

Consideration of Recommendation of DNR Committee Formed to Consider Citizen Petitions regarding the Chasing and Hunting of Coyotes and Foxes with Dogs; Administrative Cause No. 09-069D, 09-073D, and 09-074D.

**COYOTE PETITION REPORT
Indiana Department of Natural Resources
March 2010**

Petitions

Three petitions were received by the Natural Resources Commission in April of 2009. They are as follows:

1. Prohibit fox and coyote running enclosures during the hunting and trapping seasons, including prohibiting a person to use a dog to hunt, injure, maul, pursue, track, harass, take, or kill coyotes or foxes within a confined area where the purpose is to train and/or run dogs.
2. Prohibit a person from being able to take (includes kill, injure, maul, pursue, track, hunt, harass, or disturb in any manner) coyotes and foxes by the use or aid of a dog.

Background on Running/Training enclosures

The DNR does not currently authorize running enclosures through a special permit or authorization. However, by allowing trappers to live-trap coyotes and foxes during the trapping season and possess them during the remainder of the trapping season without a special permit, this activity is currently legal during the hunting and trapping season for that animal. It is also currently legal to chase coyotes or foxes with dogs inside an enclosure outside the season with a field trial permit from the DNR.

Purpose of Running Enclosures

1. Provides a place for individuals to train dogs, particularly those that are young or inexperienced, to trail coyotes and foxes in an enclosure that has an increased population density of coyotes and foxes (result of stocking).
2. Provides access to private land for pursuing furbearers due to the reduced amount of land available to hunt furbearers.
3. Allows training to be conducted safely in a controlled environment and allows dogs to be retrieved from a chase at any time.
4. Allows for individuals, including the young and elderly, to participate in the chase and observe the furbearers and dogs.
5. Allows judging of individual dogs during a chase during organized competitions (field trials).

Concerns about Running Enclosures

1. Fair Chase: Running enclosures do not always provide for fair chase. The DNR Division of Fish and Wildlife believes that regulated hunting, fishing and trapping are legitimate pursuits when conducted in fair chase. Fair chase requires the hunter to not have an unfair advantage and the game animal has a reasonable chance of escape.

2. Disease and Parasite Transmission: The incidence of various diseases and parasites between captive and wild animals is increased within enclosures and poses a significant threat to both to the health of the wild animal population and to humans.
 - A. Rabies: the raccoon strain of rabies was transferred to Mid-Atlantic States from a shipment of raccoons by private hunting clubs; coyote-variant canine rabies was transferred to a Florida pen from Texas.
 - B. Other diseases: canine distemper, canine heartworm, sarcoptic mange, parvovirus enteritis, leptospirosis, and infectious canine hepatitis can be transmitted by coyotes and foxes.
 - C. Parasites: raccoon roundworm, *Multiceps serialis*, *Sarcocystis cuniculi*, and *Baliscaris* can also be carried by coyotes and foxes.
3. Sources of Animals: The primary source for furbearers released into training pens are animals captured from the wild. Furthermore, the live-trapping of foxes and coyotes for sale to training pens is popular among trappers, especially since a live animal can be sold for much more money than a raw fur (hide), or other part of the animal. If the animals are not obtained from the wild or from commercial breeders within the state, they would have to be obtained from out-of-state, creating a potential disease threat.
4. Illegal Activities: Regardless of the regulations in place governing the chasing of coyotes in enclosures, there will always be some illegal activities. In states where running/training enclosures are permitted, law enforcement operations have found illegal buying, selling and possessing of certain species of wild animals, in addition to cruelty to animals, in running/training enclosures.
5. Privatization and commercialization of wild animals: By allowing running enclosures to obtain animals from the wild, these wild-caught animals are then held in captivity by private individuals and used for a commercial purpose, converting wild animals that are the property of the people of Indiana to private use. However, individuals who obtain coyotes legally are allowed by law to possess coyotes under a game breeder license or wild animal possession permit. License rehabilitators are also allowed to retain non-releasable coyotes that were obtained from the wild and possess them under a wild animal possession permit.
6. Hunter ethics and public perception: The public perception of the DNR authorizing running enclosures, which has never been done, could damage the public's view of trappers and hunters. The Indiana DNR supports the concept of fair chase and has taken a stand against canned hunting of captive cervids and other species. Some organizations in Kentucky have opposed the live sale of foxes and coyotes because of the negative image it portrays of hunting and trapping and due to the potential for an increased number of traps in the field.

