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TITLE 312 NATURAL RESOURCES COMMISSION

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## Final Rule

LSA Document #08-286(F)

## DIGEST

Amends [312 IAC 1-1-21](#), which defines "lake" for rules in 312 IAC, to coordinate with a definition of "lake" added by SEA 41-2008 to [IC 14-26-2](#) (sometimes referred to as the "Lakes Preservation Act"), to include bays and coves except for the determination of a "small lake" under [IC 14-8-2-259](#), to clarify the inclusion of channels in a "public freshwater lake", and to specify that determinations are based upon the highest legal elevation, if a lake has more than one legal elevation. Effective 30 days after filing with the Publisher.

[312 IAC 1-1-21](#)

SECTION 1. [312 IAC 1-1-21](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 1-1-21](#) "Lake" definedAuthority: [IC 14-10-2-4](#)Affected: [IC 14-8-2-259](#); [IC 14-15](#); [IC 14-26-2](#); [IC 14-26-3-1](#); [IC 25](#)

Sec. 21. (a) "Lake" means, except as provided in subsections (b) and (c), a reasonably permanent body of water substantially at rest in a depression in the surface of the earth, if both the depression and the body of water are of natural origin or part of a watercourse. If part of a watercourse, a lake may be formed by damming a river or stream.

(b) For purposes of [IC 14-15](#), "lake" means a natural or an artificial lake.

(c) For purposes of [IC 14-26-2](#), "lake" has the meaning set forth in [IC 14-26-2-1.5](#).

~~(e)~~ (d) For purposes of [IC 14-26-3](#), "lake" has the meaning set forth in [IC 14-26-3-1](#).

(e) In determining the shoreline or water line of a lake, the following are included:

(1) A bay or cove, except for a determination of a small lake as defined under [IC 14-8-2-259](#).

(2) A man-made channel connected to a public freshwater lake under [312 IAC 11-2-17](#), if the channel:

(A) existed on March 12, 1947;

(B) as a condition of a department license, was required to conform to [IC 14-26-2-9](#) (or, before their repeals, to conform to [IC 13-2-11-2](#) or [IC 13-2-11.1-5](#)); or

(C) was constructed without a department license required under [IC 14-26-2](#) (or, before their repeals, under [IC 13-2-11](#) or [IC 13-2-11.1](#)).

(3) If a lake has more than one (1) legal elevation, the highest legal elevation is used.

(Natural Resources Commission; [312 IAC 1-1-21](#); filed Dec 1, 1995, 10:00 a.m.: 19 IR 658; readopted filed May 8, 2001, 3:51 p.m.: 24 IR 2895; readopted filed May 29, 2007, 9:42 a.m.: [20070613-IR-312070111RFA](#); filed Nov 5, 2008, 2:27 p.m.: [20081203-IR-312080286FRA](#))

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Notice of Intent: [20080423-IR-312080286NIA](#)Proposed Rule: [20080604-IR-312080286PRA](#)

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