

## **NATURAL RESOURCES COMMISSION**

Bryant Creek Shelter House  
Morgan-Monroe State Forest  
Martinsville, Indiana

**Minutes of May 19, 2009**

### **MEMBERS PRESENT**

Bryan Poynter, Chair  
Patrick Early  
Robert Wright  
Phil French  
Doug Grant  
Thomas Easterly  
Brian Blackford  
Michael Reed

### **NATURAL RESOURCES COMMISSION STAFF PRESENT**

Stephen Lucas  
Sandra Jensen  
Debra Michaels

### **DEPARTMENT OF NATURAL RESOURCES STAFF PRESEN**

John Davis	Executive Office
Ron McAhron	Executive Office
Chris Smith	Executive Office
John Seifert	State Forester
Tom Lyons	Forestry
James Allen	Forestry
Jeremy Kolaks	Forestry
Cheryl Hampton	State Parks and Reservoirs
John Bergman	State Parks and Reservoirs
Alex DeGroot	State Parks and Reservoirs
Nick Heinzelman	Indiana Heritage Foundation
Dale Brier	Outdoor Recreation
John Bacone	Nature Preserves
Ben Eddy	Nature Preserves
Bill James	Fish and Wildlife
Linnea Petercheff	Fish and Wildlife
Mitch Marcus	Fish and Wildlife
Dylan Sickles	Fish and Wildlife

Al Schumacher	MIS
Phil Bloom	Communications
Lt. Col. Sam Purvis	Law Enforcement
Maj. Felix Hensley	Law Enforcement

## **GUESTS PRESENT**

Sen. Richard Bray	John Goss
Jack Corpuz	Bill Herring
Keith Dutton	Doug Allman
Brian Cleary	

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 10:08 a.m., EDT, on May 19, 2009, at the Bryant Creek Shelter House, Morgan-Monroe State Forest, Martinsville, Indiana. With the presence of eight members, the Chair observed a quorum.

Thomas Easterly moved to approve, without amendments, the minutes of the Commission's March 17, 2009 meeting. Patrick Early seconded the motion. Upon a voice vote, the motion carried.

## **Reports of the Director, Deputies Director, and Advisory Council**

Chairman Bryan Poynter welcomed Commission members, agency personnel, and citizens to the meeting. He stressed the importance of viewing properties managed by the DNR and within Commission jurisdiction. The Chair reported Morgan-Monroe State Forest was one of the agency's largest properties and that he was "personally very familiar" with it. He thanked Jim Allen and Jeremy Kolaks for their extraordinary efforts in hosting the meeting.

Chairman Poynter identified Indiana State Senator Richard Bray of Martinsville and expressed appreciation for his attendance. He invited Senator Bray to join members of the Natural Resources Commission in an educational tour of the state forest scheduled after adjournment.

Senator Bray welcomed the Commission and guests to Morgan County and to his District. He said he believed the meeting was the first time the Commission had met at Morgan-Monroe State Forest. Sen. Bray said he would gladly accept the Chair's offer and attend the post-meeting tour.

John Davis reported as the Deputy Director for the Bureau of Lands and Cultural Resources. He said the DNR was closing caves in response to "white-nose syndrome", a disease that has killed an estimated "95% of infected bats in New York." After discussions with the U.S. Fish and Wildlife Service and wildlife agencies in other States, "We decided it was the prudent thing to do."

Davis said the DNR was awaiting a new budget and expected it to "be sparse. We've delayed filling vacancies." He reported the number of vacancies resulting from retirement was unusually large, due in part to a current law that gives "a small break on the cost of health insurance."

Davis said that among those retiring was Tom Lyons, Assistant Director of the Division of Forestry. “We hate to lose him. He has been a tremendous asset.”

Tom Lyons thanked Davis and said he had greatly enjoyed his experiences with the DNR. “It has been a tremendous 37 years.”

Ron McAhron reported as the Deputy Director for the Bureau of Resource Regulation. He said the DNR was working with FEMA to obtain a delegation of authority for the approval of some reviews. Doing so “will support license transparency of reviews we do” and will “save money.” McAhron said the Division of Historic Preservation and Archaeology was working with HUD to develop a programmatic agreement for specified types of properties that are being refurbished. He said the Division of Reclamation and the Division of Oil and Gas were cooperating on the development of a process, for mutual notifications to protect the integrity of coal mines and petroleum production wells, where these activities take place on the same real estate. He said the Division of Entomology has completed the spring treatments of gypsy moths in northern Indiana.

Patrick Early, Chair of the Advisory Council, reported on the Council’s meeting of April 8. He said the Advisory Council reported favorably upon items pending before the Commission regarding technical amendments to the fish and wildlife rules and for amendments to the rules governing game breeder licenses. Early said the Council was about to embark upon an ambitious initiative, during which its meetings may be expanded from 1 ½ hours to four hours, to review the nearly 1,000 citizen suggestions on issues governed by the fish and wildlife rules. Also, instead of meeting every-other-month, the Council would meet monthly for the next five months. “We’re now at a point we’re going to start dealing with substantive changes for hunting and fishing and in other areas” in order to make the rules more easily and effectively implemented.

Early added that the Advisory Council would consider substantive suggestions relating to the Hunting, Taking and Trapping of Mammals, except Deer, at its regular meeting scheduled for June 10, 2009. The Advisory Council would consider Bird Hunting at its regular meeting in August, and it would consider Fishing (except Trout & Salmon on the Brookville Tail Waters) at its regularly scheduled October Meeting. Two special evening meetings would be scheduled in July and September, to consider Hunting Deer and Fishing for Trout & Salmon on the Brookville Tail Waters, respectively.

Early closed by saying the Advisory Council intends to submit its report of non-binding recommendations at the November, 2009 Commission meeting.

#### **CHAIR AND VICE CHAIR**

Chairman Poynter said he was “delighted with the progress” of the initiative described by Pat Early. “This process was started many, many months ago. I can’t begin to thank everyone who has helped, but I’d like to express my special appreciation to Phil French, Pat Early, John Goss, John Davis, and Col. Mike Crider.” He thanked Linnea Petercheff for her participation. “Thank you, Sandra, for your tireless efforts with providing organization. As Sandy recently told me, “We’ve stayed remarkably on target.””

