

Lake Preservation Act General License for Temporary Piers

If a pier conforms to the general license outlined in 312 IAC 11-3-1, then a permit under the Lake Preservation Act (IC 14-26-2) is not needed, and no coordination is needed with the Department of Natural Resources (DNR) to place the pier in a public freshwater lake. Relevant portions of the general license are copied below; the full text of the statute (Lakes Preservation Act, IC 14-26-2) and rule (312 IAC 11) can be downloaded at <https://www.in.gov/dnr/water/2453.htm>. The general license criteria begin on page 10 of the lake rules. A list of public freshwater lakes is kept by the Natural Resources Commission and can be found on its website by selecting the "Public Freshwater Lake List" at <https://www.in.gov/nrc/2375.htm>. Contact the DNR Division of Water at water_inquiry@dnr.IN.gov with questions or for permitting information for a project that does not qualify for the general license.

312 IAC 11-3-1 General licenses for qualified temporary piers and similar temporary structures; dry hydrants; and glacial stone refaces

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-15; IC 14-26-2

Sec. 1. (a) The placement and maintenance of a:

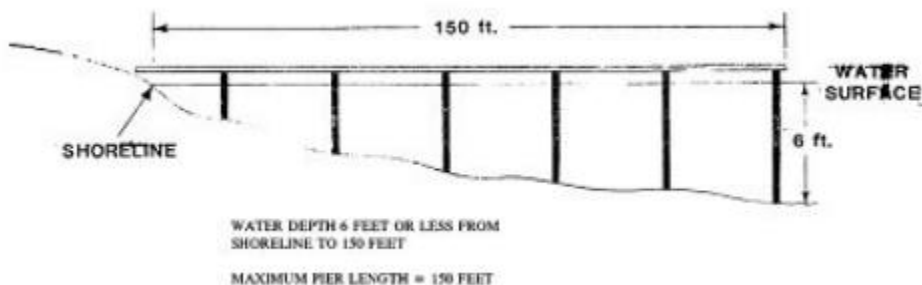
- (1) temporary structure;
- (2) dry hydrant; or
- (3) glacial stone reface;

is authorized without a written license issued by the department under IC 14-26-2 and this rule if the temporary structure, dry hydrant, or glacial stone reface qualifies under this section.

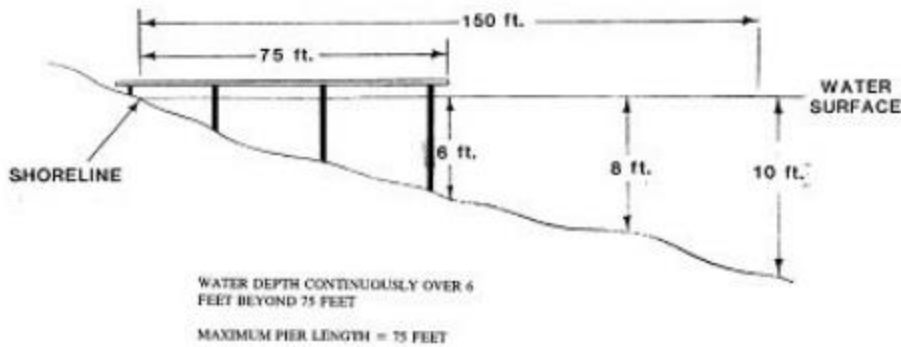
(b) In order for a temporary structure to qualify, the structure must satisfy each of the following:

- (1) Be easily removable.
- (2) Not infringe on the access of an adjacent landowner to the public freshwater lake.
- (3) Not unduly restrict navigation.
- (4) Not be unusually wide or long relative to similar structures within the vicinity on the same public freshwater lake.
- (5) Not extend more than one hundred fifty (150) feet from the shoreline or water line.
- (6) If a pier, cannot extend over water that is continuously more than six (6) feet deep to a distance of one hundred fifty (150) feet from the shoreline or water line.
- (7) Not be a marina.
- (8) Not be a group pier.
- (9) Be placed by a riparian owner or with the written approval of a riparian owner.

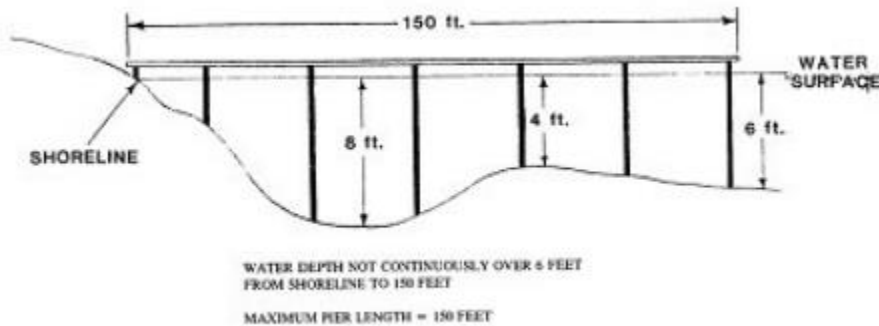
(c) Illustrations of maximum lengths for a pier or similar structure that may qualify under subsection (b) are as follows:



Where the water depth is six (6) feet or less from the shoreline to one hundred fifty (150) feet from the shoreline, the maximum pier length is one hundred fifty (150) feet.



Where the maximum water depth is continuously more than six (6) feet beyond seventy-five (75) feet from the shoreline, the maximum pier length is seventy-five (75) feet.



Where the maximum water depth is not continuously over six (6) feet from the shoreline, the maximum pier length is one hundred fifty (150) feet.

312 IAC 11-2-25 "Temporary structure" defined

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-15; IC 14-26-2

Sec. 25. (a) "Temporary structure" means a structure that can be installed and removed from the waters of a public freshwater lake without using a crane, bulldozer, backhoe, or similar heavy or large machinery.

(b) Examples of a temporary structure include the following:

(1) A pier that:

(A) is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter and rest on the lakebed; and

(B) is not mounted in or comprised of concrete or cement.

(2) A boat shelter, boat lift, or boat hoist that:

(A) has a canvas top and sides;

(B) is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter;

(C) is not mounted in or comprised of concrete or cement;

(D) is designed to float or to rest upon the bed of the lake under its own weight if any structure to which it is attached complies with this section; and

(E) is not wider than ten (10) feet nor longer than twenty (20) feet.

(Natural Resources Commission; 312 IAC 11-2-25; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2222; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed Jul 28, 2011, 10:28 a.m.: 20110824-IR-312110042RFA; readopted filed Jul 19, 2017, 3:46 p.m.: 20170816-IR-312170133RFA)

NOTE: The general license does not apply to group piers or marinas. Additionally, in general, if you do not either own the shoreline frontage or have a deeded easement that clearly states that you have a right to place a pier at that exact location, then you do not qualify for the general license and cannot place a pier without a written permit from the DNR. The Natural Resources Commission has developed a Nonrule Policy Document regarding Riparian Zones Within Public Freshwater Lakes. This document can be accessed at:

<http://www.in.gov/legislative/iac/20100331-IR-312100175NRA.xml.pdf>

312 IAC 11-2-11.5 "Group pier" defined

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-15; IC 14-26-2

Sec. 11.5. "Group pier" means a pier that provides docking space for any of the following:

- (1) At least five (5) separate property owners.
- (2) At least five (5) rental units.
- (3) An association.
- (4) A condominium, cooperative, or other form of horizontal property.
- (5) A subdivision or an addition.
- (6) A conservancy district.
- (7) A campground.
- (8) A mobile home park.
- (9) A club that has, as a purpose, the use of public waters for:
 - (A) boating;
 - (B) fishing;
 - (C) hunting;
 - (D) trapping; or
 - (E) similar activities.

(Natural Resources Commission; 312 IAC 11-2-11.5; filed Jan 7, 2005, 2:10 p.m.: 28 IR 1681; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Oct 1, 2010, 3:50 p.m.: 20101027-IR-312090856FRA, eff Jan 1, 2011; readopted filed Jul 28, 2011, 10:28 a.m.: 20110824-IR-312110042RFA; readopted filed Jul 19, 2017, 3:46 p.m.: 20170816-IR-312170133RFA)

312 IAC 11-2-12 "Marina" defined

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-15; IC 14-26-2

Sec. 12. "Marina" means a structure that:

- (1) can service simultaneously at least five (5) boats; and
- (2) provides, for a fee, one (1) or more of the following:
 - (A) Boat engine fuel.
 - (B) Boat repair.
 - (C) Boat sales or rental.

(Natural Resources Commission; 312 IAC 11-2-12; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2221; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Apr 24, 2008, 1:44 p.m.: 20080521-IR-312070646FRA; errata filed Jun 2, 2009, 10:29 a.m.: 20090624-IR312090386ACA; readopted filed Jul 28, 2011, 10:28 a.m.: 20110824-IR-312110042RFA; readopted filed Jul 19, 2017, 3:46 p.m.: 20170816-IR-312170133RFA)

Bass Lake pier length exception

312 IAC 5-6-3 Bass Lake; special boating zones and temporary structure standards

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-15; IC 14-26-2-4

Sec. 3. (a) Notwithstanding 312 IAC 11-3-1(b)(5), a temporary pier or boat lift is authorized on Bass Lake in Starke County by a general license under IC 14-26-2 if the structure conforms with both of the following:

(1) Satisfies 312 IAC 11-3-1(b)(1) through 312 IAC 11-3-1(b)(4), 312 IAC 11-3-1(b)(7), and 312 IAC 11-3-1(b)(8).

