

TITLE 312 NATURAL RESOURCES COMMISSION
LSA Document #25-428

I. Description of Rule

a. History and Background of the Rule – In 2023, the Indiana General Assembly passed House Enrolled Act (HEA) 1623-2023, which requires fees, fines, civil penalties, financial benefit limitations, and other payment amounts set by the department to be adopted as rules or passed by the General Assembly as Indiana Code provisions. The rules were adopted in the fall of 2024, prior to the statutory deadline. Prior to the passage of HEA 1623-2023 fees were determined by the natural resources commission (commission) upon request by the department of natural resources (department). Due to budget constraints and substantial increases to costs for maintenance and upkeep, an increase to certain fees is necessary.

b. Scope of the Rule – The proposed permanent rule increases the fee : (1) for nonresidents of Indiana for an annual pass from the current seventy dollars (\$70) to one hundred twenty dollars (\$120) a year; to enter Prophetstown State Park from the current ten dollars (\$10) to fifteen dollars (\$15) a day for each vehicle entering the property; (3) to enter Indiana Dunes State Park from the current twelve dollars (\$12) to twenty dollars (\$20) a day for each vehicle entering the property; and (4) to enter any other property owned or managed by the department from the current nine dollars (\$9) to fifteen dollars (\$15) a day for each vehicle entering the property.

c. Statement of Need – Due to budget constraints and substantial increases to costs for maintenance and upkeep, the department determined there is a need to increase certain fees to accommodate those cost increases that are not covered by other funding sources.

d. Statutory Authority for the Proposed Rule – The department has statutory authority for the proposed permanent rule under IC 4-22-2-19.6, IC 14-10-2-1, and IC 14-10-2-4.

e. Fees, Fines, and Civil Penalties – The proposed permanent rule increases fees and must follow the steps of IC 4-22-2-19.6.

II. Fiscal Impact Analysis

a. Anticipated Effective Date of the Rule – The rules must be approved by the budget committee and OMB/SBA before they can move to preliminary adoption with the commission. If preliminary adoption occurs at the September 2025 commission meeting, the first comment period and public hearing would be held toward the end of October, 2025. If a second comment period is not needed, the rule would go before the commission for final adoption at the November, 2025 commission meeting. The rule would be effective at the end of February or the beginning of March, 2026 after approval by the Attorney General and Governor’s Office, and acceptance by the publisher. If a second comment period and public hearing is required, the second public comment period and public hearing would be held in early December, 2025. Final adoption by the commission would be at the January 2026 commission meeting and the rules would be effective approximately late April or early May, 2026.

b. Estimated Fiscal Impact on State and Local Government – Beginning in 2026, the department is impacted financially. The proposed permanent rule would increase revenue to the department by approximately:

- (a) one hundred fifty-five thousand seven hundred forty-four dollars (\$155,744) for an annual pass for a nonresident;
- (b) nine hundred twenty-five thousand six hundred forty-four dollars (\$925,644) for the daily entrance fee for a nonresident;
- (c) twelve thousand one hundred seventy-five dollars (\$12,175) for Prophetstown State park;
- (b) five hundred seventy-four thousand one hundred ninety-two dollars (\$574,192) for Indiana Dunes State Park;

each year. This is a total increase in revenue to the department of approximately one million six hundred sixty-seven thousand seven hundred fifty-five dollars (\$1,667,755) each year.

c. Sources of Expenditures or Revenues Affected by the Rule – The only unit of government that will be impacted by the proposed permanent rules is the state government through the department. There will be minimal impacts to the department to adopt the proposed permanent rule that are out of the normal course of business. The rules would have an impact beginning 2026 and every year thereafter. The fund affected by the proposed permanent rules is 39310.

III. Impacted Parties

Impacted parties include the department, and nonresidents of Indiana who purchase annual passes or visit properties owned or managed by the department. In 2024, the revenue from fees charged to nonresidents by the department was approximately: (1) two hundred eighteen thousand forty-three dollars (\$218,043) for a nonresident annual passes; and (2) two million two hundred seventy-four thousand one hundred eleven dollars (\$2,274,114) at the gate state parks from out-of-state entries. There were approximately three thousand one hundred fourteen (3,114) nonresident annual passes issued in 2024, approximately that many nonresidents of Indiana may be impacted. The estimated number of nonresidents of Indiana who entered state parks properties was approximately two hundred twenty thousand one hundred forty-six (220,146) nonresidents. This number could be higher or lower based on the number of nonresidents of Indiana who wish to enter state parks. This means a total number of potentially affected nonresidents of Indiana of two hundred twenty-three thousand two hundred sixty (223,260).

IV. Changes in Proposed Rule

Indiana Administrative Code Section	Change
312 IAC 1.5-2-5	Increases the fee for annual pass for a nonresident from seventy dollars (\$70) to one hundred twenty dollars (\$120).
312 IAC 1.5-2-7	Increases the fee for a nonresident to enter: <ul style="list-style-type: none">1. A property owned or managed by the department from nine dollars (\$9) to fifteen dollars (\$15).2. Prophetstown State Park from ten dollars (\$10) to fifteen dollars (\$15).

