
TITLE 312 NATURAL RESOURCES COMMISSION

Notice of Public Comment Period For Interim Rule
LSA Document #24-226

RIVER OTTER TRAPPING SEASON

PURPOSE OF NOTICE

The Natural Resources Commission (commission) is soliciting public comment on a rule temporarily superseding [312 IAC 9-3-18.2](#) concerning a statewide river otter trapping season. The commission seeks comment on the affected citations listed and any other provisions of Title 312 that may be affected by this rulemaking.

Governor's Approval: [20240717-IR-312240226GAA](#)

CITATIONS AFFECTED: [312 IAC 9-3-18.2](#)

AUTHORITY: [IC 4-22-2-37.2](#); [IC 14-10-2-4](#); [IC 14-22-2-6](#)

OVERVIEW

Basic Purpose and Background

The proposed interim rule allows river otters to be trapped statewide, rather than by county, and establishes a statewide quota of seven hundred fifty (750) river otters for the river otter trapping season. The rule is not changing the number of otters an individual may trap each season by the individual bag limit, nor the requirements governing river otter trapping in Indiana.

These rule changes simplify river otter trapping by allowing trapping to be conducted statewide rather than only in designated counties. The addition of the statewide quota in permanent rule is due to changes to the Indiana Code under House Enrolled Act 1623-2023. The rule regarding river otter trapping season was previously set by emergency rule. The rule changes will also help trappers know the statewide quota well in advance instead of waiting each year to see if the statewide quota is the same.

Statement Justifying Requirement or Cost

There will be no fiscal impact to state or local government.

REQUEST FOR PUBLIC COMMENT

The commission is soliciting public comment for this rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #24-226 River Otter Trapping Season
Aaron Bonar, Hearing Officer
Natural Resources Commission, Hearings Division
100 North Senate Avenue, Room N103
Indianapolis, IN 46204
- (2) By electronic mail to abonar@nrc.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.

COMMENT PERIOD DEADLINE

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

The rule, data, studies, or analyses referenced in the statement justifying requirement or cost, 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 and data, studies, or analyses referenced in the statement justifying requirement or cost are available at the Natural Resources Commission office.

PROPOSED INTERIM RULE

SECTION 1. (a) This SECTION supersedes [312 IAC 9-3-18.2](#).

(b) An individual may trap a river otter (*Lontra canadensis*) beginning November 15 and ending either:

- (1) March 15 of the following calendar year; or
- (2) the date the statewide quota set forth in subsection (g) is reached;

whichever is earlier. An individual who sets a trap for a river otter must be at least ten (10) years of age, unless the individual passed a state certified trapper education course.

(c) Except as provided under [IC 14-22-11-1](#), an individual may not trap a river otter unless the individual holds at least one (1) of the following Indiana trapping licenses:

- (1) A resident yearly trapping license under [IC 14-22-12-1\(a\)\(4\)](#).
- (2) A nonresident yearly trapping license under [IC 14-22-12-1\(a\)\(7\)](#).
- (3) A resident youth consolidated hunting, trapping, and fishing license under [IC 14-22-12-1\(a\)\(24\)](#) or [IC 14-22-11-10\(b\)](#).
- (4) A nonresident youth yearly trapping license under [IC 14-22-12-1\(a\)\(26\)](#).
- (5) A lifetime basic trapping license under [IC 14-22-12-7\(a\)\(6\)](#) before its repeal.

(d) An individual may not take more than two (2) river otters in a river otter trapping season. An individual who sets a trap that captures a river otter shall count the river otter toward the bag limit for the river otter trapping season.

(e) An individual who traps a river otter alive and does not include it in the individual's bag limit shall release the river otter into the wild, in the location where the river otter is captured immediately after discovering a river otter is caught in the trap.

(f) An individual may trap a river otter in any county in the state.

(g) The statewide quota for a river otter that may be taken during a river otter trapping season is seven hundred fifty (750) river otters. The department of natural resources (department) shall track the statewide quota for river otters on the department's website.

(h) An individual shall not trap a river otter after the:

- (1) individual's bag limit is reached; or
- (2) river otter trapping season ends.

(i) An individual who takes a river otter shall report the take, or ensure the take is reported, by providing the information required by the department's electronic harvest reporting system not later than twenty-four (24) hours after taking the river otter. An individual reporting a take under this subsection shall provide accurate information to the department. An individual shall keep the confirmation number provided by the department's electronic harvest reporting system with the river otter until the river otter is checked in with a designated department employee or at an official river otter checking station.

(j) An individual who takes a river otter during the river otter trapping season shall retain possession of the river otter and ensure the river otter's skinned hide and carcass, including the head, is delivered to a designated department employee or an official river otter checking station not later than fifteen (15) days after the month the river otter is harvested. The department employee shall:

- (1) issue a tag and attach it to each hide under 50 CFR 23.69*; and
- (2) retain possession of the skinned river otter carcass.

(k) A river otter, including the hide and any other part of the river otter, taken during the river otter 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 river otter is registered through the department's electronic registration system and issued a tag by a department employee under subsection (j).

(l) After registering the river otter and receiving the tag from the department under subsection (j), an individual who takes a river otter may:

- (1) sell;

- (2) trade;
- (3) barter;
- (4) ship; or
- (5) otherwise transfer;

the hide of the river otter under this SECTION and 50 CFR 23.69*.

(m) An individual may keep the untanned hide of a river otter lawfully captured at any time of year.

(n) An individual may not possess a live river otter 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 registered or licensed educational or scientific institution with the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (5) With a breeder, a dealer, or an exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(o) An individual may not sell a live river otter unless the individual has a breeder, a dealer, or an exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(p) An individual who takes a river otter with a trap that captures and immediately kills the river otter:

- (1) during the river otter trapping season, after the individual's bag limit is met; or
- (2) outside the river otter trapping season;

shall notify the department not later than forty-eight (48) hours after taking the river otter. The individual shall make arrangements to turn the river otter over to the department.

***This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Natural Resources Commission, Indiana Government Center North, 100 North Senate Avenue, N103, Indianapolis, IN 46204.**

SECTION 2. This document takes effect on the date and time the interim final rule is accepted for filing with the publisher.

SECTION 3. This document expires three hundred sixty-five (365) days after the interim final rule is accepted for filing with the publisher.

LSA Document #24-226

Approved by Governor: May 24, 2024

Posted: 07/17/2024 by Legislative Services Agency

An [html](#) version of this document.