BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA

IN THE MATTER OF:

THE AMENDMENT OF FISH AND WILDLIFE RULES GOVERNING COMMERCIAL DEER PROCESSOR LICENSE, REPTILE CAPTIVE BREEDING LICENSE, GAME BREEDER AND EXOTIC CERVIDAE LICENSE, NUISANCE WILD ANIMAL CONTROL PERMIT, FISH IMPORTATION PERMIT, DOG TRAINING GROUND PERMIT, WILD ANIMAL POSSESSION PERMIT AND THE ESTABLISHMENT OF THE TRAPPER EDUCATION PERMIT	)	**Administrative Cause Number 14-096D (LSA Document #14-477(F))**

REPORT ON RULE PROCESSING, CONSIDERATION OF PUBLIC COMMENTS, ANALYSIS AND RECOMMENDATION REGARDING FINAL ADOPTION

1. RULE PROCESSING

The rule amendments proposed for consideration on final adoption would impact a number of permits and licenses issued by the Department of Natural Resources *("Department")* through its Division of Fish and Wildlife *("DFW")*.

The proposed amendments to 312 IAC 9-3-10 would require a person licensed as a commercial deer processor to properly dispose of deer carcasses and other parts. Only a resident of Indiana would be authorized to receive a reptile captive breeding license through proposed amendments to 312 IAC 9-5-9, which would also reduce certain reporting requirements. Proposed amendments to 312 IAC 9-10-4 would allow the Department director to approve a perimeter fence less than eight feet in height for smaller cervids. The proposed amendment to 312 IAC 9-10-9, associated with wild animal rehabilitation permits, would exempt certain license holders from the continuing education requirements and the proposed amendment to 312 IAC 9-10-11 would decrease the continuing education requirements for an individual holding a nuisance wild animal control permit. The proposed amendment to 312 IAC 9-10-15 would prohibit the importation of bowfin and paddlefish under a fish importation permit. The requirements associated with dog training ground permits would be significantly altered by the proposed

amendments to 312 IAC 9-10-16. Additional technical and clarifying amendments are proposed for each of these rules.

In addition to the amendments previously cited the proposal also includes the addition of 312 IAC 9-10-24 to establish a new trapper education permit.

Executive Order 13-03 requires agencies to "suspend rulemaking action on any proposed rules for which a notice of intent to adopt a rule...was not submitted to the office of the *Indiana Register* on or before January 14, 2013." Additional compliance provisions were included in Financial Management Circular 2013-01. Joseph Hoage, General Counsel for the Department, submitted to Christopher D. Atkins *("Atkins")*, the Director of the Office of Management and Budget *("OMB")*, a request for an exception to the suspension of rulemaking action under the provisions of Executive Order 13-03. In a letter dated July 7, 2014, Atkins responded, "Based on the [Department's] submission, [Department's] request qualifies for an exception under Section 6(b) and (g) of Executive Order 13-03. Therefore, DNR may proceed with the rule as proposed in its June 27, 2014 submission."

The Natural Resources Commission *("Commission")* granted preliminary adoption to the current rule proposals at its regular meeting held on September 16, 2014 following presentation by DFW staff. The "Notice of Intent" to adopt the proposed rule amendments was posted to the *Indiana Register* database website as 20141217-IR-312140477NIA on December 17, 2014. The notice identified Linnea Petercheff, Staff Specialist with the DFW, as the "small business regulatory coordinator" for purposes of Indiana Code § 4-22-2-28.1.

The Commission caused the information required by I.C. 4-22-2-22.5 to be included within the rulemaking docket maintained on its Internet website. The rulemaking docket has been updated periodically throughout the rule adoption process.

Following the posting of the Notice of Intent, fiscal analyses of the rule proposal were submitted, along with a copy of the proposed rule language and a copy of the posted Notice of Intent, to the OMB on December 17, 2014 as specified by Executive Order 2-89 and Financial Management

Circular 2010-4. The material was also submitted to George Angelone, Counsel for the Legislative Council, on the same date. In a letter dated March 24, 2015, Brian E. Bailey, Director, OMB, recommended that the proposed rule amendments be approved.

The Commission's Division of Hearings submitted the rule proposal to the Legislative Services Agency *("LSA")* along with the "Statement Concerning Rules Affecting Small Business" (also known as the "Economic Impact Statement") on April 20, 2015. The Notice of Public Hearing was submitted to LSA on April 23, 2015. The Notice of Public Hearing was posted to the *Indiana Register* database website on May 6, 2015 as 20150506-IR-312140477PHA along with the Economic Impact Statement (20150506-IR-312140477EIA) and the text of the proposed rule (20150506-IR-312140477PRA). Following receipt of an "Authorization to Proceed" from LSA on April 23, 2015, the Commission's Division of Hearings also caused a Notice of Public Hearing to be published by the Indianapolis Newspapers, which publishes a newspaper of general circulation in Marion County, Indiana, on May 4, 2015. In addition, notice of the public hearing and a summary of the proposed rule changes were published on the Commission's web-based electronic calendar.

As required by I.C. 4-22-2.1-5(c)(2), the proposed rule amendments and Economic Impact Statement were also submitted to the Office of Small Business and Entrepreneurship *("OSBE")* on April 24, 2015. In a letter dated April 27, 2015, Erik Scheub, Small Business Ombudsman, stated that "OSBE does not object to the economic impact to small business associated with the proposed rule."

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

One public hearing was conducted on June 4, 2015 at the Fort Harrison State Park Inn in Indianapolis, Indiana, as published. Approximately 11 members of the public attended. Sandra Jensen served as the hearing officer. The Department's DFW was present by Linnea Petercheff, Operation Staff Specialist, and Mitch Marcus, Chief of Wildlife. Lt. Col. Steve Hunter of the Department's Division of Law Enforcement also attended.

A summary of the oral comments received at the public hearing has been attached and incorporated by reference at Exhibit A. One individual attending the public hearing also provided written comments, which have been reproduced, attached and incorporated as part of Exhibit A.

b) Comments Received Outside Public Hearing

An opportunity was provided for members of the public to submit written comments by regular U.S. mail from September 2014 until the comment period closed at midnight on June 4, 2015.[1] These comments have been attached and incorporated by reference at Exhibit B1. Written comments were also accepted from the public through the Commission's web based comment form from December 2014 until the close of the comment period.[2] Comments received through the web based form have also been attached and incorporated by reference at Exhibit B2.

c) Response by the Department of Natural Resources

On July 8, 2015, the Commission received the "Division of Fish and Wildlife Response" *("DFW Response")* to the public comments received. The DFW Response is attached and incorporated by reference at Exhibit C.

3. ANALYSIS AND RECOMMENDATION

The public comments favor the proposal to reduce the number of continuing education hours for holders of nuisance wild animal control permits through the amendment of 312 IAC 9-10-11.

One comment was received in opposition to the rule amendment proposed at 312 IAC 9-3-10 to require deer processors to properly dispose of deer carcasses and parts. The comment expresses the opinion that the added disposal requirement is overly burdensome to small deer processors. The comment provides no detail regarding concerned about burdens and does not specifically dispute the Department's conclusion that the monetary cost to a deer processor may be $500

[1] One written comment was received untimely (postmarked June 5, 2015). This comment was retainined in the file as a public record but was not considered by the hearing officer and is not included in this report.

[2] A number of written comments submitted referred only to the expanded use of center-fire rifles for hunting deer. These comments should have been offered in conjunction with the Fish and Wildlife Biennial Rule Amendments under Administrative Cause Number 14-095D (LSA # 14-453(F)) and are not relevant to this rule proposal. These comments have been retained in the file as public records but were not included in this report.

annually. The Department recommended the rule proposal as a means of eliminating a potential public nuisance and possible source of spread for diseases such as CWD [Chronic Wasting Disease] or Bovine Tuberculosis. Under these circumstances, the modest $500 annual cost increase to deer processors appears to be well balanced against the potential harms of concern to the Department.

A few public comments were received in opposition to the proposed rule amendment to 312 IAC 9-10-9 that will exempt long term holders of wild animal rehabilitation permits who routinely provide rehabilitation services from continuing education requirements. Under the present rule, a wild animal rehabilitator is required to complete eight hours of continuing education for each three year period. The public comments express the viewpoint that, as with any profession, continuing education is the best means of teaching new techniques and enhancing the profession of wildlife rehabilitation. The comments reflect that a 4 hour course is available annually at a modest cost of approximately $10, which indicates that the opportunity is available for the license holders to obtain the necessary continuing education. However, the Department response indicates that continuing education opportunities are frequently held at great distances from the license holders or are cost prohibitive in light of the fact that many wild animal rehabilitators provide no cost services that assist the general public. It appears reasonable to conclude that long term license holders who routinely provide rehabilitation services are fairly knowledgeable about the field within which they work. Understandably the use of the latest techniques in any field would be ideal and continuing education would facilitate this; however, the loss of qualified long term wild animal rehabilitators who provide a valuable public service would be detrimental to the public and the wildlife in need. In this context, where only long term license holders who routinely provide rehabilitation services will qualify for the exemption, the Department's efforts to balance the competing interests appears reasonable.

Recently, in *Ind. Dep't of Natural Res. v. Whitetail Bluff, LLC*, 25 N.E.3d 218, (Ind. Ct. App. 2015), the Indiana Court of Appeals held "that I.C. § 14-22-1-1 does not confer authority on IDNR to protect and manage wild animals that are legally owned or being held in captivity under a license or permit." *at pg. 227* The Indiana Supreme Court denied transfer on June 5, 2015. *Indiana Department of Natural Resources, et al. v. Whitetail Bluff, LLC, et al.*, 2015 Ind. LEXIS

494, (Ind. 2015). The Court of Appeals' holding has created a need for the Department and the Commission to evaluate the authority underlying certain existing administrative rules including three of the rule sections proposed for amendment here.

Particularly, the statutory authority for certain aspects of 312 IAC 9-5-9 associated with the reptile captive breeding license, 312 IAC 9-10-4 involving the game breeders and exotic cervidae license, and 312 IAC 9-11-2 addressing the wild animal possession permit, is now in question and must be reviewed. Consequently, the Department has suggested that the amendments proposed with respect to these administrative rules be removed from this proposal.

Overwhelmingly, the public comment received with respect to this proposed rule amendment package relates to the amendments proposed to 312 IAC 9-10-16, associated with the chasing of eastern cottontail rabbits on dog training grounds, that was made necessary by the Indiana General Assembly's passage of P.L. 219-2014, SEC. 27, which states:

> **IC 14-22-24.5-1**
> **Issuance of permits; rules**
> Sec. 1. The department may issue a dog training ground permit without charge to a person to train dogs at any time of year inside or outside of an enclosure under rules adopted under IC 4-22-2 for the protection of wild animals.
> *As added by P.L.219-2014, SEC.27.*
>
> **IC 14-22-24.5-2**
> **Enclosures**
> Sec. 2. An enclosure used under this chapter does not constitute possession of the wild animal if the enclosure does not meet the requirements for an enclosure for that species under:
> (1) a game breeder's license issued under IC 14-22-20; or
> (2) a wild animal permit issued under IC 14-22-26.
> *As added by P.L.219-2014, SEC.27.*

The Indiana General Assembly's action in 2014 clarified that the use of enclosures to contain wild animals for dog training purposes does not constitute possession of a wild animal unless the enclosure meets the requirements of an enclosure under a game breeder license or wild animal possession permit, *Indiana Code § 14-22-24.5-2*, and provided the Department with authority to regulate dog training grounds through the adoption of rules for the protection of wild animals. *Indiana Code § 14-22-24.5-1.*

A variety of public comments were received with respect to the proposed amendments to 312 IAC 9-10-16 and this proposed amendment remains under consideration by the Department. Department executives inquired as to the possibility to defer final action with respect to the proposed amendments to 312 IAC 9-10-16 while continuing to final approval with respect to the remainder of this rule proposal.

Through consultation with representatives of LSA and of the Office of the Attorney General the hearing officer confirmed that Indiana Code § 4-22-2-29(a)(3) authorizes a rulemaking to be completed through separate adoption actions provided that the separation of the rulemaking does not result in a rule that substantially differs from the rule as published in the *Indiana Register* unless the variation is a logical outgrowth of the proposed rule supported by a written comment received during the public comment period or from the Indiana Economic Development Corporation as specified at Indiana Code § 4-22-2-29(b). The relevant portions of Indiana Code § 4-22-2-29 state as follows:

> Sec. 29. (a) After an agency has complied with sections 26, 27, and 28 of this chapter, the agency may:
> ...
> (3) subject to subsection (b), adopt part of one (1) or more proposed rules described in subdivision (2) in two (2) or more separate adoption actions; or
> ...
> (b) An agency may not adopt a rule that substantially differs from the version or versions of the proposed rule or rules published in the Indiana Register under section 24 of this chapter, unless it is a logical outgrowth of any proposed rule as supported by any written comments submitted:
> (1) during the public comment period; or
> (2) by the Indiana economic development corporation under IC 4-22-2.1-6(a), if applicable.

The rule amendments proposed at 312 IAC 9-5-9 (reptile captive breeding license), 312 IAC 9-10-4 (game breeder and exotic cervidae license) and 312 IAC 9-11-2 (wild animal possession permit) are not intertwined with the remaining rule sections proposed here for amendment. Similarly, the rule amendment proposed with respect to the dog training ground license is unrelated to the remaining rule amendment proposals. Therefore, it is the hearing officer's

opinion that the removal of the proposed amendments to 312 IAC 9-5-9, 312 IAC 9-10-4 and 312 IAC 9-11-2 from consideration for final adoption and the deferral of final action with respect to 312 IAC 9-10-16 (dog training ground license), will not result in a rule substantially different from the rules as published on May 6, 2015. The hearing officer agrees that the removal of the proposed amendments to 312 IAC 9-5-9, 312 IAC 9-10-4 and 312 IAC 9-11-2 is the most judicious course of action for the Commission at this time. Further, the hearing officer has identified no basis for rejecting the Department's request to defer final action with respect to 312 IAC 9-10-16.

It is the recommendation of the hearing officer that the Commission take the following actions with respect to this rule proposal.

1. Take final action to remove 312 IAC 9-5-9, 312 IAC 9-10-4 and 312 IAC 9-11-2 from the proposal;
2. Take final action to adopt the rule amendments to 312 IAC 9-3-10, 312 IAC 9-10-9, 312 IAC 9-10-11, 312 IAC 9-10-15 and the addition of 312 IAC 9-10-24; and
3. Authorize the deferral of final action with respect to the proposed amendment to 312 IAC 9-10-16.

The rule language, revised to accommodate these actions, is provided at Exhibit D, which is attached and incorporated by reference.

Dated: July 9, 2015

Sandra L. Jensen
Hearing Officer

EXHIBIT A

PUBLIC HEARING COMMENT SUMMARIES

Doug Bradley, Syracuse
Bradley stated that he is the Treasurer of the Elkhart County Beagle Club (ECBC). Bradley noted that the IEDC reviewed the rule with respect to its impacts on small businesses but failed to consider the state-wide economic impact of the rule amendment associated with limiting field trials to eight hours requiring them to hold over for another day. Bradley explained that they have people who travel from Maryland, Ohio, Kentucky, Wisconsin, Illinois and Michigan to compete in these trials and he expressed concern with many issues surrounding the amendments impacting the field trials.

Also Bradley noted the rule's requirements for the feeding of rabbits without providing any additional guidelines. He noted that the ECBC spends a lot of money feeding corn as well as mowing, discing, plowing and planting food resources for the rabbits and questioned the need for this requirement in the rule when it is the club's intention to "protect what we've got."

Bradley also observed that the requirement to place signage every 500 feet around the perimeter of a dog training ground is an invitation for vandalism and other mischief by people opposed to the activities occurring.

Bradley stated that he has worked with the DNR and the NRC for a long time but expressed that some of the provisions in this rule amendment proposal appear to be discriminatory against the dog clubs and dog trials.

Scott Langohr, Pierceton

Langohr stated that he is the President of the Elkhart County Beagle Club (ECBC) but clarified that he was offering comments on his own behalf. He expressed concern with the requirement that the permit requires renewal annually and the further requirement that an inspection be conducted at the time of each renewal. He expressed the opinion that the permits should be issues on a multi-year basis noting that many of the clubs operate on a multi-year management plan, which for the ECBC is a 5-year management plan. Langohr reasoned that a multi-year permit would lessen the burden on DNR staff to conduct repeated annual inspections observing also that the inability of the DNR to complete the inspections in a timely manner could result in a "defacto denial of a permit".

Langohr echoed concerns associated with the added signage requirement expressing the opinion that it is "inviting really big problems." He also expressed a lack of understanding regarding the need for the signs or the purpose being served by the signs.

The acreage requirements established by the rule also created concerns for Langohr. He expressed the opinion that any size enclosure for which a proper management plan can be established to provide for the needs of the rabbits should be allowed. Langohr also noted that

smaller areas should also be authorized according to the needs of the sport and training adding that small areas are necessary for the training of puppies to be started on a "scent line".

Langohr also raised concern over the prohibition on obtaining more than one permit for one contiguous parcel of property. He explained that the ECBC has 66 contiguous acres that is presently divided into two training grounds. Under the rule, as proposed, the ECBC is concerned that that the language of the rule would allow only one enclosure to be operated under one permit, which would prevent subdividing a large parcel of property into multiple training areas or enclosures. Langohr noted that historically if a parcel of property is larger than a rabbit's natural range, the parcel was not considered to be an enclosure even if it is fenced. In the case of ECBC, which has two areas consisting of 33 acres each, the areas were not viewed as enclosures because they were greatly larger than the natural range of a rabbit.

Langohr also noted that the rule prohibits an overall area from being divided into smaller areas. He reiterated the need for smaller areas for puppy training, which he proclaimed has "the least impact on a rabbit that there is" because all they are trying to do is cause the puppy to recognize the scent and possibly "get a look at what's creating that scent." In most cases, Lanhor said, "the rabbits are as big as the puppies." He expressed the need to allow these smaller puppy starter pens observing that there "is absolutely no provision in here for these puppy pens."

Langohr expressed that the required record-keeping is "overboard." He stated that an explanation of a true need or purpose for the data being obtained from the records he would be more accepting but expressed the opinion that it is an onerous requirement with little or no value to anyone. Langohr stated that the record-keeping requirement should coincide with the length of the permit. For example he observed that if the permit is only valid for one year then the records should be kept for only one year. Langohr acknowledged that if the duration of the permit were extended to three or five years the records should be maintained for that length of time as well.

He noted rabbits obtain water needed from the vegetation and providing drinking water is unnecessary. Langohr observed that even DNR properties do not provide water as would be required by this proposed rule.

Langohr offered that there have already been discussions with the DNR regarding the limitations proposed for field trial hours. He noted that trial conditions are actually less stressful on the rabbits than training events are because in a trial setting each pack is required to find a new scent line, which allow periods of rest. This is not a requirement during training where a dog may be allowed to run the same scent line for an hour.

With respect to the amendment at subsection (0)(4) that prohibits using the enclosure for the purpose of breeding of rabbits. Langohr offered that they "encourage" the breeding of rabbits "to replace the natural population within the enclosure" but not for the purpose of selling, trading, bartering or other prohibited purposes. He expressed that this rule subsection needs to be clarified.

Langohr questioned whether the requirements set forth in this rule proposal will be applicable to DNR properties as well.

Langohr also provided written comments at the public hearing.

Chris Cash, Tipton County
Cash stated that he has his own enclosure and expressed concern with the requirement to have fresh running water and the breeding of rabbits. He stated that they are not caging and breeding rabbits but are providing a good natural habitat to encourage natural breeding. Cash stated that he feeds the rabbits within his enclosure alfalfa hay all winter and works with wildlife biologists to enhance the habitat. He observed that rabbits would fight to get inside his enclosure. Cash observed that he has brought a few rabbits onto his property but the rabbit populations is essentially "self-sustaining" and naturally occurring. Cash stated that he actually spends more money on the rabbits in the enclosure than he does on his dogs.

Cash stated that the required percentages of cover are problematic adding that any conservation officer should be able to look at an area and determine whether it's a good rabbit habitat. The percentages are unnecessary and provide a technical reason for denial of permits.

Cash purchased the 25 acre property he uses as an enclosure so he could safely run his dogs, which is his primary hobby. He noted that the enclosure allows him to avoid conflicts between dogs and adjacent landowners if the dogs get off the property.

Jerry Denny, Cass County
Denny stated that he has had a seven acre pen for approximately 14 years that's located in the middle of agricultural fields. He observed that if this proposal is approved he will be required to destroy his pen because it does not meet the minimum 10 acre requirement. He expressed that he feeds the rabbits over 1,000 pounds of corn a year plus hay and has spent large sums of money creating the habitat. Denny noted that other people are in the same situation noting particularly an acquaintance who has spent over $6,000 constructing a 6 acre pen for the purpose of working with puppies under 3 months old. He suggested that existing pens should be "grandfathered" and have these rules apply to new pens.

Denny stated that the people who maintain these pens are professionals in rabbit habitat and are not intending to kill rabbits. Instead they are frequently called upon to trap nuisance rabbits so landowners don't shoot them.

