### TITLE 312 NATURAL RESOURCES COMMISSION

### Notice of Second Public Comment Period

LSA Document #24-383

#### **BOBCAT TRAPPING RULES**

#### PURPOSE OF NOTICE

The Natural Resources Commission (commission) is soliciting public comment on amendments to rules at 312 IAC 9-2-3, 312 IAC 9-3-9, 312 IAC 9-3-18.1, 312 IAC 9-3-18.4, 312 IAC 9-10-4, and 312 IAC 9-10-12 concerning the sale, trapping, hunting, and possession of bobcats. The commission seeks comment on the affected citations listed and any other provisions of Title 312 that may be affected by this rulemaking.

#### HISTORY

Notice of First Public Comment Period published October 9, 2024: 20241009-IR-312240383FNA

Regulatory Analysis submitted with Notice of First Public Comment Period: 20241009-IR-312240383RAA

Date of First Hearing: November 14, 2024

#### ADDITIONAL DOCUMENTS

Regulatory Analysis: No changes were made to the Regulatory Analysis published with the Notice of First Public Comment Period.

Notice of Public Hearing: 20241211-IR-312240383PHA

CITATIONS AFFECTED: 312 IAC 9-2-3; 312 IAC 9-3-9; 312 IAC 9-3-18.1; 312 IAC 9-3-18.4; 312 IAC 9-10-4; 312 IAC 9-10-12

AUTHORITY: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-19; IC 14-22-20

#### OVERVIEW

**Basic Purpose and Background** 

The proposed rule allows for the sale of bobcats and their parts, permits individuals to keep bobcats found dead, and establishes a license for taking bobcats. These proposals are driven by an increase in bobcat population and incidental takings, as well as the need to address costs for businesses and landowners affected by bobcat activities. The decision to open certain counties for bobcat trapping is based on habitat analysis and documented bobcat populations.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Linnea Petercheff

Licensing and Permits Supervisor

Fish and Wildlife

Department of Natural Resources

Indiana Government Center South

402 West Washington Street

Indianapolis, IN 46204

(317) 233-6527

Ipetercheff@dnr.in.gov

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 5-28-17-6 is:

Matthew Jaworowski

Small Business Ombudsman

Indiana Economic Development Corporation

One North Capitol, Suite 700

Indianapolis, IN 46204

(317) 650-0126

majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in IC 5-28-17-6, specifically IC 5-28-17-6(9), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

## SUMMARY/RESPONSE TO COMMENTS

The commission requested public comment from October 9, 2024, through November 14, 2024, and during the public hearing on November 14, 2024. The commission received comments summarized as follows by the comment period deadline.

The Indiana department of natural resources (department) received comments both in support of and opposition to the proposed rule changes. The general assembly passed Senate Enrolled Act (SEA) 241-2024, which requires the department to adopt rules not later than July 1, 2025, to establish a season to take a bobcat.

A summary of the comments received by the department during the first comment period and the department's responses to those comments regarding the rule proposals is as follows:

# Comments requesting a harvest quota of zero (0) for the bobcat trapping season in 312 IAC 9-3-18.1.

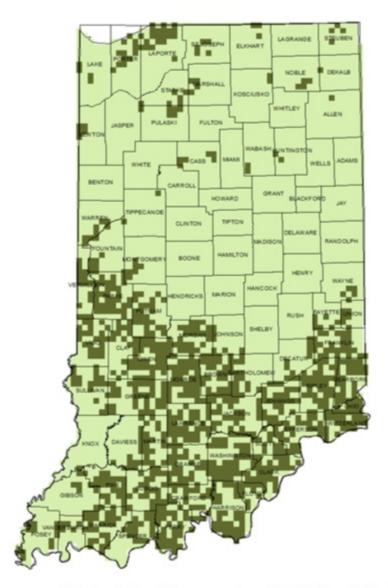
Response: The department, as required by the Indiana Code under SEA 241-2024
(https://iga.in.gov/legislative/2024/bills/senate/241/details), is proposing a rule to establish a season that would allow for the harvest of bobcats in Indiana. Purdue University researchers developed a population model for department staff to utilize. This population model allowed the department to propose a harvest level that will be sustainable. The population model incorporates the basic aspects of bobcat life history and simulates bobcat population dynamics in Indiana. The population model is conservative and assumes adult female bobcats do not raise young in habitats less than nine (9) square miles. The population model also assumes existing mortality sources remain at the same level and harvest mortality is added to those mortalities. The population model shows that a harvest quota of two hundred fifty (250) is a sustainable harvest that will not negatively impact bobcat populations. The model assumes that every year bobcats will still have mortality from other sources like roadkill and disease and the harvest quota of two hundred fifty (250) is the number that is sustainable in addition to existing mortalities.

Purdue University determined bobcat habitat selection and home range size from the bobcats that were collared and tracked by department staff in the late 1990's and early 2000's. Collaring occurred in southern Indiana, primarily Daviess, Greene, Lawrence, and Martin Counties. From this research, multiple aspects of bobcat life history were collected, including information about survival and mortality. This information was summarized in an American Midland Naturalist publication in 2020.

Roadkill was the number one (1) cause of death for bobcats collared for research with one (1) in every two (2) bobcats killed by being hit by a car, or fifty-three percent (53%). Survival by age class was another factor included in the population model. Bobcats in Indiana preferred forest edges and somewhat avoided agriculture when selecting habitats. Adult, female bobcats need approximately nine (9) square miles to successfully raise their young, while males overlapped with multiple females and had much larger home ranges. For the population model, female home ranges formed the foundation as males don't help rear young. Male bobcats are not monogamous and do not pair with one (1) female bobcat mate or help raise the young.

