

Economic Impact Statement

LSA Document #07-659

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**Estimated Number of Small Businesses Subject to this Rule:**

The Indiana Department of Natural Resources (DNR) estimates that the proposed rule amendment to [312 IAC 9-10-11](#) will impose requirements on an estimated 175 small businesses that have nuisance wild animal control permits to take protected species of wild animals for the public. The proposed rule amendment associated with [312 IAC 9-10-11](#) requires that all wild animals caught in traps and snares be removed the same day. The other proposed amendments contained within this package do not impose any additional costs or requirements upon small businesses.

The Natural Resources Commission has the authority to promulgate rules in accordance with the requirements found in [IC 14-22-2-6](#) and [IC 14-10-2-4](#).

Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Small Businesses Will Incur for Compliance:

There are no administrative costs imposed upon small businesses as a result of the rule changes governing the nuisance wild animal control permit ([312 IAC 9-10-11](#)). The proposed amendment simply requires the removal of an animal caught in a trap on the day it is discovered. This rule already requires the checking of traps at least once in every 24 hour period, and many small businesses are already in compliance with this proposed rule amendment by removing animals that are found in that trap the day they are checked.

The requirements that may apply to a small business are only for those businesses that may have to have additional help to check traps and ensure that wild animals caught in the traps are removed from those traps the same day that they are checked.

Estimated Total Annual Economic Impact on Small Businesses to Comply:

The DNR estimates that there will be a minor economic impact on some small businesses as a result of compliance with the proposed rule amendment to [312 IAC 9-10-11](#). Animals caught in traps must be removed at some time, and the cost associated with requiring the removal to occur on the same day the animal is discovered is expected to be minimal.

Justification Statement of Requirement or Cost:

[IC 14-22-6-4](#) requires a person who sets a trap to check that trap and remove a furbearing animal from that trap within a period not exceeding 24 hours. The DNR believes that this law should also apply to small businesses using traps to take nuisance wild animals for other people. Furthermore, the rule language in [312 IAC 9-10-11\(h\)](#) already requires that traps be checked once each day; the amendment proposed simply clarifies that when the trap is checked and an animal is found in that trap, the animal is removed from that trap the same day it is checked. The DNR has received complaints over the past few years about nuisance wild animal control operators leaving animals in traps in inhumane conditions for more than 24 hours. The intent of the law to check the traps every 24 hours is to remove the animal from the trap, just as it is required for all trappers in Indiana under [IC 14-22-6-4](#). Wild animals that are trapped should be captured and euthanized humanely, not left in traps for an unlimited amount of time.

Supporting Data, Studies or Analyses: The number of small businesses was obtained from the DNR, Division of Fish and Wildlife's list of nuisance wild animal control permit holders.

Regulatory Flexibility Analysis of Alternative Methods:

Explanation of Preliminary Determination: In [312 IAC 9-10-11\(h\)](#), the additional requirements that may be needed for small businesses that obtain a nuisance wild animal control permits could be reduced with one of the following options:

- (1) Not add this rule language and require that the animal be removed from the trap and simply require it as a condition on a permit.
- (2) Add this rule language but provide for more time in which the permit holder can get to the trap and remove the animal.

The DNR would not be able to exempt small businesses from this proposed rule or make any changes to the proposed rule for small businesses. If small businesses were exempt, there would essentially be no need to make this rule change. Furthermore, if the DNR allowed more time in which permit holders could check and remove the animals from the traps, it would be inconsistent with [IC 14-22-6-4](#) and would allow animals to be kept in traps for a period of time that would be considered inhumane.

Supporting Data, Studies, or Analyses: The DNR did not rely on any studies, supporting data, or analyses in

its decision not to employ alternatives to these proposed rules.

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