TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule
LSA Document #16-267(E)

DIGEST

Temporarily adds noncode provisions to establish a deer control permit to allow the taking of a white-tailed deer outside the deer hunting seasons that is causing damage or a health or safety threat. Effective June 24, 2016.

SECTION 1. **(a) This document is supplemental to 312 IAC 9-10-11.**

(b) A deer control permit may be issued under this SECTION to take a white-tailed deer that is:
(1) Causing or threatening to cause economic damage to property in excess of five hundred dollars ($500) annually. Damage to the following may be considered in computing economic impact to property:
(A) A building or dwelling and related improvements to real property.
(B) Agricultural row crop.
(C) Hay, stored grain, or livestock food.
(D) Cover crop.
(E) A vineyard.
(F) An orchard.
(G) Landscape vegetation.
(H) Truck crop.
(I) A tree nursery.
(J) A tree.
(K) A food garden of one (1) acre or greater in size.
(L) Ornamental vegetation.
(M) Other commercial vegetation established by humans.
Browsing or antler rubbing to naturally occurring vegetation or vegetation not planted by humans shall not be considered in computing economic damage.
(2) Posing an immediate health or safety threat to persons or domestic animals.
(3) Affecting the management of free-ranging white-tailed deer on a city, community, or federal property with approval from the director and evidenced by:
(A) deer vehicle collisions;
(B) economic damage to property in excess of five hundred *[dollars]* **($500) annually; or**
(C) ecological damage to vegetation that would result in the incidental take of a state or federally threatened or endangered species.

(c) An application for a deer control permit must be completed on a departmental form and filed with the division of fish and wildlife.

(d) The methods and number of deer that may be taken shall be set forth in the permit.

(e) The permit holder may designate up to ten (10) unpermitted individuals to assist the permit holder in taking the deer, but only if the permit holder directly supervises or coordinates the activities of the unpermitted individuals. The unpermitted individuals must:
(1) be identified on the permit;
(2) be in compliance with the hunter education requirement in IC 14-22-11-5; and
(3) possess a copy of the permit when conducting any authorized activities.

(f) For each deer killed, the permit holder must:
(1) cause the removal of all antlers; and
(2) maintain a true and accurate record of:
(A) the date and time killed;
(B) the sex of the deer;
(C) disposition of the carcass;
(D) equipment used to take the deer; and
(E) name and address of the person in possess *[sic, possession]* **of carcass (if kept or gifted).**

(g) A permit issued under this SECTION may be issued only as follows:
(1) outside the regular deer hunting season, except for an immediate health or safety threat or as authorized in subsection (b)(3) of this rule *[document]***; and**
(2) for a duration of no more than ninety (90) days except as authorized by the director.
A permit may be renewed for no more than ninety (90) additional days in one (1) calendar year.

(h) A department form must accompany all harvested deer taken under a permit issued under this SECTION if it will be donated or used for human consumption and must stay with the meat or carcass at all times until processing of the deer is completed.

(i) Within fourteen (14) days of the expiration of the permit, the permit holder must:
(1) cause the delivery of the records described in subsection (f) to the address on the form; and
(2) destroy the antlers by burial or incineration or arrange for the delivery of the antlers within thirty (30) business days of the expiration of the permit to a designated department property office during its established business hours or to a division of fish and wildlife representative.

(j) The permit holder and all designated assistants must carry this permit when taking deer authorized under this permit.

(k) The permit holder and all designated assistants listed on the permit issued under this SECTION shall not advertise the availability or use of deer or deer control permit through any printed or electronic media format.

(l) A permit issued under this SECTION may be suspended or revoked in accordance with IC 4-21.5 if the permit holder or any designated assistants:
(1) Fails to comply with any of the following:
(A) This article *[document]***.**
(B) A term of the permit.
(2) Provides false information to obtain a permit under this SECTION.

SECTION 2. This document takes effect June 24, 2016.

SECTION 3. This document expires on June 23, 2017.

LSA Document #16-267(E)
Filed with Publisher: June 24, 2016, 3:15 p.m.

Posted: 06/29/2016 by Legislative Services Agency
An html version of this document.