
TITLE 312 NATURAL RESOURCES COMMISSION

Notice of First Public Comment Period

LSA Document #24-163

PURPOSE OF NOTICE

The Natural Resources Commission (commission) is soliciting public comment on the addition of rules at [312 IAC 1.5-5](#) through [312 IAC 1.5-10](#) regarding fees, fines, civil penalties, financial benefit limitations, or other payment amounts set by an agency otherwise qualifying as a rule charged by the division of: (1) forestry; (2) historic preservation and archeology; (3) land acquisition; (4) reclamation; (5) state parks; and (6) water; for the department of natural resources. The proposed rule repeals [312 IAC 17-1-11](#), [312 IAC 25-5-8](#), [312 IAC 25-7-15](#), [312 IAC 29-12-2](#), and [312 IAC 29-12-4](#). The commission solicits public comment on the citations listed and any other provisions of Title 312 that may be affected by this rulemaking.

CITATIONS AFFECTED: [312 IAC 1.5-5](#); [312 IAC 1.5-6](#); [312 IAC 1.5-7](#); [312 IAC 1.5-8](#); [312 IAC 1.5-9](#); [312 IAC 1.5-10](#); [312 IAC 17-1-11](#); [312 IAC 25-5-8](#); [312 IAC 25-7-15](#); [312 IAC 29-12-2](#); [312 IAC 29-12-4](#)

AUTHORITY: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#)

OVERVIEW

Basic Purpose and Background

The purpose of the proposed rules is to bring current fees, fines, civil penalties, financial benefit limitations, or other payment amounts set by an agency otherwise qualifying as a rule charged by the divisions of forestry, historic preservation and archeology, land acquisition, reclamation, state parks, and water into compliance with HEA 1623-2023 requiring the amounts to be placed in rule. The proposed permanent rule makes those fees, fines, civil penalties, financial benefit limitations, and other payment amounts transparent for regulated persons under [IC 14](#).

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Whitney Wampler
Senior Attorney
Indiana Department of Natural Resources
Indiana Government Center South
402 West Washington Street, Room W261
Indianapolis, IN 46204
(317) 941-4338
wwampler@dnr.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties under [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve a matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENTS

At this time, the commission is soliciting public comment on the proposed rule. Comments may be submitted in one of the following ways:

- (1) By the commission's rulemaking docket at <https://www.in.gov/nrc/rules/rulemaking-docket/>.
- (2) By mail or common carrier to the following address:
LSA Document 24-163
Elizabeth A. Gamboa
Natural Resources Commission, Division of Hearings
Indiana Government Center North
100 North Senate Avenue, Room N103

Indianapolis IN 46204-2273

(3) By electronic mail to egamboa1@nrc.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than June 25, 2024.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference, if applicable, are on file and available for public inspection at the Natural Resources Commission, Indiana Government Center North, 100 North Senate Avenue, Room N103, Indianapolis, Indiana. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the Natural Resources Commission office.

If the commission does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

ADDITIONAL DOCUMENTS

Regulatory Analysis: [20240515-IR-312240163RAA](#)

Notice of Public Hearing: [20240515-IR-312240163PHA](#)

PROPOSED RULE

SECTION 1. [312 IAC 1.5-5](#) IS ADDED TO READ AS FOLLOWS:

Rule 5. Division of Forestry

[312 IAC 1.5-5-1](#) Fees to shoot at the Clark State Forest gun range

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-23-1-1](#)

Affected: [IC 14-23](#)

Sec. 1. (a) The daily shooting fee at the Clark State Forest gun range is five dollars (\$5) a day.

(b) The fee for an annual permit to shoot at the Clark State Forest gun range is twenty-five dollars (\$25) a year.

(Natural Resources Commission; [312 IAC 1.5-5-1](#))

[312 IAC 1.5-5-2](#) Fees for the urban forestry section

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-23-1-1](#)

Affected: [IC 14-23](#)

Sec. 2. (a) The registration fee for tree steward training with the urban forestry section is thirty dollars (\$30) an individual:

- (1) for two (2) days; and
- (2) without a cosponsor to cover the cost of a meal.

(b) The registration fee for tree steward training with the urban forestry section is ten dollars (\$10) an individual:

- (1) for two (2) days;
- (2) with a cosponsor to cover the cost of a meal.

(c) The registration fee for any other training or event offered by the urban forestry section is not more than two hundred dollars (\$200) an individual. The department shall determine the fee under this subsection based on the following factors:

(1) The number of days of:

- (A) training; or
- (B) the event.

(2) The cost of the materials provided by the department during the training or event.

(3) The cost of the supplies provided by the department during the training or event.

(4) Whether a meal is provided.

(5) Whether the training or event has a cosponsor to reduce the costs paid by the department for the training or event.

(Natural Resources Commission; [312 IAC 1.5-5-2](#))

[312 IAC 1.5-5-3](#) Dump station use fee on department owned or managed property

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-23-1-1](#)

Affected: [IC 14-23](#)

Sec. 3. The fee for an individual not paying a fee for a campsite to use a dump station is ten dollars (\$10) for each dump.

(Natural Resources Commission; [312 IAC 1.5-5-3](#))

[312 IAC 1.5-5-4](#) Fee for state forest firewood cutting permit

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-23-1-1](#)

Affected: [IC 14-23](#)

Sec. 4. The fee for a state forest firewood cutting permit is:

(1) ten dollars (\$10) a rick; or

(2) twenty-five dollars (\$25) for three (3) ricks.

(Natural Resources Commission; [312 IAC 1.5-5-4](#))

[312 IAC 1.5-5-5](#) Amount of performance bond for temporary land use permit

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-23-1-1](#)

Affected: [IC 14-23](#)

Sec. 5. (a) A person may request to use part of a state forest to access private property for:

(1) business; or

(2) forest management purposes.

A person making a request under this subsection shall obtain a temporary land use permit for using part of a state forest.

(b) The amount of a performance bond for a temporary land use permit is at least five hundred dollars (\$500). The department shall determine the amount of the performance bond under this subsection based on the following factors:

(1) The length of skidding.

(2) The area of yarding.

(3) The length of haul road need.

(c) If the work authorized by a temporary land use permit is finished, the bond is returned to the person. If the work authorized by the temporary land use permit is not finished, the bond may be reduced by the cost to the department to finish the work authorized by the temporary land use permit, or for the cost to remediate damage to the state forest.

