

Consideration of recommendations to the Natural Resources Commission regarding proposed amendments to 312 IAC 15, which provides minimum standards of good resource management for property that is classified as a forest plantation land, native forest land, or wildland under IC 6-1.1-6; Administrative Cause No. 09-134F

ARTICLE 15. ~~TIMBER~~ RESOURCE MANAGEMENT

Rule 1. Administration and Definitions

312 IAC 15-1-1 Purpose

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 1. ~~(a)~~ The purpose of this article is to provide minimum standards of good ~~timber resource~~ management for property that is classified as forest plantation land, ~~or~~ native forest land, **or wildland** under IC 6-1.1-6 ~~after June 30, 1990.~~

~~(b) This article does not apply to property classified as forest plantation land or native forest land before July 1, 1990. (Natural Resources Commission; 312 IAC 15-1-1; filed May 19, 1997, 11:30 a.m.: 20 IR 2750; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)~~

312 IAC 15-1-2 Administration by division of forestry

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 2. This article and IC 6-1.1-6 are administered by the division of forestry of the department. *(Natural Resources Commission; 312 IAC 15-1-2; filed May 19, 1997, 11:30 a.m.: 20 IR 2750; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 15-1-3 Administrative review of an order by a district forester

Authority: IC 6-1.1-6-16

Affected: IC 4-21.5; IC 6-1.1-6

Sec. 3. (a) A person who is aggrieved by an order or directive of a district forester made under this article may request a review of the order or directive by the state forester. A response to the review request shall be provided within fourteen (14) days by the state forester or by another employee of the division of forestry designated by the state forester to consider the request.

(b) A person who is aggrieved by the response of the state forester (or the

employee designated by the state forester), made under subsection (a), may obtain administrative review of the order by the commission under IC 4-21.5 and 312 IAC 3-1. If a timely response is not made under subsection (a), an aggrieved person may treat the lack of a response as a denial of relief by the state forester and obtain administrative review by the commission under this subsection. (*Natural Resources Commission; 312 IAC 15-1-3; filed May 19, 1997, 11:30 a.m.: 20 IR 2750; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 15-1-4 Revocation of certification

Authority: IC 6-1.1-6-16

Affected: IC 4-21.5-3-8; IC 6-1.1-6

Sec. 4. (a) The state forester may initiate a proceeding, under IC 4-21.5-3-8, to revoke a ~~certification issued~~ **classified status** under IC 6-1.1-6 for forest plantation land, ~~or~~ native forest land, **or wildland** if the owner violates, or allows the violation by another person of, any of the following:

(1) IC 6-1.1-6.

(2) This article.

(3) The ~~timber~~ management plan established for the real estate and included within the forest plantation land, ~~or~~ native forest land, **or wildland**.

(b) The commission is the ultimate authority for the department under this section. (*Natural Resources Commission; 312 IAC 15-1-4; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 15-1-5 “Commercial harvest” defined

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 5. As used in this article, “commercial harvest” means the felling or removal **of one or more trees** for sale to, or use **by**, a person other than the owner. (*Natural Resources Commission; 312 IAC 15-1-5; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 15-1-6 “District forester” defined

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 6. As used in this article, “district forester” means an employee of the department who:

(1) ~~holds a bachelor of science degree in forest management or a closely related forestry curriculum from a college or university accredited by the Society of American Foresters~~ **is a professional forester**; and

(2) is responsible for the administration of IC 6-1.1-6 within designated counties.

(*Natural Resources Commission; 312 IAC 15-1-6; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 15-1-7 “Management plan” defined

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 7. As used in this article, “management plan” means a written document prepared by a district forester, or by a professional forester **or wildlife biologist** and approved by a district forester, which meets the following requirements:

- (1) The plan is prepared in consultation with the owner **or an authorized representative of the owner** and signed by the owner or an authorized representative of the owner.
- (2) The plan adequately describes the forest plantation land, ~~or~~ native forest land, **or wildland** being entered into classified ~~forest~~ status.
- (3) The plan prescribes management practices for the classified ~~forest~~ land that:
 - (A) meet the objectives of the owner; and
 - (B) satisfy IC 6-1.1-6 and this article.
- (4) The plan ~~supports tree growth that is comparable~~ **compatible** with **sustainable** timber production, **wildlife habitat management**, and watershed protection **as appropriate to the land type**.