Other States

The lists below do not reflect every state in the nation, only those in the Midwest.

Allow Training Pens: Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin

Allow the Hunting Coyotes and Foxes with Dogs in the Wild: Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin

Florida: Importation of live coyotes is illegal. Currently, there is a moratorium on issuing permits for chasing foxes or coyotes in enclosures, and the state has only one permitted facility.

The Florida Game Commission asked staff to hold workshops and meet with stakeholders to develop draft rules governing this activity. The draft rules will be brought back for consideration at their June meeting.

Kentucky: hunting is open year-round statewide and allows the use of dogs for coyotes; trapping coyotes is allowed only during the furbearer season; fox hunting can be done with dogs; coyotes cannot be imported except for zoos, educational or scientific institutions or government agencies. Coyotes and foxes can be taken from the wild and kept under a captive wildlife permit; Allows foxhound training enclosures under a special permit. Coyote can be hunted year-round. Foxes can be chased year-round during daylight hours for sport and not to kill; raccoons and opossums can be chased year-round for sport and not to kill.

Wisconsin: allows running enclosures by permit only for foxes, coyotes, rabbits, raccoons, black bears, and bobcats

Missouri: allows running areas for foxes and coyotes; foxes and coyotes must be acquired from legal sources within Missouri

Illinois: has a year-round running season (cannot be killed) for coyotes, foxes, raccoons, opossums, and striped skunks; coyotes may be hunted on private property using dogs

Michigan: allows a person to train dogs on wild animals only from July 15 through April 15; Michigan residents can train dogs on fox on state lands in one zone under a special permit; does not allow live game or protected animals taken from the wild to be kept in captivity except under a permit issued by the DNR; it is illegal to bring a live raccoon or skunk into Michigan; coyotes can be taken on private property without a permit by a property owner or designee all year if they are doing or about to do damage on private property

Minnesota: a new law prohibits the export and import of a live coyote except under a permit from the commissioner

Ohio: Allows the hunting of coyotes, foxes, and other mammals and game birds on wild animal hunting preserves; the minimum preserve size is 80 acres; animal must be tagged but cannot escape into the wild; coyotes can be hunted year-round

Taking (Hunting and Trapping) Coyotes and Foxes

The current season for hunting and trapping coyotes is from October 15 through March 15. The current season for hunting foxes is from October 15 through February 28 and their trapping season is from October 15 through January 31. Coyotes can also be taken at anytime of year by a landowner or by a person who has written permission from a landowner to take coyotes on that land. Foxes can be taken by resident landowners and tenants on property that they own or lease while the animal is damaging their property (312 IAC 9-3-15). Restrictions on the use of traps, snares, and other methods used to take coyotes and foxes are set forth in 312 IAC 9-3-18.

During the season, trappers can live-trap coyotes or foxes, retain them alive throughout the rest of the season, and then at the end of the season, either sell that animal (live or dead) or obtain a game breeder's license from the DNR to possess them alive outside the season (per IC 14-

22-20 and 312 IAC 9-10-4). Carcasses of coyotes and their parts can be retained outside the hunting and trapping season and sold.

Licensed nuisance wild animal control operators can also take coyotes or foxes that are causing or threatening to cause damage, or creating a threat to human health or the safety threat to humans or domestic animals at anytime of year (312 IAC 9-10-11). The DNR also has information available to landowners and others who need assistance with coyote or fox problems that includes measures that can be taken to help reduce or eliminate problems as well as information about how the animal can be legally taken on their property. Publications with information on preventing and controlling nuisance wild animals are currently available on our website at: www.in.gov/dnr/fishwild/2351.htm.

