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## **TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #04-59(E)

### **DIGEST**

Temporarily amends 312 IAC 9 with respect to the taking of raccoons at Clifty Falls State Park. Under IC 4-22-2-37.1, IC 14-22-2-6, IC 14-10-2-5, and IC 14-22-6-13, the director of the department of natural resources adopts the emergency rule set forth in this document. The emergency rule is adopted with awareness the regulation of wild animals in Indiana is the responsibility of the department of natural resources. In addition, the director is responsible for controlling wild animals in a state park if the wild animals pose an unusual hazard to the health or safety of one or more individuals. More particularly, the director finds that the third floor of the Riverview Addition to the Clifty Inn has been repeatedly breached by raccoons. Permanent closure of the breach is impracticable due to the design and construction of the building and would require the use of specialized and expensive equipment on a daily basis. The presence of the raccoons could expose individuals who enter the Riverview Addition to health issues resulting from diseases that are potentially carried by the raccoons. In order to protect individuals from the potential for adverse health or safety consequences, the property manager shall authorize a person or persons to take any raccoon from the Riverview Addition or an area within 100 feet of the Riverview Addition. Effective March 8, 2004.

**SECTION 1. (a) Notwithstanding 312 IAC 9-2-11, 312 IAC 8-2, and any other provision governing taking a wild animal within a state park, an individual qualified under this SECTION may take any raccoon from, or within one hundred (100) feet from, the Riverview Addition of the Clifty Inn, Clifty Falls State Park, Jefferson County.**

**(b) In order to qualify under subsection (a), a person must satisfy both of the following requirements:**

- (1) Possess written authorization from the property manager of Clifty Falls State Park to act under this document.**
- (2) Possess a nuisance wild animal control permit issued under 312 IAC 9-10-11.**

**SECTION 2. SECTION 1 of this document expires January 1, 2005.**

*LSA Document #04-59(E)*

*Filed with Secretary of State: March 2, 2004, 11:35 a.m.*