

## Notice of Public Hearing

LSA Document #10-104

**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on October 28, 2010, at 2:00 p.m., at the Indiana Government Center South, 402 West Washington Street, Conference Center Room 4, Indianapolis, Indiana, the Natural Resources Commission will hold a public hearing on a proposed rule to amend [312 IAC 9-3-18.5](#) by clarifying the possession and sale of exotic mammals and by authorizing the taking of exotic mammals that have escaped from captivity, add [312 IAC 9-3-18.6](#) governing the possession, taking, and sale of wild hogs, and amend [312 IAC 9-10-4](#) governing game breeder licenses to add all species of cervidae.

[IC 4-22-2-24\(d\)\(3\)](#) Statement: These proposed rules from the Department of Natural Resources (DNR) govern the taking and possession of exotic mammals, including exotic cervidae (deer, elk, caribou, and moose) and wild hogs (feral swine and peccaries). The rule change governing exotic mammals removes the families of Suidae and Tayassuidae from the list of exotic mammals. This rule also provides another provision for allowing exotic mammals that have escaped from captivity to be taken from the wild. It also clarifies requirements for the possession and sale of these exotic mammals and prohibits the release of these mammals into the wild. The definition of "exotic mammal" is also being removed since it duplicates the definition already in statute in [IC 14-8-2-87](#). The DNR is also proposing to establish a new rule governing wild hogs (feral swine). The rule language provides a definition of wild hogs to help identify them in the field, prohibits the importation and possession of them in Indiana, establishes requirements for taking them from the wild, and requires that hogs that have been taken from the wild be euthanized. The amendment to [312 IAC 9-10-4](#) requires owners of exotic species of cervidae to obtain a breeder license in order to comply with the cervidae livestock operation statute in [IC 14-22-20.5](#). [IC 14-22-20.5](#) requires cervidae livestock operations to have a game breeder license from the DNR. Therefore, changes to the rule governing the game breeder license are needed to incorporate these additional species of cervidae, including elk, red deer, fallow deer, and caribou. It will allow those who possess exotic species of cervidae to be a cervidae livestock operation and legally sell and market the meat and other products from these animals. The changes governing exotic mammals in [312 IAC 9-3-18.5](#) clarify the requirements for the possession and sale of these species of animals and allow individuals other than resident landowners and tenants to take animals that have escaped from captivity. The provision to allow other individuals to take escaped animals is needed to deal with escaped animals such as big cats and red deer, which has happened in Indiana within the past few years. The DNR needs additional options for individuals to take these exotic animals if they pose a safety threat to the public, such as a tiger or cougar, or if the animals have escaped and pose a known disease threat to wild animals. The new rule governing wild hogs will help eliminate these animals in Indiana and prevent additional wild hogs from being imported into Indiana. Wild hogs can carry pseudorabies, a significant threat to domestic hog operations, as well as brucellosis (which can be transmitted to other livestock), and tuberculosis, a human health threat. By prohibiting their importation and possession, no additional wild hogs could legally be transported in Indiana, thereby helping to protect farmers who own domestic swine. Wild hogs will be able to be taken from the wild at any time of year on the person's own land, with written permission from the landowner, or with a nuisance animal control permit or scientific purposes license. Several staff from the DNR met with representatives from the Indiana State Board of Animal Health, the USDA Veterinary Services, and the USDA Wildlife Services to determine the action that is needed to reduce or eliminate wild hogs in Indiana and to prevent their importation and possession in Indiana. DNR staff also met personally with the attorneys and board members of the Indiana Deer and Elk Farmers Association to discuss the changes to [312 IAC 9-10-4](#) governing breeder licenses and obtained their support for the changes in that rule. The rule proposals in this package will impose requirements on regulated entities, including those who own exotic cervidae (elk, all species of deer, moose, and caribou) and wild hogs. The changes to the rule governing exotic mammals in [312 IAC 9-3-18.5](#) is not likely to impact additional individuals since the provisions that clarify the possession and sale of these species is not a new requirement, but simply an explanation of the current requirements in this article. The rule proposal governing wild hogs in [312 IAC 9-3-18.6](#) will prohibit individuals from owning wild hogs for any purpose, prohibit the importation of these animals, and require them to be euthanized if trapped. This rule will have an indirect positive effect on businesses that have domestic hog operations because these changes will likely reduce the number of wild hogs in Indiana, which pose a disease threat to domestic swine. Owners of exotic cervidae will have to obtain a new license and have additional administrative and reporting requirements. The direct benefits of the rule governing exotic mammals are the clarification of the possession and sale of these species of animals and the provision to allow someone to take an escaped animal. This benefits those who may live near a facility where one of these animals may escape by allowing additional individuals to take that animal, instead of just landowners and tenants. Again, there has been an escape of a cougar and multiple red deer in Indiana, posing both a public safety threat and a possible disease threat to native populations (in the case of the red deer). The

direct benefits of the amendments to [312 IAC 9-10-4](#) governing game breeder and cervidae licenses is to allow cervidae livestock operations to legally sell and market the meat and other products from these other species of cervidae. There are no cost reductions to individuals or businesses as a result of these rule changes. The requirement of a game breeder license for owners of exotic cervidae will bring in additional revenue for the DNR. By adding additional species of cervidae to the game breeder license, an additional 100 licenses are expected to be sold each year at a cost of \$15 each, resulting in increased revenue in the amount of \$1,500 for the Fish and Wildlife Fund (39745) each year. Some individuals who have other species of cervidae such as elk already have white-tailed deer and already have a game breeder license. Therefore, it is anticipated that only an additional 100 licenses will be sold. This license is required in [IC 14-22-20.5-2](#) for those who possess cervidae to be a cervidae livestock operation and to legally market and sell the meat and other products from cervidae. There will be additional staff time needed by the Division of Fish and Wildlife to process these additional licenses and additional time will be needed by DNR conservation officers to do an inspection of each facility each year. The additional licenses will be prepared on the computer, so there will be no new printing costs. The rule governing exotic mammals in [312 IAC 9-3-18.5](#) and wild hogs in [312 IAC 9-3-18.6](#) will not affect revenue or expenditures for the DNR and will not create any new expenditures for owners of these species. Currently, individuals are allowed to take wild hogs without a permit and the DNR does not currently require a permit to possess or sell one. The benefits of these proposed rule changes justify their need with the ability for additional individuals to take escaped animals, especially when there is an immediate public safety threat, reduce the numbers of wild hogs in Indiana since they pose a disease threat to domestic swine operations and native wildlife, as well as obtain compliance with [IC 14-22-20.5](#) for cervidae livestock operations. Some of the benefits of the proposed changes governing wild hogs were obtained from the following sources:

The Centers for Disease Control and Prevention report, dated June 12, 2009, of three human cases of swine brucellosis that were associated with feral hog hunts in Florida.

Pseudorabies (Aujeszky's Disease) and its Eradication, dated October 2008, by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Technical Bulletin No. 1923.

Sources of information for the benefits and were supplied by wildlife biologists within the DNR, DNR law enforcement officers, and staff from the Indiana State Board of Animal Health.

The additional numbers of individuals who have exotic cervidae and will need a breeder license was obtained from the Indiana State Board of Animal Health because of their current registration and disease-testing requirements for these species.

Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter  
Chairman  
Natural Resources Commission

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