Sale of Coyotes and Foxes

Coyotes and foxes that are taken during the hunting and trapping season can be sold, live or dead, per 312 IAC 9-3-14.5(d). Coyotes that are taken by a landowner or those with written permission from a landowner, as authorized in IC 14-22-6-12, cannot be sold live if taken outside the hunting and trapping season (312 IAC 9-3-12(d)). Resident landowners or tenants that take nuisance foxes on their property outside the season cannot sell them. Those who take coyotes outside the season can retain the carcass, hide, and other parts of the coyote and sell them. Individuals who have a nuisance wild animal control permit cannot sell the coyotes and foxes, including their hides and parts, that are captured under the authority of that permit (312 IAC 9-10-11).

The hides and other parts of coyotes and other furbearing mammals can be sold at anytime of year by a person who is in lawful possession of that part or hide (such as a licensed fur buyer or taxidermist) as authorized in IC 14-22-19 and 312 IAC 9-2-3(c).

Licensed game breeders can also sell live coyotes throughout the year if the coyote was lawfully obtained (such as born in captivity or obtained during the trapping season); live coyotes possessed under a game breeder license cannot be used to train dogs (IC 14-22-20-1 and 312 IAC 9-10-4). IC 14-22-19 authorizes licensed fur buyers to purchase furbearing mammals (live or dead) and their hides and carcasses.

The sale of live coyotes is not legal in some states. For example:

- Kansas: coyotes and foxes caught in the wild in Kansas cannot be sold alive
- Ohio: all furbearers (including coyotes) trapped in Ohio must be killed immediately when captured. Live foxes and coyotes can be bought or sold only if they were legally acquired with proper permits
- South Dakota: no sale allowed of live furbearers; must be immediately and humanely kill the animal or release it on site when trapped

The sale of live coyotes is allowed in states such as Missouri and Minnesota.

- Missouri: coyotes and foxes can be sold only to licensed hound running areas within the state of Missouri and the coyotes must originate from Missouri.
- Minnesota: coyotes may be kept alive and sold, but foxes must be killed or returned to the wild immediately by the hunter or trapper.

Importation of Coyotes

In Indiana, a live coyote can be imported into Indiana only as follows:

- (1) with an importation permit if it is going to be released or sold to be released into the wild (IC 14-22-25),
- (2) with a game breeder license, in addition to a health certificate (IC 14-22-20 and 312 IAC 9-10-4),
- (3) with a wild animal possession permit (IC 14-22-26 and 312 IAC 9-11), or
- (4) without a permit if the animal is only going to be transported through Indiana and not leave the truck while in the State of Indiana.

The importation of live coyotes is illegal in some states, including the following:

- Florida (if they are to be used in permitted fox pens)
- Missouri (bans imports of live raccoons, foxes and coyotes)
- Texas
- Wisconsin (does not allow importation of captive coyotes, foxes or raccoons for hound dog training purposes as of July 1, 2007; they issue permits for live trapping nuisance coyotes to be used in these enclosures and allow fur farms to sell them when trapped live to these enclosures)

A permit is required to import coyotes into some states, including the following:

- Florida
- Idaho (plus a certificate of veterinary inspection)
- Illinois (plus a certificate of veterinary inspection)
- Kansas (with proper permits or documentation that the animal was lawfully acquired)
- Kentucky (plus a certificate of veterinary inspection)
- Michigan
- Pennsylvania (only allowed by licensed propagators for fur farming purposes)
- Virginia
- Tennessee
- Wisconsin, for use other than a hound dog training enclosure; certification of a veterinarian inspection must be completed within 30 days prior to the import, and the person who obtains the coyotes must have a permit to possess them