(Natural Resources Commission; [312 IAC 1.5-5-5](#))

SECTION 2. [312 IAC 1.5-6](#) IS ADDED TO READ AS FOLLOWS:

Rule 6. Division of Historic Preservation and Archeology

[312 IAC 1.5-6-1](#) Fee for record check or background research

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-21-1-12](#); [IC 14-21-1-31](#)
Affected: [IC 14-21](#)

Sec. 1. The fee for:

- (1) a record check; or
- (2) background research;

is seventy dollars (\$70).

(Natural Resources Commission; [312 IAC 1.5-6-1](#))

[312 IAC 1.5-6-2](#) Access fee for principal investigator in qualified firm or organization

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-21-1-12](#); [IC 14-21-1-15](#); [IC 14-21-1-31](#)
Affected: [IC 14-21](#)

Sec. 2. (a) The fee for the first principal investigator in a qualified professional archeology firm for access to the state historic architectural and archeological research database (SHAARD) and structures map and geographic information system (GIS) map is one thousand dollars (\$1,000) a year.

(b) The fee for the second and additional principal investigator in a qualified professional archeology firm for access to the SHAARD and structures map and GIS map is five hundred dollars (\$500) a year.

(c) The fee for a principal investigator in a qualified professional nonprofit organization for archeological research for access to the SHAARD and structures map and GIS map is two hundred dollars (\$200) a year.

(Natural Resources Commission; [312 IAC 1.5-6-2](#))

SECTION 3. [312 IAC 1.5-7](#) IS ADDED TO READ AS FOLLOWS:

Rule 7. Division of Land Acquisition

[312 IAC 1.5-7-1](#) In lieu fee

Authority: [IC 4-22-2-19.6](#); [IC 13-18-22](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-26-2-23](#); [IC 14-28-1-5](#); [IC 14-29-1-9](#)
Affected: [IC 13-18-22-6](#); [IC 14-26-2](#); [IC 14-28-1](#); [IC 14-29-1](#)

Sec. 1. (a) This section applies to:

- (1) compensatory mitigation, or the in lieu fee mitigation program, under [IC 13-18-22-6](#); and
- (2) mitigation under:

- (A) [IC 14-26-2](#) or [312 IAC 11](#) regarding lake preservation;
- (B) [IC 14-28-1](#) or [312 IAC 10](#) regarding flood control; and
- (C) [IC 14-29-1](#) or [312 IAC 6](#) regarding navigable waterways.

(b) The stream credit prices for mitigation are as follows:

- (1) For the Calumet-Dunes Service Area, six hundred dollars (\$600).
- (2) For the St. Joseph River Service Area, six hundred dollars (\$600).
- (3) For the Maumee Service Area, four hundred fifty dollars (\$450).
- (4) For the Kankakee Service Area, five hundred dollars (\$500).
- (5) For the Upper Wabash Service Area, four hundred dollars (\$400).
- (6) For the Middle Wabash Service Area, four hundred dollars (\$400).

- (7) For the Upper White Service Area, four hundred fifty dollars (\$450).
- (8) For the Whitewater-East Fork White Service Area, four hundred dollars (\$400).
- (9) For the Lower White Service Area, four hundred dollars (\$400).
- (10) For the Upper Ohio Service Area, four hundred dollars (\$400).
- (11) For the Ohio-Wabash Service Area Lowlands, four hundred dollars (\$400).

(c) The wetland credit prices for mitigation are as follows:

- (1) For the Calumet-Dunes Service Area, ninety-five thousand dollars (\$95,000).
- (2) For the St. Joseph River Service Area, one hundred twenty thousand dollars (\$120,000).
- (3) For the Maumee Service Area, eighty thousand dollars (\$80,000).
- (4) For the Kankakee Service Area, ninety-five thousand dollars (\$95,000).
- (5) For the Upper Wabash Service Area, eighty thousand dollars (\$80,000).
- (6) For the Middle Wabash Service Area, eighty thousand dollars (\$80,000).
- (7) For the Upper White Service Area, eighty thousand dollars (\$80,000).
- (8) For the Whitewater-East Fork White Service Area, eighty thousand dollars (\$80,000).
- (9) For the Lower White Service Area, eighty thousand dollars (\$80,000).
- (10) For the Upper Ohio Service Area, eighty thousand dollars (\$80,000).
- (11) For the Ohio-Wabash Service Area Lowlands, eighty thousand dollars (\$80,000).

(Natural Resources Commission; [312 IAC 1.5-7-1](#))

[312 IAC 1.5-7-2](#) Compensatory mitigation to offset unavoidable impacts

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-26-2-23](#); [IC 14-28-1-5](#); [IC 14-29-1-9](#)

Affected: [IC 14-26](#); [IC 14-28-1](#); [IC 14-29-1](#)

Sec. 2. (a) The costs of compensatory mitigation to offset unavoidable impacts are based on the following ratios:

- (1) For the habitat category of palustrine emergent wetland, the standard minimum mitigation ratio is 2:1.
- (2) For the habitat category of palustrine scrub-shrub wetland, the standard minimum mitigation ratio is 3:1.
- (3) For the habitat category of palustrine forested wetland, the standard minimum mitigation ratio is 4:1.
- (4) For the habitat category of a forest that is not a wetland where at least one (1) acre is disturbed, the standard minimum mitigation ratio is 2:1.
- (5) For the habitat category of a forest that is not a wetland where at least one-tenth (0.1) of an acre and less than one (1) acre is disturbed the standard minimum mitigation ratio is 1:1.
- (6) For the habitat category of a forest that is not a wetland where less than one-tenth (0.1) of an acre in an urban area is disturbed, the standard minimum mitigation ratio is:
 - (A) 5:1 based on the number of removed trees at least ten (10) inches in diameter at breast height when not more than six (6) trees are impacted; or
 - (B) 1:1 based on the area impacted when more than six (6) trees are impacted.

(b) A standard minimum mitigation ratio under subsection (a) may be increased by at least one-half (1/2) if the area impacted is of high quality or largely undisturbed.

(c) A standard minimum mitigation ratio under subsection (a) may be increased to:

- (1) two and five-tenths (2.5) for an impact of at least five (5) acres and not more than nine and nine-tenths (9.9) acres; and
- (2) 3:1 for an impact of at least ten (10) acres.

