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**TITLE 312 NATURAL RESOURCES COMMISSION**

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**Economic Impact Statement**

LSA Document #17-436

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses****Estimated Number of Small Businesses Subject to this Rule:**

Ten (10) new businesses that may be impacted by the changes to [312 IAC 9-3-18.7](#) governing bats since they will need a nuisance wild animal control permit.

Two hundred fifty (250) businesses that may be impacted by the requirement to euthanize all raccoons, opossums, and coyotes that are trapped under a nuisance wild animal control permit in [312 IAC 9-10-11](#) since they may incur costs to euthanize and legally dispose of the animals (instead of release them).

Twenty-five (25) small businesses that may need a deer control permit pursuant to [312 IAC 9-10-25](#).

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

\$30 a year (1.5 hours x \$20 per hour) for a business to meet permit requirements for [312 IAC 9-3-18.7](#) if they do not have a nuisance wild animal control permit for other species of wild animals. These costs include taking the test (the initial year), obtaining continuing education, and recording animals (bats) taken under the permit. There is no fee for the permit.

\$40 a year (two hours x \$20 per hour) for small businesses that may need a deer control permit in order to apply for the permit and meet reporting requirements.

**Estimated Total Annual Economic Impact on Small Businesses to Comply:**

\$100 a year (5 hours x \$20 per hour) to meet permit requirements for [312 IAC 9-3-18.7](#) if they do not already have a nuisance wild animal control permit for other species of wild animals. A nuisance wild animal control permit is already required to take wild animals such as raccoons, squirrels, opossums, and skunks.

\$1,000 per year per nuisance wild animal control business to euthanize and dispose of raccoons, opossums, and coyotes that may currently be released under the nuisance wild animal control permit in [312 IAC 9-10-11](#). Nuisance wild animal control permit holders are currently required to euthanize these animals or release them within the county of capture, so many of these animals are already euthanized each year.

\$40 a year (two hours x \$20 per hour) for small businesses that may need a deer control permit in order to apply for the permit and meet reporting requirements in [312 IAC 9-10-25](#).

**Justification Statement of Requirement or Cost:**

[312 IAC 9-3-18.7](#): This rule is needed to deal with the taking of bats since the three additional species proposed to be added to the state's endangered species list in [312 IAC 9-3-19](#) can be found in buildings and other structures. The changes in [312 IAC 9-3-19](#) would add the following three species of bats to the state's list of endangered species: the little brown myotis (bat), northern long-eared myotis (bat), tri-colored bat. The little brown myotis (bat) and tri-colored bat: The Nongame Mammal Technical Advisory Committee (TAC) recommended these species be elevated from special concern to endangered due to population declines caused by white-nose syndrome (WNS), thus meeting the legal definition of an endangered species in [IC 14-22-34-1](#). Since the initial detection of WNS in Indiana in 2011, the number of little brown myotis has dropped in 18 of 20 infected hibernacula with a cumulative loss of more than 6,800 total bats (-90%) across all sites (from 7,603 pre-WNS to 794 post-WNS). Several caves are down to potentially irrecoverable levels of 10 or fewer individuals. Over the same period, the number of tri-colored bats has declined in 17 of 20 infected hibernacula with a cumulative loss of nearly 940 total bats (-71%) across all sites (from 1,323 pre-WNS to 384 post-WNS). Northern long-eared myotis: Endangered species are defined by Indiana code to include "any species or subspecies of fish or wildlife appearing on the United States list of endangered native fish and wildlife (50 CFR 17, Appendix D)". The USFWS ruling to list the northern long-eared myotis as threatened became effective on May 4, 2015. The nuisance wild animal control permit is free of charge and requires a person doing work for hire to pass a test to obtain the permit the initial year, then obtain 16 hours of continuing education or retake the test every 4 years, and submit an application and annual report each year to renew. Each animal captured and released or killed must be recorded and a summary of the animals captured and/or killed are submitted to the DNR each year with the total number by species and the disposition (euthanized or released). Most businesses who do work with bats already have this permit since they are required to have it for regulated/protected species of wild animals such as raccoons, squirrels, opossums, skunks, and foxes.

