

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

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 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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; errata filed Sep 28, 2011, 3:00 p.m.: 20111012-IR-312110574ACA*)

312 IAC 8-1-3 Entrance and use requirements; firewood

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

Affected: IC 14-31-1

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

(1) Fees for:

- (A) entrance into a DNR property; or
- (B) 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.

(b) In addition to any requirement established under subsection (a), a person may bring firewood into or possess firewood on a DNR property only if the firewood is one (1) of the following:

(1) Bundled and accompanied by a federal compliance stamp issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS).

(2) Bundled and accompanied by a state compliance stamp issued by the department's division of entomology to the firewood vendor from whom the wood was purchased.

(3) Inspected and certified by the department's division of entomology and plant pathology and transported for sale or distribution into a DNR property by either of the following:

- (A) A state-certified concessionaire.
- (B) The department.

(4) Consisting of kiln-dried construction lumber.

(5) Consisting of logs, timber, or another part of a tree with all bark removed.

(c) The following definitions apply throughout this section:

(1) "Firewood" means kindling, logs, boards, lumber, timber, and any part of a tree that is in a form and size appropriate for use as fuel. Logs cut into lengths at least four and one-half (4 1/2) feet long are not firewood.

(2) "Kiln-dried construction lumber" means processed boards cut and dried to remove all bark.

(d) For a nature preserve dedicated under IC 14-31-1, if the fee owner is other than the state of Indiana, the department must obtain written consent from the fee owner before the commission establishes a requirement under subsection (a). (*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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Feb 16, 2012, 11:34 a.m.: 20120314-IR-312110421FRA; filed Nov 5, 2012, 2:30 p.m.: 20121205-IR-312120218FRA, eff Jan 2, 2013*)

312 IAC 8-1-4 Definitions (Repealed)

Sec. 4. (*Repealed by Natural Resources Commission; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

Rule 1.5. Definitions

312 IAC 8-1.5-1 Application

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

Affected: IC 9-13-2-196; IC 9-25-2-4; IC 14-8-2-85; IC 14-8-2-261; IC 14-31-1

Sec. 1. The definitions in this rule are supplemental to those set forth at 312 IAC 1 and apply throughout this article. (*Natural Resources Commission; 312 IAC 8-1.5-1; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-2 "Alcoholic beverage" defined

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

Affected: IC 7.1-1-3-5; IC 14

Sec. 2. "Alcoholic beverage" has the meaning set forth in IC 7.1-1-3-5. (*Natural Resources Commission; 312 IAC 8-1.5-2; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-3 "Authorized representative" defined

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

Affected: IC 14

Sec. 3. "Authorized representative" means the director or another person designated by the director. (*Natural Resources Commission; 312 IAC 8-1.5-3; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-4 "Berry" defined

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

Affected: IC 14

Sec. 4. "Berry" means the fruiting body of the following:

- (1) A blackberry (*Rubus*).
- (2) A blueberry (*Vaccinium*).
- (3) A dewberry (*Rubus*).
- (4) An elderberry (*Sambucus*).
- (5) A gooseberry (*Ribes grossularia*).
- (6) A huckleberry (*Ericaceae*).
- (7) A mulberry (*Morus*).
- (8) A raspberry (*Rubus*).

(9) A serviceberry (*Amelanchier*).

(10) A strawberry (*Fragaria*).

(Natural Resources Commission; 312 IAC 8-1.5-4; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA)

312 IAC 8-1.5-5 "Campground" defined

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

Affected: IC 14

Sec. 5. "Campground" means an area that accommodates any of the following:

(1) Tents.

(2) Recreational vehicles.

(3) Vacation mobile homes.

(Natural Resources Commission; 312 IAC 8-1.5-5; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA)

312 IAC 8-1.5-6 "DNR property" defined

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

Affected: IC 14-31-1

Sec. 6. (a) Except as provided in subsection (b), "DNR property" means land and water where any of the following applies:

(1) The department has ownership.

