

NATURAL RESOURCES COMMISSION

Minutes - December 17, 1997

MEMBERS PRESENT

Michael J. Kiley, Chair
Larry Macklin, Secretary
Jane Anne Stautz
Damian Schmelz
Joe Siener
Tom Cobb
Jerry Miller

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Sylvia Wilcox

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Jack Costello	Executive Office
Carrie Doehrmann	Executive Office
Angie James	Executive Office
Melissa Stefanovich	Water
Virginia Simone	Water
Emily Kress	Outdoor Recreation
Jodi Dickey	Outdoor Recreation
Britt Long	Outdoor Recreation
John Friedrich	Forestry
Jerry Jackson	Law Enforcement
Ted Stein	Law Enforcement

GUESTS

William Moreau

MONTHLY REPORTS

Michael J. Kiley, Chair, called to order the regular meeting of the natural resources commission at 10:02 a.m., EST, on December 13, 1997 in the Conference Room of the Indiana Department of Environmental Management, Indiana Government Center North, Indianapolis, Indiana. With the presence of seven members, the chair observed a quorum.

Jerry Miller moved to approve the minutes of the November 25, 1997 meeting. The motion was seconded by Jane Anne Stautz. Upon a voice vote, the motion carried.

Larry Macklin provided the Director's Report. He said the DNR and IDEM were meeting to organize the Governor's Conference on the Environment to be held April 24. "We're working well together." Leading the effort on behalf of the DNR are Emily Kress and Jim Slutz, who are "putting together a very exciting program."

Macklin said a subcommittee for the Natural Resources Foundation was working to establish an Executive Director for the Foundation. He expressed satisfaction with the efforts of the Foundation to date, but now it's time "to energize and work on fund raising and land acquisition."

Macklin said he was meeting with John Goss, commission member and the state's tourism director, on "how we can better partner." He said there were similar discussions ongoing with the Indiana Arts Commission.

Jerry Miller, Chair of the Advisory Council for the Bureau of Lands and Cultural Resources, said his council met at Ft. Benjamin Harrison State Park. He said there were two items on the NRC agenda "and others we had reports on but that aren't on the commission agenda." He said one discussion point was the inability of the department to meet public demands for tree seedlings. He said this inability may be aggravated if strategies to address global warming result in increased quotas for tree plantings.

Jack Costello, Deputy Director for the Bureau of Lands and Cultural Resources, said there was a successful deer reduction program this year in nine state parks. He said the Ayres Tea Room in the state museum was a "sell-out in the first three or four hours." There were some technical difficulties with the computer program for the "Santa calls," but there were still 2,000 connections.

Costello said the DNR Division of Forestry sold 4 1/2 million trees but had demand for six million trees. He indicated the private sector had been encouraged to fill the gap, but there was not a sufficient profit incentive for seedlings. Profits were better for larger, balled trees. Damian Schmelz asked what were the minimum number of trees which an individual could buy. Costello responded there was one package available which includes 100 trees.

Joe Siener, Chair of the Advisory Council for the Bureau of Water and Resource Regulation, indicated the council did not meet in December. Its next meeting is scheduled for January 7.

Steve Lucas introduced Sylvia Wilcox as the new administrative law judge for the commission. He said the members were already familiar with her from her work as an attorney with the division of reclamation. Lucas said Wilcox was "already hard at work with the division of hearings, and we're very pleased to have her."

Carrie Doehrmann introduced Trina Saunders Ray as the new attorney for the DNR. Doehrmann said Ray "has a lot of great litigation experience" in criminal law. She said Ray has been assigned to handle cases from the division of reclamation.

BUREAU OF LANDS AND CULTURAL RESOURCES

Division of Forestry

Consideration of Request by Robert Patterson and Rhonda Patterson for a Four-Year Permit for the Use and Maintenance of an Access Road Across Morgan-Monroe State Forest

John Friedrich of the division of forestry presented this item. He said Robert and Rhonda Patterson own property adjacent to state forest land in Monroe County. A previous landowner built a driveway to an access road on state forest property without permission, and the driveway was used as means of ingress and egress. The Pattersons are now requesting to maintain the driveway and use the access road. The driveway is approximately 25 feet wide and eight feet long.

Tom Cobb asked whether paving would be involved in the permit. Friedrich responded that the permit provides for surfacing with stone.

Jane Stautz moved to approve a four-year permit for use and maintenance as an access road across Morgan-Monroe State Forest in favor of Robert and Rhonda Patterson. The motion was seconded by Damian Schmelz. Upon a voice vote, the motion carried.

DIVISION OF STATE PARKS AND RESERVOIRS

Consideration of Requirement to Establish an Annual Pass for Nonresidents of Indiana

Gerald Pagac, Director of the Division of State Parks and Reservoirs, presented this item. He said new state legislation requires the NRC to establish a fee for an annual out-of-state pass to state parks which is a higher rate than what is required for residents. The same legislation sets the rate for the annual pass for senior citizens ("Golden Hoosier Passport") at one-half the rate for residents. In accordance with these legislative standards, the division was recommending the following rates for annual passes:

Indiana Residents \$18
Out-of-State Residents \$25
Golden Hoosier Passport \$9

Pagac said this fee structure was estimated to result in increased revenues of approximately \$45,000 annually.

In response to a question from the commission, Pagac said there has been an entrance fee at state parks "from day one. Originally the fee was ten cents." Jack Costello reflected that was Col. Lieber's user fee philosophy.

