



March 14, 2018

Natural Resources Commission  
Division of Hearings  
Indiana Government Center North  
100 North Senate Avenue  
Room N103  
Indianapolis, IN 46204

RE: Wildlife Rule Amendments (312 IAC 9)

Dear Commissioners:

The Center for Wildlife Ethics (CWE) hereby submits the following comments in response to the Natural Resources Commission's proposed rule package (LSA #17-436). These comments supplement CWE's previous comments dated October 25, 2017.

- 312 IAC 9-2-2 Shooting squirrels from boats: **OPPOSE**
  - This proposed rule legitimizes criminal behavior, specifically, it creates a defense to a charge of reckless endangerment.
  - This rule also raises significant enforcement concerns and infringes on property rights in many respects – all of which clearly outweigh any benefit that could be derived from such a rule.
- 312 IAC 9-2-11 Trapping on State Park Lands: **OPPOSE**
  - The proposed rule revisions create a conflict of interest for IDNR. The agency is tasked with stewarding all public land and the wildlife, yet these revisions create incentives for IDNR employees (and other well-connected trappers) to convert public property to their own private commercial gain. Furthermore the rule enables nepotism and other civil service abuses.

- NRC's justification for this rule provision lacks any explanation or support for using commercial fur traps on public lands. This omission is glaring and significant.
  - IDNR employees should not be allowed to use state park properties as their owner personal fiefdoms.
  - The language as proposed will allow commercial fur trapping on state park properties and historic sites.
    - This issue is currently pending in the Indiana Court of Appeals
    - IDNR lacks the statutory authority to permit commercial fur trapping on state park and historic site properties.
  - This provision fails to prohibit the sale, barter, gifting, trading or transferring of the furs of animals trapped or taken. Therefore, this conflicts with the agency's purported justification for the rule.
  - The ability to commercially profit from trapped animals and their pelts creates ample incentive for IDNR employees and others to cite a non-existent "nuisance" in order to justify fur trapping activities.
  - There is nothing in the language that mandates substantial evidence of any "nuisance" problem or any attempt to explore and/or exhaust non-lethal alternatives.
- Expansion of time to take wildlife:
    - 312 IAC 9-3-12 Foxes, coyotes and skunks: **OPPOSE**
    - 312 IAC 9-3-14 Opossums and raccoons: **OPPOSE**
      - There is no need for expanding the season for these animals.
  - 312 IAC 9-3-14.5 Possession of fur-bearing animals: **OPPOSE**
    - **Remove subsections "g" and "h" in their entirety.**
      - People who legally trap an animal should not be allowed to keep the animal "during the remainder of the trapping season".
      - Permitting animals to be possessed under the authority of a trapping license (also known as a "sport recreation" license) raises serious animal welfare and enforcement concerns because of the exemption in the Indiana animal cruelty statute (I.C. § 35-46-3-5) for "Fishing, hunting, trapping, *or other conduct authorized under I.C. 14-22.*" (emphasis added).
        - The regulatory provisions that stipulate feeding, watering and housing requirements/standards are illusory and rendered meaningless due to the broadness of the animal cruelty statute exception above.

- 312 IAC 9-3-18.1 Open a bobcat season: **OPPOSE**
  - There is no legitimate justification to hunt and trap these animals. These animals are not overpopulated and are killed exclusively for their fur. The benefit of a handful of trappers in Indiana should not outweigh the interests of the majority of Indiana citizens who value these animals alive – many of whom contributed in various capacities to help this species recover.
- 312 IAC 9-3-18.2 River otters: **OPPOSE**
  - There is no need to extend the period for killing river otters.
    - The notification requirement (312 IAC 9-3-18.2(d)) of 24 hours requires minimal effort and should not be increased.
- 312 IAC 9-3-18.5 Exotic Mammals: **OPPOSE**
  - DNR justifies the removal of cervidae and bovidae species by contending it no longer has authority over these animals when legally owned. However, Indiana Department of *Natural Resources* does not possess the legal authority to regulate any exotic species including tree sloths, elephants, camels, baboons, etc., yet there seems to be no push to remove these animals from that same definition.
  - Bear should not be removed from the “exotic mammal” classification
    - The agency has offered no facts or evidence to support that black bears are “naturally moving” into Indiana.
- 312 IAC 9-4-2 General requirements for migratory birds: **SUPPORT**  
Subsection “x”
  - Individuals should be able to humanely capture and remove trapped, live migratory birds that are not endangered from the interior of a building or enclosure and release them outside or if necessary, turn them over to a wildlife rehabilitator.
- 312 IAC 9-10-4 Game Breeder License: **OPPOSE**
  - This administrative rule permits (and encourages) the breeding of game species. Yet, remarkably, this same proposed administrative rule package is advocating for the mandatory killing of three of the very same species game breeder license holders are permitted to breed in captivity. (*See* 312 IAC 9-10-11 immediately below.)

- 312 IAC 9-10-11 Nuisance wild animal control permit (“NWCO”): **OPPOSE**
  - Mandatory killing removes the incentive for non-lethal intervention and more importantly, the responsibility of property owners to minimize unnatural attractions and/or desirability in problematic areas.
  - NWCOs, and more importantly, property owners, must have the legal right to contract for non-violent solutions.
  - NWCOs should be permitted to release any trapped or evicted animal on-site so they remain within their established territories.
    - If these species are that much of a “nuisance” to warrant death in every circumstance, people must be prohibited from breeding them in captivity. (*See* 312 IAC 9-10-4 above.)
  - This provision raises serious animal welfare concerns and will result in an increase of orphaned youngsters.
  
- 312 IAC 9-10-12 Fur buyer’s licenses: **OPPOSE**
  - The “method of lawful acquisition” is an important aspect of thorough record keeping and should not be omitted.
  - Omitting this important reporting requirement encourages the illegal acquisition of fur-bearing mammals.
  
- 312 IAC 9-10-25 Deer control permit: **OPPOSE**
  - This language is too broad and removes any responsibility of the landowners to minimize perceived conflicts.

Sincerely,



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