(d) A standard minimum mitigation ratio under subsection (a) may be increased by a factor of not more than two (2) if:

- (1) the area impacted is a previous mitigation site;
- (2) there are cumulative effects, as defined by [312 IAC 10-2-18](#); or
- (3) there are extended temporal delays in implementing the mitigation plan.

(e) A standard minimum ratio under subsection (a) may be increased if a:

- (1) project falls out of compliance with rules, regulations, and permits; or
- (2) habitat type is difficult to mitigate due to the uniqueness, rarity, high quality, or difficulty in properly compensating the habitat.

(Natural Resources Commission; [312 IAC 1.5-7-2](#))

SECTION 4. [312 IAC 1.5-8](#) IS ADDED TO READ AS FOLLOWS:

Rule 8. Division of Reclamation

[312 IAC 1.5-8-1](#) Civil penalties for notice of violation assessment

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-34-2-1](#); [IC 14-36-1-13](#)

Affected: [IC 14-34](#); [IC 14-36](#)

Sec. 1. (a) The amount of a civil penalty charged under subsection (c) for a notice of violation is based on points assessed against a person holding a permit for a violation under subsection (b) and [312 IAC 25-7-14](#).

(b) The department shall assess points to determine the amount of a civil penalty charged under subsection (c) for a notice of violation as follows:

(1) Whether a person that receives a notice of violation has a history of violations as follows:

- (A) One (1) point assessed for each prior notice of violation charged.
- (B) Five (5) points assessed for each prior cessation order charged.

(2) The seriousness of a violation as follows:

- (A) Not more than fifteen (15) points for conduct resulting in a violation.
- (B) Not more than fifteen (15) points for conduct resulting in potential or actual damage from a violation.
- (C) Not more than fifteen (15) points for conduct obstructing the enforcement of a notice of violation.

(3) Whether negligence is committed as follows:

- (A) Zero (0) points if the department determines the action does not constitute negligence.
- (B) At least one (1) point and not more than twelve (12) points if the department determines the action constitutes carelessness.
- (C) At least thirteen (13) points and not more than nineteen (19) points if the department determines the action constitutes recklessness.
- (D) At least twenty (20) points and not more than twenty-five (25) points if the department determines the action constitutes knowing or willful misconduct.

(4) Not more than thirty (30) points may be assessed for good faith against the points assessed for a violation under subdivisions (1) through (3) if the department determines a person holding a permit achieves rapid compliance under [312 IAC 25-7-14](#) after receiving a notice of violation, or uses extraordinary measures under [312 IAC 25-7-14](#) to abate a violation. The points for good faith assessed under this subdivision reduce the points assessed for the cost of a civil penalty charged under subsection (c).

(c) The cost of a civil penalty for the points assessed for a notice of violation under subsection (b) are as follows:

- (1) For one (1) assessed point, twenty dollars (\$20).
- (2) For two (2) assessed points, forty dollars (\$40).
- (3) For three (3) assessed points, sixty dollars (\$60).
- (4) For four (4) assessed points, eighty dollars (\$80).
- (5) For five (5) assessed points, one hundred dollars (\$100).
- (6) For six (6) assessed points, one hundred twenty dollars (\$120).
- (7) For seven (7) assessed points, one hundred forty dollars (\$140).
- (8) For eight (8) assessed points, one hundred sixty dollars (\$160).
- (9) For nine (9) assessed points, one hundred eighty dollars (\$180).
- (10) For ten (10) assessed points, two hundred dollars (\$200).
- (11) For eleven (11) assessed points, two hundred twenty dollars (\$220).
- (12) For twelve (12) assessed points, two hundred forty dollars (\$240).
- (13) For thirteen (13) assessed points, two hundred sixty dollars (\$260).

- (14) For fourteen (14) assessed points, two hundred eighty dollars (\$280).
- (15) For fifteen (15) assessed points, three hundred dollars (\$300).
- (16) For sixteen (16) assessed points, three hundred twenty dollars (\$320).
- (17) For seventeen (17) assessed points, three hundred forty dollars (\$340).
- (18) For eighteen (18) assessed points, three hundred sixty dollars (\$360).
- (19) For nineteen (19) assessed points, three hundred eighty dollars (\$380).
- (20) For twenty (20) assessed points, four hundred dollars (\$400).
- (21) For twenty-one (21) assessed points, four hundred twenty dollars (\$420).
- (22) For twenty-two (22) assessed points, four hundred forty dollars (\$440).
- (23) For twenty-three (23) assessed points, four hundred sixty dollars (\$460).
- (24) For twenty-four (24) assessed points, four hundred eighty dollars (\$480).
- (25) For twenty-five (25) assessed points, five hundred dollars (\$500).
- (26) For twenty-six (26) assessed points, six hundred dollars (\$600).
- (27) For twenty-seven (27) assessed points, seven hundred dollars (\$700).
- (28) For twenty-eight (28) assessed points, eight hundred dollars (\$800).
- (29) For twenty-nine (29) assessed points, nine hundred dollars (\$900).
- (30) For thirty (30) assessed points, one thousand dollars (\$1,000).
- (31) For thirty-one (31) assessed points, one thousand one hundred dollars (\$1,100).
- (32) For thirty-two (32) assessed points, one thousand two hundred dollars (\$1,200).
- (33) For thirty-three (33) assessed points, one thousand three hundred dollars (\$1,300).
- (34) For thirty-four (34) assessed points, one thousand four hundred dollars (\$1,400).
- (35) For thirty-five (35) assessed points, one thousand five hundred dollars (\$1,500).
- (36) For thirty-six (36) assessed points, one thousand six hundred dollars (\$1,600).
- (37) For thirty-seven (37) assessed points, one thousand seven hundred dollars (\$1,700).
- (38) For thirty-eight (38) assessed points, one thousand eight hundred dollars (\$1,800).
- (39) For thirty-nine (39) assessed points, one thousand nine hundred dollars (\$1,900).
- (40) For forty (40) assessed points, two thousand dollars (\$2,000).
- (41) For forty-one (41) assessed points, two thousand one hundred dollars (\$2,100).
- (42) For forty-two (42) assessed points, two thousand two hundred dollars (\$2,200).
- (43) For forty-three (43) assessed points, two thousand three hundred dollars (\$2,300).
- (44) For forty-four (44) assessed points, two thousand four hundred dollars (\$2,400).
- (45) For forty-five (45) assessed points, two thousand five hundred dollars (\$2,500).
- (46) For forty-six (46) assessed points, two thousand six hundred dollars (\$2,600).
- (47) For forty-seven (47) assessed points, two thousand seven hundred dollars (\$2,700).
- (48) For forty-eight (48) assessed points, two thousand eight hundred dollars (\$2,800).
- (49) For forty-nine (49) assessed points, two thousand nine hundred dollars (\$2,900).
- (50) For fifty (50) assessed points, three thousand dollars (\$3,000).
- (51) For fifty-one (51) assessed points, three thousand one hundred dollars (\$3,100).
- (52) For fifty-two (52) assessed points, three thousand two hundred dollars (\$3,200).
- (53) For fifty-three (53) assessed points, three thousand three hundred dollars (\$3,300).
- (54) For fifty-four (54) assessed points, three thousand four hundred dollars (\$3,400).
- (55) For fifty-five (55) assessed points, three thousand five hundred dollars (\$3,500).
- (56) For fifty-six (56) assessed points, three thousand six hundred dollars (\$3,600).
- (57) For fifty-seven (57) assessed points, three thousand seven hundred dollars (\$3,700).
- (58) For fifty-eight (58) assessed points, three thousand eight hundred dollars (\$3,800).
- (59) For fifty-nine (59) assessed points, three thousand nine hundred dollars (\$3,900).
- (60) For sixty (60) assessed points, four thousand dollars (\$4,000).
- (61) For sixty-one (61) assessed points, four thousand one hundred dollars (\$4,100).
- (62) For sixty-two (62) assessed points, four thousand two hundred dollars (\$4,200).
- (63) For sixty-three (63) assessed points, four thousand three hundred dollars (\$4,300).
- (64) For sixty-four (64) assessed points, four thousand four hundred dollars (\$4,400).
- (65) For sixty-five (65) assessed points, four thousand five hundred dollars (\$4,500).
- (66) For sixty-six (66) assessed points, four thousand six hundred dollars (\$4,600).
- (67) For sixty-seven (67) assessed points, four thousand seven hundred dollars (\$4,700).
- (68) For sixty-eight (68) assessed points, four thousand eight hundred dollars (\$4,800).
- (69) For sixty-nine (69) assessed points, four thousand nine hundred dollars (\$4,900).
- (70) For at least seventy (70) assessed points, five thousand dollars (\$5,000).