(2) The department holds a lease, easement, or license.

(3) A dedication was made under IC 14-31-1.

(4) The department manages the property.

(b) Exempted from DNR property is each of the following:

(1) A public freshwater lake.

(2) A navigable waterway.

(3) Buildings or grounds unless located at a recreational, natural, or historic site.

An area is not exempted because the department issued a lease, license, or concession to another person. *(Natural Resources Commission; 312 IAC 8-1.5-6; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA; errata filed Oct 23, 2012, 10:39 a.m.: 20121107-IR-312120579ACA)*

312 IAC 8-1.5-7 "Fallen cone" defined

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

Affected: IC 14

Sec. 7. "Fallen cone" means the fruiting body of a coniferous tree that is no longer attached to a living tree. *(Natural Resources Commission; 312 IAC 8-1.5-7; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA)*

312 IAC 8-1.5-8 "Firearm or bow and arrows" defined

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

Affected: IC 14

Sec. 8. "Firearm or bow and arrows" means:

(1) a firearm;

(2) an air gun;

(3) a CO₂ gun;

(4) a spear gun;

(5) a bow and arrows;

(6) a crossbow;

- (7) a paint gun; or
- (8) 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. (*Natural Resources Commission; 312 IAC 8-1.5-8; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-9 "Fruit" defined

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

Sec. 9. "Fruit" means the fruiting body of the following:

- (1) Apples (*Malus*).
- (2) Cherries (*Prunus*).
- (3) Grapes (*Vitis*).
- (4) Hawthorns (*Crataegus*).
- (5) Pawpaws (*Asimina*).
- (6) Pears (*Pyrus*).
- (7) Persimmons (*Diospyros*).
- (8) Plums (*Prunus*).
- (9) Roses (*Rosa*).

(*Natural Resources Commission; 312 IAC 8-1.5-9; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-10 "Greens" defined

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

Sec. 10. "Greens" means the aboveground shoots or leaves of the following:

- (1) Asparagus (*Asparagus officinalis*).
- (2) Dandelion (*Asteraceae*).
- (3) Mustard (*Brassicaceae*).
- (4) Plantain (*Plantaginaceae*).
- (5) Poke (*Phytolaccaceae*).

(*Natural Resources Commission; 312 IAC 8-1.5-10; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-11 "Group boat dock" defined

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

Sec. 11. "Group boat dock" means an artificial basin or enclosure for the reception of boats on Lake Monroe or Mississinewa Lake that is owned and maintained by adjacent landowners for their private usage. (*Natural Resources Commission; 312 IAC 8-1.5-11; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-12 "Leaf" defined

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

Sec. 12. "Leaf" means the leaf of a woody plant for use in a leaf collection or similar academic project. (*Natural Resources Commission; 312 IAC 8-1.5-12; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-13 "License" defined

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

Affected: IC 14

Sec. 13. (a) "License" means:

- (1) a license;
- (2) a permit;
- (3) an agreement;
- (4) a contract;
- (5) a lease;
- (6) a certificate; or
- (7) any other form of approval;

issued by the department.

(b) A license may authorize an activity otherwise prohibited by this article. (*Natural Resources Commission; 312 IAC 8-1.5-13; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-14 "Motorized cart" defined

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

Affected: IC 9-13-2; IC 14

Sec. 14. (a) "Motorized cart" means a conveyance that is:

- (1) motor driven, either by gas or electricity;
- (2) used to carry passengers or equipment; and
- (3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles such as a:
 - (A) passenger motor vehicle (as defined in IC 9-13-2-123);
 - (B) recreational vehicle (as defined in IC 9-13-2-150); or
 - (C) truck (as defined in IC 9-13-2-188).

(b) A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle.

(c) The term does not include:

- (1) an electric personal assistive mobility device (as defined in IC 9-13-2-49.3);
- (2) a motorcycle (as defined in IC 9-13-2-108);
- (3) a motor scooter (as defined in IC 9-13-2-104);
- (4) a motorized bicycle (as defined in IC 9-13-2-109); or
- (5) an off-road vehicle.

