

NATURAL RESOURCES COMMISSION

Meeting Minutes March 15, 2016

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Cameron Clark, Secretary
Patrick Early
Carol Comer
Doug Grant
Laura Hilden
Jake Oakman
Robert Wright

NATURAL RESOURCES COMMISSION STAFF PRESENT

Sandra Jensen
Dawn Wilson
Jennifer Kane
Scott Allen

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

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| John Davis | Executive Office |
| Chris Smith | Executive Office |
| Joseph Hoage | Executive Office |
| Shelley Reeves | Executive Office |
| Jody Kress | Executive Office |
| Cheryl Hampton | Land Acquisition |
| Danny East | Law Enforcement |
| James Kershaw | Fish and Wildlife |
| Jonathan Munter | Fish and Wildlife |
| Bryan Boggs | Fish and Wildlife |
| Chad Springer | Fish and Wildlife |
| Seth Peters | Fish and Wildlife |
| Linnea Petercheff | Fish and Wildlife |
| Gary Whitaker | Fish and Wildlife |
| Nick Echterling | Fish and Wildlife |
| Phil Bloom | Communications |
| Megan Abraham | Entomology and Plant Pathology |
| Phil Marshall | Entomology and Plant Pathology |
| Dan Bortner | State Parks and Reservoirs |

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| Shawn Payne | State Parks and Reservoirs |
| Justin Emmons | State Parks and Reservoirs |
| Lauren Hensel | State Parks and Reservoirs |
| Kenna Duguay | State Parks and Reservoirs |
| Tanner Snell | State Parks and Reservoirs |
| Jeremy Weber | State Parks and Reservoirs |
| Brad Walker | State Parks and Reservoirs |
| Joseph Compton | State Parks and Reservoirs |
| Steven Delorenzo | State Parks and Reservoirs |
| Terry Coleman | State Parks and Reservoirs |

GUESTS PRESENT

| | | |
|----------------------|----------------|------------------------------------|
| Andrew Troy | Lila Duke | Brandon Holland |
| Samuel Selzer | Davis Anderson | Wendell Wallace |
| Grant Coons | Samule Weaver | Terry Hyndman |
| Jacob Henderson | Ethan Birge | Jack Coravz |
| Oleanna McCoy | Elle Bryant | Laura Hildem |
| Vienne Reveal | Meredeth Segor | Paul Arlinghaus |
| Savannah Schafer | Margaret Rawe | Mike Williams |
| James Stall | Kim Starlin | Erin Huang |
| Jason Pettigrew | Sarah Rosetti | Craig Mortell |
| Ryan Skaggs | Nam Rosetti | Nate Mylin |
| Milla Bethy | Jeri Ruseth | |
| Avery Vranian | Brian Beatz | The Orchard School 3 rd |
| John Harrison Priutt | James Betley | Grade Class |
| Nora Bowman | Greta Krueger | |

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 10:00 a.m., EDT, on March 15, 2016, at Fort Harrison State Park, Garrison, 6002 North Post Road, Ballroom, Indianapolis. With the presence of nine members, the Chair observed a quorum.

The Chair asked for a motion for the approval of the Commission’s January 19, 2016 minutes.

Vice Chair Jane Ann Stautz moved to approve the minutes of the meeting held on January 19, 2016, as presented. Doug Grant seconded the motion. Upon a voice vote, the motion carried.

The Chair recognized and welcomed The Orchard School’s 3rd Grade Class, teachers, and parents of students.

The Chair also introduced the new Executive Director of the Natural Resources Foundation, Jody Cress.

Jody Kress stated that today was his “second day on the job so I don’t have much to report. Glad to be here and looking forward to getting to know you a little bit better and seeing what we can do.” The Chair noted that the Natural Resources Foundation is a not-for-profit organization that exists to promote and support projects and policies of DNR.

REPORTS OF THE DNR DIRECTOR AND DEPUTIES DIRECTOR

Director Cameron Clark provided his report. The Director stated that since the last Commission meeting the DNR was invited to both the Indiana State Senate and the House of Representatives for the joint resolution in recognition of the 100th Anniversary of Indiana’s State Park system. State Parks Director, Dan Bortner, as well as other Division staff, appeared with Director Clark before both houses. The Joint Resolution was approved unanimously.

The Director previously reported on Senate Bill 109, which addresses IC 14-22-1-1. SB 109 amends statutes governing the regulation of wild animals and hunting preserves to provide standards regarding high fence hunting and gives permitting authority, management, and oversight of deer farms (and captive bred cervidae) to the Indiana State Board of Animal Health. The Director reported that SB 109 passed both houses.