Possession of Coyotes and Foxes

Live coyotes and foxes can be possessed outside the season with one of the following permits: game breeder's license, wild animal possession permit, or wild animal rehabilitation permit. To be possessed under a game breeder's license or wild animal possession permit, the coyotes or foxes must have been obtained legally during the trapping season or from a licensed game breeder. State law in IC 14-22-20-2 specifically states that a furbearing mammal (including coyotes and foxes) can be retained live after the close of the season if the person applies for a game breeder license within five (5) days after the close of the season. Individuals who legally acquire a coyote or fox during the trapping season can retain it under a wild animal possession permit (312 IAC 9-11-1). Wild animal rehabilitators are also currently allowed to rehabilitate coyotes, foxes, and other furbearing mammals for a period of no more than one hundred and eighty (180) days; rehabilitators can possess non-releasable coyotes and foxes under a wild animal possession permit in accordance the Non-Rule Policy (NRC Information Bulletin #45) approved by the Natural Resources Commission in May of 2006.

During the season, trappers can live-trap a coyote or fox and possess it alive during the remainder of the hunting and trapping season for that species without a special permit or authorization (312 IAC 9-3-14.5).

Applicable Laws

Coyotes and foxes are a wild animal protected by Indiana law and are the property of the people of Indiana (IC 14-22-1-1). They are also defined as a “Furbearing Mammal” in IC 14-8-2-108. IC 14-22-2-6 also requires the DNR to provide for the protection, care, management, survival, and regulation of wild animal populations. The mission of the DNR Division of Fish and Wildlife is to professionally manage Indiana's fish and wildlife for present and future generations, balancing ecological, recreational, and economic benefits. The DNR believes that regulated hunting, fishing and trapping are legitimate pursuits when conducted in fair chase.

Coyotes can be “taken” at any time of year per state law in IC 14-22-6-12 for landowners and anyone with written permission from the landowner without a special permit and by any method (in compliance with local ordinances). Coyotes can be chased year-round because the definition of “take” includes hunt, pursue, chase, or kill. However, the definition of "take" in IC 14-8-2-278 does not include possession or sale. Nuisance coyotes and foxes can also be taken under a free nuisance wild animal control permit available from the DNR Division of Fish and Wildlife as authorized under IC 14-22-28 and 312 IAC 9-10-11. Over 150 individuals are licensed to take nuisance wild animals for landowners and businesses; their contact information is available through our website. Legal methods must be used, and the wild animals taken under that permit cannot be sold, but must be euthanized or released in the county of capture.

Below are the laws applicable to the taking, possession, and sale of coyotes and foxes.

"Take"

Sec. 278. "Take" has the following meaning:

- (1) For purposes of IC 14-22, except as provided in subdivision (2):
 - (A) to kill, shoot, spear, gig, catch, trap, harm, harass, or pursue a wild animal; or
 - (B) to attempt to engage in such conduct.
- (2) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-5.

IC 14-8-2-228

"Pursue"

Sec. 228. "Pursue", for purposes of IC 14-22, means following wild animals with the intent to take.

IC 14-8-2-39

"Chase"

Sec. 39. "Chase", for purposes of IC 14-22, means following wildlife without the intent to take.

IC 14-8-2-108

"Furbearing mammal"

Sec. 108. "Furbearing mammal", for purposes of IC 14-22, means beaver, red fox, gray fox, long tailed weasel, mink, muskrat, raccoon, coyote, opossum, or skunk.

IC 14-22-6-1

Taking of wild animals governed by laws and rules

Sec. 1. A person may not take, chase, or possess a wild animal, except as provided by:

- (1) a statute; or
- (2) a rule adopted under IC 4-22-2 to implement this article.

IC 14-22-2-6

Adoption of rules

Sec. 6. (a) The director shall adopt rules under IC 4-22-2 to do the following:

- (1) Establish, open, close, lengthen, suspend, or shorten seasons.
- (2) Establish bag, sex, and size limits.
- (3) Establish limitations on the numbers of hunters and fishermen.
- (4) Establish the methods, means, and time of:
 - (A) taking, chasing, transporting, and selling; or
 - (B) attempting to take, transport, or sell;

wild animals or exotic mammals, with or without dogs, in Indiana or in a designated part of Indiana.