(Natural Resources Commission; 312 IAC 15-1-7; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

312 IAC 15-1-8 “Owner” defined

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 8. As used in this article, “owner” means a person **or entity** who owns real estate that is classified as forest plantation land, ~~or~~ native forest land, **or wildland** under IC 6-1.1-6. *(Natural Resources Commission; 312 IAC 15-1-8; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 15-1-9 “Professional forester” defined

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 9. As used in this article, “professional forester” means a person ~~who is not an employee of the department and~~ who holds a bachelor of science degree in forest management or a closely related forestry curriculum from a college or university accredited by the Society of American Foresters. *(Natural Resources Commission; 312 IAC 15-1-9; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 15-1-10 “State forester” defined

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 10. As used in this article, “state forester” means the director of the division of forestry of the department. (*Natural Resources Commission; 312 IAC 15-1-10; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 15-1-11 “Wildlife biologist” defined

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 11. As used in this article, “wildlife biologist” means a person who holds a minimum of a bachelor of science degree in wildlife management or closely related curriculum.

Rule 2. Maintenance of Land Classified as a Forest Plantation or a Native Forest

312 IAC 15-2-1 Minimum standards of good ~~timber~~ resource management in maintenance of classified forest lands

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6-2; IC 6-1.1-6-3

Sec. 1. The owner of land classified as a forest plantation under IC 6-1.1-6-2, **wildland under IC 6-1.1-6-2.5**, or a native forest under IC 6-1.1-6-3 shall do each of the following:

- (1) Maintain the land according to its management plan.
- (2) Prevent excessive erosion and control the deposition of sediment off-site.
- ~~(3) Maintain a healthy forest environment.~~

(*Natural Resources Commission; 312 IAC 15-2-1; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 15-2-2 Notification of commercial harvest

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 2. The owner of a forest classified under IC 6-1.1-6 shall provide written notice of a commercial harvest in the first annual report filed with the state forester following the harvest. (*Natural Resources Commission; 312 IAC 15-2-2; filed May 19, 1997, 11:30 a.m.: 20 IR 2752; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 15-2-3 Timber stand improvement

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 3. An owner shall provide for improvement to a timber stand if:

- (1) required in a management plan; or
- (2) directed by a district forester following a commercial harvest of timber.

(*Natural Resources Commission; 312 IAC 15-2-3; filed May 19, 1997, 11:30 a.m.: 20 IR 2752; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 15-2-4 Salvage of timber following natural catastrophes

Authority: IC 6-1.1-6-16

Affected: IC 6-1.1-6

Sec. 4. If a sudden and unexpected natural catastrophe occurs, which seriously damages the merchantable trees within a classified forest area, the owner may immediately salvage the trees. *(Natural Resources Commission; 312 IAC 15-2-4; filed May 19, 1997, 11:30 a.m.: 20 IR 2752; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

Rule 3. Alternative parcel description

312 IAC 15-3-1 Geographic information system alternative

Authority: IC 6-1.1-6-9

Affected: IC 6-1.1-6

Sec. 1. The originator of the description and plat may use geographic information systems (GIS), in accordance with the State of Indiana GIS standard, with:

- (1) a county GIS tax parcel layer; or**
- (2) a digitized property deed;**

in conjunction with:

- (1) a geo-referenced, digital aerial photo; or**
- (2) global positioning system (GPS) points with a minimum of three (3) meter accuracy;**

to describe and plat the parcel. The parcel must be described by metes and bounds and must locate the parcel with reference to a coordinate pair. In addition, the description must identify the parcel by section, township, range, and county references. The plat must be at the scale and the format prescribed by the department. All parcel descriptions and plats must be approved by the district forester.