(*Natural Resources Commission; 312 IAC 8-1.5-14; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-15 "Mushroom" defined

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

Affected: IC 14

Sec. 15. "Mushroom" means edible fungi. (*Natural Resources Commission; 312 IAC 8-1.5-15; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA*)

312 IAC 8-1.5-16 "Nut" defined

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

Affected: IC 14

Sec. 16. "Nut" means a fruit or seed of any of the following:

- (1) Hazelnut (*Corylus*).

- (2) Hickory (Carya).
- (3) Oak (Quercus).
- (4) Pecan (Carya).
- (5) Walnut (Juglans).

(Natural Resources Commission; 312 IAC 8-1.5-16; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA)

312 IAC 8-1.5-17 "Off-road vehicle" defined

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

Affected: IC 14

Sec. 17. (a) "Off-road vehicle" means a motor driven vehicle capable of cross-country travel:

(1) without benefit of a road; and

(2) on or immediately over:

- (A) land;
- (B) water;
- (C) snow;
- (D) ice;
- (E) marsh;
- (F) swampland; or
- (G) other natural terrain.

(b) The term includes the following:

(1) A multi-wheel drive or low pressure tire vehicle.

(2) An amphibious machine.

(3) A ground effect air cushion vehicle.

(4) Other means of transportation deriving motive power from a source other than muscle or wind.

(c) The term does not include the following:

(1) A farm vehicle being used for farming.

(2) A vehicle used for military or law enforcement purposes.

(3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.

(4) A snowmobile.

(5) A registered aircraft.

(6) Any other vehicle properly registered by the bureau of motor vehicles.

(7) Any boat that is registered under Indiana statutes.

(8) A golf cart vehicle.

(Natural Resources Commission; 312 IAC 8-1.5-17; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA)

312 IAC 8-1.5-18 "Operate" defined

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

Affected: IC 14

Sec. 18. "Operate" means to:

(1) ride in or on; and

(2) be in actual physical control of the operation of;

a motorized cart, an off-road vehicle, or a vehicle. *(Natural Resources Commission; 312 IAC 8-1.5-18; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA)*

312 IAC 8-1.5-19 "Public road" defined

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

Affected: IC 9-25-2-4; IC 14

Sec. 19. "Public road" means a public highway under IC 9-25-2-4 that is designated by the department for use by the public. *(Natural Resources Commission; 312 IAC 8-1.5-19; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA)*

312 IAC 8-1.5-20 "Recreation area" defined

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

Sec. 20. "Recreation area" means an area that is managed by the department for specific recreation activities. *(Natural Resources Commission; 312 IAC 8-1.5-20; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA)*

312 IAC 8-1.5-21 "Snowmobile" defined

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14-8-2-261

Sec. 21. "Snowmobile" has the meaning set forth in IC 14-8-2-261. *(Natural Resources Commission; 312 IAC 8-1.5-21; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA)*

312 IAC 8-1.5-22 "Vehicle" defined

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

Sec. 22. "Vehicle" means:

- (1) an automobile;
- (2) a motorcycle;
- (3) a truck;
- (4) a trailer;
- (5) a semitrailer;
- (6) a tractor;
- (7) a bus;
- (8) a school bus;
- (9) a recreational vehicle;
- (10) a trailer or semitrailer used in the transportation of a boat; or
- (11) a motorized bicycle.

(Natural Resources Commission; 312 IAC 8-1.5-22; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)*

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 boat 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, boat, 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; errata filed Jun 2, 2009, 10:29 a.m.: 20090624-IR-312090386ACA; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

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 or another property administered by the division of nature preserves unless hunting is authorized under subsection (d).