- (5) Establish other necessary rules to do the following:
 - (A) Administer this chapter.
 - (B) Properly manage wild animals or exotic mammals in a designated water or land area of

Indiana.

(6) Set aside and designate land or water or parts of the land or water owned, controlled, or under contract or acquired by the state for conservation purposes as a public hunting and fishing ground under the restrictions, conditions, and limitations that are determined to be appropriate.

(b) Rules:

- (1) may be adopted only after thorough investigation; and
- (2) must be based upon data relative to the following:
 - (A) The welfare of the wild animal.
 - (B) The relationship of the wild animal to other animals.
 - (C) The welfare of the people.

(c) Whenever the director determines that it is necessary to adopt rules, the director shall comply with the following:

- (1) Rules must clearly describe and set forth any applicable changes.
- (2) The director shall make or cause to be made a periodic review of the rules.
- (3) A copy of each rule, as long as the rule remains in force and effect, shall be included and printed in each official compilation of the Indiana fish and wildlife law.

(d) The director may modify or suspend a rule for a time not to exceed one (1) year under IC 4-22-2-37.1.

IC 14-22-6-12

Taking of coyotes

Sec. 12. A person:

- (1) who possesses land; or
 - (2) designated in writing by a person who possesses land;
- may take coyotes on the land at any time.

IC 14-22-6-8

Sale of wild birds or mammals governed by article

Sec. 8. (a) As used in this section, "sell" includes serving as a part of a meal by a restaurant, a hotel, a boardinghouse, or an eating house keeper.

(b) A person may not sell, offer to buy, trade, or offer to trade a wild bird or mammal, or meat from a wild bird or mammal, that:

- (1) is live or dead; and
- (2) is taken in:
 - (A) Indiana; or
 - (B) another state and brought into Indiana;

except as otherwise provided in this article.

(c) Proof that a bird or mammal was served constitutes prima facie evidence that the bird or mammal was served in violation of this article. However, a restaurant, a hotel, a boardinghouse, or an eating house keeper may prepare and serve during open season to:

- (1) a guest, patron, or boarder; and
- (2) the family of the guest, patron, or boarder;

a bird or mammal legally taken by the guest, patron, or boarder during the open season.

IC 14-8-2-109 "Fur buyer"

Sec. 109. "Fur buyer", for purposes of IC 14-22, means a person who purchases or solicits:

- (1) the purchase of a furbearing mammal; or
- (2) the untanned hide or fur of a furbearing mammal;

whether in the buyer's behalf or as agent for another person.

Fur Buyer's License

IC 14-22-19-1 License requirement

Sec. 1. A person must have a license issued by the department to engage in the business of buying furbearing mammals or the untanned hides or furs of furbearing mammals in Indiana.

IC 14-22-19-2 Types of licenses; fees

Sec. 2. The department may issue the following licenses to engage in the business of buying furbearing mammals or the untanned hides, skins, and furs of furbearing mammals in Indiana upon payment of the following license fees:

- (1) A resident buyer's license, authorizing purchases direct from trappers or from other licensed buyers, seventy-five dollars (\$75).
- (2) A nonresident buyer's license, authorizing purchases direct from trappers or from other licensed buyers, one hundred twenty-five dollars (\$125).

IC 14-22-19-3 Issuance; expiration

Sec. 3. Upon receipt of an application containing the proper information and the prescribed fee, the department shall issue a license to the applicant. The license:

- (1) expires June 30 after the date of issue; and
- (2) entitles the holder to purchase:
 - (A) furbearing mammals; or
 - (B) the untanned hides, skins, or furs of furbearing mammals.

