



# State of Indiana

Eric J. Holcomb, Governor



Office of Management and Budget  
102 State House  
Indianapolis, IN 46204

State Budget Agency  
212 State House  
Indianapolis, IN 46204

April 10, 2024

Whitney M. Wampler  
Senior Attorney  
Indiana Department of Natural Resources  
402 W. Washington Street, Room W261  
Indianapolis, Indiana 46204

Dear Ms. Wampler,

Pursuant to the provisions of IC 4-22-2-22.8, the Office of Management and Budget and State Budget Agency have reviewed the proposed rule that adds 312 IAC 1.5-5 through 312 IAC 1.5-10 and repeals 312 IAC 17-1-11; 312 IAC 25-5-8; 312 IAC 25-7-15; 312 IAC 29-12-2; 312 IAC 29-12-4 (OMB #2024-07R-3) which you submitted on March 26, 2024. After reviewing the proposed rule, the recommendation of OMB and SBA is that the rule changes be approved. DNR is authorized to commence the public comment period(s).

Furthermore, if you revise the proposed rule after this approval, you must resubmit the rule and obtain a new approval pursuant to IC 4-22-2-22.8(e).

Indiana Department of Natural Resources may proceed with the rule proposed in its submission.

Cristopher R. Johnston  
OMB Director

Date: 04/08/2024

Joseph M. Habig  
SBA Director

Date: 04/10/2024

**Proposed Permanent Rule**

LSA Document #XX-XXX

**DIGEST**

Adds 312 IAC 1.5-5 through 312 IAC 1.5-10 regarding the fees, fines, civil penalties, financial benefit limitations, and another payment amount set by an agency that otherwise qualifies as a rule charged by the divisions of: (1) forestry; (2) historic preservation and archeology; (3) land acquisition; (4) reclamation; (5) state parks; and (6) water for the department of natural resources. Repeals 312 IAC 17-1-11; 312 IAC 25-5-8; 312 IAC 25-7-15; 312 IAC 29-12-2; 312 IAC 29-12-4. Effective thirty (30) days after the final permanent rule is accepted for filing by the publisher.

**HISTORY**

Notice of First Public Comment Period: *[date in regular type]*, Indiana Register (DIN: 20XX IR XXXX).

Notice of Second Public Comment Period: *[date]*, Indiana Register (DIN: 20XX IR XXXX). *[if applicable]*

Notice of First Public Hearing: *[date published]*, Indiana Register (DIN: 20XX IR XXXX).

Date of First Public Hearing: *[date]*.

Notice of Second Public Hearing: *[date published]*, Indiana Register (DIN: 20XX IR XXXX).*[if applicable]*

Date of Second Public Hearing: *[date]*.*[if applicable]*

**SUMMARY/RESPONSE TO COMMENTS**

*[Agency name]* requested public comment from *[date]*, through *[date]*, and during the public hearing on *[date of hearing or dates of hearings]*. **[Alt 1]:** *[Agency name]* received no comments in response to the Notice of First Public Comment Period. **[Alt 2]:** *[Agency name]* received comments from the following parties by the comment period deadline: *[summarizes the comments and response to comments]*.

**312 IAC 1.5; 312 IAC 17-1-11; 312 IAC 25-5-8; 312 IAC 25-7-15; 312 IAC 29-12-2; 312 IAC 29-12-4.**

SECTION 1. 312 IAC 1.5 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 1.5. Fees, Fines, Civil Penalties, Financial Benefit Limitations, or Another Payment Amount Set by an Agency that Otherwise Qualifies as a Rule**

**Rule 5. Division of Forestry**

**312 IAC 1.5-5-1 Fees to shoot at the Clark State Forest gun range**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-23-1-1

Affected: IC 14-23

**Sec. 1. (a) The daily shooting fee at the Clark State Forest gun range is five dollars (\$5) per day.**

**(b) The fee for an annual permit to shoot at the Clark State Forest gun range is twenty-five dollars (\$25) per year.**

**312 IAC 1.5-5-2 Fees for the urban forestry section**

**Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-23-1-1**

**Affected: IC 14-23**

**Sec. 2. (a) The registration fee for tree steward training with the urban forestry section is thirty dollars (\$30) per individual:**

**(1) for two (2) days; and**

**(2) without a cosponsor to cover the cost of a meal.**

**(b) The registration fee for tree steward training with the urban forestry section is ten dollars (\$10) per individual:**

**(1) for two (2) days;**

**(2) with a cosponsor to cover the cost of a meal.**

**(c) The registration fee for any other training or event offered by the urban forestry section is not more than two hundred dollars (\$200) per individual. The department shall determine the fee under this subsection based on the following factors:**

**(1) The number of days of:**

**(A) training; or**

**(B) the event.**

**(2) The cost of the materials provided by the department during the training or the event.**

**(3) The cost of the supplies provided by the department during the training or event.**

**(4) Whether a meal is provided.**

**(5) Whether the training or the event has a cosponsor to reduce the costs paid by the department for the training or the event.**

**312 IAC 1.5-5-3 Fee to use a dump station on a property owned or managed by the department**

**Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-23-1-1**

**Affected: IC 14-23**

**Sec. 3. The fee for an individual who is not paying a fee for a campsite to use a dump station is ten dollars (\$10) per dump.**

**312 IAC 1.5-5-4 Fee to examine private forest land**

**Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-23-1-1**

**Affected: IC 14-23**

**Sec. 4. (a) This section applies to the department examining private forest land to advise the owner of the proper method for forest management.**

**(b) To obtain an examination from the department advising the proper method for forest management, the owner of private forest land shall:**

**(1) request the examination in a form and manner prescribed by the department; and**

**(2) pay the cost of the examination to the department.**

**(c) The fee for the department to examine private forest land is one dollar (\$1) per**

acre.

**312 IAC 1.5-5-5 Fee for a state forest firewood cutting permit**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-23-1-1

Affected: IC 14-23

**Sec. 5. The fee for a state forest firewood cutting permit is:**

- (1) ten dollars (\$10) per rick; or**
- (2) twenty-five dollars (\$25) for three (3) ricks.**

**312 IAC 1.5-5-6 Amount of a performance bond for a temporary land use permit**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-23-1-1

Affected: IC 14-23

**Sec. 6. (a) A person may request to use part of a state forest to access private property for:**

- (1) business; or**
- (2) forest management purposes.**

**A person that makes a request under this subsection shall obtain a temporary land use permit for use of part of a state forest.**

**(b) The amount of a performance bond for a temporary land use permit is at least five hundred dollars (\$500). The department shall determine the amount of the performance bond under this subsection based on the following factors:**

- (1) The length of skidding.**
- (2) The area of yarding.**
- (3) The length of haul road need.**

**(c) If the work authorized by the temporary land use permit is completed, the bond is returned to the person. If the work authorized by the temporary land use permit is not completed, the bond may be reduced by the cost to the department to complete the work authorized by the temporary land use permit or for the cost to remediate damage to the state forest.**

**Rule 6. Division of Historic Preservation and Archeology**

**312 IAC 1.5-6-1 Fee for a records check or background research**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-21-1-12; IC 14-21-1-31

Affected: IC 14-21

**Sec. 1. The fee for:**

- (1) a record check; or**
- (2) background research;**

**is seventy dollars (\$70).**

**312 IAC 1.5-6-2 Fee for qualified professional archaeology access to the state historic architectural and archeological research database and structures map (SHAARD) and geographic information system (GIS) map**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-21-1-12; IC 14-21-1-15; IC 14-21-1-31

Affected: IC 14-21

**Sec. 2. (a) The fee for the first principal investigator in a qualified professional archeology firm for access to the state historic architectural and archeological research database and structures map (SHAARD) and geographic information system (GIS) map is one thousand dollars (\$1,000) per year.**

(b) The fee for the second and a subsequent principal investigator in a qualified professional archeology firm for access to the state historic architectural and archeological research database and structures map (SHAARD) and geographic information system (GIS) map is five hundred dollars (\$500) per year.

(c) The fee for a principal investigator in a qualified professional nonprofit organization for archeological research for access to the state historic architectural and archeological research database and structures map (SHAARD) and geographic information system (GIS) map is two hundred dollars (\$200) per year.

## **Rule 7. Division of Land Acquisition**

### **312 IAC 1.5-7-1 In lieu fee**

Authority: IC 4-22-2-19.6; IC 13-18-22; IC 14-10-2-1; IC 14-10-2-4; IC 14-26-2; IC 14-28-1; IC 14-29-1

Affected: IC 13-18-22; IC 14-26-2; IC 14-28-1; IC 14-29-1

Sec. 1. (a) This section applies to:

(1) compensatory mitigation, or the in lieu fee mitigation program, under IC 13-18-22; and

(2) mitigation under:

(A) IC 14-26-2 or 312 IAC 11 regarding lake preservation;

(B) IC 14-28-1 or 312 IAC 10 regarding flood control; and

(C) IC 14-29-1 or 312 IAC 6 regarding navigable waterways.

(b) The stream credit prices for mitigation are as follows:

(1) The stream credit price for the Calumet-Dunes Service Area is six hundred dollars (\$600).

(2) The stream credit price for the St. Joseph River Service Area is six hundred dollars (\$600).

(3) The stream credit price for Maumee Service Area is four hundred fifty dollars (\$450).

(4) The stream credit price for Kankakee Service Area is five hundred dollars (\$500).

(5) The stream credit price for Upper Wabash Service Area is four hundred dollars (\$400).

(6) The stream credit price for Middle Wabash Service Area is four hundred dollars (\$400).

(7) The stream credit price for Upper White Service Area is four hundred fifty dollars (\$450).

(8) The stream credit price for Whitewater-East Fork White Service Area is four hundred dollars (\$400).

(9) The stream credit price for Lower White Service Area is four hundred dollars (\$400).

(10) The stream credit price for Upper Ohio Service Area is four hundred dollars (\$400).

(11) The stream credit price for the Ohio-Wabash Service Area Lowlands is four hundred dollars (\$400).

(c) The wetland credit prices for mitigation are as follows:

(1) The wetland credit price for the Calumet-Dunes Service Area is ninety-five thousand dollars (\$95,000).

- (2) The wetland credit price for the St. Joseph River Service Area is one hundred twenty thousand dollars (\$120,000).
- (3) The wetland credit price for Maumee Service Area is eighty thousand dollars (\$80,000).
- (4) The wetland credit price for Kankakee Service Area is ninety-five thousand dollars (\$95,000).
- (5) The wetland credit price for Upper Wabash Service Area is eighty thousand dollars (\$80,000).
- (6) The wetland credit price for Middle Wabash Service Area is eighty thousand dollars (\$80,000).
- (7) The wetland credit price for Upper White Service Area is eighty thousand dollars (\$80,000).
- (8) The wetland credit price for Whitewater-East Fork White Service Area is eighty thousand dollars (\$80,000).
- (9) The wetland credit price for Lower White Service Area is eighty thousand dollars (\$80,000).
- (10) The wetland credit price for Upper Ohio Service Area is eighty thousand dollars (\$80,000).
- (11) The wetland credit price for the Ohio-Wabash Service Area Lowlands is eighty thousand dollars (\$80,000).

**312 IAC 1.5-7-2 Compensatory mitigation to offset unavoidable impacts**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-26; IC 14-28-1; IC 14-29-1

Affected: IC 14-26; IC 14-28-1; IC 14-29-1

**Sec. 2. (a) The costs of compensatory mitigation to offset unavoidable impacts are based on the following ratios:**

- (1) For the habitat category of palustrine emergent wetland the standard minimum mitigation ratio is 2:1.
- (2) For the habitat category of palustrine scrub-shrub wetland the standard minimum mitigation ratio is 3:1.
- (3) For the habitat category of palustrine forested wetland the standard minimum mitigation ratio is 4:1.
- (4) For the habitat category of a forest that is not a wetland where at least one (1) acre is disturbed the standard minimum mitigation ratio is 2:1.
- (5) For the habitat category of a forest that is not a wetland where at least one tenth (0.1) of an acre and less than one (1) acre is disturbed the standard minimum mitigation ratio is 1:1.
- (6) For the habitat category of a forest that is not a wetland where less than one tenth (0.1) of an acre in an urban area is disturbed the standard minimum mitigation ratio is:
  - (A) 5:1 based on the number of removed trees at least ten (10) inches in diameter at breast height when not more than six (6) trees are impacted; or
  - (B) 1:1 based on the area that is impacted when more than six (6) trees are impacted.
- (b) A standard minimum mitigation ratio under subsection (a) may be increased by at least one half (1/2) if the area that is impacted is of high quality or is largely undisturbed.
- (c) A standard minimum mitigation ratio under subsection (a) may be increased to:

(1) two and five tenths (2.5) for an impact of at least five (5) acres and not more than nine and nine tenths (9.9) acres; and

(2) 3:1 for an impact of at least ten (10) acres.