(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 must not discharge a firearm or bow and arrows on a DNR property except as follows:
 - (1) As authorized for a law enforcement officer.
 - (2) In the lawful defense of persons or property.
 - (3) Under a department permit that authorizes the discharge.
 - (4) As authorized at a shooting range.
 - (5) In the lawful pursuit of wild animals. The exception provided in this subdivision does not apply within two hundred (200) feet of any of the following:
 - (A) A campsite.
 - (B) A boat dock.
 - (C) A launching ramp.
 - (D) A picnic area.
 - (E) A bridge.
 - (d) 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 or another property administered by the division of nature preserves, if approved in a written authorization by:
 - (A) the director of the division of nature preserves; and
 - (B) the owner of the nature preserve, if the owner is other than the state of Indiana.
 - (e) A person hunting on any of the areas described in subsection (d) 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.
 - (f) 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.
 - (g) 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.

- (h) A person must not construct or place a tree blind or other hunting blind except under 312 IAC 9-3-3 and 312 IAC 9-4-2.
- (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) Except as otherwise provided in this subdivision, a person must shoot only at paper targets placed on target holders provided by the department. An authorized representative may approve the use of alternative targets on a supervised shooting range if the department determines a hazard to public safety would not result.

(4) A person must fire downrange and take reasonable care to assure any projectile is stopped by the range backstop.

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

(6) 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.

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

(8) 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.

(9) 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 purposes license under 312 IAC 9-

10-6. Exempted from this subsection are:

(1) eastern snapping turtles;

(2) smooth softshell turtles;

(3) spiny softshell turtles;

(4) bullfrogs; and

(5) green frogs;

taken under 312 IAC 9-5-6 from a DNR property where hunting or fishing is authorized.

(k) A person must not possess lead shot while hunting mourning doves on a DNR property. (*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; filed Mar 12, 2010, 1:25 p.m.: 20100407-IR-312090470FRA, eff Jan 1, 2011; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Feb 6, 2012, 3:07 p.m.: 20120307-IR-312110442FRA, eff Jan 1, 2013; filed Nov 5, 2012, 2:30 p.m.: 20121205-IR-312120218FRA, eff Jan 2, 2013*)

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 or another property administered by the division of nature preserves, except as follows:

- (1) At a site posted to authorize fishing.
- (2) From a boat 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; errata filed Jun 2, 2009, 10:29 a.m.: 20090624-IR-312090386ACA; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Nov 5, 2012, 2:30 p.m.: 20121205-IR-312120218FRA, eff Jan 2, 2013)

312 IAC 8-2-4.5 Fish attractors

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-28-1-5; IC 14-29-1-8

Affected: IC 14-28-1; IC 14-29-1

Sec. 4.5. (a) A person must obtain a license from a property manager, under this section, before constructing or placing a fish attractor within either of the following:

- (1) A waterway located on a DNR property.
- (2) A navigable waterway that is within the riparian area of a DNR property.

(b) To qualify for a license, a fish attractor must be each of the following:

- (1) Anchored to ensure proper settling.
- (2) Not placed:
 - (A) in a channel;
 - (B) in a beach area; or
 - (C) near the waterway surface or in an area that would adversely affect public safety and navigation as determined by the division of law enforcement.
- (3) Constructed of materials approved by the department and applying methods to ensure safe placement. In implementing this subdivision, the property manager shall consult with the division of water. If the division of water determines placement or maintenance of the fish attractor poses more than a minimum potential for harm, the department shall require the applicant to obtain a license under the following:
 - (A) IC 14-28-1 and 312 IAC 10 if located in a floodway.
 - (B) IC 14-29-1 and 312 IAC 6 if located in a navigable waterway.

The department shall develop a memorandum of understanding concerning characteristics of a fish attractor likely to pose more than a minimal potential for harm relative to division of water review under this subdivision.

(4) Placed under the supervision of the division of fish and wildlife.

(c) The license holder must promptly remove from the waterway any portion of the fish attractor that becomes detached from the licensed structure. This responsibility is a condition of a license.

(d) This section does not apply to the placement of a fish attractor in a public freshwater lake. The placement of a fish attractor in a public freshwater lake is governed by 312 IAC 11-4-7.

