

**Notice of Public Hearing**

LSA Document #07-735

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Under [IC 4-22-2-24](#), notice is hereby given that on February 29, 2008, at 2:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 1, Indianapolis, Indiana, the Natural Resources Commission will hold a public hearing on a proposed rule to amend [312 IAC 9-2-11](#) to allow qualified individuals to trap the European wall lizard at the Falls of the Ohio State Park, to add [312 IAC 9-4-2.5](#) to specify conditions under which mute swans are allowed to be possessed and sold, to amend [312 IAC 9-4-14](#) to remove the bald eagle from the list of endangered birds, to amend [312 IAC 9-5-11](#) governing the turtle possession permit, and to amend [312 IAC 9-10-16](#) to address various requirements associated with dog training ground permits.

The new rule proposal at [312 IAC 9-4-2.5](#) that allows the sale and possession of mute swans will require the owner, which may be a business, to pinion the swan by the age of six weeks, keep it in an enclosure that prevents its escape into the wild, keep an inventory of all mute swans possessed, and issue receipts for all mute swans sold, traded, loaned, bartered, or gifted. This rule proposal is needed in order to continue allowing individuals and businesses to sell live mute swans by assisting in ensuring that the swans do not escape into the wild or fly away where they can create problems. Mute swans can become aggressive towards people when protecting a nest and can reduce the number of native waterfowl in an area by eating their food sources and driving them away from an area. There should be no new compliance costs, since these provisions were required under the federal permit several years ago (when a federal permit was required to possess and breed or sell mute swans). Most individuals who buy these swans would want them to be pinioned so that they stay on their property. Those who operate as businesses should also be accustomed to issuing receipts and keeping inventory for tax purposes. There should be minimal administrative expenses since there is no report, permit, or registration required and no fee.

The other rule proposal that will affect businesses and regulated entities will be the changes to the dog training ground permit, [312 IAC 9-10-16](#). There are 121 dog training ground permits that have been issued by the DNR this year. These changes will allow an individual or business to have not more than one licensed dog training ground on a contiguous tract of land and will clarify that not more than 20 acres can be used as a dog training ground. There are no new administrative expenses as a result of these proposed changes. However, these rule changes may cause some businesses that operate these dog training grounds to limit their activities to one area of not more than 20 acres and will require a person training dogs to possess certain documentation. The proposed amendment also prohibits a person from possessing birds in captivity for more than five days or selling birds without a game breeder's license. The rule amendments clarify that the dog training grounds cannot be used for commercial purposes or for field trials or as shooting preserves unless the necessary license, required by [IC 14-22-24-1](#) and [IC 14-22-31-1](#), respectively, are possessed. The DNR would not be able to exempt businesses from these proposed rule changes because the rule would then not be fair, consistent, and enforceable for all permit holders. The remaining proposed rule amendments would not impose costs or requirements under [IC 4-22-2-24\(d\)\(3\)](#).

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter  
Chairman  
Natural Resources Commission

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