

NATURAL RESOURCES COMMISSION

The Garrison, Fort Harrison State Park
6002 North Post Road
Indianapolis, Indiana

Minutes of March 15, 2005

MEMBERS PRESENT

Michael Kiley, Chairman
Rick Cockrum, Vice Chairman
Kyle Hupfer, Secretary
Jane Ann Stautz
Larry Goode
Damian Schmelz
Raymond McCormick, II
Lester Ponder
Linda Runkle

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Jennifer Kane

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

John Davis	Executive Office
Jessica Marks	Executive Office
Phil Marshall	Forestry
Zachary Smith	Forestry
Linnea Petercheff	Fish and Wildlife
Jim Mitchell	Fish and Wildlife
John Bacone	Nature Preserves
Robert Waltz	Entomology and Plant Pathology
Gary Moughler	Entomology and Plant Pathology
Mike Reeder	Legal
Mike Crider	Law Enforcement
Jim Hebenstreit	Water
Marian England	State Parks and Reservoirs
Jerry Pagac	State Parks and Reservoirs

GUESTS PRESENT

Liz Jackson	Dick Mercier
Gary Doxtater	Doug Allman
Bill Scifres	Orv Huffman
George Parker	

Michael J. Kiley, Chair, called to order the regular meeting of the Natural Resources Commission at 1:07 p.m., EST, on March 15, 2005, at The Garrison, Fort Harrison State Park, Indianapolis, Indiana. With presence of nine members, the Chair observed a quorum.

Damian Schmelz moved to approve the minutes of January 13, 2005. Jane Ann Stautz seconded the motion. Upon a voice vote the motion carried.

Chariman Kiley opened the floor for nominations to elect officers.

Jane Ann Stautz nominated Michael Kiley as Chairman, Rick Cockrum as Vice Chairman, and Kyle Hupfer as Secretary. No other nominations were offered. Damian Schmelz seconded the motion. Upon a voice vote, these officers were elected unanimously.

Kiley introduced Kyle Hupfer as the new Director of the Department of Natural Resources.

Director Hupfer said that a more formal reporting would be given at the next Commission meeting. "We are still just digging in day by day."

Lester Ponder indicated that the Advisory Council for Water and Resource Regulation and the Advisory Council for the Bureau of Lands and Cultural Resources did not meet since the last Commission meeting.

John Davis, Deputy Director of the Advisory Council for Lands and Cultural Resources, provided information regarding the Division of Forestry's open houses. "It is a chance again this year for Commission members or any member of the public to go out and see what happens on the forests." He noted that the 2005 calendar events would be highlighted. Davis said the "point of sale" system is online with a trial run at the Indianapolis Boat Show. Within ten days, \$36,000 was received in license sales. There were five machines available at the Boat Show, and 700 vendors are "up and running" around the state. "I think this will be a big improvement for license buyers."

Davis distributed data from the 2004 deer reduction program at state parks and at one nature preserve. He said the purple bars indicated deer reduction success for each park. He noted that Jim Mitchell, Ph.D., Division of Fish and Wildlife's deer biologist, and Purdue University professor, George Parker, Ph.D., were present. Davis said the data showed a success ratio of deer reduction (hunting with firearm) of .22 or .233. "Some parks run on a one year on and one year off cycle." Davis said Clifty Falls State Park and Fort Harrison State Park were "anomalies" regarding the herd reduction program due to permitting hunting by bow and arrows only. He reflected that the data supported the theories of the deer biologists, and "each park will end up having its own threshold and prescription."

Rick Cockrum requested additional information on graph interpretation. Davis responded that the vertical axis indicated the number of deer taken per hunter. "The fraction of that is what we call the success ratio."

