

ADVISORY COUNCIL
Meeting Minutes January 17, 2023

ADVISORY COUNCIL MEMBERS PRESENT

Patrick Early, Chair
Bill Freeman, Vice Chair
Tim Karns

NATURAL RESOURCES COMMISSION STAFF PRESENT

Elizabeth Gamboa
Aaron Bonar
Scott Allen
Billie Franklin

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Dan Bortner	Executive Office
Chris Smith	Executive Office
Ryan Mueller	Executive Office
Steve Hunter	Law Enforcement
Terry Coleman	State Parks
Dale Brier	State Parks
Amanda Wuestefeld	Fish and Wildlife
Linnea Petercheff	Fish and Wildlife
Sam Whiteleather	Fish and Wildlife
Benjamin Erb	Fish and Wildlife
Courtney Weldon	Fish and Wildlife
Craig Jansen	Fish and Wildlife
Eric Fischer	Fish and Wildlife
Mitch Marcus	Dish and Wildlife

GUESTS PRESENT

None

Patrick Early, Chair, called the meeting to order at 8:32 a.m., ET, at the Fort Harrison State Park Garrison, 6002 North Post Road, Indianapolis, Indiana. With the presence of three members, the Chair observed a quorum.

Chairman Early offered opening remarks, noting that the Advisory Council, which should have seven appointed members, has only four. The Chair noted he has discussed the role of the Advisory Council with the Department of Natural Resources (Department). The Department is working with the Governor's Office to fill vacant Advisory Council positions.

Chris Smith added he met with Michael Nossett from the Governor's Office to review appointments and vacancies for the Natural Resource Commission, the Historic Preservation Review Board, and the Advisory Council.

Election of Officers (Chair and Vice Chair)

Tim Karns moved to slate the officers now standing for the 2023 term - Patrick Early as Chair and Bill Freeman as Vice Chair. Bill Freeman seconded the motion. Upon a voice vote, the motion unanimously carried.

Reports of Deputy Directors

Chris Smith, Deputy Director of the Land Management Bureau, provided his report as follows:

In the State of the State address, Governor Holcomb announced the acquisition of the Monon South Trail as part of Next Level Trails Program. Once complete, the trail will connect Mitchell to New Albany. It will be the longest continuous trail in Indiana at 62 miles long and will pass through five counties. The Department's partners, the City of New Albany and developer Radius Indiana, will be granted an additional \$30 million to begin designing, engineering, and constructing portions of the trail.

Two items on the Governor's legislative agenda include an additional \$50 million for the Next Level Trails Program to continue to connect trails in the state and \$25 million toward land conservation.

Holly Lawson is the new Director for the Division of Communications. Lawson's most recent position was with the Indiana Department of Education.

Division of Forestry's Vallonia Nursery has begun their seedling sales. The Division sells over 2.5 million seedlings each year.

The Division of Fish and Wildlife completed the RFP process for the new license sale system and selected Brandt Information Services as the vendor. The Department will begin contract negotiations and looks forward to working with them on updating the license sales system.

First Day Hikes had 4,334 participants on January 1, 2023, at 44 state park and forest properties in the state.

Inspired by the "Happy Painter" Bob Ross's love of the outdoors, the Division of State Parks and the Natural Resources Foundation are partnering with the Michigan Department of Natural Resources to stage the virtual Run for the Trees: Happy Little 5K between Earth Day and Arbor Day. The registration deadline is March 1, 2023. To learn more, see runsignup.com/happytrees.

Ryan Mueller, Deputy Director of the Regulatory Bureau, provided his report as follows:

The Division of Reclamation has awarded contracts to plug orphaned and abandoned oil and gas wells. This is part of the initial phase of funding authorized by the federal grant program, which awarded Indiana \$25 million. The initial phase will plug approximately 350 of the 1,200 orphaned and abandoned wells statewide. Future grants are anticipated.

The Drainage Task Force held meetings in November and December of 2022 to discuss topics including the Indiana Flood Control Act, local floodplain management, and floodplain mapping. David Knipe represents the Division of Water on the Drainage Task Force, which will continue to meet and to make recommendations in 2023.

Bill Freeman asked why the Department cannot require the previous owners of oil and gas wells to pay for the plugging of the wells.

Mueller responded that many of the wells were owned by smaller companies that are no longer in business and the wells are now orphaned.

Freeman asked about how the Department decides which wells to plug first and if the wells in the worst condition are plugged first.

Mueller said in the first phase the Department began with regional clusters of wells that needed plugged.

Smith added that several wells were created before Indiana was a state and there are no records of the wells. The wells were identified by people who have come across them and reported the location of the wells.

Consideration and approval of minutes for the meeting held on October 24, 2022

Karns made a motion to approve the minutes of the meeting held on October 24, 2022. Freeman seconded the motion. Upon a voice vote, the motion carried.

Presentation and Discussion on the Department's Plan to Increase the Harvest of Invasive Carp through a New Permit

Craig Jansen, Division of Fish and Wildlife, presented this item and gave a power point presentation that highlighted the following:

The four species of invasive carp are the bighead carp, grass carp, black carp, and silver carp. Carp were imported to the southern United States in the 1960s and 1970s and used in aquaculture industry to help with water quality.

By the 1980s, three species of carp had escaped into local waters and spread throughout the Mississippi River Basin. Midwest states are now addressing the spread in the rivers. Problems caused by carp include the fact that the carp jump, they impact native fish, and cause economic impact on recreational activities and fishing.

In 2014, the Ohio River Fisheries Management Team drafted a framework document identifying the problem and providing solutions. In 2015, there was dedicated federal funding and the Department began assisting on collaborative projects. In 2020, there was a large increase in funding that allowed the Department to hire dedicated staff to address invasive carp.

The Department is working on four projects that include finding spawning locations; evaluating removal efforts; quantifying the carps' movements, habitats, and survival; and controlling and containing the carp. Illinois and Kentucky have led other states in invasive carp removal efforts. Illinois contracted fishers and pay extra per pound to harvesters and processors to harvest carp from underutilized areas. Kentucky has an Asian carp harvest program that allows fishing carp with nets in closed waters with a per pound subsidy and contract fishing on the Ohio River.

Indiana is looking at ways to incentivize people to fish for invasive carp while limiting the impacts to native fish. A Carp Harvest Permit could incentivize more harvest by allowing gill nets, seines, and other effective gear. The permit would also allow access to tributaries and backwater areas that are normally closed to fishing. Permit holders could only harvest carp and all other fish are released. Fishing gear must be actively attended, and no gear could be left out overnight. The Department may deny a fishing request if there is a possibility of bycatch. The permit would be issued annually, and daily fishing approval would be required to reduce conflicts and bycatch. Fishing could not hinder navigation of other boats and onboard and dockside inspection would be allowed. Fishers would be required to report daily effort and catch, and the permit could be revoked for failure to follow the rules.

The Department drafted rule language and reached out for input from commercial fishing and angling groups, but not a lot of feedback was received. The next steps include finalizing rule language so a proposed rule can be submitted and developing oversight and reporting mechanisms. The goal is for a rule to be effective in 2024 to allow carp fishing.

The Chair noted the possibility of future concerns from anglers and other citizens on the impacts on commercial fishing. The Chair also noted that when fishing with a seine or net, there is a likelihood of other sport fish being caught along with the carp.

Jansen said in the summer of 2023 the Division and Fish and Wildlife observed a carp fishing operation on the Wabash River and had an opportunity to ask questions. The fishing operation was using a two-inch mesh seine, so a lot of the smaller fish were getting through. Jansen did not see any other species being caught. There is a possibility for some bycatch, but the fishers can identify other fish species and return them to the water.

Smith noted hesitation in the process of calling in every few days and opined that there needs to be a longer window than that than every few days. Smith suggested a need to figure out exactly how the calling-in works so there is more consistency.

Jansen said daily reporting is the standard for commercial fishing. The Department spoke with fishers who were not concerned about daily reporting. In other states, fishers fill out a daily fishing report card and turn them in with their monthly report.

Smith asked if fishers are also tracking bycatch when they report what they have caught.

Jansen said the Department would require the reporting of bycatch on the harvest report. He noted the self-reporting of fish catches is not always as accurate as when there are observers on the boat. For the first couple of years, the Department would have observers on the boats.

Smith asked if the fishers are turning in paper reports how are they auditing their expenses.

Jansen responded the Department does not know what the fish are being sold for, but there has always been an issue with how reliable the commercial fishing data is. He noted the Kentucky fishing contract has an observer on every boat and that is how their data is accurate. Jansen added that maybe the Department can do random spot checks and occasional ride-along observations to help with honest reporting.

Freeman noted that Kentucky and Illinois were mentioned as states that have carp removal programs but there are sixteen other states impacted by invasive carp. Freeman asked if the other states had similar carp removal programs.

Jansen replied that many other states are starting similar programs, but many of the states do not already have a plan in place like the Ohio River Basin and Illinois River Basin did. The Ohio River Basin was able to get federal funding first and other states have not had a funding source available until more recently.

Freeman said he is glad the issue of invasive carp is being studied and noted caution as the Department moves forward regarding unintended consequences. Freeman asked about what program the Department thought was the most successful program.

Jansen said there are not a lot of programs, but Kentucky has had success at Barkley Lakes because of the per-pound financial incentive being offered. The Department is hopeful for additional carp harvest with increased fishing pressure through the market, but the Department will look at all the options including a price-per-pound subsidy. He noted the Carp Harvest Permit will be separate from other commercial fishing permits to avoid confusion regarding the rules and to attract those who are focused on carp fishing.

Karns asked if there was an estimate on the population of carp in Indiana waters.

Jansen replied that it is hard to estimate fish populations because of how big the waters are and varying species. The Department can look at population characteristics and relative densities where the Department is able to see the age of the fish. More younger fish and less older fish would mean there has been a reduction impact in the species population.

Jansen said Hovey Lake is a shallow lake in the Ohio River Basin with backwater habitat that attracts carp through three big culvert pipes. The lake provides a safe place for the carp to spawn and young fish to survive their first year. If the Department can keep the carp out of the lake it would have a huge impact on the carp population in the Ohio River. The Department is working with the United States Geological Survey to gather data that could show the window the carp are coming in. The culverts could then be shut off during those times to prevent the fish from getting into the lake.

Freeman asked about the ability of people to buy grass carp to eat the weeds in ponds and lakes and asked if the carp people can buy can reproduce.

Jansen said the carp people can buy are supposed to be sterile and non-invasive, but some non-sterile carp have gotten into the rivers and are considered invasive.

The next steps will be to edit the draft language of the proposed rule, have it reviewed by the Division of General Counsel for the Department, and submit for preliminary adoption.

Smith said he would like to give the public another opportunity for input after the rule language has been finalized.

The Chair said it would be a good idea to have the Advisory Council review the proposed rule and take public comments before it goes to the Commission for preliminary adoption.

Adjournment

The meeting adjourned at 9:22 a.m., ET.