	3. Indiana Dunes State Park from twelve dollars (\$12) to twenty dollars (\$20).
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V. Benefit Analysis

a. Estimate of Primary and Direct Benefits of the Rule – The direct benefit of the proposed permanent rule is to increase revenue to the department to help mitigate budget constraints and increases to costs due to inflation.

b. Estimate of Secondary or Indirect Benefits of the Rule – The proposed permanent rule does not have any secondary or indirect benefits.

c. Estimate of Any Cost Savings to Regulated Industries – The proposed permanent rule does not provide cost savings individuals or businesses, or both.

VI. Cost Analysis

The proposed permanent rule increases the fees for an annual pass for a nonresident, and for a nonresident to enter: (1) a property owned or managed by the department from nine dollars (\$9) to fifteen dollars (\$15); (2) Prophetstown State Park from ten dollars (\$10) to fifteen dollars (\$15); and (3) Indiana Dunes State Park from twelve dollars (\$12) to twenty dollars (\$20); a day for each vehicle entering the property.

Regulated individuals are not required to change behavior or procedures. They are not required to buy new equipment or software, take more time to complete tasks, hire workers, take new training, develop new procedures, provide additional information, or take additional actions than what they currently take. The only increases in time or money to the department are to move the proposed permanent rule through the administrative rulemaking process. The proposed permanent rule increases profitability of the department to help manage budget constraints and substantially increased costs. The cost increase is not for goods or services.

a. Estimate of Compliance Costs for Regulated Entities – The direct costs for the rule are an increase of: (1) fifty dollars (\$50) for a nonresident purchase of an annual pass; (2) six dollars (\$6) for a nonresident to enter a property owned or managed by the department; (3) five dollars (\$5) for a nonresident to enter Prophetstown State Park; and (4) eight dollars (\$8) for nonresidents to enter Indiana Dunes State Park. There is not a need for new equipment or supplies, increased labor and training, education, supervisory costs, and any other compliance cost imposed by the requirements of the rule. There are not indirect costs.

b. Estimate of Administrative Expenses Imposed by the Rules – There should not be any additional administrative expenses imposed by the proposed permanent rule.

c. The fees, fines, and civil penalties analysis required by IC 4-22-2-19.6 – The proposed permanent rule increases fees. The amendments to 312 IAC 1.5-2-5 and 312 IAC 1.5-2-7 increase the fees for an annual pass for a nonresident, and for a nonresident to enter: (1) a property owned or managed by the department from nine dollars (\$9) to fifteen dollars (\$15); (2) Prophetstown State Park from ten dollars (\$10) to fifteen dollars (\$15); and (3) Indiana Dunes State Park from twelve dollars (\$12) to twenty dollars (\$20); a day for each vehicle entering the property. The department will assess the fee for

nonresidents. Fees for passes and entrance fees were last increased in 2015, and budgetary constraints as well as increased costs due to inflation created a circumstance that required increasing certain fees to accommodate the budgetary and cost issues.

d. If the implementation costs of the proposed rule are expected to exceed the threshold set in IC 4-22-2-22.7(c)(6) – The costs imposed on nonresidents by the proposed permanent rule are expected to be approximately three million three hundred thirty-five thousand five hundred ten dollars (\$3,335,510) over two (2) years, which exceeds the threshold under IC 4-22-2-22.7(c)(6). The department is required to take the proposed permanent rule before the Budget Committee for review.

VII. Sources of Information

a. Independent Verifications or Studies – There were no independent verifications or studies used in the cost-benefit analysis.

b. Sources Relied Upon in Determining and Calculating Costs and Benefits – The department consulted internal sources to obtain the numbers provided.

VIII. Regulatory Analysis

The proposed permanent rule increases fees. The amendments to 312 IAC 1.5-2-5 and 312 IAC 1.5-2-7 increase the fees for an annual pass for a nonresident from seventy dollars (\$70) to one hundred twenty dollars (\$120), and for a nonresident to enter: (1) a property owned or managed by the department from nine dollars (\$9) to fifteen dollars (\$15); (2) Prophetstown State Park from ten dollars (\$10) to fifteen dollars (\$15); and (3) Indiana Dunes State Park from twelve dollars (\$12) to twenty dollars (\$20); a day for each vehicle entering the property. By increasing the fees, the potential increase in revenue to the department to approximately one million six hundred sixty-seven thousand seven hundred fifty-five dollars (\$1,667,755) each year, or three million three hundred thirty-five thousand five hundred ten dollars (\$3,335,510) over a period of two (2) years. The amounts provided in the regulatory analysis may vary depending upon attendance of nonresidents of Indiana at state parks annually. The benefits to the department outweigh costs to nonresidents of Indiana affected by the proposed permanent rule changes. Funds from the increase to fees will be available for use for park and facility maintenance and upkeep, to repair damage done to properties by severe storms in 2023 and 2025, and to ensure the best possible preservation of Indiana's natural and cultural resources. The amount of the fee increases to nonresidents of Indiana is minimal compared to the benefits to the department.

IX. Contact Information of Staff to Answer Substantive Questions

Whitney M. Wampler
Assistant General Counsel
Administration Bureau
Indiana Department of Natural Resources
Legal Division
402 W. Washington Street, Room W261
Indianapolis, Indiana 46204
317-941-4338
wwampler@dnr.in.gov