

## TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-444(F)

### 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; IC 35-46-3-12

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 or threatening to cause damage to property or posing a 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 property owner or lessee may obtain~~ a permit under this section ~~to assist a landowner with for the control of a nuisance wild animal. control problem must provide a written recommendation from a conservation officer.~~

(d) **A person who charges a fee or provides a service to the public for nuisance wild animal control services must 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. A copy of the permit must be on the person when conducting any authorized activities.

**(f) A captive animal must be handled in an expeditious and humane manner in compliance with IC 35-46-3-12.**

**(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 eight (8) inches or larger in diameter or is larger than eight (8) inches by eight (8) inches unless the trap is completely covered by water.**

**(3) Snares with a circumference no greater than fifteen (15) inches unless:**

**(A) at least fifty percent (50%) of the loop of the snare is covered by water; or**

**(B) the snare employs 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) All traps must be checked 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.**

**(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 expires on December 31 of the year the permit is issued. that person~~ 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. A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.**

**(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 if the permittee:**

**(1) Fails to comply with IC 14-22 or this article.**

**(2) Fails to comply with a term of the permit.**

**(3) Provides false information to obtain a permit under this section.**

**(4) Uses or employs any deception, false pretense, or false promise to cause a consumer to enter into an**

**agreement for the removal of a nuisance wild animal.**

~~(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; filed Oct 28, 2002, 12:03 p.m.: 26 IR 692)*

*LSA Document #01-444(F)*

*Notice of Intent Published: 25 IR 1669*

*Proposed Rule Published: May 1, 2002; 25 IR 2551*

*Hearing Held: May 23, 2002*

*Approved by Attorney General: October 10, 2002*

*Approved by Governor: October 25, 2002*

*Filed with Secretary of State: October 28, 2002, 12:03 p.m.*

*Incorporated Documents Filed with Secretary of State: None*