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**NATURAL RESOURCES COMMISSION**  
**Information Bulletin #62**  
**July 1, 2010**

**Subject: Prospecting in Indiana****1. Purpose**

The Navigable Waterways Act ([IC 14-29-1-8](#)), Flood Control Act ([IC 14-28-1-5](#)), and rules adopted at [312 IAC 6](#) and [312 IAC 10](#) govern prospecting in waterways in Indiana. "Prospecting" is defined in [312 IAC 6-2-6.8](#) as activities conducted in preparation for or to remove hard mineral resources, including (1) gold, (2) platinum, (3) silver, (4) lead, (5) copper, (6) diamonds and other gemstones, and (7) other similar materials. Rules adopted at [312 IAC 8](#) also govern activities on properties owned or controlled by the Department of Natural Resources (DNR) and require a permit for a person to conduct prospecting on a nonnavigable waterway within a DNR property. The DNR is the riparian owner for a navigable waterway that is adjacent to a DNR property and would be treated as any other riparian owner. This information bulletin provides guidance on locations where prospecting is likely to impact endangered species of fish and mussels, clarifies the permission required to conduct prospecting on navigable and nonnavigable waterways, and includes information on the proper disposal of contaminants that are found while prospecting.

**2. List of Navigable Waterways and Definition of DNR Property**

The list of navigable waterways can be found on the Natural Resources Commission's website at <http://www.in.gov/nrc/2375.htm> or a written request can be sent to the DNR, Division of Fish and Wildlife Environmental Unit, 402 West Washington Street, Room W273, Indianapolis, IN 46204.

"DNR property" has the meaning set forth in [312 IAC 8](#).

**3. DNR Properties**

Written permission must be obtained from the property manager, or from the property manager's designee, before prospecting in a nonnavigable waterway or in a riparian zone of a navigable waterway that is located along a DNR property. On a DNR property, only panning would be authorized. To obtain written permission for prospecting on a DNR property, a departmental form must be completed and submitted to the property's office. Organized events by private organizations may be subject to special event fees in accordance with [312 IAC 8-2-15](#). Using reasonable discretion, the property manager is authorized to issue, condition, deny, suspend, or revoke an application for prospecting. In the exercise of discretion, the following and other pertinent factors and principles apply:

- (a) Proximity to sensitive archaeological, historical, or ecological resources. Examples include caves or areas that contain relevant rare, threatened, or endangered species such as fish and mussels.
- (b) A scheduled resource management activity, such as a prescribed burn.
- (c) Any other factor reasonably consistent with proper use and protection of the particular DNR property, including implementation of a master plan.

A person who is aggrieved by a determination by the property manager may seek informal review from the division director. A determination by the division director is subject to administrative review by the Natural Resources Commission under [312 IAC 3-1](#).

**4. Affected Persons with Riparian Ownership**

For purposes of a navigable waterway that is located along a DNR property, a person who wishes to conduct prospecting shall proceed as described in section 3 of this information bulletin. A person who wishes to conduct prospecting in a navigable waterway that is not located along a DNR property must obtain written permission from an affected riparian owner. The DNR shall consider a person is an affected riparian owner for the adjacent portion of a navigable waterway that is (a) the lesser of one-quarter (1/4) of the width of the waterway or fifty (50) feet into the waterway from the ordinary high watermark; or (b) fifty feet (50) from any improvement of the riparian owner. Examples of an "improvement" include a diving platform, pier, or jetty. For a nonnavigable waterway, a person who wishes to conduct prospecting must obtain written permission from the property owner or owners.

**5. Locations of Endangered Species**

Indiana waterways contain mussels and endangered species of fish. A person shall exercise special care to avoid a "take" of mussels, mussel shells, and endangered species of fish, particularly in the locations listed below. "Take", as defined in [IC 14-22-34-5](#), "means to (1) harass, hunt, capture, or kill; or (2) attempt to harass, hunt, capture, or kill". Please note this listing is not exclusive, and endangered species and mussels are also found in other locations.

| <b>Body of Water</b>                                       | <b>County</b>                                                                                 |
|------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Big Creek                                                  | Posey County                                                                                  |
| East Fork White River                                      | Daviess, Pike, Dubois, Martin, and Lawrence Counties                                          |
| Eel River                                                  | Cass, Miami, and Wabash Counties                                                              |
| Fish Creek                                                 | Dekalb and Steuben Counties                                                                   |
| Elkhart River                                              | Elkhart County                                                                                |
| Hanna Creek                                                | Union County                                                                                  |
| Kankakee River                                             | Lake and Newton Counties                                                                      |
| Maumee River                                               | Allen County                                                                                  |
| Mill Creek                                                 | Wabash County                                                                                 |
| Ohio River                                                 | Vanderburgh, Warrick, Spencer, Harrison, Jefferson, Dearborn, Floyd, and Switzerland Counties |
| Patoka River                                               | Dubois County                                                                                 |
| St. Mary's River                                           | Allen County                                                                                  |
| St. Joseph River                                           | Allen, Dekalb, Elkhart, and St. Joseph Counties                                               |
| Salamonie River                                            | Huntington County                                                                             |
| Sugar Creek                                                | Johnson, Shelby, and Hancock Counties                                                         |
| Wabash River                                               | Carroll, Cass, Fountain, Gibson, Knox, Miami, Posey, Tippecanoe, Warren, and Wabash Counties  |
| Tippecanoe River                                           | Tippecanoe, White, Carroll, Pulaski, Starke, Fulton, Marshall, and Kosciusko Counties         |
| White River (Main Stem)                                    | Gibson, Pike, and Knox Counties                                                               |
| Whitewater River (including West Fork of Whitewater River) | Dearborn and Franklin Counties                                                                |

## 6. Disposal of Contaminants

Lead, mercury, and other metal contaminants are routinely found by prospectors in Indiana waterways. When a contaminant is found in these waterways, it should be retained and taken to the nearest recycling center that accepts lead, mercury, and other metals. A list of these recycling centers can be found by contacting the county's Solid Waste Management District, contact information is available online at: <http://www.in.gov/recycle/5758.htm>, or call the Indiana Department of Environmental Management's Office of Pollution Prevention and Technical Assistance at 1-800-988-7901.

## 7. Contact Information

Questions can be directed to the DNR's, Division of Fish and Wildlife:

Linnea Petercheff  
 Indiana DNR, Division of Fish and Wildlife  
 402 West Washington Street, Room W273  
 Indianapolis, IN 46204  
 E-mail: [lpetercheff@dnr.in.gov](mailto:lpetercheff@dnr.in.gov)  
 Phone: (317) 233-6527

## 8. Effective Date and History

The effective date of this information bulletin is July 1, 2010. The information bulletin was approved by the Commission during a meeting held on May 18, 2010.

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An [html](#) version of this document.