From this habitat and home range research, Purdue University made a map of the available bobcat habitats, then overlaid nine (9) square mile blocks onto the habitat; see Figure 1. Figure 1 shows the calculation of the areas that are suitable for an adult, female bobcat to find nine (9) square miles to successfully raise their young and is a conservative estimate of bobcat habitats. Figure 1 assumes that anywhere that does not provide nine (9) square miles of habitat is not suitable bobcat habitat. This estimate is calculated based on adult female bobcat needs. However, young bobcats will disperse through other habitats, live in the habitats while waiting for territories to be available, and adult female bobcats will also live in habitats that are less than ideal to raise their young when required to do so. This system is a binary yes or no regarding whether a block is suitable for a bobcat and does not account for the possibility of larger or smaller home ranges, male home range needs, or dispersing bobcats. The dark green squares represent quality habitats of blocks of nine (9) square miles with habitats suitable for adult female bobcats to raise their young. This formed the base of the population model that was developed by Purdue University. Public reports are not incorporated into the population model.

Figure 1.



Dark green squares represent blocks of nine (9) square miles with habitat suitable for adult female bobcats to raise their young and are, therefore, considered quality bobcat habitat.

The department believes the population in the southern part of the state is sufficient to withstand a regulated bobcat trapping season based upon the population model data. The bobcat population has expanded during the last two (2) decades. Observations on the Archer's Index increased from under one (1) bobcat seen per one thousand (1000) hours hunted in the 1990s to four (4) bobcats seen per one thousand (1000) hours hunted since 2020; and reported mortalities primarily from being hit by a motor vehicle went from less than fifteen (15) in 2005 to more than ninety (90) in 2015. The population continues to expand into new areas of the state. Additionally, the number of landowners requesting a permit to take bobcats that are killing livestock increased from fourteen (14) in 2018 to twenty-eight (28) in 2023.

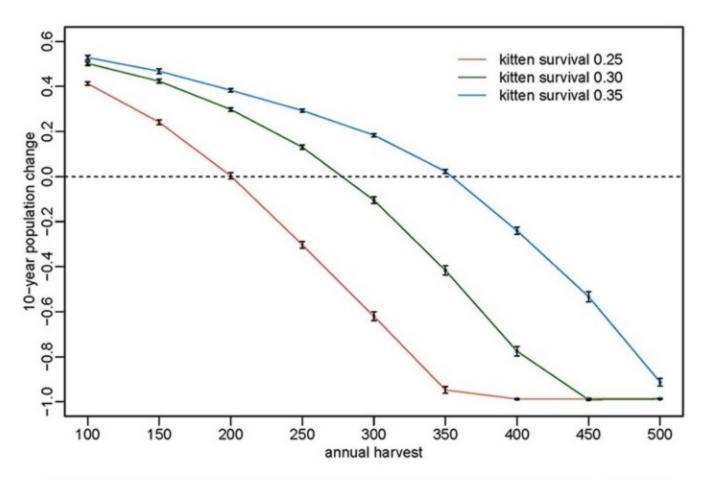
Illinois, Michigan, Kentucky, and Wisconsin currently have seasons to take bobcats and continue to have a self-sustaining population of bobcats.

The department will continue to monitor and research bobcat populations, including, monitoring trends on the Archer's Index, bobcat health as related to diseases and contaminants, and public observations, as well as coordinating efforts to update the population model and obtain more information about bobcats through research and the best available data.

# Comments regarding allowing more than two hundred fifty (250) bobcats to be taken in a season under 312 IAC 9-3-18.1.

Response: A bobcat trapping season quota of two hundred and fifty (250) bobcats was calculated using the population model established by Purdue University. Using this model, the department can simulate different levels of harvest to determine what's sustainable. Three (3) different levels of survival are used in the model's simulation for bobcat young, ranging from twenty-five hundredths (0.25), or two and five tenths (2.5), bobcat young of every ten (10) that survive the first year, to thirty-five hundredths (0.35), or three and five tenths (3.5), bobcat young of every ten (10) born that survive the first year. Survival of bobcat young is based on research in other states. The dotted line in Figure 2 below shows the threshold for a stable population.

Numbers above the dotted line are stable to increasing. The green line is the standard with the survival of bobcat young at three tenths (0.3), or three (3) of every ten (10) bobcat young born that survive their first year, which is above the dotted line with a harvest quota of two hundred fifty (250). Bobcats typically have at least one (1) and not more than three (3) bobcat young each year and the model includes this variability. Therefore, the population model shows that a harvest quota of two hundred and fifty (250) is a sustainable harvest level.



Simulations from the bobcat population model at varying levels of survival of bobcat young. The center green line is the baseline, which uses three tenths (.3), or three (3) in every ten (10) bobcat young living through the first year. The dot where the harvest quota is two hundred fifty (250) annual harvest is above the dotted line, so the department can be confident that the level is a sustainable harvest level for bobcats. At this level, bobcat populations should still continue to grow.

## Comments regarding the selection of counties open to trapping bobcats under 312 IAC 9-3-18.1.

Response: The counties listed in the proposed rule are the counties where the habitat analysis done by Purdue University shows good coverage of quality habitats that can support a healthy, self-sustaining bobcat population and have regular documentation of bobcats in department records. The public assists the department to understand when bobcats may be expanding into new counties by reporting bobcat sightings. Beginning in 2015, the department started to collect reports of bobcats and confirms them with photographic or video evidence.

The Archer's Index is a population trend survey the department uses to monitor changes in bobcat populations. Volunteer bow hunters sign up in advance and report the hours, the county, and each species observed while hunting during the October and early November archery season. The survey began in 1992. Average bobcat observations on the Archer's Index increased from an average of less than one (1) bobcat seen for each one thousand (1,000) hours hunted in the 1990s, to four (4) bobcats seen for each one thousand (1,000) hours hunted beginning in 2020.