(d) The director of the division of reclamation shall assess a penalty of five thousand dollars (\$5,000) under [312 IAC 25-7-13](#).

(Natural Resources Commission; [312 IAC 1.5-8-1](#))

[312 IAC 1.5-8-2](#) Civil penalty for cessation order

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-34-2-1](#); [IC 14-36-1-13](#)

Affected: [IC 14-34-16-1](#); [IC 14-34-16-2](#); [IC 14-34-16-3](#)

Sec. 2. (a) The civil penalty for a cessation order is seven hundred fifty dollars (\$750) a day for each violation.

(b) A cessation order begins on the date the cessation order is received by the person holding a permit and ends not more than thirty (30) days after the cessation order is received.

(Natural Resources Commission; [312 IAC 1.5-8-2](#))

[312 IAC 1.5-8-3](#) Amount of bond for permit not covered by bond pool

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-34-2-1](#)

Affected: [IC 14-34-8](#)

Sec. 3. (a) The bond for a permit to mine coal not covered by the surface coal mine reclamation bond pool under [IC 14-34-8](#) is determined under the following formula:

STEP ONE:

Determine the cost of each of the following:

(1) The cost based on the percent of the permit area containing prime farmland under PART VII of the application to mine coal as follows:

(A) There is no cost if the percent of the permit area is not more than five percent (5%).

(B) One thousand dollars (\$1,000) if the percent of the permit area is greater than five percent (5%) and not more than twenty percent (20%).

(C) Two thousand dollars (\$2,000) if the percent of the permit area is greater than twenty percent (20%) and not more than forty percent (40%).

(D) Three thousand dollars (\$3,000) if the percent of the permit area is greater than forty percent (40%) and not more than sixty percent (60%).

(E) Four thousand dollars (\$4,000) if the percent of the permit area is greater than sixty percent (60%) and not more than eighty percent (80%).

(F) Five thousand dollars (\$5,000) if the percent of the permit area is greater than eighty percent (80%).

(2) The cost based on the percent of the permit area overlaying significant groundwater resources under PART V of the application as follows:

(A) There is no cost if the percent of the permit area is not more than ten percent (10%).

(B) Seven hundred fifty dollars (\$750) if the percent of the permit area is greater than ten percent (10%) and not more than twenty-five percent (25%).

(C) One thousand five hundred dollars (\$1,500) if the percent of the permit area is greater than twenty-five percent (25%) and not more than fifty percent (50%).

(D) Two thousand two hundred fifty dollars (\$2,250) if the percent of the permit area is greater than fifty percent (50%) and not more than seventy-five percent (75%).

(E) Three thousand dollars (\$3,000) if the percent of the permit area is greater than seventy-five percent (75%).

(3) The cost of the average percent of consolidated material to be mined, including sandstone, limestone, shale, or a combination of those materials, down to the lowest coal seam as follows:

(A) There is no cost if the average percent of consolidated material to be mined is not more than twenty-five percent (25%).

(B) One thousand dollars (\$1,000) if the average percent of consolidated material to be mined is greater than twenty-five percent (25%) and not more than fifty percent (50%).

(C) One thousand five hundred dollars (\$1,500) if the average percent of consolidated material to be mined is greater than fifty percent (50%) and not more than seventy-five percent (75%).

(D) Two thousand dollars (\$2,000) if the average percent of consolidated material to be mined is greater than seventy-five percent (75%).