He said House Bill 1247, which provides that the DNR may apply for a three-way permit for the sale and use of alcoholic beverages within a state park, passed out of both houses. He said that House Bill 1231 (P.L. 110-2016) governs the use of rifles for hunting deer. The bill was amended before passing in both Houses. HB 1231 provides that certain rifles may be used to hunt deer on privately owned land during the firearms season without any geographic limitation. The statute requires the DNR to report to the General Assembly on the impact of the use of rifles to hunt deer before February 15, 2020.

The Director reported on Senate Bill 1, which would have created, before amended, an administrative court to conduct administrative hearings and other duties currently conducted by administrative law judges and environmental law judges. The Director noted that amended SB 1 creates a twelve member Administrative Law Study Commission to study whether administrative law judges and environmental law judges should be replaced by an administrative court. The Study Commission will review the issues and submit a final report with findings and recommendations to the Legislative Council before November 1, 2016.

The Director stated that the Indiana State Budget Agency has approved funding for DNR to make a significant vehicle purchase. The bulk of those vehicles will benefit the state parks.

John Davis, Deputy Director for the Bureau of Lands and Cultural Resources, provided his report. He noted that the Division of State Parks and Reservoirs will introduce newly hired staff at today's meeting, but indicated that the staffing for the Division is still not at full staff. Davis announced that there will be a dedication of Rose Island on Friday March 18, 2016. Rose Island was an amusement park in the 1920s and was damaged beyond repair in the 1937 flood. Rose Island is accessible by the historic Pottersville Bridge and located within a portion of Charlestown State Park, near Jeffersonville, Indiana.

Davis stated that the Division is working on re-opening O'Bannon Woods State Park's Wyandotte Cave. He noted that the cave will be open for touring this summer, but protocols will be in place to support the prevention of White-Nose Syndrome. Cave access will be restricted to certain dates and persons entering or existing the cave would be disinfected.

Chris Smith, Deputy Director of the Bureau of Water Resource and Regulation, reported that the Division of Water along with the Department of Homeland Security hosted the 2016 Operation Stay Afloat Conference held on March 14. This Conference is a biennial gathering of federal, state, and local flood plain administrator to discuss issues regarding flood preparation along with drafting plans to address historically flood-prone areas. The Division of Water staff is continuing to review City of Waukesha's (Wisconsin) application for diversion of Lake Michigan water for municipal use, which is subject to the Great Lakes–St. Lawrence River Basin Water Resources Compact. Each Great Lakes States (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin) and two Canadian Provinces (Ontario and Quebec) must approve the application for the water diversion. Smith stated that he attended meetings in Waukesha in February. There was a presentation, tour, and a five hour public hearing. The Compact Council will meet again to vote on the Waukesha proposal.

Smith said that the Women's Big Ten Golf Championship Tournament will be held on April 22 through April 24 at the Fort Golf Resort located at Fort Harrison State Park. Smith invited Commission members to attend the event.

Patrick Early, Chair of the Advisory Council, reported that the Advisory Council has not met since January 16, 2016.

CHAIR AND VICE CHAIR

Updates on Commission and the AOPA Committee

Vice Chair Jane Ann Stautz, Chair of the Commission's AOPA Committee, reported that the AOPA Committee has not met since the last Commission's January meeting. She noted that a meeting is scheduled for April 15, 2016 to hear oral argument on several matters.

DNR, EXECUTIVE OFFICE

Consideration and identification of any topic appropriate for referral to the Advisory Council

No items were identified for referral to the Advisory Council.

Information Item: Organization Chart (DNR and NRC)

John Davis co-presented this item. Davis explained that he is the Deputy Director for the Bureau of Lands and Cultural Resources, the Bureau that includes the seven landholding Divisions within DNR (Engineering, Fish and Wildlife, Forestry, Land Acquisition, Nature Preserves, Outdoor Recreation, and State Parks and Reservoirs). Davis provided a chronological history of the DNR land holding divisions, with the Division of Fish and Wildlife being established in 1837. The first commissioner of the fishing rules and regulations was appointed in 1881. “The Division of Fish and Wildlife manages about 155,000 acres around the state and about a dozen major fish and wildlife Areas.” There are hundreds of smaller land holdings that are either used for hunting, habitat preservation, or public access sites around the state.

The 1899 Legislature passed An Act to Encourage Forestry that was the forerunner of today’s Classified Forest program. The Division of Forestry (formerly the Indiana Board of Forestry) was formed in 1901 as a result of deforestation to promote the responsible use of Indiana’s wood resources. The Division manages around 160,000 acres of state land and assists private landowners in the management of nearly 700,000 forested acres around the state. The first state forest, Clark State Forest, was created in 1903.

