

- (1) Build and maintain:
 - (A) within the premises bordering on the stream; and
 - (B) upon the submerged land beneath the water; a pier, wharf, dock, or harbor in aid of navigation and commerce.
- (2) Use, occupy, and enjoy the constructed item as appurtenant to the owner's land.
- (b) A pier, dock, or wharf may not do any of the following:
 - (1) Extend into the stream further than is necessary to accommodate shipping and navigation.
 - (2) Obstruct shipping and navigation.

[Pre-1995 Recodification Citation: 13-2-4-5.]

As added by P.L.1-1995, SEC.22.

IC 14-29-1-5 Mills, dams, aqueducts, viaducts, bridges, or machinery on the stream

Sec. 5. The declaration of a watercourse as navigable by a board of county commissioners does not affect a mill, a dam, an aqueduct, a viaduct, a bridge, or machinery on the stream, except if the mill, dam, aqueduct, viaduct, bridge, or machinery has been abandoned for at least twelve (12) months.

[Pre-1995 Recodification Citation: 13-2-4-6.]

As added by P.L.1-1995, SEC.22.

IC 14-29-1-6 Removal of obstructions; money

Sec. 6. The board of county commissioners may use the money:

- (1) that is appropriated from the county treasury; and
- (2) as the board of county commissioners considers necessary;

to remove obstructions from streams that are declared navigable under this chapter.

[Pre-1995 Recodification Citation: 13-2-4-7.]

As added by P.L.1-1995, SEC.22.

IC 14-29-1-7 Gates

Sec. 7. A person living on or owning property along a watercourse that is navigable for boats of a large size may hang gates:

- (1) at or near the top of the bank; and
- (2) across a road leading down the bank and terminating at the watercourse;

except within the limits of a city or town.

[Pre-1995 Recodification Citation: 13-2-4-8.]

As added by P.L.1-1995, SEC.22.

IC 14-29-1-8 Permits

Sec. 8. (a) A person, other than a public or municipal water utility, may not:

- (1) place, fill, or erect a permanent structure in;
- (2) remove water from; or
- (3) remove material from;

a navigable waterway without a permit from the department.

(b) An application for a permit under this section must be made in a manner prescribed by rule.

(c) The department shall issue a permit if the issuance of the permit will not do any of the following:

- (1) Unreasonably impair the navigability of the waterway.
- (2) Cause significant harm to the environment.
- (3) Pose an unreasonable hazard to life or property.

(d) A separate permit is not required under this section for an activity permitted under any of the following:

- (1) IC 14-21-1.
- (2) IC 14-28-1.
- (3) IC 14-29-3.
- (4) IC 14-29-4.
- (5) IC 14-34.
- (6) IC 14-37.

However, a permit issued under a statute specified in this subsection must also apply the requirements of this section with respect to an activity within a navigable waterway.

(e) A separate permit is not required under this section for an activity for which a permit has been issued under any of the following:

- (1) 16 U.S.C. 1451 et seq. (the federal Coastal Zone Management Act).
- (2) 33 U.S.C. 1344 (the federal Clean Water Act).
- (3) 42 U.S.C. 9601 et seq. (the federal Comprehensive Environmental Response, Compensation, and Liability Act).

(f) The department shall adopt rules under IC 4-22-2 to implement this section.

(g) A person who violates this section commits a Class B infraction.

[Pre-1995 Recodification Citation: 13-2-4-9.]

As added by P.L.1-1995, SEC.22.

IC 14-29-2 **Chapter 2. Navigable Streams; Kankakee River**

14-29-2-1 Identification of navigable stream

IC 14-29-2-1 **Identification of navigable stream**

Sec. 1. The part of the Kankakee River that flows through Indiana from the Indiana-Michigan border to the Indiana-Illinois border is a navigable stream for the purpose of exercise of the police power of the state.

[Pre-1995 Recodification Citation: 13-2-5-1.]

As added by P.L.1-1995, SEC.22.

IC 14-29-3 Chapter 3. Sand and Gravel Permits

14-29-3-1	Permit issuance
14-29-3-2	Area, substance, and fees for permit
14-29-3-3	Conditions of permit; removal of sand from Lake Michigan prohibited
14-29-3-4	Taking without permit

IC 14-29-3-1 Permit issuance

Sec. 1. The department may issue a permit to a person to take sand, gravel, stone, or other mineral or substance from or under the bed of the navigable water of Indiana.

[Pre-1995 Recodification Citation: 14-3-1-14.5(a).]

As added by P.L.1-1995, SEC.22.

