
TITLE 312 NATURAL RESOURCES COMMISSION

Interim Final Rule
LSA Document #24-226

DIGEST

RIVER OTTER TRAPPING SEASON

Temporarily supersedes [312 IAC 9-3-18.2](#) to allow an individual to trap a river otter anywhere in the state, and establish statewide quotas for the river otter trapping season. Effective August 21, 2024. Expires August 21, 2025.

HISTORY

Notice of Public Comment Period for Interim Rule published July 17, 2024: [20240717-IR-312240226INA](#)
Governor's Approval submitted with Notice of Public Comment Period for Interim Rule:
[20240717-IR-312240226GAA](#)

SUMMARY/RESPONSE TO COMMENTS

The Natural Resources Commission (commission) requested public comment on the proposed interim rule from July 17, 2024, through August 16, 2024. The comments received and the commission's responses the comments are summarized as follows:

Comments on the statewide quota being too low.

Response: The most recent river otter population estimate from 2022 was eight thousand five hundred fourteen (8,514). A statewide quota of seven hundred fifty (750) river otters for the trapping season was implemented during the 2021-2022 river otter trapping season. A statewide quota of seven hundred fifty (750) river otters was selected to keep the quota under ten percent (10%) harvest mortality of the population size to continue to allow river otters to expand and thrive in Indiana. River otters had a low reproduction year in 2021, so it is in the best interest of river otter management to maintain the statewide quota of seven hundred fifty (750) river otters. This will allow the department to gather more years of data and continue to monitor the river otter population using the population model. When 2022 data was added to the population analysis for river otters, populations were stable. Therefore, there is no data to support an increase to the statewide quota. Department staff will continue to regularly review the population model and other data to assess whether a change to the bag limit or statewide quota would be needed in the future.

Comments opposed to expanding the season statewide.

Response: The department of natural resources (department) values river otters and recognizes the public values them as well; therefore, only incremental changes have been made to the river otter trapping season over the years. The department has been slowly adding counties to the open list for limited trapping since the season began in 2015. The proposed permanent change to statewide, rather than county, trapping represents a small proportion of counties in Indiana. Opening these remaining counties will allow opportunities for licensed trappers in new areas and will allow some emerging river otter damage issues to be addressed during the season without a permit from the department. This will allow river otters to be used by trappers instead of requiring disposal of the river otter after the river otter is removed under a permit due to a conflict. By establishing a statewide quota, closing the season when the quota is met, and maintaining a two (2) river otter season individual bag limit, the department does not anticipate any negative impacts on the river otter population. Additionally, other limitations are in place to ensure that the river otter population continues to thrive and expand. Allowing river otters to be trapped statewide will also simplify the rule.

Comments opposed to allowing the trapping of river otters in Indiana.

Response: The division of fish and wildlife (division) has the responsibility to manage and protect Indiana's wildlife resources. The focus of our wildlife management efforts is to maintain healthy and viable wildlife populations using the best science available. White-tailed deer, beaver, and wild turkey are examples of wildlife species in which populations were once extremely low but are now sustainably harvested using established seasons and regulations that are enforced by Indiana Conservation Officers. The most recent river otter population estimate was eight thousand five hundred fourteen (8,514). River otter populations have grown since the first river otter trapping season in 2015. The statewide quota was selected to keep the quota under ten percent (10%) harvest mortality of the population size to continue to allow river otters to expand and thrive in Indiana. The rule requires

strict limits on the number of otters that can be taken and mandatory registration of harvested otter. The department does not believe that the trapping season will adversely affect the river otter population.

There are additional state laws governing the size and type of traps that may be used, such as [312 IAC 9-3-18](#). Furthermore, many of the traps used for river otter trapping have been tested and approved and are listed in the Best Management Practices for river otter trapping by the Association of Fish and Wildlife Agencies, which is available at: https://www.fishwildlife.org/application/files/5116/9265/2621/Otter_BMP_final_2023.pdf

All of our neighboring states also have established otter populations, as well as regulated otter trapping seasons. Currently, regulated trapping is used to manage river otter in at least thirty-three (33) states, many of which reintroduced river otter.

River otters are elusive animals, have large home ranges, and spend time in wetland habitats that aren't easily accessible, and managing them without regulated trapping is difficult. Trapping is managed through scientifically based rules, and the division continually reviews capture methods and develops rules that consider the animal's welfare. Educational programs are conducted throughout the state each year by department staff and other certified trapper education instructors.

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 and 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 this [sic] 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 possess the untanned hide of a river otter that was lawfully obtained at any time of year.

(o) 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.

(p) 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.

(q) 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.

SECTION 2. This document takes effect on the date and time the publisher accepts the Interim Final Rule for filing.

SECTION 3. This document expires three hundred sixty-five (365) days after the publisher accepts the Interim Final Rule for filing.

LSA Document #24-226

Approved by Governor: May 24, 2024

Filed with Publisher: August 21, 2024, 5:32 p.m.

Documents Incorporated by Reference: None Received by Publisher

