
TITLE 312 NATURAL RESOURCES COMMISSION

Economic Impact Statement

LSA Document #09-486

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to this Rule:

515.

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

\$60 per year for an estimated time of six hours per year (1/2 hour per month) and a cost of \$10 per hour.

Estimated Total Annual Economic Impact on Small Businesses to Comply:

\$500 per year for padlocks (if needed), fence repairs (if needed), and administrative costs.

Justification Statement of Requirement or Cost:

The specific housing and record keeping requirements may impose costs on businesses that are licensed game breeders if they do not currently meet these requirements. The administrative requirements for keeping an inventory and issuing proper receipts may create additional administrative costs on small businesses. However, an inventory and the majority of the record keeping requirements are already required in the rule. These changes simply make modifications to specify that the records and receipts must be in ink or on an electronic (computerized) record and include a list of the animals or their products that are sold. Bovine tuberculosis has been found in a captive herd of red deer in Indiana this year, and it is imperative that captive white-tailed deer not be able to escape into the wild in order to prevent the spread of diseases such as bovine tuberculosis and chronic wasting disease to wild (free-roaming) white-tailed deer. Bovine tuberculosis can also be spread to cattle. The record keeping requirements are needed to help ensure that the white-tailed deer were obtained lawfully and to provide a paper trail for DNR conservation officers to know who sold and purchased the deer, especially when a diseased deer is found. An inventory is also already required by the Indiana State Board of Animal Health in [345 IAC 9-2](#). The deer identification and disease-testing requirements are currently required by the Indiana State Board of Animal Health in [345 IAC 2-7](#) but are being added into this rule to help ensure compliance.

The Indiana Deer and Elk Farmers Association requested that the provisions governing the sale, housing, identification, and disease-testing of white-tailed deer under a game breeder license be put into the administrative rule in an effort to limit various interpretations of the rule by DNR conservation officers and help ensure that game breeders understand what is required in order to be in compliance.

The DNR Division of Fish and Wildlife already provides guidance to new applicants about the housing and record keeping requirements for white-tailed deer possessed under a game breeder license in addition to the administrative rule. However, it is critical that the rule language be enforceable or game breeders would be able to be in violation of the rule without punishment and have no motivation to comply.

Regulatory Flexibility Analysis of Alternative Methods:

The DNR could change the rule language and not add additional requirements for housing and record keeping, thereby not imposing new costs on small businesses. The DNR could also reduce the amount of costs to small businesses by reducing the amount of record keeping requirements, such as eliminating the inventory or receipt requirements. The DNR could also not require that license holders check the perimeter fence on a regular basis, secure the perimeter gates with padlocks, and not require notification of the escape of white-tailed deer. However, bovine tuberculosis has been found in a captive herd of red deer in Indiana this year, and it is imperative that captive white-tailed deer not be able to escape into the wild in order to prevent the spread of diseases such as bovine tuberculosis and chronic wasting disease to wild (free-roaming) white-tailed deer. The record keeping requirements are needed to help ensure that the white-tailed deer were obtained lawfully and to provide a paper trail for DNR conservation officers to know who sold and purchased the deer.

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