

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #24-86

DIGEST

RIVER OTTER TRAPPING

Amends [312 IAC 9-3-18.2](#) to: (1) allow an individual to trap a river otter anywhere in the state; and (2) establish a statewide quota for the river otter trapping season. Effective 30 days after filing with the publisher.

HISTORY

Notice of First Public Comment Period published March 6, 2024: [20240306-IR-312240086FNA](#)

Regulatory Analysis submitted with Notice of First Public Comment Period: [20240306-IR-312240086RAA](#)

Date of First Hearing: April 11, 2024

Notice of Second Public Comment Period published May 22, 2024: [20240522-IR-312240086SNA](#)

Notice of Additional Public Comment Period published July 24, 2024: [20240724-IR-312240086APA](#)

Regulatory Analysis submitted with Notice of Additional Public Comment Period: [20240724-IR-312240086RAA](#)

Date of Second Hearing: August 26, 2024

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

SUMMARY/RESPONSE TO COMMENTS

The Natural Resources Commission (commission) requested public comment from March 6, 2024, through April 11, 2024; May 22, 2024, through June 25, 2024; and July 24, 2024, through August 26, 2024, and during the public hearings on April 11, 2024, and August 26, 2024. The comments received and the commission's responses to the comments are summarized as follows:

The agency received a number of comments that stated they were supportive of all of the proposed rule amendments. Additional comments were received that were opposed to the proposed amendments as follows:

Comments on the statewide quota being too low.

Response: The most recent river otter population estimate (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 seven hundred fifty (750) river otters as the statewide quota. 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. As such, there is no data to support an increase. 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: Indiana DNR 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 Indiana DNR has been slowly adding counties to the open list for limited trapping since the season began in 2015. This change to statewide 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 the river otter to be used by the trapper instead of disposal after being removed on a permit after 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 to change the trapping methods to only allowing water traps to minimize incidental captures of non-target species.

Response: The Indiana DNR did not propose changes to the trapping methods and is unable to do so in this rule. Trapping methods are set forth in [312 IAC 9-3-18](#). The DNR requires that traps be checked at least once every 24 hours, with the exception of traps that immediately kill the animal upon capture (such as a Conibear™) which are only required to be checked once every 48 hours under state law. Additionally, many of the traps used have been tested and approved for use to trap river otters 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.

Comment on the requirement of the CITES tag.

Response: Because river otters are listed in the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), a CITES tag is required for otter pelts that are sold outside the country under federal law pursuant to 50 CFR 23.69. Most pelts used in the fur market are sent outside the country. Therefore, this tag ensures that the pelt can be sold, and the carcass collection provides the DNR with age data to help monitor the population. The DNR also uses the tag at the state level for law enforcement purposes. Tags are only supplied by DNR employees and show the river otter has been registered as required by rule when Law Enforcement is checking river otters at a fur sale, a taxidermist or a fur buyer.

FINAL RULE

SECTION 1. [312 IAC 9-3-18.2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-18.2](#) River otters

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

Affected: [IC 14-22-11-1](#); [IC 14-22-11-10](#); [IC 14-22-12-1](#)

Sec. 18.2. (a) An individual may trap a river otter (~~Lutra~~ **(Lontra canadensis)** ~~from beginning~~ November 15 ~~through and ending either:~~

(1) March 15 of the following **calendar** year; or

(2) **the date on which the statewide quota set forth in subsection (f) is reached;**

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

(b) ~~In order to trap a river otter,~~ **Except as provided under [IC 14-22-11-1](#),** an individual ~~must possess~~ **may not trap a river otter unless the individual possesses at least** one (1) of the following ~~valid~~ Indiana trapping licenses: ~~or be exempt from needing a license as authorized in [IC 14-22-11-1](#);~~

(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.