Raymond McCormick, Chair of the Advisory Council for Water and Resource Regulation, reiterated that the Advisory Councils had not met. He said it was his understanding a proposed amendment to 312 IAC 9-3-5(d), addressing hunting deer with bow and arrows in urban deer zones, in Agenda Item 10 of the Commission's agenda, would be withdrawn. John Davis affirmed McCormick's understanding. McCormick then recommended an alternative proposed amendment be presented to the advisory councils for review. He requested that the DNR to consider the following:

- (1) Providing unlimited antlerless deer bag limit in urban deer zones;
- (2) Extending the hunting season in urban deer zones through January;
- (3) Reporting to an online "checking station" regarding any deer taken in an urban deer zone;
- (4) Requiring the name, address, and telephone number of the landowner for the land where the deer was taken.

McCormick explained, "I think these suggestions may increase the opportunities to hunt deer in urban zones. Also, it may help with the problems of illegal shooting and illegal tagging of deer."

Kiley asked to whom the recommendations would be directed. McCormick responded initially to the deer biologists, but with subsequent discussions with the Division of Law Enforcement regarding an online

checking station. “This gives a chance to quickly analyze how many deer are being shot out of urban areas.” Kiley said, “We have to be cautious with respect to the definition of ‘urban area’ regarding a safety standpoint.” McCormick noted that the urban zones were already defined.

Permanent Appointment

Permanent Appointment: Eric Ferguson, Assistant Manager, McCormick’s Creek State Park

Rick Cockrum, Commission member, presented this item. He said that Eric Ferguson has been with the DNR for a year. He noted that Ferguson came to the DNR from Virginia and is a “great find for us.”

Cockrum moved to recommend Eric Ferguson for permanent appointment as Assistant Manager of McCormick’s Creek State Park. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Personnel Interview

Personnel Interview for the Position of Assistant Property Manager of Indiana Dunes State Park

Rick Cockrum also presented this item. He said he and Jane Stautz “had the opportunity to interview Doug Stukey.” He said Stukey was currently employed with the DNR at Pokagon State Park, and he was a Purdue University graduate. “He has quite broad experience in farming manufacturing” and is eligible for Assistant Property Manager of Indiana Dunes State Park. Cockrum noted that Stukey was present for the Commission meeting. Stukey stood and was recognized.

Rick Cockrum moved to appoint Doug Stukey to the position of Assistant Property Manager of Indiana Dunes State Park. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Kiley commented that the Commission over the years has “always made an attempt to, for these positions, promote our professional staff.” Cockrum added, “It’s pretty amazing and impressive the caliber of people that continue to come forward for these positions. They are really dedicated and professional people.”

Division of Nature Preserves

Consideration for Approval of Dedication of Flint Barrens Nature Preserve, Harrison County

John Bacone, Director of the Division of Nature Preserves, presented this item. He said the proposed Flint Barrens Nature Preserve is a “small remnant of a prairie community that once covered much of Harrison and Washington Counties, almost all of which has been converted to agriculture years ago.” Bacone said the property was acquired with assistance from The Nature Conservancy and the Heritage Trust. “It’s a little chert barrens remnant and karst landscape, so there are sink holes on the property.” Bacone said there would be prescribed burns on the property to “keep it in a healthy condition,” then he recommended the dedication of Flint Barrens Nature Preserve in Harrison County.

Damian Schmelz moved to approve the dedication of Flint Barrens Nature Preserve, Harrison County. Lester Ponder noted that the advisory councils at their December 9 joint meeting recommended Commission approval, and he seconded the motion. Upon a voice vote, the motion carried.

Division of State Parks and Reservoirs

Consideration of a Request by the City of Madison for an Easement to Upgrade a Pump Station Located on Clifty Falls State Park

Gerald Pagac, Director of the Division of State Parks and Reservoirs, presented this item. He displayed an aerial view of the affected areas. He explained that an existing sewer line runs within Clifty Falls State Park, and the City of Madison requests to replace and upgrade the line. “The main thing that is a real benefit to us is the fact that it is going to greatly expand the size and capacity of the well pumping station.” Pagac noted the existing situation results in combined sewer overflows in rain events, sending contaminated water down Clifty Creek. He said the proposed project should “minimize or eliminate” the occurrences of combined sewer overflows.

