

ARTICLE 8. PUBLIC USE OF NATURAL AND RECREATIONAL AREAS

Rule 1. Administration and Definitions

312 IAC 8-1-1 Application

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14

Sec. 1. This article applies to use by a person of any DNR property. *(Natural Resources Commission; 312 IAC 8-1-1; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)*

312 IAC 8-1-2 Administration

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14

Sec. 2. (a) Except as provided in subsection (b), this article is administered by the department.

(b) This article does not apply to a person who has contracted with the department, if the person is conducting business of the department, or to any of the following while performing official duties for the department or commission:

- (1) An employee of the department.
- (2) A member of the commission.
- (3) An employee of the commission.
- (4) A member of the advisory council.
- (5) A member of the museum board of trustees.
- (6) A law enforcement officer.

(Natural Resources Commission; 312 IAC 8-1-2; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; filed Sep 19, 2003, 8:14 a.m.: 27 IR 455; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

312 IAC 8-1-3 Entrance and use requirements

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14

Sec. 3. The commission may, in a master plan or by resolution, establish any of the following:

- (1) Fees for entrance into a DNR property or for a particular use within a DNR property.
- (2) Entrance and exit sites for a DNR property.
- (3) Conditions upon or prohibitions against particular uses within a DNR property or a portion of a DNR property.

(Natural Resources Commission; 312 IAC 8-1-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

312 IAC 8-1-4 Definitions

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 9-13-2-196; IC 9-25-2-4; IC 14-8-2-185; IC 14-8-2-261; IC 14-31-1

Sec. 4. The following definitions are supplemental to those set forth at 312 IAC 1 and apply throughout this article:

- (1) "Authorized representative" means the director or another person designated by the director.
- (2) "Berry" means the fruiting body of the following:
 - (A) A blackberry.
 - (B) A blueberry.
 - (C) A dewberry.
 - (D) An elderberry.
 - (E) A gooseberry.
 - (F) A huckleberry.
 - (G) A mulberry.
 - (H) A raspberry.

- (I) A serviceberry.
- (J) A strawberry.
- (3) "DNR property" means land and water owned, licensed, leased, or dedicated under IC 14-31-1 or under easement to the state or managed by the department. The following areas are, however, exempted from the term:
 - (A) Public freshwater lakes.
 - (B) Navigable waterways.
 - (C) Buildings and grounds (other than those of the Indiana state museum) not located at recreational, natural, or historic sites.
- An area is not exempted because the department has issued a lease, license, or concession to another person.
- (4) "Fallen cone" means the fruiting body of a coniferous tree that is no longer attached to a living tree.
- (5) "Firearm or bow and arrows" means:
 - (A) a firearm;
 - (B) an air gun;
 - (C) a CO₂ gun;
 - (D) a spear gun;
 - (E) a bow and arrows;
 - (F) a crossbow;
 - (G) a paint gun; or
 - (H) a similar mechanical device;
- that can be discharged and is capable of causing injury or death to a person or an animal or damage to property.
- (6) "Fruit" means the fruiting body of the following:
 - (A) Apples.
 - (B) Cherries.
 - (C) Grapes.
 - (D) Hawthorns.
 - (E) Persimmons.
 - (F) Plums.
 - (G) Pears.
 - (H) Pawpaws.
 - (I) Roses.
- (7) "Greens" means the aboveground shoots or leaves of the following:
 - (A) Asparagus.
 - (B) Dandelion.
 - (C) Mustard.
 - (D) Plantain.
 - (E) Poke.
- (8) "Group boat dock" means an artificial basin or enclosure for the reception of watercraft that is owned and maintained by adjacent landowners for their private usage.
- (9) "Leaf" means the leaf of a woody plant for use in a leaf collection or similar academic project.
- (10) "License" means:
 - (A) a license;
 - (B) a permit;
 - (C) an agreement;
 - (D) a contract;
 - (E) a lease;
 - (F) a certificate; or
 - (G) any other form of approval;
- issued by the department. A license may authorize an activity otherwise prohibited by this rule.
- (11) "Mushroom" means edible fungi.
- (12) "Nut" means the seeds of the following:
 - (A) Hazelnuts.

