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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #05-18

DIGEST

Amends 312 IAC 8, which governs the public use of DNR properties, to clarify that the DNR's issuance of a lease, license, or concession does not disqualify an area from administration as a "DNR property", to remove the general prohibition on leaving vehicles, watercraft, and other equipment in a DNR parking lot in excess of 48 hours, though this prohibition or a similar prohibition may still be established by signage at specified parking lots, to clarify the permit possession requirements on fish and wildlife areas and on reservoir properties, and to make other technical changes. Effective January 1, 2006.

312 IAC 8-1-4

312 IAC 8-2-3

312 IAC 8-2-8

SECTION 1. 312 IAC 8-1-4, AS READOPTED AT 28 IR 1315, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-1-4 Definitions

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 9-13-2-196; IC 9-25-2-4; IC 14-8-2-261; IC 14-16-1-3; IC 14-31-1

Sec. 4. The following definitions are supplemental to those set forth at 312 IAC 1 and apply throughout this article:

- (1) "Authorized representative" means the director or another person designated by the director.
- (2) "Berry" means the fruiting body of **the following**:
 - (A) A blackberry.
 - (B) A blueberry.
 - (C) A dewberry.
 - (D) An elderberry.
 - (E) A gooseberry.
 - (F) A huckleberry.
 - (G) A mulberry.
 - (H) A raspberry.
 - (I) A serviceberry. ~~and~~
 - (J) A strawberry.
- (3) "DNR property" means land and water owned, licensed, leased, or dedicated under IC 14-31-1, or under easement to the state or managed by the department. The following areas are, however, exempted from the term:
 - (A) Public freshwater lakes.
 - (B) Navigable waterways.
 - (C) Buildings and grounds (other than those of the Indiana state museum) not located at recreational, natural, or historic sites.**An area is not exempted because the department has issued a lease, license, or concession to another person.**
- (4) "Fallen cone" means the fruiting body of a coniferous tree that is no longer attached to a living tree.
- (5) "Firearm or bow and arrows" means:
 - (A) a firearm;
 - (B) an air gun;
 - (C) a CO₂ gun;
 - (D) a spear gun;
 - (E) a bow and arrows;
 - (F) a crossbow;

- (G) a paint gun; or
- (H) a similar mechanical device;

that can be discharged and is capable of causing injury or death to a person or an animal or damage to property.

(6) "Fruit" means the fruiting body of **the following**:

- (A) Cherries.
- (B) Grapes.
- (C) Apples.
- (D) Hawthorns.
- (E) Persimmons.
- (F) Plums.
- (G) Pears.
- (H) Pawpaws. ~~and~~
- (I) Roses.

(7) "Greens" means the aboveground shoots or leaves of **the following**:

- (A) Asparagus.
- (B) Dandelion.
- (C) Mustard.
- (D) Plantain. ~~and~~
- (E) Poke.

(8) "Group boat dock" means an artificial basin or enclosure for the reception of watercraft that is owned and maintained by adjacent landowners for their private usage.

(9) "Leaf" means the leaf of a woody plant for use in a leaf collection or similar academic project.

(10) "License" means:

- (A) a license;
- (B) a permit;
- (C) an agreement;
- (D) a contract;
- (E) a lease;
- (F) a certificate; or
- (G) **any** other form of approval;

issued by the department. A license may authorize an activity otherwise prohibited by this rule.

(11) "Mushroom" means edible fungi.

(12) "Nut" means the seeds of **the following**:

- (A) Hazelnuts.
- (B) Hickories.
- (C) Oaks.
- (D) Pecans. ~~and~~
- (E) Walnuts.

(13) "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.

(14) "Public road" means a public highway under IC 9-25-2-4 that is designated by the department for use by the public.

(15) "Recreation area" means an area that is managed by the department for specific recreation activities.

(16) "Snowmobile" has the meaning set forth in IC 14-8-2-261.

(17) "Vehicle" has the meaning set forth in IC 9-13-2-196(d).