Pagac said the DNR is working with the City of Madison to provide fire protection for the expansion of the Clifty Falls Inn from a source of water that is viable. He said the City of Madison was “willing to allow us to tie in, and, in return, we want to allow them to do this. We are asking you to waive the normal fee.” Pagac recommended approval of the City of Madison’s request for the easement.

Damian Schmelz moved for approval of request by the City of Madison for an easement to upgrade a pump station, without a fee, at Clifty Falls State Park. Linda Runkle seconded the motion. Upon a voice vote, the motion carried.

Division of Entomology and Plant Pathology

Information Item: Update on Emerald Ash Borer and Gypsy Moth Programs for 2005

Robert Waltz, Ph.D., State Entomologist and Director of the Division of Entomology and Plant Pathology, provided an introduction to the treatment programs for exotic species in Indiana. He said a response team—Indiana Department of Natural Resources, Purdue University; USDA PPQ, other agencies, and affected commercial entities—is coordinating efforts to combat the invasive exotic species. He explained that “best available science” is the knowledge accepted collectively by practitioners of the discipline, and practiced in the arena of public acceptance and expectation (cost, timeliness, and value). “Public acceptance drives the success of the programs.”

Waltz noted other exotic species on the horizon: sudden oak death, Asian soybean rust, Asian longhorned beetles, exotic bark beetles, aquatic invasive species (fish, snails, plants), and exotic weeds. He then introduced Phil Marshall from Vallonia Nursery; Zach Smith from Division of Forestry (Jasper-Pulaski Nursery); Jodi Ellis, Exotic Species Coordinator from Purdue University; and Gary Moughler, Northeast Indiana Inspector from the Division of Entomology and Plant Pathology.

Phil Marshall noted that \$700,000 is spent annually for treatment of gypsy moth with 28,000 households affected directly in the treatment areas. He said \$2.3 million has been spent to date in emerald ash borer eradication efforts, and 28,000 trees in LaGrange and Steuben Counties have been removed affecting thousands of households. “It is amazing to see in Shipshewana the trees that have been taken down. The North American ash resource is at risk with no action taken.”

Marshall indicated knowledge, science, and cooperative effort exists in Indiana regarding the gypsy moth program. “Cooperation is working well since 1988 and with the “Slow the Spread Program.” Marshall said an extensive national database is available for review online and is “very helpful.” He said 9,000 male moths were found, which is a decrease of last year’s numbers. Since surveying began in the early 70s, “We still have not detected any male gypsy moths in Dubois County or Sullivan County. Marshall said treatments will begin this May, and he identified Allen County as the largest area to be treated. He said the treatment of gypsy moth was successful, and Indiana’s population is “reducing and being pushed back into Michigan.”

Regarding the treatment of emerald ash borer, Marshall stated, “The emerald ash borer is a small insect, but big expense. We have spent more in the last year than what has been spent on the Gypsy Moth Program.” He indicated that emerald ash borer has infested portions of Steuben and LaGrange Counties.

“It is an international problem.” He noted that it was “fortunate” that Dr. Waltz sits on the National Science Advisory Panel for emerald ash borer, a science based group that makes recommendations to the USDA. Marshall said that five areas in northeast Indiana are being monitored. “There is no survey tool for emerald ash borer. The only tool is a chain saw.” Marshall said the first infestation was detected in Jellystone, and he also noted that the other infestation site, Manapogo, also began with infested firewood introduction.

Marshall gave a quick collage of other new exotics “coming down the pike:” forests pests (Asian Longhorn beetle, and SIREX wood wasp; Kudzu, soybean rust, purple loosestrife. “Kudzu is an alternative host for the soybean rust.” He listed other exotic pests: banded elm bark beetle, hemlock wooly adelgid, Asian ambrosia beetle now existing in the Smokey Mountains, which could infest Indiana’s remnant hemlock population if not checked.

Kiley said, “We appreciate very much the hard work and fine professional presentation.”

NRC, Division of Hearings

Consideration of Report of Public Hearing, Analysis, and Recommendation for Final Adoption of New Rule 312 IAC 18-3-18, which Governs Standards for Control of the Emerald Ash Borer, by Adding Portions of Counties to a Quarantine Area (Administrative Cause Number 04-115L; LSA Document #04-208(F))

Jennifer Kane, Hearing Officer, presented this item. She explained that proposed for final adoption is a new rule section to declare the emerald ash borer (“EAB”) a pest or pathogen. In addition, the section would establish a quarantine area to include Clay Township and Van Buren Township in LaGrange County, as well as Jamestown Township and Millgrove Township in Steuben County. These townships have been declared infested with EAB.

Kane said the attempt to control EAB is a cooperative effort among Michigan, Indiana, Ohio, and Ontario. She said the public hearing was convened as scheduled on January 24, 2005; however, no one from the public appeared for the hearing or filed comments regarding proposed new rule. She recommended the new rule be given final adoption as presented to the Commission.

Lester Ponder moved to give final adoption to 312 IAC 18-3-18 to identify the emerald ash borer as a pest or pathogen and to declare Clay Township and Van Buren Township in LaGrange County, as well as Jamestown Township and Millgrove Township in Steuben County, as quarantined areas. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of Report of Public Hearing, Analysis, and Recommendation for Final Adoption of Rule Amendments to 312 IAC 18-3-12, which Governs Standards for Control of the Larger Pine Shoot Beetle, by Adding Five Counties to the Quarantine Area (Administrative Cause Number 04-185E; LSA Document #04-270(F))

Jennifer Kane, Hearing Officer, also presented this item. The proposed rule amendments would add Decatur County, Jennings County, Ripley County, Union County, and Vigo County to the pine shoot beetle quarantined area. She said the counties have been declared “generally infested with larger pine shoot beetle,” and would be removed from 12 IAC 18-3-12(c), the listing of the non-quarantined Indiana counties.

Kane said the public hearing was convened as scheduled on January 24, 2005. No one from the public appeared for the hearing and no comments were filed regarding the rule promulgation. She said an

emergency rule is currently in effect (LSA Document #04-258(E)) declaring the five counties as quarantined. Kane recommended the proposed rule amendments be given final adoption.

Linda Runkle moved to give final adoption of amendments to 312 IAC 18-3-12 adding Decatur County, Jennings County, Ripley County, Union County, and Vigo County to the pine shoot beetle quarantine area. Rick Cockrum seconded the motion. Upon a voice vote, the motion carried.

Consideration of Report of Public Hearing, Analysis, and Recommendation for Final Adoption of New Rule 312 IAC 18-3-19 Adding Standards for the Control of the Giant African Land Snail (Administrative Cause Number 04-101E; LSA Document #04-127(F))

Jennifer Kane, Hearing Officer, also presented this item. She explained the proposed new rule section, 312 IAC 18-3-19, would establish the giant African land snail as a pest or pathogen. The new rule section would also prohibit the possession, sale, release, or other distribution of these snails in Indiana.

Kane indicated the public hearing was convened as scheduled on February 24, 2005. No one from the public appeared for the public hearing, and no written comments were received. She explained that “giant African snails” is the common name used to describe three snail species native to Africa. They are considered serious agricultural pests in the United States, especially to the southern states. “These snails can cause extensive damage to agricultural crops and pose a risk to human health.” Kane said the U.S. Department of Agriculture has “never issued a permit to import these snails.” The possession, sale, release, or other distribution of these snails in Indiana is currently prohibited under an emergency rule (LSA Document #04-126(E)). She said the current proposal would make permanent the prohibition, and she recommended the rule proposal be given final adoption.

Rick Cockrum moved to give final adoption of a new rule, 312 IAC 18-3-19, adding standards for the control of the giant African land snail. Jane Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of Petition, Report of Public Hearing, and Recommendation for Final Adoption of New Rule (312 IAC 5-6-5.5) Adding Restricted Watercraft Zone to Provide Environmental Protection to “The Prairie” in Lake Manitou, Fulton County (Administrative Cause Number 03-069L; 04-210(F))

Stephen Lucas, Hearing Officer, presented this item. He said that for consideration is a rule proposed for final adoption to establish a special boating zone in a shallow area of Lake Manitou in Rochester, Fulton County. The zone is known locally as “the Prairie.” The zone was proposed in a petition by the Lake Manitou Association, Inc., through its president Orv Huffman, and was intended to help return the ecological values to the zone and to help support a healthy fishery within the lake.

Lucas said the lake association worked closely with DNR’s Division of Law Enforcement and its Division of Fish and Wildlife in articulating the boating restrictions to be applied. In essence, a boat could be operated within the zone only if:

- (1) The boat is other than a motorboat or is a motorboat with the motor turned off;
- (2) The boat is not operated in excess of “idle speed,” a speed that is equivalent to five miles per hour for most practical purposes; and
- (3) The boat is not anchored.

He said an automatic “sunset” date of April 30, 2008 would be established for the rule. Before that date, the efficacy of the zone would be evaluated, and professionals within the DNR would come back to the NRC with recommendations to maintain, modify, or terminate the zone.

Lucas indicated a public hearing was held in Rochester on January 12 at which approximately 35 people appeared. Several people spoke in favor of the proposal, and no one spoke in opposition. He said the proposal was ready for consideration as to final adoption. If approved, the permanent rule amendments would become effective on October 1, 2005.

Orv Huffman, President of the Lake Manitou Association, spoke in favor of the rule proposal. He said he was “here to thank the Commission and ask it to pass the rule” to protect the 42-acre area known as “the Prairie.” He distributed two T-shirts with logos intended to support preservation of “the Prairie.” Huffman said he also sought permission “to put out buoys” and cause the protected zone to become effective for the upcoming boating season.

Rick Cockrum asked Lucas why the effective date of the rule was delayed until October. He responded that the statutory structure for permanent rules, with reviews by the Attorney General and the Governor yet to be performed, would result in effectiveness sometime this summer. Lucas said having a watercraft rule become effective during the boating season would be confusing, so typically and here, the effective date was made after the close of the primary boating season. Even so, the Director has discretion to approve a temporary rule that could go into effect very shortly, and the Commission could recommend to the Director that he approve a temporary rule.

Director Kyle Hupfer said that if the Commission voted to approve the boating restriction for “the Prairie” as a permanent rule, he would have “no problem” with doing so as a temporary rule on an interim basis for the 2005 boating season. Hupfer said he would instruct Lucas to draft a temporary rule to that effect.

Chairman Kiley said this proposal would be the second time a watercraft zone was created on Indiana public freshwater lakes for the purpose of protecting a sensitive environmental area. Previously, the Commission established zones of this type within Lake Wawasee and Syracuse Lake in Kosciusko County. He said these zones were successful, but public education and enforcement were challenges. He asked whether there were initiatives targeted at supporting citizen understanding of the new requirements.

Orv Huffman responded he has been in regular communication with Maj. Samuel Purvis, Indiana State Boating Law Administrator, as well as Lt. John Sullivan and his officers in District 1. He said the lake association would assist on an informal basis, taking the ID numbers of boats in violation and calling them in to law enforcement. The first response would be a “kind letter,” but if violations persisted, more aggressive enforcement techniques could be pursued. Huffman also said signage was being prepared by the DNR to explain the boating restriction at the lake’s public access site.