The Division of State Parks was created in 1916 and is celebrating its Centennial this year. The Division manages 23 state parks and nine reservoirs, totaling 73,000 acres that it owns and manages with another 107,000 acres of reservoirs owned by the U.S Army Corps of Engineers. The Division has several holdings including fresh water systems, waste water treatment facilities, seven inns, and more than 6,000 campsites.

In 1967, the Division of Nature Preserves was established. The Division manages about 20,000 acres that it holds independent of any other DNR division and other dedicated nature preserves that are within other units of state government. The purpose of the Nature Preserve system is to provide permanent protection for significant natural areas within Indiana. Nature preserves are living museums—natural resources, which contain a record of Indiana's original natural character. Like other museums, nature preserves serve as a valuable record for scientific study and increase the understanding of our natural and historical heritage. In nature preserves, you can see Indiana as it was when the first settlers arrived. The Division of Nature Preserves is charged with insuring that the natural qualities of preserves are protected.

The Division of Outdoor Recreation was created in the 1960s and manages about 5,000 acres. The Division manages two experimental motorized vehicle parks, Interlake State

Recreation Area and Redbird State Recreation Area, which were developed from reclaimed coal mine lands. The Division is also a liaison between local units of government, such as cities, towns, and counties, and disperses federal funds for trails.

The Division of Land Acquisition handles all the real estate transactions for the DNR. The Indiana Heritage Trust was established in 1992 to acquire and protect lands that represent outstanding natural resources and habitats, or have recreational, historical or archaeological significance. Since its inception, 62,000 acres across the state have been protected. The Division buys land from willing sellers to protect Indiana's rich natural heritage for wildlife habitat and recreation, and sells land, accepts easements, and works with additional state partners.

The Division of Engineering handles all the DNR's engineering functions throughout the state, including development of plans for construction of buildings, water systems, waste water treatment facilities, maintenance of historical buildings, and other similar functions. Davis stated, "DNR is a tremendous microcosm of the kind of government organization at its best. ... We look for commonalities... and you will see that every division interacts with many other divisions in different" ways.

Chris Smith, Deputy Director of the Bureau of Water Resource and Regulation, made his presentation. Smith said the Division of Entomology and Plant Pathology is headed by Philip Marshall, the Division Director and State Entomologist. The division staff conducts: exotic and invasive pest species surveys and monitoring; inspections of plants, nurseries, and apiaries; issues permits and licenses; oversees the biological control program, phytosanitary inspection program, and quarantines.

The Division of Historic Preservation and Archaeology is headed by Division Director Mitchell Zoll. The Division is organized into three sections: Environmental Review, Preservation Services, and Administrative and Financial Incentives Planning.

Herschel McDivitt is the Director of the Division of Oil and Gas. The Division is organized into three sections: Permitting and Technical Services, Inspections and Enforcement, and the Orphaned and Abandoned Sites Program. The Permitting and Technical Services Section reviews permit applications; conducts file reviews of existing Class II injection wells; provides technical assistance to industry and the public; manages the Division's data processing system; reviews requests for well spacing and unit exceptions; develops division programs; and prepares technical guidance and rules for consideration and promulgation. The Inspections and Enforcement Section conducts site inspections; witnesses well testing, plugging and abandonment operations; responds to and investigates oil and produced water spills; initiates and monitors enforcement actions; and responds to citizen complaints regarding oil and gas related operations. Additionally, this section also prepares, implements, and tracks compliance actions including Notices of Violation, Administrative Orders, and Penalty Assessments. The Orphaned and Abandoned Sites Program reviews abandoned well sites for inclusion in a statewide list of sites qualifying for state closure action. The program manages projects for well closure and site remediation work on improperly abandoned oil and gas

production facilities. Funding for the program is provided through annual well fees paid by Indiana operators, civil penalty assessments, and forfeited bonds.

Steve Weinsapfel is the Director of the Division of Reclamation. The Division is responsible for oversight of active coal mining and restoration of land disturbed for coal extraction (Regulatory Section); and, restores land mined for coal, but abandoned without full or proper reclamation (Restoration Section). The programs are a cooperative effort between Indiana and the federal Department of the Interior, Office of Surface Mining, Reclamation and Enforcement. The Division also administers the state laws (IC 14-36) pertaining to the mining of clay, shale and oil shale.