IC 14-29-3-2 Area, substance, and fees for permit

Sec. 2. In issuing a permit under this chapter, the department shall do the following:

- (1) Fix by the permit the area within which it is lawful and in the best interests of the state to permit the taking by the permittee of the mineral or substance.
- (2) Fix by the permit and collect from the permittee when due the amount of the reasonable value of the mineral or substance to be taken, measured by weight, cubic dimensions, or other common and usual measurement.
- (3) Subject to IC 14-10-2-1, collect a minimum fee of fifty dollars (\$50) for each permit issued.

[Pre-1995 Recodification Citation: 14-3-1-14.5(b), (c).]

As added by P.L.1-1995, SEC.22. Amended by P.L.195-2017, SEC.48.

IC 14-29-3-3 Conditions of permit; removal of sand from Lake Michigan prohibited

Sec. 3. (a) A permit issued under this chapter must include the following conditions:

- (1) The permittee shall give bond in the amount and with surety approved by the department for full and prompt compliance with the terms and conditions of the permit.
- (2) The permittee shall, monthly or quarterly as the department stipulates, make to the department a verified report and full account and payment for all mineral or substance taken during the preceding month or quarter.
- (3) The department may, at any time in reasonable hours, inspect the following:
 - (A) All books, papers, and records of the permittee relating to the account.
 - (B) The works and workings of the permittee.
- (4) The department may revoke or suspend the permit for the failure of the permittee to comply with this chapter or with the terms and conditions of the permit.
- (5) Subject to suspension or revocation, the permit will remain in force for the period that the department determines, not to exceed five (5) years from the date of issuance. However, the permit may be renewed by the permittee by written application filed with the department six (6) months before expiration of the permit.
- (6) The works, workings, and operations under the permit must not do any of the following:
 - (A) Impede the navigation of the water.
 - (B) Damage or endanger a bridge, highway, railroad, public work, utility, or the property of a riparian owner or adjoining proprietor or adjacent permittee.
 - (C) Endanger the lives of individuals.
- (7) The permittee shall take the measures, to be determined by the department and stipulated in the permit, that are reasonable to avoid the damage and danger.
- (8) Except as provided in subsections (c) and (d), if the permittee takes sand from the bed or from under the bed of Lake Michigan, the sand may only be deposited on the beach of Lake Michigan and may not be removed to any other place or used for any

other purpose.

(b) The department may also prescribe other reasonable conditions in the permit that are in the best interests of the state.

(c) A permittee that, in accordance with permit conditions, dredges not more than ten (10) cubic yards of sand from the bed or from under the bed of Lake Michigan within a period of thirty (30) days is exempt from subsection (a)(8) with respect to that quantity of sand.

(d) Notwithstanding subsection (a)(8), if the director determines that sand taken from the bed or from under the bed of Lake Michigan contains a toxic material (as defined in IC 13-11-2-233) or a substance that is potentially harmful to human health or to the environment, the sand shall be disposed of in a manner consistent with IC 13-22.

[Pre-1995 Recodification Citation: 14-3-1-14.5(d).]

As added by P.L.1-1995, SEC.22. Amended by P.L.51-2018, SEC.1.

IC 14-29-3-4 Taking without permit

Sec. 4. (a) A person who knowingly takes sand, gravel, stone, or other mineral or substance from or under the bed of the navigable water of Indiana without a permit commits a Class B infraction.

(b) Each day a violation continues constitutes a separate infraction.

[Pre-1995 Recodification Citation: 14-3-1-14.5(e).]

As added by P.L.1-1995, SEC.22. Amended by P.L.71-2004, SEC.24.

IC 14-29-4 Chapter 4. Construction of Channels

14-29-4-1	"Channel" defined
14-29-4-2	Regulation of channel construction
14-29-4-3	Approval for construction
14-29-4-4	Permits; fees
14-29-4-5	Prior approval by department of environmental management
14-29-4-6	Order of authorization
14-29-4-7	Actions to enjoin
14-29-4-8	Rules adoption
14-29-4-9	Violations

IC 14-29-4-1 "Channel" defined

Sec. 1. As used in this chapter, "channel" means:

- (1) an artificial channel; or
- (2) the improved channel of a natural watercourse;

connecting to any river or stream in Indiana for the purpose of providing access by boat or otherwise to public or private industrial, commercial, housing, recreational, or other facilities.

[Pre-1995 Recodification Citation: 13-2-18.5-1(1).]

As added by P.L.1-1995, SEC.22.

