

312 IAC 8-2-16 Goose Pond Fish and Wildlife Area entry

Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14; IC 35-46-3-11.5

Sec. 16. (a) A person must obtain a permit card from the check-in station before entering Goose Pond Fish and Wildlife Area in Greene County.

(b) The person must do the following:

- (1) Retain the permit card while in the field for the authorized date.
- (2) As directed, return the permit card to the department.

(Natural Resources Commission; 312 IAC 8-2-16; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)

312 IAC 8-2-17 Redbird State Recreation Area and Interlake State Recreation Area

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 9-18-1; IC 14-16-1

Sec. 17. (a) This section establishes requirements that supplement or modify requirements otherwise applicable to a DNR property for both of the following:

- (1) Redbird State Recreation Area in Greene County and Sullivan County.
- (2) Interlake State Recreation Area in Pike County and Warrick County.

(b) Every vehicle must be registered under IC 9-18-1, and every off-road vehicle must be registered under IC 14-16-1.

(c) Every vehicle or off-road vehicle must be equipped with functioning spark arrestors and mufflers.

(d) Tire chains and studded tires are prohibited.

(e) The operator of an off-road vehicle who is under sixteen (16) years of age must be directly supervised by a parent or guardian who possesses a valid driver's license.

(f) The operator of a vehicle must:

- (1) be at least sixteen (16) years of age; and
- (2) possess a valid driver's license.

(g) A vehicle must be equipped with a roll bar or other overhead protection for the benefit of the operator and any passenger. The operator and any passenger in a vehicle must wear a seatbelt.

(h) Except as otherwise provided in this subsection, the operator and any passenger on a motorcycle or an off-road vehicle must wear a motorcycle safety helmet that complies with 49 CFR 571.218* while the off-road vehicle or motorcycle is in operation. A safety helmet is not required on an off-road vehicle with either of the following:

- (1) A fully-enclosed metal cab.
- (2) Both of the following:

(A) Roll bar protection.

(B) A seatbelt or harness worn by the operator and any passenger.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401, or online at <http://bookstore.gpo.gov/>. The document is available for review and copying at the Indiana Natural Resources Commission, Division of Hearings, 100 North Senate Avenue, Room N501, Indianapolis, IN 46204. *(Natural Resources Commission; 312 IAC 8-2-17; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA; errata filed Oct 6, 2011, 2:38 p.m.: 20111019-IR-312110588ACA)*

Rule 3. Fishing Tournaments (Repealed)

(Repealed by Natural Resources Commission; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3933, eff Jan 1, 2002)

Rule 4. Group Boat Docks

312 IAC 8-4-1 Application

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14-22-11-1

Sec. 1. (a) This rule governs the placement of a group boat dock on Monroe Lake or Mississinewa Lake.

(b) No group boat dock may be placed on Monroe Lake or Mississinewa Lake, except as provided under this rule. (*Natural Resources Commission; 312 IAC 8-4-1; filed Oct 28, 1998, 3:32 p.m.: 22 IR 746, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

312 IAC 8-4-2 Participation in a group boat dock; minimum requirements

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1
Affected: IC 14

Sec. 2. (a) To qualify for a group boat dock, one (1) of the following must be satisfied:

- (1) Each person who has a boat slip must own real estate adjoining federal project land.
- (2) Each person who has a boat slip must own a lot in an incorporated subdivision composed of contiguous lots where at least twenty-five percent (25%) of the lots adjoin project land. The person who owns one (1) of these lots is eligible for a slip in the group boat dock.
- (3) Each person who has a boat slip must be a joint owner in property managed by a corporation where the corporation has managed the property continuously since December 31, 1968. This subdivision does not apply if the corporation becomes dissolved, merged, or transferred to another entity.

(b) For a property to qualify under subsection (a), the property must have a size and shape that is adequate for cabin-type development adjoining federal project lands. (*Natural Resources Commission; 312 IAC 8-4-2; filed Oct 28, 1998, 3:32 p.m.: 22 IR 746, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA*)

312 IAC 8-4-3 Installation and maintenance of a group boat dock

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14-22-11-1

Sec. 3. A group boat dock must be installed and maintained as follows:

- (1) The person who holds a license under this rule must be a corporation, association, partnership, or other group with at least six (6) separate parcels of land and landowners. An affidavit of land ownership must be filed for each member of the permit application or license holder. A license applicant must submit a copy of the articles of incorporation, bylaws, partnership agreement, or other similar document.
- (2) A surety bond and insurance must be maintained for the group boat dock in an amount determined by the department.
- (3) A license for a group boat dock must be renewed annually with a service fee due upon renewal.
- (4) Dock construction must be approved by the department.
- (5) Boat slips shall be located as close to the edge of the water as practicable.
- (6) A dock shall be securely moored or anchored to prevent drifting during high wind, waves, and fluctuation of the pool elevation of Lake Monroe.
- (7) A group boat dock and any adjacent area must be kept free from trash, garbage, floating debris, and other materials that may pose a hazard to safety or the environment.
- (8) The license holder shall supply a responsible person to provide uninterrupted operation and surveillance of the group boat dock.
- (9) No sign shall be placed on the group boat dock or an adjacent area that indicates the site is private property.
- (10) A group boat dock shall display its license number so that the number can be easily read from passing boats. The number shall be:

- (A) at least two (2) feet high;
- (B) black on white background; and
- (C) three (3) feet above the deck of the dock.

(11) Land access can be provided to a group boat dock only by a foot path consisting of rock, stone, or gravel. Approval for the foot path must also be obtained from the United States Army Corps of Engineers. Vehicles are prohibited from using the foot path.

(12) The license holder must promptly notify the department in writing of a change in its membership or legal structure. The notification must include a description of the land that is transferred and an affidavit of ownership for the new owner.

(Natural Resources Commission; 312 IAC 8-4-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 747, eff Jan 1, 1999; errata filed Dec 17, 1998, 9:32 a.m.: 22 IR 1525; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; errata filed Jun 2, 2009, 10:29 a.m.: 20090624-IR-312090386ACA; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)

312 IAC 8-4-4 Locations where group boat docks may be placed

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1
 Affected: IC 14

Sec. 4. The following are the sites on Lake Monroe where group boat docks may be placed if those docks otherwise satisfy the requirements of this rule:

Dock Site	Maximum Number of Boats	Location
A-1	10	Wisely Farm
A-2	30	Cove West of Dam
A-3	30	Three Fingers Cove
C-6	21	Hardin Ridge
C-7	15	West of Mouth of Ramp Creek
D-8	15	Persimmon Ridge
D-9	12	Sugarcamp Hollow
E-10	15	Boy Scout Bay
I-14	10	I.U. Bay
J-15	50	Bay Northeast of the Causeway
K-17	40	Hooks Point

(Natural Resources Commission; 312 IAC 8-4-4; filed Oct 28, 1998, 3:32 p.m.: 22 IR 747, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)

312 IAC 8-4-5 Inspections and revocations

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1
 Affected: IC 4-21.5-3-8; IC 14-10-2-6

Sec. 5. (a) The department may perform, at any reasonable time, an inspection of a group boat dock and its records to determine whether the requirements of this rule are satisfied.

(b) If the department determines that the holder of a license for a group boat dock has violated this rule, in addition to the sanctions provided in 312 IAC 8-5:

- (1) the deputy director for the bureau of lands and cultural resources may issue a complaint for the issuance of a notice of violation under IC 14-10-2-6;
- (2) the director of the division of state parks and reservoirs may issue a complaint under IC 4-21.5-3-8 to revoke the license;
- or
- (3) the director of the department may authorize any other lawful enforcement action.

(Natural Resources Commission; 312 IAC 8-4-5; filed Oct 28, 1998, 3:32 p.m.: 22 IR 747, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)

Rule 5. Enforcement, Penalties, and Other Administrative Actions

312 IAC 8-5-1 Infraction

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

Affected: IC 14-10-2-6

Sec. 1. (a) A person who violates this article commits a Class C infraction.

(b) A violation of this article may be enforced by a prosecuting attorney or through the initiation of a commission complaint for a notice of violation under IC 14-10-2-6. *(Natural Resources Commission; 312 IAC 8-5-1; filed Oct 28, 1998, 3:32 p.m.: 22 IR 748, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)*

312 IAC 8-5-2 License sanctions

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

Affected: IC 4-21.5-3-8; IC 4-21.5-4; IC 14

Sec. 2. The department may file a complaint under IC 4-21.5-3-8, or seek emergency relief under IC 4-21.5-4, to revoke or suspend the license of a person who violates a term of the license, this article, or another law. *(Natural Resources Commission; 312 IAC 8-5-2; filed Oct 28, 1998, 3:32 p.m.: 22 IR 748, eff Jan 1, 1999; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3933, eff Jan 1, 2002; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)*

312 IAC 8-5-3 Ejection from a DNR property

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

Affected: IC 4-21.5; IC 14

Sec. 3. (a) A property manager or another authorized representative may require a person to leave a DNR property or may otherwise restrict a person's use of a DNR property.

(b) An ejection or restriction imposed under subsection (a) is effective immediately and applies for twenty-four (24) hours unless the property manager or other authorized representative specifies a shorter duration.

(c) Notwithstanding subsection (b), a property manager or another authorized representative may designate in writing that the ejection or restriction shall remain in effect for not more than one (1) year. An ejection or restriction under this subsection is subject to administrative review to the commission under IC 4-21.5.

(d) An ejection or restriction imposed under this section may be made applicable to all or a portion of particular DNR property, to multiple DNR properties, or to all DNR properties. *(Natural Resources Commission; 312 IAC 8-5-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 748, eff Jan 1, 1999; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)*

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