Bryan Poynter recognized Lt. Col. Samuel Purvis and announced “Sam is retiring. We will certainly miss him.” He added that Glen Salmon, Director of the Division of Fish and Wildlife, was “moving onto Washington, D.C. to taken on bigger challenges and a bigger role. We wish him well.”

In the absence of Vice Chair, Jane Ann Stautz, Bryan Poynter asked Steve Lucas to update the Commission on the recent activities of the AOPA Committee. Lucas said under the guidance of Jane Stautz, who is Chair of the Committee, a “marathon session was held on April 7. The Committee met to consider four cases where objections were filed by litigants against the nonfinal order of an administrative law judge. All of the members of the Committee were present—Bob Wright, Doug Grant, Mary Ann Habeeb as designee for Commissioner Easterly, and Mark Ahern as designee for Commissioner Reed, together with Jane Ann. It’s a lot of work, and I was extremely impressed with the level of their preparation. The Committee met almost nonstop for four hours. That’s intense and a lot of time to listen to a bunch of lawyers. I wanted to express our great appreciation for their efforts.”

### **DNR, EXECUTIVE OFFICE**

#### **Consideration and Identification of Any Topic Appropriate for Referral to the Advisory Council**

No new topics were referred to the Advisory Council.

#### **Information Item: Update concerning 2009 Legislation by the Indiana General Assembly Directed to Activities of the Department of Natural Resources and the Natural Resources Commission**

Chris Smith, Administrative Assistant and Legislative Liaison for the DNR’s Executive Office, presented this information item. He said the budget was the key priority for this session of the Indiana General Assembly so the DNR sought assistance with a very limited agenda. Two bills included matters sought by the DNR.

He said SB 545 simplifies the process for deer hunts and other wild animal control activities at State Parks. The legislation provides a “leveling of age” for greater consistency among hunting licenses. The legislation also eliminates an obsolete provision which required that Commission rules on the Ohio River be consistent with Kentucky rules on the Ohio River.

SB 546 clarified navigation requirements for motorboats approaching sailboats and other non-motorboats approaching each other on public waters. Standards for determining if a person is boating while intoxicated were made consistent with standards for driving a motor vehicle while intoxicated. The Governors’ Portraits were transferred from the Indiana Historical Bureau to DNR’s Division of Museums and Historic Sites. Mourning doves were defined as game birds. A voluntary senior hunting license was created.

Smith said John Goss and Dick Mercier were instrumental in obtaining the voluntary senior hunting license. The license provides an opportunity for additional Federal match funding in

support of fish and wildlife activities, including enforcement. He expressed his appreciation to Goss and Mercier for their efforts with this legislation and otherwise during the session.

Smith said other legislation of interest included HB 1203 which creates the Invasive Species Council. This Council can be of assistance to the DNR in its efforts to control harmful invasive species. SB 424 provides greater latitude to the State Entomologist and the DNR in defining areas quarantined because they include pests or pathogens.

HB 1585 would have doubled bag limits for deer in counties with high rates of collisions with motor vehicles. He said this legislation was not enacted, but the DNR will work with interested Legislators and citizens to seek solutions. HB 1550 would have governed logging in State Forests, but this legislation was redirected for further study.

John Davis congratulated Smith on his first session as the DNR's legislative liaison. "I think he's one of the best out there. Now we need to try and keep him from being taken away from us."

### **PERSONNEL ACTIONS (Permanent Appointments)**

#### **Consideration of Permanent Appointment of Dylan Sickles as Property Manager at East Fork Hatchery, Montgomery**

Bill James, Chief Fisheries Biologist for the Division of Fish and Wildlife, presented this item. He said, "You preliminarily appointed Dylan Sickles a little more than a year ago." He operates the East Fork Fish Hatchery which is our biggest hatchery. "Dylan is an outstanding individual, and he does an outstanding job for us. I highly recommend him for permanent appointment."

The Chair asked Sickles if he had any comments. Sickles responded, "I'm ready to keep going."

Bob Wright moved to approve permanent appointment of Dylan Sickles as Property Manager at East Fork Fish Hatchery, Montgomery. Brian Blackford seconded the motion. On a voice vote, the motion carried.

#### **Consideration of Permanent Appointment of Alex DeGroot as Assistant Property Manager at Potato Creek State Park, North Liberty**

John Bergman, Assistant Director for the Division of State Parks, presented this item. He said, "Alex has been with us in a lot of different capacities since 2001." Bergman said DeGroot started as a laborer and worked through the ranks. "He does a great job. I recommend Alex for permanent appointment."

Brian Blackford moved to approve permanent appointment of Alex DeGroot as Assistant Property Manager at Potato Creek State Park, North Liberty. Bob Wright seconded the motion. On a voice vote, the motion carried.

## **DIVISION OF NATURE PRESERVES**

### **Consideration of the Dedication of the Coastal Plain Pond Nature Preserve, Jasper County**

John Bacone, Director of the Division of Nature Preserves, presented this item. He circulated photographs of the proposed Coastal Plain Pond Nature Preserve and said it contains high-quality examples of “coastal plain marshes and ponds.” The site includes numerous rare wetland plants more commonly associated with coastal wetlands along the Atlantic Seaboard. He said it was a “super-significant site in terms of rare plant species.” Bacone recommended the site for dedication as a nature preserve.

Patrick Early moved to approve dedication of the Coastal Plain Pond Nature Preserve in Jasper County. Tom Easterly seconded the motion. On a voice vote, the motion carried.

### **Consideration of the Dedication of an Addition to the Spicer Lake Nature Preserve, Saint Joseph County**

John Bacone also presented this item. He said the proposal would dedicate an addition to the Spicer Lake Nature Preserve in St. Joseph County. The addition includes approximately 93 acres of upland forest, buttonbush swamp and former agricultural fields and would provide significant watershed protection to the lakes and wetlands. He said a portion of the addition was donated by the South Bend-Elkhart Audubon Society, and the remainder was acquired with assistance from the Indiana Heritage Trust. Bacone recommended the site for dedication as an addition to the nature preserve.

Patrick Early moved to approve dedication of the addition to the Spicer Lake Nature Preserve in St. Joseph County. Tom Easterly seconded the motion. On a voice vote, the motion carried.