Robert Kohler, Porter County
Kohler is associated with the Western Beagle Club. He suggested that subsection (d)(2) be revised to allow existing pens smaller than 10 acres to be "grandfathered" or, alternatively that the enclosure size be reduced to five acres. He also added that implementation of new rule provisions should be implemented over time to address previously scheduled field trials.

Kohler noted that in subsection (c) the eight hour field trial limitation should be modified to allow field trials to occur from ½ hour after daybreak to ½ hour after sunset, which is the same as seasonal hunting hours.

He added that records retention associated with a one year permit should only be for two years, the current and the previous year.

Chuck Bill, Bartholomew County
He offered that he admires the Department for acting based on biology and wildlife management needs but expressed a lack of understanding as to "what is driving this" noting with certainty that there is no science or biology as a basis for the proposal.

Bill offered that the size of the pen is not important advising that it is the habitat provided that is important. He offered that a manicured golf course is "horrible" for rabbits despite its large size. However, Bill observed that a much smaller area filled with "briars and brush" is more than adequate. Bill observed that many of these pens form an oasis in the middle of farm fields. He advised that the absence of a healthy rabbit population hinders the sport so the rabbits are protected and cared for.

Bill also noted that the eight hour field trial limitation is actually counter-productive. He explained that presently a trial may begin at 8:00 a.m. with an hour break around lunch time before resuming in the afternoon. The eight hour limitation, according to Bill, will cause the sanctioning body to push to get all the dogs through the trial within the time limit without the customary breaks that afford rest for the rabbits.

Bill also noted his opinion that the record-keeping requirements are excessive.

Richard Miller, Henryville
Miller is a member of the Silver Creek Beagle Club. He expressed the opinion that a beagle club or enclosure operator is the best friend a rabbit ever had because even though they get chased now and then they are fed and provided cover. Miller added that getting chased "becomes a game to them" and they use groundhog holes for cover from predators.

Miller suggested that the field trials should be allowed during the same as "legal hunting hours" in Indiana. He echoed the comments of others who expressed that maintaining records for three years for an annual permit is excessive.

Miller also expressed concern with the inability to obtain multiple permits for contiguous acreage or to sub-divide the acreage. He explained that Silver Creek Beagle Club has 120 acres that is presently divided into four enclosures and the way he understands the proposed rule the Club would only be allowed to permit one of the four enclosures. This hearing officer and Department staff present confirmed the accuracy of Miller's understanding of the rule as proposed.

Ed Salveter, Coldwater, Michigan
Salveter explained that he is the treasurer for the Prairie Creek Beagle Club but was not offering comments on behalf of the club. He stated that he has been involved in Beagling for 55 years, field trialing for approximately 40 years and gives this and other "outdoor pursuits a lot of credit for keeping me out of trouble as a teenager" noting that we should avoid acting in a way that

would make it harder for young people to engage in these types of activities. Salveter observed that most of the people in attendance are associated with an AKC [American kennel Club] club advising that AKC has established rules addressing the conduct of field trials. One rule prohibits conducting trials after dark and for this reason he offered that the field trial hours are already limited by sanctioning body rules. Salveter also observed that the inability to subdivide acreage will create a hardship in conducting field trials in Indiana. He explained that most clubs run 4 classes (males, females, and 2 different sizes) and the inability to divide the area into two fields would prevent the efficient completion of a field trial over a weekend.

Salveter provided a copy of the AKC Beagle Field Trial Rules to the hearing officer.

Terry Morris, Madison County
Morris stated agreement with the comments expressed by others.

Erin Huang, Marion County
Huang, the Indiana State Director of the Humane Society of the United States (HSUS), noted that her comments would be submitted in written form so she wished only to highlight certain points.

Huang offered that the HSUS is opposed to any type of enclosed training pens using any wild animals, including rabbits. She acknowledged that rules prohibit dogs from catching the rabbits but offered that enforcement of these regulations are extremely difficult. Huang stated that such activity as is occurring inside the enclosures is "inherently inhumane" noting that similar similar types of enclosures have been the subject of regulatory and criminal investigations, disease outbreaks and community complaints. For those reasons, Huang stated the opinion of the HSUS that all such pens should be eliminated.

Huang also offered the opinion that fencing for cervids should not be reduced under any circumstance. She noted that high concentration densities of cervids in these facilities combined with the interstate transport of these animals, the enclosures pose unacceptable risks for disease transfer between wild and captive animals in Indiana. Huang highlighted the need to minimize contact between captive and wild cervid populations in order to ensure the health of both noting that captive cervide escapes are already too frequent and offering that reduced fence heights will increase these incidences.

Bruce Rood, Miami County
Rood is a resident of Miami County who owns a seven and one-half acre pen in Carroll County. Rood also serves as the field trial secretary for the Western Beagle Club, which is the oldest Beagle club in the State of Indiana and one of the founding Beagle clubs for AKC. The club was established in the 1800's and is the fourth oldest Beagle club in the United States.

Rood recognized that the fox pens were "kill pens" but reiterated that the Beagle clubs are not. He highlighted that rabbits are a valued commodity to the Beagle clubs.

Rood expressed agreement with previous comments that maintaining three years of records for an annual permit is excessive, although he noted that maintaining three years of records for a

three year permit would be acceptable. He also noted that there is no timeline stated in the proposed rule for the completion of the Department's required inspection following the annual December 31st expiration of a permit expressing concern that the Department's inability to complete the inspections could delay renewal of permits. Rood expressed the opinion that all necessary forms need to be available for submission online. Rood offered the opinion that each of these recommendations would be more cost effective for the clubs or pen operators as well as for the Department.

Rood explained that he is an AKC field trial judge and has judged trial in many states. He judged a national event held in Kentucky with over 80 dogs participating and confirmed that not one rabbit was captured during the trial. He noted that, as written, the eight hour daily restriction will eliminate all clubs in the State of Indiana from the ability to hold a national caliber trial. Rood noted that this presents an economic impact to individual clubs as well as to the State as a whole. Rood observed that a field trial cannot be completed in eight hours, offering that field trials run from approximately 8:30 a.m. to 6:00 p.m.

Rood also offered that his pen, owned with a partner, would not be legal under the proposed rule. The pen is located in the middle for fields where rabbits have no other suitable habitat but it does not meet the 10 acre minimum requirement. Rood offered that he spends a great deal of money feeding the rabbits year around and maintaining the habitat within the pen that is frequented by rabbits, deer and other wildlife.

Rood also questioned what a pen or an enclosure actually is. He inquired whether the ability of an animal to escape prevents an area from being considered an enclosure or a pen. He stated that the primary purpose of his fence it to keep his dogs inside and safe and to keep predators out.

Rood observed that the proposed rule requires rabbits to be obtained within Indiana but questioned whether this requirement did not conflict with other existing rules requiring wild animals captured in one county to be released within the same county.

Rood suggested that the Department and Commission should look at Kentucky's rules and the Kentucky Fish and Wildlife's field trial videos as well as one posted by the Corning Beagle Club from the Northeast Beagle Championships in New York. Rood offered that these videos depict true field trial situations. Rood stated that he judge a trial in Portland Indiana recently that was participated in by people from Maryland, Virginia, West Virginia, Kentucky, Indiana and Ohio as well as possibly other states. Rood concluded this rule proposal does have an economic impact on Indiana.

Submitted by Scott Langohr, Pierceton

PROPOSED CHANGES ARE IN BOLD FONT OR THE LANGUAGE IS CROSSED OUT.

312 IAC 9-10-16 Dog training ground permit
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-20; IC 14-22-31

Sec. 16. (a) A person may:

(1) take **and allow the taking of** northern bobwhite quail (Colinus virginianus) or ring-necked pheasants (Phasianus colchicus) that have been raised in captivity**; or**

(2) chase and allow the chasing of eastern cottontail rabbits in a dog training ground;

for the purpose of training dogs only pursuant to a permit issued under this section.

(b) **The following definitions apply to this section:**

(1) "Eastern cottontail rabbit" (Sylvilagus floridanus) means a rabbit that has been obtained from the wild legally or raised in captivity.

(2) "Northern bobwhite quail" (Colinus virginianus) means a northern bobwhite quail that has been raised in captivity and includes all color phases and subspecies of the northern bobwhite quail.

(3) "Ring-necked pheasant" (Phasianus colchicus) means a pheasant that has been raised in captivity and includes all color phases and subspecies of the ring-necked pheasant.

~~(b)~~ **(c)** ~~An application~~ **A person must apply** for a dog training ground permit ~~must be completed~~ on a department form and ~~filed with the division. A person must~~ demonstrate the applicant:

(1) is at least eighteen (18) years of age; and

(2) owns or controls **the land to be permitted as a dog training ground.**

FIXED SIZE FOR ENCLOSURES FOR NO REQUIRED FOR USEOR MEMT.

~~(c)~~ **(d) A dog training ground permit will only be issued under:**

(1) subsection (a)(1) for a contiguous tract of land of at least five (5) and not more than twenty (20) acres ~~to be used as the dog training ground~~.

(2) subsection (a)(2) for a contiguous tract of land of at least ten (10) acres.

~~(c)~~ **(e)** A permit shall not be issued under ~~this section~~ **subsection (a)(1)** for land located within one (1) mile of a state-owned or state-controlled public hunting area.

(f) A permit shall not be issued or renewed under subsection (a)(2) until the training ground is inspected by a conservation officer or wildlife biologist of the division of fish and wildlife. If the training ground does not meet the specifications under subsection (k)(1) through (k)(6), the applicant will be advised of the deficiencies and a second inspection will be completed after the applicant has made corrections.

WHAT ABOUT BOBWHITE QUAIL WITH MORE THAN 1 ENCLOSURE

~~(d)~~ **(g)** Only one (1) dog training ground may be licensed by the department on a contiguous tract of land.

~~(e)~~ **(h)** A ~~person issued a~~ permit **holder** ~~under this section~~ shall mark the entire boundary of the land permitted as a dog training ground with signs:

(1) at least sixteen (16) inches wide and sixteen (16) inches long;
(2) having a white background;
(3) stating "dog training ground" in one (1) inch high lettering; and
(4) placed not more than five hundred (500) feet apart.

~~(f)~~ **(i)** A ~~person issued a~~ permit ~~under this section~~ **holder under subsection (a)(1)** shall:

(1) ~~band the northern bobwhite quail or ring-necked pheasants with a standard metal or plastic leg band before release on the dog training ground;~~

~~(2)~~ have in possession a:

(A) bill of sale for the game birds released for training; or

(B) copy of the person's game breeder license; and

~~(3)~~ **(2)** maintain a daily record of the training activities on the dog training ground that includes the:

(A) name and address of each trainer using the ground;

(B) number and species of birds released; and

(C) number and species of birds taken.

(3) allow the taking of

~~(g) A person must not take~~ bobwhite quail or ring-necked pheasants ~~under this section except~~ **only** between sunrise and sunset.

(j) A permit holder under subsection (a)(2) shall:

(1) Obtain live eastern cottontail rabbits from native Indiana stock.

(2) Keep an accurate electronic record (that can be printed and signed) or record in ink on forms provided by the department of the:

(A) Full name and address of each person from whom rabbits are obtained;

(B) Date and number of rabbits released into the dog training ground;

(C) Date of mortality or discovery of mortality and proximate cause of mortality of any rabbit;

(D) Date and time of each dog training activity and field trial that includes the number of dogs released during each activity or field trial conducted under IC 14-22-24 and 312 IAC 9-10-7;

(3) Allow rabbits to roam freely within the training ground and not house the animals in temporary confinement facilities except for the purpose of providing temporary medical care to a diseased or injured rabbit by a licensed veterinarian.

(4) Provide supplemental feed or a complete feed ration to prevent:

(A) malnutrition;

(B) poor body condition;

(C) debility; or

(D) stress;

when adequate natural food sources are not available to meet the nutritional needs of each rabbit on a daily basis.

(5) Provide fresh, clean drinking water through natural or man-made sources on a daily basis.

(k) A dog training ground permitted under subsection (a)(2) shall comply with the following requirements:

(1) There shall be no interior fences that:

(A) divide the training ground into parcels less than ten (10) acres; or

(B) hinder a rabbit's ability to travel within the training ground

(2) The fenced area contains ten (10) to twenty (20) percent well-distributed, live, brushy cover (briar patches, dense tall native grass clumps, woody vines, low-growing shrubs), with total woody cover between twenty (20) and fifty (50) percent.

(3) The fenced area contains a good diversity and interspersion of grasses, legumes, and forbs, throughout the entire area, with no more than fifteen percent (15) of the area consisting of tall fescue.

(4) No more than fifty percent (50) of the fenced area is mown, burned or chemically treated during any twelve (12) month period.

OUT! WHAT IS PURPOSE WHAT WILL BE USED FOR?

NOT NEEDED FOR RABBIT.

WHAT ABOUT PUPPY TRAINING PENS

WHERE IS THIS DOCUMENTED DOES DNR PROPERTIES REQUIRED TO FOLLOW THIS?

(5) No more than ten percent (10) of the fenced area is disked or plowed during any twelve (12) month period.

(6) At least fifty percent (50) of the fenced area is not subject to flooding and is of sufficient height above the water table to allow for burrows and forms.

(7) Operation shall comply with the following:

(A) Any dog released into the training ground must be vaccinated in accordance with Indiana law.

(B) Rabbits within the training ground must be allowed eight (8) consecutive hours of rest in a twenty-four (24) hour period.

(C) The training ground must not be used for more than sixteen (16) consecutive hours in a twenty-four (24) hour period for dog training purposes and no more than eight (8) hours a day during a field trial licensed under IC 14-22-24 and 312 IAC 9-10-7. OUT WILL NOT WORK

(D) Prior to being chased, all rabbits shall be provided a minimum of seven (7) days to acclimate to the training ground.

(E) Rabbits within a training ground may be chased with dogs but shall not be chased with the intent to capture or kill.

(F) No individual or dog may molest, harass, or chase a rabbit utilizing a den within the training ground. DENS ARE REQUIRED FOR ESCAPE & WEATHER PROTECTION GROUND HOG HOLES ARE USED

~~(h)~~ **(l)** A ~~person issued a~~ permit **holder** under ~~this section~~**:**

(1) Subsection (a)(1) shall not sell or possess a bobwhite quail or ring-necked pheasant in captivity for more than five (5) days unless the person possesses a valid game breeder license under IC 14-22-20 and section 4 of this rule.

(2) Subsection (a)(2) shall not:

(A) sell;

(B) trade;

(C) barter;

(D) gift;

rabbits possessed under the authority of this permit.

(m) The permit holder under subsection (a)(2) is exempt from the following requirements for the possessing and chasing of rabbits within the enclosure under the authority of this permit:

(A) The possession restriction established at 312 IAC 9-3-16(d);

(B) A wild animal possession permit issued under IC 14-22-26 and 312 IAC 9-11;

(C) A game breeder license issued under IC 14-22-20 and 312 IAC 9-10-4;

(D) A wild animal rehabilitation permit issued under 312 IAC 9-10-9;

(E) A scientific purposes license issued under 312 IAC 9-10-6; and

(F) A nuisance wild animal control permit issued under 312 IAC 9-10-11.

(n) Any individual releasing dogs in the dog training ground shall have in his possession a valid hunting license issued under IC 14-22-12-1 unless exempt under IC 14-22-11-1.

~~(i)~~ **(o)** The dog training ground cannot be used for any of the following: WE HOLD CLUB EVENTS THAT ARE NOT SANCTIONED BY AN ORG. OTHER THAN OURSELVES.

(1) A field trial, unless a permit is held under section 7 of this rule.

(2) A shooting preserve, unless a license is held under IC 14-22-31.

(3) The purpose of possessing or breeding game birds ~~for release~~ unless the person is licensed under IC 14-22-20 and section 4 of this rule.

(4) The purpose of breeding rabbits. WE NEED THIS OUT (j) COVERS THIS.

~~(j)~~ **(p)** A permit issued under this section expires December 31 of the year in which the permit was issued.

PURPOSE? WHO USE THIS INFO FOR WHAT PURPOSE HARASSMENT?

~~(k)~~ **(q) Records required under this section shall be retained for at least three (3) years.** A conservation officer may enter **and inspect** the premises **and records** of the permit holder at all reasonable ~~hours to inspect those premises and any records relative to the permit~~ **times. The inspection of premises under subsection (a)(2) may include the removal of a reasonable sample from rabbits for biological examination.**

(r) A permit issued under this section may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

(1) The permit issued under this section;

(2) This article or IC 14-22; or

(3) Another applicable state, local, federal law.

(Natural Resources Commission; 312 IAC 9-10-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

EXHIBIT B1

WRITTEN PUBLIC COMMENTS RECEIVED BY REGULAR MAIL OR BY PERSONAL DELIVERY

THE REMAINDER

OF THIS

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IS INTENTIONALLY

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Elkhart County Beagle Club

Scott M. Langohr

Field Trial Secretary

P.O. Box 736 Pierceton, IN 46562-0736

Phone: (574) 594-5050 Email: smlangohr@embarqmail.com

May 26, 2015

Bryan W. Poynter Chairman
Natural Resources Commission
Indiana Government Center North
100 North Senate Ave.
Room N501
Indianapolis, In 46204

RE: LSA #14-477 Dog Training Ground Permit Amendment

Chairman Poynter:

Enclosed please find a copy of our analysis of the current proposed amendment concerning the dog training ground permit of LSA #14-477. Also, please find a copy of our proposal for a dog training permit. This proposal was presented to IDNR officials at a meeting set up by Senator Carlin Yoder to bring interested parties together to discuss common ground. While this counter proposal was produced without time to be properly vetted by the dog trainers and Beagle Clubs in the State, it serves the purpose to prove our sincerity to produce the best working and enforceable permit rule for the benefit of both IDNR obligations and dog training interests to exist and ability to comply.

I ask that you please read the documents and see if you agree that our proposal has merit and would be a better basis for good working rule. I do not know what you can do but there has to be a way for your Commission to revise the current proposal or possibly pull the current proposal so we have time to work with all interested parties to come up with a really good permit rule.

Sincerely,

Scott M. Langohr

Scott M. Langohr FTS
Elkhart County Beagle Club

General Comments

Indiana has long tradition of support and interest in hound sports, especially beagling. Beagle field trials represent the largest segment of Performance Events licensed by the American Kennel Club (AKC). The beagle is regularly listed as the third or fourth most popular breed based on the annual number of AKC registrations. Large events, affiliated with AKC, the United Kennel Club (UKC), and the American Rabbit Hunter Association (ARHA) are held in Indiana each year, including national championship field trials.

Beagling contributes significantly to Indiana's economy. Participants in field trial events and hunting with beagles in Indiana infuse local, rural economies with lodging, meals, fuel, and other travel expenses; as well as purchase hunting licenses, pay sales taxes, buy dog food and kennel supplies. They support veterinary practices and purchase a myriad of other goods and services within the state. By adversely affecting the training and field trialing of beagles in Indiana, these rules would have an adverse effect on Indiana's economy, especially in rural areas. Implementation and enforcement of these rules would also require an increase in government spending at the taxpayers' expense for inspection of training areas and review of records.

The proposed rule changes would significantly and adversely affect beagling in Indiana by prohibiting field trials and unreasonably limiting training opportunities. The proposed rules do not cite facts or studies related to animal welfare interests or provide reference to improvement in conditions for animals being trained or animals used for training.

Persons operating training areas pay close attention to the welfare of the animals in those pens. If a training area has few or no rabbits, owing to neglect, there is no value to maintaining a training area and no point in holding field trials or other events. Consequently it is in the best interest of the operator to manage his pen for the health of the rabbits within it. The habitat and care criteria outlined in the proposed rule have little or no basis in biology. The condition assessments (malnutrition, poor body conditions, debility, or stress) have not been defined and are therefore subjective. The management criteria (cover maintenance, mowing, burning, spraying, disking, plowing) should be left to the discretion of the pen manager to optimize conditions for cottontail rabbits within the pen.

The proposed requirements for record-keeping serve no purpose. It is unreasonable to assume that these records will serve any purpose beyond being used to incriminate the individual who maintains the records which would be in contravention to the 5th amendment to the U.S. Constitution. The requirement to allow inspection of the property further broaches the 4th amendment prohibition on unreasonable searches.

Specific Comments:

Regulatory Approval Process:

- Fiscal Analysis: Government costs for inspections (multiple inspections per site and per year) and review of records are not estimated. Inspections as prescribed include assessment of rabbit health and welfare; review of extensive records including dog vaccination records maintained elsewhere by law; and habitat assessment. Closing of pens and prohibition of field trials will adversely affect local, rural economies that benefit from hunting and event-

related travel. License fees, permit fees, and sales taxes collected may be reduced. Charitable giving by sportsmen's and field trial organizations will be reduced.

- Legal Perspective: The proposed rules could be in contravention to the 4th and 5th amendments to the U.S. Constitution. Many of the requirements pertaining to animal condition, habitat management, and length of training periods are arbitrary and legally indefensible. Due process may be influenced as permit review and issuance periods are not spelled out. Permits may be held indefinitely, pending agency action, and thereby denied without prejudice.