The department is proposing to have an open season only in those counties where there is a healthy, reproductive population with high quality habitats capable of supporting a bobcat population. There are counties that have suitable habitats, but fewer documented bobcats. The department considers the counties to have emerging bobcat populations; therefore, the department is not proposing to open additional counties at this time.

### Comments regarding allowing the hunting of bobcats under 312 IAC 9-3-18.1.

Response: The decision to pursue a trapping-only season is to start with a conservative approach, allowing a limited, controlled opportunity to ensure the population is properly managed. As with other species, such as river otter, the department is starting with a conservative, limited season. For these reasons, the department is not currently pursuing a hunting season for bobcats. The department will continue to evaluate the bobcat population and changes will be proposed when needed as more population data is obtained.

#### Comments regarding the trapping season dates under 312 IAC 9-3-18.1.

Response: The department is proposing the season dates beginning November 8 and ending January 31 of the following year to coincide with trapping seasons for other species, since the raccoon, opossum, coyote, fox, and skunk trapping seasons are open during those dates. This allows trappers to set traps for a bobcat at the same time and keep a bobcat that may be inadvertently captured in a trap set for a coyote or fox. Furthermore, bobcat young are expected to have dispersed or, at least, not be dependent upon their mothers during the proposed trapping season. A season that lasts throughout the entire year, or a season that is open beginning in March and ending during the early fall could cause bobcat young to be orphaned that are still in need of care since bobcat young are typically born in April or May.

Comments regarding allowing traps to be used to take bobcats under 312 IAC 9-3-18.1.

Response: The department is proposing to allow only cage traps, foothold traps allowed under 312 IAC 9-3-18, and snares legal under 312 IAC 9-3-18 with a relaxing snare lock. These traps have been tested and shown to be humane for trapping bobcats under the Association of Fish and Wildlife Agencies' Furbearer Management Best Management Practices for Trapping Program (BMPs). This program ensures that trapping devices and techniques used are the most humane, safe, selective, efficient and practical devices. Traps are evaluated using standards and protocols developed by the International Organization for Standardization (ISO). Trapping is highly selective based on the size and placement of the trap, in addition to the lure used. Foot-hold traps using saw-toothed and spiked jaws are already illegal to use in Indiana under 312 IAC 9-3-18. Traps are currently allowed to take river otters, beavers, muskrats, coyotes, racoons, and several other species in Indiana and restrictions on the size and type of trap allowed are set forth in 312 IAC 9-3-18. Regulated trapping provides an important management tool for these species. Furthermore, IC 14-22-6-4 requires a person to check these types of traps every twenty-four (24) hours. Regulated trapping under the authority of this rule is exempt from the Indiana Code provisions governing animal cruelty.

### Comments regarding impacts to the people of Indiana related to bobcats under 312 IAC 9-3-18.1.

Response: Bobcats are important to a variety of people in Indiana and for different reasons. Economics research conducted with Purdue University determined the willingness for licensed hunters and trappers to pay for a bobcat license, as well as the combined intrinsic and viewing value of bobcats. SEA 241-2024 (https://iga.in.gov/legislative/2024/bills/senate/241/details) created a bobcat license and set the associated fees. This fee will impact trappers as it is in addition to the annual trapping license. These fees will be deposited in the Fish & Wildlife Fund, which supports wildlife management programs. Some livestock producers may see decreased damage costs from having a limited season, as some problems may be dealt with during the season by a licensed trapper rather than having to hire someone out of season. This could reduce costs and prevent further damage costs as individual animals causing conflict are removed. Wildlife viewers and photographers are not expected to be impacted as the conservative season proposal will continue to allow for stable to increasing bobcat populations for viewing and photographing opportunities.

# Comments regarding opposition to allowing the sale of bobcats and their parts under 312 IAC 9-2-3.

**Response:** The department currently allows the sale of the hides and parts of furbearing mammals that are trapped, including foxes, raccoons, beavers, river otters, and skunks. For bobcats to be utilized to the fullest extent possible, which is an important aspect of regulated trapping, licensed trappers need the ability to sell bobcat hides and parts. Bobcat meat may be eaten and is eaten by those that harvest a bobcat.

# Comments regarding allowing a permit to be issued to keep a bobcat that was found dead under 312 IAC 9-3-9.

Response: The proposed rule allow an individual to keep a bobcat that is found dead if the individual obtains a roadkill salvage permit to possess a wild animal from the department. These changes are consistent with the rules permitting other wild animals to be kept if an individual finds the wild animal dead, such as white-tailed deer. This allows the legitimate use of the bobcat hide without having to dispose of it by means such as burial or in a landfill. Roadkill cannot be registered as legal harvest and will not count toward the season harvest quota. Roadkill salvage permits do not allow for the acquisition of CITES tags, which are required by the Convention on International Trade in Endangered Species of Flora and Fauna for international trade and the animal cannot be sold, bartered, or gifted (except to educational institutions). Bobcats found dead will not be able to be used to increase an individual's bag limit and allow them to take more bobcats.

# Comments regarding opposing the addition of bobcats to the game breeder's license under 312 IAC 9-10-4.

Response: The proposed rule adds bobcats to the list of species for which a game breeder's license is required. Under IC 14-22-20-1, a game breeder's license is required to propagate in captivity; and possess, buy, or sell wild animals. IC 14-22-20-2 also allows an individual to possess wild animals that are legally taken in an open season, such as the proposed bobcat trapping season, to apply for a game breeder's license not later than five (5) days after the last day of the open season for the wild animal. Bobcats are not allowed to be released into the wild under the game breeder's license. Currently, a USDA license is required to sell a bobcat as a pet in Indiana, and a state license is not required to sell a bobcat because of an exemption under 312 IAC 9-11-1. By adding bobcats to the game breeder's license, the department can ensure that bobcats possessed and sold in Indiana are legally acquired with required documentation of legal acquisition, and an annual inspection by a conservation officer. This helps ensure the conservation of the bobcat population. There is only one (1) known bobcat breeder in the state, and the department does not believe that the proposed rule will increase the number of breeders in Indiana. Furthermore, a wild animal possession permit is required under 312 IAC 9-11 to possess a bobcat as a pet. The department believes that it is imperative that bobcats sold in Indiana are acquired legally and housed in a safe and humane manner.