- (B) Hickories.
- (C) Oaks.
- (D) Pecans.
- (E) Walnuts.

(13) "Off-road vehicle" has the meaning set forth in IC 14-8-2-185.

(14) "Public road" means a public highway under IC 9-25-2-4 that is designated by the department for use by the public.

(15) "Recreation area" means an area that is managed by the department for specific recreation activities.

(16) "Snowmobile" has the meaning set forth in IC 14-8-2-261.

(17) "Vehicle" has the meaning set forth in IC 9-13-2-196(d).

(Natural Resources Commission; 312 IAC 8-1-4; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 552, eff Jan 1, 2000; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1544; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3713; filed Sep 19, 2003, 8:14 a.m.: 27 IR 455; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 461, eff Jan 1, 2006; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

Rule 2. General Restrictions on the Use of DNR Properties

312 IAC 8-2-1 Posted special requirements

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 1. (a) A sign may be posted to authorize a particular use, to identify conditions upon a particular use, or to establish prohibitions against a particular use within a DNR property or a portion of a DNR property. A sign may close an area to entry by the public.

(b) A person must not violate a sign posted under this section. *(Natural Resources Commission; 312 IAC 8-2-1; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)*

312 IAC 8-2-2 Trash, refuse, and sanitation

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-15-2-7; IC 14-15-2-8

Sec. 2. (a) Trash, refuse, waste, garbage, glass, petroleum products, sewage, or another material must not be:

(1) maintained, treated, or disposed in a manner that violates a federal or state law; or

(2) brought onto a DNR property for disposal.

(b) A watercraft equipped with a toilet or galley may be inspected by a department representative at any time for compliance with IC 14-15-2-7 and IC 14-15-2-8. Before entering a property, a person must make inoperative any outside drain of a toilet or galley.

(c) A vehicle, watercraft, aircraft, waste receptacle, or personal item must not be washed except in a designated area. *(Natural Resources Commission; 312 IAC 8-2-2; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)*

312 IAC 8-2-3 Firearms, hunting, and trapping

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22-11-1; IC 35-47-2

Sec. 3. (a) A person must not possess a firearm or bow and arrows on a DNR property unless one (1) of the following conditions apply:

(1) The firearm or bow and arrows are:

(A) unloaded and uncocked; and

(B) placed in a case or locked within a vehicle.

(2) The firearm or bow and arrows are possessed at, and of a type designated for usage on:

(A) a rifle;

- (B) a pistol;
- (C) a shotgun; or
- (D) an archery;

range.

(3) The firearm or bow and arrows are being used in the lawful pursuit of either of the following:

- (A) A wild animal on a DNR property authorized for that purpose.
- (B) A groundhog as authorized under a license.

(4) The person possesses a handgun on a DNR property other than a reservoir owned by the U.S. Army Corps of Engineers or Falls of the Ohio State Park:

(A) with a valid unlimited license to carry a handgun:

- (i) issued under IC 35-47-2-3; or
- (ii) recognized under IC 35-47-2-21(b); or

(B) pursuant to an exemption to handgun licensure requirements as authorized under IC 35-47-2-2.

(b) Except as provided in subsection (a)(1) or (a)(4), a firearm or bow and arrows may not be possessed on DNR properties within any of the following:

- (1) A nature preserve unless hunting is authorized under subsection (c).
- (2) A property administered by the division of state museums and historic sites.
- (3) A campground.
- (4) A picnic area.
- (5) A beach.
- (6) A service area.
- (7) A headquarters building.
- (8) A hunter check station.
- (9) A developed recreation site.

(c) A person may hunt on the following DNR properties:

- (1) A state forest administered by the division of forestry, including a portion of a state forest that is a nature preserve.
- (2) A reservoir property administered by the division of state parks and reservoirs.
- (3) A wildlife area administered by the division of fish and wildlife, including a portion of a wildlife area that is a nature preserve.
- (4) A nature preserve not otherwise approved for hunting under this subsection if approved in a written authorization by the director of the division of nature preserves.

(d) A person hunting on any of the areas described in subsection (c) must do the following:

(1) Comply with all federal and state:

- (A) hunting;
- (B) trapping; and
- (C) firearms;

laws.

