

IC 14-23-4

Chapter 4. State Forest Management

IC 14-23-4-1

Legislative intent

Sec. 1. (a) It is the public policy of Indiana to protect and conserve the timber, water resources, wildlife, and topsoil in the forests owned and operated by the division of forestry for the equal enjoyment and guaranteed use of future generations. However, by the employment of good husbandry, timber that has a substantial commercial value may be removed in a manner that benefits the growth of saplings and other trees by thinnings, improvement cuttings, and harvest processes and at the same time provides a source of revenue to the state and counties and provides local markets with a further source of building material.

(b) Notwithstanding subsection (a), IC 13-12-4 does not apply to forestry management practices of the division of forestry.

As added by P.L.1-1995, SEC.16. Amended by P.L.66-2006, SEC.27.

IC 14-23-4-2

"Merchantable timber" defined

Sec. 2. As used in this chapter, "merchantable timber" means timber, trees, and parts of trees that can be used for sawtimber, veneer, poles, posts, pulp, and any other product using wood or parts of trees.

As added by P.L.1-1995, SEC.16. Amended by P.L.66-2006, SEC.28.

IC 14-23-4-3

Permits, leases, and contracts

Sec. 3. (a) The department may issue permits, execute leases, or contract for the removal of merchantable timber from the state forests under this chapter. A permit, lease, or contract must do the following:

- (1) Determine and fix the area within which it is lawful and in the best interests of the state to permit the removal of timber.
- (2) Specify the nature of the timber to be removed.

(b) A permit, lease, or contract must include specific provisions for at least the following:

- (1) Adequate fire prevention measures.
- (2) The completion of harvesting operations, which includes the disposition of the slash and repair of rights-of-way.
- (3) Granting of rights-of-way.
- (4) Compliance with rules adopted by the department to carry out this chapter.
- (5) Reports to the department by the person authorized to remove the timber.
- (6) Authorization for the state forester or the state forester's designee to inspect the activities.
- (7) Revocation of permits for failure to comply with any of the following:

(A) This chapter.

(B) Rules adopted under this chapter.

As added by P.L.1-1995, SEC.16.

IC 14-23-4-4

Removal and sale of merchantable timber; investigations and inspections

Sec. 4. (a) The state forester or the state forester's designee shall investigate the feasibility of the department entering into arrangements for removal and sale of merchantable timber, taking into consideration the following:

- (1) Local market conditions.
- (2) Adaptability of terrain for cutting and removal of timber.
- (3) Potential hazards to surrounding stands of timber.
- (4) Other matters that the department requests.

(b) The state forester or the state forester's designee shall inspect areas in which timber is removed to determine if cutting and removal of timber is conducted in a manner that protects and preserves topsoil and surrounding growths.

As added by P.L.1-1995, SEC.16.

IC 14-23-4-5

Allocation of receipts

Sec. 5. (a) The net receipts derived from or by virtue of a permit, lease, or contract entered into or issued under this chapter or from or by any operations under this chapter shall be paid as follows:

- (1) Eighty-five percent (85%) of the net receipts shall be deposited in the state forestry fund.
- (2) Fifteen percent (15%) of the net receipts shall be deposited in the general fund of the county in which the state forest is located.

(b) If the land of a state forest is situated in at least two (2) counties, the receipts shall be allocated to the counties pro rata as determined on the basis of the acreage of each county that is:

- (1) within the state forest; and
- (2) subject to the permit, lease, or contract.

(c) All distributions under this section shall be made after deducting all costs incurred by the department relating to the operations.

As added by P.L.1-1995, SEC.16.

IC 14-23-4-6

Payments to counties; distributions to fire departments

Sec. 6. (a) Pro rata payments to a county shall be made at the close of each fiscal year on a fiscal year basis. The payments shall be made to the county by certification on the part of the department of the specific amounts due the county upon submission by the county of state vouchers stating the amounts due. The payments shall be made by the department in the same manner and procedure as other voucher claims upon the state are paid.

(b) Subject to subsection (c), fifty percent (50%) of the payments made to each county under this section shall be appropriated and equally distributed to the volunteer fire departments within the county that have a cooperative lease agreement or contract with the division of forestry.

(c) Unless the county legislative body allows a greater distribution, each fire department is limited to receiving a maximum annual distribution under this section of one thousand dollars (\$1,000).

As added by P.L.1-1995, SEC.16. Amended by P.L.66-2006, SEC.29.