Comments on bobcats as a source of controlling zoonotic diseases, such as Chronic Wasting Disease (CWD).

Response: Bobcats help with rodent control, which could have influences on some zoonotic diseases. However, this harvest level is conservative enough that bobcat populations should not be impacted, and their ecosystem function will not be in jeopardy. Bobcats are unlikely to help reduce the spread of CWD in Indiana. While there is research using modeling that large carnivores like mountain lions and wolves may help control CWD through predation, this has not been shown for medium carnivores like bobcats that are unlikely to prey on adult deer. CWD infections are predominantly in adult deer, with adult bucks being the most valuable for detecting CWD in a population. Bobcat prey is typically smaller, like rodents, squirrels, and rabbits, and deer consumption is primarily young fawns. Laboratory research showed that bobcats that were fed infected meat reduced the volume of prions in the environment compared to the raw meat being in the environment. However, bobcats prefer fresh meat and rarely scavenge and prey on younger and smaller deer; therefore, the lab research is theoretical. Thirty-five (35) states currently have CWD, and they all have bobcat populations. None of these states have seen a reduction in CWD or a slowdown in CWD spread to date, despite bobcats being common in all of them.

**Comments:** The department received several comments outside the scope of this rule, including comments about trapping in general, the cost for law enforcement, and keeping bobcats as pets.

**Response:** The proposed rule does not deal with these topics. Currently, the department is only moving forward with the proposed rule as in the rule package.

## REQUEST FOR PUBLIC COMMENT

The commission is soliciting public comments on the proposed rule. Comments may be submitted in one of the following ways:

By mail or common carrier to the following address:

LSA Document #24-383 Bobcat Trapping Rules

Aaron Bonar

Indiana Government Center North

100 North Senate Avenue, Room N103

Indianapolis, IN 46204

- (2) By email to abonar@nrc.in.gov. PLEASE NOTE: Email comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.
- (3) Attend scheduled public hearing.

### COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than January 16, 2024.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated

by reference (if applicable) are on file at the Natural Resources Commission, Indiana Government Center

North, 100 North Senate Avenue, Room N103, Indianapolis, Indiana and are available for public inspection.

Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at

the Natural Resources Commission office.

This notice is the second of two (2) thirty (30) day periods in which the public may comment on the proposed

rule. Following this second public comment period, the Natural Resources Commission may adopt a version of

the proposed rule that is the same as or does not substantially differ from the text of the proposed rule

published during the second public comment period.

EXPLANATION OF DIFFERENCES IN PROPOSED RULE

No substantive changes were made to the proposed rule.

PROPOSED RULE

SECTION 1. 312 IAC 9-2-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-2-3 Applicability to wild animal parts

Authority: IC 14-22-2-6

Affected: IC 14-8-2-108; IC 14-22

Sec. 3. (a) Except as provided in subsection (b), a prohibition against the: person may not:

(1) possession; possess;

(2) sale; sell;

(3) offer for sale;

(4) (3) purchase;

(5) offer for purchase;

(6) shipment; (4) ship;

(7) transportation; (5) transport;

(8) delivery; (6) deliver; or

(9) receipt; (7) receive;

of a wild animal, also This section applies to any part or portion of that a wild animal.

- (b) The prohibition established under Subsection (a) does not apply to the following: parts of wild animals taken lawfully:
  - (1) A tanned hides. hide.
  - (2) Any portion of a furbearing mammal, as defined by IC 14-8-2-108.
  - (3) Cured feathers.
  - (4) A squirrel tails. tail.
  - (5) An untanned deer hides. hide.
  - (6) Antlers.
  - (7) Hooves.
  - (8) Any portion part of a river otter.
  - (9) An untanned squirrel hides. hide.
  - (10) Any part of a bobcat.

(Natural Resources Commission; 312 IAC 9-2-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; filed May 28, 1998, 5:14 p.m.: 21 IR 3712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Feb 26, 2015, 2:01 p.m.: 20150325-IR-312140341FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

SECTION 2. 312 IAC 9-3-9 IS AMENDED TO READ AS FOLLOWS:

# 312 IAC 9-3-9 Disposition of certain wild animals

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

Affected: IC 14-8-2-108; IC 14-22

- Sec. 9. (a) This section governs the **disposition of the** following species of wild animals that <del>die</del> **are killed** following a **motor vehicle** collision <del>with a motor vehicle</del> or are found dead:
  - (1) White-tailed A deer.
  - (2) A fox. or
  - (3) A gray squirrel.
  - (3) (4) An eastern cottontail rabbit.
  - (4) (5) A furbearing mammal, as defined by IC 14-8-2-108.

