

**Notice of Public Hearing**

LSA Document #09-137

**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on August 24, 2009, at 10:30 a.m., at the Indiana Government Center North, 100 North Senate Avenue, Room N501, Indianapolis, Indiana; **AND** on August 25, 2009, at 3:00 p.m., at the Offices of Angel Mounds State Historic Site, 8215 Pollack Avenue, Evansville, Indiana, the Natural Resources Commission will hold public hearings on proposed amendments to [312 IAC 6](#), which governs the placement of structures in navigable waters, to provide new standards pertaining to the placement of piers; to incorporate by reference a nonrule policy document, which assists with the identification of riparian zones, for use as guidance in performing regulatory functions anticipated by [IC 14-29-1](#) (sometimes called the "Navigable Waters Act"); to provide standards for determining lawful nonconforming uses; and to make technical changes.

[IC 4-22-2-24\(d\)\(3\)](#) Justification Statement: The state of Indiana holds the navigable waterways in trust for the citizens of Indiana. Under [IC 14-19-1-1](#), the Department of Natural Resources (DNR) is the agency with general charge of this trust. As such, the DNR must seek to balance the rights of riparian landowners to use their water frontage with the rights of the public to use a navigable waterway. In recent years, with the size and number of boats increasing on these waterways, the number of disputes and public safety concerns regarding the size and placement of piers has also increased. The current lack of standards regarding the placement of piers and the treatment of nonconforming uses has left the public with the only alternative of initiating legal action to resolve riparian disputes. In some cases, this approach has led to the expenditure of thousands of dollars in legal fees, and, lacking statewide standards, the likelihood is that different courts will issue inconsistent decisions. The problem can be aggravated if the DNR is not made a party to the litigation because, in its absence, navigational safety and the public trust may not even be considered. The proposed rules would provide greater predictability for regulated entities, support the public safety and the public trust, and lessen the frequency of civil litigation.

Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter  
Chairman  
Natural Resources Commission

Posted: 07/22/2009 by Legislative Services Agency  
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