IC 14-22-19-5 Direct purchases from trappers

Sec. 5. Purchases direct from trappers may be made only during the open season on the

fur-bearing mammals and the grace period provided by this article.

Field Trial Permit

IC 14-8-2-89

"Field trial"

Sec. 89. "Field trial", for purposes of IC 14-22, means a trial of sporting dogs under field conditions where dogs chase or pursue wild animals under specified rules of national or regional recognized hunting dog associations approved by the director.

IC 14-22-24-1

Permit requirement

Sec. 1. A person may not conduct a field trial without a permit issued by the department.

IC 14-22-24-2

Issuance; fee; rules

Sec. 2. The department may issue a permit for a fee of ten dollars (\$10) to a person to conduct a field trial under rules adopted under IC 4-22-2 for the protection of wild animals. The rules shall be incorporated in or attached to the permit when issued.

IC 14-22-24-3

Field trial to be sanctioned

Sec. 3. A permit to conduct a field trial may not be issued to a person unless the field trial is to be a sanctioned trial under the rules of a national or regional hunting dog association recognized or approved by the department.

IC 14-22-24-4

Field trials out of season

Sec. 4. A person may not conduct a field trial if wild animals are being pursued out of season except:

- (1) in the areas and at the times that are approved by the department; and
- (2) under this article.

IC 14-22-24-5

Effect of laws of other states

Sec. 5. A nonresident of Indiana may not train, work, or exercise a dog in Indiana at any time that Indiana residents are not permitted to train, work, or exercise a dog in the nonresident's state.

Game Breeder's License

IC 14-22-20-1

Issuance; fee

Sec. 1. The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

- (1) propagate in captivity; and
 - (2) possess, buy, or sell for this purpose only;
- game birds, game mammals, or fur-bearing mammals protected by Indiana law.

IC 14-22-20-2

Sales authorized; application

Sec. 2. A license issued under this chapter authorizes the sale of nonmigratory game birds, game mammals, or furbearing mammals for breeding purposes or for release and nonmigratory game birds for food purposes. A person who:

(1) acquires a game bird, game mammal, or furbearing mammal alive, legally in open season;
or

(2) purchases the bird or mammal from a licensed game breeder;
may apply for a breeder's license within five (5) days after acquiring the animal from the licensed game breeder or within five (5) days after the last day of the open season for the animal. Otherwise, the animal shall be released.

IC 14-22-20-3

Importation of out-of-state animals

Sec. 3. An animal raised domestically by an out-of-state breeder may be imported into Indiana and sold for food purposes. A purchaser of such an animal raised domestically by an out-of-state breeder must be able to show legal proof of out-of-state origin for all animals possessed.

Administrative Rules:

312 IAC 9-2-3 Application of this article to wild animal parts

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 3. (a) Except as provided in subsection (b), a prohibition against the:

- (1) possession;
- (2) sale;
- (3) offer for sale;
- (4) purchase;
- (5) offer for purchase;
- (6) shipment;
- (7) transportation;
- (8) delivery; or
- (9) receipt;

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

(b) The prohibition established under subsection (a) does not apply to the following parts of wild animals taken lawfully:

- (1) Tanned hides.
- (2) Any portion of a furbearer.
- (3) Cured feathers.
- (4) Squirrel tails.
- (5) Untanned deer hides.
- (6) Antlers.
- (7) Hooves.

(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)

312 IAC 9-2-9 Chasing; use of dogs

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 9. (a) An individual may use dogs to chase a wild animal at any time unless prohibited by law.

(b) An individual who uses dogs to chase wild animals must comply with the season dates and to restrictions for a dog owned, possessed, or controlled by the individual.

(Natural Resources Commission; 312 IAC 9-2-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

312 IAC 9-3-12 Foxes, coyotes, and skunks

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

Affected: IC 14-22

Sec. 12. (a) An individual may hunt:

(1) red foxes (*Vulpes vulpes*); and

(2) gray foxes (*Urocyon cinereoargenteus*);

is from noon on October 15 until noon on February 28 of the following year.