## **DIVISION OF FISH AND WILDLIFE**

### **Consideration of Recommendations of DNR Committee Formed to Consider Citizen Petition to Allow Deer and Turkey Hunters to Check in Their Harvest by Telephone; Administrative Cause No. 08-021D**

Mitch Marcus of the Division of Fish and Wildlife presented this item. He said in January 2008, John Scifres filed a petition for rule change to allow hunters, by telephone, to check in their harvests of white-tailed deer and wild turkeys. In February 2008, Director Rob Carter appointed Wayne Bivans of the Division of Fish and Wildlife as chair of a committee to review the petition. Major Steve Hunter and Major Scott Wilson of the Division of Law Enforcement, as well as Michael Mycroft of the Division of State Parks and Reservoirs, were appointed members. Marcus said he assisted with technical analyses.

Marcus said the committee reviewed the petition and “explored options, talked with vendors, looked at systems in other States, and developed recommendations. Those recommendations were put into a report that was shared with the DNR Director in February of this year.” In the report, the committee identified five minimum requirements:

- (1) an automated telephone and web-based system capable of gathering pertinent harvest data;
- (2) a system that could validate hunter information;
- (3) a system that could provide all data in a format that would be used by DNR personnel for analyses;
- (4) a system that could be accessed in the field for law enforcement purposes; and
- (5) a system that could be modified to include species in addition to deer and wild turkeys.

Marcus said, "We met with several vendors that provided such systems." We "requested bid proposals on such a process, both on the telephone side and the web-based side. For wild turkeys, the estimated cost came in between \$52,620 and \$72,625, depending on the vendor. That comes out to a 56 cent to 83 cent per visit cost. The systems that we spec-ed out were such that a hunter would register with the system and then he would register his game when successful.... Currently, our wild turkey check-station system costs approximately \$1 a bird. The deer program cost was anywhere from \$65,000 to \$108,000. That compares to a system, which we have now, that annually runs \$97,000, about 75 cents a deer."

Marcus added, "At the time we made the presentation to the DNR, the Department was very supportive of a tele-harvest type system. Essentially, the Department recommends that the petition be granted in principle and that we move forward when funding becomes available. The Division of Fish and Wildlife would be directed to take appropriate steps to implement a telephone check-in system, including the preparation of any required draft rules for the Commission's subsequent adoption."

The Chair stated, "Thank you, Mitch. I know a lot of work went into the research. Are there any questions from the Commission?"

Phil French asked, "Are there any synergies between those two programs cost wise? Is that the base foundation of the programming? There are two complete separate costs there for two separate check-ins. Is there any way to marry those two together?"

Marcus responded, "They're married in the fall."

French continued, "When we write the programs, for every one we add, is it going to be an additional \$100,000 or whatever it costs?"

Marcus responded, "It's under the same system, basically. We'll be able to add to as many species as needed."

Patrick Early said, "I just want to make sure that I understood the answer. The cost of doing deer now you said is around \$79,000?"

Marcus responded, "\$97,000. 75 cents per animal."

Early continued, "It's about the same, then, with tele-check as the system you do now for cost?"

Marcus responded, “Very similar. Yes.”

The Chair then received comments from guests.

Jack Corpus said, “Basically, I’m the typical hunter. I hunt one day a year, kill a deer before nine o’clock, and get it processed.... I process at a check-in station so tele-check will probably benefit me not at all, but I have a lot of friends that are bow hunters who hunt the early season. They often hunt on Sunday evenings. I hear the complaint that they can’t find a deer check station open, so I understand what you’re talking about. For myself, there’s no benefit. For other hunters out there, there may be. The numbers we’re hearing—the cost—that was what I was hung up on—if there was going to be a cost that was more for tele-check than what we’re using now. Since it’s the same, it’s still a wash for me.”

Chairman Poynter stated, “Mitch, that thought has prompted a question from me. Is this a complete replacement, or is there a phase in?”

Marcus responded, “The committee recommended that we phase this system in starting with turkeys, and work the bugs out of the system and get us through the one-buck rule timeframe. For data consistency purposes, it would be best not to change data systems until we re-evaluate the one-buck rule.”

Keith Dutton said he was a resident of Monroe County and well-familiar with the woods at Morgan-Monroe State Forest. “I’m on the fence on this one as well. I’m a long-time sportsman.... This tele-check thing, the whole issue, it’s not going to effect me one way or the other, but I think if we’re looking at it from a convenience issue, as a hunter, I don’t see any benefit.” He added, “I used to sell licenses and considered being a check station, at one point, when I had my own outdoor shop. The red tape and all that, I didn’t want to be involved with it. I’d rather see money put there, or I’d rather see money put toward land acquisition.... I’d like to see some trees cut down for our grouse and for some other things.” He concluded, “If the money system is the same as what we’ve got now, I could go either way.”

Doug Allman said he was against changing to a tele-check system because science is supported by having “check stations provide a hands-on evaluation of what you have.... The deer gets brought into the station. With elimination, those deer would now be taken home or taken to processors. The ability to access those deer we believe is crucial, and always has been,...to look for disease and to look at what’s happening in the herd.” He said check stations were essential to understanding that EHD was more widespread than originally believed. He said CWD “was out there looming and about ready to be brought in” to Indiana. “If there is CWD discovered, we want to be out there finding out what’s going on right now. That’s available at check stations. You could go through that whole deer season, any period of time, and have biologists there at check stations to inspect deer for disease. You eliminate that when you go to tele-check because now you’re going to have to get people to bring deer in.” He said tele-check would also result in a loss of interaction between DNR biologists and hunters. “That’s sometimes the only time we see district biologists.” He said check stations also provide interaction between hunters and conservation officers. “There’s a lot of illegal activities that is found out through check stations.” He added, “Then it goes back to tradition. I mean I’ve been a hunter for over 30



years. You check your deer in. There's people bringing those deer into the check stations, and that vendor is checking them in. It's an economical benefit at those check stations." Allman concluded, "We think there's a host of factors that will be lost if we go to tele-check.... It will be easier, there's no question. But we think it's not a step in the right direction."

The Chair said, "Mitch, I have a couple of questions just to follow up. Maybe you can address the science aspect and the biology aspect in your committee's recommendations. I'd also be interested in hearing what the other States do."