Indiana Dog Training Area Regulations

312 IAC 9-10-16 Dog training ground permit

Section 16 (f) A permit shall not be issued or renewed under subsection (a) (2) until the training ground is inspected by a conservation office or wildlife biologist of the division of fish and wildlife. If the training ground does not meet the specifications under subsection (k)(1) through (k)(6), the applicant will be advised of the deficiencies and a second inspection will be completed after the applicant has made corrections.

- What is the timeframe between application for a permit and inspection by an officer? Time frames must be prescribed in the rule to prevent de facto denial of permits through inaction by the agency.
- How many inspections per year are anticipated by the agency? Does DNR have sufficient staff and resources to perform these inspections? To demonstrate compliance with the specifications will the applicant/permittee be required to submit additional information (such as mapping, aerial photographs, certified surveys)?
- How will the applicant be advised of deficiencies and what is the time period for notification after an inspection?

Section 16(h) A permit holder shall mark the entire boundary of the land permitted as a dog training ground with signs:

- The Federal Bureau of Investigation lists animal rights terrorism as a serious threat to Homeland Security values. Requiring signage serves to notify terrorists of targets for vandalism, harassment, theft, and protest.
- The purpose of providing signage should be addressed.
- Why is a white background preferred over orange or yellow or other colors that might have a great visual impact?

Section 16(j) A permit holder under subsection (a)(2) shall:

(1) Obtain live eastern cottontail rabbits from native Indiana stock.
*A definition should be provided. If the intent is to prevent importation from outside of state boundaries, this should be more clearly stated. Further, other state regulations and laws address importation of wildlife. This does not need to be restated.

(2) Keep an accurate electronic record (that can be printed and signed) or record in ink of forms provided by the department of the:

(a) Full name and address of each person from whom rabbits are obtained;

* The department should explain the need for this information.

(b) Date and number of rabbits released into the dog training ground.

(c) Date of mortality or discovery of mortality and proximate cause of mortality of any rabbit. In most cases there is little or no evidence of mortality. Predators carry off or consume any remains. Is the pen operator qualified to determine the proximate cause of mortality? What is the need for this information?

(d) Date and time of each dog training activity and field trial that includes the number of dogs released during each activity or field trial conducted under IC 14-22-24 and 312-IAC9-10-7: Such record keeping is onerous. Field trial information is already collected under other authorities listed. Is there a purpose to this record-keeping?

(4) Provide supplemental feed or a complete feed ration to prevent (A) malnutrition; (B) poor body condition; (C) debility; or (D) stress; when adequate natural food sources are not available to meet the nutritional needs of each rabbit on a daily basis. What is the criteria used to assess malnutrition, poor body condition, debility, or stress? Who will perform the assessment? This appears arbitrary. Again, the pen owner is the best gauge of the condition of the animals contained within or will that determination be made by a qualified wildlife veterinarian? Providing supplemental food is something that pen owners routinely do when it can be done without other drawbacks. Does DNR prescribe a complete ration? If not, who determines if a ration is complete or when supplemental feeding is necessary? Is this a seasonal requirement? If so, the rule should prescribe dates to better enforce this rule. This section is unenforceable by reason of lack of definition, and lack of limits and boundaries. There are certain drawbacks to supplemental feeding. Some sources suggest that artificial feeding may concentrate animals in areas with insufficient cover, exposing them to elevated rates of predation. Will DNR provide guidance on supplemental feeding?

(5) Provide fresh, clean drinking water through natural or man-made sources on a daily basis. Numerous references cite that rabbits do not require water for drinking as their moisture requirements are filled through their diet which can range from 30% to 90% moisture. Supplemental water could also be argued to increase the transmission of parasites and communicable disease.

Section 16 (k) A dog training ground permitted under subsection (a)(2) shall comply with the following requirements:

(1) **There shall be no interior fences that: (A) divide the training ground into parcels less than ten(10) acres; or(b) hinder a rabbit's ability to travel within the training ground.** A rabbit's territory is documented to be between 0.5 and 5 acres depending on the quality of the habitat. What is the basis for the 10 acre limit? This would preclude the operation of a "puppy starting pen", usually a smaller enclosure, where an "unstarted" dog can view a rabbit(s) multiple times in a training session. Puppy pens are integral to the training regime for beagles and they generate economic activity in terms of fees charged for starting puppies, maintenance of facilities, and travel and operation of the facility.

(2) **The fenced area contains ten (10) to twenty (20) percent well-distributed, live, brushy cover (briar patches, dense tall native grass clumps, woody vines, low-growing shrubs) with total woody cover between twenty (20) and fifty (50)**

percent. This criterion makes no sense. Is it 10 to 20 or 20 to 50? What about trees? Is percent coverage measured or estimated? Is it based on summer or winter observations? Aerial coverage or stem density? Who will make the determination on percent cover? We find many areas in Indiana that have little or no woody plants, yet hold a tremendous density of rabbits (e.g. strip mines).

(3) **The fenced area contains a good diversity and interspersion of grasses, legumes, and forbs throughout the entire area, with no more than fifteen (15) percent of the area consisting of tall fescue.** Define a "good diversity". Is that three species, ten species, or fifty? Must these be native species? What is a good interspersion? Must plant communities be mixed or discrete to meet the criteria? Again, this rule is unenforceable by reason of being undefined.

(4) **No more than fifty percent (50) of the fenced area is mown, burned or chemically treated during any twelve (12) month period.** It is assumed the reason for this is to provide sufficient habitat for rabbits within the pen at all times. If we have a pen of the minimal 10 acres required elsewhere in the proposed rule, has it been determined that five acres will accommodate all of the rabbits in the pen if the other five acres are mowed? What is the scientific basis for this? If we had a 100 acre pen, couldn't all of the rabbits inside be accommodated in 30 or 20 acres? Does chemical treatment include fertilizers or pesticides (such as something to kill ticks and fleas). How would this affect control of exotic, invasive species, where it may be in the public interest to mow or spray or burn more than 50% to achieve effective control? This seems contradictory to management strategies for CREP and WHIP programs promulgated by the U.S. Department of Agriculture, some of which require extensive mowing or burning to promote stands of warm season native grasses. Does this include selective herbicide use, such as a product that only kills broadleaf plants but does not harm or reduce cover of grasses?

(5) **No more than 10 percent of the fenced area is disked or plowed during any twelve month period.** See questions and comments for (4). Adding, who is measuring the 10 percent?

(6) **At least fifty percent of the fenced area is not subject to flooding and is of sufficient height above the water table to allow for burrows and forms.** The Federal Emergency Management Agency (FEMA) maps floodways and floodplains. Is a FEMA delineated floodplain (2 year, 10 year, 100 year, 500 year) subject to flooding? What is the basis for 50%? Who will measure 50%. Is 50% unflooded area required for rabbits to survive? If so, can this be cited in literature.

(7) **Operation shall comply with the following:**

   a. **Any dog released into the training ground must be vaccinated in accordance with Indiana Law.** If it is already a law that a dog must be vaccinated, what is the point in re-stating the law here? What agency will enforce non-compliance in this instance?

   b. **Rabbits within the training ground must be allowed eight (8) consecutive hours of rest in a twenty-four hour period.** Is there are published standard stating that 8 consecutive hours of rest are required for optimum health of a cottontail rabbit? This assumes that a rabbit can be run without consequence for 16 hours straight, or that the same rabbit will be run continuously every time a dog is in the pen. It is doubtful that there is any veterinary standard supporting this rule. Again, the operator will be a better gauge of resting period for a pen than arbitrary standards.

c. **The training ground must not be used for more than sixteen (16) consecutive hours in a twenty-four (24) hour period for dog training purposes and no more than eight (8) hours a day during a field trial licensed under IC 14-22-24 and 312 IAC 9-10-7.** This rule would effectively eliminate field trials in enclosures in Indiana. The duration of a field trial is determined by the performance of the hounds and how many hounds are entered that day. What is the difference in stress between training 16 hours and field trialing for 8 hours? In field trials, packs are run for a period of time then removed from the pen until the next pack arrives for evaluation. This would seem to provide better, periodic rest than one long respite. This appears to be an arbitrary attack on field trials. Note that field trials often include hounds and handlers that are not familiar with the local area. They are run inside pens to prevent the loss of hounds due to roaming; eliminate any trespass issues; and in the interest of public safety (by preventing a dog from becoming a traffic hazard or risk to members of the public). Also note that in one study by the University of Georgia, running dogs in enclosures was actually found to aid contained rabbit populations by discouraging and disrupting predators.
d. **Prior to being chased, all rabbits shall be provided a minimum of seven (7) days to acclimate to the training ground.** What is the basis for the seven day acclimation period? Is there evidence that seven days is minimum or optimum for rabbit welfare or survival?
e. **Rabbits within a training ground may be chased with dogs but shall not be chased with the intent to capture or kill.** Reference American Kennel Club breed standard...run with the intent to overtake. No pen operator will tolerate a dog killing rabbits within his pen. That would necessitate having to replace game and create unneeded work for the operator.
f. **No individual or dog may molest, harass, or chase a rabbit utilizing a den within the training ground.** This needs to be rewritten or restated to better define the concern. It makes no sense.

Section 16 (q) Records required under this section shall be retained for at least three (3) years. A conservation officer may enter and inspect the premises and records of the permit holder at all reasonable times. The inspection of premises under subsection (a)(2) may include the removal of a reasonable sample from rabbits for biological examination. Why is it the operator's responsibility to maintain records for three years? Should these not be submitted to DNR on an annual basis and stored there? If records are not to be submitted and examined, what is the point in requiring the record-keeping. Such requirements may be directly in violation of the fifth amendment to the U.S. Constitution on the grounds that a person is not required to incriminate himself...let alone maintain records that will do it. Protocol needs to be set related to inspections. What is the definition of "reasonable times"? Does that include a sacred holiday (regardless of the inspected or inspector's religious or other practices)? This rule may violate the Fourth amendment to the U.S. Constitution prohibiting unreasonable search and entry. What is a "reasonable sample from rabbits"? What is the purpose for the sampling and examination.

INDIANA DOG TRAINING GROUND PERMIT REGULATIONS

312 IAC 9-10-16 Dog training ground permit

Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22-20; IC 14-22-31

Sec. 16. **BIRD DOG TRAINING GROUND**

(a) A person may take northern bobwhite quail (*Colinus virginianus*) or ringnecked pheasants (*Phasianus colchicus*) that have been raised in captivity for the purpose of training dogs only pursuant to a permit issued under this section.

(b) An application for a dog training ground permit must be completed on a department form and filed with the division. The application must demonstrate the applicant owns or controls a contiguous tract of land. The dog training ground must contain at least five (5) and not more than twenty (20) acres. This land shall not be located within one (1) mile of a state-owned or state-controlled public hunting area. Only one (1) dog training ground may be licensed by the department on a contiguous tract of land.

(c) The boundaries of the land permitted under this section must be marked with signs:
- (1) At least sixteen (16) inches wide and sixteen (16) inches long;
- (2) With a white background; and
- (3) With one (1) inch high lettering that states "dog training ground". The signs must be placed not more than five hundred (500) feet apart and along the entire boundary of the dog training ground.

(d) A northern bobwhite quail or a ring-necked pheasant must be banded with a standard metal or plastic leg band before being released on the dog training ground. A person training dogs on a dog training ground shall have in possession a:
- (1) Bill of sale for the game birds released for training; or
- (2) Copy of the person's game breeder license.

(e) A daily record of the training activities on the ground must be maintained by the permit holder. The information contained on the daily record shall include the following:
- (1) The name and address of each trainer using the ground.
- (2) The number and species of birds released.
- (3) The number and species of birds taken.

(f) No quail or pheasants shall be taken under this section except between sunrise and sunset.

(g) The birds cannot be possessed in captivity for more than five (5) days or sold unless a game breeder license is held under IC 14-22-20 and section 4 of this rule.

(h) The ground cannot be used for any of the following:
- (1) A field trial, unless a permit is held under section 7 of this rule.
- (2) A shooting preserve, unless a license is held under IC 14-22-31.
- (3) The purpose of possessing or breeding game birds for release unless the person is licensed under IC 14-22-20 and section 4 of this rule.

(i) A permit expires December 31 of the year in which the permit was issued.

(j) A conservation officer may enter the premises of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit.

(Natural Resources Commission; 312 IAC 9-10-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA)

Sec. 16.1. **COTTONTAIL RABBIT DOG TRAINING GROUND**

(a) Any person operating a facility wherein wild cottontail rabbits are used in training dogs within an enclosed (fenced) area must acquire a five (5) year permit from IDNR. There shall be no fee required for a dog training area permit. An application for a dog training area permit shall be provided in hard copy or electronically by IDNR. A decision on any permit application shall be rendered in writing to the applicant/operator within 30 days of the date the application is received by IDNR. A permit shall not be denied based on administrative inaction (e.g. if within 30 days of the date the application is received by IDNR, no action has been forwarded on the application, the operator may assume a permit has been issued).

(b) A person operating a fenced dog training area, entirely on his property or on property within his control, measuring less than 10 acres in area shall apply for a Class I dog training area permit.

© A person(s) operating a fenced dog training area, entirely on his property or on property within his control, measuring 10 acres of more in area shall apply for a Class II dog training area permit.

(d) A permitted dog training area under this section shall include no more than 90% of its area within the 25 year floodplain or include more than 90% saturated or inundated hydric soils (soils listed as hydric by the Natural Resources Conservation Service—but not soils listed as containing hydric inclusions that are unmapped).

(e) All permitted dog training areas shall operate under an approved, written management plan. The management plan shall be coordinated between the operator/owner of the dog training area and a wildlife conservation officer or DNR biologist. An approved management plan shall include the following:

(1) Location: County, street address, and coordinates, as well as a sketch map or aerial photo of the dog training area. Mapping shall include a soil survey map and/or a FEMA flood study map of the training area if available.

(2) A description of the enclosed area, detailing the type of enclosure, number and location of gates, feeding stations, watering stations, and other facilities.

(3) An estimate of cover type within the enclosure (tree, shrub, grass-forb, planted crops, etc…).

(4) A listing of any state or Federal conservation programs in which the property has been enrolled that prescribe or regulate plantings and treatments within the dog training area.

(5) A listing of any conservation practices which are scheduled or planned to occur within the dog training area (e.g. mowing, plowing, planting, control of vegetation with herbicides).

(6) An operation plan stating the purpose and methods of operation (field trials, dog training, limits on numbers of hounds permitted, supplementation of rabbit population, etc….).

a. The management plan shall be updated whenever a permit is renewed or by coordination through the permittee and IDNR.

b. A dog training area permit may be revoked if the management plan is not followed.

(f) The following shall apply to conditions within permitted dog training areas:

(1) For Class I dog training areas under 10 acres in area, the operator will provide for the following:

a. Cottontail rabbits shall be provided with at least one "refuge" per acre. A refuge includes a hole, box, culvert pipe, or similar device where the rabbit may escape from hounds and predators and remain undisturbed.

b. Cottontail rabbits shall be provided with supplemental food at least from October 31 through April 1 and provided with supplemental water from at least May 1 through October 1. Water may include natural or persistent bodies of water such as ponds, perennial streams, or watering stations with commercial waterers or open containers.

c. No more than four running hounds may be trained at one time within a Class I enclosure less than 10 acres in size unless during a sanctioned field trial properly permitted under IC 14-22 whose rules would require otherwise. This limit does not apply to non-scenting dogs or scenting dogs not yet adept at trailing a cottontail rabbit sent line.

d. Training sessions on cottontail rabbits should not exceed five hours in duration after which the pen must rest for at least one hour.

(2) For Class II dog training areas 10 acres or larger in area, the operator will provide for the following:

a. Dog training on wild cottontail rabbits shall be limited to allow a rest period of 8 hours within a 24 hour period.

(g) A person operating a permitted dog training area may trap, hunt, harvest, or remove furbearing predators from within the dog training area in accordance with published seasons and bag limits authorized by IDNR.

(h) Nothing under this section allows for the sale or barter of wild cottontail rabbits.

(i) A dog training area may include one or more enclosures. All enclosures shall be operated under area-specific rules (e.g. A dog training area may include one or more enclosure(s) 10 acres or more in area and one or more enclosure(s) less than 10 acres in area, but all shall be operated under area specific rules in this section, and all shall be fully described in the management and operation plans.

(j) The operator of any dog training area shall report to the IDNR any occasion where more than three (3) dead cottontail rabbits are found within the dog training area within a 72 hour period, unless the mortalities have been ascertained to have been caused by a predator or training activity.

(k) Except for certified, endophyte-free varieties, tall fescue (Festuca arundinaceae) may not be planted in dog training areas. Plants listed by IDNR as invasive or noxious may not be planted in dog training areas.

(l) Nothing in this section is intended to limit the duration or operation of an organized field trial permitted under IC14-22

(m) The permit holder is exempt from the following requirements for the possessing and chasing cottontail rabbits within an enclosure under the authority of this permit:

(1) The possession restriction established at 312 IAC 9-3-16 (d)
(2) A wild animal possession permit issued under IC 14-22-26 and 312 IAC 9-11
(3) A game breeder license issued under IC 14-22-20 and 312 IAC 9-10-14
(4) A wild animal rehabilitation permit issued under 312 IAC 9-10-9
(5) A scientific purposes license issued under 312-IAC 9-10-6
(6) A nuisance wild animal control permit issued under 312 IAC 9-10-11

(n) Any individual releasing dogs in the training area shall have in his possession a valid hunting license.

(o) Any dog released within the training ground must be vaccinated in accordance of Indiana Law.

(p) An inspection of the permitted enclosure may be conducted by an IDNR representative upon written notice to the permit holder 5 days prior to inspection and may include the removal of no more than 3 sample cottontail rabbits for biological examination. A permit holder will be allowed to accompany the inspecting official.

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Michael Falck
6682 W. 1600 S.
Wanatah, IN 46390

Sincerely,

Michael Falck

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Sincerely,

4057 South SR 25
Logansport IN
46947

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Sincerely, Ben Chowalecz

4057 S. SR 25
Logansport IN 46947

Denny
2208 R Pike
Logan IN 46947

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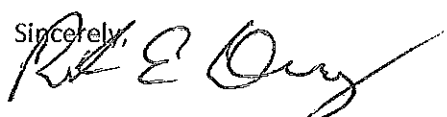

764 S CR. 700 East
Walton In. 46994

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Rex Grady

rg9364@gmail.com

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Richard G. Ferren

Mr. Richard Ferren
614 Helm St
Logansport, IN 46947

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REX PARIEY
102 DAVID DR
SHARPSVILLE, IN

Scott Aaker
6971 W. Georgetown Rd
Logansport, IN 46947

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Steph Auker
6971 W. Georgetown Rd
Logansport, IN
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This is just a few examples of what I/ we believe should be changed with the current rules as they are currently written. I/we hope the Natural Resource Commission will consider changing the rules or remove the current rules as written. More time is needed to effectively have a clear set of rules that everyone can work with.

Sincerely, Stephanie N Auker

May 26, 2015

Joseph A. Farkas
22507 Marysville Rd
Marysville, IN 47141

To Natural Resources Commission, Division of Hearings

To Whom it May Concern:

This letter is to serve notice that I disagree with the proposed rule changes and regulations pertaining to 312IAC9-10-16 Dog Training Ground Permit. I belong to a beagle club located in the state of Indiana.

Throughout the year, beagle clubs spend time and money to manage habitat in a good faith effort to improve the quality of the life of the animals that are in our enclosures. Some of the proposed additions/changes would have a negative impact on our club or its members.

First, the minimum/maximum restrictions are not necessary. No beagler will run more dogs than a small area can support because he does not want to overly stress or kill the rabbits. Rabbits are a precious commodity to the owners of the pens, and the last thing any of them want is to hurt, injure or kill a rabbit. A dead rabbit won't leave a scent and is useless. If the DNR believes that more than ten (10) acres is needed for rabbits to be considered wild, than no permit should be required for any pens larger than ten (10) acres.

Second is the requirement to have a yearly inspection and to apply for a yearly permit. The rule, as written, states we must keep records for three (3) years. It would make sense to make the permit good for three (3) years. Currently as written, no safeguards are in place to assure the clubs will be inspected in a timely manner.

The eight (8) hour requirement for field trials is not possible. Most, if not all trials move at a slow pace and can take many hours to complete. Restricting the trial to eight (8) hours would disqualify any Indiana beagle club from ever holding a national event. Regular sanctioned trials sometimes draw participants from many states that drive many hours to attend. Limiting the number of hours will have a negative impact on the clubs and cause a dramatic impact economically on the communities surrounding the beagle clubs. More time is needed to effectively have a clear set of rules that everyone can work with.

I believe any input to rules such as these should be formed by knowledgeable beaglers representing every club in the State. What ever happened to a "Government of the People, by the People, for the People"? Some of these proposed rule changes smack of individuals whose agenda is contrary to the sport of beagling.

Sec. 16. (d) A permit would not be issued for more than twenty (20) acres. Why does there have to be a limit?

