
TITLE 312 NATURAL RESOURCES COMMISSION

One Year Requirement ([IC 4-22-2-25](#))

LSA Document #14-477

August 20, 2015

Re: LSA Document #14-477 - Notice with Respect to Amendment to [312 IAC 9-10-16](#)

On behalf of the Natural Resources Commission (Commission), I am submitting this notice in compliance with [IC 4-22-2-25](#). Pursuant to [IC 14-10-2-4](#), the Commission adopts rules, other than emergency rules, for the Department of Natural Resources (DNR). The notice is sought because the Commission has determined that the promulgation of a portion of the captioned rule may not be completed within one year after publication of the Notice of Intent to Adopt a Rule.

On September 16, 2014, the Commission preliminarily adopted rule language to amend [312 IAC 9-10-16](#). The amendment, as proposed, would alter the requirements associated with dog training ground permits through the adoption of rules for the protection of wild animals as required by [IC 14-22-24.5-1](#) (P.L.219-2014, SEC. 27). The Commission caused the posting of its Notice of Intent to Adopt a Rule for the captioned document on December 17, 2014 (DIN: [20141217-IR-312140477NIA](#)).

Due to the recent ruling by the Indiana Court of Appeals in *Ind. Dep't of Natural Res. v. Whitetail Bluff, LLC*, 25 N.E.3d 218 (Ind. Ct. App. 2015), the DNR no longer requires a permit for a wild animal that is legally owned. The DNR has questions about the authority to regulate eastern cottontail rabbits that are legally acquired and placed in an enclosure. Therefore, the Commission believes it is prudent to wait until the 2016 Indiana General Assembly convenes to discuss DNR's authority over legally owned wild animals under [IC 14-22-1-1](#) before proceeding with these rule changes¹.

The Commission will expeditiously proceed with final action on the proposed amendment to [312 IAC 9-10-16](#), following the conclusion of the 2016 Indiana General Assembly. The expected date the rule will be approved or deemed approved by the Governor or withdrawn under [IC 4-22-2-41](#) is October 31, 2016.

The 250th day after publication of the Notice of Intent to Adopt a Rule is August 24, 2015. This notice is submitted in a timely manner.

Bryan W. Poynter, Chair
Natural Resources Commission

¹ On July 21, 2015, the Commission took final action to adopt or to remove other proposed rule amendments associated with LSA Document #14-477. At that time the Commission deferred final action with respect to [312 IAC 9-10-16](#) in accordance with [IC 4-22-2-29\(b\)\(3\)](#).

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