(2) On a fish and wildlife area and a reservoir property, obtain a one (1) day hunting permit and record from a checking station.

The person must:

- (A) retain the permit and record card while in the field for the authorized date; and
- (B) as directed, return them to the department.

(3) Refrain from hunting on a nature preserve if prohibited by signage posted at the site.

(e) Unless otherwise posted or designated on a property map, a person must not place a trap except as authorized by a license issued for a property by an authorized representative. This license is in addition to the licensing requirement for traps set forth in IC 14-22-11-1.

(f) A person must not run dogs, except:

- (1) during the lawful pursuit of wild animals; or
- (2) as authorized by a license for field trials or in a designated training area.

A property administered by the division of fish and wildlife may be designated for training purposes without requiring a field trial permit. Only dogs may be used during field trials on a DNR property, except where authorized by a license on a fish and wildlife property.

(g) Unless otherwise designated, a person must not discharge a firearm or bow and arrows within two hundred (200) feet of any of the following:

- (1) A campsite.
- (2) A boat dock.
- (3) A launching ramp.
- (4) A picnic area.
- (5) A bridge.

(h) A person must not leave a portable tree blind or duck blind unattended except for the period authorized by 312 IAC 9-3-2(l).

(i) The following terms apply to the use of shooting ranges:

(1) A person must not use a shooting range unless the person is:

- (A) at least eighteen (18) years of age; or
- (B) accompanied by a person who is at least eighteen (18) years of age.

(2) A person must:

- (A) register with the department; and
- (B) pay any applicable fees;

before using a shooting range.

(3) A person must shoot only at paper targets placed on target holders provided by the department. All firing must be downrange with reasonable care taken to assure any projectile is stopped by the range backstop.

(4) Shot not larger than size 6 must be used on a shotgun range.

(5) A person must not:

- (A) discharge a firearm using automatic fire;
- (B) use tracer, armor-piercing, or incendiary rounds;
- (C) play on, climb on, walk on, or shoot into or from the side berms; or
- (D) shoot at clay pigeons, except on a site designated for shooting clay pigeons.

Glass and other forms of breakable targets must not be used on a shooting range.

(6) A person must dispose of the targets used by the person under section 2(a) of this rule.

(7) Permission must be obtained from the department in advance for a shooting event that involves any of the following:

- (A) An entry fee.
- (B) Competition for any of the following:
 - (i) Cash.
 - (ii) Awards.
 - (iii) Trophies.
 - (iv) Citations.
 - (v) Prizes.
- (C) The exclusive use of the range or facilities.
- (D) A portion of the event occurring between sunset and sunrise.

(8) On a field course, signs and markers must be staked. Trees must not be marked or damaged.

(j) A person must not take a reptile or amphibian unless the person is issued a scientific collector license under 312 IAC 9-10-6.

Exempted from this subsection are:

- (1) turtles taken under 312 IAC 9-5-2; and
- (2) frogs taken under 312 IAC 9-5-3;

from a DNR property where hunting or fishing is authorized. (*Natural Resources Commission; 312 IAC 8-2-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 553, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3714; filed Sep 19, 2003, 8:14 a.m.: 27 IR 456; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 461, eff Jan 1, 2006; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; filed Mar 11, 2008, 9:34 a.m.: 20080409-IR-312070449FRA*)

312 IAC 8-2-4 Fishing

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-22-11-1; IC 14-31-1

Sec. 4. (a) A person must comply with all federal and state fishing laws.

(b) Except on the waters of a reservoir property administered by the division of state parks and reservoirs, a person who is on a waterway must not:

- (1) clean or process fish; or
- (2) possess fish that have been cleaned or processed.
- (c) A person must not fish in a nature preserve dedicated under IC 14-31-1, except as follows:
 - (1) At a site posted to authorize fishing.
 - (2) From a watercraft in a river, stream, or lake where access to the waterway was lawfully obtained outside the nature preserve.
 - (3) In a nature preserve that is also a fish and wildlife area.

