

NATURAL RESOURCES ADVISORY COUNCIL
Minutes of the March 13, 2007 Meeting

Members Present

Patrick Early, Chair
Amy Travis, Vice Chair
William Wert
Bill Pippenger
Donald Van Meter
Jim Tractman
Tom Rethlake

Department of Natural Resources Staff

Robert Carter	Executive Office
Ron McAhron	Executive Office
John Davis	Executive Office
Burgess Brown	Executive Office
Chris Smith	Executive Office
Cheryl Hampton	Human Resources
Sam Purvis	Law Enforcement
Phil Marshall	Entomology and Plant Pathology
Glen Salmon	Fish and Wildlife
Linnea Petercheff	Fish and Wildlife
Mark Reiter	Fish and Wildlife
John Bacone	Nature Preserves
Emily Kress	Outdoor Recreation
Carman Jackson	Outdoor Recreation
Terri Price	Water
Kathleen McLary	Indiana State Museum and Historic Sites
Haley Tallman	Indiana State Museum and Historic Sites

Natural Resources Commission Staff

Stephen Lucas	Sandra Jensen
Jennifer Kane	Debbie Michaels

Guests

Dick Mercier	Bryan Poynter
Jack Corpuz	Jane Ann Stautz
Sam Bond	Larry Klein
Richard Mangus	Thomas Easterly

Patrick Early, Chair, called the meeting to order at 10:35 a.m., EST in the Multipurpose Room, at the Indiana State Museum, 650 West Washington Street, Indianapolis, Indiana. With the presence of seven members, the Chair observed a quorum.

Donald Van Meter moved to approve the minutes of December 13, 2006. William Wert seconded the motion. Upon a voice vote, the motion carried.

Discussion by Advisory Council Chairman Early, Commission Chairman Poynter and Director Carter of Relationship between the Advisory Council and the Natural Resources Commission

Chair Early noted that Robert Carter, Jr., Department Director, and Bryan Poynter, Commission Chair, along with other Commission members and guests, were present at today's meeting. Chair Early indicated that he and Vice Chair Travis, and other Council members have "wrestled with what is exactly" the Advisory Council's "role and authority, and what purpose do we play in the inter-workings of the DNR." Chair Early requested input from Council members and Commission members.

Chair Early noted that the proposed "one buck rule" was the first issue presented to the Advisory Council. "We listened to testimony, and then we got to a point where it may have been appropriate to take some sort of action in making a recommendation". Chair Early indicated, however, that under the previous Department directorship, the Advisory Council was informed that the Council's role was "not to make affirmative recommendations, to take votes, and so on." He said, "It appears that the statute does not only allow that, but really that's part of the purpose of us being here."

Chair Early asked whether Robert Carter had "any thoughts" regarding the Advisory Councils' role. Carter indicated that he agreed with the Chair's interpretation. "I agree with what you just said. I think that is your role, and that's what I want to use [the Advisory Council] for is to bounce ideas off of and move things forward to the Commission. I think the Commission would appreciate that, too." Carter said the Advisory Council would be a "starting point" for many Department issues. He also said the Advisory Council should be used to its "fullest extent", and it could be "very beneficial" to the Commission and the Department.

Commission Chair Bryan Poynter said, "I couldn't agree more. I know we are all anxious to develop some form of working document, or policy, or some working protocol such that it can be efficient between the Department, the Council, and the Commission" resulting in "not much ambiguity" as to the Council's role. "I want the process to work well" for the Department, the Commission, and "ultimately to better serve the constituent groups".

At the Chair's request, Stephen Lucas, Director of the Natural Resources Commission, Division of Hearings, provided a brief explanation of the rule adoption process.

Donald Van Meter, Council member, said, "As an 'advisory' council, that's exactly what we do is to provide opinions either to the Commission, especially the Commission, or perhaps to the Department, and they are, indeed, opinions and advice". He said advice

could be given to the Commission “from a different set of people with different perspectives...whether you take it or not it’s another point of view”.

The Chair characterized the Council’s role under the previous directorship as a “listening” council. He noted that the emerald ash borer issue presented at the Council’s previous meeting was “fascinating, but you could have watched it on the Discovery Channel.” He added, “I just want all of us to feel like this is worth our time.”

Vice Chair, Amy Travis, indicated that she had reviewed the Advisory Council’s governing statutes, and she considered each of the Governor’s appointments to the Council and the differing manner in which each appointee uses the Department. She characterized the Council as “a collection of people with very different” educational and life experiences. The Vice Chair said, “I think that either the Commission, the Director, or somebody within the Department should give [the Council] something to study or an idea they are interested in developing further; that we are to listen to scientific opinion, both state supported and independent scientific opinion when appropriate; that we are to listen to public opinion from various stakeholder groups, which I would say would include anything from hunting groups to interest groups be they environmental interest groups. Then use our combined experience to give an advisory opinion back to the Commission or the Director. I see our role as being an independent opinion and not being told, ‘well, we want you to come to this conclusion.’”.

Vice Chair Travis noted that the issues the Department faces are “so huge”. She noted that there may be certain natural resource issues where the Council may be able to assist and “direct” the Department. Chair Early agreed, and he added, “We don’t want to become more bureaucracy, cumbersome, and more administration. That is not meaningful for anybody.”