Marcus responded, "Our staff feels that we would have to make some changes in the way operate, particularly for disease monitoring and other specific animal collection data that we do, but we feel that it can be done. The Division of Law Enforcement was at the table. Steve Hunter here was the co-chair of the committee, and Enforcement was very comfortable. Is that correct?"

Major Hunter responded, "Correct."

Marcus continued, "There are ways that the Division of Law Enforcement would get the information quicker, as would the Division of Fish and Wildlife." He said the proposed tele-check "system is not live. The numbers would be a lot higher than they are if you were looking at a live system. But the way that the system would operate would be that that data would be collected and then pushed back to the agency in a given time interval. We had requested three times a day that that information would come back to us. Right now, it takes us months to analyze all those check station logs."

John Davis observed, "We formed a committee as a response to a petition. It's not a Department initiative. The investigation shows the system would be favorable dollar wise." He said, "We're constantly in state of evaluation and re-evaluation of all our programs. We need to make sure that we've considered everything that everybody has mentioned here."

Tom Easterly asked, "If we endorse this in principle, we still would have to do rules. Those rules would provide an opportunity for public comment and input?"

Davis responded, "Right now we have rules that say you have to go to a check station" so rule changes would be required.

Patrick Early said, "I'm all for it for the turkeys.... I don't really hear that there is any cost benefit for doing the tele-check for deer. I tend to agree with what Doug [Allman] is saying on a lot of his points. I think that check stations are more controlled. I think that it is easier to do inspections. I think that it may be easier to check the biology. I guess if we're not saving any money, and there are a lot of reasons for doing it the way you're doing it,... I'm not sure that you're not cutting out part of the process that we need to have. You say, 'There are alternative ways to study the biology.' I'm not sure I understand what those alternative ways are. To look at this, I guess I'm not personally ready to approve it even preliminarily on deer."

Early said he would prefer to have the Advisory Council address the proposal in July "as part of the changes we talk about in deer. We've got a citizen's petition. That's one person. We have a

study from the DNR that has a lot of creditability, and certainly I think they've done a good job with that. I guess I would be more interested in hearing what our population wants before we take any kind of affirmative action."

The Chair stated, "I like Pat's idea. In deference to the other hunters here, I think what we should probably do is defer this to the Advisory Council as part of their consideration of deer issues. Ultimately, this is going to be a substantive rule change. Let's move it through that same course."

Sandra Jensen said, "I simply want to add for everyone's information that the citizen's petition came in January 2008. The committee had begun its work before the comprehensive fish and wildlife rules review commenced. This petition was already ongoing. I will say there were several substantive suggestions, both pro and con, that came in through the suggestion form for the comprehensive review. They were originally commingled with the citizen's petition. Going to the Advisory Council would allow for additional consideration in light of all the subsequent suggestions."

Chairman Poynter stated, "I make a motion that we have heard the final report of the committee, and we determine to recommit the proposal to the Advisory Council for further consideration." Patrick Early seconded the motion. On a voice vote, the motion carried.

#### **Consideration of Preliminary Adoption of Amendments to 312 IAC 9-10-4 Governing Game Breeder Licenses to Address the Housing and Sale of Wild Animals, including White-Tailed deer; Administrative Cause No. 09-059D**

Linnea Petercheff of the Division of Fish and Wildlife presented this item. She said the DNR was proposing changes to the rule governing the game breeder license, established under IC 14-22-2, to clarify housing and other requirements for licensed game breeders. Petercheff said the impetus for the proposed amendments was a series of meetings among the Deer and Elk Farmers Association, DNR's Chief Legal Counsel, Adam Warnke, and her. A few other technical and substantive changes were also included. She summarized the elements of the proposal as doing the following:

- (1) removing the Southern flying squirrel from the listing of animals that can be possessed under the license;
- (2) clarifying how white-tailed deer can be obtained and possessed;
- (3) clarifying the lawful use of wild animals kept under the license for game breeders in IC 14-22-20 and for cervidae livestock under IC 14-22-20.5;
- (4) clarifying how wild animals can be obtained and kept under the license according to the authority for game breeders under IC 14-22-20.5;
- (5) specifying the fencing requirements for white-tailed deer;
- (6) clarifying the housing requirements for white-tailed deer;
- (7) adding a provision that white-tailed deer and their products can be sold in Indiana under IC 14-22-20;
- (8) clarifying record-keeping requirements; and

(9) adding provisions for conservation officer inspections to help eliminate stress to animals possessed under the license, help prevent the spread of disease, and clarify when violations must be corrected.

The Chair observed that members of the public had asked to speak on this item.

Bill Herring welcomed members of the Commission to Morgan County. “Many years ago, I was at a public hearing in which one of the topics was game breeders licenses and adding white-tailed deer to the list of animals that could be possessed under a game breeders license. I opposed the concept at that time because I thought it would open a Pandora’s Box. Unfortunately, it was passed, and unfortunately we have opened a Pandora’s Box. Just as the State can grant an opportunity, the State can also take away an opportunity. I hope you would seriously consider doing whatever needs to be done remove white-tailed deer from the list of species that can be caught and raised under a game breeders license.”

Herring said, however, “If you continue with a rule allowing game breeders to propagate white-tailed deer, one of the items I think you need to seriously confront is the fencing issue.” He said, “white-tailed deer can jump an eight-foot fence..., especially if there’s no additional fence behind that in close proximity and especially if there’s nothing like a Y at the top to discourage them from jumping over that. I think if you persist in adopting rules of this sort, you have to have a higher fence and some additional fencing apparatus at the top.” He said there also needed to be “a minimum of 75 feet of no trees on either side of that perimeter fence.” Herring said there also needed to be provision made for streams that pass beneath the fence to assure there are not washouts “during a big rain”. He urged that the proposed rule amendments “were woefully inadequate. Please do not adopt these rules in this form.”

Doug Allman said, “I concur with Mr. Herring. I sat on the deer advisory committee..., and there was acknowledgement about deer jump eight foot fences.” He said at one point, the recommendations were for two concentric fences. “Mr. Herring is also right about where the waterways come through. I’ve witnessed problems with waterways” on Indiana deer farms. “I think fencing is a critical issue. It needs to be addressed. This subcommittee that Linnea sat on basically involved the deer industry and the DNR. It didn’t involve others who have an interest in wild deer.” Allman said he believed the proposed amendments helped to clarify the rule, but he also believed more work was needed before a proposal should be approved.