(Natural Resources Commission; 312 IAC 8-2-4; filed Oct 28, 1998, 3:32 p.m.: 22 IR 740, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

312 IAC 8-2-5 Alcoholic beverages

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 5. A person must not possess or consume an alcoholic beverage at any of the following locations:

- (1) Indiana Dunes State Park.
- (2) A swimming beach or pool.
- (3) A shooting range.

(Natural Resources Commission; 312 IAC 8-2-5; filed Oct 28, 1998, 3:32 p.m.: 22 IR 740, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

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 not more than six (6) feet long; and
- (2) attend 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
- (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 or receipt for each horse that is brought into a designated DNR property from April 1 through November 30. The tag or receipt must be:

- (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.

(2) Release an animal on DNR property except under license issued by an authorized representative under this 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 subdivision shall reimburse the department for any expenses reasonably incurred.

(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; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA*)

312 IAC 8-2-7 Fires and flammable liquids

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 7. (a) A person must not start or maintain a fire except in a public use area designated for that purpose. A fire must be extinguished immediately after use. An authorized representative may prohibit fires even in a designated area for public safety or to protect property.

(b) A person must extinguish a lighted match, cigarette, cigar, or similar item before discarding the item. (*Natural Resources Commission; 312 IAC 8-2-7; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

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) 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:

(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, if operated between the hours of sunset and sunrise, have a lamp on the:

(A) front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart; and

(B) 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 launch, dock, or moor a 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 boat unattended in a courtesy dock provided by the department; or
- (2) moor a boat at a designated group dock or mooring post unless the 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).

(h) A person must not leave a vehicle, 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.

(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; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA*)

312 IAC 8-2-9 Swimming, snorkeling, scuba diving, and tow kite flying

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 9. (a) A person must not swim, or allow a child or other person in the person's care to swim, other than at the following locations:

- (1) At a designated swimming beach or pool during designated hours.
- (2) From a watercraft between sunrise and sunset in an embayment on a reservoir property established under 312 IAC 5-10 as an idle speed zone, but not:

(A) in a causeway; or

(B) within one hundred (100) feet of a designated launching ramp or other public use facility.

(b) A person must not snorkel, except from a watercraft on a reservoir property and within an embayment designated as an idle speed zone.

(c) A person must not scuba dive unless in compliance with each of the following:

(1) A license is issued by the department.

(2) Between the hours of sunrise and sunset.

(3) A diving flag is displayed to designate the area in use.

(d) A person must not engage in tow kite flying, except during the following periods:

(1) On weekdays from sunrise to sunset.

(2) Except as provided in subdivision (3), on Saturdays, Sundays, or holidays, from sunrise until 11 a.m. and from 5 p.m. until sunset.

(3) On:

(A) Memorial Day weekend;

(B) the Fourth of July and a Saturday or Sunday that immediately precedes or follows the Fourth of July; and

(C) Labor Day weekend;

from sunrise until 11 a.m.

(Natural Resources Commission; 312 IAC 8-2-9; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Sep 19, 2003, 8:14 a.m.: 27 IR 458; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA)

312 IAC 8-2-10 Preservation of habitat and natural and cultural resources

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 10. Except as authorized by a license, a person must not do any of the following within a DNR property:

(1) Molest an animal den or bird nest.

(2) Collect any wild animal, except as authorized by section 3 or 4 of this rule.

(3) Damage or collect a plant or pick flowers. Exempted from this subdivision are the following:

(A) Berries.

(B) Fruits.

(C) Nuts.

(D) Fallen cones.

(E) Mushrooms.

(F) Leaves.

(G) Greens.

(4) Pick berries, fruits, nuts, fallen cones, mushrooms, leaves, or greens on a nature preserve unless the nature preserve is located at any of the following:

(A) State park.

(B) Reservoir property.

(C) Fish and wildlife area.

(D) State forest.