(e) As used in this section, "fish attractor" means a structure or structures providing an artificial reef or similar habitat and that is or is intended to be beneficial to fish populations. *(Natural Resources Commission; 312 IAC 8-2-4.5; filed Feb 22, 2011, 1:12 p.m.: 20110323-IR-312100566FRA, eff Jan 1, 2012)*

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) Redbird State Recreation Area.
- (3) Interlake State Recreation Area.
- (4) A swimming beach or pool.
- (5) 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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA; errata filed Oct 6, 2011, 2:38 p.m.: 20111019-IR-312110588ACA)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)*

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

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) except as provided in section 17 of this rule, 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, "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 airborne human transportation device; or
 - (2) a motor-driven airborne device;

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA; filed Feb 6, 2012, 3:07 p.m.: 20120307-IR-312110442FRA, eff Jan 1, 2013*)

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

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 boat 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 boat 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.

(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; errata filed Jun 2, 2009, 10:29 a.m.: 20090624-IR-312090386ACA; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Feb 6, 2012, 3:07 p.m.: 20120307-IR-312110442FRA, eff Jan 1, 2013)

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, or another property administered by the division of nature preserves, unless the property is located at any of the following:
 - (A) A state park.
 - (B) A reservoir property.
 - (C) A fish and wildlife area.
 - (D) A 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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Nov 5, 2012, 2:30 p.m.: 20121205-IR-312120218FRA, eff Jan 2, 2013)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)*

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

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

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) boats; and
- (2) provides, for a fee, one (1) or more of the following:
 - (A) Boat engine fuel.
 - (B) Boat repair.
 - (C) Boat 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 boats 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; errata filed Jun 2, 2009, 10:29 a.m.: 20090624-IR-312090386ACA; readopted filed Mar 25, 2010, 2:58 p.m.:*

20100421-IR-312100037RFA)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

312 IAC 8-2-17 Redbird State Recreation Area and Interlake State Recreation Area

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

Affected: IC 9-18-1; IC 14-16-1

Sec. 17. (a) This section establishes requirements that supplement or modify requirements otherwise applicable to a DNR property for both of the following:

(1) Redbird State Recreation Area in Greene County and Sullivan County.

(2) Interlake State Recreation Area in Pike County and Warrick County.

(b) Every vehicle must be registered under IC 9-18-1, and every off-road vehicle must be registered under IC 14-16-1.

(c) Every vehicle or off-road vehicle must be equipped with functioning spark arrestors and mufflers.

(d) Tire chains and studded tires are prohibited.

(e) The operator of an off-road vehicle who is under sixteen (16) years of age must be directly supervised by a parent or guardian who possesses a valid driver's license.

(f) The operator of a vehicle must:

(1) be at least sixteen (16) years of age; and

(2) possess a valid driver's license.

(g) A vehicle must be equipped with a roll bar or other overhead protection for the benefit of the operator and any passenger. The operator and any passenger in a vehicle must wear a seatbelt.

(h) Except as otherwise provided in this subsection, the operator and any passenger on a motorcycle or an off-road vehicle must wear a motorcycle safety helmet that complies with 49 CFR 571.218* while the off-road vehicle or motorcycle is in operation. A safety helmet is not required on an off-road vehicle with either of the following:

(1) A fully-enclosed metal cab.

(2) Both of the following:

(A) Roll bar protection.

(B) A seatbelt or harness worn by the operator and any passenger.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401, or online at <http://bookstore.gpo.gov/>. The document is available for review and

copying at the Indiana Natural Resources Commission, Division of Hearings, 100 North Senate Avenue, Room N501, Indianapolis, IN 46204. (*Natural Resources Commission; 312 IAC 8-2-17; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA; errata filed Oct 6, 2011, 2:38 p.m.: 20111019-IR-312110588ACA*)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

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 boats. 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; errata filed Jun 2, 2009, 10:29 a.m.: 20090624-IR-312090386ACA; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)*

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)*

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; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)*

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