

IC 14-31

ARTICLE 31. NATURE PRESERVES

IC 14-31-1

Chapter 1. Nature Preserves

IC 14-31-1-1

Public policy

Sec. 1. (a) As part of the continuing growth of the population and the development of the economy of Indiana, it is necessary and desirable that areas of unusual natural significance be set aside and preserved for the benefit of present and future generations before the areas have been destroyed. Once the areas have been destroyed, the areas cannot be wholly restored. The areas are irreplaceable as:

- (1) laboratories for scientific research;
- (2) reservoirs of natural materials, not all of the uses of which are now known;
- (3) habitats for plant and animal species and biotic communities whose diversity enriches the meaning and enjoyment of human life;
- (4) living museums where people may observe natural biotic and environmental systems of the earth and the interdependence of all forms of life; and
- (5) reminders of the vital dependence of the health of the human community upon the health of the natural communities of which the human community is an inseparable part.

(b) It is essential to the people of Indiana that the people retain the opportunities to:

- (1) maintain close contact with the living communities and environmental systems of the earth described in subsection (a); and
- (2) benefit from the scientific, esthetic, cultural, and spiritual values the living communities and environmental systems possess.

(c) It is therefore the public policy of Indiana that:

- (1) the department establish and maintain a registry of the areas described in subsection (a);
- (2) the state acquire and preserve the areas described in subsection (a); and
- (3) other agencies, organizations, and individuals, both public and private, be encouraged to set aside the areas described in subsection (a) for the common benefit of the people of present and future generations.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-2

"Area" defined

Sec. 2. As used in this chapter, "area" means an area of land, water, or both land and water, whether in public or private ownership, that meets one (1) or both of the following conditions:

(1) Retains or has reestablished the area's natural character, although the area need not be undisturbed.

(2) Has:

(A) unusual flora or fauna; or

(B) biotic, geological, scenic, or paleontological features; of scientific or educational value.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-3

"Articles of dedication" defined

Sec. 3. As used in this chapter, "articles of dedication" means the writing by which an estate, an interest, or a right in an area is formally dedicated as permitted by section 14 of this chapter.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-4

"Dedicate" and "dedication" defined

Sec. 4. As used in this chapter, "dedicate" and "dedication" mean the transfer to the department, for and on behalf of the state, of an estate, an interest, or a right in an area in any manner permitted by sections 10 through 13 of this chapter.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-5

"Nature preserve" defined

Sec. 5. As used in this chapter, "nature preserve" means an area in which an estate, an interest, or a right has been formally dedicated under this chapter.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-6

"System" defined

Sec. 6. As used in this chapter, "system" means the nature preserves held under this chapter.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-7

Purpose

Sec. 7. To secure for the people of Indiana of present and future generations the benefits of an enduring resource of areas, the state shall, acting through the department, acquire and hold in trust for the benefit of the people an adequate system of nature preserves for the following uses and purposes:

(1) For scientific research in fields such as ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, paleontology, conservation, and similar fields.

(2) For the teaching of biology, natural history, ecology, geology, conservation, and other subjects.

(3) As habitats for plant and animal species and communities and other natural objects.

- (4) As reservoirs of natural materials.
- (5) As places of natural interest and beauty.
- (6) As living illustrations of our natural heritage in which an individual may observe and experience natural biotic and environmental systems of the earth and the processes of the systems.
- (7) To promote understanding and appreciation of the esthetic, cultural, scientific, and spiritual values of the areas by the people of Indiana.
- (8) For the preservation and protection of nature preserves against modification or encroachment resulting from occupation, development, or other use that would destroy the natural or aesthetic conditions of nature preserves.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-8

Registry of natural areas

Sec. 8. To give recognition to natural areas, the department shall establish and maintain a registry of natural areas of unusual significance. However, a registered area is not a nature preserve unless the area has been dedicated under this chapter.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-9

Administration

Sec. 9. The division of nature preserves shall administer this chapter.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-10

Property rights

Sec. 10. (a) The department may, on behalf of the state, acquire nature preserves by gift, devise, purchase, exchange, condemnation, or any other method of acquiring real property or an estate, an interest, or a right in real property. However, an interest owned by the state or by a subdivision of the state may be dedicated only by voluntary act of the agency having jurisdiction. The department may acquire the fee simple interest in an area or a lesser estate, interest, or right in an area, including any of the following:

- (1) A leasehold estate.
- (2) An easement:
 - (A) either:
 - (i) appurtenant; or
 - (ii) in gross; and
 - (B) either:
 - (i) granting the state specified rights of use;
 - (ii) denying to the grantor specified rights of use; or
 - (iii) both.
- (3) A license.
- (4) A covenant.

(5) Other contractual rights.

(b) A nature preserve may be acquired voluntarily for the consideration that the department considers advisable or without consideration.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-11

Dedication of property

Sec. 11. (a) An estate, an interest, or a right in an area may be dedicated by any of the following:

- (1) A state agency having jurisdiction of the area.
- (2) Any other unit of government within Indiana having jurisdiction of the area.
- (3) A private owner of the area.