(Natural Resources Commission; 312 IAC 8-1-4; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 552, eff Jan 1, 2000; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1544; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3713; filed Sep 19, 2003, 8:14 a.m.: 27 IR 455; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)

SECTION 2. 312 IAC 8-2-3, AS READOPTED AT 28 IR 1315, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-3 Firearms, hunting, and trapping

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-22-11-1

Sec. 3. (a) A person must not possess a firearm or bow and arrows on a DNR property unless one (1) of the following conditions apply:

- (1) The firearm or bow and arrows are:
 - (A) unloaded and uncocked; and
 - (B) placed in a case or locked within a vehicle.
- (2) The firearm or bow and arrows are possessed at, and of a type designated for usage on:
 - (A) a rifle;
 - (B) a pistol;
 - (C) a shotgun; or
 - (D) an archery;

range.

- (3) The firearm or bow and arrows are being used in the lawful pursuit of either **of the following**:
 - (A) A wild animal on a DNR property authorized for that purpose. ~~or~~
 - (B) A groundhog as authorized under a license.

(b) Except as provided in subsection (a)(1), a firearm or bow and arrows may not be possessed on DNR properties within **any of the following**:

- (1) A nature preserve unless hunting is authorized under subsection (c).
- (2) A property administered by the division of museums and historic sites.
- (3) A campground.
- (4) A picnic area.
- (5) A beach.
- (6) A service area.
- (7) A headquarters building.
- (8) A hunter check station. ~~or~~
- (9) A developed recreation site.

(c) A person may hunt on a state forest administered by the division of forestry, a reservoir administered by the division of state parks and reservoirs, or a wildlife area administered by the division of fish and wildlife. A person using any of these areas must do the following:

- (1) Comply with all federal and state hunting, trapping, and firearms laws.
- (2) On a fish and wildlife area and a reservoir property, obtain a one (1) day hunting permit and record from a checking station. The person must: ~~obtain~~
 - (A) **retain** the permit and record while in the field for the authorized date; and ~~must~~,
 - (B) as directed, return them to the department.
- (3) Refrain from hunting on a nature preserve if prohibited by signage posted at the site.

(d) Unless otherwise posted or designated on a property map, a person must not place a trap except as authorized by a license issued for a property by an authorized representative. This license is in addition to the licensing requirement for traps set forth in IC 14-22-11-1.

(e) A person must not run dogs, except:

- (1) during the lawful pursuit of wild animals; or
- (2) as authorized by a license for field trials or in a designated training area.

A property administered by the division of fish and wildlife may be designated for training purposes without requiring a field trial permit. Only dogs may be used during field trials on a DNR property, except where authorized by a license on a fish and wildlife property.

(f) Unless otherwise designated, a person must not discharge a firearm or bow and arrows within two hundred (200) feet of ~~a~~: **any of the following**:

- (1) A campsite.
- (2) A boat dock.
- (3) A launching ramp.
- (4) A picnic area. ~~or~~
- (5) A bridge.

(g) A person must not leave a portable tree blind or duck blind unattended except for the period authorized by ~~312 IAC 9-3-2(j)~~.
312 IAC 9-3-2(i).

(h) The following terms apply to the use of shooting ranges:

(1) A person must not use a shooting range unless the person is:

(A) at least eighteen (18) years of age; or

(B) accompanied by a person who is at least eighteen (18) years of age.

(2) A person must:

(A) register with the department; **and**

(B) **pay any applicable fees;**

before using a shooting range.

(3) A person must shoot only at paper targets placed on target holders provided by the department. All firing must be downrange with reasonable care taken to assure any projectile is stopped by the range backstop.

(4) Shot no larger than size ~~six~~ 6 must be used on a shotgun range.

(5) A person must not:

(A) discharge a firearm using automatic fire;

~~(6) A person must not~~ (B) use tracer, armor-piercing, or incendiary rounds;

~~(7) A person must not~~ (C) play on, climb on, walk on, or shoot into or from the side berms; **or**

~~(8) A person must not~~ (D) shoot at clay pigeons, except on a site designated for shooting clay pigeons.