(d) A standard minimum mitigation ratio under subsection (a) may be increased by a factor of not more than two (2) if the area that is impacted:

(1) is a previous mitigation site;

(2) there are cumulative effects (as defined by 312 IAC 10-2-18); or

(3) there are extended temporal delays in implementing the mitigation plan.

(e) A standard minimum ratio under subsection (a) may be increased if:

(1) a project falls out of compliance with rules, regulations, and permits; or

(2) a habitat type is difficult to mitigate due to the uniqueness, rarity, high quality, or difficulty in properly compensating the habitat.

## **Rule 8. Division of Reclamation**

### **312 IAC 1.5-8-1 Civil penalties for a notice of violation assessment**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-34-2-1; IC 14-36-1-13

Affected: IC 14-34; IC 14-36

**Sec. 1. (a) The amount of a civil penalty charged under subsection (c) for a notice of violation is based upon points assessed against a person who holds a permit for a violation under subsection (b) and 312 IAC 25-7-14.**

**(b) The department shall assess points to determine the amount of a civil penalty charged under subsection (c) for a notice of violation as follows:**

**(1) Whether the person who receives a notice of violation has a history of violations as follows:**

**(A) One (1) point is assessed for each prior notice of violation charged.**

**(B) Five (5) points are assessed for each prior cessation order charged.**

**(2) The seriousness of a violation as follows:**

**(A) Not more than fifteen (15) points for conduct resulting in a violation.**

**(B) Not more than fifteen (15) points for conduct resulting in potential damage or actual damage from a violation.**

**(C) Not more than fifteen (15) points for conduct that obstructs the enforcement of a notice of violation.**

**(3) Whether negligence is committed as follows:**

**(A) Zero (0) points if the department determines the action does not constitute negligence.**

**(B) At least one (1) point and not more than twelve (12) points if the department determines the action constitutes carelessness.**

**(C) At least thirteen (13) points and not more than nineteen (19) points if the department determines the action constitutes recklessness.**

**(D) At least twenty (20) points and not more than twenty-five (25) points if the department determines the action constitutes knowing or willful misconduct.**

**(4) Not more than thirty (30) points may be assessed for good faith against the points assessed for a violation under subdivisions (1) through (3) if the department determines the person that holds a permit achieves rapid compliance under 312 IAC 25-7-14 after receiving a notice of violation or uses extraordinary measures under 312 IAC 25-7-14 to abate a violation. The points for good faith assessed under this**

subdivision reduce the points assessed for the cost of a civil penalty charged under subsection (c).

(c) The cost of a civil penalty for the points assessed for a notice of violation under subsection (b) are as follows:

- (1) The cost of a civil penalty for one (1) assessed point is twenty dollars (\$20).
- (2) The cost of a civil penalty for two (2) assessed points is forty dollars (\$40).
- (3) The cost of a civil penalty for three (3) assessed points is sixty dollars (\$60).
- (4) The cost of a civil penalty for four (4) assessed points is eighty dollars (\$80).
- (5) The cost of a civil penalty for five (5) assessed points is one hundred dollars (\$100).
- (6) The cost of a civil penalty for six (6) assessed points is one hundred twenty dollars (\$120).
- (7) The cost of a civil penalty for seven (7) assessed points is one hundred forty dollars (\$140).
- (8) The cost of a civil penalty for eight (8) assessed points is one hundred sixty dollars (\$160).
- (9) The cost of a civil penalty for nine (9) assessed points is one hundred eighty dollars (\$180).
- (10) The cost of a civil penalty for ten (10) assessed points is two hundred dollars (\$200).
- (11) The cost of a civil penalty for eleven (11) assessed points is two hundred twenty dollars (\$220).
- (12) The cost of a civil penalty for twelve (12) assessed points is two hundred forty dollars (\$240).
- (13) The cost of a civil penalty for thirteen (13) assessed points is two hundred sixty dollars (\$260).
- (14) The cost of a civil penalty for fourteen (14) assessed points is two hundred eighty dollars (\$280).
- (15) The cost of a civil penalty for fifteen (15) assessed points is three hundred dollars (\$300).
- (16) The cost of a civil penalty for sixteen (16) assessed points is three hundred twenty dollars (\$320).
- (17) The cost of a civil penalty for seventeen (17) assessed points is three hundred forty dollars (\$340).
- (18) The cost of a civil penalty for eighteen (18) assessed points is three hundred sixty dollars (\$360).
- (19) The cost of a civil penalty for nineteen (19) assessed points is three hundred eighty dollars (\$380).
- (20) The cost of a civil penalty for twenty (20) assessed points is four hundred dollars (\$400).
- (21) The cost of a civil penalty for twenty-one (21) assessed points is four hundred twenty dollars (\$420).
- (22) The cost of a civil penalty for twenty-two (22) assessed points is four hundred forty dollars (\$440).
- (23) The cost of a civil penalty for twenty-three (23) assessed points is four hundred sixty dollars (\$460).



- (24) The cost of a civil penalty for twenty-four (24) assessed points is four hundred eighty dollars (\$480).
- (25) The cost of a civil penalty for twenty-five (25) assessed points is five hundred dollars (\$500).
- (26) The cost of a civil penalty for twenty-six (26) assessed points is six hundred dollars (\$600).
- (27) The cost of a civil penalty for twenty-seven (27) assessed points is seven hundred dollars (\$700).
- (28) The cost of a civil penalty for twenty-eight (28) assessed points is eight hundred dollars (\$800).
- (29) The cost of a civil penalty for twenty-nine (29) assessed points is nine hundred dollars (\$900).
- (30) The cost of a civil penalty for thirty (30) assessed points is one thousand dollars (\$1,000).
- (31) The cost of a civil penalty for thirty-one (31) assessed points is one thousand one hundred dollars (\$1,100).
- (32) The cost of a civil penalty for thirty-two (32) assessed points is one thousand two hundred dollars (\$1,200).
- (33) The cost of a civil penalty for thirty-three (33) assessed points is one thousand three hundred dollars (\$1,300).
- (34) The cost of a civil penalty for thirty-four (34) assessed points is one thousand four hundred dollars (\$1,400).
- (35) The cost of a civil penalty for thirty-five (35) assessed points is one thousand five hundred dollars (\$1,500).
- (36) The cost of a civil penalty for thirty-six (36) assessed points is one thousand six hundred dollars (\$1,600).
- (37) The cost of a civil penalty for thirty-seven (37) assessed points is one thousand seven hundred dollars (\$1,700).
- (38) The cost of a civil penalty for thirty-eight (38) assessed points is one thousand eight hundred dollars (\$1,800).
- (39) The cost of a civil penalty for thirty-nine (39) assessed points is one thousand nine hundred dollars (\$1,900).
- (40) The cost of a civil penalty for forty (40) assessed points is two thousand dollars (\$2,000).
- (41) The cost of a civil penalty for forty-one (41) assessed points is two thousand one hundred dollars (\$2,100).
- (42) The cost of a civil penalty for forty-two (42) assessed points is two thousand two hundred dollars (\$2,200).
- (43) The cost of a civil penalty for forty-three (43) assessed points is two thousand three hundred dollars (\$2,300).
- (44) The cost of a civil penalty for forty-four (44) assessed points is two thousand four hundred dollars (\$2,400).
- (45) The cost of a civil penalty for forty-five (45) assessed points is two thousand five hundred dollars (\$2,500).
- (46) The cost of a civil penalty for forty-six (46) assessed points is two thousand six hundred dollars (\$2,600).

- (47) The cost of a civil penalty for forty-seven (47) assessed points is two thousand seven hundred dollars (\$2,700).
- (48) The cost of a civil penalty for forty-eight (48) assessed points is two thousand eight hundred dollars (\$2,800).
- (49) The cost of a civil penalty for forty-nine (49) assessed points is two thousand nine hundred dollars (\$2,900).
- (50) The cost of a civil penalty for fifty (50) assessed points is three thousand dollars (\$3,000).
- (51) The cost of a civil penalty for fifty-one (51) assessed points is three thousand one hundred dollars (\$3,100).
- (52) The cost of a civil penalty for fifty-two (52) assessed points is three thousand two hundred dollars (\$3,200).
- (53) The cost of a civil penalty for fifty-three (53) assessed points is three thousand three hundred dollars (\$3,300).
- (54) The cost of a civil penalty for fifty-four (54) assessed points is three thousand four hundred dollars (\$3,400).
- (55) The cost of a civil penalty for fifty-five (55) assessed points is three thousand five hundred dollars (\$3,500).
- (56) The cost of a civil penalty for fifty-six (56) assessed points is three thousand six hundred dollars (\$3,600).
- (57) The cost of a civil penalty for fifty-seven (57) assessed points is three thousand seven hundred dollars (\$3,700).
- (58) The cost of a civil penalty for fifty-eight (58) assessed points is three thousand eight hundred dollars (\$3,800).
- (59) The cost of a civil penalty for fifty-nine (59) assessed points is three thousand nine hundred dollars (\$3,900).
- (60) The cost of a civil penalty for sixty (60) assessed points is four thousand dollars (\$4,000).
- (61) The cost of a civil penalty for sixty-one (61) assessed points is four thousand one hundred dollars (\$4,100).
- (62) The cost of a civil penalty for sixty-two (62) assessed points is four thousand two hundred dollars (\$4,200).
- (63) The cost of a civil penalty for sixty-three (63) assessed points is four thousand three hundred dollars (\$4,300).
- (64) The cost of a civil penalty for sixty-four (64) assessed points is four thousand four hundred dollars (\$4,400).
- (65) The cost of a civil penalty for sixty-five (65) assessed points is four thousand five hundred dollars (\$4,500).
- (66) The cost of a civil penalty for sixty-six (66) assessed points is four thousand six hundred dollars (\$4,600).
- (67) The cost of a civil penalty for sixty-seven (67) assessed points is four thousand seven hundred dollars (\$4,700).
- (68) The cost of a civil penalty for sixty-eight (68) assessed points is four thousand eight hundred dollars (\$4,800).
- (69) The cost of a civil penalty for sixty-nine (69) assessed points is four thousand nine hundred dollars (\$4,900).

**(70) The cost of a civil penalty for at least (70) assessed points is five thousand dollars (\$5,000).**

**(d) The director of the division of reclamation shall assess a penalty of five thousand dollars (\$5,000) under 312 IAC 25-7-13.**

**312 IAC 1.5-8-2 Civil penalty for a cessation order**

**Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-34-2-1; IC 14-36-1-13**

**Affected: IC 14-34-16-1; IC 14-34-16-2; IC 14-34-16-3**

**Sec. 2. (a) The civil penalty for a cessation order is seven hundred and fifty dollars (\$750) per day for each violation.**

**(b) A cessation order begins on the date the cessation order is received by the person that holds a permit and ends not more than thirty (30) days after the cessation order is received.**

**312 IAC 1.5-8-3 Amount of a bond for a permit not covered by the surface coal mine reclamation bond pool**

**Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-34-2-1**

**Affected: IC 14-34**

**Sec. 3. (a) The bond for a permit to mine coal that is not covered by the surface coal mine reclamation bond pool under IC 14-34-8 is determined under the following formula:**

**STEP ONE:**

**Determine the cost of each of the following:**

**(1) The cost based on the percent of the permit area which contains prime farmland under PART VII of the application to mine coal as follows:**

**(A) There is no cost if the percent of the permit area which contains prime farmland is not more than five percent (5%).**

**(B) One thousand dollars (\$1,000) if the percent of the permit area which contains prime farmland is greater than five percent (5%) and not more than twenty percent (20%).**

**(C) Two thousand dollars (\$2,000) if the percent of the permit area which contains prime farmland is greater than twenty percent (20%) and not more than forty percent (40%).**

**(D) Three thousand dollars (\$3,000) if the percent of the permit area which contains prime farmland is greater than forty percent (40%) and not more than sixty percent (60%).**

**(E) Four thousand dollars (\$4,000) if the percent of the permit area which contains prime farmland is greater than sixty percent (60%) and not more than eighty percent (80%).**

**(F) Five thousand dollars (\$5,000) if the percent of the permit area which contains prime farmland is greater than eighty percent (80%).**

**(2) The cost based on the percent of the permit area overlaying significant groundwater resources under PART V of the application as follows:**

**(A) There is no cost if the percent of the permit area overlaying significant groundwater resources is not more than ten percent (10%).**

**(B) Seven hundred fifty dollars (\$750) if the percent of the permit area overlaying significant groundwater resources is greater than ten percent (10%) and not more than twenty-five percent (25%).**