(g) Only one (1) training ground may be licensed by the department on a contiguous tract of land. Why? It makes no logical sense to have only one (1) training ground if a club has sufficient acreage. Having more than one (1) training enclosure spreads out a field trial.
(j) (C) Date of mortality or discovery of mortality and approximate cause of mortality of any rabbit. It is impossible to tell when an owl, hawk, coyote, house cat, etc. kills a rabbit.
(k) (2), (3), (4) Concerning percentages of various cover, etc. No club mows or burns fifty (50) percent of their training grounds - they want the cover for the rabbits. I can't understand why some of these restrictions have been stuck in this proposal. They do not seem to be for the betterment of beagling and beagle clubs. They appear to be a not-so-subtle form of harassment to beaglers and sportsmen of this State.

(j) (7) Any beagle knows that rabbits will create their own rest period when being run. They will plug up (go in the closest hole) or go into other cover to evade the dogs.

(j) (7) (F) As written, no individual or dog may molest, harass or chase a rabbit utilizing a den within the training ground. **I don't think any of your proposed changes smacks as much of discrimination and harassment by individuals with an agenda as this rule does because rabbits will naturally have dens on the grounds where they reside.**

(o) The dog training ground cannot be used for any of the following:
The purpose of breeding rabbits. This cannot be prevented because nature will take its course.

I hope the Natural Resource Commission will consider changing the rules or removing the current rules as written. More time is needed to effectively have a set of rules that everyone can work with.

Joseph Farkas,
Marysville, IN

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cerely, Jeffrey P. Miller - Concerned Citizen

Jeff Miller
5104 E. Broadview Ln
Logansport, In 46947

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Thomas P Rohr
2716 S. 1050 E
Lafayette Ind
47905

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P.S. Please HELP US.

Sincerely, Carl M. Emmerd

8350 N 600 E Twelve Mile IN 46988

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Sincerely,

Brock Pherson
11888 E. 50 N.
Idaville, IN 47950

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Sincerely, Jeff Buettner, Western Beagle Club

Mr Jeff Buettner
PO Box 412
Galveston, IN 46932-0412

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Sincerely, Don Quake

4255 W 100 No
Logansport, IN 46947

Steven A. Russell
5871 E Division Rd.
Logansport, IN 46947-8912

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Sincerely, Steve Russell

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Sincerely, Joe Russo

1634 Treen S.
Logansport In

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Sincerely, Harry Gobbs

Harry Gobbs
1221 N 3rd ST
Logansport IN

Fred Peterson
2902N 825W
Royal Center IN

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Sincerely, Fred Peterson

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Sincerely,

Rodney Murrant

5036 N 400 W
Peru IN 46970
1-765-985-2115

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Sincerely, Mark A. Barnard

5163 W 488 N
DELPHI IN 46923

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Sincerely,

Perry L. Denny
7916 W 350 N
Logansport, IN 46947
PH. 574 727-6166

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Sincerely, Chris Denny

CHRIS DENNY
791 W. 558,

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Sincerely, Tony Callaway

7454-W - 325-N
ROYAL CENTER IN
46978

1030 19th St
Logansport, IN

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Sincerely, Heidi Lynn Cluker

Heidi Lynn Cluker
501 N. Bartlett
Lossansport, In 46984

D. ADSIT
3541 N 600 W
ROYAL CENTER IN

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Sincerely,

Barney Hyder
1816 SmEAd ST,
LOGANSPORT, IN.
46947

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Sincerely, Barney Hyder

Dennis & Becky Mygrant
81N. 1150E.
Idaville, IN 47950-8038

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Sincerely, Dennis Mygrant
81 N. 1150 E.

Steven A. Russell
5871 E Division Rd.
Logansport, IN 46947-8912

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Sincerely, Daniel G. Lawson

5007 Algonquin Trl.

5702 Nehrt Road
Bloomington, IN 47408
May 16, 2015

Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N501
Indianapolis, IN 46204

Dear Commissioners,

Thank you for the opportunity to comment on the proposed rule changes to wild animal rehabilitation permits. I submitted comments online, but couldn't tell whether my text was all there.

I have no objection to removing the limits on the number of mammals that can be taken for rehabilitation or released. Rehabilitators should not be used to control populations and suburban development has increased wildlife conflicts. It will give larger centers or a few independent rehabbers more leeway. Hopefully, those rehabbers who can't say no will find their carrying capacity without large die offs since the NWRA minimum caging standards are not required.

I do, however, have strenuous objections to eliminating the need for continuing education for those that have had a rehabilitation permit for at least ten (10) years. They are the ones who need it most.

Most of the rehabbers I know think the continuing education (CE) is the only way we will get some of these veteran permit holders to up their game. Every year new research changes best practices. I have rehabbed for fifteen (15) years, and have never done exactly the same thing with the same species twice. I know some of these rehabbers have threatened to quit. Let them. CE has never been more accessible or inexpensive. The Indiana Wildlife Rehabilitators Association (IWRA) offers one annual training for 4 CE credits and you only need 8 every three years. It costs about $10.

The more limiting regulation is requiring a one-year mentoring for rehabbers earning their permit, but making them return the animals to the mentor after 30 days. If you could see your way to requiring the mentor to do on site visits to check that things are going the way they should, that would help us develop this avocation.

Respectfully yours,

Susan J. Davis

Susan J. Davis
15-097

5/18/15

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Sincerely,

Robert D. Kobler (219) 759-6822
768-1 HERITAGE RD.
VALPARAISO, IN. 46385

EXHIBIT B2

WRITTEN PUBLIC COMMENTS RECEIVED THROUGH THE NATURAL RESOURCES COMMISSION ONLINE RULE DOCKET[1]

LSA Document #14-477
FW: Permit & License Rule Amendments
Administrative Cause Number 14-096D

Commenter Name Shane spancake
City mitchell **County** LAWRENCE **State** Indiana
E-Mail Address SPAN870@YAHOO.COM
Comments 9-10-16
Don't believe the regulation should be enacted to state 10 acres. I believe it is an unnecessary amount of land needed to run beagles. Especially is quail and pheasants are only going to be required at 5 acres. I have right at 6 acres and never have had a rabbit caught.
Comment Received 12/18/2014 7:41:16 PM

Commenter Name Dean Farr
City Indianapolis **County** MARION **State** IN
E-Mail Address dean.farr@sbcglobal.net
Comments I opposed 8 foot or less fence for cervids. Should be at 10 feet with an inner electric fence of 4 strands 6 foot high, 10 feet back form perimeter fence, to keep deer away perimeter fence (avoid nose to nose contact). Recommend license be increased by at $10 per year, or cover costs.
Comment Received 12/19/2014 9:01:25 AM

Commenter Name KURT BARHYDT
City SOUTH BEND **County** ST.JOSEPH **State** INDIANA
E-Mail Address klbarhydt@sbcglobal.net
Comments i'm in favor of this rule proposal.
Comment Received 12/31/2014 1:20:08 PM

Commenter Name George Petro
City Griffith **County** LAKE **State** IN
E-Mail Address edmar95@att.net
Comments I am against the proposed changes in this regulation.
Comment Received 1/25/2015 5:53:49 PM

Commenter Name Jason williams
City Cannelton **County** PERRY **State** Indiana
E-Mail Address jwilliams07@psci.net
Comments All the commercial deer processor law will do is run out the small deer processor out of business. We do not make enough income to stay in business if the new law is in place. If you want to hurt the small guy then implement the new law because that's all it will do. NO law has been in place all these years and for the most part other than a few personal complaints no problems has evolved. If a guy or business is getting rid of carcass's on private property of 10 acres or more I don't see where it is bothering anybody. You are attacking the Comercial deer processor and a individual can and will still do the same thing that the processor can't and 20 individuals will scatter the carcass's all over the place where deer processor will put them in one area. Like I said I you want to run more small hometown business's out then pass the law. Do the right thing and suspend the law and help small hometown business's.
Comment Received 3/5/2015 12:44:00 AM

Commenter Name John K Haendiges
City Ramsey **County** HARRISON **State** Indiana

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[1] A number of online comments relating to the proposal to expand the use of center-fire rifles for deer hunting, the bag limit on Blue Gill and the elimination of the season for Ruffed Grouse that were addressed in "FW: Biennial Rule Amendments, Administrative Cause Number 14-095D (LSA Number 14-453), were erroneously submitted under this rule proposal and other comments submitted without proper identification information as required by *Information Bulletin #55, (Second Amendment), "Citizen Comments to Hearing Officers"*, http://www.in.gov/legislative/iac/20100804-IR-312100484NRA.xml.pdf, were not considered and are not provided as part of this report. These comments have been retained as public records information.

E-Mail Address khaendiges@gmail.com
Comments I strongly oppose 312 IAC 9-10-4 , the captive breeding and transportation of cervidae is known risk to the wild herd, and a proven source of criminal activity.
Comment Received 3/12/2015 5:37:50 PM

Commenter Name Melissa Geno
City Alpharetta **County** FULTON **State** GA
E-Mail Address melissa37027@gmail.com
Comments PLEASE - no more animal abuse in the form of penning. It makes the whole state look bad.

As a former resident of Indiana (Vincennes) I hope to see this practice banned. Indiana is a beautiful state - and eliminating animal abuse will go a long way toward helping the rest of the nation see that!
Comment Received 3/20/2015 10:36:08 AM

Commenter Name Cal Dittmar
City New Carlisle **County** LAPORTE **State** IN
E-Mail Address hotamitaneo7@aol.com
Comments I am in favor of reducing the Hours of service for the Nuisance Wildlife Control operators to 16 hours every 4 years. I normally take the test again every 4 years because of lack of opportunities of classes in my area. I would also like to see a list of approved/ scheduled classes to attend.

Thank you,
Cal Dittmar
Comment Received 4/29/2015 4:29:52 PM

Commenter Name Scott Langohr
City Pierceton **County** KOSCIUSKO **State** Indiana
E-Mail Address smlangohr@embarqmail.com
Comments RE: 312 IAC 9-10-16 Dog Training Ground Permit
I am against adoption of the proposed changes. This is unnecessary regulation of privately owned property that has not one instance of misuse being presented to warrant. This rule was just updated last year in cooperation with IDNR officials, State legislators, and Indiana Citizens. It appears now in just 1 year to provide over burden to Beagle Clubs in Indiana. The average life span of a cottontail rabbit in the wild and under the protection of IDNR is 1 year. Do these rules apply to IDNR public properties that have designated dog training areas? I can go line by line to show how ridiculous the proposed changes are but there is a limit to the length of comment. If there is any proof of misuse or direct effect on the wild population of the cottontail rabbit in Beagle Club enclosures, it would need to be documented and proved serious enough to warrant the burden of this overreaching regulation. When this rule was passed last year the IDNR wanted no part of inspecting and policing all the enclosures in Indiana with no added funds to cover the costs. Now, they propose this set of rules that would require a lot of funding to enforce regulation. What has changed?
Anyone that has any common sense at all would laugh out loud at section (j) as it would pertain to the cottontail rabbit. The size limit this new rule proposes would effectively eliminate puppy starting pens and anyone owning less than 10 acres could not fence their property and train their hounds on it. I will do whatever it takes to defeat this rule should it pass NRC and be adopted even if it means involving State legislators again to accomplish it. I would be happy to sit down with IDNR officials and address some of their concerns in future rule change proposals but this proposed change is totally ridiculous and an unnecessary over burden that has no funding for enforcement with no proven need or benefit to Indiana citizens. Cottontail rabbits are the most prolific game animal in the State. They have litters of 4-6 only 28 days from conception. They are bred for the next litter in as little as 3 days after giving birth. Nature gives them that ability to compensate for being the bottom of the food chain and living 1 year. Citizens of Indiana should have the right to train their dogs on their own property and fence that property to keep the hounds and the rabbit they are chasing from leaving their property onto a neighbor's property. Enclosures are not for the purpose of turning loose a trapped rabbit to be run down and torn appart. They provide the owner to use his property to train his hounds without effecting neighbors or wild populations. How many people even know a Beagle Club exists in Indiana or how many current enclosures are being used? The reason is that they present no issues to neighbors or wild populations. So why is this burdensome regulation being proposed?
Comment Received 4/30/2015 6:19:30 AM

Commenter Name Richard Trask
City Valparaiso **County** PORTER **State** Indiana
E-Mail Address Trask.rn@live.com
Comments I am in complete agreement with the proposed change to the nuisance wild animal control permit to reduce the number of continuing education hours to sixteen (16) hours every four years. As a small business owner this will help reduce the cost associated with running a business. These cost are always transferred to the customer directly or indirectly. I offer free services to deserving people such as veterans that are totally disabled and cannot help them selves or have no one to help them as well as people with disabilities that leave them financially unable to pay for my services. This reduction in cost helps me help them. Other states do not require continuing education hours at all. We appreciate and enjoy the meetings that the DNR has been able to provide annually but sometimes are unable to attend them and should not be penalized because we cannot go all the way to Indianapolis to attend them. For many of us this takes more than 4 hours of travel time each way plus the cost of over night stay to attend.

Comment Received 4/30/2015 11:06:22 AM

Commenter Name Keith
City Upland **County** GRANT **State** INDIANA
Organization (optional) Prairie Creek Beagle Club
E-Mail Address k.milholland@comcast.net
Comments This proposed rule change is not needed. The rabbits we have in our en-closer are born in it and there is plenty of habitat for them. Eating, Drinking water and cover is all natural. We are a no kill en-closer and we feed our rabbits in the winter. All the recording keeping that is in the proposal is very cost prohibited for small clubs as ours. Please do not let this bill get passed. Thanks for your time. Keith Milholland
Comment Received 5/4/2015 8:52:06 PM

Commenter Name Kim McMunn
City Dayton **County** TIPPECANOE **State** IN
E-Mail Address kmcmunn@comcast.net
Comments After reading the proposed wildlife rehabiliation regulation changes, I find that I agree with some of the proposed changes, and disagree with others.

I agree with removing the limits on the numbers of individuals of various species that can be taken in/released per permit each year. This particular rule puts the citizens of the state at a disadvantage when it comes to finding rehabilitators, which was already a difficult process for most members of the public; when they found out that rehabilitators exist, and called one, only to find they had reached their limit for that species and did not know of anyone who had not already reached their limit.... and the rehabilitators were then backed into a corner with bad choices to make: do the "right" thing and take in and euthanize a perfectly healthy animal? tell the citizen how to illegally raise a wild animal? take in the animal and raise it illegally themselves? if truly everyone has reached their limit, this is what it comes to. The decision of how many animals can be safely and successfully rehabilitated and released should be made based on the number of assistants available, release sites available, and the resources available for rehabilitation, not some arbitrary number imposed to placate people who don't like "vermin". For each person who hates raccoons in this state, there is another person who loves them and wants them around.

On the matter of eliminating the continuing education requirements for rehabilitators who have had permits for over 10 years, I thoroughly disagree. I personally have had IN rehabilitation permits continuously since 2004, so I fall into this category myself. If all the education I had done was in the first year I was assisting, I would be so behind the current rehabilitation profession at this point that I should NOT be rehabilitating! Yes, when I go to some education sessions targeted at beginners I find I know the majority of it already, but no matter what I ALWAYS learn something new! There is always some tip, trick, or new information that makes it worth my while. The people who have had their permits the longest are the ones that NEED the continuing education to keep current in the field! Rehabilitation, though often done in someone's free-time, on a volunteer basis, is truly a profession, and a very young one that is constantly growing. I know one concern is the money, that continuing eduction always has a cost. However so far the state has been good enough to provide extremely low cost CE to us at least once a year. And some small rehabilitation groups have gotten together to plan some sessions, also low cost. There are always online courses through IWRC for those who can't go far from home, and for those that really want to get away, NWRA symposiums yearly. Really there isn't an excuse to not want to continue your education within your profession!

Thank you for reading, I hope that this is taken into account regarding these proposed regulations.
Comment Received 5/5/2015 2:39:01 PM

Commenter Name Ed Salveter
City Coldwater **County** Out of State **State** MICHIGAN
Organization (optional) Prairie Creek Beagle Club
E-Mail Address esalveter@hmilumber.com
Comments 312 IAC 9-10-16 Dog training ground permit Sec. 16 (k) (7) (C) 8 hours per day is not enough time to hold a field trial. Sec. 16 (j) (1) would like clarification on how we can legally obtain live eastern cottontail rabbits
Comment Received 5/6/2015 11:56:46 PM

Commenter Name Brad Gilbert
City Evansville **County** VANDERBURGH **State** INDIANA
Organization (optional) Southwind Beagle Club
E-Mail Address bradgilbert977@yahoo.com
Comments Good afternoon!

There are a few problems with the new rule proposal on LSA #14-477. I am going to choose my fight I pick because I know they all will not be considered. I would like to propose a rule change on 8 hour operation of running rabbits at a field trial. 8 hours a day to complete a field trial is not enough time. I would like change the hours to 12 hours. After the 12 hours is up, there will be 12 hours of solid rest for the rabbits to rest. The trials may not even need the whole 12 hours to finish but there will be times where we will need that extra time to finish that day. Field Trials are normally 2 day events, females run 1 day and males the next. We cannot hope to finish the field trial in an 8 hr day with the current apposed rule. Please reconsider

this rule and take the information I have provided seriously.

Thank you for reading this.

Brad Gilbert
Comment Received 5/8/2015 12:02:11 PM

Commenter Name Jim Stinnett
City Lake Village **County** NEWTON **State** IN
E-Mail Address jstinnett@upgen.us
Comments NO TO THE BEAGLE TRAINING RULE!
Comment Received 5/8/2015 5:40:00 PM

Commenter Name kenneth ward
City jasonville **County** GREENE **State** Indiana
E-Mail Address klw1953@nwcable.net
Comments I believe the permit requirements for private land owners for training enclosures is totally unreasonable. Limiting the number of dogs that can be trained in a specific training grounds as well as mandating the recording of everything that is done is totally STUPID. Many beagle trailers and hunters run and train their doghs to keep them in condition year round and NOT a single one wants to harm a single eastern cottontail rabbit for without them there is no game to pursue. ALL this sounds like a means of infringement upon the rights of sportsmen to pursue what most of us have done wihout ALL these restrictions for yearl find it even more disturbing that the state wants to mandate what I do on my own private property especially with having to keep meticulous records as well as pay ANOTHER FEE for a permit. Is there NO end to what sportsmen will be required to pay to enjoy what once was free? I have absolutely no problem with clubs running field trials to have to obtain a permit as that has always been the case BUT when the State gets their nose into a person;s private property rights that is where I say BS! Now, if the state were so concerne3d about the Eastern Cottontail rabbit then why do they NOT stock, feed and maintain the same as they are requiring private landowners to do in this proposal? PLEASE do NOT try to tell me they do this because I have rabbit hunted nearly my entire 62 years of life and I as well as my relatives I hunt and train beagles with will tell any state officer that we tromp miles of state ground and NEVER see many if any rabbits but we see tons of deer and turkey as that is what the State caters to. The big game hunters bring in more money to the coffers and the small upland game hunters take a back seat to the big money and it aggravates us small game hunters. In closing I say I am OPPOSED to ALL these changes, restrictions and paperwork exercise that the state is trying to mandate upon hunters, trailers and especially private property owners. I totally understand that the game is owned by the PEOPLE of Indiana and that means ALL of us as well. Facts are that many training grounds are maintained with ALL the things the state is trying to mandate as it is as I said a training, running ground without rabbits to pursue is but just another piece of ground like the vast majority of the state ground we have hunted here in southern Indiana. I can tell you Hillenbrand is hundreds if not thousands of acres and one can hardly find a rabbit to run. We have not harvested a rabbit in several years as we love to run our beagles and harvesting them would mean we have one less to chase. An eastern cottontail rabbit in a 10 acre running pen with cover is not going to get killed by anything other than fox, owls, hawks, coyotes or feral cats!
Comment Received 5/8/2015 8:37:48 PM

Commenter Name adam Seger
City winslow **County** PIKE **State** Indiana
E-Mail Address segera01@gmail.com
Comments this a terrible rule and I am totally against it.
Comment Received 5/9/2015 5:55:52 AM

Commenter Name Patti Reynolds
City Nashville **County** BROWN **State** Indiana
Organization (optional) Indiana Raptor Center
E-Mail Address eagleowl4180@sbcglobal.net
Comments Regarding 312 IAC 9-10-9 Wild animal rehabilitation permit - do not think that permit holders under subsection (d)(2) should be exempt from continuing ed - there is a free in-state rehabber organized seminar held annually in November that would meet this requirement over 3 years. Formal communication and comparison of information should be required for all permit holders. Regarding # of mammals that can be rehabbed/released annually, we have no comment as our experience does not cover this issue. Only concern is # of raccoons due to diseases and destructive behavior re: bird nests.
Comment Received 5/10/2015 3:44:11 PM

Commenter Name Jerry denny
City Logansport **County** CASS **State** In.
E-Mail Address jdennysgirl013@yahoo.com
Comments I don'think the proposed rules governing Beagle clubs and the Trainingof Beagle Hounds,are a benefit the state of Indiana or the owners ofBeagle hounds I think these rules need to be discussed not forced ontolaw .
Comment Received 5/11/2015 7:37:45 PM

Commenter Name Jerry denny
City Logansport **County** CASS **State** in

E-Mail Address jdennysgirl5@yahoo.com
Comments I've had a puppy starting pen for 15 years and have not had any problems keeping rabbits at all. The rabbits are fed and watered regularly. I am an older beagler now and my pen still gives me enjoyment with my hounds. So please don't take away what I have left of this sport away from me. Thank you.
Comment Received 5/11/2015 9:18:07 PM

Commenter Name Michael
City Wanatah **County** LAPORTE **State** Indiana
Organization (optional) Western Beagle Club
E-Mail Address mikefalck@hotmail.com
Comments We are totally against rule changes 312IAC 9-10-16 that would essentially end beagle field trials other types of field trials thousands of Hoosiers adults and children enjoy this sport all year long. The rabbits on our running grounds are far better protected and cared for than those in the wild. Please don't add a set of rules that would end a sport that has been a part of Hoosier life since the 1800s by putting in place rules that would end our sport,
Comment Received 5/13/2015 7:19:25 AM

Commenter Name kent van prooyen
City crown point **County** LAKE **State** Indiana
Organization (optional) vans animal control
E-Mail Address kentprooyen@att.net
Comments i would like the rule to pass of only 16 hours of training every four for the nuisance wild animal control permit
Comment Received 5/13/2015 6:31:59 PM

Commenter Name Robert Koehler
City Valparaiso **County** PORTER **State** IN
Organization (optional) Western Beagle Club
E-Mail Address rgkoehler@msn.com
Comments I am opposed to the rules the commission has proposed for dog training ares. Why were'nt representatives from the Beagle clubs in Indiana invited to take part in this? It is evident the Humane Society of U.S. has some influence on it. I will present my objections to my state rep., state senator, the Att. Gen. and the governor. I'm pretty sure most of the people thatare involved in Beagling will do the same.
Comment Received 5/13/2015 10:00:27 PM

Commenter Name Ken Weaver
City Middlebury **County** ELKHART **State** Indiana
Organization (optional) Elkhart Co. Beagle Club
E-Mail Address kweave47@cs.com
Comments Don't like these rule changes,please leave alone.
Comment Received 5/15/2015 7:23:30 PM

Commenter Name Susan J. Davis
City Bloomington **County** MONROE **State** Indiana
E-Mail Address susanbergdavis@hotmail.com
Comments Dear Commissioners,
Thank you for the opportunity to comment on the proposed rule changes to wild animal rehabilitation permits.
I have no objection to removing the limits on the number of mammals that can be taken for rehabilitation or released. Rehabilitators should not be used to control populations and suburban development has increased wildlife conflicts. It will give larger centers or a few independent rehabbers more leeway. Hopefully, those rehabbers who can't say no will find their carrying capacity without large die offs since the NWRA minimum caging standards are not required.
I do, however, have strenuous objections to eliminating the need for continuing education for those that have had a rehabilitation permit for at least ten (10) years. They are the ones who need it most.
Most of the rehabbers I know think the continuing education (CE) is the only way we will get some of these older permit holders to up their game. Every year new research changes best practices. I have rehabbed for fifteen (15) years, and have never done exactly the same thing with the same species twice. I know some of these rehabbers have threatened to quit. Let them. . CE has never been more accessible or inexpensive. The Indiana Wildlife Rehabilitators Association (IWRA) offers one annual training for 4 CE credits and you only need 8 every three years. It costs about $10.
The more limiting regulation is requiring a one-year mentoring for rehabbers earning their permit, but making them return the animals to the mentor after 30 days. If you could see your way to requiring the mentor to do on site visits to check that things are going the way they should, that would help us develop this avocation.
Comment Received 5/16/2015 5:11:50 PM

Commenter Name Bruce Rood
City Kokomo **County** MIAMI **State** Indiana
Organization (optional) M-R Beagles Gundogs
E-Mail Address brucerood332@hotmail.com
Comments To: Natural Resource Commission, Division of Hearings

To whom it may concern,

This letter is to serve notice that I disagree with the proposed rule changes and regulations pertaining to 312 IAC 9-10-16 dog training ground permit. I belong to or I am affiliated in some manner with a beagle club located in the state of Indiana.

Recent efforts by a few beaglers have perhaps misrepresented what I / we believe should be regulated by the Indiana DNR. The first is the belief that all beagle clubs or dog training pen owners thought we needed to pass a law to protect what has been in existence for many years. This could not be any further from the truth. Throughout the year the beagle club spends thousands of dollars to manage habitat in a good faith effort to improve the quality of the life of the animals that visit our enclosures. Some of the proposed additions / changes would have a negative impact on our club and or its membership.

First is the acreage requirements being set at 10 acres. Anyone that believes that anything less then 10 acres is not suitable for an enclosure has not been to the many pens currently owned or being used by the membership of this club. While most all or more then five (5) acres few are above the required ten (10) acres. The pens are designed to train a beagle to scent a rabbit. The rabbits responsibility is to just wonder around the pen and leave a scent for the hounds. Rabbits are a precious commodity to the owners of the pens and the last thing any of them want is to hurt, injure or kill a rabbit. A dead rabbit won't leave a scent and is useless. To restrict or eliminate a pen smaller then ten acres will eliminate habitat used by many animal species. Making the requirement of the pens to be ten (10) acres will eliminate many pens that have been in existence for many years with no problems. This will leave the owners of the pens with few options. Buy more land to make them ten (10) acres, close them or operate illegally. The last option is to just remove the fence so it can be plowed under and turned to crop ground. This will cost the state of Indiana valuable habitat that it is currently getting at no cost to the citizens of Indiana or the DNR. If the DNR believes that more then ten acres is needed for rabbits to be considered wild, then no permit should be required for any pen larger then ten (10) acres.

Second is the requirement to have a yearly inspection and to apply for a yearly permit. The rule, as written, states we must keep records for three years. It would make sense to make the permit good for three years. This not only would help the clubs and pens owners from having the yearly scramble of record keeping for inspections but would also save the DNR money. A yearly inspection and permit would add an addition burden on enforcement officers and clerical staff. It would also cost the state additional fees for filing paper work and data storage which in itself can be astronomical. Currently, as written, no save guards are in place to assure the clubs will be inspected in a timely manner when an inspections is requested. This would allow the DNR or an inspection officer the ability to administratively close a pen or a club and could have an economical impact or the club or pen owners. No rules have been proposed in how this particular portion would be enforced.

The eight (8) hour requirement for field trials is not possible. Most, if not all trials move at a slow pace and can take many hours to complete. Restricting the trial to eight (8) hours would disqualify any Indiana Beagle club for ever holding a national event. Regular sanctioned trials sometimes draw participants from many states which drive many hours to attend. Limiting the number of hours will have a negative impact on the clubs and cause a dramatic impact economically on the communities surrounding the beagle clubs.

This is just a few examples of what I/ we believe should be changed with the current rules as they are currently written. I/we hope the Natural Resource Commission will consider changing the rules or remove the current rules as written. More time is needed to effectively have a clear set of rules that everyone can work with.
Comment Received 5/16/2015 10:37:29 PM

Commenter Name Laura Rood
City Kokomo **County** HOWARD **State** Indiana
E-Mail Address laurarood332@hotmail.com
Comments This rule will have Negative impact on the state of beagling in Indiana. The current writing would eliminate any chance of a beagle club in Indiana from holding a national AKC trial. This would have a huge economical impact for any area that could hold such a trial and cost local community's thousands of dollars.
Additionally the requirement for pen size to be 10 acres will only cause the smaller pens to close and be plowed under for crop ground. The state would loose valuable habitat because of this rule
Comment Received 5/16/2015 10:50:21 PM

Commenter Name Barry D Thurman
City New Castle **County** HENRY **State** IN
Organization (optional) President Prairire Creek Beagle Club
E-Mail Address bdthurman@comcast.net
Comments First and foremost Prairie Creek is against this proposal, don't know how this got thru with no forum or meetings on the matter. so much of the proposal is useless.
size of enclosure shouldn't matter, you cannot hold a field trial in a 8 hr day that would cripple all clubs for financial reasons. we've been in operation since the sixties we spend a lot of time and money for food and cover. not counting the revenue that brings in the state from trailers from several states
Comment Received 5/17/2015 8:50:24 PM

Commenter Name bruce rood
City kokomo **County** MIAMI **State** indiana

E-Mail Address brucerood332@hotmail.com
Comments this rule change would cause a distinct disadvantage to the beaglers who field trial in other states and at national events. taking away starting pens and training areas from Indiana residence reduces the quality of training field trial hounds receive. It will be next to impossible to compete against neighboring states who allow pens ad training areas. Indiana should be thinking of how to increase the population or sustain it. If this passes, I will be looking for land to retire on in Kentucky or Ohio.
Comment Received 5/19/2015 7:47:19 AM

Commenter Name Betty Langohr
City Pierceton **County** KOSCIUSKO **State** Indiana
E-Mail Address bjlangohr@embarqmail.com
Comments I am against the proposed rule changes to the dog training ground permit. It effectively closes any current training ground enclosure that is less than 10 acres. this is an unreasonable rule change since these enclosures have been operating without any incident for many years and the 10 acre limit is unfounded. Research has not been done in training enclosure environments where concentration of cover and feed opportunities are much more concentrated than in wild conditions. Therefore, how can wild condition studies be applied to these enclosures?
Comment Received 5/25/2015 10:02:45 AM

Commenter Name Ed Overholt
City Middlebury **County** ELKHART **State** Indiana
Organization (optional) Elkhart County Beagle Club
E-Mail Address otbrickman@aol.com
Comments To NRC Members,

The dog training part of this rule is way over the top. It appears as if very little thought went into this,Most of it seems to have been borrowed from the bird dog,deer pen rules ect. Not having much or any value other then costing the D.N.R. a lot of time and energy trying to enforce a lot of really bad rules. Please allow time for a committee to put together to put thought and effort into less and better rules for all involved.

Regards,

Ed Overholt
Comment Received 5/25/2015 4:45:19 PM

Commenter Name Joseph Farkas
City Marysville **County** CLARK **State** Indiana
E-Mail Address marfark@aol.com
Comments Throughout the year, beagle clubs spend time and money to manage habitat in a good faith effort to improve the quality of the life of the animals that are in our enclosures. Some of the proposed additions/changes would have a negative impact on our club or its members.

First, the minimum/maximum restrictions are not necessary. No beagler will run more dogs than a small area can support because he does not want to overly stress or kill the rabbits. Rabbits are a precious commodity to the owners of the pens, and the last thing any of them want is to hurt, injure or kill a rabbit. A dead rabbit won't leave a scent and is useless. If the DNR believes that more than ten (10) acres is needed for rabbits to be considered wild, than no permit should be required for any pens larger than ten (10) acres.

Second is the requirement to have a yearly inspection and to apply for a yearly permit. The rule, as written, states we must keep records for three (3) years. It would make sense to make the permit good for three (3) years. Currently as written, no safeguards are in place to assure the clubs will be inspected in a timely manner.

The eight (8) hour requirement for field trials is not possible. Most, if not all trials move at a slow pace and can take many hours to complete. Restricting the trial to eight (8) hours would disqualify any Indiana beagle club from ever holding a national event. Regular sanctioned trials sometimes draw participants from many states that drive many hours to attend. Limiting the number of hours will have a negative impact on the clubs and cause a dramatic impact economically on the communities surrounding the beagle clubs. More time is needed to effectively have a clear set of rules that everyone can work with.

I believe any input to rules such as these should be formed by knowledgeable beaglers representing every club in the State. What ever happened to a "Government of the People, by the People, for the People"? Some of these proposed rule changes smack of individuals whose agenda is contrary to the sport of beagling.

Sec. 16. (d) A permit would not be issued for more than twenty (20) acres. Why does there have to be a limit?

(g) Only one (1) training ground may be licensed by the department on a contiguous tract of land. Why? It makes no logical sense to have only one (1) training ground if a club has sufficient acreage. Having more than one (1) training enclosure

spreads out a field trial.
(j) (C) Date of mortality or discovery of mortality and approximate cause of mortality of any rabbit. It is impossible to tell when an owl, hawk, coyote, house cat, etc. kills a rabbit.
(k) (2), (3), (4) Concerning percentages of various cover, etc. No club mows or burns fifty (50) percent of their training grounds - they want the cover for the rabbits. I can't understand why some of these restrictions have been stuck in this proposal. They do not seem to be for the betterment of beagling and beagle clubs. They appear to be a not-so-subtle form of harassment to beaglers and sportsmen of this State.

(j) (7) Any beagler knows that rabbits will create their own rest period when being run. They will plug up (go in the closest hole) or go into other cover to evade the dogs.

(j) (7) (F) As written, no individual or dog may molest, harass or chase a rabbit utilizing a den within the training ground. I don't think any of your proposed changes smacks as much of discrimination and harassment by individuals with an agenda as this rule does because rabbits will naturally have dens on the grounds where they reside.

(o) The dog training ground cannot be used for any of the following:
The purpose of breeding rabbits. This cannot be prevented because nature will take its course.

I hope the Natural Resource Commission will consider changing the rules or removing the current rules as written. More time is needed to effectively have a set of rules that everyone can work with.
Comment Received 5/26/2015 11:04:38 AM

Commenter Name Scott
City Kokomo **County** HOWARD **State** Indiana
E-Mail Address spurtee@cityofkokomo.org
Comments I disagree with the rules on this issue. I believe the pen size should not be regulated as long as effient cover exist. Rabbits get water from plants not streams.
Comment Received 5/28/2015 2:36:50 PM

Commenter Name Dave
City Kokomo **County** HOWARD **State** IND
E-Mail Address dfoster@cityofkokomo.org
Comments The pen size is too restrictive and should not have a minimum size. Five acres is sufficient for a rabbit training enclosure as long as they have an area for escape.
Comment Received 5/28/2015 2:43:04 PM

Commenter Name Dustin Spicer
City Kokomo **County** HOWARD **State** Ind
E-Mail Address dspicer@cityofkokomo.org
Comments The rule of the pen size should be removed. Rabbits have plenty of cover in smaller pens. This rule will close many pens and cost the state valuae habitat it is getting for free
Comment Received 5/28/2015 4:55:07 PM

Commenter Name Luke Rood
City Kokomo **County** MIAMI **State** Ind
E-Mail Address lukerood332@hotmail.com
Comments The rule on pen size should be removed. Many pens our smaller then 10 acres and rabbits have no problems
Comment Received 5/28/2015 5:00:03 PM

Commenter Name Keith Milholland
City Eaton **County** BLACKFORD **State** INDIANA
Organization (optional) Prairie Creek Beagle Club
E-Mail Address k.milholland@comcast.net
Comments 8 hours for a field trial is not enough time to complete it. People travel from out of state and can not stay to finish it the next day. They will go spend their money else where. Rabbits get their water from plants not water buckets. As for the pen being 10 acres or more is a little to big. 5 acres is more like it.
Comment Received 5/28/2015 9:22:44 PM

Commenter Name Larry C Mote
City Flora **County** CARROLL **State** Indiana
E-Mail Address lcmote@gmail.com
Comments In reference to the beagle field trial and training pen rules....5 acres is sufficient based on several experiences i have had with running in pens smaller than 10 acres. The rules governing cover type are too broad for interpretation, very difficult to measure, and really not needed. Beagle pen operators plant abundant cover and food crops as well as supplemental feed because the safety and well being of the rabbits are of the up most of importance. Without healthy rabbits you have nothing for the hounds to trail the scent of. The records keeping will be a burden to enforcement officers and beaglers. The annual permit could be extended to 3 or 5 years to reduce the work load on already overburdened enforcement officers and Biologists. The 10 acre minimum rule will essentially shut down a large number of field trialers from

Indiana. I regularly run in wild open areas as small as 2-3 acres without any issue. I merely limit the number of beagles or use less experienced hounds to prevent over pressuring the rabbit. In the corn field desert area i live in, large areas are rare and generally off limits for one reason or another. The small pens provide safe haven for many other wildlife species. I see deer, quail, squirrels, turkeys, pheasants, song birds, raptors, waterfowl and many other species in my fenced area and areas that friends have.. If i can't fence the area i can't safely run there because of a nearby road, large expansive corn fields that dogs have been lost in for days, and nearby property lines. The fences help protect the dogs especially younger hounds from cars and being lost in square mile standing corn fields. I have a 6.5 acre area. If the fence comes down then it will no longer be feasible for me to rent it from the owner and it will revert from a wildlife rich oasis to crop land. 8 hours is way too short to complete a field trial and it will all but stop field trials and will eliminate Indiana from hosting large or national trials all together. I have attended many trials and Indiana hosts many large trials and national events. These trials bring a large number of people to very rural areas that already struggle financially. They rent hotel rooms, eat, buy fuel and can cause a nice spike in income to nearby small businesses. Thank you for your time, please strongly consider changing these rules. L Mote
Comment Received 5/28/2015 9:26:58 PM

Commenter Name Priscilla Herochik
City Crown Point **County** LAKE **State** Indiana
Organization (optional) Raccoonwoods
E-Mail Address Herochik@sbcglobal.net
Comments This comment pertains to LSA #14-477. I have been a permittee rehabbing raccoons and other mammals for over 15 years. Permittees with at least ten years experience should be exempt from requirements for continuing education. Why? First, if rehabbed for ten years and haven't figured it out yet, never will. Second, CE is geared to the least experienced and offers little, if any, additional useful information to experienced rehabbers. Third, rehabbers have other resources such as the internet and groups that provide useful information. Fourth, it's a burden on rehabbers busy caring for animals. Fifth, most rehabbers who are individuals center on certain animals like certain mammals or birds. CEs on birds are of little use to raccoon rehabbers. Likewise, CEs on raccoons are of little use to bird rehabbers.
Comment Received 5/29/2015 1:12:37 PM

Commenter Name Chuck Bill
City Columbus **County** BARTHOLOMEW **State** Indiana
E-Mail Address cmbill@sbcglobal.net
Comments My comments are directed at the parts of these proposed rules pertaining to dog (Beagle) training grounds. The 8 hour time limit for field trials will make it nearly impossible to complete a full field trial in one day. If anything this will cause the field trials to put more pressure on the rabbit population as there will be no time for a lunch break in between the morning runs and the afternoon runs as every club will be rushing to get everything completed in the proposed 8 hour time frame. As it stands now the rabbits and the dogs get a break during this one to two hour time frame but this will not continue under the new proposed rules.
The 10 acre minimum for running grounds is also unnecessary. I have been running my beagles in a eight acre pen for years with no discernible harm to the rabbit population. The amount and type of cover in a running pen is much more important to the rabbits than the size of the running pen.
What I have always admired about the IDNR is that most of the laws on the books such as bag limits, hunting hours, hunting seasons, and other rules were based primarily on science and scientific studies. I do not see the science or studies to back up the need for these changes to the law. Perhaps we could be told that these changes reflect just good "common sense ' . To me " common sense " would lead me to say that no one is more interested in the welfare of rabbits in these running pens than the beaglers who operate in these pens. Without a healthy rabbit population we have no place to train our beagles.
For my part I prefer to train my beagles outside of running pens whenever possible. The Atterbury Fish & Wildlife Area was my favorite place to train my beagles. Unfortunately the U.S.Army has taken control of much of the land that I used to train my dogs on and it is now off limits to me and other beaglers. I am sure with all of the suburban growth that has occurred over the years many beaglers have lost there favorite dog training areas and more of us are restricted to training our dogs in fenced in running grounds.
Please reconsider these ill advised proposed changes to the law.
Sincerely, Chuck Bill
Comment Received 5/29/2015 4:10:51 PM

Commenter Name John Gibble
City Duncannon **County** Out of State **State** Pennsylvania
E-Mail Address gibblejohn449@gmail.com
Comments This rule adversely affects a vibrant economy supported by the training, hunting, and field trialing of beagle hounds. The rules are unenforceable as written and would create a financial burden for IDNR.
There is no scientific or wildlife management basis for the requirements to provide food and water and types of cover. The rules imply that rabbits are being harmed, shipped, bartered, sold, and killed as if training hounds within an enclosure is a blood sport. In reality, most enclosure owners treasure their rabbits and go to great expense to maintain a good population. Rules will not improve this situation. I occasionally travel to Indiana to participate in field trials. Field trials attract a large number of participants who support rural economies by purchasing fuel, food, and lodging. If, as proposed, field trials will be limited to eight hours in duration, many of us will not be coming to Indiana to field trial, hunt, and spend our dollars.
Comment Received 5/29/2015 9:31:34 PM

Commenter Name DOUG WINCHELL
City FERDINAND **County** DUBOIS **State** IN
E-Mail Address dwinchell@ofsbrands.com
Comments I have started beagles for over 20 years and run my beagles in the same pen. My first one was about 5 acres and my present one is about 6.5 acres. In the last 15 years I have needed to add rabbits only twice. Once was for a fence being down when I built my my house and the other we had 2 much rain and a crow got a couple of rabbit nest. I have started dogs for Tony Mann who is a game warden or was, Mike Bruan a state rep and many other people. My rabbits are My number 1 concern in life. I work on cover for the rabbits have a couple pipes for them to go in along with a hole in a tree stump and a couple holes. Have not caught a rabbit for
.quiet a few years. did catch one in the open field that tried to run thru some fescue, Would not no what to do with out my running pen. run my dogs year year round. To tell you the truth I would probably sell the dogs and quit rabbit hunting. with out me to start 30 or 40 dogs a year for other people I am sure many of them would be forced to quit hunting also. Sooner or later it is going to be hard to pay game warden salaries with out the fees charged. At that point I guess there will be less game due to poaching. I dont run dogs for 3 days after putting in a rabbit and as the cover thins out I run less dogs. The rules you propose are not worth the hassle to me and would be impossible to enforce. Please leave thinks as they are. It is to hard to trap rabbits so way let them get killed in my running pen. Nothing better then listening to my dogs run in my 6 acre pen while i am outside. Please do not take it away.
Comment Received 5/30/2015 10:34:43 PM

Commenter Name Tyler J Duff
City Plymouth **County** MARSHALL **State** Indiana
Organization (optional) Ty's Beagles
E-Mail Address tduff55@gmail.com
Comments I am against changes to the new rule changes to the dog training ground rules.
Comment Received 5/31/2015 8:23:09 PM

Commenter Name Anthony wiley
City Georgetown **County** Out of State **State** Kentucky
Organization (optional) Elkhorn beagle club
E-Mail Address Kentina30@aol.com
Comments Regulating the pen size to 10 acres of more should be changed. Five acres is sufficient and even less if the cover is thick. No way a club could complete a field trial in the 8 hours and pens over 20 acres should not even be regulated by the anyone as the rabbits are same as being in the wild
Comment Received 5/31/2015 9:35:10 PM

Commenter Name Angie wiley
City Georgetown **County** Out of State **State** Ky
E-Mail Address Kentina30@aol.com
Comments We trial in Indiana and believe the 10 acres pen size limit should be removed.
Comment Received 5/31/2015 9:40:01 PM

Commenter Name Jessica francis
City Van wert **County** Out of State **State** Ohio
E-Mail Address jessica.edgell@yahoo.com
Comments Regulating the beagle clubs that provided a service to the outdoorsmen should not happen. The pen size limit needs to be reviewed and lowered to either no size limit or a minimum of 5.
Comment Received 5/31/2015 9:44:17 PM

Commenter Name Gary
City New Castle **County** HENRY **State** Indiana
E-Mail Address garyhaggard110@aol.com
Comments No limit on minimum pen size. Also not limit on hours for a trial. DNR should not regulate the enclosures.
Comment Received 5/31/2015 9:48:48 PM

Commenter Name Jason Fracis
City Van Wert **County** Out of State **State** Ohio
E-Mail Address Jessica.edgell@yahoo.com
Comments I will not field trial in Indiana if the rules are passed regarding the field trials. Also 5 acres is plenty big enough to use for an enclosure.
Comment Received 5/31/2015 10:01:18 PM

Commenter Name Ronald
City North vernon **County** JENNINGS **State** Indiana
E-Mail Address ron.kintner@yahoo.com
Comments No limit on pen size. Do away with trial rules. Let the owners of there own land dictate what's best. Also 3-5 years on the permit instead of yearly and no need to keep training records for my own property and is infringing on my rights.
Comment Received 5/31/2015 10:06:04 PM

Commenter Name Francis betts
City Portland **County** JAY **State** Ind
E-Mail Address bettsfs@gmail.com
Comments Should not put a limit on pen size or field trials. Most of this rules was not very well thought out and should be tabled.
Comment Received 5/31/2015 10:10:01 PM

Commenter Name Darrel Blanton
City Bradford **County** Out of State **State** Ohio
E-Mail Address snowdigger83@live.com
Comments I'm an officer with the Grand Lake Beagle club and the rules as proposed will be a financial burden on the club. No way a field trial can be completed in 8 hours. The pen size rule should be relaxed to include all pens less then 10 acres. Many pens have been in existence for years and the owners have invested thousands of dollars for maintenance and up keep. To close the pens will rid the states of valuable habitat.
Comment Received 5/31/2015 10:19:59 PM

Commenter Name Keith Milholland
City Eaton **County** BLACKFORD **State** INDIANA
E-Mail Address k.milholland@comcast.net
Comments First of all I am against this law. Any club will have a hard time keeping track of any of the rules you want on record to be kept 3 years. It could end up making honest people be a criminal. Not by not conforming to the rule but by accidental mistakes. The cost of the signs every 500 ft. could be too costly to most. One at the enclosure entrance would be enough. Having to get a permit every year would be a big burden on everyone including the DNR. Once the grounds are inspected and permit is approved that should be a life long permit. We are a NO KILL training grounds not in the business to harm our rabbits. This rule needs to just go away. Thanks for you time.
Comment Received 6/1/2015 6:25:06 PM

Commenter Name Deb Becker
City Bennett Switch **County** MIAMI **State** Ind
E-Mail Address debbecker1948@yahoo.com
Comments Don't like the idea of 10 acres being the minimum size. I have less then half acre in a corn field dessert and I have a bunch of rabbits around me. 5 acres is plenty big enough provided it has cover. Should be able to trap nuisance rabbits to turn loose in same county as in before and should not have to document every time I turn one loose. The fence is to keep the rabbits safe from preditors such as coyotes, coons and opossums which way the nest.
Comment Received 6/2/2015 6:49:31 AM

Commenter Name Chad SMith
City Cambridge **County** Out of State **State** MD
E-Mail Address c.smith@aol.com
Comments the law will effect the way most handlers condition hounds in Indiana. By limiting the pen size to a minimuim of 5 acres a lot of people will loose pens. If a dog cant get the proper conditioning it will be next to impossible for handlers in Indiana to complete at a national level. The rules also will hamper any clubs from being in contention to hold a national sanctioned trial. most of the rules should be removed and revisited with a panel of experts in the field that can come up with a solid rule that can be governed by all.
Comment Received 6/2/2015 11:53:39 AM

Commenter Name Joh Huffman
City Osgood **County** RIPLEY **State** Indiana
E-Mail Address jhuffman6@yahoo.com
Comments please re-visit the rule on pen size. Anyone who has built an enclosure has put thousands of dollars in material and cover. making the pen have a minimum acres of 10 will eliminate many pens. you should also have a one year grace period after the law becomes in effect to give everyone a chance to come into compliance by either buying more material of land.
Comment Received 6/2/2015 12:05:51 PM

Commenter Name Doug Bradley
City BRISTOL **County** ELKHART **State** INDIANA
Organization (optional) Elkhart County Beagle Club
E-Mail Address db9470@hotmail.com
Comments I am opposed to this rule pertaining to dog training rules and regulations. I am concerned about the logistical nightmare that will be created for the someone in the DNR for record keeping and enforcing this rule. Is this rule also going to be enforced at DNR Properties. We have already lost areas and time frames (to DNR Proposals) that have affected the time of year that I can no longer hunt. I am also concerned as to the amount of Tourism Dollars that these rules could affect. Many people travel from surrounding States to participate in Field Trials and with some of these stipulations that will need to be adhered to, the interest could be lost. Lost interest results in lost Tourism dollars.
Comment Received 6/2/2015 12:26:31 PM

Commenter Name chris cash

City tipton **County** TIPTON **State** IN
E-Mail Address christopher.cash@duke-energy.com
Comments I bought 25 acers of farm ground and established wildlife habitat had to fence it. due to a neighbor haveing a problem with me not allowing him to continue farming it and causing trouble for me every time my dogs got on his land. Now i am being told that I may not be alowed to run my dogs on my land because i don't have a water source, Rabbits do not need a open water source. They get there water needs from dew and the vegitation that they eat. I do not add rabbits to my pen very often and have a good rabbit population to train my dogs. With this new law I would not be able to run MY dogs on MY land without having to deal with a hostil neighbor every time my dogs get on his land.
Comment Received 6/2/2015 12:55:51 PM

Commenter Name Dan Amorine
City Arnold **County** Out of State **State** MO
E-Mail Address glazecreekbeagles@gmail.com
Comments I disagree with the rule package as written and don't are how anyone could own or operate an enclosure in Indiana with the current rules. I field trial in Indiana and will not attend a trial in Indiana if the clubs have an 8 hour time limit. I make it to your state several times a year and spend between 300 to 500 each visit with food, gas and hotel expenses. I know several beaglers in Indiana that have enclosure less then ten acres and to take that from them is senseless since they provide the best habitat and food all for the betterment of the animal. Forcing them to close because they have less then 10 acres is not really justified in my book
Comment Received 6/2/2015 9:44:26 PM

Commenter Name Mike Weaver
City White pigeon **County** Out of State **State** MI
E-Mail Address goshenweaver@yahoo.com
Comments My name is Mike Weaver from White Pigeon Michigan. My son and I field trial in several atates including Indiana. We spend 200-300 bucks every time we go. I have also held an Indiana hunting and fishing license in Indiana ever since I was a kid. The proposed rules as written will keep me from trailing at any Indiana club and the 8 hours is not possible and I won't stay over night for sown thing that can be completed in a day. The pen size limits will also close or causeany people I know to be illegal as they have pens less then 10 acres
Comment Received 6/2/2015 9:52:08 PM

Commenter Name Jim Orman
City Trenton **County** Out of State **State** MI
Organization (optional) Monroe Toledo Beagle Club
E-Mail Address Jorman@gmail.com
Comments I'm the field trial secretary from Monroe Toledo Beagle Club in Michigan. I do not agree with the current rules package and don't belive anyone who has trailed a beagle would. 8 hours is not enough time and most of the rules as written van not be enforced or followed. This will force people to use rabbits like a Tennesee Red back that's not controlled by the DNR. No way the pen size should be a 10 acre min. 5 is plenty 4B8YS
Comment Received 6/2/2015 10:00:20 PM

Commenter Name Donald dobbs
City Clear spring **County** Out of State **State** MD
E-Mail Address choptank@myactv.net
Comments I field trial all over and will not make the trip to Indiana if the rules are excepted as proposed. The pen size of 10acres will also eliminate several pens and be a distinct diaasvantage to Indiana field trialers. Many smaller pens in existence will be eliminated.
Comment Received 6/2/2015 10:57:19 PM

Commenter Name Raye Ann Cole
City Scottsburg **County** SCOTT **State** Indiana
E-Mail Address rayecole1972@yahoo.com
Comments In general the decision to legislate training pens was encouraged by a very small number of people that constitute the sport of beagling. We are now forced to live with consequences and actions of a few people. I understand the legislation was forced upon the DNR in the same way it was forced upon the majority of beaglers. The pen size limitation will have an economic detriment to several individuals who have starting pens and use the income to supplement retirement or other income sources. A rabbit appears to have a inhabitant an area much smaller than 10 acres. The limitation to 8 hour field trials would basically eliminate the ability for several beagle clubs to exist any longer in the state of Indiana. A field trial competition is not a constant 8 hours of running. There are typically anywhere from 10-30 minutes between packs/braces competing and likely 30 minutes to an hour break between series. Packs/braces may pursue game from 0 to 15 minutes in early series running and maybe an hour tops for a winners pack. The need to enforce an 8 hour maximum is not reasonable. The time period for a rabbit to acclimate to a pen would be less than the 7 days being proposed. A smaller time period is being requested. The signage requirement appears also feels excessive and respectively request a larger footage between signs. I would seek clarification on the permit requirement if you can have more than one pen with each pen larger than 10 acres on one contiguous tract of land.
Comment Received 6/3/2015 12:23:48 PM

Commenter Name Jack Hyden

City Warsaw **County** KOSCIUSKO **State** Indiana
Organization (optional) Indiana Beaglers Alliance
E-Mail Address indianabeaglersalliance@yahoo.com
Comments The rules dealing with dog training and field trial enclosures needs extreme modification from current form. Field trial enclosures are all more than twice the range of the cottontail rabbit therefore need not be included in the package at all.

Dog training enclosures for cottontail rabbits are by and large smaller than 10 acres. They are exclusively used to start pups and get young beagles started tracking without the distractions of off game, roads, or people that could be present. These are not commercial ventures they are totally for the individual to use to train his own young beagles. no matter the small size of the enclosures they need to be left open to operate for the above reasons. They are not intended to in possession of wildlife and do not constitute that purpose.

Record keeping is understood as far as any cottontails that would be introduced into the enclosure, however, record of mortality is virtually impossible due to the fact the cottontail rabbit is at the very bottom of the food chain. every meat eating preditor kills cottontail rabbits and take them away to eat, often outside the enclosure. Also Cottontail rabbits reproduce up to 6 times per year. Less than half of the young make it out of the nest due to preditors and inclement weather. It is impossible to know how many cottontails are inside the enclosure at any given time making it difficult if not impossible to when one is missing. Requiring record keeping for any cottontails that are found dead and a possible cause of their demise would be acceptable.

Vet inspections is not feasible due to the fact that its impossible to trap the young rabbits born during the summer and their nervous systems are such that the mortality rate would be extremely high if such a rule were implemented.

Please make rules that are fair and workable for the many fellows who love working with their Beagles and watching them develop into finished Beagles that can be taken into the field and hunted with.
Comment Received 6/3/2015 1:44:09 PM

Commenter Name David higley
City Bristol **County** ELKHART **State** IN
Organization (optional) Elkhart county beagle club
E-Mail Address Dhigley29@gmail.com
Comments I am totally against this rule.
Comment Received 6/3/2015 3:22:31 PM

Commenter Name chris cash
City tipton **County** TIPTON **State** IN
E-Mail Address christopher.cash@duke-energy.com
Comments I strongly disagree with the rules that apply to the dog training grounds permit. I disagree with being micro managed to do things that do not improve or help maintain a good srtong self supporting rabbit population. Things such as fresh running water when a rabbit gets its needs meet through the vegatation that it eats. Being told the percentages of cover types we have to have. example my property was farm ground for generations. When I bought it to have a place to run my dogs I planted native grass and difrent things and I worked with a wildlife bioligest I have no brushy cover due to the fact that it was farm ground for so long but I have plenty of escape cover. My property supports a strong rabbit population and the only time I add rabbits is if someone comes to me and wants one removed from thier yard. I feel that the rules are going to far. We spend thousands of dollars and work our butts off to have a good self supporting rabbit population and we don't need to be force out on a technicality. We put feed out in the winter and any sane rabbit would dig jump scratch or claw its way into most of our pens.
Comment Received 6/3/2015 5:35:45 PM

Commenter Name john burns
City auburn **County** DEKALB **State** In.
E-Mail Address trappinraccoon@yahoo.com
Comments I agree with the amendment to the nuisance wild animal control permit.
Comment Received 6/3/2015 9:04:19 PM

Commenter Name Tim Kirkland
City Winnamac **County** PULASKI **State** Ind
E-Mail Address kirklands1010@yahoo.com
Comments Tim Kirkland winamac in Pulaski co the rules u r proposing for the dog running pen r going to hurt all of us. many r gray and could b interpreted many ways for example running whit the intent to catch, by who definition? That's just to name one. Cubs and those of us who have private enclosures take very good care of r rabbits they r very hard to come by. I work very hard on providing the right cover and brush pile that predators can't git in including beagles. I have a small enclosure just under six acres, I used it to train pups and young dogs I will not run a strong running dog in it because of the risk of a rabbit being caught, and I never have a rabbit run the full enclosure. I strongly oppose a ten acer min. As far as a 8 hr time limit on trials, all that I have bin to the folks running then alternate rabbits, no one rabbit get run very long. We love rabbits and never want to see any harm come to them. I pray u will reconsider these rules

Comment Received 6/4/2015 6:29:19 AM

Commenter Name Susan Wolf
City Spencer **County** Out of State **State** North Carolina
Organization (optional) Sportsmen's and Animal Owners' Voting Alliance
E-Mail Address saova@earthlink.net
Comments June 3, 2015

Indiana Department of Natural Resources
Division of Fish and Wildlife
402 W. Washington St, Rm W273
Indianapolis IN 46204

RE: Proposed changes to dog training ground permit rule

The Indiana Department of Natural Resources has posted proposed rule changes for Section 312 IAC 9-10-16 Dog training ground permit. The Sportsmen's and Animal Owners' Voting Alliance (SAOVA) has concerns with several of the proposed changes and is submitting the following comments on behalf of our members in Indiana.

Section 16(j) requires record keeping that includes name and address of each person from whom rabbits are obtained; date and number of rabbits released into the dog training ground; date of mortality or discovery of mortality and proximate cause of mortality of any rabbit.

We are concerned with this requirement and its purpose. We understand that keeping a record of persons from whom stock is obtained would show that rabbits are obtained within the state and not imported. However, we are concerned that collection of the additional required information serves no useful purpose. We believe that coupling the numbers of stock released and the numbers of reported mortalities could present a flawed snapshot of the rabbit population within the training area. Rabbits are not long-lived and are utilized as a food source by many predators. In the majority of deaths there will not be any evidence of the cause as predators will have either eaten or carried off the remains. What significance would collection of mortality rates have?

Section 16(j) (4) requires the permit holder to provide supplemental feed or a complete feed ration to prevent (A) malnutrition; (B) poor body condition; (C) debility; or (D) stress; when adequate natural food sources are not available to meet the nutritional needs of each rabbit on a daily basis.

There are no criteria or guidelines written to assess overall rabbit condition and determine daily nutritional needs which makes this requirement completely subjective. Who would be responsible for the assessment? Most pen owners work to maintain cottontail habitat that has well-distributed cover throughout and provides adequate food sources. Will DNR provide a list of supplemental food sources, where these should be planted, and in what percentage? It is generally accepted that rabbits do not require supplementation of water as they obtain needed water from their food sources.

Section 16(k) establishes a range of percentages for various types of cover in the pens such as briar patches, tall native grass, woody vines, low-growing shrubs; all cover to be interspersed with grasses, legumes, and forbs. Limits for mowing and burning are also set.

Habitat that will not support a healthy rabbit population is not in the best interest of the training ground owner. It would seem that types and percentages of vegetation for cover and as food source would be better if set in a guide rather than a rule. The habitat and care criteria outlined in the proposed rule may need more latitude according to the existing terrain. Other management criteria such as mowing, spraying, and burning should be left to the discretion of the pen owner in order to optimize rabbit population in the terrain of his particular pen.

Section 16 (k) prohibits interior fences that divide the training ground into parcels less than 10 acres.

Since a rabbit may spend most of its lifetime on one acre or less, we question the basis for prohibiting interior parcels less than 10 acres. This would eliminate the use of puppy starting pens, usually smaller enclosures, where an unstarted dog can be introduced to rabbits in a training session. This is integral to the training of beagles and other dogs that will later be used to hunt rabbits.

Section 16 (k) (7) (c) establishes a new requirement that the training ground cannot be used for more than 8 hours a day during a licensed field trial.
We are concerned with this apparently arbitrary time limit. In field trials, packs are run and then removed for the next pack to be run and evaluated. Times can vary depending on the pack, handlers, and familiarity with the terrain. Setting a time limit could also limit the number of dogs that could attend a trial and be tested that day.

Thank you for the opportunity to submit comments on the proposed rule changes. We trust the department will continue to work with local permit holders and pen owners who use and maintain these areas in order to reach amenable changes that

will continue to support dog training, field trialing, hunting, and ultimately the economy in Indiana.

Respectfully,

Susan Wolf
President
Sportsmen's and Animal Owners' Voting Alliance (SAOVA)
saova@earthlink.net
Comment Received 6/4/2015 8:11:10 AM

Commenter Name Daryl Hoehn
City New Salisbury **County** HARRISON **State** indiana
E-Mail Address darylhoehn@jmttool.com
Comments I run a lot of akc field trials for beagles in Indiana and severeral other states. I think these rule changes will affect a lot of beagle clubs and put them under because they are already struggling. a lot of guys have enclosures that they manage for rabbits and other small game that it will affect also. Please reconsider changes and help the people out that are trying to help wildlife out. Thanks Daryl
Comment Received 6/4/2015 8:25:55 AM

Commenter Name Sheila Goffe
City Raleigh **County** Out of State **State** North Carolina
Organization (optional) American Kennel Club
E-Mail Address jlc@akc.org
Comments Members of the Indiana Natural Resources Commission:

The American Kennel Club writes on behalf of our 116 dog clubs in Indiana and the many sportsmen who reside or participate in events in the state to submit comments on LSA #14-477, which as published would impact many who train dogs and participate in field trials with their dogs.

For over 130 years, the AKC has been dedicated to promoting responsible dog ownership and protecting the health and wellbeing of dogs. We also have a long tradition of supporting activities and events that enhance the human-canine bond, encourage responsible dog ownership and breeding, and celebrate the traits for which various dogs were originally bred. This includes AKC field trials and performance events.

In 2014 alone, 45 separate events were hosted in Indiana by AKC beagle clubs in which over 2,700 dogs participated. These events celebrate responsible dog ownership and an important part of our nation's heritage, and also have a significant economic impact on local Indiana communities through hotels, restaurants, facility rentals and other expenses paid to local businesses. This is in addition to the money spent each year by Indiana beaglers on dog food, supplies, veterinary care, and other animal care requirements.

The AKC understands that the NRC has been in communication with beagle clubs and organizations in Indiana, and we greatly appreciate your willingness to listen to our concerns to ensure that beagle field trials and training can continue in the state.

As you deliberate on LSA #14-477, we respectfully ask you to consider the following concerns, in addition to those brought up by other Indiana dog owners and sportsmen:

• Several provisions could impact AKC field trials in Indiana – The AKC is concerned about provisions that could negatively impact the ability to conduct beagle events in Indiana. This includes not allowing a training ground to be used for more than 8 hours a day for field trials, which could prove extremely difficult depending on the number of entries for a particular event and force clubs to limit the number of entries in order to ensure compliance. There is also the question of what happens when there is inclement weather and the organizers are forced to temporarily stop the trial. Depending on the length of the delay, this could cause trials to extend beyond the 8 hour limit.

The AKC understands that the commission is willing to amend or remove the portions of the proposal relating to field trials. We greatly appreciate this consideration and encourage you to communicate with the AKC and our beagle clubs in Indiana to ensure that field trials can continue in the state.

• Responsible dog owners and sportsmen could have challenges in complying with several provisions. Many of the changes proposed to dog training areas, while well-intentioned, will prove very difficult to enforce and are not reasonable for dog owners and sportsmen who train and hunt in a humane manner. This includes requiring training grounds to be at least 10 acres, which could prove difficult for those looking to train dogs on their personal property. Other provisions, such as requiring records on the mortality of rabbits, could prove extremely difficult to comply with as wildlife and other natural occurrences can make it virtually impossible to determine the cause of death of a free-range animal. In addition, the provisions would prohibit the gifting of rabbits. Some trainers may choose to gift rabbits in order to control the population in their dog training area. These are just a few of the concerns that could impact those wishing to obtain a dog training permit.

The AKC respectfully asks that you consider these concerns, as well as those mentioned by responsible dog owners and sportsmen in Indiana to ensure that they can continue to properly train beagles in Indiana.

The American Kennel Club is proud of our long tradition of licensing and sanctioning field trials in Indiana and supporting dog owners and sportsmen who do so much to benefit dogs, natural resources, and local economy. We respectfully ask that the Natural Resources Commission consider the concerns raised by the AKC and Indiana sportsmen, and continue working with us to ensure the preservation of these important events and activities that are such an integral part of Indiana's tradition and heritage.

Thank you for your consideration.

Sincerely,
Sheila Goffe
Director, Government Relations
American Kennel Club
Comment Received 6/4/2015 8:51:31 AM

Commenter Name Joshua J. Eimiller
City Howe **County** LAGRANGE **State** IN
E-Mail Address Josh.eimiller@gmail.com
Comments Pertaining to dog training enclosures this rule is over the top. The size of an enclosure required is so large that it excludes most private people from having one. The time restrictions and record keeping make it absolutely impossible to hold an event or operate an enclosure. I purchased my house and property so that I could have a small enclosure and of this rule passes I cannot. Are you telling me that because I am not wealthy enough to have 10 acres I cannot train my dogs? I have friends and family that travel from NY to spend their money here to participate in trials and events here in this state. That is going to be revenue lost if we cannot have these enclosures or events.
Comment Received 6/4/2015 2:22:43 PM

Commenter Name Don LeCount
City Leesburg **County** KOSCIUSKO **State** IN
E-Mail Address dlecount@embarqmail.com
Comments I am in good standing with US Sportsmen's Alliance as a Local Field Director, American Kennel Club, Protect The Harvest and Sportsmen's Animal Owners Voting Alliance, American Kennel Club and Mr Scott Langohr on the changes they propose to this rule change. I hope they will be considered and used! Thank You!
Comment Received 6/4/2015 4:58:18 PM

Commenter Name Bruce Rood
City Kokomo **County** MIAMI **State** Ind
E-Mail Address brucerood332@hotmail.com
Comments I would like to see the Commision either give pen owners already in existence a grand father clause on some of the rules if not all. At least the size limit since making a 10acre minimum would eliminate a lot f the personal pens including mine. Additionally I would like to see a one year grace period for people to come into compliance with the rules or decide what to do with the pens. A clear difinition of an "Enclosure" would also be helpful.
Comment Received 6/4/2015 9:37:34 PM

Commenter Name Erin Huang
City Indianapolis **County** MARION **State** IN
Organization (optional) The Humane Society of the United States
E-Mail Address ehuang@humanesociety.org
Comments On behalf of The Humane Society of the United States (HSUS) and our supporters in Indiana, please accept these comments in strong opposition to both the proposed rule governing dog training ground permits and the proposed changes regarding fence-height requirements for captive cervids.

The HSUS is opposed to dog training enclosures for rabbits.

The HSUS is opposed to enclosed training pens that use any wild mammal, such as rabbits. Due to the inherently inhumane nature of the activity, and the extreme difficulty of enforcing regulations to govern the practice of rabbit "chasing" pens, among other reasons, The HSUS strongly believes the NRC should prohibit dog training pens altogether, rather than expanding their use.

Pen operators trap wild rabbits and stock them inside enclosures so they can unleash packs of dogs to chase and torment the animals. Participants stage competitions to judge how long the dogs will pursue the captive wildlife. Similar to a blood sport such as dogfighting, animals inside these pens are harmed, harassed and often ripped apart by the dogs within pens. In a pen, wildlife for dogs to chase down is guaranteed.

After capturing the rabbits in the wild, dealers pack the animals into a truck and often ship them long distances. When the animals reach their final destination, they are released in an unfamiliar fenced territory and forced to run for their lives.

Although dogs are prohibited from catching the rabbits, this provision is nearly impossible to enforce, as it's worded to simply prohibit chasing "with the intent to capture or kill." This constant death of the wildlife fuels a continuous, and often interstate, demand to stock enclosures with fresh rabbits.

As described further in this comment submission, the characteristics that have defined similar mammal enclosures in the last decade – repeated state investigations, disease outbreaks associated with fox pens, prior regulatory attempts, fox pen record histories, community complaints, and participant reports – provide more than adequate evidence that the agency cannot regulate these facilities to the point where cruelty does not occur.

The HSUS opposes lowering minimum fence heights for captive cervids.

The HSUS strongly opposes any attempts to lower minimum fence-height requirements for captive cervids. Due to the unnaturally high concentration densities that characterize captive facilities, as well as the interstate transport of live animals that frequently occurs, these ranches are already posing an unacceptable risk of transferring diseases between wild and captive cervids in Indiana. Of utmost concern is the spread of chronic wasting disease. CWD has already been found in 23 states – 14 of which it has been found on captive facilities, and new cases are found every year. After previously finding CWD in a captive herd, neighboring Michigan recently found its first case of CWD in the wild just this past month.

The unusual biological features of CWD pose serious challenges for wildlife managers attempting to control or eradicate the disease. The prions that cause CWD can survive in the soil for an unknown number of years, so even if an entire captive facility were depopulated, wild deer could still be infected from that land. Through contaminated soil, escaped animals, and nose-to-nose contact through the fence, CWD may be transmitted between captive and wild cervid populations, posing an unacceptable threat to Indiana's wild herds.

No vaccine is available to prevent CWD infection, there is no cure for the disease, and there is also no live test. In addition, long incubation periods, subtle early clinical signs, absence of live-animal diagnostic tests feasible for large numbers of free-ranging cervids, the persistent infectious-like protein, possible environmental contamination, and an incomplete understanding of the modes of transmission all constrain wildlife officials in controlling or eradicating CWD.

In order to keep both captive and wild herds healthy, it is essential to keep contact between the animals at a minimum. Escapes already happen all-too-often, and if fence heights are lowered, these occurrences will undoubtedly increase. Although this fence height minimum would not be lowered for herds containing white-tailed deer and elk, those two species are not the only cervids that are susceptible to CWD. Sika deer, red deer, moose, and caribou can also transmit this deadly disease. Furthermore, lowering a fence for a herd that does not contain white-tailed deer does not help prevent the ingress of wild white-tailed deer into the enclosure. Indiana has little to gain, and much to lose, by lowering fence-height minimum requirements.

Thank you for considering our comments.

Sincerely,

Erin Huang
Indiana State Director
The Humane Society of the United States
Comment Received 6/4/2015 11:31:34 PM

EXHIBIT C

Division of Fish and Wildlife Response
312 IAC 9-3-10 Commercial processing of deer

The DNR has received complaints regarding the disposal practices of deer processors. Many are not regulated or inspected by the health department or any other agency and have no requirements for how they dispose of deer carcasses they handle. Additionally, the Board of Animal Health (BOAH) in 345 IAC 1-3-31 allows people to move carcasses or parts of carcasses, including heads, spinal cord and small intestine of cervidae taken in other states, to commercial deer processors that are registered by DNR. However, DNR currently has no requirements on proper disposal of those parts; only record-keeping requirements relative to deer that are taken in to process. This can cause problems if a disease such as CWD or bovine TB would show up in Indiana's wild deer herd. By having the option of burial, incineration, composting, or "another method approved by the director", the DNR believes that these changes are not overly burdensome and provide some flexibility.

312 IAC 9-5-9 Reptile captive breeding license
312 IAC 9-10-4 Game breeder and exotic cervidae license
312 IAC 9-11-2 Wild animal possession permit: first permit to possess a wild animal

Due to a recent ruling by the Indiana Court of Appeals, the Indiana DNR is requesting that the changes to these three rules not be given final adoption.

312 IAC 9-10-9 Wild animal rehabilitation permit

After the Indiana wildlife rehabilitator's organization disbanded in 2012, the options to meet this requirement narrowed. Over the past few years, the remaining options are very limited, and usually include attendance at a DNR-hosted course or course conducted by a new wildlife rehabilitator's organization in Indianapolis once a year, taking an online course, travelling to a national meeting, or being part of a non-profit organization/center that trains its own staff. Some of these options are expensive and/or time consuming. For example, a rehabilitator that lives in Vanderburgh County or Porter County would have very few options, such as driving several hours each way to attend a training course in Indianapolis. Several of these rehabilitators have taken in orphaned or injured animals for twenty (20) years or more and have taken some animals upon request by the DNR at their own expense.

Rehabilitators provide their service at no charge, and the Division of Fish and Wildlife (DFW) does not believe the current requirement is necessary for the survival of the wild animal population. Wild animal rehabilitators provide a public service and answer many phone calls, pick up injured and orphaned wild animals, and educate the public about wild animals.

312 IAC 9-10-16 Dog training ground permit

The DNR is requesting to defer action on 312 IAC 9-10-16 until a later date. We are continuing to review all legal options regarding the proposed changes to this rule as the result of the public comments.

EXHIBIT D

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #14-477(F)

DIGEST

Amends 312 IAC 9-3-10 governing commercial deer processors. Amends 312 IAC 9-10-9 governing wild animal rehabilitation permits. Amends 312 IAC 9-10-11 governing the nuisance wild animal control permit. Amends 312 IAC 9-10-15 governing the fish importation permit to remove bowfin and paddlefish from the list of species. Adds 312 IAC 9-10-24 to establish a trapper education permit. Effective 30 days after filing with the Publisher.

312 IAC 9-3-10; 312 IAC 9-10-9; 312 IAC 9-10-11; 312 IAC 9-10-15; 312 IAC 9-10-24

SECTION 1. 312 IAC 9-3-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-10 Commercial processing of deer
Authority: IC 14-22-2-6
Affected: IC 14-22; IC 15-17; IC 32-30-6-6

Sec. 10. (a) A person who receives deer for processing and charges a fee must maintain accurate daily records of the following:
(1) The dates deer are received and disposed of.
(2) The name and address of the owner of the deer.
(3) The state or province from which the deer was taken.
(4) The official tag and seal number, certificate of ownership or game breeder license number, or the department's electronic harvest confirmation number.

(b) These records shall be retained by the person or persons responsible for preparation or maintenance for at least eighteen (18) months following that preparation and must register with the department by March 1 of each year.

(c) A law enforcement officer may enter premises used for deer preparation at all reasonable hours to inspect those premises and the daily records required under subsection (a).

(d) A deer processor must properly dispose of carcasses and other parts of deer to ensure that they do not become a public nuisance as defined in IC 32-30-6-6. Proper disposal includes:
(1) at a disposal plant licensed by the Indiana state board of animal health under IC 15-17;
(2) burial upon the owner's premises so that every part of the animal's carcass is at least four (4) feet under the natural surface of the earth;

(3) thorough and complete incineration;
(4) composting; or
(5) other methods approved by the director.
(Natural Resources Commission; 312 IAC 9-3-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Dec 18, 2012, 2:00 p.m.: 20130116-IR-312120115FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 2. 312 IAC 9-10-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-9 Wild animal rehabilitation permit
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22

Sec. 9. (a) This section governs a permit to possess a wild animal for rehabilitation. The permit is:
(1) required to temporarily possess any wild animal that is:
(A) a mammal;
(B) a bird;
(C) a reptile; or
(D) an amphibian;
for rehabilitation purposes; and
(2) available only to an individual who is a resident of Indiana.

(b) An individual may, without a permit, take possession of a sick, injured, or orphaned wild animal and transport it to an individual with a valid permit under this section within twenty-four (24) hours.

(c) An application for a permit under this section shall be completed on a departmental form and must provide the following:
(1) The applicant has one (1) year of experience with one (1) of the following types of facilities that works with the species to be rehabilitated:
(A) A licensed veterinarian who has a wild animal rehabilitation permit.
(B) A zoological park.
(C) A university animal clinic.
(D) A licensed wild animal rehabilitator who has had a permit for at least three (3) years.
Documentation of the experience with a licensed veterinarian, university animal clinic, zoological park, or licensed wild animal rehabilitator must be submitted with the application.
(2) The name and address of a veterinarian willing to assist the applicant with the rehabilitation of wild animals. The veterinarian shall sign the application and attest to having experience in the care of the species of wild animals to be rehabilitated. If the applicant is a veterinarian, the signature of another veterinarian is not required.

(3) A listing of the wildlife rehabilitation reference books in possession of the applicant. The individual must have at least one (1) reference book that:

(A) includes information pertaining to each species listed on the application form; and

(B) is on the list approved by the department.

(4) The names, addresses, and telephone numbers of any other individuals who will assist the applicant.

(5) The species or type of animals that will be accepted for rehabilitation.

(6) A description of the rehabilitation facilities, equipment, and supplies. The description shall include the following:

(A) Cages.

(B) Intensive care units.

(C) Aviaries.

(D) Medical supplies.

(E) Other items to be utilized in the rehabilitation process.

A cage description shall provide its internal dimensions and shall specify the materials used for flooring, walls, and perches.

(7) The applicant is at least eighteen (18) years of age.

(d) Before a permit may be issued, the applicant must correctly answer at least eighty percent (80%) of the questions on a written examination supervised and administered by the department covering basic biology, care of wild animals, and the laws relating to wild animal rehabilitation **as follows:**

(1) An individual who fails to correctly answer at least eighty percent (80%) of the questions on the examination may retake the examination not more than two (2) additional times within ninety (90) days, but not again within one hundred eighty (180) days after the third failure.

(2) Exempted from this subsection is an individual who has had a permit under this section for ten (10) years and taken in at least twelve (12) wild animals each year for rehabilitation. ~~However, all individuals who have a permit under this subsection must meet the requirements in subsection (e).~~

(e) A permit holder ~~who has satisfied subsection (d)~~ must, ~~within~~ **every** three (3) years ~~of~~ **after** being issued a permit, either:

(1) satisfy the same requirements as are set forth in subsection (d) on another examination; or

(2) complete eight (8) hours of continuing education as approved by the division, including courses that will be sponsored by the department, National Wildlife Rehabilitator's Association, or International Wildlife Rehabilitation Council.

A permit holder who is exempt under subsection (d)(2) is also exempt from the requirements under this subsection.

(f) A conservation officer must inspect the cages and any other enclosures where wild animals will be housed before a permit may be issued to a new applicant. A conservation officer may inspect the enclosures, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

(g) An amended application or written request must be filed with the division if there is a change to the address of the applicant, the name of the assisting veterinarian, the identity of assistants, or the addition of species of wild animals that was provided in the original application.

(h) The permit holder must file an application by January 31 of each year in order to renew the permit. The annual report required under subsection (m) must accompany the renewal application. The signature of a veterinarian is not required for a renewal application.

(i) The issuance of a permit under this section does not relieve an individual from any requirement for a federal permit. If the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail.

(j) Public exhibition or display of any wild animal possessed pursuant to a permit issued under this section is prohibited. Only assistants and other individuals dropping off an animal for rehabilitation at the permit holder's facility may view or have contact with the wild animal unless specifically authorized in writing by the department. Electronic viewing and photographs are allowed.

(k) A permit holder must maintain facilities for the retention of a wild animal possessed under this section in a sanitary condition as follows and conform with any other conditions specified by the permit:

(1) Cages must be cleaned daily using nonirritating methods unless medical treatment necessitates otherwise.

(2) The permit holder and any assistants listed on the permit must observe and provide care for wild animals at least once daily unless otherwise specified by the permit.

(3) Wild animals must be kept in enclosures and in an environment that minimizes human contact at all times to prevent imprinting and bonding to humans. The permit holder or designated assistants should interact with the wild animal only to the extent necessary to provide adequate care and treatment.

(4) Wild animals must not be allowed to come into contact with any individuals other than:

(A) a permit holder;

(B) an assistant listed on a rehabilitation permit;

(C) a licensed veterinarian;

(D) an animal control officer;

(E) a law enforcement officer; or

(F) an authorized department employee.

(5) Wild animals must not be housed in a cage that would allow physical contact of the animals undergoing rehabilitation with domestic or companion animals or animals kept under any other license or permit unless authorized in writing by the department.

(6) If suspected of having an infectious disease, wild animals must be quarantined in areas designated for that purpose.

(7) Wild animals must be kept separated from human living quarters and activities unless intensive care is required, but unweaned wild animals may be housed in human living quarters that are away from human activities.

(8) Wild animals must be housed in enclosures that:

(A) are structurally sound;

(B) are of sufficient strength for the species involved;

(C) are maintained in good repair to prevent escape or injury to wild animals being rehabilitated;

(D) are constructed to allow sufficient space for individual posture and social movements, unless medical treatment necessitates restricted mobility;

(E) are secured when unattended;

(F) have protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the animal's health;

(G) have ambient temperatures that are appropriate for the species located within the enclosure;

(H) have adequate ventilation by means of:

(i) windows;

(ii) doors;

(iii) vents;

(iv) fans; or

(v) air conditioning;

to protect wild animal health and to minimize drafts, odors, and condensation;

(I) maintain adequate lighting by artificial or natural means that is cycled for appropriate photoperiod, if necessary for the species in possession; **and**

(J) provide adequate shade, weatherproof shelters, nest boxes, perches, and dens to protect wild animals from inclement weather and direct sun if kept outdoors.

(9) No exposed sharp objects, ponds with steeply sloped banks, toxic paints or sealants, or poisonous vegetation may be used in the construction of enclosures.

(10) Enclosures shall have either visual barriers or be separated by distance to restrict a wild animal's view of humans and other species being rehabilitated to reduce inappropriate imprinting, socialization, habituation, or stress, unless a view of humans and other wild animals will not affect the animal's ability to survive in the wild.

(11) Wild animals must be fed as follows:

(A) Appropriately and adequately to meet nutritional needs unless medical treatment necessitates restricted food intake.

(B) With food that is palatable, free of contamination, and of sufficient quantity and nutritive value for the species involved, including the use of supplemental vitamins and minerals when necessary for recovery.

(C) With food receptacles that are appropriately sized, easily accessible, and kept sanitary and safe.

(12) Wild animals must be given water as follows:

(A) Fresh clean water for drinking shall be provided throughout the day unless medical treatment necessitates restricted water intake.

(B) Additional water shall be provided for species requiring bathing, swimming, or misting unless medical treatment necessitates restricted water exposure.

(C) With water receptacles that are appropriately sized, easily accessible, kept sanitary as much as possible, and safe.

(13) Removal and disposal of wild animal food wastes, feces and urine, **and** bedding from the enclosure and premises shall be performed daily to maintain sanitary conditions

and protect wild animal and human health. Trash, garbage, debris, and carcasses must be removed from the enclosure as soon as they are observed and appropriately disposed of.

(14) Cages, rooms, hard surfaced pens, kennels, runs, equipment, and food and water receptacles shall be sanitized between each adult wild animal use and between litters to prevent disease transmission.

(l) A permit holder must maintain current records for each wild animal to include the following:

(1) The species and condition of the animal.

(2) The name, address, and telephone number of the donor or other source of the animal.

(3) The date of receipt by the permit holder.

(4) The treatment provided to the animal while in captivity, including the identification of and date of administration of any pharmaceutical product or other chemical to a mammal or reptile.

(5) The method and date of disposition of the wild animal.

All records must be maintained at the facility of the permit holder for a minimum of three (3) years.

(m) The permit holder shall provide a signed annual report to the division by January 31 of each year. The report shall list the following:

(1) The species and condition of each animal.

(2) The date the animal was received.

(3) The name and county of the donor or other source.

(4) The method, location, and date of disposition of the animal.

The report may be a computerized record signed by the permit holder under oath or affirmation to be a true and accurate account of all wild animals taken in for rehabilitation during that year or on a form provided by the department and must be maintained at the facility of the permit holder for a minimum of three (3) years.

(n) As soon as a wild animal is capable of fending for itself, the animal must be released into the wild as follows:

(1) The wild animal must be released on land only with permission of the landowner.

(2) Mammals must be tagged or marked as directed by the department if given a pharmaceutical product or other chemical for the purpose of tranquilizing or anesthetizing the mammal unless the product administered is labeled as safe for human consumption and the mammal is released after the clearance period.

(3) A bird must be released in the county from which it was originally found except:

(A) a bird that is being released outside the breeding season for that species;

(B) a bird that has been in a rehabilitation facility for ninety (90) calendar days or more;

(C) a bird that is not in the order Anserifomes, Charadriiformes, Columbiformes, Falconiformes, Galliformes, Gruiformes, or Strigiformes; or

(D) a bird that is a juvenile;

may be released in an appropriate habitat in any county that is within that species' normal range in Indiana.

(4) A reptile or amphibian must be released at the site where found, unless the origin is unknown. If the origin is unknown, the reptile or amphibian may be released in an appropriate habitat in the permit holder's county of residence.

(5) For mammals, the following apply:

(A) A mammal must be released in the county from which it was originally found or obtained, unless the origin is unknown or the mammal is a juvenile.

(B) If the mammal's origin is unknown, the mammal may be released in an appropriate habitat in the permit holder's county of residence.

(C) If the mammal is a juvenile and was housed together with other animals of the same species, the group may be released in appropriate habitat in a county where at least one (1) member of the group originated.

(D) In addition to the requirements in subdivisions (1) and (2) and clauses (A) through (C), raccoons, Virginia opossums, striped skunks, coyotes, and foxes must be released only as follows or be euthanized:

(i) The release site must consist of at least two (2) contiguous acres.

(ii) Not more than eight (8) animals per species may be released per two (2) acres of any site per calendar year.

~~(iii) Not more than:~~

~~(AA) twenty-four (24) each of raccoons, Virginia opossums, striped skunks, and foxes; and~~

~~(BB) two (2) coyotes;~~

~~may be released by a permit holder in a calendar year.~~

(E) In addition to the requirements in subdivisions (1) and (2) and clauses (A) through (C), white-tailed deer must be released only as follows or be euthanized:

(i) The release site must consist of at least five (5) contiguous acres.

(ii) The release site must be outside city limits.

(iii) Not more than ten (10) white-tailed deer may be released per site per calendar year.

(o) A permit holder may keep a nonreleasable wild animal, other than a white-tailed deer, only if approved by the division of fish and wildlife as follows:

(1) For educational purposes under a special purpose educational permit under section 9.5 of this rule as follows:

(A) For mammals other than white-tailed deer, as follows:

(i) A wild animal possession permit must be obtained under 312 IAC 9-11.

(ii) Not more than three (3) mammals per species and six (6) mammals total may be possessed if twelve (12) or fewer total mammal programs are presented to the public each calendar year.

(iii) Not more than five (5) mammals per species and not more than twenty (20) mammals total may be possessed if thirteen (13) or more total mammal programs are presented to the public each calendar year.

(iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

(B) For birds, as follows:

(i) A special purpose educational permit must be obtained under section 9.5 of this rule.

(ii) Not more than three (3) birds per species may be possessed and six (6) birds total if twelve (12) or fewer programs with each bird are presented to the public each calendar year.

(iii) Not more than five (5) birds per species may be possessed and not more than twenty (20) birds total if thirteen (13) or more bird programs with each bird are presented to the public each calendar year.

(iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

(C) For reptiles, as follows:

(i) A turtle possession permit must be obtained under 312 IAC 9-5-11 to possess an eastern box turtle, and a wild animal possession permit must be obtained under 312 IAC 9-11 to possess an endangered species of reptile.

(ii) Not more than three (3) reptiles per species and six (6) reptiles total may be possessed if twelve (12) or fewer total reptile programs are presented to the public each calendar year.

(iii) Not more than four (4) reptiles per species and not more than twenty (20) reptiles total may be possessed if thirteen (13) or more total reptile programs are presented to the public each calendar year.

(iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

(2) For fostering other wild animals only if five (5) mammals or birds of the same species have been reported in at least the two (2) previous years.

(3) Wild animals that have been used in educational programs or as foster parents and are no longer capable of being used in that capacity due to age or health may be kept with written permission from the division of fish and wildlife.

(4) Wild animals possessed lawfully prior to July 1, 2010, are exempt from the requirements in this subsection.

(5) Nonreleasable wild animals may be transferred: ~~to another individual licensed~~

(A) to an individual with a permit under this ~~subsection or~~ **section;**

(B) to an individual with a special purpose educational permit under section 9.5 of this rule;

(C) if the wild animal is a raptor, to an individual with a falconry license under section ~~13~~ **13.1** of this rule that has had a permit for at least three (3) consecutive years;

(D) if a migratory bird, to an individual with a permit or authorization from the United States Fish and Wildlife Service to possess the bird; or

(E) to a zoo accredited by the Association of Zoos and Aquariums and licensed or registered with the United States Department of Agriculture;

~~and will use the animal~~ for **use in** fostering or educational programs in accordance with this subsection.

(6) A determination that a wild animal is nonreleasable must be based upon a licensed veterinarian's examination and statement.

(7) As used in this subsection, "nonreleasable" means a wild animal that:

(A) cannot obtain food on its own in the wild;

(B) does not exhibit locomotive skills necessary for that species to survive;

(C) does not possess adequate vision to find or catch, or both, food and maneuver in a normal manner; or

(D) cannot otherwise fend for itself without medical care due to disease or extensive injuries.

(p) An individual who does not hold a permit under this section but is listed as an assistant on a permit issued under this section may assist a permit holder, but only if the permit holder supervises the individual as follows:

(1) An assistant must be at least sixteen (16) years of age to provide assistance at the permit holder's facility.

(2) An assistant under eighteen (18) years of age must be under the direct and on-site supervision of the permit holder.

(3) An assistant of eighteen (18) years of age or older may provide assistance at the permit holder's facility or as follows:

(A) With written authorization, an assistant listed on the permit may possess a wild animal under this section at a location not authorized on the permit for not more than thirty (30) consecutive days unless authorized by the department.

(B) The permit holder maintains responsibility for the care of the wild animal.

(C) The permit holder provides supervision with written instructions and is available for phone contact with the assistant at all times.

(D) The facilities of the assistant meet the same facility standards as the permit holder.

(E) The wild animal possessed by an assistant is returned to the permit holder at the time of weaning or release, whichever comes first.

(q) A permit holder may possess a wild animal for rehabilitation under this section for one hundred eighty (180) days except as follows:

(1) Exceptions may be approved by the department, but additional time will not be authorized for the sole purpose of releasing the wild animal outside the hunting season for that species.

(2) Migratory birds may only be possessed in accordance with the permit holder's federal migratory bird permit.

(3) Turtles with shell fractures may be possessed for up to two (2) years if housed separately from all other turtles.

(r) All white-tailed deer that are taken in for rehabilitation and determined to be nonreleasable must be euthanized. ~~Not more than twenty (20) white-tailed deer may be taken in for rehabilitation by a permit holder in one (1) calendar year.~~

(s) A mammal, nonmigratory bird, reptile, or amphibian taken in for rehabilitation that is:

(1) diseased;

(2) severely injured, unless determined by a licensed veterinarian to be treatable and released within one hundred eighty (180) days from the date obtained by the licensed rehabilitator; or

(3) a turtle with a shell fracture unless determined by a licensed veterinarian to be treatable and released within two (2) years;

must be euthanized.

(t) Euthanasia must be carried out with the:

(1) safest;

(2) quickest; and

(3) most painless;

available method as recommended and approved by the division of fish and wildlife.

(u) Carcasses of wild animals that are euthanized or otherwise die while in the care of a permit holder must be:

(1) buried;

(2) incinerated on private property with prior permission of the landowner;

(3) given to a veterinarian or landfill for proper disposal;

(4) put in the trash if double-bagged;

(5) if euthanized with chemicals, disposed of only according to the chemical label;

(6) kept for educational purposes only if the permit holder also has a special purpose salvage permit issued under section 13.5 of this rule;

(7) donated to a properly licensed university or other educational or scientific institution that has a special purpose salvage permit issued under section 13.5 of this rule; or

(8) donated to a person with a permit from the United States Fish and Wildlife Service for Native American religious purposes.

(v) A permit holder must not:

(1) commercially advertise rehabilitation services or solicit for rehabilitation a wild animal that is subject to this section;

(2) have a wild animal spayed or neutered or in any way have ~~their~~ **its** reproductive function altered; or

(3) mark or tag the wild animals in any way, such as with a collar or ear tag, except as required in subsection (n)(2) or in writing from the department.

(w) A permit holder must notify the department within twenty-four (24) hours of acquiring an endangered species or a bald or golden eagle, whether live or dead, and the location and date of acquisition.

(x) A permit holder must notify the department within twenty-four (24) hours if the permit holder has reason to believe that a wild animal has been subjected to criminal activity.

(y) Wild animals, including their carcasses and parts, possessed under this section must not be sold, bartered, or transferred to another individual or to a permit holder's game breeder license except:

(1) **for carcasses and parts,** as authorized in subsection (u); ~~or~~

(2) **for** a live wild animal **that is in need of continued rehabilitation, the wild animal** may be transferred to another individual:

(A) with a permit under this section; **or**

(B) if a raptor, to an individual with a falconry license under section 13.1 of this rule; or

(3) for nonreleasable wild animals, as authorized in subsection (o).

(z) A copy of the permit issued under this section must be possessed by the permit holder when transporting a wild animal possessed under this section to another location and be available and on-site when possessing and caring for wild animals authorized under this section.

(aa) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

(1) A permit issued under this section.

(2) This article or IC 14-22.

(Natural Resources Commission; 312 IAC 9-10-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 9, 2011, 10:30 a.m.: 20110309-IR-312100418FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 3. 312 IAC 9-10-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-11 Nuisance wild animal control permit

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is:

(1) causing damage or threatening to cause damage to property; or

(2) posing a health or safety threat to persons or domestic animals.

The method and dates of control and disposition of the animal shall be set forth in the permit.

(b) A live wild animal taken under this section shall not be:

(1) possessed for more than forty-eight (48) hours; ~~and~~

(2) sold;

(3) traded;

(4) bartered; or

(5) gifted.

(c) A property owner or lessee may obtain a permit under this section for the control of a nuisance wild animal.

(d) A person who charges a fee or provides a service to the public for nuisance wild animal control services must obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:

(1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.

(2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit **and every four (4) years thereafter,** either:

(A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or

(B) complete ~~thirty two (32)~~ **sixteen (16)** hours of continuing education as approved by the division.

(3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.

(e) An application for a nuisance wild animal control permit must be completed on a departmental form and filed with the division of fish and wildlife.

(f) An individual who does not hold a permit under ~~this section~~ **subsection (d)** may assist a permittee, but only if the permittee directly supervises or coordinates the activities of the unpermitted person. A copy of the permit must be on the person when conducting any authorized activities.

(g) A captive animal must be properly handled in an expeditious manner to prevent unnecessary physical injury.

(h) The following methods may be used to take a wild animal under this section:

(1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.

(2) Steel and live traps, except as follows:

(A) A foothold trap that possesses saw-toothed or spiked jaws.

(B) A foothold trap that:

(i) has the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) greater than or equal to five and three-quarters (5 3/4) inches and the inside width between the trap's hinge posts (Figure 2) greater than or equal to five and three-quarters (5 3/4) inches unless the jaws of the trap have at least a one-eighth (1/8) inch offset (Figure 3), the gap of the offset is filled with securely attached rubber pads, or the trap is completely covered by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5); ~~or~~ **and**

(ii) has an inside jaw spread perpendicular to the trap's baseplate greater than six and one-half (6 1/2) inches and the inside width between the trap's hinge posts greater than six and one-half (6 1/2) inches and set on land.

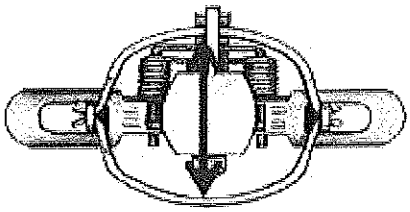

Figure 1
Widest inside jaw spread perpendicular to the trap's baseplate

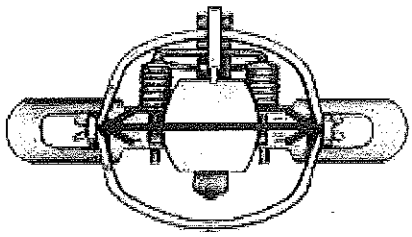

Figure 2
Inside distance between the trap's hinge posts.

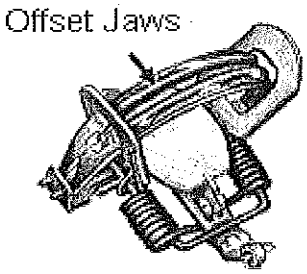

Figure 3

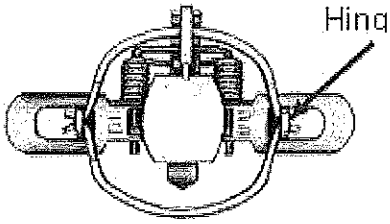

Figure 4

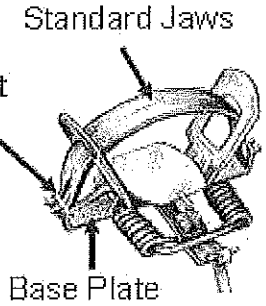

Figure 5

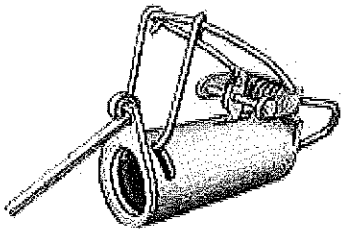

Figure 6

(C) A Conibear™, Dahlgren™, Bigelow™, or similar body-gripping trap that has the widest vertical inside jaw spread measured at the horizontal center of the trap's jaws and the widest horizontal inside jaw spread measured at the vertical center of the trap's jaws is larger than eight (8) inches unless the trap is completely covered by water.

(D) As used in this subsection, "offset jaws" means the jaws of a leg-hold trap in which the holding area of the jaws is separated by a gap or offset (specified measurement) when the trap is closed (not in the set position). The gap or offset must extend at least eighty percent (80%) of the holding area of the trap's jaws.

(3) Snares with a circumference not greater than fifteen (15) inches unless:

(A) at least fifty percent (50%) of the loop of the snare is covered by water; or

(B) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

(4) Any other methods specified by the permit.

(i) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

(j) The following restrictions apply to the treatment of an animal captured live under this permit:

(1) When on-site release is not the best viable option, the animal must be:

(A) released in the county of capture with prior consent from the landowner or landowner's agent;

(B) euthanized; or

(C) treated as otherwise authorized in the permit.

(2) An animal must be euthanized with the:

(A) safest;

(B) quickest; and

(C) most painless;

available method as recommended and approved by the division of fish and wildlife.

(3) Prior consent is required from the:

(A) landowner; or

(B) landowner's agent;

before an animal is released on any property.

(k) A permit expires on December 31 of the year the permit is issued. ~~unless otherwise specified on the permit.~~ The permittee must maintain a current record to include the following:

(1) The name and address of the landowner assisted.

(2) The date assistance was provided.

(3) The number and species of animals affected.

(4) The method of disposition.

A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

(l) A permittee must file an application by January 31 of each year in order to renew a permit. The annual report required under subsection (m) must accompany the renewal application.

(m) The permit holder shall provide an annual report to the division by January 31 of each year. The report shall list the following:

(1) The:

(A) number; and

(B) species;

of animals taken.

(2) The county where the animal was captured.

(3) The method of disposition.

(4) The county where released (if applicable).

(n) A permit issued under this section may be suspended or revoked if the permittee does the following:

(1) Fails to comply with any of the following:

(A) IC 14-22.

(B) This article.

(C) A term of the permit.

(2) Provides false information to obtain a permit under this section.

(3) Uses or employs any:

(A) deception;

(B) false pretense; or

(C) false promise;

to cause a consumer to enter into an agreement for the removal of a nuisance wild animal.

(o) No permit shall be issued under this section:

(1) for the control of a migratory bird, **except a mute swan;**

(2) for a wild animal that is identified under this article as:

(A) an endangered; or

(B) a threatened;

species; or

(3) if granting the permit would violate a federal law.

(p) Except as authorized in subsection (q), the hide, carcass, or other part or portion of a wild animal taken under this section shall not be:

(1) sold;
(2) traded;
(3) bartered; or
(4) gifted, except if gifted with no compensation of any kind to:
(A) an accredited scientific or educational institution with a special purpose salvage permit issued under section 13.5 of this rule; or
(B) the department;
if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(q) The meat of a wild animal taken under this section may be retained or gifted to another person for personal consumption if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(r) A permit holder must obtain permission from the landowner or tenant prior to setting a trap, snare, or other device or capturing a wild animal on that landowner or tenant's property.

(s) A conservation officer may inspect the equipment, wild animals, and any records relative to a permit issued under this section at any reasonable hour. *(Natural Resources Commission; 312 IAC 9-10-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; filed Oct 28, 2002, 12:03 p.m.: 26 IR 692; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)*

SECTION 4. 312 IAC 9-10-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-15 Fish importation permit
Authority: IC 14-10-2-4; IC 14-22-2-6
Affected: IC 14-22

Sec. 15. (a) Except as provided in subsection (e), a person must obtain a fish importation permit under this section before a person imports any live fish for sale or release.

(b) An application for a fish importation permit must be submitted by an applicant at least ten (10) days in advance of the proposed date of importation.

(c) An applicant must establish that a fish to be imported:
(1) is free of any communicable disease;
(2) will not become a nuisance; and
(3) will not damage a native wild species or a domestic species of animal or plant.

(d) A person is exempted from this section who possesses fish other than those listed in 312 IAC 9-6-7 and who is either engaged in:

(1) importing live fish exclusively for confinement and exhibit in a zoo or another public display; or
(2) supplying live fish for use in the aquarium pet trade.

(e) Live fish of the following species, other than genetically altered fish, may be imported without obtaining a permit under this section:
(1) Black crappie.
(2) Blue catfish.
(3) Bluegill.
(4) Bluntnose minnow.
~~(5) Bowfin.~~
~~(6)~~ **(5)** Buffalo.
~~(7)~~ **(6)** Bullhead.
~~(8)~~ **(7)** Burbot.
~~(9)~~ **(8)** Carp.
~~(10)~~ **(9)** Channel catfish.
~~(11)~~ **(10)** Fathead minnow.
~~(12)~~ **(11)** Flathead catfish.
~~(13)~~ **(12)** Freshwater drum.
~~(14)~~ **(13)** Golden shiner.
~~(15)~~ **(14)** Goldfish.
~~(16)~~ **(15)** Green sunfish.
~~(17)~~ **(16)** Hybrid sunfish.
~~(18)~~ **(17)** Largemouth bass.
~~(19)~~ **(18)** Mosquitofish.
~~(20)~~ **(19)** Muskellunge.
~~(21)~~ **(20)** Northern pike.
~~(22) Paddlefish.~~
~~(23)~~ **(21)** Redear sunfish.
~~(24)~~ **(22)** Rock bass.
~~(25)~~ **(23)** Smallmouth bass.
~~(26)~~ **(24)** Striped bass.
~~(27)~~ **(25)** Sucker.
~~(28)~~ **(26)** Walleye.
~~(29)~~ **(27)** Warmouth.
~~(30)~~ **(28)** White bass.
~~(31)~~ **(29)** White catfish.
~~(32)~~ **(30)** White crappie.
~~(33)~~ **(31)** Yellow perch.

(Natural Resources Commission; 312 IAC 9-10-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2735; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 5. 312 IAC 9-10-24 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-10-24 Trapper education permit

Authority: IC 14-22-2-6

Affected: IC 4-21.5; IC 14-22

Sec. 24. (a) This section governs a trapper education permit. A permit is required for a person to conduct a trapper education course and set a trap for a wild animal as part of the course.

(b) The permit is available only to a person who is at least one (1) of the following:

(1) A nonprofit organization.

(2) An authorized employee of the department.

(3) A person who is employed or sponsored by an educational institution or a nonprofit organization.

(c) An application for a permit under this section shall be completed on a departmental form and must provide the following:

(1) An outline of the educational program that includes an explanation of the legal methods of trapping and ethics.

(2) The location where the course will be held.

(3) The types of traps that will be set.

(4) The locations (addresses) of any traps set.

(5) The date of the course.

(d) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

(e) Wild animals must be taken in accordance with 312 IAC 9-3-18 and either:

(1) released in the county of capture with prior consent from the landowner or landowner's agent;

(2) euthanized; or

(3) treated as otherwise authorized in the permit.

(f) A wild animal taken under this section must be euthanized with the:

(1) safest;

(2) quickest; and

(3) most painless;

available method as recommended and approved by the division of fish and wildlife.

(g) Wild animals taken under this section shall not be:

(1) possessed for more than forty-eight (48) hours by instructors or students;

(2) sold;

(3) traded;

(4) bartered; or

(5) gifted, except as authorized in subsection (h).

(h) A dead wild animal that is taken under this section may be gifted with no compensation of any kind to:

(1) an accredited scientific institution or nonprofit organization with a special purpose salvage permit issued under section 13.5 of this rule; or

(2) the department;

if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken. *(Natural Resources Commission; 312 IAC 9-10-24)*