Glass and other forms of breakable targets must not be used on a shooting range.

~~(9) (6)~~ A person must dispose of the targets used by the person under section 2(a) of this rule.

~~(10) (7)~~ Permission must be obtained from the department in advance for a shooting event that involves any of the following:

(A) An entry fee.

(B) Competition for **any of the following:**

(i) Cash.

(ii) Awards.

(iii) Trophies.

(iv) Citations. ~~or~~

(v) Prizes.

(C) The exclusive use of the range or facilities.

(D) A portion of the event occurring between sunset and sunrise.

(11) On a field course, signs and markers must be staked. Trees must not be marked or damaged.

(i) A person must not take a reptile or amphibian unless the person is issued a scientific collector license under 312 IAC 9-10-6. Exempted from this subsection are:

(1) turtles taken under 312 IAC 9-5-2; and

(2) frogs taken under 312 IAC 9-5-3;

from a DNR property where hunting or fishing is authorized. (*Natural Resources Commission; 312 IAC 8-2-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 553, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3714; filed Sep 19, 2003, 8:14 a.m.: 27 IR 456; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

SECTION 3. 312 IAC 8-2-8, AS READOPTED AT 28 IR 1315, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-8 Vehicles, trails, watercraft, and aircraft

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-22-11-1

Sec. 8. (a) A person must not operate a vehicle:

(1) at a speed greater than:

(A) thirty (30) miles per hour on straight, open stretches of road; or

(B) fifteen (15) miles per hour on steep grades, curves, or where posted; or

(2) other than on a public road.

(b) A person must not park:

(1) a vehicle;
(2) watercraft; or
(3) associated equipment;
except at a site designated by the department.

(c) A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not:
(1) hike;
(2) bike;
(3) ski;
(4) horseback ride; or
(5) operate an off-road vehicle or snowmobile;
except on a trail designated for the purpose. A person must not ride, lead, drive, or hitch an animal, except where designated by the department.

(d) A person must not operate or maintain a watercraft on a lake:
(1) containing fewer than three hundred (300) acres unless powered only by an electric trolling motor with not more than:
(A) two (2) 12-volt **batteries**; or
(B) one (1) 24-volt battery;
(2) except under motor horsepower and speed zone requirements applicable to the lake; and
(3) for fourteen (14) consecutive days without removal from the lake unless otherwise moored in a designated area.

(e) A person must not launch, dock, or moor a watercraft or another floating device, except for approved periods and at sites designated by the department for those purposes. A person must not:
(1) leave a watercraft unattended in a courtesy dock provided by the department; ~~A person must not or~~
(2) moor a watercraft at a designated group dock or mooring post unless the watercraft exhibits a valid mooring permit.

(f) A person must not leave a vehicle, watercraft, or associated equipment at a ~~public access site or a public fishing area~~ **DNR property** unless the person is actively engaged in the use of:
(1) a DNR property; or
(2) **an** adjacent:
(A) public freshwater lake; or
(B) navigable waterway.

~~(g) A person must not leave a vehicle, watercraft, or associated equipment in a public parking lot for longer than forty-eight (48) hours.~~

~~(h)~~ (g) A person must not land, taxi, take-off, park, or moor:
(1) an aircraft;
(2) a hang glider;
(3) **an** ultralite;
(4) a powered model aircraft; or
(5) a hot air balloon;

except at a site designated for that purpose or pursuant to a license. (*Natural Resources Commission; 312 IAC 8-2-8; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 24, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to 312 IAC 8, which governs the public use of DNR properties, to clarify that the DNR's issuance of a lease, license, or concession does not disqualify an area from administration as a "DNR property", to remove the general prohibition on leaving vehicles, watercraft, and other equipment in a DNR parking lot in excess of 48 hours, though this prohibition or a similar prohibition may still be established by signage at specified parking lots, to clarify the permit possession requirements on fish and

wildlife areas and on reservoir properties, and to make other technical changes. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission