

Request for preliminary adoption of amendment to 312 IAC 9-3-18.2 governing river otter trapping. Admin. Cause No. 23-FW-

The proposed changes to 312 IAC 9-3-18.2: (1) allows river otters to be trapped statewide, rather than by county; and (2) establishes a statewide quota of seven hundred fifty (750) river otters for the season. There is no change to the number of otters that an individual may trap per season in the individual bag limit or any other requirements governing river otter trapping in Indiana.

Currently, the river otter trapping season is open in the counties established by emergency rule (i.e. LSA #23-524). Because of the changes made to the Indiana Code under HEA 1623-2023, the DNR is proposing to allow river otter trapping statewide as well as set forth a statewide quota in permanent rule. To provide some background, river otter populations have grown since the first river otter trapping season in 2015. The 2021 river otter population estimate was 8,197. A statewide quota of 750 river otters for the trapping season was implemented during the 2021-2022 river otter trapping season and has been maintained for the last several years. The DNR feels confident that this quota will allow river otters to continue to expand and thrive in Indiana. DNR staff regularly monitor the population model and other data to assess whether any changes to the bag limit or statewide quota are needed. Opening the river otter trapping season statewide will allow opportunities for licensed trappers in new areas and allow an opportunity to address emerging river otter damage issues during the season without requiring a permit from the DNR. Allowing river otters to be trapped statewide will also simplify the rule by making it easier for trappers to understand where they can legally trap river otters during the river otter trapping season. The statewide quota and individual bag limit will ensure that there will be no negative impacts to the river otter population.

Title 312 Natural Resources Commission

Proposed Permanent Rule
LSA Document #XX-XXX

DIGEST

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 on the date and time that the interim final rule is accepted for filing with the Publisher.

HISTORY

Notice of First Public Comment Period: *[date in regular type]*, Indiana Register (DIN: 20XX IR XXXX).

Notice of Second Public Comment Period: *[date]*, Indiana Register (DIN: 20XX IR XXXX). *[if applicable]*

Notice of First Public Hearing: *[date published]*, Indiana Register (DIN: 20XX IR

XXXX).

Date of First Public Hearing: *[date]*.

Notice of Second Public Hearing: *[date published]*, Indiana Register (DIN: 20XX IR
XXXX).*[if applicable]*

Date of Second Public Hearing: *[date]*.*[if applicable]*

SUMMARY/RESPONSE TO COMMENTS

[Agency name] requested public comment from *[date]*, through *[date]*, and during the public hearing on *[date of hearing or dates of hearings]*. **[Alt 1]:** *[Agency name]* received no comments in response to the Notice of First Public Comment Period. **[Alt 2]:** *[Agency name]* received comments from the following parties by the comment period deadline:*[summarizes the comments and response to comments]*.

[Listing of all IAC citations within the document]

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;**

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~~ **within not later than** twenty-four (24) hours of ~~the~~ **after** taking of the river otter. ~~The~~ **An** individual who reports ~~the a~~ **a** take ~~on the department's~~ **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~~ **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.

~~(k)~~ **(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)

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Notice of First Public Comment Period: [DIN]

Public Hearing Held: [date]

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

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Small Business Regulatory Coordinator: [contact information]