- (C) One thousand five hundred dollars (\$1,500) if the percent of the permit area overlaying significant groundwater resources is greater than twenty-five percent (25%) and not more than fifty percent (50%).
- (D) Two thousand two hundred fifty dollars (\$2,250) if the percent of the permit area overlaying significant groundwater resources is greater than fifty percent (50%) and not more than seventy-five percent (75%).
- (E) Three thousand dollars (\$3,000) if the percent of the permit area overlaying significant groundwater resources is greater than seventy-five percent (75%).
- (3) The cost of the average percent of consolidated material to be mined, including sandstone, limestone, shale, or a combination of sandstone, limestone, or shale down to the lowest coal seam as follows:
- (A) There is no cost if the average percent of consolidated material to be mined is not more than twenty-five percent.
- (B) One thousand dollars (\$1,000) if the average percent of consolidated material to be mined is greater than twenty-five percent (25%) and not more than fifty percent (50%).
- (C) One thousand five hundred dollars (\$1,500) if the average percent of consolidated material to be mined is greater than fifty percent (50%) and not more than seventy-five percent (75%).
- (D) Two thousand dollars (\$2,000) if the average percent of consolidated material to be mined is greater than seventy-five percent (75%).
- (4) The cost of the average depth in feet to be mined to the lowest coal seam as follows:
- (A) Five hundred dollars (\$500) if the average depth to be mined is not more than twenty-five (25) feet.
- (B) Seven hundred fifty dollars (\$750) if the average depth to be mined is greater than twenty-five (25) feet and not more than fifty (50) feet.
- (C) One thousand dollars (\$1,000) if the average depth to be mined is greater than fifty (50) feet and not more than seventy-five (75) feet.
- (D) One thousand five hundred dollars (\$1,500) if the average depth to be mined is greater than seventy-five (75) feet and not more than one hundred (100) feet.
- (E) Two thousand dollars (\$2,000) if the average depth to be mined is greater than one hundred (100) feet and not more than one hundred fifty (150) feet.
- (F) Three thousand dollars (\$3,000) if the average depth to be mined is greater than one hundred fifty (150) feet.
- (5) The cost of the average percent of the permit area containing a pre-mining slope greater than twenty-five percent (25%), or four (4) feet horizontal measurement to one (1) foot vertical measurement (4h:1v), under Part VII of the application is as follows:
- (A) There is no cost if the permit area contains a pre-mining slope that is not more than fifty percent (50%).
- (B) Four thousand dollars (\$4,000) if the permit area contains a pre-mining slope that is greater than fifty percent (50%).
- (6) Except for coal seams to be mined, the cost of the average percent of overburden

(as defined by 312 IAC 25-1-93) that is potentially acidic or toxic based upon the chemical analyses submitted under Part V of the application is as follows:

- (A) One hundred dollars (\$100) if the average percent of overburden (as defined by 312 IAC 25-1-93) is not more than five percent (5%).
- (B) Five hundred dollars (\$500) if the average percent of overburden (as defined by 312 IAC 25-1-93) is greater than five percent (5%) and not more than ten percent (10%).
- (C) One thousand dollars (\$1,000) if the average percent of overburden (as defined by 312 IAC 25-1-93) is greater than ten percent (10%) and not more than twenty percent (20%).
- (D) One thousand five hundred dollars (\$1,500) if the average percent of overburden (as defined by 312 IAC 25-1-93) is greater than twenty percent (20%) and not more than twenty-four percent (24%).
- (E) One thousand five hundred dollars (\$1,500) if the average percent of overburden (as defined by 312 IAC 25-1-93) is greater than twenty-four percent (24%) and not more than thirty percent (30%).
- (F) Two thousand dollars (\$2,000) if the average percent of overburden (as defined by 312 IAC 25-1-93) is greater than thirty percent (30%) and not more than thirty-five (35%).
- (G) Two thousand five hundred dollars (\$2,500) if the average percent of overburden (as defined by 312 IAC 25-1-93) is greater than thirty-five percent (35%) and not more than forty percent (40%).
- (H) Three thousand dollars (\$3,000) if the average percent of overburden (as defined by 312 IAC 25-1-93) is greater than forty percent (40%) and not more than forty-five percent (45%).
- (I) Three thousand five hundred dollars (\$3,500) if the average percent of overburden (as defined by 312 IAC 25-1-93) is greater than forty-five percent (45%) and not more than fifty percent (50%).
- (J) Four thousand dollars (\$4,000) if the average percent of overburden (as defined by 312 IAC 25-1-93) is greater than fifty percent (50%).

**STEP TWO:**

Calculate the bond rate as follows:

(1) Calculate the total factor sum by adding the cost of each subdivision in STEP ONE together.

(2) If:

- (A) the total factor sum is less than three thousand dollars (\$3,000), the bond rate is three thousand dollars (\$3,000);
- (B) the total factor sum is greater than ten thousand dollars (\$10,000), the bond rate is ten thousand dollars (\$10,000); or
- (C) the total factor sum is at least three thousand dollars (\$3,000) and less than ten thousand dollars (\$10,000), the bond rate is the calculated total factor sum.

(3) The cost of:

- (A) an underground effect;
- (B) a surface effect; or
- (C) both;

is ten thousand dollars (\$10,000).

**STEP THREE:**

Calculate the total bond required for the permit area by multiplying the STEP TWO calculation by the total permit area acreage.

**312 IAC 1.5-8-4 Civil penalties for a violation regarding oil and gas production**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-37-3-15; IC 14-37-7-9

Affected: IC 14-37

**Sec. 4. (a) This section applies to civil penalties imposed by the department regarding oil and gas production.**

**(b) The civil penalties for a violation of an administrative requirement are as follows:**

**(1) The civil penalties for a violation of reporting and notification requirements are as follows:**

**(A) The civil penalty for:**

- (i) a first occurrence;**
- (ii) a second occurrence; or**
- (iii) a third occurrence;**

**is two hundred fifty dollars (\$250).**

**(B) The civil penalty for:**

- (i) a fourth occurrence;**
- (ii) a fifth occurrence; or**
- (iii) a sixth occurrence;**

**is five hundred dollars (\$500).**

**(C) The civil penalty for a seventh and each subsequent occurrence is seven hundred fifty dollars (\$750).**

**(2) The civil penalties for a violation of paying a required well fee are as follows:**

**(A) The civil penalty for a first occurrence is one third (1/3) the total well fee required to be paid.**

**(B) The civil penalty for a second occurrence is two thirds (2/3) the total well fee required to be paid.**

**(C) The civil penalty for a third and each subsequent occurrence is the total well fee required to be paid.**

**(b) The civil penalties for a violation of operating requirements are as follows:**

**(1) The civil penalties for a violation of the basic operation and facility management requirements are as follows:**

**(A) The civil penalty for:**

- (i) a first occurrence;**
- (ii) a second occurrence; or**
- (iii) a third occurrence;**

**is five hundred dollars (\$500).**

**(B) The civil penalty for:**

- (i) a fourth occurrence;**
- (ii) a fifth occurrence; or**
- (iii) a sixth occurrence;**

**is seven hundred fifty dollars (\$750).**

**(C) The civil penalty for a seventh and each subsequent occurrence is one**

thousand dollars (\$1,000).