IC 14-29-4-2 Regulation of channel construction

Sec. 2. The general assembly finds that the unregulated construction of channels may be injurious to the public health, safety, and welfare and that the construction of these channels shall be regulated.

[Pre-1995 Recodification Citation: 13-2-18.5-2.]

As added by P.L.1-1995, SEC.22.

IC 14-29-4-3 Approval for construction

Sec. 3. A person may not construct a channel before receiving the written approval of the commission.

[Pre-1995 Recodification Citation: 13-2-18.5-3.]

As added by P.L.1-1995, SEC.22.

IC 14-29-4-4 Permits; fees

Sec. 4. A person who desires to construct a channel must do the following:

- (1) File a verified written application for a permit with the commission that does the following:
 - (A) States the material facts.
 - (B) Includes the plans and specifications for the construction of the channel.
 - (C) Identifies each facility to which the channel will provide access.
- (2) Subject to IC 14-10-2-1, include with the application a nonrefundable minimum fee of one hundred dollars (\$100).

[Pre-1995 Recodification Citation: 13-2-18.5-4.]

As added by P.L.1-1995, SEC.22. Amended by P.L.195-2017, SEC.49.

IC 14-29-4-5 Prior approval by department of environmental management

Sec. 5. Before commission consideration of the application, the applicant must do the following:

- (1) Obtain the prior written approval of the department of environmental management for sewage disposal facilities involved with the channel and each facility that the channel is to serve. Prior approval is not required for housing developments of less than six (6) lots.
- (2) If a channel will:

- (A) connect to a navigable river or stream; and
 - (B) create additional water areas that will be connected to the navigable river or stream;
- dedicate any water created to general public use.

[Pre-1995 Recodification Citation: 13-2-18.5-5.]

As added by P.L.1-1995, SEC.22.

IC 14-29-4-6 Order of authorization

Sec. 6. The commission shall issue an order of authorization if in the opinion of the commission the channel and each facility that the channel is to serve will not do any of the following:

- (1) Constitute an unreasonable hazard to life and property.
- (2) Result in undue effects upon the water levels of the river or stream or upon fish and wildlife resources.
- (3) Adversely affect the public health, safety, and welfare.

[Pre-1995 Recodification Citation: 13-2-18.5-6.]

As added by P.L.1-1995, SEC.22.

IC 14-29-4-7 Actions to enjoin

Sec. 7. The commission may, in the name of the state, maintain an action to enjoin a violation of this chapter.

[Pre-1995 Recodification Citation: 13-2-18.5-7.]

As added by P.L.1-1995, SEC.22.

IC 14-29-4-8 Rules adoption

Sec. 8. The commission may adopt rules under IC 4-22-2 to administer this chapter.

[Pre-1995 Recodification Citation: 13-2-18.5-8.]

As added by P.L.1-1995, SEC.22.

IC 14-29-4-9 Violations

Sec. 9. (a) A person who violates section 3 of this chapter commits a Class B infraction.

(b) Each day of continuing violation after conviction of the offense or violation constitutes a separate offense or violation.

[Pre-1995 Recodification Citation: 13-2-18.5-10.]

As added by P.L.1-1995, SEC.22. Amended by P.L.71-2004, SEC.25; P.L.195-2014, SEC.36.

IC 14-29-5 Chapter 5. Change in Watercourses; Highway Construction

14-29-5-1	Changing watercourses; permission of federal agency
14-29-5-2	Costs and performance of work
14-29-5-3	Procuring land or property

IC 14-29-5-1 Changing watercourses; permission of federal agency

Sec. 1. (a) The governing bodies or agencies of the state charged with the duties of the construction, maintenance, and repair of public highways may, to the extent money is available and subject to subsection (b), do the following:

- (1) Change the course of a stream, watercourse, or drainage ditch.
- (2) Restore to the original or former channel a stream, watercourse, or drainage ditch if the stream, watercourse, or drainage ditch has meandered from the original or former course.
- (3) The construction work that is necessary to protect the banks or slopes of a stream, watercourse, or ditch to prevent wash, caving, slides, or erosion if the water of the stream, watercourse, or ditch is causing or threatening injury to, damage to, or destruction of a public highway or bridge by erosion, wash, slides, change of course, or overflow.
- (4) Construct walls or levees for the purposes of subdivision (3) if it is determined by an engineering survey that this method would be more practicable or less expensive.
- (5) Exercise the authority granted in this section to protect public highways against injury, damage, or destruction caused or threatened by landslides.

(b) If a navigable stream is under the jurisdiction of a federal authority or an agency and the proposed work of the highway officials under this section conflicts or interferes with the jurisdiction of the federal agency, the consent or waiver of the federal agency must be procured by the highway officials before the beginning of the proposed work.

