

Document: Proposed Rule, **Register Page Number:** 25 IR 1954

Source: March 1, 2002, Indiana Register, Volume 25, Number 6

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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #01-412

DIGEST

Amends 312 IAC 8 that governs public use of DNR properties to make several changes. Included is a definition of “public road” to conform to the definition of “public highway” in IC 9-25-2-4. New definitions would be added for snowmobile, off-road vehicle, and vehicle. The prohibition would be eliminated on the possession of firearms at public access sites maintained by the division of fish and wildlife. Quiet time at campsites would be extended one hour from 6 a.m. to 7 a.m. Pets would be required to be attended at all times. Vehicles could be left in DNR parking lots only while using a DNR property or adjacent public freshwater lake or navigable waterway. The receipt and pass requirement for horses would be eliminated, but the tag requirement would be retained. Effective 30 days after filing with the secretary of state.

312 IAC 8-1-4

312 IAC 8-2-8

312 IAC 8-2-3

312 IAC 8-2-11

312 IAC 8-2-6

SECTION 1. 312 IAC 8-1-4, AS AMENDED AT 25 IR 1544, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

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 14-8-2-261; IC 14-16-1-3; IC 14-22-11-1; 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:
 - (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; and
 - (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.
- (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; or
- (G) ~~another a paint gun; or~~
- (H) a similar** mechanical device;

that can be discharged and is capable of causing injury or death to an animal or damage to property.

~~(6)~~ **(6)** “Fishing tournament” means an activity involving fifteen (15) or more watercraft used for taking fish where:

- ~~(A)~~ **(A)** persons compete for a trophy, citation, cash, or prize; or
- ~~(B)~~ **(B)** a fee is charged to participants.

~~(7)~~ **(6)** “Fruit” means the fruiting body of:

- (A) cherries;
- (B) grapes;
- (C) apples;
- (D) hawthorns;
- (E) persimmons;
- (F) plums;
- (G) pears;
- (H) pawpaws; and
- (I) roses.

~~(8)~~ **(7)** “Green” means the aboveground shoots or leaves of:

- (A) asparagus;
- (B) dandelion;
- (C) mustard;
- (D) plantain; and
- (E) poke.

~~(9)~~ **(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.

~~(10)~~ **(9)** “Leaf” means the leaf of a woody plant for use in a leaf collection or similar academic project.

~~(11)~~ **(10)** “License” means:

- (A) a license;
- (B) a permit;
- (C) an agreement;
- (D) a contract;
- (E) a lease;
- (F) a certificate; or
- (G) other form of approval;

issued by the department. A license may authorize an activity otherwise prohibited by this rule.

~~(12)~~ **(11)** “Mushroom” means edible fungi.

~~(13)~~ **(12)** “Nut” means the seeds of:

- (A) hazelnuts;
- (B) hickories;
- (C) oaks;
- (D) pecans; and
- (E) walnuts.

(13) “Off-road vehicle” has the meaning set forth in IC 14-16-1-3.

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

~~(14)~~ **(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.

~~(15)~~ **(17)** “Vehicle” means a motorized conveyance: 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)

SECTION 2. 312 IAC 8-2-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-3 Hunting, trapping, and firearms

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

Affected: IC 14-22-11-1

Sec. 3. (a) A person must comply with all federal and state hunting, trapping, and firearms laws.

(b) A person must not possess a firearm or bow and arrows at any of the following locations:

- (1) Inside a check station or headquarters building.
- (2) Within a nature preserve unless signs indicate that hunting is authorized.
- (3) On a property administered by the division of museums and historic sites.

(c) A person must not possess a firearm or bow and arrows 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 rifle, pistol, shotgun, or archery range.
- (3) The firearm or bow and arrows are being used in the lawful pursuit of either:
 - (A) a wild animal on a DNR property authorized for that purpose; or
 - (B) a groundhog as authorized under a license.

(d) Except as provided in subsection ~~(c)(1)~~; **(c)**, a person must not possess a firearm or bow and arrows at the following locations:

- (1) Within an area designated for public camping.
- (2) On a fish and wildlife area administered by the division of fish and wildlife, except under the terms of a one (1) day hunting permit and record card obtained from a checking station and possessed by the person in the field for a specified date. **This subdivision does not apply to a fishing access site maintained by the division of fish and wildlife.**
- (3) On a property administered by the division of forestry within:
 - (A) a campground;
 - (B) a picnic area;
 - (C) a beach;
 - (D) a service area; or
 - (E) a developed area.
- (4) On a property administered by the division of state parks and reservoirs, except on a reservoir property in accordance with the terms of a one (1) day hunting permit and record card obtained from a hunter sign-in station and possessed by the person in the field for a specified date.

