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**TITLE 312 NATURAL RESOURCES COMMISSION**

**Emergency Rule**  
LSA Document #06-197(E)

**DIGEST**

Temporarily modifies [312 IAC 9-4-2](#) and [312 IAC 9-10-11](#), governing the taking, possession, and sale of mute swans, to authorize a person to possess and sell mute swans in Indiana and to authorize the department to issue a nuisance wild animal control permit to take a mute swan. Effective June 27, 2006.

**SECTION 1. (a) This SECTION is supplemental to [312 IAC 9-4-2](#).**

**(b) A person may possess a live mute swan only if each of the following is satisfied:**

- (1) The swan is pinioned prior to six (6) weeks of age.**
- (2) The swan is in an enclosure that prevents its escape into the wild.**

**(c) A wing of each swan must be pinioned so the:**

- (1) metacarpal bones of one (1) wing or a portion of the metacarpal bones are removed; and**
- (2) swan is permanently incapable of flight.**

**(d) A person may sell a live mute swan only if each of the following is satisfied:**

- (1) The swan is pinioned by the age of six (6) weeks.**
- (2) The swan is not released into the wild and will be held in an enclosure that prevents its escape into the wild.**
- (3) The person keeps an inventory of the number of mute swans possessed, including all swans that [sic., are] born or die, and all transactions by which a mute swan is sold, traded, loaned, bartered, or given to another person. The person must issue a valid, dated receipt for all mute swans sold, traded, bartered, or gifted and include the following information:**
  - (A) Name and address of the buyer or person to whom the mute swans were gifted.**
  - (B) Name and address of the seller.**
  - (C) Number of mute swans sold.**
  - (D) Date sold.**

**(e) A person is exempt from registration under the Harvest Information Program when taking a mute swan under the authority of [312 IAC 9-10-11](#).**

**SECTION 2. (a) Notwithstanding [312 IAC 9-10-11](#)(n), the department of natural resources may issue a nuisance wild animal control permit to take a mute swan only if one (1) of the following is satisfied:**

- (1) The permit holder is a resident landowner or tenant of the property where the mute swan will be taken.**
- (2) The permit holder has obtained approval from a conservation officer or a wildlife biologist employed by the department to take the mute swan.**

**(b) An employee of the department may take a mute swan upon authorization of the director or the director's designee.**

*LSA Document #06-197(E)*

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