Tom Rethlake, Council member, asked, “Do the same people that testify in front of [the Council] duplicate their presentation to the Commission?” Commission Chair Poynter noted that Department staff members may be present at the Commission meetings to answer questions. “The staff does a wonderful job—in a very nice package—briefing and summarizing very complicated issues, but not from the standpoint that I read in the [Council] minutes regarding the emerald ash borer presentation, for example, not to that level”.

The Vice Chair said that she sees a “decrease in bureaucracy. I see the Director giving us something to study...and we look into it and give an opinion...saving [the Department] a bunch of time and energy because it’s kind of condensed”.

Commission Chair Poynter said, “We have a valuable resource in this Council. I want to make sure that it is utilized and the agenda is populated far enough in advance so that the Commission, and ultimately the Department, can provide the services to constituent groups that are needed.”

William Wert, Council member, said “I always felt that we were a venue sometimes for the public to begin a process and then moving forward. We would get a distillation of facts and take testimony, and would then make our recommendation, which I always thought carried some weight”. He noted that the Council may be “narrowing” administration, time, and consumption of resources in some instances.

Bill Pippenger, Council member, noted that “years ago” the previous councils assisted in writing the conservancy district nonrule policy document. “It was a really tough, long-term project.... It was a good thing to do, and it needed to be done.” He said the resulting document “helped simplify the conservancy process.”

Van Meter noted that the Council also assisted with the formation of the State’s drought plan. “As the Department was writing [the plan], the Department would often use the Advisory Council for some feedback. I think that was a very productive use of our time.” He said that since the Advisory Council participated in the formation of the drought plan, the Commission “did not have to start from ground one.”

John Davis, Deputy Director of the Bureau of Lands, Recreation, and Cultural Resources added that the issue of “running dogs” on fish and wildlife areas was also presented to the Advisory Councils. “We ended up not taking that to the Commission, because the Advisory Council continued to ask us questions that we were not answering very well.” Van Meter added, “But we didn’t make that decision. You made that decision, but we provided some thoughts so that [the Department] could make a more intelligent decision.”

Chairman Early noted that the discussions have provided “more direction” regarding the Council’s role.

Jim Trachtman, Council member, said that “being an advisory body is the correct place to be.” He noted that the present Council is a “blending” of the two previous councils. Trachtman said the previous councils had reviewed Department fees along with rates for the state park inns. “I thought those were fascinating...I thought we gave some very good advice there”. He said that as Department issues arise the Council “can be the eyes and ears, and be a place for the public to come. We can spend the time and listen to them, and come up with some opinions and advice.”

Commission Chair Poynter invited other Commission members to offer comment.

Jane Ann Stautz, Commission Vice Chair, indicated that she has served on the Commission for “several years,” and also serves as the Chair of the Commission’s AOPA (Administrative Orders and Procedures Act) Committee. “There are some matters that [the Committee] is seeing more and more of after going through the administrative process with regard to the use of our freshwater lakes”. She noted that there “are some rules that probably could use examination and probably further definition... ‘group piers’ versus ‘marinas’”. Stautz said the Advisory Council could “look at what are the implications of some of the terms or application of those to help provide guidance to the

Department”. She said the Council could review other neighboring states’ policies “to get ideas and bring that together with advice and recommendations”. She also said “balance of the use” of state parks may be an issue for Council review. Stautz said Department issues could be “fine tuned a little further” by the Council prior to Commission consideration. “I think that would be very helpful.”

Larry Klein, Commission member, reflected that historically with advisory councils and commissions there is a problem of “redundancy of character and the need to discern the difference in the duties of the two bodies”. He noted that the Commission has statutorily prescribed functions and “those functions can’t really be assigned to some other group...the desire to always be active can create more work just in the attempt to be active”. Klein noted that he was “new to the Commission, but not new to the dilemma.” He said, “We need to avoid the pitfall of redundancy.”

Commission Chair Poynter asked Commission member Thomas Easterly whether the Indiana Department of Environmental Management (IDEM) has an advisory council or group. Easterly explained that IDEM has boards that review governing rules. He said IDEM boards have “up or down voting, not just advice, so the board does not have to agree with me” as IDEM Commissioner.

Commission Chair Poynter asked for the perspective of Jack Corpuz, a representative of a variety of sportsmen’s groups. Corpuz noted that there was a move a few years ago to dissolve councils, and the sportsmen’s groups “fought to keep the Council—at least as merged.... We look at the Council as a sounding board for particular issues.” He indicated that issues that are “somewhat controversial” should be presented to the Council prior to Commission consideration. “It does kind of lengthen the process. It does kind of duplicate some of the work, but on those issues that are controversial like that I think you need to be pretty darn sure what kind of decision you are going to make. The more help you get the better off you’ll be.” Corpuz noted that Council members “deserve to have the opportunity to vote and make their feelings known to the Commission.”

Next Meeting of the Natural Resources Advisory Council

The next meeting of the Natural Resources Advisory Council is April 10, 2007 to begin at 10:30 a.m., EDT (9:30 a.m., CDT) in the Board Room, Indiana State Museum, 650 West Washington Street, Indianapolis, Indiana.