[Pre-1995 Recodification Citation: 13-2-25-1 part.]

As added by P.L.1-1995, SEC.22.

IC 14-29-5-2 Costs and performance of work

Sec. 2. (a) If work under this chapter involves the protection of an existing highway not under construction, the work shall be performed and the costs paid under Indiana law governing the maintenance of highways applicable to the public agency or authorities having charge of the highway involved in the proposed work.

(b) If work under this chapter involves the construction or reconstruction of a highway, the work shall be performed and the costs paid under Indiana law governing construction of highways applicable to the public agency or body having charge of the highway involved in the proposed work.

(c) If it is necessary in the performance of work under this chapter to procure a right-of-way or interests in land outside the limits of the highway involved, the costs, if any, of the right-of-way or interests in land shall be paid as follows:

- (1) Out of the maintenance fund if the work constitutes maintenance.
- (2) Out of the construction fund if the work constitutes construction.

[Pre-1995 Recodification Citation: 13-2-25-1 part.]

As added by P.L.1-1995, SEC.22.

IC 14-29-5-3 Procuring land or property

Sec. 3. The governing or administrative bodies charged with the control of highways may do the following:

- (1) If it becomes necessary to procure rights-of-way or interests in land or property outside the limits of a highway under section 2 of this chapter, procure the rights or interests by grant, purchase, or voluntary donation.

(2) Exercise the power of eminent domain for any purpose designated in this chapter under Indiana eminent domain law.

[Pre-1995 Recodification Citation: 13-2-25-1 part.]

As added by P.L. 1-1995, SEC. 22.

IC 14-29-6 Chapter 6. Natural, Scenic, and Recreational River System

14-29-6-1	"Adjacent land" defined
14-29-6-2	"Recreational river" defined
14-29-6-3	"River" defined
14-29-6-4	"Scenic river" defined
14-29-6-5	"System" defined
14-29-6-6	Administration
14-29-6-7	Public policy
14-29-6-8	Selection of rivers for inclusion into system; "natural river" defined
14-29-6-9	Rules to designate rivers
14-29-6-10	Altering river classification
14-29-6-11	Nonapproval of use or development of water
14-29-6-12	River system plan
14-29-6-13	"Conservation easement", "land use easement", "scenic easement", and "water use easement" defined; land acquisition
14-29-6-14	Easements encouraged
14-29-6-15	Expenditures

IC 14-29-6-1 "Adjacent land" defined

Sec. 1. As used in this chapter, "adjacent land" means the area of land paralleling, but not necessarily contiguous to, a river needed to preserve, protect, and manage the natural, scenic, or recreational character of the river.

[Pre-1995 Recodification Citation: 13-2-26-3(g).]

As added by P.L.1-1995, SEC.22.

IC 14-29-6-2 "Recreational river" defined

Sec. 2. As used in this chapter, "recreational river" means a river that does not have the characteristics necessary to qualify as a natural or scenic river, but that still maintains scenic or recreational characteristics of unusual and significant value.

[Pre-1995 Recodification Citation: 13-2-26-3(e).]

As added by P.L.1-1995, SEC.22.

IC 14-29-6-3 "River" defined

Sec. 3. As used in this chapter, "river" means any flowing body of water and adjacent land or part of the body of water and adjacent land.

[Pre-1995 Recodification Citation: 13-2-26-3(h).]

As added by P.L.1-1995, SEC.22.

IC 14-29-6-4 "Scenic river" defined

Sec. 4. As used in this chapter, "scenic river" means a river that:

- (1) is free of impoundments;
- (2) is accessible in several places; and
- (3) has minimal pollution and shoreline developments.

[Pre-1995 Recodification Citation: 13-2-26-3(d).]

As added by P.L.1-1995, SEC.22.

IC 14-29-6-5 "System" defined

Sec. 5. As used in this chapter, "system" means the Indiana natural, scenic, and recreational river system.

[Pre-1995 Recodification Citation: 13-2-26-3(f).]

As added by P.L.1-1995, SEC.22.

IC 14-29-6-6 Administration

Sec. 6. The department shall administer this chapter.

[Pre-1995 Recodification Citation: 13-2-26-1 part.]
As added by P.L.1-1995, SEC.22.

IC 14-29-6-7 Public policy

Sec. 7. As part of the continuing growth of the population and development of the economy of Indiana, it is necessary and desirable that rivers of unusual natural, scenic, or recreational significance be set aside and preserved for the benefit of present and future generations before the rivers have been destroyed. After rivers are destroyed, the rivers cannot be wholly restored. It is essential to the people of Indiana that the people retain the opportunities to maintain close contact with the natural, scenic, and recreational rivers and to benefit from the scientific, aesthetic, cultural, recreational, scenic, and spiritual values the rivers possess. It is, therefore, the following public policy of Indiana:

- (1) That a natural, scenic, and recreational river system be established and maintained.
- (2) That such areas be designated, acquired, and preserved by the state.
- (3) That other agencies, organizations, and individuals, both public and private, be encouraged to set aside adjacent land for the common benefit of the people of present and future generations.

[Pre-1995 Recodification Citation: 13-2-26-2.]
As added by P.L.1-1995, SEC.22.

IC 14-29-6-8 Selection of rivers for inclusion into system; "natural river" defined

Sec. 8. (a) As used in this section, "natural river" means a river that, free of impoundments, is generally unpolluted, undeveloped, and inaccessible.

(b) The director may study and periodically submit to the commission proposals for the inclusion of a section of a river into the system that, in the director's judgment, falls within at least one (1) of the following categories:

- (1) Natural river.
- (2) Scenic river.
- (3) Recreational river.

(c) In recommending a river or section for inclusion in the system, the director shall prepare a detailed report on the factors that, in the director's judgment, make the river worthy of designation for inclusion in the system. This report shall evaluate among other categories the following:

- (1) Length of segment.
- (2) Condition of naturally occurring vegetation.
- (3) Stream scenic view.
- (4) Physical modification of stream course.
- (5) Human developments along stream.
- (6) Unique or special features of area.
- (7) Water quality.
- (8) Paralleling roads.
- (9) Number of stream crossings.

(d) Specific criteria for each of these natural river, scenic river, and recreational river categories shall be selected after having given due consideration to the categories specified in subsection (c) and any other categories that are considered to be important.

[Pre-1995 Recodification Citations: 13-2-26-3(c); 13-2-26-4.]
As added by P.L.1-1995, SEC.22.

IC 14-29-6-9 Rules to designate rivers

Sec. 9. (a) Based upon the study and recommendations of the director, the commission may adopt rules under IC 4-22-2 to designate a river for inclusion into the system.

(b) Before adopting rules, the director shall do the following:

- (1) Notify each adjoining or abutting landowner of the plans and recommendations by registered mail.
- (2) Conduct a public hearing in the county that contains the largest section of the river being considered.

[Pre-1995 Recodification Citation: 13-2-26-5.]

As added by P.L.1-1995, SEC.22.

IC 14-29-6-10 Altering river classification

Sec. 10. In all planning for the use and development of water and related land resources of rivers in the system, including the construction of impoundments, diversions, realignments, riprap, roadways, crossings, channelizations, locks, canals, or other uses that change the character of a river or destroy the river's scenic values:

- (1) full review and evaluation of the river as a scenic resource shall be given; and
- (2) the environmental impact of the proposed use and development shall be determined as specified in IC 13-12-4;

before the commission approves plans for use and development.

[Pre-1995 Recodification Citation: 13-2-26-6.]

As added by P.L.1-1995, SEC.22. Amended by P.L.1-1996, SEC.68.

IC 14-29-6-11 Nonapproval of use or development of water

Sec. 11. Use or development of water and related land resources of rivers in the system may not be approved if in the judgment of the commission the use or development may alter the original classification of a river in the system.

[Pre-1995 Recodification Citation: 13-2-26-7.]

As added by P.L.1-1995, SEC.22.

IC 14-29-6-12 River system plan

Sec. 12. (a) The director shall prepare and maintain a plan for the establishment, development, management, use, and administration of rivers in the system. The river system plan shall be included and becomes an integral part of the comprehensive state plans for water management and outdoor recreation.

(b) When a river is proclaimed a part of the system, the river becomes an administrative responsibility of the director. The director shall take the necessary action in keeping with the policy of this chapter to acquire, develop, maintain, and preserve the river and authorized related land area in accordance with the director's powers and duties with respect to parks, fish and wildlife areas, reservoirs, forests, and miscellaneous areas. The director may seek assistance in the development, operation, and maintenance of scenic rivers from other governmental units and agencies.

[Pre-1995 Recodification Citation: 13-2-26-8 part.]

As added by P.L.1-1995, SEC.22.

IC 14-29-6-13 "Conservation easement", "land use easement", "scenic easement", and "water use easement" defined; land acquisition

Sec. 13. (a) As used in this section, "conservation easement" has the meaning set forth in IC 32-23-5-2.

(b) As used in this section, "land use easement" means the granting of the right of the general public to use the adjacent land.

(c) As used in this section, "scenic easement" means the granting of protection of adjacent land in the land's present state to preserve the land's natural or scenic characteristics.

(d) As used in this section, "water use easement" means the granting of the right of the general public to travel along or across all water parts of the river.

(e) The director may do the following:

- (1) Acquire on behalf of the state land in fee title or any other interest in land, including

the following:

- (A) Water use easements.
- (B) Scenic easements.
- (C) Land use easements.

(2) Exercise the right of eminent domain on behalf of the state to acquire the following:

- (A) Conservation easements.
- (B) Water use easements.

(f) Land or an interest in land may be acquired by purchase with appropriated or donated money, exchanges, donations, or otherwise.

(g) The director may seek financial assistance for land acquisition and for facility development of scenic rivers from the following:

- (1) Federal and local governmental sources.
- (2) Private groups and individuals.

[Pre-1995 Recodification Citations: 13-2-26-3(i); 13-2-26-3(j); 13-2-26-3(k); 13-2-26-3(l); 13-2-26-8 part.]

As added by P.L.1-1995, SEC.22. Amended by P.L.2-2002, SEC.62.

IC 14-29-6-14 Easements encouraged

Sec. 14. Recognizing that most of the rivers recommended for inclusion in the system may not be state owned, the general assembly encourages riparian owners to grant easements to the director for the purposes of this chapter.

[Pre-1995 Recodification Citation: 13-2-26-10.]

As added by P.L.1-1995, SEC.22.

IC 14-29-6-15 Expenditures

Sec. 15. The department may expend money that is:

- (1) already appropriated for the purposes of this chapter; or
- (2) periodically appropriated to the department from any fund for the purpose of developing public recreation facilities.

[Pre-1995 Recodification Citation: 13-2-26-11.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7 Chapter 7. River Commissions

14-29-7-1	Application of chapter
14-29-7-2	"River" defined
14-29-7-3	Establishment; name; termination
14-29-7-4	Election to participate
14-29-7-5	Membership of commission
14-29-7-6	Vacancies
14-29-7-7	Voting
14-29-7-8	Service without compensation
14-29-7-9	Quorum
14-29-7-10	First meeting
14-29-7-11	Officers
14-29-7-12	Bimonthly meetings
14-29-7-13	Employees
14-29-7-14	Powers of commission
14-29-7-15	Powers of members or employees
14-29-7-16	Memorandum of understanding
14-29-7-17	Cooperation with department
14-29-7-18	Permits required
14-29-7-19	Issuance of permits
14-29-7-20	Appeals
14-29-7-21	Structures existing when commission established
14-29-7-22	Permits issued before commission established
14-29-7-23	Property rights not affected
14-29-7-24	Eminent domain
14-29-7-25	Violations

IC 14-29-7-1 Application of chapter

Sec. 1. This chapter applies only to land in a county whose board of county commissioners has elected to participate in a river commission.

[Pre-1995 Recodification Citation: 13-2-27-25.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-2 "River" defined

Sec. 2. As used in this chapter, "river" means that part of a body of flowing water and adjacent land that is the subject of a river commission established under this chapter.

[Pre-1995 Recodification Citation: 13-2-27-1.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-3 Establishment; name; termination

Sec. 3. (a) The department may establish a river commission for a river designated as a natural, scenic, or recreational river under IC 14-29-6. An established river commission shall be known as the " River Commission".

(b) Each river commission shall be established for a period of four (4) years, at the end of which the river commission terminates. After termination, a river commission may be reestablished any number of times.

[Pre-1995 Recodification Citation: 13-2-27-2.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-4 Election to participate

Sec. 4. The board of county commissioners of each county containing a river for which a river commission has been established may elect that the county participate in the river commission.

[Pre-1995 Recodification Citation: 13-2-27-3.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-5 Membership of commission

Sec. 5. The membership of a river commission consists of the following:

- (1) The director or the director's designee.
- (2) Two (2) individuals appointed for terms of four (4) years by the board of commissioners of each participating county from among owners of land that is:
 - (A) within the county; and
 - (B) contiguous to the river.

[Pre-1995 Recodification Citation: 13-2-27-4 part.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-6 Vacancies

Sec. 6. A vacancy on a river commission shall be filled for the unexpired term in the same manner as original appointments are made.

[Pre-1995 Recodification Citation: 13-2-27-4 part.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-7 Voting

Sec. 7. Each member of a river commission is entitled to one (1) vote. Voting by proxy is not permitted.

[Pre-1995 Recodification Citation: 13-2-27-5.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-8 Service without compensation

Sec. 8. Members of a river commission serve without compensation.

[Pre-1995 Recodification Citation: 13-2-27-6.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-9 Quorum

Sec. 9. A majority of the members of a river commission constitutes a quorum. The affirmative vote of a majority of the members is necessary to issue a permit.

[Pre-1995 Recodification Citation: 13-2-27-7.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-10 First meeting

Sec. 10. As soon as possible after a river commission has been established, the director shall designate the time and place of the first meeting.

[Pre-1995 Recodification Citation: 13-2-27-8.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-11 Officers

Sec. 11. (a) At the first meeting of a river commission, the river commission shall select the following:

- (1) A chairman from the membership.
- (2) Other officers that the river commission determines.
- (b) The officers serve for terms of one (1) year.

[Pre-1995 Recodification Citation: 13-2-27-9.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-12 Bimonthly meetings

Sec. 12. (a) Each river commission shall hold not less than six (6) regular, bimonthly meetings at a time and place fixed at the initial meeting.

(b) A river commission may hold special meetings that the river commission considers necessary.

(c) The chairman of a river commission may call special meetings.

[Pre-1995 Recodification Citation: 13-2-27-10.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-13 Employees

Sec. 13. Each river commission may:

- (1) appoint;
- (2) prescribe the duties of; and
- (3) fix the compensation of;

the employees that are necessary for the discharge of the duties and responsibilities of the river commission.

[Pre-1995 Recodification Citation: 13-2-27-11.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-14 Powers of commission

Sec. 14. Each river commission may do the following:

- (1) Adopt a seal.
- (2) Sue and be sued in the river commission's own name.
- (3) Establish bylaws and rules for the river commission's government.
- (4) Make and enter into all contracts or agreements.
- (5) Do all things necessary or incidental to the performance of the powers and duties of the river commission under this chapter.

[Pre-1995 Recodification Citations: 13-2-27-12; 13-2-27-13; 13-2-27-14.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-15 Powers of members or employees

Sec. 15. A member or an employee of a river commission may do the following:

- (1) Conduct a hearing or an investigation.
- (2) Take evidence.
- (3) Report the evidence to the river commission for consideration and action.

[Pre-1995 Recodification Citation: 13-2-27-15.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-16 Memorandum of understanding

Sec. 16. As soon as possible after the establishment of a river commission, the river commission and the department shall negotiate a memorandum of understanding for the management and preservation of the natural and scenic qualities of the river.

[Pre-1995 Recodification Citation: 13-2-27-16.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-17 Cooperation with department

Sec. 17. Each river commission shall protect and enhance the natural and scenic qualities of the river in cooperation with the department.

[Pre-1995 Recodification Citation: 13-2-27-17.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-18 Permits required

Sec. 18. A person may not substantially affect the natural or scenic qualities of a river that is the subject of a river commission unless the person has secured a permit to do so from the river commission.

[Pre-1995 Recodification Citation: 13-2-27-18.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-19 Issuance of permits

Sec. 19. (a) After a hearing and subject to subsection (b), a river commission may issue a permit to a person to substantially affect the natural or scenic qualities of the river if the river commission finds the need of the person seeking the permit to be more compelling than the need of the people to have the natural and scenic qualities of the river preserved.

(b) A permit may not be issued that substantially affects the natural or scenic qualities of a river in a manner visible from five (5) feet above the water surface of the river at normal water level between May 1 and October 15 of a year.

[Pre-1995 Recodification Citation: 13-2-27-19.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-20 Appeals

Sec. 20. A person adversely affected by a decision of a river commission may appeal the decision, de novo, to the circuit or superior court with jurisdiction in the county in which the affected land is located.

[Pre-1995 Recodification Citation: 13-2-27-20.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-21 Structures existing when commission established

Sec. 21. The lawful use of a structure existing at the time of the effective date of the establishment of a river commission:

- (1) may be continued even though the use does not conform to this chapter; and
- (2) may be extended throughout the structure if a structural alteration is not made, except those required by law.

[Pre-1995 Recodification Citation: 13-2-27-21.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-22 Permits issued before commission established

Sec. 22. This chapter does not require a change in the plans, construction, or designated use of a building for which a building permit was issued before the river commission was established if the following conditions are met:

- (1) Construction is begun not later than ninety (90) days of the date of the permit.
- (2) The building is completed according to the plans not later than two (2) years from the date the river commission was established.

[Pre-1995 Recodification Citation: 13-2-27-22.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-23 Property rights not affected

Sec. 23. The establishment of a river commission does not affect the right of:

- (1) the owner of land to sell; or
- (2) the department to acquire;

an easement or other property interest under IC 14-29-6-13.

[Pre-1995 Recodification Citation: 13-2-27-23.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-24 Eminent domain

Sec. 24. The director may not use the power of eminent domain to acquire an easement under IC 14-29-6-13 on land subject to the authority of a river commission.

[Pre-1995 Recodification Citation: 13-2-27-24.]

As added by P.L.1-1995, SEC.22.

IC 14-29-7-25 Violations

Sec. 25. (a) If a river commission brings an action in the circuit or superior court with

jurisdiction in the county in which the land is located, the court shall order a person who violates section 18 of this chapter to be:

(1) enjoined from continuing the violation; and

(2) required to do the following:

(A) Remove a structure erected in violation of:

(i) this chapter; or

(ii) IC 13-2-27 (before its repeal).

(B) Restore the natural and scenic qualities of the river altered by the person's activities.

(C) Pay the costs of the action.

(b) In addition to the requirements of subsection (a), a person who violates section 18 of this chapter may be assessed a civil penalty of:

(1) at least ten dollars (\$10); and

(2) not more than three hundred dollars (\$300);

for each day the violation continues.

[Pre-1995 Recodification Citation: 13-2-27-26.]

As added by P.L.1-1995, SEC.22.

IC 14-29-8 Chapter 8. Recreational Streams

14-29-8-1	"Stream" defined
14-29-8-2	Use of recreational stream
14-29-8-3	Designation as recreational stream; hearing
14-29-8-4	Use not affecting owner or navigability
14-29-8-5	Littering and trespassing

IC 14-29-8-1 "Stream" defined

Sec. 1. As used in this chapter, "stream" means a natural or an altered river, creek, slough, or artificial channel that has:

- (1) definable banks and a bed capable of conducting confined runoff;
- (2) visible evidence of the flow or occurrence of water; and
- (3) a watershed in excess of one (1) square mile.

[Pre-1995 Recodification Citation: 13-2-33-2.]

As added by P.L.1-1995, SEC.22.

IC 14-29-8-2 Use of recreational stream

Sec. 2. (a) A person may use a stream that is capable of use by a watercraft for boating, fishing, or other recreational purposes if the stream is designated as a recreational stream by rule adopted by the commission.

(b) The right of a person to use a recreational stream is limited to the water within the stream and does not do any of the following:

- (1) Authorize the use of the bed or bank of the stream, except in an emergency.
- (2) Establish a right of access to the stream over private land.

[Pre-1995 Recodification Citation: 13-2-33-4.]

As added by P.L.1-1995, SEC.22.

IC 14-29-8-3 Designation as recreational stream; hearing

Sec. 3. (a) The commission shall adopt rules under IC 4-22-2 for the designation of streams or parts of streams as recreational streams.

(b) Before a hearing on the designation of a stream as a recreational stream and in addition to the notification requirements under IC 4-22-2, the commission shall do the following:

- (1) Publish notice at least twenty-one (21) days before the hearing in a newspaper of general circulation in the county where a stream is located that the commission proposes to designate the stream as a recreational stream. The notice must state the time and place of the hearing.
- (2) Conduct a separate hearing in each county where a stream is proposed to be designated as a recreational stream.

(c) If a stream:

- (1) is located wholly within one (1) county; and
- (2) is a regulated drain under IC 36-9-27;

the county drainage board must concur in the designation before final adoption of the rule.

[Pre-1995 Recodification Citation: 13-2-33-5.]

As added by P.L.1-1995, SEC.22.

IC 14-29-8-4 Use not affecting owner or navigability

Sec. 4. The use of a stream designated under this chapter does not do any of the following:

- (1) Impose a duty upon the riparian landowner or tenant to provide for the safe use of the stream.
- (2) Affect ownership of the bed of the stream.

(3) Affect a determination of the stream's navigability.

[Pre-1995 Recodification Citation: 13-2-33-6.]

As added by P.L.1-1995, SEC.22.

IC 14-29-8-5 Littering and trespassing

Sec. 5. A person who:

(1) throws, dumps, or leaves refuse in the water or on the banks of a stream designated under this chapter; or

(2) crosses private land to gain access to a designated stream without the permission of the landowner or tenant of the land;

commits a Class B misdemeanor.

[Pre-1995 Recodification Citation: 13-2-33-7.]

As added by P.L.1-1995, SEC.22.