(4) The cost of the average depth in feet to be mined to the lowest coal seam as follows:

- (A) Five hundred dollars (\$500) if the average depth to be mined is not more than twenty-five (25) feet.
 - (B) Seven hundred fifty dollars (\$750) if the average depth to be mined is greater than twenty-five (25) feet and not more than fifty (50) feet.
 - (C) One thousand dollars (\$1,000) if the average depth to be mined is greater than fifty (50) feet and not more than seventy-five (75) feet.
 - (D) One thousand five hundred dollars (\$1,500) if the average depth to be mined is greater than seventy-five (75) feet and not more than one hundred (100) feet.
 - (E) Two thousand dollars (\$2,000) if the average depth to be mined is greater than one hundred (100) feet and not more than one hundred fifty (150) feet.
 - (F) Three thousand dollars (\$3,000) if the average depth to be mined is greater than one hundred fifty (150) feet.
- (5) The cost of the average percent of the permit area containing a premining slope greater than twenty-five percent (25%), or four (4) feet horizontal measurement to one (1) foot vertical measurement (4h:1v), under Part VII of the application as follows:
- (A) There is no cost if the permit area contains a premining slope not more than fifty percent (50%).
 - (B) Four thousand dollars (\$4,000) if the permit area contains a premining slope greater than fifty percent (50%).
- (6) Except for coal seams to be mined, the cost of the average percent of overburden, as defined by [312 IAC 25-1-93](#), potentially acidic or toxic based on the chemical analyses submitted under Part V of the application as follows:
- (A) One hundred dollars (\$100) if the average percent of overburden is not more than five percent (5%).
 - (B) Five hundred dollars (\$500) if the average percent of overburden is greater than five percent (5%) and not more than ten percent (10%).
 - (C) One thousand dollars (\$1,000) if the average percent of overburden is greater than ten percent (10%) and not more than twenty percent (20%).
 - (D) One thousand five hundred dollars (\$1,500) if the average percent of is greater than twenty percent (20%) and not more than twenty-four percent (24%).
 - (E) One thousand five hundred dollars (\$1,500) if the average percent of overburden is greater than twenty-four percent (24%) and not more than thirty percent (30%).
 - (F) Two thousand dollars (\$2,000) if the average percent of overburden is greater than thirty percent (30%) and not more than thirty-five percent (35%).
 - (G) Two thousand five hundred dollars (\$2,500) if the average percent of overburden is greater than thirty-five percent (35%) and not more than forty percent (40%).
 - (H) Three thousand dollars (\$3,000) if the average percent of overburden is greater than forty percent (40%) and not more than forty-five percent (45%).
 - (I) Three thousand five hundred dollars (\$3,500) if the average percent of overburden is greater than forty-five percent (45%) and not more than fifty percent (50%).
 - (J) Four thousand dollars (\$4,000) if the average percent of overburden is greater than fifty percent (50%).

STEP TWO:

Calculate the bond rate as follows:

- (1) Calculate the total factor sum by adding the cost of each subdivision in STEP ONE together.
- (2) If the total factor sum is:
 - (A) less than three thousand dollars (\$3,000), the bond rate is three thousand dollars (\$3,000);
 - (B) greater than ten thousand dollars (\$10,000), the bond rate is ten thousand dollars (\$10,000); or
 - (C) at least three thousand dollars (\$3,000) and less than ten thousand dollars (\$10,000), the bond rate is the calculated total factor sum.
- (3) The cost of an underground or a surface effect, or both, is ten thousand dollars (\$10,000).

STEP THREE:

Calculate the total bond required for the permit area by multiplying the STEP TWO calculation by the total permit area acreage.

(Natural Resources Commission; [312 IAC 1.5-8-3](#))

[312 IAC 1.5-8-4](#) Civil penalties for violation regarding oil and gas production

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-37-3-15](#)

Affected: [IC 14-37-7-9](#)

Sec. 4. (a) This section applies to civil penalties imposed by the department regarding oil and gas production.

(b) The civil penalties for violating an administrative requirement are as follows:

(1) For violating reporting and notification requirements, as follows:

(A) The civil penalty for a:

- (i) first occurrence;**
- (ii) second occurrence; or**
- (iii) third occurrence;**

is two hundred fifty dollars (\$250).

(B) The civil penalty for a:

- (i) fourth occurrence;**
- (ii) fifth occurrence; or**
- (iii) sixth occurrence;**

is five hundred dollars (\$500).

(C) The civil penalty for a seventh and each additional occurrence is seven hundred fifty dollars (\$750).

(2) For violating paying a required well fee, as follows:

(A) The civil penalty for a first occurrence is one-third (1/3) the total well fee required to be paid.

(B) The civil penalty for a second occurrence is two-thirds (2/3) the total well fee required to be paid.

(C) The civil penalty for a third and each additional occurrence is the total well fee required to be paid.

(c) The civil penalties for violating operating requirements are as follows:

(1) For violating the basic operation and facility management requirements, as follows:

(A) The civil penalty for a:

- (i) first occurrence;**
- (ii) second occurrence; or**
- (iii) third occurrence;**

is five hundred dollars (\$500).

(B) The civil penalty for a:

- (i) fourth occurrence;**
- (ii) fifth occurrence; or**
- (iii) sixth occurrence;**

is seven hundred fifty dollars (\$750).

(C) The civil penalty for a seventh and each additional occurrence is one thousand dollars (\$1,000).

(2) For violating maintenance requirements that may cause damage, as follows:

(A) The civil penalty for a:

- (i) first occurrence;**
- (ii) second occurrence; or**
- (iii) third occurrence;**

is five hundred dollars (\$500).

(B) The civil penalty for a:

- (i) fourth occurrence;**
- (ii) fifth occurrence; or**
- (iii) sixth occurrence;**

is one thousand dollars (\$1,000).

(C) The civil penalty for a seventh and each additional occurrence is five thousand dollars (\$5,000).

(3) For a violation that creates harmful environmental conditions or hazardous conditions, as follows:

(A) The civil penalty for a:

- (i) first occurrence;**
- (ii) second occurrence; or**
- (iii) third occurrence;**

is one thousand dollars (\$1,000).

(B) The civil penalty for a:

- (i) fourth occurrence;**
- (ii) fifth occurrence; or**
- (iii) sixth occurrence;**

is two thousand dollars (\$2,000).

(C) The civil penalty for a seventh and each additional occurrence is five thousand dollars (\$5,000).

(d) The civil penalties for a significant violation likely to result in environmental damage are as follows:

- (1) The civil penalty for the first occurrence is two thousand five hundred dollars (\$2,500).
- (2) The civil penalty for a second occurrence is five thousand dollars (\$5,000).
- (3) The civil penalty for a third and each additional occurrence is ten thousand dollars (\$10,000).