(2) The civil penalties for a violation of maintenance requirements that may cause damage are as follows:

(A) The civil penalty for:

- (i) a first occurrence;
- (ii) a second occurrence; or
- (iii) a third occurrence;

is five hundred dollars (\$500).

(B) The civil penalty for:

- (i) a fourth occurrence;
- (ii) a fifth occurrence; or
- (iii) a sixth occurrence;

is one thousand dollars (\$1,000).

(C) The civil penalty for a seventh and each subsequent occurrence is five thousand dollars (\$5,000).

(3) The civil penalties for a violation that creates harmful environmental conditions or hazardous conditions are as follows:

(A) The civil penalty for:

- (i) a first occurrence;
- (ii) a second occurrence; or
- (iii) a third occurrence;

is one thousand dollars (\$1,000).

(B) The civil penalty for:

- (i) a fourth occurrence;
- (ii) a fifth occurrence; or
- (iii) a sixth occurrence;

is two thousand dollars (\$2,000).

(C) The civil penalty for a seventh and each subsequent occurrence is five thousand dollars (\$5,000).

(c) The civil penalties for a significant violation that is likely to result in environmental damage are as follows:

(1) The civil penalty for the first occurrence is two thousand five hundred dollars (\$2,500).

(2) The civil penalty for a second occurrence is five thousand (\$5,000).

(3) The civil penalty for a third and each subsequent occurrence is ten thousand dollars (\$10,000).

(d) The department shall consider the following mitigating factors when assessing a civil penalty under this section:

(1) Actions taken by the person who receives the civil penalty under this section to abate the violation. The director of the division of reclamation may reduce the civil penalty assessed against a person under this section based on the demonstration of a good faith effort on the part of the person as follows:

(A) Not more than ninety percent (90%) of the civil penalty assessed if the person abates the violation immediately or not later than twenty-five percent (25%) of the time set to abate the violation, including extensions of time.

(B) Not more than eighty percent (80%) of the civil penalty assessed if the

person abates the violation at least twenty-six percent (26%) and not more than fifty percent (50%) of the time set to abate the violation.

(C) Not more than fifty percent (50%) of the civil penalty assessed if the person abates the violation at least fifty-one percent (51%) and not more than seventy-five percent (75%) of the time set to abate the violation.

(D) Not more than twenty-five percent (25%) of the civil penalty assessed if the person abates the violation at least seventy-six percent (76%) and not more than one hundred percent (100%) of the time set to abate the violation.

(E) Not more than ninety percent of the civil penalty assessed if:

- (i) the person who receives the violation reported the violation; or
- (ii) an error is made in the reporting requirements.

(2) The ability of the person who receives the violation to pay to abate the violation.

(3) The cost to the department to enforce the violation.

(4) Whether there is an economic benefit to the person who receives the violation for committing the violation.

(5) Any other factor unanticipated factor which may arise that would warrant a reduction to the civil penalty assessed for the violation.

### **312 IAC 1.5-8-5 Fee assessed for a well**

Authority: IC 4-22-2-19.6; IC 14-10-2-4; IC 14-37-3

Affected: IC 14-37

**Sec. 5. The department shall assess the well fee to be paid per year as follows:**

(1) For one (1) permit, one hundred fifty dollars (\$150).

(2) For at least two (2) permits and not more than five (5) permits, three hundred dollars (\$300) per permit.

(3) For at least six (6) permits and not more than twenty-five (25) permits, seven hundred fifty dollars (\$750) per permit.

(4) For at least twenty-six (26) permits and not more than one hundred (100) permits, one thousand five hundred dollars (\$1,500) per permit.

(5) For more than one hundred (100) permits, one thousand five hundred dollars (\$1,500) per permit plus fifteen dollars (\$15) for each permit over one hundred (100) permits.

### **312 IAC 1.5-8-6 Fee for an application for a permit transfer**

Authority: IC 4-22-2-19.6; IC 14-10-2-4; IC 14-37-3

Affected: IC 4-21.5; IC 14-37

**Sec. 6. (a) The fee for an application for a permit transfer is fifteen dollars (\$15) per application for the first fifty (50) applications submitted simultaneously.**

**(b) If an applicant submits more than fifty (50) applications for permit transfer simultaneously, the application fee is:**

(1) fifteen dollars (\$15) per application for the first fifty (50) applications; plus

(2) ten dollars (\$10) per application for each additional application.

### **312 IAC 1.5-8-7 Fee for an application for a permit for a well for oil and gas purposes**

Authority: IC 4-22-2-19.6; IC 14-10-2-4; IC 14-37-3

Affected: IC 14-37; IC 25-21.5

**Sec. 7. (a) Except as provided in subsection (b), the fee for an application for a**



permit for a well for oil and gas purposes is two hundred fifty dollars (\$250) per application payable:

- (1) in cash;
- (2) by check; or
- (3) by draft;

to the department.

(b) Except for a permit for a Class II well or a noncommercial well, a person may apply for expedited review of an application for a permit for a well for oil and gas purposes under subsection (a). The fee for an application under subsection (a) and expedited review of the application under subsection (a) is seven hundred fifty dollars (\$750).

### **312 IAC 1.5-8-8 Fee for an application for a permit to drill a test hole**

Authority: IC 14-38-2-6

Affected: IC 14-38-2-6

**Sec. 8. The fee for an application for a permit to drill a test hole is one hundred dollars (\$100) per application payable:**

- (1) in cash;
- (2) by check; or
- (3) by draft;

to the department.