Mike Neyer is the Director of the Division of Water. The Division is organized into three branches. The Floodplain Management Branch assists local communities in developing flood hazard mitigation plans; provides support to state and federal agencies during flood emergencies; and monitors community compliance with the National Flood Insurance Program and state floodplain regulations. The Resource Assessment Branch consists of the Technical Services Basin Teams, who administer permit programs for shoreline and lakebed alterations, ditch reconstructions, navigable waterways, and construction projects located within a floodway. The teams also provide flood insurance information and floodplain map interpretation. The Water Rights / Use Section investigates ground water and surface water conflicts; administers the licensing program for water well drillers; and regulates well construction and plugging requirements. This Section also maintains the water well record and water use databases. The Resource Assessment Section conducts water resource evaluations statewide; generates geohydrology reports and maps; estimates the effects of lake dredging projects; conducts water use and demand analyses; and produces the Water Resource Web Page. The Division of Water's field office is located in Michigan City and provides technical assistance related to Lake Michigan water levels and shoreline erosion. Within the Compliance and Projects Branch, the Dams / Levees Section inspects dams and levees under State jurisdiction; reviews dam and levee construction plans; and provides safety improvement recommendations to dam and levee owners. The Survey / Mapping Section provides surveying support for the Division's engineering studies by surveying high water marks; establishing benchmarks; and generating topographic maps. The Project Development Section provides technical support for local and State funded water resource construction projects; administers the Conservancy District Act; and provides technical advice to River Basin Commissions. The Compliance Section conducts onsite public assistance visits and investigates reported lake and stream violations.

Cameron Clark, the Director of the DNR, explained that there are 200 Conservation Officers within the Division of Law Enforcement. Col. Danny East is the Division's Director. The Division is Indiana's oldest state law enforcement agency, one of the most diverse, and is charged with enforcement of Indiana Code 14 (natural and cultural resources regulations, and Indiana Code 35, which is the state's criminal code. The conservation officers are "often in situations with individuals who are likely armed, so they have to be trained in the art of diplomacy and self-defense." In addition to the

division's duty of enforcing state laws, Indiana conservation officers are active in a variety of non-law enforcement activities, such as outdoor education.

The Director explained that Samuel Hyer is the DNR's Legislative Director. Hyer is the initial contact with State Legislators. "We are fortunate to have a number of Legislators who take an interest in what we do."

The Director stated that Chief Legal Counsel, Joe Hoage, is the director of the Legal Division. He noted that the Division's staff, has "years of experience and knowledge." The Director stated that Jody Kress, is the Executive Director of the Natural Resources Foundation ("Foundation"). He explained that the DNR relies on the Foundation to raise funds to put on events, not all of which can be paid for by tax payer money. Phil Bloom is the Director of the Division of Communications. This Division is responsible for news releases, subscriber e-mail notifications, and *Outdoor Indiana*, the DNR's bimonthly magazine.

The Chair asked regarding the number of persons employed by the DNR. The Director stated that the staff level varies depending on the season. There are approximately 1,200 full time employees and the staff level increases approaching 2,000 or more to include interim and seasonal employees.

DNR, DIVISION OF ENTOMOLOGY AND PLANT PATHOLOGY

Consideration of DNR's Report regarding The Orchard School petition to amend 312 IAC 18-3-25 to include Wintercreeper as a prohibited invasive terrestrial plant and declared as a pest or pathogen; Administrative Cause No. 16-033E

The Orchard School, 3rd Grade Class, under the direction of STEM Teacher, Nate Mylin and State Entomologist, Philip Marshall, presented this item. Marshall explained that he and Megan Abraham with the Division of Entomology and Plant Pathology assisted the 3rd Grade Class in drafting the Class's petition for a rule change to include winter creeper (*Euonymus fortunei*) in the list of prohibited invasive terrestrial plants and be declared as a pest or pathogen. The 3rd Grade Class offered a Power Point presentation to the Commission in support of its petition and also shared with the Commission a video public service announcement they have created.

Marshall explained that the Division of Entomology and Plant Pathology is in the process of drafting a rule amendment to include wintercreeper in the list of prohibited invasive terrestrial plants at 312 IAC 18-3-25. He noted that this rule amendment, among other amendments, would be presented to the Commission for preliminary adoption at a future meeting.

The Chair stated, "This is a good example. We receive a lot of citizen petitions that we respond to through our Division of Hearings, and this is exactly what we would do at a Commission meeting routinely six times a year." Referring to a photograph in the

presentation, the Chair asked as to the growth of the winter creeper. The presenters explained that the winter creeper attaches itself to trees in the forest.

The Chair summarized that the DNR Division of Entomology and Plant Pathology made a report to the Commission regarding the petition to add wintercreeper to the list of prohibited terrestrial invasive plants as submitted by the 3rd Grade Class of The Orchard School. He then asked for a motion to accept the Division's recommendations regarding the petition.

Robert Wright moved to accept the report and recommendation of the Division of Entomology and Plant Pathology. Jake Oakman seconded the motion. Upon a voice vote, the motion carried.