Director Hupfer recommended Huffman contact local law enforcement and “get with the COs to do some patrolling.” He also informed Huffman that there was a program that could provide financial assistance for boating enforcement by the Fulton County Sheriff’s office. He suggested he contact Lt. Col. Mike Crider, who was present in the audience, concerning this opportunity.

Rick Cockrum moved to give final adoption to 312 IAC 5-6-5.5 to establish a restricted boating area within “the Prairie” on Lake Manitou in Rochester. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of Report of Public Hearing, Public Comment, DNR Comments and Responses, and Recommendation for Final Adoption of Miscellaneous Rule Amendments to 312 IAC 9 Governing Standards for Management of Fish and Wildlife (Administrative Cause Number 04-145D; LSA Document #04-253(F))

Jennifer Kane, Hearing Officer, presented this item. She said before the Commission was the final adoption of miscellaneous amendments to 312 IAC 9 that govern standards for management of fish and

wildlife. She said the Hearing Officer's report set forth the recommendations for final adoption. As reported previously by Commission Member, Raymond McCormick, the DNR's Division of Fish and Wildlife was withdrawing the proposed amendment to 312 IAC 9-3-5(d) governing hunting deer by bow and arrows in urban deer zones. Kane recommended that, with the withdrawal of the proposed amendment to 312 IAC 9-3-5(d), the remaining proposed amendments be given final adoption as presented to the Commission.

Dick Mercier with the Indiana Sportsmen's Roundtable, said he supported passage of the proposed amendments but was a "little disappointed" with the withdrawal of the proposed amendment pertaining to bag limits in urban deer zones. Mercier added, however, the review by the advisory councils of the urban deer zone issues was an "excellent idea."

With the withdrawal of proposed amendment to 312 IAC 9-3-5(d), Larry Goode moved to give final adoption to the remaining miscellaneous rule amendments to 312 IAC 9 as recommended by the Hearing Officer. Raymond McCormick seconded the motion. Upon a voice vote, the motion carried.

Consideration of Report of Public Hearing, Analysis, and Recommendation for Final Adoption of Amendment to 312 IAC 11-2-5: The Definition of "Bulkhead Seawall" and Determination Criteria (Administrative Cause Number 04-116W; LSA Document #04-157(F))

Jennifer Kane, Hearing Officer, also presented this item. She said the proposed rule amendments to 312 IAC 11-2-5, that were given preliminary adoption in July, would add criteria to the definition of "bulkhead seawall." These criteria would help distinguish when an existing timber seawall is functioning and should be considered a bulkhead seawall. Kane said the public hearing was convened as scheduled on February 28, 2005. However, no members of the public attended, and no written comments were filed regarding the proposed rule amendments.

Kane said a timbered or railroad tie seawall is "pieced together" and probably does not meet the current regulatory concept of "impervious." From an engineering standpoint, however, an existing timber or railroad tie seawall may provide shoreline protection and reflect wave energy, functioning very similarly to a concrete seawall or steel or seawall. Timber seawalls have been prohibited on Indiana's public freshwater lakes since 1991. Kane added, "It is important to note that this rule proposal would not change that prohibition." As existing timber seawalls deteriorate, replacement materials for those seawalls are contingent on whether the timber seawall is classified as a "bulkhead seawall." The "bulkhead" wall classification dictates the type of materials that can be used for reconstruction.

Kane also explained that the proposed amendments to the definition of "bulkhead seawall" would allow a deteriorating timber seawall, determined to be functioning as a "bulkhead" wall, to be replaced with solid concrete or steel sheet piling. She added that if the timbered seawall is determined not to function as a bulkhead wall, under some circumstances it could only be replaced with glacial stone or a bio-engineered material. Kane recommended the proposed amendments for final adoption.

Rick Cockrum asked the DNR's Division of Water to clarify the practical consequences of the proposed amendments. James Hebenstreit responded that timber walls were common in the 70s and 80s. "So, right now if someone wanted to replace one, we can't allow them to use concrete or steel sheet piling. This facilitates the replacement."