(c) An individual ~~must~~ **may** not take more than two (2) river otters ~~per~~ **in a river otter trapping** season. An individual ~~that who~~ sets ~~the a~~ trap that ~~caught~~ **captures a** river otter ~~must~~ **shall** count the river otter toward ~~his or her~~ **the bag limit for the river otter trapping** season. ~~limit.~~

~~(d) An individual that kills a river otter:~~

~~(1) during the season after the individual's bag limit has been reached;~~

~~(2) after the statewide quota has been reached;~~

~~(3) in a county where the season is not open; or~~

~~(4) outside the season;~~

~~must notify the department within forty eight (48) hours of killing the otter and make arrangements to give that river otter to the department.~~

(d) An individual who traps a river otter alive and does not include it in ~~that~~ **the** individual's bag limit ~~must~~ **shall** release the river otter into the wild in the location ~~in which it was~~ **where the river otter is** captured immediately ~~upon discovery or notification~~ **after discovering** that a river otter ~~has been~~ **is** caught in the trap.

(e) An individual ~~must not~~ **may** trap a river ~~otters~~ **otter** ~~except in a county the director designates on an annual basis by temporary rule~~ **in any county in the state.**

~~(f) Annually, the director shall establish by temporary rule~~ The statewide quota for **trapping a** river ~~otters~~ **otter** during a **river otter trapping** season ~~The director may close the season established under subsection (a) by temporary rule upon a determination that the allowable harvest of river otters for the year has been reached.~~ **is seven hundred fifty (750). The department shall track the statewide quota for river otters on the department's website.**

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

(1) individual's bag limit is reached; or

(2) river otter trapping season ends.

~~(g)~~ **(h)** An individual who takes a river otter ~~must~~ **shall** report the take or ~~cause the reporting of~~ **ensure** the take **is reported** by providing the information required ~~on~~ **by** the department's electronic harvest reporting system ~~within~~ **not later than** twenty-four (24) hours ~~of the~~ **after** taking of the river otter. ~~The~~ **An** individual ~~who reports the~~ **reporting a** take ~~on the department's electronic harvest reporting system must~~ **under this subsection shall** provide true and accurate information **to the department. An individual shall keep** the confirmation number provided by the **department's** electronic harvest reporting system ~~must be maintained~~ with the river otter until the river otter is checked in with a designated department employee or at an official river otter checking station.

~~(h)~~ **(i)** An individual who takes a river otter during the **river otter** trapping season ~~must~~ **shall** retain possession of the river otter and ~~cause~~ **ensure** delivery of the skinned hide and carcass, including the head, of the river otter to a designated department employee or official river otter checking station ~~within~~ **not later than** fifteen (15) days after the month ~~of harvest.~~ **the river otter is harvested.** The department employee ~~must:~~ **shall:**

- (1) issue a tag and attach it to each hide ~~in accordance with~~ **under** 50 CFR 23.69; and
- (2) ~~maintain~~ **retain** possession of the skinned river otter carcass. ~~(not the hide).~~

~~(i)~~ **(j)** A river otter, including the hide and any other part ~~or portion~~ **of the river otter**, taken during the **river otter** trapping season ~~must~~ **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 ~~in accordance with~~ **under** subsection ~~(h):~~ **(i).**

~~(j)~~ **(k)** After registering the river otter and obtaining the tag from the department ~~in accordance with~~ **under** this section, an individual who takes a river otter may:

- (1) sell;
- (2) trade;
- (3) barter;
- (4) ship; or

(5) otherwise transfer;

the hide of a ~~the~~ river otter ~~in accordance with~~ **under** this section and 50 CFR 23.69.

~~(k)~~ **(l)** An individual may possess the untanned hide of a river otter ~~that was~~ lawfully obtained at any time of **the** year.

~~(l)~~ **(m)** An individual ~~must~~ **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) ~~By~~ **With** a registered or licensed educational or scientific institution with the United States Department of Agriculture ~~in accordance with~~ **under** 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (5) ~~By~~ **With** 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.

~~(m)~~ **(n)** An individual ~~must~~ **may** not sell a live river otter unless ~~that person~~ **the individual** has 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.

(o) 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.

(Natural Resources Commission; [312 IAC 9-3-18.2](#); 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 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](#); filed Oct 30, 2024, 10:39 a.m.: [20241127-IR-312240086FRA](#))

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