(b) An individual may trap:

(1) red foxes (*Vulpes vulpes*); and

(2) gray foxes (*Urocyon cinereoargenteus*);

is from 8 a.m. on October 15 until noon on January 31 of the following year.

(c) Except as provided in subsection (d), an individual may:

(1) hunt:

(A) coyotes (*Canis latrans*); and

(B) striped skunks (*Mephitis mephitis*);

is from noon on October 15 until noon on March 15 of the following year; and

(2) trap:

(A) coyotes (*Canis latrans*); and

(B) striped skunks (*Mephitis mephitis*);

is from 8 a.m. on October 15 until noon on March 15 of the following year.

(d) A person who possesses land, or another person designated in writing by that person, may take coyotes on that land at any time. A live coyote taken under this subsection from March 16 through October 14:

(1) must be euthanized within twenty-four (24) hours of capture; and

(2) shall not be:

(A) possessed for more than twenty-four (24) hours;

(B) sold;

(C) traded;

(D) bartered; or

(E) gifted.

(Natural Resources Commission; 312 IAC 9-3-12; 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; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; filed Jul 31, 2008, 4:06 p.m.: 20080827-IR-312070749FRA; errata filed Oct 30, 2008, 10:56 a.m.: 20081119-IR-312080832ACA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

312 IAC 9-3-14.5 Possession of furbearing mammals

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

Sec. 14.5. (a) An individual must not possess the untanned hide or unprocessed carcass of any of the following species that have been lawfully taken for more than twenty (20) days after the close of the hunting or trapping season:

- (1) Red fox (*Vulpes vulpes*).
- (2) Gray fox (*Urocyon cinereoargenteus*).
- (3) Striped skunk (*Mephitis mephitis*).
- (4) Beaver (*Castor canadensis*).
- (5) Mink (*Mustela vison*).
- (6) Muskrat (*Ondatra zibethicus*).
- (7) Long-tailed weasel (*Mustela frenata*).
- (8) Virginia opossum (*Didelphis marsupialis*).
- (9) Raccoon (*Procyon lotor*).

(b) An individual must not possess a live furbearing mammal listed in subsection (a) outside the hunting or trapping season except under one (1) of the following:

- (1) A game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.
- (2) A wild animal possession permit in compliance with 312 IAC 9-11.
- (3) A wild animal rehabilitation permit in compliance with 312 IAC 9-10-9.
- (4) A scientific purposes license in compliance with 312 IAC 9-10-6.
- (5) A nuisance wild animal control permit in compliance with 312 IAC 9-10-11.
- (6) 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.
- (7) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) An individual must not sell a live furbearing mammal listed in subsection (a) except:

- (1) during the hunting and trapping season established in this rule for that animal; or
- (2) with a valid game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.

(d) An individual must not possess the untanned hide of a furbearing mammal listed in subsection (a) except:

- (1) during the hunting and trapping season established in this rule for that animal;
- (2) for not more than twenty (20) days after the close of the hunting or trapping season as established in this rule for that animal;
- (3) with a valid fur buyer's license in compliance with IC 14-22-19 and 312 IAC 9-10-12;
- (4) with a valid taxidermy license in compliance with IC 14-22-21 and 312 IAC 9-10-5; or
- (5) with a valid special purpose salvage permit in compliance with 312 IAC 9-10-13.5.

(Natural Resources Commission; 312 IAC 9-3-14.5; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

312 IAC 9-3-18 Prohibited methods of pursuit and taking wild animals; exceptions

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

Sec. 18. (a) A person must not take a wild animal with a foot-hold trap possessing saw-toothed or spiked jaws.

(b) A person must not take a wild animal with a foot-hold trap if the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) is greater than or equal to five and three-quarters ($5\frac{3}{4}$) inches and the inside width between the trap's hinge posts (Figure 2) is greater than or equal to five and three-quarters ($5\frac{3}{4}$) 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).