### **312 IAC 1.5-8-9 Bonds required in addition to the fee assessed for a well**

Authority: IC 14-10-2-4; IC 14-37-3

Affected: IC 14-37

**Sec. 9. (a) The bond required under 312 IAC 29-12-3 is one (1) of the following:**

- (1) A surety bond of two thousand five hundred dollars (\$2,500) for each well drilled or produced.
- (2) A cash bond of two thousand five hundred dollars (\$2,500) for each well drilled or produced.
- (3) A certificate of deposit of two thousand five hundred dollars (\$2,500) for each well drilled or produced according to the terms and specifications of the department.
- (4) A surety bond in any amount for a drilled, deepened, or converted well. The maximum number of wells under a surety bond under this subdivision may not exceed the number determined by dividing the principal sum of the bond by two thousand five hundred dollars (\$2,500).
- (5) A blanket bond of forty-five thousand dollars (\$45,000) for a drilled, deepened, or converted well.

(b) The department shall not approve a surety bond under this section unless the surety bond is issued by a company holding an applicable certificate of authority from the Indiana department of insurance. A surety bond must be executed by:

- (1) the owner or operator of the well as principal and the surety; or
- (2) an attorney on behalf of the owner or operator of the well as principal or the surety with a certified power of attorney attached.

(c) The department shall obtain possession and custody of collateral deposited by a person who applies for a bond under this section until the person is released or replaced under 312 IAC 29-12. A certificate of deposit must be assigned in writing to the state and

the assignment noted upon the books of the federally insured financial institution issuing the certificate.

**312 IAC 1.5-8-10 Royalties; fee for a lease with the state**

Authority: IC 14-38-1

Affected: IC 14-38-1-11; IC 14-38-1-12

**Sec. 10. (a) A person shall pay royalties to the state for a lease with the state under**

**312 IAC 17-1.**

**(b) The royalties a person shall pay under subsection (a) are:**

**(1) twelve and one-half percent (12½%) of the petroleum produced and saved; or**

**(2) the market value of the petroleum at the option of the commission.**

**(c) The fee for a lease with the state under subsection (a) is one dollar (\$1) per acre per year to be paid in advance of oil or gas production for the full term of the lease.**

**312 IAC 1.5-8-11 Bonds to drill a test hole**

Authority: IC 14-38-2-7

Affected: IC 14-38-2

**Sec. 11. (a) Except for a federal or state agency, a person shall not commence drilling a test hole until the department approves:**

**(1) a bond of one thousand dollars (\$1,000) for each test hole to be drilled; or**

**(2) a blanket bond of five thousand dollars (\$5,000) for all test holes to be drilled for the duration of the bond.**

**A bond under this subsection must be in a form and manner prescribed by the department, and must comply with IC 14-38-2, 312 IAC 17-2, and an order of the commission.**

**(b) The name of the principal on the bond and of the operator must be identical.**

**(c) An operator of the well shall maintain a bond approved under subsection (a) until the operator of the well plugs, abandons, and provides complete drilling information for each test hole included under the bond. The department shall release the bond under subsection (a) to the operator of the well after the operator of the well complies with this subsection.**

**(d) The department may not approve a surety bond unless the surety bond is issued by a company holding an applicable certificate of authority from the department of insurance. A surety bond must be executed by:**

**(1) the owner or operator of the well as principal and the surety; or**

**(2) by an attorney on behalf of the owner or operator of the well as principal or the surety with a certified power of attorney attached.**

**(e) An operator of a well shall make a cash bond upon a certified check delivered and made payable by the operator to the department.**

**(f) A certificate of deposit must be assigned in writing to the state and the assignment noted upon the books of the bank issuing the certificate.**

**Rule 9. Division of State Parks**

**312 IAC 1.5-9-1 Fees for the Falls of the Ohio Museum**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-19-1-1; IC 14-19-1-2

Affected: IC 14-19

**Sec. 1. (a) The fees to enter the Falls of the Ohio Museum is:**

**(1) nine dollars (\$9) for an individual who is at least twelve (12) years of age; or**

**(2) seven dollars (\$7) for:**

**(A) an individual who is at least five (5) years of age and not more than eleven (11) years of age; or**

**(B) an individual in a school group.**

**(b) There is not a fee to enter the Falls of the Ohio Museum for an individual who is less than five (5) years of age.**

**(c) The fee to park at the Falls of the Ohio Museum is two dollars (\$2) per vehicle per day.**

**312 IAC 1.5-9-2 Fees for dog park passes at Fort Harrison State Park**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-19-1-1; IC 14-19-1-2

Affected: IC 14-19

**Sec. 2. (a) The fee for an annual dog park pass at Fort Harrison State Park is seventy-five dollars (\$75) per year.**

**(b) The fee for a weekly dog park pass at Fort Harrison State Park is fifteen dollars (\$15) for seven (7) days following the date of purchase.**

**(c) The fee for a replacement annual dog park pass at Fort Harrison State Park is fifteen dollars (\$15) per replacement.**

**312 IAC 1.5-9-3 Fees for a fishing tournament at a property owned or managed by the department**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-19-1-1; IC 14-19-1-2

Affected: IC 14-19

**Sec. 3. (a) A person who applies to hold a fishing tournament at a property owned or managed by the department shall pay a refundable bond of one hundred fifty dollars (\$150) per property owned or managed by the department where the fishing tournament is to be held at the time the person files the application for a fishing tournament.**

**(b) The fee for an individual to participate in a fishing tournament is three dollars (\$3) per watercraft.**

**312 IAC 1.5-9-4 Fee for the shooting range at Brookville Lake**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-19-1-1; IC 14-19-1-2

Affected: IC 14-19

**Sec. 4. The fee for the shooting range at Brookville Lake is two dollars (\$2) per individual per day.**

**312 IAC 1.5-9-5 Fees for swimming**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-19-1-1; IC 14-19-1-2

Affected: IC 14-19

**Sec. 5. (a) Except as otherwise provided in subsection (b), the fee for swimming at a state park pool or aquatic center is at least three dollars (\$3) and not more than five dollars (\$5) per individual per day.**

**(b) The department shall determine the fee under subsection (a) based on the following factors:**

**(1) Whether the facility is a swimming pool or an aquatic center.**

**(2) The amenities offered at the swimming pool or aquatic center.**

**(c) The fee for swimming at the indoor aquatic center at Abe Martin Lodge in Brown County State Park is twenty dollars (\$20) per individual per day.**

**312 IAC 1.5-9-6 Hourly fee for a toboggan rental at Pokagon State Park**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-19-1-1; IC 14-19-1-2

