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TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #05-203(E)

DIGEST

Temporarily amends 312 IAC 9 as applicable to the management and licensure of activities pertaining to bobcats, river otters, and badgers. Effective July 13, 2005.

SECTION 1. (a) This SECTION of this document is supplemental to 312 IAC 9.

(b) A person must not take, sell, or possess a bobcat (*Lynx rufus*), river otter (*Lontra canadensis*), or badger (*Taxidea taxus*) except as provided by 312 IAC 9 and this document.

(c) A person must not possess or sell a carcass, hide, or any part of a bobcat, river otter, or badger unless the person:
(1) possesses satisfactory documentation that the carcass, hide, or part was lawfully acquired. Satisfactory documentation must include one (1) or more of the following: a legible copy of any tag, receipt, hunting license, trapping license, permit, or other appropriate record from the state or country where the animal, including any part or portion of the animal, was acquired, or a receipt from fur buyer licensed under 312 IAC 9-10-12, or a taxidermist licensed under 312 IAC 9-10-5; or
(2) obtains the carcass, hide, or part from a department employee with written permission.

(d) In addition to subsection (c)(1) of this document, a person must not possess a carcass or untanned hide of a bobcat, river otter, or badger for more than fourteen (14) days unless the person is a fur buyer licensed under 312 IAC 9-10-12.

(e) A fur buyer licensed under 312 IAC 9-10-12, or a taxidermist licensed under 312 IAC 9-10-5, who sells a carcass, hide, or any part of a bobcat, river otter, or badger must provide the purchaser with the documentation described in subsection (c)(1) of this SECTION. A purchaser who relies in good faith upon the documentation may offer it as an affirmative defense to an infraction or civil penalty alleging a violation of section [sic.] (c) of this SECTION.

SECTION 2. (a) This SECTION of this document supersedes 312 IAC 9-3-19.

(b) The following species of mammals are endangered and are subject to the protections provided under IC 14-22-34-12:
(1) Indiana bat (*Myotis sodalis*).
(2) Gray bat (*Myotis grisescens*).
(3) Southeastern bat (*Myotis austroriparius*).
(4) Evening bat (*Nycticeius humeralis*).
(5) Eastern wood rat (*Neotoma floridana*).
(6) Swamp rabbit (*Sylvilagus aquaticus*).
(7) Franklin's ground squirrel (*Spermophilus franklinii*).

SECTION 3. (a) This SECTION of this document is supplemental to 312 IAC 9-10-12 and governs the activities of an individual who is a licensed fur buyer.

(b) A licensed fur buyer must not possess the carcass or untanned hide, or any part of a bobcat, river otter, or badger:
(1) Unless the carcass, untanned hide, or part was lawfully acquired by the seller as evidenced by a legible copy of one (1) or more of the following: a tag, receipt, hunting license, trapping license, permit, or other appropriate record from the state or country where the animal, including any part or portion of the animal, was acquired.
(2) Except as provided in subsection (c), for a period in excess of sixty (60) days from receipt of the carcass or untanned hide.

(c) A licensed fur buyer may, under this subsection, request written authorization from the division director to possess the

carcass or untanned hide of a bobcat, river otter, or badger for a period in excess of sixty (60) days after its receipt. The request must include a report that identifies the species, number, and location of any carcass or untanned hide or part that the fur buyer requests to keep.

(d) A licensed fur buyer must issue a valid, dated receipt for all bobcats, river otters, and badgers sold, traded, bartered, or gifted and include the following information:

- (1) Fur buyer license number.**
- (2) Buyer and seller name and address.**
- (3) Number of animals, hides, or parts sold.**
- (4) Species of animal sold.**

SECTION 4. (a) This SECTION of this document is supplemental to 312 IAC 9-11-13(o) that sets standards a person must satisfy in order to lawfully confine, enclose, and house wild cats.

(b) For bobcats, the following must be provided:

- (1) Dens large enough for privacy and comfort to all animals in the enclosure.**
- (2) An elevated wooden loafing platform or a dry elevated natural substrate loafing area. The wooden platform or elevated natural substrate must be large enough for all animals within the enclosure. The top of the den or den box may be designed to meet this requirement.**
- (3) A tree limb or other suitable scratching block.**
- (4) Walls, roof, and floor of the cage constructed of one (1) inch by two (2) inch maximum mesh. Any weld must be as strong as the wire.**
- (5) An artificial heat source to maintain a minimum ambient air temperature of forty-five degrees Fahrenheit (45° F).**

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