(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 requirements for traps set forth in IC 14-22-11-1.

(f) A person must not run dogs, except during the lawful pursuit of wild animals, or 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) A person must not discharge a firearm or bow and arrows within two hundred (200) feet of a:

- (1) campsite;
- (2) boat dock;
- (3) launching ramp;
- (4) picnic area; or

(5) 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(j).

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

(1) A person must not use a shooting range unless the person is at least eighteen (18) years of age or accompanied by a person who is at least eighteen (18) years of age.

(2) A person must register with the department 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 no larger than size six (6) must be used on a shotgun range.

(5) A person must not discharge a firearm using automatic fire.

(6) A person must not use tracer, armor-piercing, or incendiary rounds.

(7) A person must not play on, climb on, walk on, or shoot into or from the side berms.

(8) A person must not 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.

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

(10) 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 cash, awards, trophies, citations, or prizes.

(C) The exclusive use of the range or facilities.

(D) A portion of the event occurring between sunset and sunrise.

(11) 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 turtles taken under 312 IAC 9-5-2 and 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*)

SECTION 3. 312 IAC 8-2-6, AS AMENDED AT 25 IR 1074, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-6 Animals brought by people to DNR properties

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

Affected: IC 14-22-11-1

Sec. 6. (a) A person who possesses a pet must keep the animal caged or on a leash no more than six (6) feet long. **A person must attend to a pet at all times.**

(b) If a pet appears likely to endanger a person or property or to create a nuisance, the owner may be required to immediately remove the pet 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.

An assistance animal used by a person with a disability is exempted from this subsection.

(d) A horse tag ~~receipt, or pass~~ must be acquired and possessed for each horse that is brought into designated DNR properties from April 1 through November 30. At Brown County and Versailles State Parks and at Salamonie, the horse tag or pass must be prominently displayed on the left side of the bridle.

(e) A person must not 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.

(f) A person must not release an animal on DNR property except under license issued by an authorized representative under this subsection. 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 subsection shall reimburse the department for any expenses reasonably incurred. (*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*)

SECTION 4. 312 IAC 8-2-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-8 Vehicles, trails, watercraft, and aircraft

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

Affected: 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, curves, or where posted; or

(2) other than on a public road. ~~designated by the department.~~

(b) A person must not park a vehicle, watercraft, or associated equipment, except at a site designated by the department.

(c) A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not hike, bike, ski, horseback ride, or **operate an off-road vehicle or snowmobile, ride**, except on a trail designated for ~~that~~ **the** purpose. A person must not ride, lead, drive, or hitch ~~any~~ **an** animal, except where designated by the department.

(d) A person must not operate or maintain a watercraft on a lake:

(1) containing fewer than three hundred (300) acres unless powered only by an electric trolling motor with not more than two (2) 12-volt or one (1) 24-volt battery;

(2) except under motor horsepower and speed zone requirements applicable to the lake; and

(3) for fourteen (14) consecutive days without removal from the lake unless otherwise moored in a designated area.

(e) A person must not launch, dock, or moor a watercraft or another floating device, except for approved periods and at sites designated by the department for those purposes. A person must not leave a watercraft unattended in a courtesy dock provided by the department. A person must not moor a watercraft at a designated group dock or mooring post unless the watercraft exhibits a valid mooring permit.

(f) A person must not leave a vehicle, watercraft, or associated equipment at a public access site or a public fishing area unless the person is actively engaged in the use of a DNR property or adjacent public freshwater lake or navigable waterway.

~~(g)~~ **(g)** A person must not leave a vehicle, watercraft, or associated equipment in a public parking lot for longer than forty-eight (48) hours.

~~(g)~~ **(h)** A person must not land, taxi, take-off, park, or moor an aircraft, hang glider, ultralite, powered model aircraft, or 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*)

SECTION 5. 312 IAC 8-2-11 IS AMENDED TO READ AS FOLLOWS:

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 ~~6~~ 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 ~~days~~ **nights** unless another period is designated by the department. 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 ~~6~~ 7 a.m.

(i) A pet must be caged or leashed within a campsite so as to maintain the pet within the campsite. Section 6(a) of this rule does not apply to this subsection.

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

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

(l) Check-out time from a campground is 2 p.m. on Monday through Saturday and 5 p.m. on Sunday or a holiday. Renewals are due by 10 a.m. on the date of scheduled departure. (*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*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 8, 2002 at 11:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments that govern public use of DNR properties. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services

Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission