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**TITLE 312 NATURAL RESOURCES COMMISSION**

**Final Rule**

LSA Document #07-467(F)

**DIGEST**

Adds [312 IAC 11-3-4](#) to implement [IC 14-26-2-23](#)(e)(2)(A), which authorizes the Natural Resources Commission to provide, by rule, for the common use of structures on a public freshwater lake if needed to accommodate the interests of landowners who have property rights abutting the lake or rights to access the lake. Effective 30 days after filing with the Publisher.

**[312 IAC 11-3-4](#)**

SECTION 1. [312 IAC 11-3-4](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 11-3-4](#) Common usage where needed to accommodate landowner property rights**

**Authority:** [IC 14-10-2-4](#); [IC 14-15-7-3](#); [IC 14-26-2-23](#)

**Affected:** [IC 14-11-4](#); [IC 14-15](#); [IC 14-26-2](#)

**Sec. 4. (a)** This section applies where common usage is needed to accommodate the interests of landowners that have either:

- (1) property rights abutting a lake; or
- (2) rights to access the lake.

**(b)** If the placement of multiple structures is found to result in interference to the property rights of a landowner, the department (or, on administrative review, the commission) may require licensure to be conditioned upon common use and maintenance of a structure.

**(c)** Common use and maintenance may be implemented through any of the following persons:

- (1) A corporation.
- (2) A limited liability company.
- (3) A partnership.
- (4) An association.
- (5) A county, city, town, or township.
- (6) Another person providing for common ownership and determined by the department (or, on administrative review, by the commission) to be capable of serving the purposes of this section.

**(d)** A person who refuses to participate in a process for common usage, established under this section, may be denied:

- (1) a license by the department; and
- (2) access to the common structure by the person identified under subsection (c).

(Natural Resources Commission; [312 IAC 11-3-4](#); filed Mar 4, 2008, 12:22 p.m.: [20080402-IR-312070467FRA](#))

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