(c) A person must not take a wild animal with a foot-hold trap set on land if the inside jaw spread perpendicular to the trap's baseplate is greater than six and one-half ($6\frac{1}{2}$) inches and the inside width between the trap's hinge posts is greater than six and one-half ($6\frac{1}{2}$) inches.

(d) Notwithstanding subsection (b), a person may use species-specific foot-hold traps (Figure 6) that enclose the captured animal's foot, such as The EGG Trap™, Lil' Grizz Get'rz™, Duffer's Raccoon Trap™, Coon Cuffs™, and similar traps.

(e) As used in this section, "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.

(f) A person must not take a wild animal with a Conibear™, Dahlgren™, Bigelow™, or similar body-gripping trap if 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 either of the following:

- (1) larger than seven and one-half ($7\frac{1}{2}$) inches if square; or
- (2) larger than eight (8) inches, if round.

Otherwise, the trap must be completely covered by water.

(g) A person must not use a snare to trap a wild animal except upon land owned by the user or with the written permission of the landowner. No snare shall be used that permits a circumference greater than fifteen (15) inches unless:

- (1) at least fifty percent (50%) of the loop of the snare is covered by water; or
- (2) 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).

(h) A person must not disturb the den or house of a wild animal:

- (1) by shooting, digging, cutting, or chipping into the:
 - (A) leaf nest;
 - (B) hole;
 - (C) burrow;
 - (D) tree;
 - (E) cavity;
 - (F) pocket; or
 - (G) den; or

(2) with:
(A) the aid of:
(i) smoke;
(ii) fire;
(iii) fumes;
(iv) chemicals;
(v) a ferret; or
(vi) another small animal; or
(B) any mechanical device, other than a trap set lawfully, introduced into the:
(i) hole;
(ii) burrow;
(iii) tree; or
(iv) den;
where the animal is hidden or sheltered.

(i) A person must not wear or use a device to climb poles or trees for the purpose of dislodging a wild animal from a location:

- (1) where the animal has secreted itself for security or protection; or
- (2) in which the animal maintains a nest or den.

(j) A person must not possess an ax, a saw, or a device to climb poles or trees while in the field or woods at night for the purpose of dislodging a wild animal from a location:

- (1) where the animal has secreted itself for security or protection; or
- (2) in which the animal maintains a nest or den.

(k) A person must not chase or take a furbearing mammal between sundown and sunrise without carrying a continuous shining light that is visible for at least five hundred (500) feet.

(l) A person must not hunt a furbearing mammal from a boat. (*Natural Resources Commission; 312 IAC 9-3-18; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA*)

Conclusion

The DNR believes that dogs should continue to be allowed to hunt coyotes and foxes in the wild (outside an enclosure) in Indiana. Dogs are an effective tool in finding and chasing coyotes and are allowed to be used to hunt coyotes in all of the Midwestern states. While it is not known how many hunters use dogs to hunt coyotes in Indiana, the DNR believes that hunters should continue to be able to hunt with the aid of dogs for both coyotes and foxes. Most dogs are used to assist in tracking and finding coyotes and foxes and are not typically used to intentionally kill the animal. The coyote population in Indiana is not believed to be in decline. Furthermore, coyotes continue to move into suburban and urban neighborhoods where they cause conflicts with humans. The DNR has received reports in the past few months of coyotes killing pet dogs, chickens, and a goat. They are also known to eat rabbits, rodents, domestic cats, eggs, and carrion, among other things, and will take newborn calves and other livestock. Hunters need to be able to continue to hunt with as many tools as possible, while still maintaining fair chase.

However, the DNR is recommending that the NRC not allow an individual to chase or kill a coyote or fox in an enclosure with the use or aid of dogs in 312 IAC 9-3-12 for the reasons outlined on pages one and two of this document. Only one enclosure, located in Greene county, is known to exist in Indiana for the purpose of dog training and running events using coyotes or foxes.