(e) The department shall consider the following mitigating factors when assessing a civil penalty under this section:

(1) Actions taken by the person that receives the civil penalty under this section to abate the violation. The director of the division of reclamation may reduce the civil penalty assessed against a person under this section based on the demonstration of a good faith effort on the part of the person as follows:

(A) Not more than ninety percent (90%) of the civil penalty assessed if the person abates the violation immediately or not later than twenty-five percent (25%) of the time set to abate the violation, including extensions of time.

(B) Not more than eighty percent (80%) of the civil penalty assessed if the person abates the violation by at least twenty-six percent (26%) and not more than fifty percent (50%) of the time set to abate the violation.

(C) Not more than fifty percent (50%) of the civil penalty assessed if the person abates the violation by at least fifty-one percent (51%) and not more than seventy-five percent (75%) of the time set to abate the violation.

(D) Not more than twenty-five percent (25%) of the civil penalty assessed if the person abates the violation by at least seventy-six percent (76%) and not more than one hundred percent (100%) of the time set to abate the violation.

(E) Not more than ninety percent (90%) of the civil penalty assessed if:

- (i) the person that receives the violation reported the violation; or
- (ii) an error is made in the reporting requirements.

(2) The ability of the person that receives the violation to pay to abate the violation.

(3) The cost to the department to enforce the violation.

(4) Whether there is an economic benefit to the person that receives the violation for committing the violation.

(5) Any other unanticipated factor that may arise and warrant a reduction to the civil penalty assessed for the violation.

(Natural Resources Commission; [312 IAC 1.5-8-4](#))

[312 IAC 1.5-8-5](#) Fee assessed for a well

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-4](#); [IC 14-37-3](#)

Affected: [IC 14-37](#)

Sec. 5. The department shall assess the well fee to be paid each year as follows:

(1) For one (1) permit, one hundred fifty dollars (\$150).

(2) For at least two (2) permits and not more than five (5) permits, three hundred dollars (\$300) a permit.

(3) For at least six (6) permits and not more than twenty-five (25) permits, seven hundred fifty dollars (\$750) a permit.

(4) For at least twenty-six (26) permits and not more than one hundred (100) permits, one thousand five hundred dollars (\$1,500) a permit.

(5) For more than one hundred (100) permits, one thousand five hundred dollars (\$1,500) a permit plus fifteen dollars (\$15) a each permit over one hundred (100) permits.

(Natural Resources Commission; [312 IAC 1.5-8-5](#))

[312 IAC 1.5-8-6](#) Application fee; permit transfer

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-4](#); [IC 14-37-3](#)

Affected: [IC 4-21.5](#); [IC 14-37](#)

Sec. 6. (a) The application fee for a permit transfer is fifteen dollars (\$15) an application for the first

fifty (50) applications submitted simultaneously.

(b) If an applicant submits more than fifty (50) applications for permit transfer simultaneously, the application fee is:

- (1) fifteen dollars (\$15) an application for the first fifty (50) applications; plus
- (2) ten dollars (\$10) an application for each additional application.

(Natural Resources Commission; [312 IAC 1.5-8-6](#))

[312 IAC 1.5-8-7](#) Application fee; permit for well for oil and gas purposes

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-4](#); [IC 14-37-3](#)

Affected: [IC 14-37](#); [IC 25-21.5](#)

Sec. 7. (a) Except as provided in subsection (b), the application fee for a permit for a well for oil and gas purposes is two hundred fifty dollars (\$250) an application payable:

- (1) in cash;
- (2) by check; or
- (3) by draft;

to the department.

(b) Except for a permit for a Class II or noncommercial well, a person may apply for expedited review of a permit application for a well for oil and gas purposes under subsection (a). The application fee under subsection (a) and expedited review of the application is seven hundred fifty dollars (\$750).

(Natural Resources Commission; [312 IAC 1.5-8-7](#))

[312 IAC 1.5-8-8](#) Application fee; permit to drill test hole

Authority: [IC 14-38-2-7](#)

Affected: [IC 14-38-2-6](#)

Sec. 8. The application fee for a permit to drill a test hole is one hundred dollars (\$100) an application payable:

- (1) in cash;
- (2) by check; or
- (3) by draft;

to the department.

(Natural Resources Commission; [312 IAC 1.5-8-8](#))

[312 IAC 1.5-8-9](#) Bonds required in addition to fee assessed for well

Authority: [IC 14-10-2-4](#); [IC 14-37-3](#)

Affected: [IC 14-37](#)

Sec. 9. (a) The bond required under [312 IAC 29-12-3](#) is one (1) of the following:

- (1) A surety bond of two thousand five hundred dollars (\$2,500) for each well drilled or produced.
- (2) A cash bond of two thousand five hundred dollars (\$2,500) for each well drilled or produced.
- (3) A certificate of deposit of two thousand five hundred dollars (\$2,500) for each well drilled or produced according to the terms and specifications of the department.
- (4) A surety bond in any amount for a drilled, deepened, or converted well. The maximum number of wells under a surety bond under this subdivision may not exceed the number determined by dividing the principal sum of the bond by two thousand five hundred dollars (\$2,500).
- (5) A blanket bond of forty-five thousand dollars (\$45,000) for a drilled, deepened, or converted well.

(b) The department shall not approve a surety bond under this section unless the surety bond is issued by a company holding an applicable certificate of authority from the department of insurance. A surety bond must be executed by:

- (1) the owner or operator of the well as principal and the surety; or
- (2) an attorney on behalf of the owner or operator of the well as principal or the surety with a certified power of attorney attached.

(c) The department shall gain possession and custody of collateral deposited by a person applying for a bond under this section until the person is released or replaced under [312 IAC 29-12](#). A certificate of deposit must be assigned in writing to the state and the assignment noted on the books of the federally insured financial institution issuing the certificate.

(Natural Resources Commission; [312 IAC 1.5-8-9](#))

[312 IAC 1.5-8-10](#) Royalties; fee for lease with the state

Authority: [IC 14-38-1-19](#)

Affected: [IC 14-38-1-11](#); [IC 14-38-1-12](#)

Sec. 10. (a) A person shall pay royalties to the state for a lease with the state under [312 IAC 17-1](#).

(b) The royalties a person shall pay under subsection (a) are:

- (1) twelve and one-half percent (12 1/2%) of the petroleum produced and saved; or
- (2) the market value of the petroleum at the option of the commission.