(2) Extends not more than:

(A) one hundred fifty (150) feet from the shoreline or water line and satisfies 312 IAC 11-3-1(b)(6); or

(B) three hundred (300) feet from the shoreline or water line and does not extend over water that is continuously more than three (3) feet deep.

(b) A person must not operate a boat in excess of idle speed within three hundred fifty (350) feet of the shoreline or water line.

(c) A person must not operate a boat at a site within the swimming area adjacent to Bass Lake Beach and Campground with the:

(1) southwestern boundary beginning at a point on the shoreline and one hundred forty-eight (148) feet southwest of the southwestern corner of the bath house and running perpendicular to the shoreline or water line for three hundred forty-five (345) feet;

(2) northeastern boundary beginning at a point on the shoreline and two hundred fifteen (215) feet northeast of the northwest corner of the bath house and running perpendicular to the shoreline or water line for three hundred forty-five (345) feet; and

(3) northwestern boundary formed by a line, approximately four hundred thirty-five (435) feet long, running parallel to the shoreline or water line and terminating at the lakeward-most points of the southwestern boundary and the northeastern boundary.

(d) As used in this section, "shoreline or water line" means the line formed under IC 14-26-2-4(1) at seven hundred thirteen and sixty-five hundredths (713.65) feet, National Geodetic Vertical Datum of 1929 (NGVD-29).

(Natural Resources Commission; 312 IAC 5-6-3; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2373, eff Jan 1, 2002; filed Sep 6, 2007, 12:12 p.m.: 20071003-IR312060558FRA; readopted filed May 29, 2008, 1:53 p.m.: 20080625-IR-312080057RFA; errata filed Jun 2, 2009, 10:29 a.m.: 20090624-IR-312090386ACA; readopted filed Jul 17, 2014, 3:46 p.m.: 20140813-IR-312140067RFA; readopted filed Sep 16, 2020, 8:15 a.m.: 20201014-IR-312200355RFA)

Lake of the Woods pier length exception

312 IAC 5-6-6.5 Lake of the Woods; special boating zones and temporary structure standards

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-15; IC 14-26-2-4

Sec. 6.5. (a) Notwithstanding 312 IAC 11-3-1(b)(5), a temporary pier or boat lift is authorized on Lake of the Woods in Marshall County by a general license under IC 14-26-2 if the structure conforms with both of the following:

(1) Satisfies 312 IAC 11-3-1(b)(1) through 312 IAC 11-3-1(b)(4), 312 IAC 11-3-1(b)(7), and 312 IAC 11-3-1(b)(8).

(2) Extends not more than either of the following:

(A) One hundred fifty (150) feet from the shoreline or water line and satisfies 312 IAC 11-3-1(b)(6).

(B) Three hundred (300) feet from the shoreline or water line and does not extend over water that is continuously more than three (3) feet deep at either of the following locations:

(i) From a point at the shoreline or water line at 16 T 0564236 UTM 4587255 clockwise to a point at the shoreline or water line at 16 T 0564816 UTM 4585984.

(ii) From a point at the shoreline or water line at 16 T 0565073 UTM 4585166 clockwise to a point at the shoreline or water line at 16 T 0564606 UTM 4585044.

(b) A person must not operate a boat in excess of idle speed within three hundred fifty (350) feet of the shoreline or water line for the areas identified in subsection (a)(2)(B).

(c) As used in this section, "shoreline or water line" means the line formed under IC 14-26-2-4(1) at eight hundred three and eighty-five hundredths (803.85) feet, National Geodetic Vertical Datum of 1929 (NGVD-29).

(Natural Resources Commission; 312 IAC 5-6-6.5; filed Nov 16, 2007, 1:43 p.m.: 20071212-IR-312070029FRA; readopted filed May 29, 2008, 1:53 p.m.: 20080625-IR312080057RFA; errata filed Jun 2, 2009, 10:29 a.m.: 20090624-IR-312090386ACA; readopted filed Jul 17, 2014, 3:46 p.m.: 20140813-IR-312140067RFA; readopted filed Sep 16, 2020, 8:15 a.m.: 20201014-IR-312200355RFA)