Larry Goode moved to give final adoption of amendments to the definition of "bulkhead seawall" at 312 IAC 11-2-5. Lester Ponder seconded the motion. Upon a voice vote, the motion carried.

Consideration of Report of Public Hearing, and Recommendation for Final Adoption of Rule Amendments to 312 IAC 3-1-7 Governing Filing and Service of Pleadings and Documents with the

Natural Resources Commission Under IC 4-21.5 (Administrative Cause Number 04-170A; LSA Document #04-263(F))

Steve Lucas presented this item on behalf of the Hearing Officer, Sandra Jensen. He said for consideration is final adoption of amendments to the procedural rule section that governs adjudications before the NRC's Division of Hearings. The amendments conform 312 IAC 3-1-7 to IC 4-21.5-3-1(f)(3) by providing that filing of a document with a private carrier is complete upon delivery to the carrier rather than upon the carrier's delivery to the Commission. Also, service through U.S. Priority Mail and U.S. Express Mail would be treated the same as service through a private carrier. He said the amendments would allow for an earlier filing date in some circumstances. Although there had never been a problem with this service timing issue, there could be in the future, and the amendments sought to resolve any error or uncertainty.

Lucas said the proposed amendments were discussed with the Environmental Law Section of the Indiana State Bar Association before preliminary adoption. Although there were questions at that time, he believed they were adequately addressed. No one appeared at the public hearing or otherwise commented on the proposed amendments. He said the Hearing Officer recommended them for final adoption as proposed and published.

Linda Runkle moved to give final adoption to the amendments to 312 IAC 3-1-7 as given preliminary adoption and published. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of Recommendation for Preliminary Adoption of Rule Amendments to 312 IAC 8 Governing DNR Property Use (Administrative Cause Number 04-197D; LSA Document #05-18)

Steve Lucas presented this item. He said presented for consideration as to preliminary adoption were several mostly-technical amendments to 312 IAC 8 that governs the use of DNR properties by citizens. These amendments were developed through an informal DNR committee, including representation from the property management divisions and the Division of Law Enforcement, which is chaired by Marian England of the Division of State Parks and Reservoirs.

Lucas said most amendments sought to offer language clarification and were unremarkable. One noteworthy item was a proposal that would eliminate an automatic prohibition in a DNR parking lot for more than 48 hours. Instead, for lots where parking duration needs to be limited, signage would identify the period of limitation. He offered two examples. At one access site to a public freshwater lake, neighbors used its small parking area for overflow parking, essentially negating the viability of the access site. In this instance, a limit on parking duration might be needed. On the other hand, common usage of the Knobstone Trail required extending parking, and a 48-hour limitation was probably incompatible with legitimate citizen usage.

Lucas said part of the impetus for considering changing the 48-hour parking limit was a petition for rule change requested by Charles Ramsey. He reflected that Ramsey hoped to have the change in effect this summer. Lucas distributed a copy of a March 10, 2005 e-mail from Ramsey in which he described his grievance with application of the 48-hour rule to his usage at Brookville Lake. He said Marian England was present in the audience to answer questions.

Rick Cockrum asked if Ramsey was unhappy because his trailer was towed from the Quakertown ramp during a period when he used the lake for more than 48 hours. Lucas responded that he believed Cockrum's understanding was accurate. Cockrum asked whether there would be confusion if different sites had different parking restrictions. Lucas said the sites would be signed on an individual basis. In many instances, there would no longer be a limitation based upon parking duration.

Lester Ponder moved to give preliminary adoption to the amendments recommended for 312 IAC 8 governing the use of DNR properties by citizens. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Adjournment and Next Meeting

The meeting adjourned 2:17 p.m., EST. The next meeting was tentatively scheduled for May 17, 2005 at 10:00 a.m., EST, in the Garrison, Fort Harrison State Park.