(c) The fee for a lease with the state under subsection (a) is one dollar (\$1) an acre each year to be paid in advance of oil or gas production for the full term of the lease.

(Natural Resources Commission; [312 IAC 1.5-8-10](#))

[312 IAC 1.5-8-11](#) Bonds to drill test hole

Authority: [IC 14-38-2-7](#)

Affected: [IC 14-38-2](#)

Sec. 11. (a) Except for a federal or state agency, a person shall not commence drilling a test hole until the department approves a:

- (1) bond of one thousand dollars (\$1,000) for each test hole to be drilled; or
- (2) blanket bond of five thousand dollars (\$5,000) for all test holes to be drilled during the bond.

A bond under this subsection must be as prescribed by the department, and comply with [IC 14-38-2](#), [312 IAC 17-2](#), and an order of the commission.

(b) The name of the principal on the bond and of the operator must be identical.

(c) An operator of the well shall maintain a bond approved under subsection (a) until the operator of the well plugs, abandons, and provides complete drilling information for each test hole included under the bond. The department shall release the bond under subsection (a) to the operator of the well after the operator complies with this subsection.

(d) The department may not approve a surety bond unless the surety bond is issued by a company holding an applicable certificate of authority from the department of insurance. A surety bond must be executed by:

- (1) the owner or operator of the well as principal and the surety; or
- (2) an attorney on behalf of the owner or operator of the well as principal or the surety with a certified power of attorney attached.

(e) An operator of a well shall make a cash bond on a certified check delivered and made payable by the operator to the department.

(f) A certificate of deposit must be assigned in writing to the state and the assignment noted on the

books of the bank issuing the certificate.

(Natural Resources Commission; [312 IAC 1.5-8-11](#))

SECTION 5. [312 IAC 1.5-9](#) IS ADDED TO READ AS FOLLOWS:

Rule 9. Division of State Parks

[312 IAC 1.5-9-1](#) Fees for the Falls of the Ohio Museum

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-19-1-1](#); [IC 14-19-1-2](#)

Affected: [IC 14-19](#)

Sec. 1. (a) The fees to enter the Falls of the Ohio Museum are:

(1) nine dollars (\$9) for an individual at least twelve (12) years of age; or

(2) seven dollars (\$7) for an individual:

(A) at least five (5) years of age and not more than eleven (11) years of age; or

(B) in a school group.

(b) There is not a fee to enter the Falls of the Ohio Museum for an individual less than five (5) years of age.

(c) The fee to park at the Falls of the Ohio Museum is two dollars (\$2) a vehicle each day.

(Natural Resources Commission; [312 IAC 1.5-9-1](#))

[312 IAC 1.5-9-2](#) Fees for dog park passes at Fort Harrison State Park

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-19-1-1](#); [IC 14-19-1-2](#)

Affected: [IC 14-19](#)

Sec. 2. (a) The fee for an annual dog park pass at Fort Harrison State Park is seventy-five dollars (\$75) a year.

(b) The fee for a weekly dog park pass at Fort Harrison State Park is fifteen dollars (\$15) for seven (7) days after the date of purchase.

(c) The fee for a replacement annual dog park pass at Fort Harrison State Park is fifteen dollars (\$15) for each replacement.

(Natural Resources Commission; [312 IAC 1.5-9-2](#))

[312 IAC 1.5-9-3](#) Fees for fishing tournament at department owned or managed property

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-19-1-1](#); [IC 14-19-1-2](#)

Affected: [IC 14-19](#)

Sec. 3. (a) A person applying to hold a fishing tournament at a property owned or managed by the department shall pay a refundable bond of one hundred fifty dollars (\$150) for each property owned or managed by the department where the fishing tournament is to be held at the time the person files the application for the tournament.

(b) The fee for an individual to participate in a fishing tournament is three dollars (\$3) for each watercraft.

(Natural Resources Commission; [312 IAC 1.5-9-3](#))

[312 IAC 1.5-9-4](#) Fee for shooting range at Brookville Lake

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-19-1-1](#); [IC 14-19-1-2](#)

Affected: [IC 14-19](#)

Sec. 4. The fee for the shooting range at Brookville Lake is two dollars (\$2) an individual each day.

(Natural Resources Commission; [312 IAC 1.5-9-4](#))

[312 IAC 1.5-9-5](#) Fees for swimming

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-19-1-1](#); [IC 14-19-1-2](#)

Affected: [IC 14-19](#)

Sec. 5. (a) Except as otherwise provided in subsection (b), the fee for swimming at a state park pool or aquatic center is at least three dollars (\$3) and not more than five dollars (\$5) an individual each day.

(b) The department shall determine the fee under subsection (a) based on the following factors:

- (1) Whether the facility is a swimming pool or an aquatic center.**
- (2) The amenities offered at the swimming pool or aquatic center.**

(c) The fee for swimming at the indoor aquatic center at the Abe Martin Lodge in Brown County State Park is twenty dollars (\$20) an individual each day.

(Natural Resources Commission; [312 IAC 1.5-9-5](#))

[312 IAC 1.5-9-6](#) Hourly fee for toboggan rental at Pokagon State Park

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-19-1-1](#); [IC 14-19-1-2](#)

Affected: [IC 14-19](#)

Sec. 6. (a) The hourly fee to rent a toboggan at Pokagon State Park is twenty dollars (\$20) an hour for each toboggan.

(b) The fee under subsection (a) includes taxes.

(Natural Resources Commission; [312 IAC 1.5-9-6](#))

[312 IAC 1.5-9-7](#) Fees for cave tour

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-19-1-1](#); [IC 14-19-1-2](#)

Affected: [IC 14-19](#)

Sec. 7. (a) The fee for the Twin Caves Boat Tour at Spring Mill State Park is three dollars (\$3) an individual.

