
TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #06-333

DIGEST

Amends [312 IAC 2-4-6](#), [312 IAC 2-4-7](#), [312 IAC 2-4-12](#), [312 IAC 8-2-6](#), and [312 IAC 8-2-8](#) and adds [312 IAC 1-1-4.5](#), [312 IAC 1-1-23.5](#), [312 IAC 1-1-29.4](#), and [312 IAC 8-2-16](#) to make numerous changes to rules governing the conduct of activities on DNR properties and the conduct of fishing tournaments and other organized boating activities, both on DNR properties and on public waters outside DNR properties, to clarify that the terms "boat" and "watercraft" are equivalent and to define the term "motorboat" for rules of the Natural Resources Commission, to establish a nonrefundable license application fee for organized activities and tournaments, to expand the ability to secure approval for a fishing tournament beyond the next calendar year from lakes managed by the division of state parks and reservoirs to all designated public waters, but an applicant must additionally demonstrate that the tournament would have national significance, to increase the maximum number of boats that can lawfully participate for some lakes administered by the division of state parks and reservoirs, to disqualify a person who has outstanding fees for a tournament conducted on a lake managed by the division of state parks and reservoirs from participating in an organizational meeting for a tournament approval on any designated public waters, to establish a user for the number of boats and to eliminate for the number of contestants for a tournament on a lake administered by the division of state parks and reservoirs, to establish a requirement that an annual boat lake permit and annual motorboat lake permit be obtained to operate or maintain a boat and a motorboat on a lake located in a DNR property, except for a lake administered by the division of fish and wildlife, to authorize motorboat operation on designated lakes in the Blue Grass Fish and Wildlife Area, at not more than idle speed, with other than an electric trolling motor, to eliminate the requirement for display of a horse tag at Brown County and Versailles State Parks and at Salamonie Reservoir, but a horse tag or receipt must be possessed for each horse, to require a permit card for a person to enter Goose Pond Fish and Wildlife Area in Greene County, and to make numerous other substantive and technical changes. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[312 IAC 1-1-4.5](#); [312 IAC 1-1-23.5](#); [312 IAC 1-1-29.4](#); [312 IAC 2-4-6](#); [312 IAC 2-4-7](#); [312 IAC 2-4-12](#); [312 IAC 8-2-6](#); [312 IAC 8-2-8](#); [312 IAC 8-2-16](#)

SECTION 1. [312 IAC 1-1-4.5](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 1-1-4.5](#) "Boat" defined

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

Affected: [IC 14](#); [IC 25](#)

Sec. 4.5. "Boat" means a watercraft.

(Natural Resources Commission; [312 IAC 1-1-4.5](#))

SECTION 2. [312 IAC 1-1-23.5](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 1-1-23.5](#) "Motorboat" defined

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

Affected: [IC 14-8-2-202.5](#); [IC 25](#)

Sec. 23.5. (a) "Motorboat" means a watercraft propelled by:

- (1) an internal combustion, steam, or electrical inboard or outboard motor or engine; or**
- (2) any mechanical means.**

(b) The term includes the following:

- (1) A sailboat that is equipped with a motor or an engine described in subsection (a) when the motor or engine is in operation, whether or not a sail is hoisted.**

(2) A personal watercraft as defined in [IC 14-8-2-202.5](#).

(Natural Resources Commission; [312 IAC 1-1-23.5](#))

SECTION 3. [312 IAC 1-1-29.4](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 1-1-29.4](#) "Watercraft" defined

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

Affected: [IC 14](#); [IC 25](#)

Sec. 29.4. "Watercraft" means any instrumentality or device in or by means of which a person may be transported upon the public water of Indiana. The term includes a motorboat, sailboat, rowboat, skiff, dinghy, or canoe:

- (1) of any length or size; and**
- (2) whether or not used to carry passengers for hire.**

(Natural Resources Commission; [312 IAC 1-1-29.4](#))

SECTION 4. [312 IAC 2-4-6](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 2-4-6](#) License application

Authority: [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-15-7-3](#)

Affected: [IC 14](#)

Sec. 6. (a) An application for a license to conduct a fishing tournament or other organized activity must be completed on a department form at least sixty (60) days before the date of the proposed tournament.