NRC DIVISION OF NATURE PRESERVES

Consideration of the dedication of the Lubbe Woods Addition Nature Preserve in Dearborn County;

John Bacone, Division of Nature Preserves, presented this item. He noted that the proposed Nature Preserve is an approximate 34.9-acre addition to the existing Lubbe Woods Nature Preserve located in the southeastern Indiana in Dearborn County. He explained that the addition is comprised of an old growth forest remnant, which "is a pretty rare occurrence in the state and provides habitat to a number of species of concern." Bacone noted that the acreage was donated to the DNR "so it's very helpful. We can't afford to buy woods of this caliber, because they are appraised at high value." Bacone then recommended the Lubbe Woods Addition be dedicated as a nature preserve.

Jake Oakman moved to approve the dedication of the Lubbe Woods Addition Nature Preserve. Carol Comer seconded the motion. Upon a voice vote, the motion carried.

Consideration of the dedication of the Mark and Myrna Peterman Nature Preserve in LaGrange County

John Bacone also presented this item. He noted that the proposed Nature Preserve is a 35-acre property adjacent to the existing Olin Lake Nature Preserve, which is located in LaGrange County. "Olin Lake is the largest undeveloped lake in the state of Indiana; it's a very high quality lake with several types of wetland habitats around it." He said the proposed addition also includes some of the shoreline of Oliver Lake, which has sedge meadow wetlands and a number of rare species are also found in the preserve. Bacone explained that the addition was acquired through "a very complex acquisition effort, mostly thanks to John Davis for years of patiently working with the owners. We are very pleased to have this." He noted that with the dedication the tract will remain undeveloped and "your actual view is always natural in any direction whether you're on the water or on the trail." Bacone then recommended the dedication of the Mark and Myrna Peterman Nature Preserve.

Jane Ann Stautz moved to approve the dedication of the Mark and Myrna Peterman Nature Preserve. Robert Wright seconded the motion. Upon a voice vote, the motion carried.

DNR, FISH AND WILDLIFE

Consideration of Report from DNR regarding three citizen petitions and request to include future citizen petitions in the Division of Fish and Wildlife's next biennial rule revision process; Administrative Cause Nos. 15-142D, 15-143D

Linnea Petercheff, Division of Fish and Wildlife, presented this item. She explained that the Commission has received four citizens' petitions for rule change within the past few months. Petercheff said that three of the four citizens' petitions are addressed in the Division of Fish and Wildlife's report.

She stated that the Division of Fish and Wildlife does not support the extension of the ring-necked pheasant hunting season to either December 31 or the first week in January (Administrative Cause No. 15-142D). She said, "The pheasant population remains at a near record low level and increasing the season during periods of low numbers or at a time when it can stress birds is not advisable.

Petercheff said two petitions were received regarding the wild turkey population: one petition sought to add additional birds in the spring through a draw (Administrative Cause No. 15-143D), and the other petition was to allow the fall firearms turkey season to be statewide (Administrative Cause No. 15-143D). She stated that the Division of Fish and Wildlife does not support amendment to the rules as proposed in the petitions. Petercheff explained that the wild turkey population has declined to a lower level as the population has matured "now that they have been restored throughout the state. Allowing multiple birds to be taken in the spring would, over time, cause a decline in hunter success and satisfaction as well as have a negative impact on the turkey population." She noted that the Division is hoping to open three counties for the fall firearm season in the future through the next rule revision process.

Petercheff stated that other citizen petitions were received, which propose to amend rules governing snapping turtles and baiting of deer, but were not included in the instant report. She explained the Division's request to include these topics in the next "biennial rule revision process" along with any other petitions received before May 15, 2016. She said a detailed response will be presented to the Advisory Council and the Commission in July.

Cameron Clark moved to accept the Division of Fish and Wildlife's report and approve the inclusion of petitions for rule change received before May 15, 2016 into the biennial rule revision process. Doug Grant seconded the motion. Upon a voice vote, the motion carried.

Information Item: Introduction of five new property managers

James Kershaw, Public Lands Program Manager with the Division of Fish and Wildlife, introduced the following newly hired staff:

Bryan Boggs, Assistant Property Manager at Winamac Fish and Wildlife Area, graduated in 2012 from Ball State University with a Bachelor's Degree in Natural Resources. Boggs also holds an Associate's degree in Conservation Law from Vincennes University. Boggs worked approximately three years as a full-time property Laborer at Jasper-Pulaski Fish and Wildlife Area.