(5) Damage, interfere with, or remove:

- (A) a work of art;
 - (B) an artifact;
 - (C) a rock or mineral;
 - (D) a shipwreck;
 - (E) an archeological site;
 - (F) a historic site;
 - (G) a building; or
 - (H) a sign.
- (6) Place or maintain a:
- (A) structure;
 - (B) device;
 - (C) dock;
 - (D) buoy;
 - (E) ramp; or
 - (F) sign.
- (7) Use a metal detector, except on a sand, swimming beach as approved by an authorized representative.
- (8) Rock climb or rappel.
- (9) Collect firewood on a state park.
- (10) Dig or excavate any material from the ground.
- (11) Regardless of whether taken lawfully, sell any material taken from a DNR property. Exempted from this subdivision are materials taken under a license issued by the department that specifically authorizes the sale of the material.

(Natural Resources Commission; 312 IAC 8-2-10; filed Oct 28, 1998, 3:32 p.m.: 22 IR 742, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

312 IAC 8-2-11 Campsites and camping

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 11. (a) A person must not place or maintain a camp, tent, or trailer except during periods and at sites authorized by the department for camping. Between 11 p.m. and 7 a.m., a person must not occupy a site other than a designated campsite, cabin, or inn room unless otherwise authorized by a written permit.

(b) No more than six (6) individuals may lawfully occupy one (1) campsite in a family campground unless otherwise approved by an authorized representative.

(c) An individual at least eighteen (18) years of age must register at a campground on behalf of the persons in a group. The responsible person registering for a campsite must remain with the group during the camping period. Campers under eighteen (18) years of age must be accompanied by a person at least eighteen (18) years of age.

(d) A camping fee shall be paid in advance and entitles a group or family to occupy one (1) campsite for one (1) overnight period. The department may provide, on the written fee receipt, restrictions on use of the campsite that supplement the restrictions contained in this article.

(e) Campground occupancy is limited to fourteen (14) consecutive nights unless another period is designated by the department. The property manager or another designated representative of the department may extend the duration of the occupancy for a period not to exceed sixty (60) days where a medical need is established. At the end of the camping period, a camping family or group must vacate the property and remove all equipment for at least forty-eight (48) hours.

(f) A person must not lease or sublease a campsite or equipment on-site to another person.

(g) A person must not:

(1) bathe; or

(2) wash a:

(A) pet;

(B) dish or other cooking utensil; or

(C) other personal property;

at a drinking fountain, lavatory, or laundry tub. Dishwater must be disposed through proper sanitary facilities and must not be

discharged on the ground. A boat or a vehicle must not be washed in a camping area.

(h) Quiet hours shall be observed from 11 p.m. until 7 a.m.

(i) Equine animals and llamas are allowed in a horsemen's campground but are prohibited from entering a family campground.

(j) A person must not dispose of refuse or garbage, except in a receptacle provided for that purpose.

(k) Check-out time from a campground is 2 p.m. on Monday through Saturday and 5 p.m. on Sunday or a holiday. (*Natural Resources Commission; 312 IAC 8-2-11; filed Oct 28, 1998, 3:32 p.m.: 22 IR 742, eff Jan 1, 1999; errata filed Dec 17, 1998, 9:32 a.m.: 22 IR 1525; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3716; filed Sep 19, 2003, 8:14 a.m.: 27 IR 458; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

312 IAC 8-2-12 Other personal activities

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 12. (a) A person must leave a recreation area by 11 p.m. unless the person is:

(1) lawfully using a camp, cabin, trailer, or inn; or

(2) otherwise engaged in an authorized activity.

(b) A person must not use an audible device in a way or at a time that unduly disturbs another person. As used in this subsection, "audible device" includes any of the following:

(1) A radio.

(2) A television.

(3) An audio tape player.

(4) A compact disc player.

(5) A musical instrument.

(6) A motor.

(7) An engine.

(8) An electronic generator.

(9) A similar device that produces sound.

(c) A person must not operate a public address system, except according to a license.

(d) A person must not possess fireworks.

(e) Except as approved by an authorized representative, a person must not enter a cave or the remains of a subsurface mine. (*Natural Resources Commission; 312 IAC 8-2-12; filed Oct 28, 1998, 3:32 p.m.: 22 IR 743, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

312 IAC 8-2-13 Marinas and wastewater holding facilities for watercraft

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 13. (a) As used in this section, "marina" means a structure that:

(1) services simultaneously at least five (5) watercraft; and

(2) provides, for a fee, one (1) or more of the following:

(A) Watercraft engine fuel.

