit ~~under this section to assist a landowner with a nuisance wild animal control problem must provide a written recommendation from a conservation officer.~~ **for the control of a nuisance wild animal causing damage to the person's property.**

(d) A person may obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:

- (1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.
- (2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit, either:
 - (A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or
 - (B) complete thirty-two (32) hours of continuing education as approved by the division.
- (3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.

(e) A person who does not hold a permit under subsection (d) may assist a permittee, but only if the permittee directly supervises the unpermitted person.

(f) An animal captured live must be handled in an expeditious and humane manner that causes no unnecessary discomfort or physical harm to the animal.

(g) Permittees may use the following:

- (1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.

(2) Steel and live traps, except for the following:

(A) A foot-hold trap possessing saw-toothed or spiked jaws.

(B) A foot-hold trap sized #3 or larger without offset jaws unless the trap is completely covered with water.

(C) A Conibear, Dahlgren, Bigelow, or other killer trap that is seven and one-half (7½) inches or larger in diameter or is larger than seven and one-half (7½) inches by seven and one-half (7½) inches unless the trap is completely covered by water.

(3) Snares that do not employ a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

(h) A permittee must check a trap or snare at least once every twenty-four (24) hours.

(i) The following restrictions apply to the treatment of an animal captured live under this permit:

(1) When on-site release is not the best viable option, the animal must be released in the county of capture, euthanized, or treated as otherwise authorized in the permit.

(2) An animal must be euthanized with the safest, quickest, and most painless available method as recommended and approved by the division of fish and wildlife as follows:

(A) For a reptile, apply one (1) of the following procedures:

(i) Barbiturates.

(ii) Inhalant anesthetics (in appropriate species).

(iii) Carbon dioxide (in appropriate species).

(iv) Penetrating captive bolt.

(v) Gunshot.

(vi) Decapitation and pithing.

(vii) Stunning and decapitation.

(B) For a bird or mammal, apply one (1) of the following procedures:

(i) Barbiturates.

(ii) Inhalant anesthetics.

(iii) Potassium chloride in conjunction with general anesthesia.

(iv) Carbon dioxide in a chamber.

(v) Carbon monoxide in a chamber.

(vi) Nitrogen in a chamber.

(vii) Argon in a chamber.

(viii) Penetrating captive bolt.

(ix) Gunshot.

(3) Prior consent is required from the landowner or the landowner's agent before an animal is released on any property.

If (j) A permit is issued, that person expires on December 31 of the year the permit is issued. The permittee must maintain a current record to include the following:

(1) The name and address of the landowner assisted.

(2) The date assistance was provided.

(3) The number and species of animals affected.

(4) The method of disposition.

At the end of the calendar year, the information required under this subsection must be sent to the division for each permit issued.

(k) A permittee must file an application by January 15 of each year in order to renew a permit. The annual report required under subsection (l) must accompany the renewal application.

(l) 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 number of animals taken.

(2) The species of animals taken.

(3) The county where the animal was captured.

(4) The method of disposition.

(5) The county where released (if applicable).

(m) A permit issued under this section may be suspended or revoked for failure of any of the following reasons:

- (1) Failure to comply with IC 14-22 or this article.**
- (2) Failure to comply with a term of the permit.**
- (3) Providing false information to obtain a permit under this section.**
- (4) Engaging in a fraudulent business practice.**

~~(d)~~ **(n) No permit will shall** be issued under this section:

- (1) for the control of a migratory bird;
- (2) for a wild animal ~~which that~~ is identified under this article as an endangered species or a threatened species; or
- (3) if ~~to grant~~ **granting** the permit would violate a federal law.

(Natural Resources Commission; 312 IAC 9-10-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2732)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 23, 2002 at 6:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Auditorium, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments that govern nuisance wild animal control. Establishes examination requirements before a person can lawfully assist another with the capture, possession, and release of a nuisance wild animal. Establishes requirements for periodic reexamination or for the completion of continuing education. Minimum standards are provided for measures to control, treat, or euthanize a wild animal. Identifies causes for which a permit can be suspended or revoked. 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