TITLE 312 NATURAL RESOURCES COMMISSION

Change in Notice of Public Hearing
LSA Document #21-451

The Natural Resources Commission gives notice that the date of the public hearing for LSA Document #21-451, posted at 20211208-IR-312210451PRA, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on ***January 20, 2022, at 7:00 p.m.,*** *the Natural Resources Commission will hold a virtual public hearing using Webex on proposed amendments to 312 IAC 5-3.5-1 governing the administration of licenses for fishing tournaments, 312 IAC 9-3-18 governing the use of body-gripping traps, 312 IAC 9-10-11 governing the use of body-gripping traps under nuisance wild animal control permits, and to add 312 IAC 9-10-27 governing the indication of being an organ donor when purchasing a hunting, fishing, or trapping license online.*

Individuals may join the public hearing in two ways:

To join by phone using only audio, *please dial* ***1-240-454-0887.*** *When prompted, enter access code* ***2303 432 9797##.***

To join using video, *please use the following website address, meeting number, and password:*

https://indiana.webex.com/indiana/j.php?MTID=m4d8c87a1e19a26bd69e8b3e90e563097

Meeting number (access code): 2303 432 9797

Meeting password: 5RPf753W4Zp

Please Note: If you have never used Webex, we suggest that you begin the process at least 10 minutes early because you will be prompted to download Webex before joining the meeting. If you need technical assistance, please contact Scott Allen at 317-232-4699 or sallen@nrc.in.gov.

IC 4-22-2-24(d)(3) Justification Statement: The Department of Natural Resources (DNR) is proposing amendments to several rules in this package. All requirements or costs by the rule amendments on regulated entities under IC 4-22-2-24(d)(3) are reasonably necessary for the implementation of IC 14-22-2-6 and IC 14-22-11-20.

312 IAC 5-3.5-1: This change specifies that the licenses for fishing tournaments listed in this rule are issued by the DNR instead of the Division of Law Enforcement. This change allows other divisions within the DNR to issue these licenses. There are no costs or requirements for regulated entities with this rule amendment.

312 IAC 9-3-18(f) and 312 IAC 9-10-11(h): The change in these rules is to simply remove the requirement that body-gripping traps be completely covered by water. Only enough water to cover fifty percent (50%) of the trap will be required. There are no costs for regulated entities as the result of this rule amendment. The 330 Conibear™ (body-gripping trap) is used primarily for beaver and otter trapping in Indiana and typically measures 10" x 10". Due to the size of the trap and how it is typically set, it would be difficult for a dog to be caught in a 330 that is halfway covered by water, so moving from fully-submerged to halfway-submerged should not change pet safety considerations. Allowing these traps to not be completely submerged would allow for more flexibility in dealing with beaver conflicts.

312 IAC 9-10-28: This new rule is required by law in IC 14-22-11-20 to specify that a person may become an organ donor at the time of purchase of a fishing, hunting, or trapping license online and have that designation on the license. Senate Enrolled Act 288 requires the DNR to provide this option for customers to register as an organ donor when purchasing a license. This rule specifies that the option to become an organ donor when purchasing a license will be online through the department's electronic licensing system, not when purchasing a license at a retailer (i.e. store). This rule also provides an option for a person to request to have their designation as an organ donor removed from the license system through the submission of a signed affidavit.

The Natural Resources Commission has the statutory authority to adopt rules pursuant to IC 14-10-2-4. The DNR has the authority to establish the methods for taking a wild animal pursuant to IC 14-22-2-6. The DNR is required to adopt a rule establishing specific for registering as an organ donor through the license system in IC 14-22-11-20.

Sources of information for determining costs and benefits were obtained from staff of the DNR Division of

Fish and Wildlife.

Individuals requiring reasonable accommodations for participation in this event should contact the Natural Resources Commission at: Indiana Government Center North, 100 North Senate Avenue, Room N103, Indianapolis, IN 46204-2273, Attn: ADA Compliance, or call (317) 232-4699. Speech and hearing impaired callers may contact the Commission via the Indiana Relay Service (711) or (800) 743-3333. Please provide a minimum of 72 hours notification.

The proposed rule amendments may be inspected and copied at the Natural Resources Commission, Division of Hearings, Indiana Government Center North, 100 North Senate Avenue, Room N103, Indianapolis, IN 46204-2273, or may be obtained upon request by calling (317) 232-4699. Written comments may be submitted to the same mailing address or electronically through https://www.in.gov/nrc/rules/rulemaking-docket/.

Bryan M. Poynter
Chairman
Natural Resources Commission

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