(B) Watercraft repair.

(C) Watercraft sales or rental.

(b) Except as provided in subsection (d), a person must not operate a marina unless the person provides a pumpout that is in good working order and readily accessible to patrons of the marina and secures and maintains one (1) of the following:

(1) A license under 327 IAC 3-2 for the construction and operation of a wastewater treatment facility or sanitary sewer.

(2) A license under 410 IAC 6-10 for the construction of a commercial on-site wastewater disposal facility.

(3) An alternative written approval for wastewater disposal from an authorized governmental agency.

(c) The requirements of subsection (b) shall be made a condition for a license issued by the department to:

(1) construct a new marina; or

(2) modify an existing marina.

(d) A person may apply to the division of law enforcement for an exemption from subsection (b). The exemption shall be granted, for a period not to exceed five (5) years, where the person demonstrates either of the following:

(1) The marina is designed to serve exclusively watercraft that are neither required nor likely to be equipped with a marine sanitation device.

(2) The operator of the marina has entered a binding agreement with another marina or similar facility along the waterway to provide pumpout services where the other marina or similar facility:

(A) maintains a lawful pumpout as described in subsection (b);

(B) is in proximity to the marina seeking the exemption so patrons to be served at a pumpout, which would otherwise be required at the exempted marina, would not be significantly inconvenienced; and

(C) has sufficient pumpout capacity and accessibility to effectively serve the patrons of both parties to the agreement.

(Natural Resources Commission; 312 IAC 8-2-13; filed Oct 28, 1998, 3:32 p.m.: 22 IR 743, eff Jan 1, 1999; filed Jul 22, 2004, 10:05 a.m.: 27 IR 3886; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Apr 24, 2008, 1:44 p.m.: 20080521-IR-312070646FRA)

312 IAC 8-2-14 Advertisements and solicitations

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 14. (a) A person must not post a private notice or advertisement, except as approved by an authorized representative.

(b) A person must not solicit or engage in business, except as approved by an authorized representative. *(Natural Resources Commission; 312 IAC 8-2-14; filed Oct 28, 1998, 3:32 p.m.: 22 IR 743, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)*

312 IAC 8-2-15 Use by private organizations

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 4-21.5; IC 14

Sec. 15. (a) This section governs the use of an area within a DNR property that is open to the public by a person to conduct a public meeting, parade, demonstration, ceremony, contest, competition, sporting activity, or other special event. For the purposes of this section, an area is not open to the public if the director or an authorized representative determines that the proposed activity would unduly disturb the environmental, biological, ecological, archeological, or historic characteristics of the area.

(b) An area open to the public may not be used by a person to conduct a public meeting, parade, demonstration, or ceremony unless the person has obtained a license for the use under this section.

(c) An application for a license designated in subsection (b) shall be delivered to the department at least thirty (30) days in advance of the proposed event and shall set forth each of the following:

(1) The name, address, and telephone number of the applicant.

(2) The date, time, and duration of the proposed activity.

(3) An estimate of the number of individuals expected to attend and to participate in the activity.

(4) A statement of any equipment or facilities to be used in connection with the activity.

(d) An application for a license under subsection (b) shall be granted unless the property manager determines at least one (1) of the following:

(1) The activity will present or be conducted in a manner that will present a clear and immediate danger to public health or safety.

(2) The activity will cause undue interference to other users in the area.

(3) The activity will conflict with another license previously issued by the property manager.

(e) An area open to the public may not be used for a contest, competition, sporting event, or other similar activity unless authorized by a license. An application for a license under this subsection shall be delivered to the department at least thirty (30) days before the proposed event and shall set forth the following:

(1) The name, address, and telephone number of the applicant.

(2) The date, time, and duration of the proposed activity.

(3) An estimate of the number of individuals expected to attend and participate in the activity.

(4) A description of any equipment or facilities to be used in connection with the activity.

(f) To receive a license under subsection (e), the applicant must demonstrate each of the following:

(1) The activity will not present or be conducted in a manner that will present a clear and immediate danger to public health or safety.

(2) The activity will not cause undue interference to other users of the area.