Tom Easterly asked Steve Lucas, “Would the fence thing be sufficient to be a logical outgrowth of the rule proposal?”

Lucas responded that, ultimately, the Attorney General determined what actions would be a logical outgrowth of a rule proposal. He added since fencing was stated as a key component of the rule adoption, a reasonable argument could be made that modifications to fencing requirements were here a logical outgrowth.

Bob Wright moved to approve for preliminary adoption amendments to 312 IAC 9-10-4 as recommended by the DNR. The motion was seconded by Patrick Early. On a voice vote, the motion carried.

**Consideration of Preliminary Adoption of Amendments to 312 IAC 8-2-3 to Authorize the Use of Alternative Targets at DNR’s Supervised Shooting Ranges, if DNR Determines the Use Would Not Pose a Safety Hazard; Administrative Cause No. 08-188D**

Mitch Marcus of the Division of Fish and Wildlife presented this item. He said that recommended for preliminary adoption were amendments to authorize the use of alternative targets at DNR’s supervised shooting ranges, if the DNR determined their use would not pose a safety hazard. Marcus provided an example of the kind of target that might be used if the rule amendment were adopted. He said patrons would not be authorized to bring their own targets.

Pat Early moved to give preliminary adoption to amendments to 312 IAC 8-2-3 to authorize the use of alternative targets, at DNR’s supervised shooting ranges, where the DNR determined their use would not pose a safety hazard. Tom Easterly seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Preliminary Adoption of Amendments to 312 IAC 9 (3<sup>rd</sup> Non-Substantive Rule Amendment Package) to Make Technical Changes to Rules Governing Reptiles, Amphibians, Fish, Mussels, and Permits to Reorder Language for Improved Clarity, Simplicity, and Continuity; Administrative Cause No. 09-058D**

Linnea Petercheff of the Division of Fish and Wildlife presented this item. She said for consideration were proposed technical amendments to change the rules governing reptiles, amphibians, fish, mussels, and some permits. She directed the attention of Commission members to a handout to replace the information contained in their mailings. Petercheff reflected that although the amendments were lengthy, they did not include major substantive changes. She said this package was the third and final package of non-substantive amendments anticipated for the major review of fish and wildlife rules.

Doug Grant moved to give preliminary adoption to the technical amendments to rules governing reptiles, amphibians, fish, mussels, and permits as more particularly described in the DNR’s hand outs. Pat Early seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Amendments to Nonrule Policy Document Regarding Hunting, Fishing and Trapping License Fees, Information Bulletin #54; Administrative Cause No. 09-083D**

Linnea Petercheff presented this item. She said for consideration were proposed amendments to the nonrule policy document regarding license fees for hunting, fishing, and trapping licenses. Petercheff said the amendments reflected statutory amendments in SB 545 and SB 546 that were discussed previously in the day by Chris Smith. She said that although the statutory fees were minimum amounts which could be increased by the Commission, the recommendation was that all the new fees now be included in the nonrule policy document at their minimum levels.

John Davis said “lowering of nonresident youth license fees in the statute was part of our retention program” to keep hunters active in Indiana. He reflected the Division of Fish and Wildlife has pursued a sophisticated data collection strategy aimed at encouraging ethical

hunting, and one of the conclusions derived from the data is that emphasis needs to be placed on youth hunting. “We have a very nice rate of success,” and the DNR is doing a “good job of staying on top” when most States have diminishing hunter participation.

Brian Blackford moved to approve amendments to the nonrule policy document regarding hunting, fishing, and trapping license fees as recommended by the Division of Fish and Wildlife. Tom Easterly seconded the motion. Upon a voice vote, the motion carried.

**Consideration for Approval of Nonrule Policy Document to Provide Guidelines to DNR Personnel when Reviewing Permit Applications to Dredge in Public Freshwater Lakes; Administrative Cause No. 09-045W**

Linnea Petercheff also presented this item. She said this document was needed to provide guidance to our biologists and regulators, as well as for the Division of Law Enforcement, regarding dredging activities within our public freshwater lakes under IC 14-26-2 and rules adopted at 312 IAC 11-1 through 312 IAC 11-5. She said the law already addresses excavations, generally, but the nonrule policy document would refine the regulatory design with more particular reference to dredging. The goal is to provide greater consistency for DNR personnel and for the regulated community in the treatment of license applications.

Petercheff said dredging projects can have negative impacts and can be very costly, but they can also have significant positive impacts. “We do want to authorize dredging but within a responsible timeframe that would have minimal impacts to spawning fish and other important aquatic life, particularly near the shoreline. The number of dredging requests has been increasing, and DNR staff needs additional guidance.” She said one reason for the increased usage was the opportunity for grant money from the Lake and River Enhancement (“LARE”) Program. Dredging is sought for a variety of reasons, including provision for safe and effective navigation. “This document would be placed on the Commission’s website and made available to interested members of the public.”

She said the concept for the nonrule policy document was endorsed by the Lake Management Work Group. Following mostly technical amendments, a subsequent draft document was recommended to the Commission for approval by the Advisory Council.

Doug Grant moved to approve a new nonrule policy document to address license applications for dredging projects in public freshwater lakes as set forth in the Commission packet. Phil French seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Approval of Metrics to Evaluate the Success of Tippecanoe Lake and James Lake Ecozones; Administrative Cause No. 09-020D**

Tom Flatt, Aquatic Habitat Coordinator for the Division of Fish and Wildlife, presented this item. He said the Commission recently established, by rule, new ecozones along the conjunction of Tippecanoe Lake and James Lake in Kosciusko County. The amendments have a built-in “sunset clause”, and continuation of the ecozones is contingent upon their efficacy. “Some of

you had asked what were the metrics that were going to be used to judge the effectiveness of the ecozones.” The purposes of the proposed metrics are to respond to your questions.

Flatt said ecozone plant surveys were conducted in 2008 to establish a baseline and would again be conducted, as a minimum, in 2009 and 2012 using DNR guidelines. The plant surveys are designed to identify the plant species present and how they are distributed within the ecozones. Transects would be run through the floating leaf plant beds in performance of the surveys. The beds would be mapped using GPS coordinates. Submerged plants are to be sampled with plant hooks at multiple GPS sample points. The cattail and other emergent plant life would also be identified by GPS coordinates.

Flatt said the plan was for the GPS information to overlay the most recent aerial photographs and any changes in plant species and distribution would be determined from when the ecozone became effective. From this information, records of the Division of Law Enforcement, and other local observations regarding public safety, a determination would be made on the effectiveness of the ecozone, and recommendation would be made as to whether the ecozone rule should be continued in effect beyond its scheduled expiration date. He said other information could also be incorporated if new technologies or opportunities presented themselves during the review period.

Tom Easterly moved to approve the metrics outlined by the DNR, for measuring the success of the ecozones at Tippecanoe Lake and James Lake, in determining whether the ecozones referenced in 312 IAC 5-6-9, and scheduled for sunset in subsection (f), should be retained after December 31, 2013. Robert Wright seconded the motion. Upon a voice vote, the motion carried.

## **DIVISION OF LAND ACQUISITION**

### **Consideration and Recommendation for Approval of Clark County Land Trade and declaration of surplus at Clark State Forest**

Nick Heinzelman, Director of the Division of Land Acquisition, presented this item. He distributed a map which depicted the existing and proposed addition to the Clark-Floyd County Landfill as well as pertinent portions of Clark State Forest. He said the DNR proposes trading 101.65 acres in the Clark State Forest to the Clark-Floyd County Landfill in receipt for which the DNR would obtain 102.26 acres. Heinzelman said DNR would receive “several critical in-holdings” to benefit the Clark State Forest. “We would also take off the timber on the land that we’re deeding away.” He said the proposal is at a preliminary stage, but the Clark-Floyd County Landfill needed a commitment from the Commission and DNR in order to complete options and address IDEM requirements.

John Davis said, “We want to seek a formal approval from you because, to expand the landfill, there will need to be interaction on the part of the Department of Environmental Management. Clark County believes part of the interaction will be its need to prove to IDEM that they do control the land that is part of their petition for expansion. One other item about that is the landfill won’t be any closer to the State Forest than is the existing landfill.”

Patrick Early reflected that the Advisory Council had considered and recommended approval of this item. He moved to approve a declaration of surplus property at Clark State Forest, contingent upon an equal or superior return of property as outlined by the Division of Land Acquisition, and to endorse continued negotiations by the Department of Natural Resources to effectuate the land exchange. Doug Grant seconded the motion. Upon a voice vote, the motion carried.

**Consideration and Recommendation for Approval of the Transfer of Outstanding Surface Rights from Lily Group, Inc. to the DNR, in Exchange for the Grant of a Lease over Approximately 80 Acres to Begin an Underground Coal mine, at Hillenbrand Fish and Wildlife Area**

Nick Heinzelman also presented this item and distributed a color-coded map to the Commission members. “Again, this is very preliminary.” Heinzelman said the Lily Group, Inc. came to the DNR with deeds showing “a right to acquire land on Hillenbrand for between \$5 and \$25 an acre.” Lily Group is proposing to transfer their surface rights in exchange for a lease of the portion of Hillenbrand Fish and Wildlife Area containing a rail corridor. “We bought this property in 1999 and got title insurance, that there wasn’t any exceptions on the deeds as far as surface rights.”

Heinzelman said the Lily Group plans to open an underground mine which would be operated under Hillenbrand Fish and Wildlife Area and several other properties in the vicinity. Once Lily Group is finished with the leased area, the company “would reclaim it according to modern reclamation standards.”

Davis added, “We will continue to investigate our rights and opportunities under the title insurance policy that we did buy. But we believe that the Lily Group is willing to work with us and minimize the impact to the fish and wildlife area. We are not done with our negotiation with them.” He said the DNR would seek to protect the integrity of the fish and wildlife area, but he said the Lily Group has from the beginning sought to open its underground mine “as far away from the action in the fish and wildlife area as possible.”

Pat Early asked what action the DNR was seeking from the Commission.

Davis said because the exchange “could be controversial, we thought the policy-making body for the DNR should be informed.” We would seek your approval, in principle, in this public forum. “We think it could just be a vote where the Commission is recognizing the issues and authorizing us to continue moving forward.”

Early asked if he understood correctly that the Lily Group already owned subsurface mineral rights before the DNR purchased the lands for the Hillenbrand Fish and Wildlife Area.

Heinzelman responded, “Yes, and they’re entitled to mine underground. One other thing to note is that the site does fall under Federal Aid rules, so it’s going to take quite a bit of time to achieve a final resolution.”

Bob Wright asked whether the DNR would have “a reversionary interest for the area where they would start the mine?”

Heinzleman answered, “Yes, we’ll sign a lease with them. We’ll retain the ownership of the ground.”

Doug Grant asked, “If our title insurance were all right, would we have still been inclined to lease the area to the Lily Group?”

Davis responded, “We bought the surface rights knowing that the underground coal rights were outstanding. We knew that there was a chance of underground coal mining. What our title insurance didn’t help us understand was that there was an option to buy the surface rights, and it’s an option to buy only to recover the Number 4 Coal. If we had known about the option, we probably would have wanted to clarify its status before making the purchase, because it’s just five acres or one acre or ten acres out of like a 100-acre or 200-acre parcel. We probably would have wanted to try and straighten that out somehow, but we didn’t know about their existence. Now, we’re in this position. Right at this moment, I’m not sure what our reaction would have been had our title insurance been more thorough.”

Pat Early moved to approve, in principle, and further to endorse continued negotiations by the Department of Natural Resources to effectuate the grant of lease to the Lily Group, or its assignee, of the portion of Hillenbrand Fish and Wildlife Area depicted in the color-coded map, in exchange for the transfer to the DNR of surface rights over which the Lily Group has deeds or options. In addition to reclamation required under Indiana SMCRA for the portions of the leased area affected by underground coal mining, the DNR should seek to minimize adverse impacts to operation of the Hillenbrand Fish and Wildlife Area, while the mine is active, and to achieve the post-mining condition that would be most compatible with operation of the Hillenbrand Fish and Wildlife Area, after the mine is reclaimed. Thomas Easterly seconded the motion. Upon a voice vote, the motion carried.

## **NRC, DIVISION OF HEARINGS**

### **Consideration of Report of Public Hearing and Comments and Recommendation Regarding Final Adoption of Rules to Modify the Laughery Creek Idle Speed Zone in Dearborn County and Ohio County; Administrative Cause No. 07-216L (LSA Document #08-775(F))**

Sandra Jensen, Hearing Officer, presented this item. She drew the Commission Members’ attention to a packet distributed during the meeting that contained public comments received on or after April 30, 2009. Jensen said her report was written and submitted on April 28, 2009, and, as such, these comments could not be included within that report. She explained that the packet contained comments and a petition in opposition to the proposed rule.

Jensen reported that the proposed rule resulted from the Department of Natural Resources’ consideration of a petition for rule change, submitted by Grover Sefton, which sought the extension of an existing idle zone to address “safety concerns and severe stream bank erosion”.



In accordance with the NRC's Information Bulletin #7, a committee was established by Director Carter to consider the merits of Sefton's petition. Major Felix Hensley, Division of Law Enforcement, served as the committee chairperson and filed the committee's report with Director Carter on June 4, 2008. Jensen noted Major Hensley was present to answer questions.

The committee determined that 312 IAC 5-7-10 establishes two idle zones on Laughery Creek upstream from its confluence with the Ohio River. Sefton's property, located adjacent to the Creek, lies between the two existing idle zones. Within the report, Major Hensley indicates that he and another conservation officer took a boat tour of the area to assess shoreline erosion in the existing idle zones and within the area located between the two idle zones. He observed a "drastic increase of the erosion damage" in the area lying between the two existing idle zones. Major Hensley also noted the wakes caused by high speed boats in the area and that tree stumps were present above the surface of the water in the middle of the waterway. He concluded the stumps combined with high speed boating, skiing and tubing that was occurring in this section of Laughery Creek "could be devastating."

Jensen directed the Commission Members' attention to Exhibit B of her report, which is the report of the committee, which recommended that the two existing idle zones on Laughery Creek be combined into one idle zone "beginning at the confluence of Laughery Creek and the Ohio River and continuing upstream for a distance of 16,500 feet." By establishing the one longer idle zone, the committee concluded the travel time through the area would be increased by approximately fifteen minutes, but the action would aid in shoreline preservation and would contribute to the creation of a safer recreational environment for residents, boaters, and sportsmen. Director Carter approved the committee's report on June 4, 2008.

The Commission gave the proposed rule amendments preliminary adoption on September 16, 2008. A Notice of Intent to adopt the proposed rule amendment was posted to the Indiana REGISTER database website on October 15, 2008. Major Hensley was identified as the "small business regulatory coordinator" for purposes of Indiana Code § 4-22-2-28.1. Jensen reported that all statutory requirements had been fulfilled with respect to the processing of the proposed rule package. Particularly, Jensen observed that notice that a public hearing would be conducted on April 3, 2009 was published in Rising SUN RECORDER, the Indianapolis Newspapers, and was posted to the Indiana Register database as required by law.

Jensen said no member of the public attended the hearing held in Rising Sun on April 3, 2009. No comments were received from the public until April 30, 2009, after the Hearing Officer's report had been written and submitted, as Jensen had explained previously.

Jensen elaborated that upon receipt of the first comment on April 30, 2009, she contacted Brian Cleary, the citizen offering the comment, and explained that the report had already been written. She further noted her advisement to Cleary that she would accommodate him by delivering his comments to the Commission Members at today's meeting. Cleary sought the opportunity to also submit petitions that were being circulated. Jensen said she agreed to distribute to the Commission all petitions or comments that were received by May 17, 2009. Jensen said she emphasized to Cleary that comments and petitions received after April 28, 2009 would be delivered at the meeting as supplemental materials.

Jensen offered to answer questions and reiterated the availability of Major Hensley. Jensen reported that Cleary was also present and wished to address the Commission.

Chairman Poynter recognized Major Hensley. Major Hensley reported that he had received a letter and some additional photographs from Grover Sefton. Major Hensley said Sefton expressed his apologies for not being present explaining that he had recently begun new employment and was unable, for that reason, to attend the meeting. Poynter accepted Major Hensley's request to circulate Sefton's letter and photographs, as well as photographs taken during Major Hensley's boat tour.

Chairman Poynter then recognized Brian Cleary. Cleary said he was representing himself and several citizens, boaters and recreational users of Laughery Creek. He explained that it came to their attention that "this was up for rule change last fall" through a conservation officer on the creek. Cleary said he contacted Lieutenant Stoll to learn when the public hearing was. Cleary said he was advised to read the local papers, but he unable to find the notice in the Rising Sun RECORDER. "That's why nobody showed up" for the public hearing. Through additional contact with Lt. Stoll's office, Cleary said they "put me in touch with Sandra."

Cleary said he and the individuals who signed the petitions are opposed to the rule changes. He apologized for forgetting his camera with pictures showing that the erosion complained of by Sefton was no different than erosion occurring in other parts of the creek. Cleary expressed said the erosion is caused by flooding and is not the result of high speed boat traffic. He said that he and other boaters who use Laughery Creek coordinate with landowners to remove debris and "put stuff up on the shorelines" and "help guys work on their docks." We also "clean up garbage, remove trees" and other things that might be in the waterway. Cleary said he had talked to many people at the marina, at the local boat ramps, and on the creek who had signed the petition in opposition to the adoption of this rule. "Of all the people we talked to, two people said they were in favor of the change. Both of them mentioned that they had pontoon boats and didn't like waves in general...."

Chairman Poynter thanked Cleary for his comments and "passion for the issue." He offered Jensen an opportunity to make any additional observations. Jensen responded that her report was based upon information available at the time it was written, which did not include the comments submitted by Cleary. Her intent in working with Cleary was to provide the Commission with all available information. Jensen noted that the photographs "clearly show certain things in the waterway, which supports Major Hensley's report." Jensen also acknowledged the opposition to the extension of the idle zone and acknowledged that idle zones are limiting, and many people do not favor them. Jensen concluded that "this was more of a safety issue in my mind than it was anything else. From that perspective, I think I would stand by my recommendation for final adoption."

Chairman Poynter asked Major Hensley whether Cleary's additional input altered his recommendation or report in any fashion. Major Hensley responded in the negative stating, "No, my recommendation doesn't change."

Chairman Poynter invited questions from the Commission Members. Michael Reed said he lives on an Indiana reservoir and acknowledged the passion associated with the topic of idle zones. He stated that given Cleary's input, the issue might warrant additional public discussion unless there is an obligation that the Commission act today.