- (5) (6) A river otter.
- (6) (7) A wild turkey.
- (7) (8) A bobwhite quail.
- (8) (9) A ring-necked pheasant.
- (10) A bobcat.
- (b) An individual A person may possess a species of wild animal listed in under subsection (a) with a special purpose salvage permit issued in accordance with under 312 IAC 9-10-13.5 or a permit issued by a:
  - (1) a conservation officer;
  - (2) a district wildlife biologist for the department;
  - (3) a property manager or assistant property manager for the department; or
- (4) an individual law enforcement officer designated by the conservation officer under subdivision (1). (Natural Resources Commission; 312 IAC 9-3-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

SECTION 3. 312 IAC 9-3-18.1 IS AMENDED TO READ AS FOLLOWS:

# 312 IAC 9-3-18.1 Bobcats

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

Affected: IC 14-22

Sec. 18.1. (a) A person must not An individual may take a bobcat (Lynx rufus) except with one (1) of the following:

- (1) A scientific purposes license-under-312 IAC 9-10-6-
- (2) A nuisance wild animal control permit under 312 IAC 9-10-11- beginning November 8 and ending:
- (1) January 31 of the following calendar year; or
- (2) the date on which the statewide quota under subsection (g) is reached; whichever is earlier.

- (b) Except as provided under IC 14-22-11-1, an individual may not trap a bobcat unless the individual possesses at least one (1) of the following licenses:
  - (1) A resident license to take a bobcat under IC 14-22-12-1(a)(36).
  - (2) A nonresident youth license to take a bobcat under IC 14-22-12-1(a)(37).
  - (3) A resident youth consolidated license to hunt and trap under IC 14-22-12-1(a)(24) or IC 14-22-11-10(b).
  - (4) A nonresident license to take a bobcat under IC 14-22-12-1(a)(38).
  - (5) A lifetime basic trapping license under IC 14-22-12-7(a)(6) before its repeal.
- (c) An individual may not take more than one (1) bobcat in a bobcat trapping season.
- (d) An individual who captures a bobcat alive and does not include it in the bag limit for the individual under subsection (c) shall release the bobcat into the wild in the location where the bobcat is captured immediately after discovering the bobcat.
- (e) An individual may trap a bobcat in the following counties:
  - (1) Bartholomew County.
  - (2) Brown County.
  - (3) Clark County.
  - (4) Clay County.
  - (5) Crawford County.
  - (6) Daviess County.
  - (7) Dearborn County.
  - (8) Dubois County.
  - (9) Floyd County.
  - (10) Franklin County.
  - (11) Gibson County.
  - (12) Greene County.
  - (13) Harrison County.
  - (14) Jackson County.
  - (15) Jefferson County.
  - (16) Jennings County.
  - (17) Johnson County.
  - (18) Knox County.

	(19) Lawrence County.
	(20) Martin County.
	(21) Monroe County.
	(22) Morgan County.
	(23) Ohio County.
	(24) Orange County.
	(25) Owen County.
	(26) Parke County.
	(27) Perry County.
	(28) Pike County.
	(29) Posey County.
	(30) Putnam County.
	(31) Ripley County.
	(32) Scott County.
	(33) Spencer County.
	(34) Sullivan County.
	(35) Switzerland County.
	(36) Vanderburgh County.
	(37) Vermillion County.
	(38) Vigo County.
	(39) Warrick County.
	(40) Washington County.
(	f) An individual may trap a bobcat with a:
	(1) cage trap;
	(2) foothold trap permitted under section 18 of this rule; or
	(3) snare permitted under section 18 of this rule with a relaxing snare lock.
(	g) The statewide quota for the bobcat trapping season is two hundred fifty (250) bobcats. The
d	epartment shall track the statewide quota for trapping bobcats on the website of the department.
(	h) An individual who takes a bobcat shall:
	(1) report the taking; or
	(2) ensure the taking is reported;

by registering the bobcat with the electronic harvest reporting system of the department not later than twenty-four (24) hours after taking the bobcat. An individual reporting a take under this subsection shall provide true and accurate information to the department. An individual shall keep the confirmation number provided by the electronic harvest reporting system of the department with the bobcat until the individual checks in the bobcat with a designated department employee or at an official bobcat checking station under subsection (i).

- (i) An individual who takes a bobcat during the bobcat trapping season shall possess the bobcat and deliver the skinned hide of the bobcat to a designated department employee or official bobcat checking station not later than fifteen (15) days after the calendar month in which the bobcat is harvested. A department employee shall issue a tag to the individual.
- (j) A bobcat, including the hide and any other part of the bobcat, taken during the bobcat trapping season may not be:
  - (1) sold;
  - (2) traded;
  - (3) bartered;
  - (4) gifted;
  - (5) transferred to a taxidermist or any other person; or
  - (6) shipped;

until the bobcat is registered with the electronic harvest system for the department and issued a tag by a department employee under subsection (i).

- (k) After registering a bobcat and obtaining a tag from the department under this section, an individual who takes a bobcat may:
  - (1) sell;
  - (2) trade;
  - (3) barter;
  - (4) ship; or
  - (5) otherwise transfer;

the hide of the bobcat under this section and federal law.

(I) An individual may possess an untanned bobcat hide if the bobcat hide is lawfully obtained.

- (m) An individual may not trap a bobcat:
  - (1) after the individual bag limit under subsection (c) is reached;
  - after the statewide quota for the bobcat trapping season is reached;
  - (3) after the bobcat trapping season ends; or
  - (4) in a county not listed under subsection (e).

This subsection does not apply to an individual who takes a bobcat under a scientific purposes license under 312 IAC 9-10-6, or a nuisance wild animal control permit under 312 IAC 9-10-11.

- (n) An individual who takes a bobcat with a trap that captures and immediately kills the bobcat:
  - during the bobcat trapping season after the individual bag limit under subsection (c) is reached;
  - (2) after the statewide quota is reached;
  - (3) in a county where the bobcat trapping season is not open;
  - (4) outside the bobcat trapping season; or
  - (5) without a license to take a bobcat under IC 14-22-12-1 or is exempt from the licensure requirement under IC 14-22-11-1;

shall notify the department not later than twenty-four (24) hours after taking the bobcat. The individual shall arrange to deliver the bobcat to the department.