(b) A dedication is effective and an area becomes a nature preserve only upon the acceptance of the articles of dedication by the department. Articles of dedication shall be placed on public record in the proper record in the county in which the area is located.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-12

Articles of dedication

Sec. 12. Articles of dedication may do the following:

- (1) Contain restrictions and other provisions relating to the following:
 - (A) Management.
 - (B) Use.
 - (C) Development.
 - (D) Transfer.
 - (E) Public access.
 - (F) Other restrictions and provisions that are necessary or advisable to further the purposes of this chapter.
- (2) Consistent with the purposes of this chapter, define the respective rights and duties of the owner or operating agency and of the department.
- (3) Provide procedures to be applied in case of violation of the restrictions and other provisions.
- (4) Recognize and create any of the following:
 - (A) Reversionary rights.
 - (B) Transfers upon conditions or with limitations.
 - (C) Gifts over.
- (5) Vary in provisions from one (1) nature preserve to another in accordance with differences in the characteristics and conditions of the different areas.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-13

Amendments of articles of dedication

Sec. 13. With the approval of the governor and upon the terms and conditions that the department determines, the department may, after

the giving of notice and the holding of a public hearing under section 16 of this chapter, enter into amendments of articles of dedication upon a finding by the commission that the amendments will not permit:

- (1) an impairment;
- (2) a disturbance;
- (3) a use; or
- (4) a development;

of the area inconsistent with the purposes of this chapter. However, if the fee simple interest in an area is not held by the state under this chapter, an amendment may not be made without the written consent of the owner of the other interests in the area.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-14

Duties of department

Sec. 14. To further the purposes of and to implement this chapter, the department shall do the following:

- (1) Formulate policies for the selection, acquisition, use, management, and protection of nature preserves.
- (2) Formulate policies for the selection of areas suitable for registration under this chapter.
- (3) Formulate policies for the dedication of areas as nature preserves.
- (4) Determine, supervise, and control the management of nature preserves and adopt and amend rules necessary or advisable for the use and protection of nature preserves.
- (5) Encourage and recommend the dedication of areas as nature preserves.
- (6) Make surveys and maintain registries and records of unique natural areas within Indiana.
- (7) Carry on interpretive programs and publish and disseminate information pertaining to nature preserves and other areas within Indiana.
- (8) Promote and assist in the establishment, restoration, and protection of and advise in the management of natural areas and other areas of educational or scientific value and otherwise to foster and aid in the establishment, restoration, and preservation of natural conditions within Indiana other than in the system.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-15

Treatment of nature preserves

Sec. 15. (a) The nature preserves within the system:

- (1) are to be held in trust for the benefit of the people of Indiana of present and future generations for those uses and purposes expressed in this chapter that are not prohibited by the articles of dedication;
- (2) are declared to be put to the highest, best, and most important use for the public benefit;

(3) shall be managed and protected in the manner approved by and subject to the rules adopted by the department; and

(4) may not be taken for any other use except another public use:

(A) after a finding by the commission of the existence of an imperative and unavoidable public necessity for the other public use; and

(B) with the approval of the governor.

(b) Except as otherwise provided in the articles of dedication, the department may:

(1) grant, upon the terms and conditions that the department determines, an estate, an interest, or a right in; or

(2) dispose of;

a nature preserve.

(c) The department may take action under subsection (b) only:

(1) after a finding by the commission of the existence of an imperative and unavoidable public necessity for the grant or disposition; and

(2) with the approval of the governor.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-16

Notice of proposed action

Sec. 16. (a) Before the commission:

(1) makes a finding of the existence of an imperative and unavoidable public necessity under section 15 of this chapter;

(2) grants an estate, an interest, or a right in a nature preserve under section 15 of this chapter;

(3) disposes of a nature preserve or an estate, an interest, or a right in a nature preserve under section 15 of this chapter; or

(4) enters into an amendment of articles of dedication under section 13 of this chapter;

the department must give notice of the proposed action and an opportunity for any person to be heard.

(b) The notice must be published at least one (1) time in a newspaper printed in the English language with a general circulation in each county in which the nature preserve is located. The notice must do the following:

(1) Set forth the substance of the proposed action.

(2) Describe, with or without legal description, the nature preserve affected.

(3) Specify a place and time not less than thirty (30) days after the publication for a public hearing before the commission on the proposed action.

(c) All persons desiring to be heard shall be given a reasonable opportunity to be heard before action by the commission on the proposal.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-17

Political units, departments, agencies, and instrumentalities urged to dedicate suitable areas

Sec. 17. All units, departments, agencies, and instrumentalities of the state, including:

- (1) counties;
- (2) townships;
- (3) municipalities;
- (4) public corporations;
- (5) boards;
- (6) commissions;
- (7) colleges; and
- (8) universities;

may and are urged to dedicate as nature preserves suitable areas or parts of areas within their jurisdiction.

As added by P.L.1-1995, SEC.24.

IC 14-31-1-18

Noninterference with parks, preserves, refuges, or other areas

Sec. 18. (a) Except as provided in subsection (b), this chapter does not interfere with:

- (1) the purposes stated in the establishment of or pertaining to;
or
- (2) the proper management and development of:

a state or local park, preserve, wildlife refuge, or other area.

(b) An agency administering an area dedicated as a nature preserve under this chapter is responsible for preserving the character of the area in accordance with the articles of dedication and the applicable rules concerning nature preserves that the department adopts.

(c) The dedication of an area as a nature preserve or an action taken by the department under this chapter does not void or replace a protected status under law that an area would have if the area were not a nature preserve. The protective provisions of this chapter are supplemental to the protected status under law.

As added by P.L.1-1995, SEC.24.