

# SENATE BILL No. 398

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-19-9.

**Synopsis:** State wilderness areas. Requires the department of natural resources (DNR) to undertake a comprehensive review of all state public lands and to recommend tracts of land that meet certain conditions for designation by the general assembly as state wilderness areas. Permits Indiana citizens to nominate tracts of land for designation as state wilderness areas. Requires the DNR to prepare proposed rules concerning the maintenance and recreational use of the state wilderness areas, and requires the natural resources commission to adopt rules based on the DNR's proposed rules. Requires that the state wilderness areas be managed so as to maintain their wild character.

**Effective:** July 1, 2014.

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January 14, 2014, read first time and referred to Committee on Agriculture and Natural Resources.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 398

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 14-19-9 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2014]:  
4 **Chapter 9. State Wilderness Areas**  
5 **Sec. 1. As used in this chapter, "state wilderness area" means a**  
6 **tract of land that:**  
7 **(1) consists of:**  
8 **(A) at least one thousand (1,000) acres; or**  
9 **(B) fewer than one thousand (1,000) acres if the area is**  
10 **large enough to make the preservation of wilderness**  
11 **conditions on the tract of land practicable; and**  
12 **(2) is:**  
13 **(A) owned by the state; and**  
14 **(B) managed by the department.**  
15 **Sec. 2. As used in this chapter, "wilderness conditions" refers to**  
16 **the conditions on a tract of land:**



- 1 (1) that is affected primarily by the forces of nature;  
 2 (2) on which there are no permanent improvements or human  
 3 habitations; and  
 4 (3) on which:  
 5 (A) the wild character of the land is predominant; and  
 6 (B) signs of human activity are substantially unnoticeable.

7 **Sec. 3. Before July 1, 2015, the department shall:**

- 8 (1) undertake a comprehensive review of all state public  
 9 lands; and  
 10 (2) nominate for designation as state wilderness areas those  
 11 tracts of land among the state public lands that:  
 12 (A) meet the description set forth in section 1 of this  
 13 chapter; and  
 14 (B) are, in the department's judgment, best suited for the  
 15 preservation of wilderness conditions.

16 **Sec. 4. Beginning July 1, 2014, and until July 1, 2015, the**  
 17 **department shall:**

- 18 (1) accept from Indiana citizens; and  
 19 (2) evaluate;

20 nominations of tracts of land among the state public lands for  
 21 designation as state wilderness areas.

22 **Sec. 5. (a) Not later than August 1, 2015, the department shall:**

- 23 (1) identify all tracts of land that have been nominated for  
 24 designation as state wilderness areas under sections 3 and 4 of  
 25 this chapter; and  
 26 (2) announce the department's recommendations as to the  
 27 nominated tracts of land most appropriate for designation as  
 28 state wilderness areas.

29 (b) The department shall decide on the recommendations  
 30 described in subsection (a)(2) in conformity with the goal that at  
 31 least fifteen percent (15%) of Indiana's publicly owned forested  
 32 land must be protected in nature preserves and state wilderness  
 33 areas and allowed to revert to its natural, all-aged, old growth  
 34 condition.

35 **Sec. 6. The legislative services agency shall prepare for**  
 36 **introduction in the 2016 session of the general assembly legislation**  
 37 **through which the general assembly may designate the tracts of**  
 38 **land nominated under sections 3 and 4 of this chapter as state**  
 39 **wilderness areas.**

40 **Sec. 7. (a) The department shall draft proposed rules concerning**  
 41 **the use and management of state wilderness areas. Before January**  
 42 **1, 2015, the department shall:**



- 1 (1) prepare a preliminary version of the proposed rules  
 2 concerning the use and management of state wilderness areas;  
 3 (2) make the preliminary version of the proposed rules  
 4 available to the public on the department's Internet web site;  
 5 and  
 6 (3) invite public comment on the preliminary version of the  
 7 proposed rules.

8 (b) After December 31, 2014, and before May 1, 2015, the  
 9 department shall hold at least two (2) public meetings at which the  
 10 department shall accept public comment on the preliminary  
 11 version of the proposed rules.

12 (c) Before July 1, 2015, the department, after considering the  
 13 public comment received at the public meetings held under  
 14 subsection (b) and making any revisions it considers appropriate  
 15 in response to the public comment, shall submit the preliminary  
 16 version of the proposed rules to the natural resources commission.

17 (d) The commission shall, under IC 4-22-2, adopt rules  
 18 concerning the use and management of state wilderness areas  
 19 based upon the preliminary version of the proposed rules  
 20 submitted under subsection (c). The rules adopted under this  
 21 subsection must take effect not later than July 1, 2016.

22 **Sec. 8. The rules adopted by the commission under section 7(d)**  
 23 **of this chapter must include provisions stating, in effect, the**  
 24 **following:**

- 25 (1) Recreational uses of the state wilderness areas must be  
 26 managed to maintain the areas' wild character.  
 27 (2) Camping is allowed in state wilderness areas at developed  
 28 campsites and elsewhere in the forest, but:  
 29 (A) campers are urged to use best management practices  
 30 adopted and posted by the department;  
 31 (B) camping is encouraged in designated campsites that:  
 32 (i) are located at the end of spurs, off main trails; and  
 33 (ii) have fire rings and other minimal structures, such as  
 34 pit toilets; and  
 35 (C) the department may use a permitting system for the  
 36 assignment of campsites in state wilderness areas if  
 37 necessary to control overcrowding and damage to the  
 38 wilderness areas from overuse.  
 39 (3) Mountain biking, horseback riding, and hiking are allowed  
 40 in state wilderness areas on trails that exist in state wilderness  
 41 areas before they are designated as state wilderness areas,  
 42 but:



- 1 (A) the department may use a permitting system to control  
 2 the use of trails in state wilderness areas for mountain  
 3 biking, horseback riding, and hiking, if necessary to  
 4 prevent unsafe conditions, erosion, or damage to the forest  
 5 floor; and  
 6 (B) large parts of each state wilderness area must be left  
 7 entirely free of trails.
- 8 (4) The following activities are prohibited in state wilderness  
 9 areas:
- 10 (A) Energy development, including:  
 11 (i) oil and gas exploration and extraction; and  
 12 (ii) the use of wood for biomass combustion.
- 13 (B) Logging.
- 14 (C) The use of:  
 15 (i) motorized transportation, including transportation by  
 16 all-terrain vehicles, trucks, and automobiles; and  
 17 (ii) motorized devices such as chain saws;  
 18 except in the event of an emergency evacuation or wildfire  
 19 situation.
- 20 (D) The use of road building equipment.
- 21 (E) The construction of improvements or permanent  
 22 structures other than those necessary to minimize damage  
 23 from trail use, such as erosion bars, steps, and bridges over  
 24 creeks.
- 25 (5) The manipulation of native vegetation is prohibited in  
 26 state wilderness areas, except for:
- 27 (A) manipulation by department personnel to maintain  
 28 trails and campsites; and  
 29 (B) management of nonnative species, subject to  
 30 subdivision (6).
- 31 (6) Any actions to manage nonnative invasive species in state  
 32 wilderness areas may be undertaken subject only to the  
 33 following:
- 34 (A) The:  
 35 (i) extent of; and  
 36 (ii) measures used in;  
 37 the nonnative invasive species control program must have  
 38 been determined by the department to be those having the  
 39 least discernible impact on the land.
- 40 (B) Burning, herbicide application, and other broad scale  
 41 measures for the removal of nonnative invasive species  
 42 may not be used.