(b) An applicant must be an individual who is:

- (1) at least eighteen (18) years of age; and**
- (2) a resident of Indiana.**

(c) The applicant shall attach a copy of the proposed standards and regulations governing the activity.

(d) The department shall condition any license to achieve at least one (1) of the following:

- (1) Prevention of unusual conditions or hazards.
- (2) Promotion of scientific fish, wildlife, or botanical resource management.
- (3) Assistance in the protection of users.

(e) To accomplish the purposes described in subsection (d), the department may do any of the following:

(1) Designate **the following**:

- (A)** The starting time or ending time for an activity.
- ~~(2) Designate~~ **(B)** The time and location for the use of any public facilities.
- ~~(3)~~ **(2)** Spread starting times among license holders if more than one (1) is approved for a particular waterway.
- ~~(4)~~ **(3)** Restrict portions of the waterway from use by the participants.

(f) The department may require a nonrefundable application fee with the application. The amount of the fee shall be established by the director within a range of fees for this purpose approved by the commission.

(Natural Resources Commission; [312 IAC 2-4-6](#); filed Aug 3, 2001, 10:54 a.m.: 24 IR 3931, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3319, eff Oct 1, 2003; filed Mar 18, 2005, 11:00 a.m.: 28 IR 2348, eff Oct 1, 2005)

SECTION 5. [312 IAC 2-4-7](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 2-4-7 Advance date approvalAuthority: [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-15-7-3](#)Affected: [IC 14](#)

Sec. 7. (a) The department ~~will~~ **shall** conduct an organizational meeting **or meetings** between October 1 and ~~December~~ **November** 15 to establish dates for the following year on which fishing tournaments or other organized activities can be conducted.

(b) In addition to the establishment of dates under subsection (a), the department may establish a date for a tournament beyond the following year if a person presents satisfactory evidence that a tournament would have national significance.

~~(b)~~ **(c)** A person who receives a reserved date must submit a completed license application within thirty (30) days of notification and at least sixty (60) days before the scheduled event, whichever is earlier. Failure to submit a timely completed application releases the reservation.

(d) A person is disqualified from participating in an organizational meeting unless any outstanding fee or cost established in section 12 of this rule has been paid.

(Natural Resources Commission; [312 IAC 2-4-7](#); filed Aug 3, 2001, 10:54 a.m.: 24 IR 3931, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3319, eff Oct 1, 2003)

SECTION 6. [312 IAC 2-4-12](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 2-4-12](#) Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirsAuthority: [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-15-7-3](#)Affected: [IC 5-14-3](#); [IC 14](#)

Sec. 12. (a) This section governs fishing tournaments at lakes administered by the division of state parks and reservoirs.

(b) The number of ~~watercraft~~ **boats** that may participate in a fishing tournament must not, on any date, exceed the following:

	Monroe	Salamonie	Mississinewa	Huntington	Brookville	Hardy	Patoka	Lieber	Raccoon
March	100	75	75	18	100	30	178	50	100
April	175	75	75	18	100	30	178	50	60
May	175	75	64 75	30	100	20	178	28	50
June	175	30	30	30	75	20	125	28	50
July	175	30	30	30	75	20	125	28	50
August	175	30	30	30	75	20	125	28	50
September	175	75	75	30	100	20	178	28	60
October	175	75	75	18	100	30	178	50	100
November	100	0 75	0 75	0 18	100	30	178	0 50	0 100

(c) A ~~watercraft~~ **boat** used to administer a tournament is excluded in determining the number of participating ~~watercraft~~ **boats**.

(d) The director may authorize a license for a fishing tournament under this section where the participants are not provided advance notice of the location. The name of the lake may be omitted from the license application, but the department must be provided with the name of the lake at least ten (10) days before the tournament. A license issued under this subsection does not authorize a fishing tournament that conflicts with another license

issued under this section. Subject to [IC 5-14-3](#), the department will not publish the location of a fishing tournament issued under this subsection.

