

## **IC 14-29-6**

### Chapter 6. Natural, Scenic, and Recreational River System

#### **IC 14-29-6-1**

##### **"Adjacent land" defined**

Sec. 1. As used in this chapter, "adjacent land" means the area of land paralleling, but not necessarily contiguous to, a river needed to preserve, protect, and manage the natural, scenic, or recreational character of the river.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-6-2**

##### **"Recreational river" defined**

Sec. 2. As used in this chapter, "recreational river" means a river that does not have the characteristics necessary to qualify as a natural or scenic river, but that still maintains scenic or recreational characteristics of unusual and significant value.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-6-3**

##### **"River" defined**

Sec. 3. As used in this chapter, "river" means any flowing body of water and adjacent land or part of the body of water and adjacent land.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-6-4**

##### **"Scenic river" defined**

Sec. 4. As used in this chapter, "scenic river" means a river that:

- (1) is free of impoundments;
- (2) is accessible in several places; and
- (3) has minimal pollution and shoreline developments.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-6-5**

##### **"System" defined**

Sec. 5. As used in this chapter, "system" means the Indiana natural, scenic, and recreational river system.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-6-6**

##### **Administration**

Sec. 6. The department shall administer this chapter.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-6-7**

##### **Public policy**

Sec. 7. As part of the continuing growth of the population and development of the economy of Indiana, it is necessary and desirable that rivers of unusual natural, scenic, or recreational significance be

set aside and preserved for the benefit of present and future generations before the rivers have been destroyed. After rivers are destroyed, the rivers cannot be wholly restored. It is essential to the people of Indiana that the people retain the opportunities to maintain close contact with the natural, scenic, and recreational rivers and to benefit from the scientific, aesthetic, cultural, recreational, scenic, and spiritual values the rivers possess. It is, therefore, the following public policy of Indiana:

- (1) That a natural, scenic, and recreational river system be established and maintained.
- (2) That such areas be designated, acquired, and preserved by the state.
- (3) That other agencies, organizations, and individuals, both public and private, be encouraged to set aside adjacent land for the common benefit of the people of present and future generations.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-6-8**

##### **Selection of rivers for inclusion into system; "natural river" defined**

Sec. 8. (a) As used in this section, "natural river" means a river that, free of impoundments, is generally unpolluted, undeveloped, and inaccessible.

(b) The director may study and periodically submit to the commission proposals for the inclusion of a section of a river into the system that, in the director's judgment, falls within at least one (1) of the following categories:

- (1) Natural river.
- (2) Scenic river.
- (3) Recreational river.

(c) In recommending a river or section for inclusion in the system, the director shall prepare a detailed report on the factors that, in the director's judgment, make the river worthy of designation for inclusion in the system. This report shall evaluate among other categories the following:

- (1) Length of segment.
- (2) Condition of naturally occurring vegetation.
- (3) Stream scenic view.
- (4) Physical modification of stream course.
- (5) Human developments along stream.
- (6) Unique or special features of area.
- (7) Water quality.
- (8) Paralleling roads.
- (9) Number of stream crossings.

(d) Specific criteria for each of these natural river, scenic river, and recreational river categories shall be selected after having given due consideration to the categories specified in subsection (c) and any other categories that are considered to be important.

*As added by P.L.1-1995, SEC.22.*

### **IC 14-29-6-9**

#### **Rules to designate rivers**

Sec. 9. (a) Based upon the study and recommendations of the director, the commission may adopt rules under IC 4-22-2 to designate a river for inclusion into the system.

(b) Before adopting rules, the director shall do the following:

(1) Notify each adjoining or abutting landowner of the plans and recommendations by registered mail.

(2) Conduct a public hearing in the county that contains the largest section of the river being considered.

*As added by P.L.1-1995, SEC.22.*

### **IC 14-29-6-10**

#### **Altering river classification**

Sec. 10. In all planning for the use and development of water and related land resources of rivers in the system, including the construction of impoundments, diversions, realignments, riprap, roadways, crossings, channelizations, locks, canals, or other uses that change the character of a river or destroy the river's scenic values:

(1) full review and evaluation of the river as a scenic resource shall be given; and

(2) the environmental impact of the proposed use and development shall be determined as specified in IC 13-12-4;

before the commission approves plans for use and development.

*As added by P.L.1-1995, SEC.22. Amended by P.L.1-1996, SEC.68.*

### **IC 14-29-6-11**

#### **Nonapproval of use or development of water**

Sec. 11. Use or development of water and related land resources of rivers in the system may not be approved if in the judgment of the commission the use or development may alter the original classification of a river in the system.

*As added by P.L.1-1995, SEC.22.*

### **IC 14-29-6-12**

#### **River system plan**

Sec. 12. (a) The director shall prepare and maintain a plan for the establishment, development, management, use, and administration of rivers in the system. The river system plan shall be included and becomes an integral part of the comprehensive state plans for water management and outdoor recreation.

(b) When a river is proclaimed a part of the system, the river becomes an administrative responsibility of the director. The director shall take the necessary action in keeping with the policy of this chapter to acquire, develop, maintain, and preserve the river and authorized related land area in accordance with the director's powers and duties with respect to parks, fish and wildlife areas, reservoirs, forests, and miscellaneous areas. The director may seek assistance in the development, operation, and maintenance of scenic rivers from other governmental units and agencies.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-6-13**

##### **"Conservation easement", "land use easement", "scenic easement", and "water use easement" defined; land acquisition**

Sec. 13. (a) As used in this section, "conservation easement" has the meaning set forth in IC 32-23-5-2.

(b) As used in this section, "land use easement" means the granting of the right of the general public to use the adjacent land.

(c) As used in this section, "scenic easement" means the granting of protection of adjacent land in the land's present state to preserve the land's natural or scenic characteristics.

(d) As used in this section, "water use easement" means the granting of the right of the general public to travel along or across all water parts of the river.

(e) The director may do the following:

(1) Acquire on behalf of the state land in fee title or any other interest in land, including the following:

- (A) Water use easements.
- (B) Scenic easements.
- (C) Land use easements.

(2) Exercise the right of eminent domain on behalf of the state to acquire the following:

- (A) Conservation easements.
- (B) Water use easements.

(f) Land or an interest in land may be acquired by purchase with appropriated or donated money, exchanges, donations, or otherwise.

(g) The director may seek financial assistance for land acquisition and for facility development of scenic rivers from the following:

- (1) Federal and local governmental sources.
- (2) Private groups and individuals.

*As added by P.L.1-1995, SEC.22. Amended by P.L.2-2002, SEC.62.*

#### **IC 14-29-6-14**

##### **Easements encouraged**

Sec. 14. Recognizing that most of the rivers recommended for inclusion in the system may not be state owned, the general assembly encourages riparian owners to grant easements to the director for the purposes of this chapter.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-6-15**

##### **Expenditures**

Sec. 15. The department may expend money that is:

- (1) already appropriated for the purposes of this chapter; or
- (2) periodically appropriated to the department from any fund for the purpose of developing public recreation facilities.

*As added by P.L.1-1995, SEC.22.*