Jerry Miller moved to approve the fee schedule as recommended by the division of state parks. The motion was seconded by Jane Anne Stautz. Upon a voice vote, the motion carried.

Information Item: State Park Deer Herd Reduction in 1997

Pagac also presented this item. He said nine state parks were the sites of recent controlled deer reductions on November 17-18 and on December 1-2. He said volunteer hunters had assisted the DNR in reducing the size of herds, which have grown too large to be supported by the ecological limits of these parks. Pagac distributed a summary of the statistics at the nine parks. The total taken from each park is as follows: (1) Brown County 307; (2) Charlestown 52; (3) Lincoln 66; (4) McCormick's Creek 70; (5) Potato Creek 262; (6) Shades 288; (7) Tippecanoe 509; (8) Versailles 627; and (9) Whitewater 249.

Pagac was asked about security demands for conduct of the hunts. He answered that "when we first did a control hunt at Brown County State Park, we included the property managers from all park properties," as well as 62 conservation officers. The deer control hunts have run smoothly, however, and special security has gradually been relaxed. "We can now do this without much in terms of special manpower needs."

Jack Costello said biologists were focusing attention on the numbers of deer taken per square mile at the various parks. In Brown County State Park the totals indicated there were an average of only twelve deer taken per square mile. In contrast, at Tippecanoe River State Park there were 117 deer taken per square mile. Costello cautioned that not too much should be read into these statistics, because an important factor was how hunting efforts were limited by rugged terrain in some sites (for example, Brown County State Park and Versailles State Park) but not in others (for example, Tippecanoe River State Park and Potato Creek State Park). Even so, the great disparity is remarkable and may influence future activities.

BUREAU OF WATER AND RESOURCE REGULATION

Division of Outdoor Recreation

Consideration of Proposal to Set Distribution Percentages Among Recreation, Historic Preservation, and Forestry with respect to the Hometown Indiana Grant Program

Emily Kress, Director of the Division of Outdoor Recreation, presented this item. She indicated the Hometown Indiana Grant Program requires the NRC to establish how funding is to be allocated among recreation, historic preservation, and forestry. Although the program was created by legislative action in 1988, it has never received regular funding. Research has failed to locate anything to document that the fee allocation has ever been set by the commission. Kress then asked the NRC to set the allocation at 70% to the division of outdoor recreation, 20% to the division of historic preservation and archeology, and 10% to the division of forestry.

Damian Schmelz moved to set allocations from the Hometown Indiana Grant Program at 70% to the division of outdoor recreation, 20% to the division of historic preservation and archeology, and 10% to the division of forestry. The motion was seconded by Joe Siener. Upon a voice vote, the motion carried.

Informational Item: Preparation of Report to Identify Recreational Sites Along Lake Michigan in Lake, Porter, and LaPorte Counties

Jodi Dickey of the division of outdoor recreational presented this item. She said a 1995 public workgroup process in Northwest Indiana identified possible solutions to concerns of local citizens. One concern expressed by several citizens in the process was there should be better identification of recreational facilities in the coastal area.

In response to the concern, the Lake Michigan Coastal Coordination Program, with a grant from the National Oceanic and Atmospheric Administration (NOAA), authorized the division of outdoor recreation to perform an analysis of the recreational sites in the coastal area of Lake, Porter, and LaPorte Counties. Dickey said its analysis included five focus group meetings and surveys of recreational users along the Lake Michigan shoreline. She said the analysis indicated that for many people in Northwest Indiana "access to recreation is a big deal."

Dickey explained that the division next located the major recreation sites in Northwest Indiana. These have been categorized generally into groupings such as parks, beaches, or marinas, then mapped using a GIS (geographic information system). A brochure is in process of being developed to help citizens find these recreation sites. Dickey indicated an initial bid for publication of the brochure reflected only 500 copies could be printed with available funding, and 500 copies were expected to be inadequate to meet demand. As a result, the division of outdoor recreation was seeking another bid. She said a Web site is also being developed which will allow a user to "click" on a particular site and determine in some detail what facilities are available.

Jane Anne Stautz asked when the Web site would be available. Dickey responded that the goal was to have it online in 1999.

Mike Kiley congratulated Dickey and the division of outdoor recreation on an excellent effort directed to a worthy project. He said the three topics he received the greatest number of comments or questions from the public were (1) deer control hunts in state parks; (2) bass tournament access in public freshwater lakes; and, (3) access to recreational sites along the Lake Michigan shoreline. Kiley said this effort would help fill a critical need.

LEGAL PROCEEDINGS

Natural Resources Commission, Division of Hearings

Consideration of Report, Findings of Fact, and Conclusions of Law with Nonfinal Order of the Administrative Law Judge in the matter of Larry Cummings v. DNR, Culver Property Management, et al.; Administrative Cause No. 96-186W

Virginia Simone, attorney for the DNR, informed the commission that all parties except Gaylan Allsop have signed an agreed order. She said Allsop told her he and his clients would also sign

the order within the week. She said the agreed order differed from the findings and nonfinal order of the administrative law judge "in a sentence or two."

Jerry Miller moved to endorse the agreed order entered by the parties as the final disposition of the commission. The motion was seconded by Jane Anne Stautz. Upon a voice vote, the motion carried.

Consideration of Nonfinal Order of Summary Judgment in the matter of Department of Natural Resources and Brenda Samuels v. James G. Busch; Administrative Cause No. 96-019W

Chairman Kiley reported this item withdrawn.

Adjournment

At 10:49 a.m., EST, the meeting adjourned.