

# TITLE 312 NATURAL RESOURCES COMMISSION

## Notice of First Public Comment Period

LSA Document #24-86

### RIVER OTTER TRAPPING AMENDMENTS

#### PURPOSE OF NOTICE

The Natural Resources Commission is soliciting public comment on amendments to rules in 312 IAC 9 that regulates the statewide quota for river otter trapping season. The Natural Resources Commission seeks comment on the affected citations listed and any other provisions of Title 312 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 312 IAC 9-3-18.2

**AUTHORITY:** IC 14-10-2-4

#### OVERVIEW

##### Basic Purpose and Background

This is to allow an individual to trap a river otter anywhere in the state; and establish statewide quotas for the river otter trapping season.

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

Linnea Petercheff  
Licensing and Permits Supervisor  
Division of Fish and Wildlife  
Department of Natural Resources  
Indiana Government Center South  
402 West Washington Street, Room W273  
Indianapolis, IN 46204  
317-233-6527  
[lpetercheff@dnr.IN.gov](mailto:lpetercheff@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](mailto: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.

## REQUEST FOR PUBLIC COMMENTS

At this time, the Natural Resources Commission is soliciting public comments on the proposed rule.

Comments may be submitted in one of the following ways:

- (1) By the commission's rulemaking docket at: <https://www.in.gov/nrc/rules/rulemaking-docket/>
- (2) By mail or common carrier to the following address:  
LSA Document #24-86  
Aaron Bonar  
Natural Resources Commission, Division of Hearings  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2273
- (3) By electronic mail to [abonar@nrc.IN.gov](mailto: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.**
- (4) Attend scheduled Public Hearing.

## COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than 11:59 p.m. on April 11, 2024.

Copies of the rule, regulatory analysis, data, studies, or analyses referenced in the regulatory analysis, and materials incorporated by reference (*if applicable*) are on file at The Natural Resources Commission located at: Indiana Government Center North, 100 North Senate Avenue, Room N103, Indianapolis, IN 46204-2273 and are available for public inspection.

If does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

## ADDITIONAL DOCUMENTS

Regulatory Analysis [*publisher will add link to document*]

*Notice of Public Hearing* [*publisher will add link to list of related documents on Register website.*]

## PROPOSED RULE

### 312 IAC 9-3-18.2

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**

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 the~~ **catches** 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; or~~

~~(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 individual's~~ **the individual's bag limit** ~~must shall~~ release the river otter into the wild in the location in which ~~it was~~ **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~~ **except in a county the director designates on an annual basis by temporary rule** **otter in any county in the state.**

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

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

~~(1) the allowable harvest of river otters~~ **individual's bag limit is reached; or**

~~(2) for the year~~ **river otter trapping season has been reached.** ~~ends.~~

~~(g) (h)~~ An individual who takes a river otter ~~must shall~~ report the take or cause the ~~reporting of the take to~~ **be 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~~ **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~~ **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 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 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 river otter in accordance with this section and 50 CFR 23.69.

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

(1) 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 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) 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 9CFR, Chapter 1, Subchapter A, Parts I through IV.

**(n) An individual that 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)*

*[text added by publisher to end of document]*

*LSA Document #XX-XXX*

*Notice of First Public Comment Period: [DIN]*

*Public Hearing Held: [date]*

*Notice of Second Public Comment Period: [DIN] [if applicable]*

*Public Hearing Held: [date] [if applicable]*

*Approved by Attorney General: [date]*

*Approved by Governor: [date]*

*Filed with Publisher: [date]*

*Documents Incorporated by Reference: [references received by publisher]*

*Small Business Regulatory Coordinator: [contact information]*