~~(e) Notwithstanding section 7(a) of this rule, the department's division of state parks and reservoirs shall conduct an organizational meeting between October 1 and December 15 to establish dates for the following two (2) years on which fishing tournaments or other organized activities can be conducted.~~

~~(f)~~ **(e)** Notwithstanding subsection (b), ~~no more than one hundred (100) watercraft may participate in a fishing tournament on Monroe Lake, on any date after~~ **from October 15 through the end of February, is restricted to a maximum of one hundred (100) participating boats.**

~~(g)~~ **(f)** At least thirty (30) days before the scheduled event, a license holder must file a certificate of insurance or an insurance binder with the department. The certificate of insurance or insurance binder shall name the license holder and the department as insureds and shall demonstrate the license holder has obtained an irrevocable general liability insurance policy with a limitation for each of the following of not less than:

- (1) One hundred thousand dollars (\$100,000) for all damages to property for a single occurrence.
- (2) One hundred thousand dollars (\$100,000) for injury or death of one (1) person in a single occurrence.
- (3) Three hundred thousand dollars (\$300,000) for injury to or death of multiple persons in a single occurrence.

~~(h) At least fourteen (14) days before the scheduled event, a license holder must deliver each of the following to the department:~~

~~(i)~~ **(g)** Attached to the application for each property, the applicant must deliver a cash bond or other security approved by the department in the amount of one hundred fifty dollars (\$150). ~~to compensate the department for expenses incurred to:~~ **Bond may be forfeited for any of the following reasons:**

(1) Failure to:

(A) pay the user fee within the prescribed time frame; or

(B) cancel the event within thirty (30) days from the date the application was submitted.

~~(A) restore~~ **(2) Restoration of the mooring judge's or spectators' area. and**

~~(B)~~ **(3) Reimburse to the department for the costs cost of supervision, maintenance, and labor.**

~~(2) A user fee equal to the number of individual contestants in a fishing tournament or other organized activity at a rate of one dollar (\$1) per contestant or participant.~~

(4) To collect any other unpaid fees or costs that are due, including expenses incurred in the collection of the unpaid fees.

(h) Within fourteen (14) days after a tournament, the license holder must provide to the department a user fee equal to the greater of:

- (1) eighty percent (80%) of the number of boats listed on the license; or**
- (2) the number of boats participating in the tournament.**

If the user fee under this subsection is greater than the amount of the bond, the organization is also responsible for the difference.

(i) The amount of the fee shall be established by the director within a range of fees for this purpose approved by the commission. The director may waive the user fee if the:

- (1) tournament is held for charity where all of the profits are given to that charity; and**
- (2) waiver request is:**
 - (A) made in writing; and**
 - (B) submitted with the application.**

~~(j)~~ **(j)** The director may require insurance in addition to what is set forth in subsection ~~(a)~~ **(f)** if the director determines a fishing tournament poses an unusual risk of liability to the department.

~~(k)~~ **(k)** A license holder shall:

- (1) indemnify;**
- (2) defend;**

- (3) exculpate; and
- (4) hold harmless;

the department and its officials, employees, and agents from liability due to loss, damage, injury, or other casualty to the person or property of anyone arising directly or indirectly from the activity.

(l) The department may deny or revoke a license under this section if any fee or cost provided under this section is delinquent. If an applicant subsequently satisfies any delinquencies, the person is eligible to apply for a new license.

(Natural Resources Commission; 312 IAC 2-4-12; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3932, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3320, eff Oct 1, 2003; filed Jan 5, 2005, 11:00 a.m.: 28 IR 1460)

SECTION 7. [312 IAC 8-2-6](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 8-2-6](#) Animals brought to DNR properties

Authority: [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-11-2-1](#)

Affected: [IC 14](#); [IC 35-46-3-11.5](#)

Sec. 6. (a) A person who possesses a pet or service animal must:

- (1) keep the animal caged or on a leash ~~no~~ **not** more than six (6) feet long; ~~A person must and~~
- (2) attend to ~~a pet or service~~ **the** animal at all times.