Affected: IC 14-19

**Sec. 6. (a) The hourly fee to rent a toboggan at Pokagon State Park is twenty dollars (\$20) per hour per toboggan.**

**(b) The fee under subsection (a) includes taxes.**

**312 IAC 1.5-9-7 Fees for a cave tour**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-19-1-1; IC 14-19-1-2

Affected: IC 14-19

**Sec. 7. (a) The fee for the Twin Caves Boat Tour at Spring Mill State Park is three dollars (\$3) per individual.**

**(b) The fees for the Little Wyandotte Cave Tour managed by O'Bannon Woods State Park are as follows:**

**(1) Eight dollars (\$8) per individual for an individual who is at least twelve (12) years of age.**

**(2) Four dollars (\$4) per individual for an individual who is at least six (6) years of age and not more than eleven (11) years of age.**

**(3) There is not a fee for an individual who is not more than five (5) years of age.**

**(c) The fees for the Big Wyandotte Cave Tour managed by O'Bannon Woods State Park are as follows:**

**(1) Eighteen dollars (\$18) for an individual who is at least twelve (12) years of age.**

**(2) Nine dollars (\$9) for an individual who is at least six (6) years of age and not more than eleven (11) years of age.**

**(3) There is not a fee for an individual who is not more than five (5) years of age.**

**312 IAC 1.5-9-8 Fee for a state parks firewood permit**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-19-1-1; IC 14-19-1-2

Affected: IC 14-19

**Sec. 8. (a) The fee for a state parks firewood permit is ten dollars (\$10) per load by pickup truck.**

**Rule 10. Division of Water**

**312 IAC 1.5-10-1 Fee for an application for a construction in a floodway permit**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-28-1-22

Affected: IC 14-28-1-22

**Sec. 1. The fee for an application for a construction in a floodway permit is two hundred dollars (\$200) per application for one (1) project.**

**312 IAC 1.5-10-2 Fee for an application for a construction in a floodway permit for a new dam or levee or rehabilitation work on a dam or levee**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-28-1-22

Affected: IC 14-27-7.5; IC 14-28-1

**Sec. 2. The fee for an application for a construction in a floodway permit for:**

**(1) a new dam or levee; or**

**(2) rehabilitation work on a dam or levee;**

is two hundred dollars (\$200) per application for one (1) project.

**312 IAC 1.5-10-3 Fee for an application to place, replace, reconstruct, repair, or improve a residential structure**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-28-1

Affected: IC 14-28-1-24; IC 14-28-1-26.5

**Sec. 3. (a) This subsection applies to the boundary river which is the Ohio River. The fee for an application to place, replace, reconstruct, repair, or improve a residential structure in the boundary river floodway is ten dollars (\$10) per application for one (1) project.**

**(b) The fee for an application to replace, reconstruct, repair, or improve a residential structure that is in a floodway other than the boundary river is fifty dollars (\$50) per application for one (1) project.**

**312 IAC 1.5-10-4 Fee for an application for a permit to conduct certain activities on a public freshwater lake**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-26-2-23

Affected: IC 14-26-2-23

**Sec. 4. The fee for an application for a permit to:**

**(1) excavate over, along, or lakeward of the shoreline or water line of a public freshwater lake;**

**(2) place fill over, along, or lakeward of the shoreline or water line of a public freshwater lake;**

**(3) place, modify, or repair a temporary or permanent structure over, along, or lakeward of the shoreline or water line of a public freshwater lake;**

**(4) construct a wall whose lowest point would be:**

**(A) below the elevation of the shoreline or water line; and**

**(B) not more than ten (10) feet landward of the shoreline or water line, as measured perpendicularly from the shoreline or water line;**

**of a public freshwater lake; or**

**(5) change the water level, area, or depth of a public freshwater lake or the location of the shoreline or waterline;**

**is one hundred dollars (\$100) per application for one (1) project.**

**312 IAC 1.5-10-5 Fee for an application for a sand and gravel permit**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-29-3-2

Affected: IC 14-29-3-2

**Sec. 5. The fee for an application for a sand and gravel permit is fifty dollars (\$50) per application for one (1) project.**

**312 IAC 1.5-10-6 Fee for an application for a permit for certain activity on a freshwater lake with an area of at least ten (10) acres**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-26-2-7; IC 14-26-5-4

Affected: IC 14-26-2-7; IC 14-26-3; IC 14-26-5-4

**Sec. 6. The fee for an application for a permit for activity to a ditch or drain located**

not more than one-half (1/2) mile of a public freshwater lake with an area of at least ten (10) acres is twenty-five dollars (\$25) per application for one (1) project.

**312 IAC 1.5-10-7 Fee for an application for construction of a channel permit**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-29-4-4

Affected: IC 14-29-4-4

**Sec. 7. The fee for an application for construction of a channel permit is one hundred dollars (\$100) per application for one (1) project.**

**312 IAC 1.5-10-8 Fee for an inspection of a significant hazard structure performed by the department**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-27-7.5-10

Affected: IC 14-27-7.5-10

**Sec. 8. The fee for an inspection of a significant hazard structure performed by the department is two hundred dollars (\$200) per inspection.**

**312 IAC 1.5-10-9 Fee for an inspection of a low hazard structure performed by the department**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-27-7.5-10; IC 25-39-3

Affected: IC 14-27-7.5-10; IC 25-39-3

**Sec. 9. The fee for an inspection of a low hazard structure performed by the department is one hundred dollars (\$100) per inspection.**

**312 IAC 1.5-10-10 Fee for an application for a water well driller license or a water well pump installer license**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 25-39-3-2

Affected: IC 14-10-2; IC 25-39-3-2

**Sec. 10. The application fee for a water well driller license or a water well pump installer license is one hundred dollars (\$100) per license application.**

**312 IAC 1.5-10-11 Royalties paid to the department for extracted mineral resources**

Authority: IC 4-22-2-19.6; IC 14-10-2-1; IC 14-10-2-4; IC 14-29

Affected: IC 14-29

**Sec. 11. Unless a material is used for beach nourishment on Lake Michigan, or is taken to a landfill approved by the state, a person shall pay twenty-five cents (\$0.25) per cubic yard of material to the department for the following extracted mineral resources:**

- (1) Sand.**
- (2) Gravel.**
- (3) Stone.**
- (4) Hard minerals.**

SECTION 2. THE FOLLOWING ARE REPEALED: 312 IAC 17-1-11; 312 IAC 25-5-8; 312 IAC 25-7-15; 312 IAC 29-12-2; 312 IAC 29-12-4.

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