(3) The activity will not conflict with another permit previously issued by the property manager.

(4) The activity is consistent with the property master plan, or, if a master plan has not been adopted, is consistent with the purposes for which the area was established.

(5) The activity is consistent with any site designated under subsection (h).

(g) The property manager shall make an initial determination to issue or deny an application for a license sought under this section within a reasonable period of time after receipt of the application. The license may include conditions that are reasonably necessary to satisfy the purposes of this section. An applicant or other affected person who is aggrieved may take administrative review to the commission under IC 4-21.5 and 312 IAC 3-1.

(h) An area open to the public is available to the general public by reservation on a first-come, first-served basis.

(i) A license issued under this section does not authorize a person to establish, construct, or erect a structure unless otherwise specified in the license.

(j) This section does not apply to a private expression of religious preference. (*Natural Resources Commission; 312 IAC 8-2-15; filed Oct 28, 1998, 3:32 p.m.: 22 IR 744, eff Jan 1, 1999; errata filed Dec 17, 1998, 9:32 a.m.: 22 IR 1525; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

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; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA*)

Rule 3. Fishing Tournaments (Repealed)

(*Repealed by Natural Resources Commission; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3933, eff Jan 1, 2002*)

Rule 4. Group Boat Docks

312 IAC 8-4-1 Application

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-22-11-1

Sec. 1. (a) This rule governs the placement of a group boat dock on Monroe Lake or Mississinewa Lake.

(b) No group boat dock may be placed on Monroe Lake or Mississinewa Lake, except as provided under this rule. (*Natural Resources Commission; 312 IAC 8-4-1; filed Oct 28, 1998, 3:32 p.m.: 22 IR 746, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

312 IAC 8-4-2 Participation in a group boat dock; minimum requirements

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1

Affected: IC 14

Sec. 2. (a) To qualify for a group boat dock, one (1) of the following must be satisfied:

(1) Each person who has a boat slip must own real estate adjoining federal project land.

(2) Each person who has a boat slip must own a lot in an incorporated subdivision composed of contiguous lots where at least twenty-five percent (25%) of the lots adjoin project land. The person who owns one (1) of these lots is eligible for a slip in the group boat dock.

(3) Each person who has a boat slip must be a joint owner in property managed by a corporation where the corporation has managed the property continuously since December 31, 1968. This subdivision does not apply if the corporation becomes dissolved, merged, or transferred to another entity.

(b) For a property to qualify under subsection (a), the property must have a size and shape that is adequate for cabin-type development adjoining federal project lands. (*Natural Resources Commission; 312 IAC 8-4-2; filed Oct 28, 1998, 3:32 p.m.: 22 IR 746, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

312 IAC 8-4-3 Installation and maintenance of a group boat dock

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-22-11-1

Sec. 3. A group boat dock must be installed and maintained as follows:

(1) The person who holds a license under this rule must be a corporation, association, partnership, or other group with at least six (6) separate parcels of land and landowners. An affidavit of land ownership must be filed for each member of the permit application or license holder. A license applicant must submit a copy of the articles of incorporation, bylaws, partnership agreement, or other similar document.

(2) A surety bond and insurance must be maintained for the group boat dock in an amount determined by the department.

(3) A license for a group boat dock must be renewed annually with a service fee due upon renewal.

(4) Dock construction must be approved by the department.

(5) Boat slips shall be located as close to the edge of the water as practicable.

(6) A dock shall be securely moored or anchored to prevent drifting during high wind, waves, and fluctuation of the pool elevation of Lake Monroe.

(7) A group boat dock and any adjacent area must be kept free from trash, garbage, floating debris, and other materials that may pose a hazard to safety or the environment.

(8) The license holder shall supply a responsible person to provide uninterrupted operation and surveillance of the group boat dock.

(9) No sign shall be placed on the group boat dock or an adjacent area that indicates the site is private property.

(10) A group boat dock shall display its license number so that the number can be easily read from passing watercraft. The number shall be:

(A) at least two (2) feet high;

(B) black on white background; and

(C) three (3) feet above the deck of the dock.