This subsection does not apply to activities governed by section 3(e) of this rule.

(b) If a pet or service animal appears likely to:

- (1) endanger a person or property; or ~~to~~
- (2) create a nuisance;

the owner may be required to immediately remove the pet or service animal from a DNR property.

(c) A person must not take or possess a cat, a dog, or other pet to a:

- (1) swimming beach;
- (2) swimming pool enclosure;
- (3) rental facility; or
- (4) public building.

A service animal used by a person with a disability is exempted from this subsection.

(d) ~~A person must acquire an annual or daily horse tag must be acquired and possessed, or receipt for each horse that is brought into a designated DNR properties property from April 1 through November 30. At Brown County and Versailles State Parks and at Salamonie, The horse tag or pass receipt must be: prominently displayed on the left side of the bridle.~~

- (1) **kept in the person's immediate possession; and**
- (2) **provided to an authorized representative upon request.**

(e) A person must not **do the following:**

- (1) Allow livestock or domesticated animals to enter or remain upon a DNR property. These animals may be removed by the department and disposed or held at the owner's expense.

~~(f) A person must not~~ (2) Release an animal on DNR property except under license issued by an authorized representative under this ~~subsection~~ **subdivision**. To receive a license, a person must demonstrate the animal is healthy and unlikely to endanger public safety or the environment. A person in violation of this ~~subsection~~ **subdivision** shall reimburse the department for any expenses reasonably incurred.

~~(g)~~ (f) For purposes of this section, a pet is not a service animal under [IC 35-46-3-11.5](#).

(Natural Resources Commission; 312 IAC 8-2-6; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; filed Sep 19, 2003, 8:14 a.m.: 27 IR 457; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

SECTION 8. [312 IAC 8-2-8](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 8-2-8](#) Vehicles, trails, boats, and aircraft

Authority: [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-11-2-1](#); [IC 14-19-1-1](#)

Affected: [IC 14-19-1-0.5](#); [IC 14-22-11-1](#)

Sec. 8. (a) A person must not operate a vehicle:

- (1) at a speed greater than:
 - (A) thirty (30) miles per hour on straight, open stretches of road; or
 - (B) fifteen (15) miles per hour on steep grades **or** curves or where posted; or
- (2) other than on a public road.

(b) A person must not park:

- (1) a vehicle;
- (2) ~~watercraft~~; **a boat**; or
- (3) associated equipment;

except at a site designated by the department.

(c) A person must not operate a motorized cart on a DNR property except as follows:

- (1) The person must demonstrate both of the following:
 - (A) The person holds a valid driver's license.
 - (B) The person: ~~is either of the following:~~
 - (i) **is** at least sixty-five (65) years of age that is evidenced by the valid driver's license; **or**
 - (ii) has a disability, as defined by the federal Social Security Administration guidelines (42 U.S.C. 416), that is evidenced by documentation from the Social Security Administration.
- (2) A person must not operate a motorized cart other than within a campground.
- (3) A motorized cart must, ~~meet the following lighting requirements~~ if operated between the hours of sunset and sunrise, **have a lamp on the:**
 - (A) ~~Have a lamp on the~~ front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart; **and**
 - (B) ~~Have a lamp on the~~ rear exhibiting a red light visible at least five hundred (500) feet behind the motorized cart.
- (4) A restriction applicable to the operation, parking, or other use of a vehicle under this section also applies to a motorized cart.
- (5) As used in this subsection, "campground" means an area where provisions are made for the accommodation of any of the following:
 - (A) Tents.
 - (B) Recreational vehicles.
 - (C) Vacation mobile homes.
- (6) As used in this subsection, "motorized cart" has the meaning set forth in [IC 14-19-1-0.5](#).

(d) A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not:

- (1) hike;
- (2) bike;
- (3) ski;
- (4) horseback ride; or
- (5) operate an off-road vehicle or snowmobile;

except on a trail designated for the purpose. A person must not ride, lead, drive, or hitch an animal, except where designated by the department.