Nick Echterling, Property Manager at the Hovey Lake Fish and Wildlife Area, graduated from Purdue University in 2012 with a Bachelor's Degree in Wildlife. He began working as an intermittent laborer at LaSalle Fish and Wildlife Area in December 2012 and was later hired as a full time laborer. Echterling was promoted to Assistant Property Manager at Glendale Fish and Wildlife in March 2015 and in August 2015 was promoted to Property Manager.

Jon Munter, Assistant Property Manager at Sugar Ridge Fish and Wildlife Area, is originally from Wansa, Nebraska. He earned a Bachelor's Degree in Natural Resources from University of Nebraska at Kearny.

Seth Peters, Assistant Property Manager at Kankakee Fish and Wildlife Area, recently obtained his Bachelor's Degree from Purdue University. Peters worked as a Lab Technician and Teaching Assistant while obtaining his degree and most recently worked for West-Inc. collecting data for a bat mortality study at wind farms in Northwest Indiana and northern Illinois.

Chad Springer, Assistant Property Manager at Crosley Fish and Wildlife Area, obtained a Bachelor's of Science Degree in Environmental Science with a terrestrial concentration at the State University of New York College at Brockport. After graduation, Springer took an internship at Big Oaks National Wildlife Refuge and from there became an Equipment Operator for the Division of Fish & Wildlife. Springer was promoted to Deer Creek Fish and Wildlife Area Assistant Property Manager and only recently transferred to Crosley Fish and Wildlife Area as Assistant Property Manager.

The Chair said "Thank you all for being here and the work that you do." He continued to welcome the new property managers and said that it is important to meet them and to thank them for the work they do. He let the property managers know that if they had any questions that they could reach out to commission about what they do and how they could help.

Information Item: Explanation of the DNR Division of Fish and Wildlife's Biennial Rule Revision Process

Linnea Petercheff, Division of Fish and Wildlife, presented this item. She noted that on April 1, 2016, the Division of Fish and Wildlife will begin the on-line process to receive public suggestions for rule changes and comments on ideas put forward by the Division. The public comment period will be open for 45 days ending May 15, 2016. She noted that comments may be submitted through the online comment form or by regular mail. Petercheff said Division staff will evaluate all comments and seek approval on concepts or rule language for presentation to the Advisory Council. She explained that the Division plans to present any proposed rule amendments for preliminary adoption at the Commission's September meeting. Petercheff said that public hearings for the rule amendments may be conducted December 2016 or January 2017, with final adoption of the rule packages by the Commission in March 2017. She said the draft rule adoption timeline would provide for an effective date of June or July 2017.

The Chair inquired as to how the Division would notify the public regarding the opening of the online comment process. Petercheff explained that a news release will be sent out in a couple weeks announcing the online submission process and added that an announcement is being made through the Wild Bulletin.

The Chair then asked as to the number of comments the Division expects to receive during this process. Petercheff stated the Division receives "hundreds of ideas for all kinds of rule changes." She noted that during the last biennial process, five to six suggestions were incorporated into a rule amendment package.

Patrick Early, Chair of the Advisory Council, commented, "I do think it's a good idea that anything that we get that might be controversial or... where there are people on both sides, it makes a lot of sense to take it to the Advisory Council first."

Petercheff noted that the Division of Fish and Wildlife plans to present any proposed rule amendments to the Advisory Council prior to consideration by the Commission.

DNR, DIVISION STATE PARKS AND RESERVOIRS

Consideration of tour fees at Wyandotte Cave

Dan Bortner, Director of the Division of State Parks and Reservoirs, presented this item. He explained that the Division anticipates re-opening both Little Wyandotte Cave and Big Wyandotte for tours in the summer of 2016. The caves will be open for the first time since Indiana's state caves were closed in response to White-Nose Syndrome (WNS) in 2009. Tours will begin on or after July 9, 2016, following the completion of site renovations and the installation of new lighting in Big Wyandotte Cave. Tours will be led by O'Bannon Woods State Park staff. Bortner said, "In future years, we anticipate that tours will begin on Memorial Day Weekend."

Bortner noted that the Division of State Parks and Reservoirs is requesting approval for tour pricing for Little Wyandotte Cave and Big Wyandotte Cave in Harrison County (as inserted below). “We are also requesting approval for price ranges that will allow us to adjust rates to remain competitive with similar attractions in the future.”

| Proposed Tour Fee Schedule for Reopening Wyandotte Caves | | | | |
|--|-----------------------|--------------|--------------------|----------------|
| Fee Description | Last Documented Fees* | Proposed Fee | Proposed Fee Range | Effective Date |
| Little Wyandotte Cave Walking Tour-Adult | \$4.00 (1996) | \$8.00 | \$8.00 - \$20.00 | 7/9/2016 |
| Little Wyandotte Cave Walking Tour-Children** | \$2.00 (1996) | \$4.00 | \$4.00 - \$15.00 | 7/9/2016 |
| Little Wyandotte Cave Walking Tour-Less than 6 years old | - | \$0.00 | \$0.00 | 7/9/2016 |
| Little Wyandotte Cave - Prearranged Group*** (All ages) | \$1.75 (1996) | \$3.00 | \$3.00 - \$15.00 | 7/9/2016 |
| Big Wyandotte Cave 2 Hour Walking Tour-Adult | \$16.00 (2007) | \$18.00 | \$18.00 - \$30.00 | 7/9/2016 |
| Big Wyandotte Cave 2 Hour Walking Tour Ages 6-11 | \$8.00 (2007) | \$9.00 | \$9.00 - \$20.00 | 7/9/2016 |
| Big Wyandotte Cave 2 Hour Tour - Prearranged Group Adults | \$12.00 (2007) | \$14.00 | \$14.00 - \$30.00 | 7/9/2016 |
| Big Wyandotte Cave 2 Hour Tour - Prearranged Group Students | \$7.00 (2007) | \$8.00 | \$8.00 - \$20.00 | 7/9/2016 |
| Wild Cave Tour - Big Wyandotte 5 Hour Age 16-up | \$35.00 (2007) | \$60.00 | \$60.00-\$120.00 | 7/9/2016 |
| Wild Cave Tour - Big Wyandotte-All Day (8 Hour) Age 16-up | \$35.00 (2007) | \$85.00 | \$85.00-\$140.00 | 7/9/2016 |
| *1996 pricing is DNR-based; 2007 pricing is from a concession operator | | | | |
| **(Child age 6 - 11) - (Adults 12 and older) | | | | |
| ***Prearranged group is defined as 10 or more children from an educational institution or non-profit organization. | | | | |

The Chair asked if there were fees associated with Wyandotte Cave prior to its closing. Bortner responded in the affirmative noting that previously the cave tours were operated through a concession operation. He explained that the Division has decided to take on the responsibility of operating the cave due to the short season and to insure compliance with all U.S. Fish and Wildlife Service regulations. Bortner explained that the fees will cover the cost of operation, but there will not be a large profit generated by those fees.

Cameron Clark moved to approve the tour fee schedule for reopening Wynadotte Caves, as proposed. Doug Grant seconded the motion. Upon a voice vote, the motion carried.

Information Item: Introduction of new professional staff members

Dan Bortner, introduced the Division of State Parks sixteen new assistant property managers and one new wildlife specialist. He noted that “folks don’t leave the leadership ranks of Indiana State Parks; they retire from them. We have virtually zero turn-over. Out of the 17 positions you see here, I think one of them left to take a different position, but the others are all the result of retirements. The way that we operate when we have a leader retire, we open it up internally first...So at the end of the day what you end up hiring in that domino effect is assistant managers.” Bortner noted that years ago the primary education was a degree in the natural sciences as required by the Property Managers Act. “The understanding of the natural world is still extremely important, but it’s not the primary motivation that I look for. I’m looking for leaders. ...I need people

who can make a decision when a 60 mile per hour straight-line wind comes through a campground or when you have a four year old go missing on a state park beach. We need to have people that can think clearly and make decisions.” He said the staff being introduced today is a very diverse group—a lawyer, a combat veteran marine with two tours from Fallujah, a forensic specialist, and a professional roofer. He then introduced the following:

Joe Compton, Assistant Property Manager, Lincoln State Park/Colonel Jones Home; Steven DeLorenzo, Assistant Property Manager, Brookville Lake/Whitewater Memorial State Park; Kenna Duguay, Assistant Property Manager, Shakamak State Park; Lynda Ellington, Assistant Property Manager, McCormick’s Creek State Park; Justin Emmons, Wildlife Specialist, Salamonie Lake; Kim Geiger, Assistant Property Manager, Lieber State Recreation Area; Lauren Hensel, Assistant Property Manager, Chain O’Lakes State Park; Jacob McAvoy, Assistant Property Manager, Turkey Run/Shades State Parks; Shaun Payne, Assistant Property Manager, Salamonie Lake; Michael “Mickey” Rea, Assistant Property Manager, Indiana Dunes State Park; Jacob Shapely, Assistant Property Manager, Tippecanoe River State Park; Tanner Snell, Assistant Property Manager, Summit Lake State Park; Alec Snelson, Assistant Property Manager, Ouabache State Park; Brad Walker, Assistant Property Manager, Versailles State Park; Jeremy Weber, Assistant Property Manager, Brookville Lake/Whitewater Memorial State Park; Kyle Westerman, Assistant Property Manager, Prophetstown State Park; Daniel Wetli, Assistant Property Manager, Mounds and Fort Harrison State Parks.

The Chair said, “Thank you so much for coming today. Congratulations on your work.” He continued, “Director Bortner and Terry Coleman are some of the most outstanding leaders in the Country as well for what they do. So you are working with great people, and in turn they hire great people as well. Thank you for what you do.”

The Chair and Vice Chair Jane Ann Stautz indicated their appreciation of the brief biographies provided for each new hire. The Chair stated that the biographies are “very beneficial to us. So thank you for preparing those.” The Chair then thanked all for presenting themselves before the Commission.

NRC DIVISION OF HEARINGS

Consideration regarding expiration of 312 IAC 6.5, which provides standards to assist with registration of off-road vehicles and snowmobiles; Administrative Cause No. 16-015T

Dawn Wilson, Hearing Officer, presented this item. She explained that 312 IAC 6.5, which assists with the registration of off-road vehicles (“ORV”) and snowmobiles under IC 14-16-1, is set to expire on January 1, 2017. She noted that upon review it has been determined that 312 IAC 6.5 will become obsolete on January 1, 2017 with the expiration of applicable sections of the authorizing statute (IC 14-16-1). “For that reason it is now

submitted for consideration and final action by the Commission to allow expiration of the article.”

Wilson said that Dale Brier, Streams and Trails Specialist for DNR’s Division of Outdoor Recreation, was appointed Small Business Regulatory Coordinator. She said Brier provided an analysis of the potential impacts of the article’s expiration. She explained that Brier found that, due to statutory expiration, the DNR would no longer have control or involvement with the registration of ORVs or snowmobiles. As of January 1, 2017, registration requirements for ORVs and snowmobiles will be under the authority of the Indiana Bureau of Motor Vehicles. Wilson said Brier also reviewed other applicable rules, which address use of ORVs and snowmobiles on snowmobile trails (312 IAC 7), and the use of ORVs and snowmobiles on DNR properties (312 IAC 8-2-7). Brier determined that expiration of 312 IAC 6.5 would have no impact on 312 IAC 7 or 312 IAC 8-2-7 or on other activities on DNR properties.

Wilson explained that because 312 IAC 6.5-1-6 provides an opportunity for review of an order issued by DNR, Sandra Jensen, the Director of the Commission’s Division of Hearings, considered the appropriateness of allowing the expiration of this 312 IAC 6.5. Wilson said Jensen concurred with the recommendation to allow 312 IAC 6.5 to expire. Wilson noted that DNR’s Law Enforcement Division and Joe Hoage, Chief Legal Counsel for DNR, were also contacted regarding the article expiration. She said both supported the expiration of 312 IAC 6.5. Wilson then recommended the Commission approve the expiration of 312 IAC 6.5.

Robert Wright moved to approve the recommendation to allow the expiration of 312 IAC 6.5, governing the registration of off-road vehicles and snowmobiles. Jake Oakman seconded the motion. Upon a voice vote, the motion carried.

Consideration of amendments to non-rule policy document, Information Bulletin #7, which establishes a process to address petitions for rule change; Administrative Cause No. 16-043A

Sandra Jensen, Hearing Officer, presented this item. She noted that the proposed substantive amendments to Information Bulletin #7, a nonrule policy document establishing a process for the submission and consideration of petitions for rule change and for nonrule policy documents changes, would improve process efficiency. She said Information Bulletin # 7 was originally adopted in 1994, but practices have changed. “Most of the amendments you will find...are not really substantive in nature, but are more to bring the language of the document in alignment with our current practices.”

Jensen pointed out the two predominant substantive amendments in Section II. The first of these amendments clarifies that when the Commission’s Division of Hearings receives a petition for a rule change, the subject matter of which has been recently reviewed by the DNR and by the Commission that “it’s perfectly appropriate for the DNR and the Commission to go back and rely upon the previous review.” Jensen observed that the

DNR and Commission could probably do this under the existing nonrule policy document but this revision provided clarity. Jensen also noted new language requiring the petition to include some kind of justification or explanation why the rule amendment is being sought. “Most of the time, [the petition] gives some explanation, but it’s often times not particularly clear. ...It would be helpful in conducting a review if we had an idea what exactly the intended purpose of the rule amendment was other than just because a citizen wanted it that way.” She said the two amendments will allow for both the DNR and the Division of Hearings to operate more efficiently in regards to citizen petitions for rule change.

Carol Comer moved to approve amendment to the non-rule policy document, Information Bulletin #7. Vice Chair Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Adjournment

The meeting adjourned at approximately 11:19 a.m., EDT