[312 IAC 9-10-11](#): Changes would require all nuisance wild animal control operators to euthanize raccoons, opossums, and coyotes taken under this permit (and not released somewhere else within the county). Methods of euthanasia include, but are not limited to, gunshot (where legal by local ordinance), carbon dioxide chambers, stunning, and cervical dislocation. The population of raccoons remains at a high level, with young born both in the

spring and in the summer. Raccoons and opossums frequently become a nuisance when they get into attics and other buildings. Raccoons can carry and transmit various diseases, including raccoon roundworm, which can be fatal if ingested, and distemper (which can affect other canines that are not vaccinated), rabies, and parvovirus. They are also known to eat the eggs of birds and turtles, and cause damage to poultry owners by killing chickens and eating their eggs. Coyotes are also a predator of domestic cats and dogs, as well as poultry and game birds, and are common throughout the state. The coyote population appears to also be at a high level, with coyotes often found in urban and suburban areas. Euthanizing a coyote, raccoon, and opossum trapped under the nuisance wild animal control permit can prevent problems for others without harming the population. Currently, nuisance wild animal control permit holders are allowed to release them within the county of capture on land where they have permission. Property for release and permission is difficult to obtain in counties with primarily urban areas, and releasing them all on the same property only creates more problems for adjacent landowners and only causes the animals to disperse since these species are already present on the land where released. They will have to compete with other wild animals for food, water, and shelter.

[312 IAC 9-10-25](#): A temporary rule is currently in place for deer damage control permits to take nuisance deer (LSA Document #17-304), so businesses that have had a need to take deer outside the season have already had this ability to obtain this permit and comply with the requirements. This rule requires a business (or other landowner or tenant farmer) to apply for the permit on a departmental form and keep track of the deer that are taken, then mail in the record of deer taken after the expiration of the permit. There is no charge for the permit, and the permit provides a legal option to remove deer that are causing damage to their property (farmer, orchard, vineyard, nursery, etc.) outside the deer hunting season. Examples that support the necessity of having a rule to address the issues presented by white-tailed deer include personal protection to a homeowner and his or her domestic animals, the discovery of bovine tuberculosis in wild deer that could spread to cattle and other livestock, and alleviating economic damage to agricultural crops, vineyards, orchards, nurseries, tree plantings, and other commercial plants established by humans. The issues affect not only homeowners, but more specifically farmers and business owners who suffer from personal and property damage.

#### **Regulatory Flexibility Analysis of Alternative Methods:**

The DNR has the statutory authority to establish the season, method, and bag limit for taking a wild animal in [IC 14-22-2-6](#). The DNR has the authority to issue nuisance wild animal control permits in [IC 14-22-28](#). The DNR is also required to develop rules that are based upon "(A) The welfare of the wild animal, (B) The relationship of the wild animal to other animals, and (C) The welfare of the people in [IC 14-22-2-6](#)." Additionally, the DNR is required to review the state's list of endangered species at least every two (2) years under [IC 14-22-34-10](#) and [IC 14-22-34-11](#) and make the changes that are necessary in order to ensure the survival of these species in the wild in Indiana. "Wild animal" is defined in [IC 14-8-2-318](#) and includes mammals, birds, reptiles, amphibians, and mussels. The Natural Resources Commission has the statutory authority to adopt rules pursuant to [IC 14-10-2-4](#).

There are no market-oriented approaches available. Nuisance wild animal control permit holders are already required to release wild animals such as raccoons within the county of capture or euthanize them under [312 IAC 9-10-11](#), so they are already euthanizing the majority of these animals since release sites are hard to find in many counties. They can euthanize them with firearms (where legal to do so), as well as with other inexpensive methods such as blunt force trauma and carbon dioxide chambers. The DNR could keep this rule the same and not require that these animals be euthanized, but releasing these animals in areas where there are already populations of these animals does not contribute to the survival of these animals (since they have to cross roads and find food and shelter) and only adds to the number of these animals that can cause damage to property. The DNR is required by law to conduct a review of the endangered species list at least once every two years by state law in [IC 14-22-34-11](#) and add species to the endangered species list when necessary ([IC 14-22-34-10](#) and [IC 14-22-34-13](#)). The nuisance wild animal control permit is free of charge and the exam has to be taken once; the record keeping is the same as with other wild animal taken under this permit. The DNR also posts their information on the website and provides referrals to them as a permit holder. Orchards, nurseries, tree farms, vineyards, and other small businesses that experience damage to property need to have another option to take deer outside the deer hunting season that are destroying property, and these requirements provide for a free permit to take deer outside the season to alleviate damage, while helping to prevent over-harvest of deer.

The DNR believes the amendments proposed are the least restrictive means to achieve the desired outcome or providing hunting and trapping opportunities while protecting wildlife populations.

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An [html](#) version of this document.