(b) The fees for the Little Wyandotte Cave Tour managed by O'Bannon Woods State Park are as follows:

- (1) Eight dollars (\$8) for an individual at least twelve (12) years of age.**
- (2) Four dollars (\$4) for an individual at least six (6) years of age and not more than eleven (11) years of age.**
- (3) There is not a fee for an individual less than five (5) years of age.**

(c) The fees for the Big Wyandotte Cave Tour managed by O'Bannon Woods State Park are as follows:

- (1) Eighteen dollars (\$18) for an individual at least twelve (12) years of age.**
- (2) Nine dollars (\$9) for an individual at least six (6) years of age and not more than eleven (11) years of age.**
- (3) There is not a fee for an individual less than five (5) years of age.**

(Natural Resources Commission; [312 IAC 1.5-9-7](#))

[312 IAC 1.5-9-8](#) Fee for state parks firewood permit

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-19-1-1](#); [IC 14-19-1-2](#)

Affected: [IC 14-19](#)

Sec. 8. The fee for a state parks firewood permit is ten dollars (\$10) a load by pickup truck.

(Natural Resources Commission; [312 IAC 1.5-9-8](#))

SECTION 6. [312 IAC 1.5-10](#) IS ADDED TO READ AS FOLLOWS:

Rule 10. Division of Water

[312 IAC 1.5-10-1](#) Application fee; construction in floodway permit

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-28-1-22](#)

Affected: [IC 14-28-1-22](#)

Sec. 1. The application fee for construction in a floodway permit is two hundred dollars (\$200) an application for one (1) project.

(Natural Resources Commission; [312 IAC 1.5-10-1](#))

[312 IAC 1.5-10-2](#) Application fee; new or rehabilitation work on dam or levee

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-28-1-5](#)

Affected: [IC 14-27-7.5](#); [IC 14-28-1-22](#)

Sec. 2. The application fee for construction in a floodway permit for:

(1) a new dam or levee; or

(2) rehabilitation work on a dam or levee;

is two hundred dollars (\$200) an application for one (1) project.

(Natural Resources Commission; [312 IAC 1.5-10-2](#))

[312 IAC 1.5-10-3](#) Application fee; place, replace, reconstruct, repair, or improve residential structure

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-28-1-5](#)

Affected: [IC 14-28-1-24](#); [IC 14-28-1-26.5](#)

Sec. 3. (a) This subsection applies to the boundary river, which is the Ohio River. The application fee to place, replace, reconstruct, repair, or improve a residential structure in the boundary river floodway is ten dollars (\$10) an application for one (1) project.

(b) The application fee to replace, reconstruct, repair, or improve a residential structure in a floodway other than the boundary river is fifty dollars (\$50) an application for one (1) project.

(Natural Resources Commission; [312 IAC 1.5-10-3](#))

[312 IAC 1.5-10-4](#) Application fee; permit allowing certain activities on public freshwater lake

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-26-2-23](#)

Affected: [IC 14-26-2-23](#)

Sec. 4. The application fee for a permit to:

(1) excavate over, along, or lakeward of the shoreline or water line of a public freshwater lake;

- (2) place fill over, along, or lakeward of the shoreline or water line of a public freshwater lake;
- (3) place, modify, or repair a temporary or permanent structure over, along, or lakeward of the shoreline or water line of a public freshwater lake;
- (4) construct a wall where the lowest point is:
 - (A) below the elevation of the shoreline or water line; and
 - (B) not more than ten (10) feet landward of the shoreline or water line, as measured perpendicularly from the shoreline or water line;
- of a public freshwater lake; or
- (5) change the water level, area, or depth of a public freshwater lake or the location of the shoreline or water line;

is one hundred dollars (\$100) an application for one (1) project.

(Natural Resources Commission; [312 IAC 1.5-10-4](#))

[312 IAC 1.5-10-5](#) Application fee; sand and gravel permit

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#)

Affected: [IC 14-29-3-2](#)

Sec. 5. The application fee for a sand and gravel permit is fifty dollars (\$50) an application for one (1) project.

(Natural Resources Commission; [312 IAC 1.5-10-5](#))

[312 IAC 1.5-10-6](#) Application fee; permit allowing activity within one-half mile from lake

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#)

Affected: [IC 14-26-2-7](#); [IC 14-26-3](#); [IC 14-26-5-4](#)

Sec. 6. The application fee for a permit for activity to a ditch or drain located not more than one-half (1/2) mile from a public freshwater lake with an area of at least ten (10) acres is twenty-five dollars (\$25) an application for one (1) project.

(Natural Resources Commission; [312 IAC 1.5-10-6](#))

[312 IAC 1.5-10-7](#) Application fee; construction of channel permit

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#)

Affected: [IC 14-29-4-4](#)

Sec. 7. The application fee for construction of a channel permit is one hundred dollars (\$100) an application for one (1) project.

(Natural Resources Commission; [312 IAC 1.5-10-7](#))

[312 IAC 1.5-10-8](#) Inspection fee; significant hazard structure

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#)

Affected: [IC 14-27-7.5-10](#)

Sec. 8. The inspection fee for a significant hazard structure, performed by the department, is two hundred dollars (\$200) an inspection.

(Natural Resources Commission; [312 IAC 1.5-10-8](#))

[312 IAC 1.5-10-9](#) Inspection fee; low hazard structure

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 25-39-3-2](#)

Affected: [IC 14-27-7.5-10](#); [IC 25-39-3](#)

Sec. 9. The inspection fee for a low hazard structure, performed by the department, is one hundred dollars (\$100) an inspection.

(Natural Resources Commission; [312 IAC 1.5-10-9](#))

[312 IAC 1.5-10-10](#) License application fee; water well driller or pump installer

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 25-39-3-2](#)

Affected: [IC 14-10-2](#); [IC 25-39-3](#)

Sec. 10. The application fee for a water well driller or pump installer license is one hundred dollars (\$100) for each license application.

(Natural Resources Commission; [312 IAC 1.5-10-10](#))

[312 IAC 1.5-10-11](#) Royalties paid to department for extracted mineral resources

Authority: [IC 4-22-2-19.6](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-29-1-8](#)

Affected: [IC 14-29](#)

Sec. 11. Unless a material is used for beach nourishment on Lake Michigan or taken to a landfill approved by the state, a person shall pay twenty-five cents (\$0.25) a cubic yard of material to the department for the following extracted mineral resources:

- (1) Sand.**
- (2) Gravel.**
- (3) Stone.**
- (4) Hard minerals.**

(Natural Resources Commission; [312 IAC 1.5-10-11](#))

SECTION 7. THE FOLLOWING ARE REPEALED: [312 IAC 17-1-11](#); [312 IAC 25-5-8](#); [312 IAC 25-7-15](#); [312 IAC 29-12-2](#); [312 IAC 29-12-4](#).

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