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**TITLE 312 NATURAL RESOURCES COMMISSION****Final Rule**

LSA Document #14-294(F)

**DIGEST**

Amends [312 IAC 15-1-1](#), [312 IAC 15-1-4](#) through [312 IAC 15-1-9](#), [312 IAC 15-2-1](#), and [312 IAC 15-2-4](#), and adds [312 IAC 15-1-11](#), which govern forest and resource management, to reflect the merging of the Classified Forest Program and the Classified Wildlife Habitat Program into the Classified Forest and Wildlands Program. Adds [312 IAC 15-3](#) to allow other means of depicting and identifying parcels classified as native forest land, forest plantation, or wildlands provided that the means do not result in a real property description of the parcel. Effective 30 days after filing with the Publisher.

[312 IAC 15-1-1](#); [312 IAC 15-1-4](#); [312 IAC 15-1-5](#); [312 IAC 15-1-6](#); [312 IAC 15-1-7](#); [312 IAC 15-1-8](#); [312 IAC 15-1-9](#); [312 IAC 15-1-11](#); [312 IAC 15-2-1](#); [312 IAC 15-2-4](#); [312 IAC 15-3](#)

SECTION 1. [312 IAC 15-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 15-1-1](#) Purpose****Authority:** [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)**Affected:** [IC 6-1.1-6](#)

Sec. 1. (a) The purpose of this article is to provide minimum standards of good ~~timber forest and resource~~ management for property that is classified as forest plantation land, ~~or~~ native forest land, **or wildland** under [IC 6-1.1-6](#). ~~after June 30, 1990.~~

~~(b) This article does not apply to property classified as forest plantation land or native forest land before July 1, 1990.~~

*(Natural Resources Commission; [312 IAC 15-1-1](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2750; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))*

SECTION 2. [312 IAC 15-1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 15-1-4](#) Revocation of certification****Authority:** [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)**Affected:** [IC 4-21.5-3-8](#); [IC 6-1.1-6](#)

Sec. 4. (a) The state forester may initiate a proceeding, under [IC 4-21.5-3-8](#), to revoke a ~~certification issued~~ **classified status** under [IC 6-1.1-6](#) for forest plantation land, ~~or~~ native forest land, **or wildland** if the owner violates, or allows the violation by another person of, any of the following:

- (1) [IC 6-1.1-6](#).
- (2) This article.
- (3) The ~~timber~~ management plan established for the real estate and included within the forest plantation ~~or~~ **land**, native forest land, **or wildland**.

(b) The commission is the ultimate authority for the department under this section.

*(Natural Resources Commission; [312 IAC 15-1-4](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))*

SECTION 3. [312 IAC 15-1-5](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 15-1-5](#) "Commercial harvest" defined**

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 5. As used in this article, "commercial harvest" means the felling or removal of a tree **one (1) or more trees** for sale to, or use of, by, a person other than the owner.

(Natural Resources Commission; [312 IAC 15-1-5](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 4. [312 IAC 15-1-6](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 15-1-6](#) "District forester" defined**

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 6. As used in this article, "district forester" means an employee of the department who:

- (1) holds a bachelor of science degree in forest management or a closely related forestry curriculum from a college or university accredited by the Society of American Foresters; **is a professional forester**; and
- (2) is responsible for the administration of [IC 6-1.1-6](#) within designated counties.

(Natural Resources Commission; [312 IAC 15-1-6](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 5. [312 IAC 15-1-7](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 15-1-7](#) "Management plan" defined**

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 7. As used in this article, "management plan" means a written document prepared by a district forester, or by a professional forester **or wildlife biologist** and approved by a district forester, which meets the following requirements:

- (1) The plan is prepared in consultation with the owner **or an authorized representative of the owner** and signed by the owner or an authorized representative of the owner.
- (2) The plan adequately describes the **forest plantation land**, native forest land, or **forest plantation wildland** being entered into classified forest status.
- (3) The plan prescribes management practices for the classified forest land that:
  - (A) meet the objectives of the owner; and
  - (B) satisfy [IC 6-1.1-6](#) and this article.
- (4) The plan ~~supports tree growth that is comparable with~~ **promotes sustainable** timber production, and **wildlife habitat management, or watershed protection as appropriate to the land type.**

(Natural Resources Commission; [312 IAC 15-1-7](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 6. [312 IAC 15-1-8](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 15-1-8](#) "Owner" defined**

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 8. As used in this article, "owner" means a person **or entity** who owns real estate that is classified as forest plantation land, or native forest land, **or wildland** under [IC 6-1.1-6](#).

(Natural Resources Commission; [312 IAC 15-1-8](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul

SECTION 7. [312 IAC 15-1-9](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 15-1-9](#) "Professional forester" defined**

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 9. As used in this article, "professional forester" means a person ~~who is not an employee of the department and~~ who holds a bachelor of science degree in forest management or a closely related forestry curriculum from a college or university accredited by the Society of American Foresters.

(Natural Resources Commission; [312 IAC 15-1-9](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 8. [312 IAC 15-1-11](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 15-1-11](#) "Wildlife biologist" defined**

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 11. As used in this article, "wildlife biologist" means a person who holds a minimum of a bachelor of science degree in wildlife management or closely related curriculum.

(Natural Resources Commission; [312 IAC 15-1-11](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 9. [312 IAC 15-2-1](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 15-2-1](#) Minimum standards of good resource management in maintenance of classified lands**

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 1. The owner of land classified as a forest plantation under [IC 6-1.1-6-2](#), **wildland under [IC 6-1.1-6-2.5](#)**, or a native forest under [IC 6-1.1-6-3](#) shall do each of the following:

- (1) Maintain the land according to its management plan.
- (2) Prevent excessive erosion and control the deposition of sediment off-site.
- (3) ~~Maintain a healthy forest environment.~~

(Natural Resources Commission; [312 IAC 15-2-1](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 10. [312 IAC 15-2-4](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 15-2-4](#) Salvage of timber following natural catastrophes**

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 4. If a sudden and unexpected natural catastrophe occurs, which seriously damages the merchantable trees within a classified forest area, the owner may immediately salvage the trees.

(Natural Resources Commission; [312 IAC 15-2-4](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2752; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 11. [312 IAC 15-3](#) IS ADDED TO READ AS FOLLOWS:

**Rule 3. Alternative Parcel Description**

**[312 IAC 15-3-1](#) Geographic information system alternative**

Authority: [IC 6-1.1-6-9](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

**Sec. 1. (a)** The originator of the description and plat may use geographic information systems (GIS), in accordance with the state of Indiana GIS standard, with a county GIS tax parcel layer or a digitized property deed in conjunction with:

- (1) a geo-referenced, digital aerial photo; or
- (2) global positioning system (GPS) points with a minimum of three (3) meter accuracy; to describe and plat the parcel.

**(b)** The parcel description must:

- (1) describe parcel boundary by metes and bounds;
- (2) locate the parcel with reference to a coordinate pair;
- (3) give the projection and coordinate system used; and
- (4) identify parcel by:
  - (A) section;
  - (B) township;
  - (C) range; and
  - (D) county.

The plat must be at the scale and the format prescribed by the department. All parcel descriptions and plats must be approved by the district forester. A description and plat developed under this rule is not a real property description.

*(Natural Resources Commission; [312 IAC 15-3-1](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))*

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