- (b) An individual must (o) A person may not possess a live bobcat except as follows:
  - (1) With a wild animal rehabilitation permit under 312 IAC 9-10-9.
  - (2) With a scientific purposes license under 312 IAC 9-10-6.
  - (3) With a nuisance wild animal control permit under 312 IAC 9-10-11.
  - (4) With a wild animal possession permit under 312 IAC 9-11.
  - (5) By a registered or licensed educational or scientific institution, with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV. person under IC 14-22-26-1.
  - (6) By a breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9
    CFR, Chapter 1, Subchapter A, Parts I through IV.
- (c) (p) An individual must may not sell a live bobcat unless that person has the individual obtains a breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV game breeder's license under 312 IAC 9-10-4.

(Natural Resources Commission;

312 IAC 9-3-18.1; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

SECTION 4. 312 IAC 9-3-18.4 IS AMENDED TO READ AS FOLLOWS:

## 312 IAC 9-3-18.4 Possession and sale of badgers

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18.4. (a) A person must may not possess or sell a carcass, hide, or any part of a bobcat or badger unless the person meets at least one (1) of the following requirements:

- (1) The person possesses satisfactory documentation that the **badger** carcass, hide, or part was lawfully acquired. Satisfactory documentation must include includes at least one (1) or more of the following:
  - (A) A legible copy of any of the following:
    - (i) A tag.
    - (ii) A receipt.
    - (iii) A hunting license to hunt.
    - (iv) A trapping license to trap.
    - (v) A permit to take or possess a badger.
    - (vi) Other Another appropriate record from the state or country where the animal, including any part or portion of the animal, was acquired.
  - (B) A receipt from either of the following:
    - (i) A fur buyer licensed under 312 IAC 9-10-12.
    - (ii) A taxidermist licensed under 312 IAC 9-10-5.
- (2) The person obtains the badger:
  - (A) carcass;
  - (B) hide; or
  - (C) part;

from the director or his or her a designee of the director with written permission.

- (b) In addition to subsection (a), a person must may not possess a the carcass or untanned hide of a bobcat or badger for more than fourteen (14) days unless the person is a fur buyer licensed under 312 IAC 9-10-12.
- (c) A fur buyer licensed under 312 IAC 9-10-12, or a taxidermist licensed under 312 IAC 9-10-5, who sells:
  - a carcass;
  - (2) a hide; or
  - (3) any part;

of a bobcat or badger must provide the purchaser with the documentation described in under subsection (a).

A purchaser who relies in good faith upon the documentation may offer it as an affirmative defense to an infraction or civil penalty alleging a violation of under subsection (a).

(Natural Resources Commission; 312 IAC 9-3-18.4; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Feb 26, 2015, 2:01 p.m.: 20150325-IR-312140341FRA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

SECTION 5. 312 IAC 9-10-4 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-10-4 Game breeder's licenses

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

Affected: IC 4-21.5; IC 14-8-2-108; IC 14-22-20

- Sec. 4. (a) A person shall apply for a **game breeder's** license <del>as a game breeder on a departmental</del> in a form and manner prescribed by the department that includes the following information:
  - (1) The name of the applicant.
  - (2) The address of the applicant.
  - (3) The county of residence for the applicant.
  - (4) The location where wild animals are kept if not at the applicant's address under subdivision
    (2).
  - (5) The phone number of the applicant.
  - (6) The species of wild animal to be kept under the game breeder's license.

- (b) A **person holding a game breeder's** license <del>holder</del> under this section may possess **at least** one (1) <del>or</del> <del>more</del> of the following:
  - Ring-necked pheasant (Phasianus colchicus).
  - (2) Bobwhite quail (Colinus virginianus).
  - (3) Eastern cottontail rabbit (Sylvilagus floridanus).
  - (4) Gray squirrel (Sciurus carolinensis).
  - (5) Fox squirrel (Sciurus niger).
  - (6) Beaver (Castor canadensis).
  - (7) Coyote (Canis latrans).
  - (8) Gray fox (Urocyon cinereoargenteus).
  - (9) Red fox (Vulpes vulpes).
  - (10) Mink (Mustela (Neovison vison).
  - (11) Muskrat (Ondatra zibethicus).
  - (12) Opossum (Didelphis marsupialis) virginiana).
  - (13) Raccoon (Procyon lotor).
  - (14) Striped skunk (Mephitis mephitis).
  - (15) Long-tailed weasel (Mustela (Neogale frenata).
  - (16) Least weasel (Mustela nivalis or Mustela rixosa).
  - (17) Bobcat (Lynx rufus).
- (c) A person holding a game breeder's license holder under subsection (a) may lawfully acquire and possess the following:
  - (1) A furbearing mammals and or an eastern cottontail rabbits rabbit that must have been one (1) of the following is:
    - (A) lawfully taken in during a season to take the wild animal; or
    - (B) born in captivity.
  - (2) Fox squirrels and A squirrel or a gray squirrels squirrel that have been is born in captivity.
  - (3) A ring-necked pheasants and pheasant or a bobwhite quail that have been hatched in captivity.
- (d) A **person holding a game breeder's** license <del>holder</del> under subsection (a) may possess the following:
  - (1) A furbearing mammals, squirrels, and mammal, as defined by IC 14-8-2-108, squirrel, or eastern cottontail rabbits rabbit for breeding purposes under IC 14-22-20.
  - (2) A ring-necked pheasants and pheasant or a bobwhite quail for:
    - (A) breeding; purposes