(11) Land access can be provided to a group boat dock only by a foot path consisting of rock, stone, or gravel. Approval for the foot path must also be obtained from the United States Army Corps of Engineers. Vehicles are prohibited from using the foot path.

(12) The license holder must promptly notify the department in writing of a change in its membership or legal structure. The notification must include a description of the land that is transferred and an affidavit of ownership for the new owner.

(*Natural Resources Commission; 312 IAC 8-4-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 747, eff Jan 1, 1999; errata filed Dec 17, 1998, 9:32 a.m.: 22 IR 1525; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

312 IAC 8-4-4 Locations where group boat docks may be placed

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1

Affected: IC 14

Sec. 4. The following are the sites on Lake Monroe where group boat docks may be placed if those docks otherwise satisfy the requirements of this rule:

Dock Site	Maximum Number of Boats	Location
A-1	10	Wisely Farm
A-2	30	Cove West of Dam
A-3	30	Three Fingers Cove
C-6	21	Hardin Ridge
C-7	15	West of Mouth of Ramp Creek
D-8	15	Persimmon Ridge
D-9	12	Sugarcamp Hollow
E-10	15	Boy Scout Bay
I-14	10	I.U. Bay
J-15	50	Bay Northeast of the Causeway
K-17	40	Hooks Point

(Natural Resources Commission; 312 IAC 8-4-4; filed Oct 28, 1998, 3:32 p.m.: 22 IR 747, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

312 IAC 8-4-5 Inspections and revocations

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1

Affected: IC 4-21.5-3-8; IC 14-10-2-6

Sec. 5. (a) The department may perform, at any reasonable time, an inspection of a group boat dock and its records to determine whether the requirements of this rule are satisfied.

(b) If the department determines that the holder of a license for a group boat dock has violated this rule, in addition to the sanctions provided in 312 IAC 8-5:

(1) the deputy director for the bureau of lands and cultural resources may issue a complaint for the issuance of a notice of violation under IC 14-10-2-6;

(2) the director of the division of state parks and reservoirs may issue a complaint under IC 4-21.5-3-8 to revoke the license; or

(3) the director of the department may authorize any other lawful enforcement action.

(Natural Resources Commission; 312 IAC 8-4-5; filed Oct 28, 1998, 3:32 p.m.: 22 IR 747, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

Rule 5. Enforcement, Penalties, and Other Administrative Actions

312 IAC 8-5-1 Infraction

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-10-2-6

Sec. 1. (a) A person who violates this article commits a Class C infraction.

(b) A violation of this article may be enforced by a prosecuting attorney or through the initiation of a commission complaint for a notice of violation under IC 14-10-2-6. (Natural Resources Commission; 312 IAC 8-5-1; filed Oct 28, 1998, 3:32 p.m.: 22 IR 748, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

312 IAC 8-5-2 License sanctions

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 4-21.5-3-8; IC 4-21.5-4; IC 14

Sec. 2. The department may file a complaint under IC 4-21.5-3-8, or seek emergency relief under IC 4-21.5-4, to revoke or suspend the license of a person who violates a term of the license, this article, or another law. (Natural Resources Commission; 312 IAC 8-5-2; filed Oct 28, 1998, 3:32 p.m.: 22 IR 748, eff Jan 1, 1999; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3933, eff Jan 1, 2002;

readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

312 IAC 8-5-3 Ejection from a DNR property

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 4-21.5; IC 14

Sec. 3. (a) A property manager or another authorized representative may require a person to leave a DNR property or may otherwise restrict a person's use of a DNR property.

(b) An ejection or restriction imposed under subsection (a) is effective immediately and applies for twenty-four (24) hours unless the property manager or other authorized representative specifies a shorter duration.

(c) Notwithstanding subsection (b), a property manager or another authorized representative may designate in writing that the ejection or restriction shall remain in effect for not more than one (1) year. An ejection or restriction under this subsection is subject to administrative review to the commission under IC 4-21.5.

(d) An ejection or restriction imposed under this section may be made applicable to all or a portion of particular DNR property, to multiple DNR properties, or to all DNR properties. *(Natural Resources Commission; 312 IAC 8-5-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 748, eff Jan 1, 1999; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)*

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