~~(e) A person must not operate or maintain a watercraft on a lake:~~

- ~~(1) containing fewer than three hundred (300) acres unless powered only by an electric trolling motor with not more than:~~
 - ~~(A) two (2) 12-volt batteries; or~~
 - ~~(B) one (1) 24-volt battery;~~

~~(2) except under motor horsepower and speed zone requirements applicable to the lake; and~~
~~(3) for fourteen (14) consecutive days without removal from the lake unless otherwise moored in a designated area.~~

~~(f)~~ **(e)** A person must not launch, dock, or moor a ~~watercraft or another floating device~~, **boat**, except:
(1) for approved periods; and
(2) at sites designated by the department for those purposes.

(f) A person must not:
(1) leave a ~~watercraft~~ **boat** unattended in a courtesy dock provided by the department; or
(2) moor a ~~watercraft~~ **boat** at a designated group dock or mooring post unless the ~~watercraft~~ **boat** exhibits a valid mooring permit.

(g) A person must not operate or maintain a boat on a lake unless the person does each of the following:

- (1)** Operates the boat according to any horsepower or speed restrictions applicable to the lake.
- (2)** Except as provided in subdivisions **(3)** and **(6)**, obtains and displays a valid annual boat lake permit as follows:
 - (A)** Purchase from the department a boat lake permit under a fee schedule approved by the commission.
 - (B)** Affix the permit in a visible location on the forward half of the boat.
- (3)** Except as provided in subdivision **(6)**, for a motorboat, obtains and displays a valid annual motorboat lake permit as follows:
 - (A)** Purchase from the department a motorboat lake permit under a fee scheduled approved by the commission.
 - (B)** Affix the permit in a visible location on the port (left) side immediately following the excise tax decal or registration number.
- (4)** For a lake containing fewer than three hundred (300) acres, operates a motorboat only if the motorboat is either of the following:
 - (A)** Powered by an electric trolling motor with not more than:
 - (i)** two (2) 12-volt batteries; or
 - (ii)** one (1) 24-volt battery.
 - (B)** Operated on Loon Lake, Otter Lake, or Blue Grass Pit in the Blue Grass Fish and Wildlife Area at not greater than idle speed.
- (5)** Removes a boat from the lake before the expiration of fourteen (14) consecutive days, unless the boat is moored in an area where the department has approved mooring for a longer duration.
- (6)** A lake located on a DNR property administered by the division of fish and wildlife is exempted from subdivisions **(2)** and **(3)**.

~~(g)~~ **(h)** A person must not leave a vehicle, ~~watercraft~~, **boat**, or associated equipment at a DNR property unless the person is actively engaged in the use of:

- (1)** a DNR property; or
- (2)** an adjacent:
 - (A)** public freshwater lake; or
 - (B)** navigable waterway.

~~(h)~~ **(i)** A person must not land, taxi, take-off, park, or moor:

- (1)** an aircraft;
- (2)** a hang glider;
- (3)** an ultralite;
- (4)** a powered model aircraft; or
- (5)** a hot air balloon;

except at a site designated for that purpose or pursuant to a license.

(Natural Resources Commission; [312 IAC 8-2-8](#); filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 463, eff Jan 1, 2006; filed Jun 9, 2006, 3:40 p.m.: [20060705-IR-312050344FRA](#))

SECTION 9. [312 IAC 8-2-16](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 8-2-16](#) Goose Pond Fish and Wildlife Area entry

Authority: [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-11-2-1](#)

Affected: [IC 14](#); [IC 35-46-3-11.5](#)

Sec. 16. (a) A person must obtain a permit card from the check-in station before entering Goose Pond Fish and Wildlife Area in Greene County.

(b) The person must do the following:

- (1)** Retain the permit card while in the field for the authorized date.
- (2)** As directed, return the permit card to the department.

(Natural Resources Commission; [312 IAC 8-2-16](#))

[Notice of Public Hearing](#)

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