- (B) food; or
- (C) release.
- (e) A person must shall apply for a game breeder's license under this section:
  - (1) within not later than five (5) days after the acquisition of an acquiring a wild animal within Indiana in the state;
  - (2) within not later than five (5) days after the importation of an importing a wild animal into Indiana to the state; or
  - (3) if it the wild animal is a raccoon, red fox, gray fox, or coyote and obtained within the in a trapping season for that the species of animal, within not later than five (5) days of after the close of the season for that the species.
- Each (f) An enclosure for these animals a wild animal must be inspected by a conservation officer before a game breeder's license may be issued.
- (f) A (g) A person holding a game breeder's license holder under this section may add a species other than those a species identified in the application upon:
  - (1) an inspection by a conservation officer; or
  - (2) approval by the division. of fish and wildlife

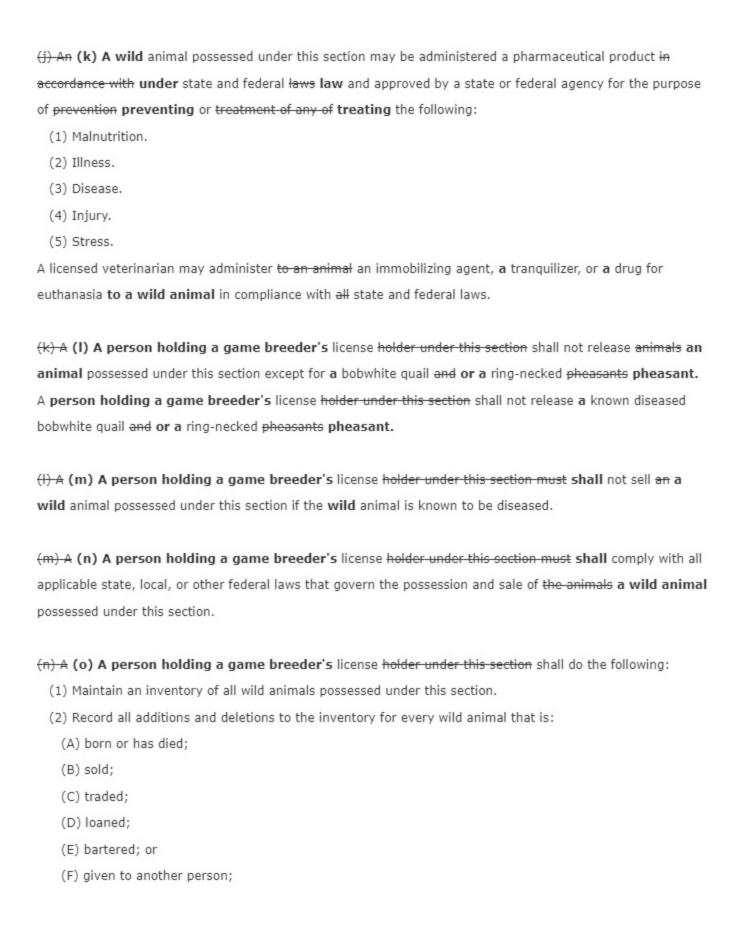
A person holding game breeder's license shall notify a conservation officer must be notified within not later than five (5) days of acquisition of the after acquiring a new species.

- (g) (h) A person holding a game breeder's license holder under this section who that imports:
  - (1) any a live animal; under this license; or
  - (2) the eggs of birds covered under this license; a bird;

must shall secure a certificate of veterinary inspection from an accredited veterinarian in the state of origin or certificate of compliance as specified at under 345 IAC 1-3-24 before the live animal or egg is shipped into Indiana to the state. Documentation in the form of a copy of a valid game breeder breeder's license or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of wild animals the live animal or egg.

(h) A (i) A person holding a game breeder's license holder under this section must shall present at least one (1) of the following for inspection upon the request of a conservation officer for each animal possessed by the person holding a game breeder's license:

A receipt. (2) An invoice. (3) Other satisfactory evidence of lawful acquisition. including documentation of natural birth. (i) For ring necked pheasants, bobwhite quail, furbearing mammals, eastern cottontail rabbits, fox squirrels, and gray squirrels (j) The following requirements apply to possession of a wild animal under subsection (b): (1) Confine a wild animal must be confined in to a cage or other enclosure that: (A) makes escape of the wild animal unlikely; and (B) prevents the entrance of a free-roaming wild animal of the same species. (2) The Provide a cage or enclosure shall be large enough to: (A) allow the wild animal to turn about freely; and (B) make normal postural adjustments. (3) All Provide a chainlink or welded wire edges shall be: (A) smoothly secured to prevent injury to the animals; wild animal; and (B) kept properly repaired maintained. (4) Provide a night quarters quarter, a holding pens and pen, or a nesting boxes box may not be used as primary housing. (5) The following shall be provided Provide the following as required for the comfort of the particular species of wild animal: (A) Fresh water. (B) Rainproof dens. (C) Nest boxes. (D) Windbreaks. (E) Shelters. (F) Shade. (G) Bedding. (6) Each animal shall be handled, housed, Handle, house, and transported transport a wild animal in a sanitary and humane manner. (7) An enclosure must be provided Provide enclosures with sufficient drainage to prevent standing water from accumulating. (8) The cages Make a cage or other enclosures must be made enclosure available upon request for inspection by a conservation officer.



on a signed departmental form or computerized record with a signature that is either electronic or in ink. If recorded on a departmental form, the person must complete the in a form in ink. and manner prescribed by the department.

- (3) Keep a copy of the complete and accurate inventory on the premises of the game breeder.
- (4) Provide a copy of the inventory to a conservation officer upon request.
- (5) Issue a valid, dated receipt prepared in ink for all animals a wild animal or their products product that are is sold, traded, bartered, or gifted and include the following information:
  - (A) The game breeder breeder's license number.
  - (B) The buyer and seller name and address.
  - (C) The number of animals or products sold.
  - (D) The species of animal sold.

A copy of all of the receipts issued must be on the premises of the game breeder for at least five (5) years after the year of the transaction.

(e) (p) A game breeder's license expires on December 31 of the year the license is issued. The A person holding a game breeder's license holder must shall file an application with the division by not later than January 31 of each calendar year in order to renew the game breeder's license. The An annual report must accompany the renewal application and shall must include for each species possessed under this the game breeder's license the number of wild animals:

- (1) bought;
- (2) sold;
- (3) born;
- (4) traded;
- (5) gifted;
- (6) of deaths; that died; and
- (7) on hand.

(p) (q) A conservation officer may enter the premises of the a person holding a game breeder's license holder at all a reasonable hours time to conduct an inspection in accordance with subsections (q) (r) and (r).

(s).

(q) (r) During an inspection, the a person holding a game breeder's license holder or the license holder's designee shall of the person holding the game breeder's license shall comply with both of the following:

- (1) Meet the conservation officer at the time of inspection to provide access to all enclosures where wild animals possessed under a the game breeder's license issued under this section are housed.
- (2) Provide access to all records relative to the game breeder's license. issued under this section
- (r) (s) While conducting an inspection, the conservation officer must shall comply with the following:
  - (1) Upon request of the **person holding the game breeder's** license holder or the license holder's designee **of the person holding a game breeder's license**, and prior to entering the enclosure where **wild** animals are housed, follow appropriate sanitation practices to prevent the spread of disease if the **person holding the game breeder's** license holder provides sanitation supplies or protective equipment.
  - (2) Give due consideration to the safety and welfare of the wild animals.
  - (3) Notify the **person holding the game breeder's** license holder if the inspection reveals a violation of under this section or IC 14-22-20. The conservation officer may make a second inspection after no sooner not earlier than fifteen (15) days after the reported violations unless critical conditions exist as determined at the reasonable discretion of the conservation officer. The wild animals may be confiscated if the **person holding a game breeder's** license holder fails to correct the violations of the **game breeder's** license requirements.
- (s) (t) A game breeder's license may be suspended, denied, or revoked under IC.4-21.5 if the person holding a game breeder's license holder fails to comply with any of the following:
  - A provision of a game breeder's license issued under this section.
  - (2) IC 14-22-20.
  - (3) All Applicable state, local, or other federal laws.
- (u) A person shall pay the fee for a game breeder's license under 312 IAC 1.5-4-11.

(Natural Resources Commission; 312 IAC 9-10-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jan 26, 2004, 10:45 a.m.: 27 IR 1789; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Apr 8, 2010, 1:49 p.m.: 20100505-IR-312090486FRA; filed Dec 10, 2010, 10:36 a.m.: 20110105-IR-312100104FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; filed Jun 21, 2018, 1:45 p.m.: 20180718-IR-312170436FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR312190325RFA)

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# 312 IAC 9-10-12 Fur buyer's license

Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-19

Affected: IC 14-22-19-3

Sec. 12. (a) This section applies to a person who that is issued a fur buyer's license under IC 14-22-19-3.

(b) A person shall obtain a fur buyer's license must be obtained under this section before a person engages in the business of buying furbearing mammals, river otters, badgers, and bobcats or the untanned hides, skins, or furs of furbearing mammals, river otters, badgers, and bobcats in Indiana: the state.

(c) A person shall make application for a **fur buyer's** license under this section <del>on</del> in a <del>departmental</del> form and manner prescribed by the department that includes the following information:

- (1) The name of the applicant.
- (2) The address of the applicant.
- (3) The county of residence for the applicant.
- (4) The location where wild animal carcasses or hides are purchased.
- (5) The phone number of the applicant.
- (6) The names of any agents of the applicant, if applicable.

(d) Except as otherwise provided in this subsection, a licensed person holding a fur buyer buyer's license may possess the carcasses carcass and untanned hides hide of:

- (1) a furbearing mammals mammal, as defined by IC 14-8-2-108;
- (2) a river otters; otter;
- (3) badgers; a badger; and
- (4) bobcats; a bobcat;

that are lawfully taken until June 30 of the year the fur buyer's license expires.

- (e) A licensed person holding a fur buyer buyer's license must do the following:
  - (1) Not Possess the carcass or untanned hide or any part of a bobcat or badger unless if the carcass, untanned hide, or part was lawfully acquired outside Indiana. the state.
  - (2) Document the date and method of lawful acquisition of each untanned hide or carcass of a bobcat and badger by obtaining from the seller a legible copy of: any:

- (A) d tag;
- (B) a receipt;
- (C) a hunting license;
- (D) a trapping license;
- (E) a permit to take or possess a badger; or
- (F) any other appropriate record;

from the state or country where the **wild** animal, including any part or portion of the **wild** animal, <del>was</del> is acquired.

- (3) Record the date and method of lawful acquisition of each untanned hide or carcass of a wild animal other than a bobcat and badger.
- (f) A licensed person holding a fur buyer buyer's license may possess a carcass or untanned hide after
  June 30 of the year the fur buyer's license expires upon when the submission of person submits a signed
  report to the department by not later than June 30 of the year the fur buyer's license expires identifying
  the species, number, and location of furs or carcasses kept.
- (g) A licensed person holding a fur buyer buyer's license must issue a valid, dated receipt for any a wild animal that is sold, traded, bartered, or gifted. The receipt must include the following information:
  - (1) The fur buyer's license number.
  - (2) The buyer's and the seller's names and addresses.
  - (3) The:
    - (A) number; and
    - (B) species;

of wild animals sold.

(h) A conservation officer may, at any a reasonable time, inspect the records, hides, and carcasses of wild animals possessed by a licensed person holding a fur buyer, buyer's license.

(Natural Resources Commission; 312 IAC 9-10-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; 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; filed Feb 26, 2015, 2:01 p.m.: 20150325-IR-312140341FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

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