The Chair reiterated this item was being presented for final adoption following "nearly two years" of discussion and "a lot of investigative reporting." He inquired whether the rule proposal would "die" unless granted final adoption. Jensen stated her belief that "we have not passed the 250 day point" so I could request an extension. Jensen acknowledged never having had to request an extension and was unfamiliar with the process. Jensen explained "if the Commission does not take action today, and I do not get an extension, then this rule would die because by the time the July meeting came along, there would not be sufficient time to complete it."

Chairman Poynter deferred to other members of the Commission. Robert Wright noted that two conservation officers had compared the erosion within the two existing idle zones, as compared to the area in question, which is located in between those two idle zones. Their report observed a "drastic increase in erosion damage in the area where there was no idle zone." Wright noted that the officers had "no person interest in the matter", expressing their interest was only for the wellbeing of the area. Wright acknowledged the inconvenience associated with the extension of the idle zone, but urged that "we've got to preserve this area for the people who live there and the people who use it."

Thomas Easterly inquired whether the final adoption of the rule today would impact "this summer's boating season?" Jensen explained that the rule would be effective 30 days after submission to the publisher, which would not occur until review was completed by the Indiana Attorney General and the Governor's Office, which could take up to 60 days. A portion of the 2009 boating season would be affected by the Commission's action.

Patrick Early expressed his regrets at being "this far along in the process" before receiving the comments from Brian Cleary, but Early said he agreed with Wright. "We had our experts make their field inspection, and they're concerned with both public safety and erosion. Sometimes we have to do things that people don't like, and we can't sit here...we've never seen the place...we have to rely on Major Hensley and on their inspection."

Early moved to approve the amendments to 312 IAC 5-7-10, to modify and extend the idle speed zone on Laughery Creek in Dearborn County and Ohio County, as published for preliminary adoption. Doug Grant seconded the motion. Upon a voice vote, the motion carried seven to one. Michael Reed voted in opposition to the motion.

**Consideration of Rule Processing, Report of Public Hearing and Comments and Recommendation for Final Adoption of a Permanent Restricted Boating Zone at the "Prairie" on Lake Manitou in Fulton County; Administrative Cause No. 08-135D (LSA Document #08-756(F))**

Steve Lucas, Hearing Officer, presented this item. He said for consideration was final adoption of a permanent rule to protect a wetland area, commonly known as "the Prairie", within Lake

Manitou in Rochester. Lucas said this item was previously before the Commission but contained an internal “sunset” clause (additional to the statutory provisions to sunset rules in IC 4-22-2.5), and the former rule section has been sunsetted as a consequence of the clause. He said protections for the Prairie were currently provided by a temporary rule from the Director Rob Carter.

Lucas reflected that earlier public hearings disclosed mixed perspectives regarding the restricted boating zone for the Prairie, and discomfort was aggravated somewhat by herbicide treatments directed to an infestation of Hydrilla within Lake Manitou. He said the public hearing on this proposal on March 5 in Rochester suggested opposition had waned, and there was a consensus of support, as indicated in the hearing officer report. He recommended 312 IAC 5-6-5.6 be given final adoption (and 312 IAC 5-6-5.5, which has been sunsetted, be formally repealed as a housekeeping measure).

Doug Grant moved to give final adoption to 312 IAC 5-6-5.6 to make permanent the special boating zone (sometimes referred to as an “ecozone”) for the protection of the area known as “the Prairie” within Lake Manitou, Fulton County, and to simultaneously repeal 312 IAC 5-6-5.5 which previously addressed this subject. Michael Reed seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Recommendation of Final Action on Readoption of Rule (312 IAC 7) governing Trails and Scenic Rivers; Administrative Cause No. 09-005T (LSA Document #09-153(F))**

Steve Lucas presented this matter. He said for consideration was the readoption by recodification of 312 IAC 7 which governs trails and scenic rivers. He said the readoption would constitute the Commission’s endorsement of the rule, in its present form, in satisfaction of IC 4-22-2.5. Lucas said no member of the public offered comments on the proposed readoption.

Pat Early moved to give final readoption by recodification to 312 IAC 7 under IC 4-22-2.5. Bob Wright seconded the motion. On a voice vote, the motion carried.

**Consideration of Recommendation of Final Action on Readoption of Rule (312 IAC 14) governing Timber Buyers, Their Agents, and Timber Growers; Administrative Cause No. 09-003F (LSA Document #09-154(F))**

Steve Lucas presented this matter. He said for consideration was the readoption by recodification of 312 IAC 14 which governs timber buyers, their agents, and timber growers. Lucas reflected that the Division of Forestry has expressed its intention to offer substantive amendments to the rule in the near future, but no amendments were currently sought. He said the readoption would constitute the Commission’s endorsement of the rule, in its present form, in satisfaction of IC 4-22-2.5. Lucas said no member of the public offered comments on the proposed readoption.

Pat Early moved to give final readoption by recodification to 312 IAC 7 under IC 4-22-2.5. Bob Wright seconded the motion. On a voice vote, the motion carried.

**Consideration of Recommendation of Final Action on Readoption of Rule (312 IAC 15) governing Timber Management; Administrative Cause No. 09-004F (LSA Document #09-155(F))**

Steve Lucas also presented this matter. He said for consideration was the readoption by recodification of 312 IAC 15 which governs timber management on private property. Lucas reflected that the Division of Forestry has expressed its intention to offer substantive amendments to the rule in the near future, in part because of statutory changes made four years ago, but no amendments were currently sought. He said the readoption would constitute the Commission's endorsement of the rule, in its present form, in satisfaction of IC 4-22-2.5. Lucas said no member of the public offered comments on the proposed readoption.

Pat Early moved to give final readoption by recodification to 312 IAC 7 under IC 4-22-2.5. Bob Wright seconded the motion. On a voice vote, the motion carried.

**Consideration of Recommendation of Final Action on Readoption of Rule (312 IAC 24) governing State Museums and Historic Sites; Administrative Cause No. 09-002M (LSA Document #09-156(F))**

Steve Lucas also presented this matter. He said for consideration was the readoption by recodification of 312 IAC 24 which governs state museums and historic sites. He said the readoption would constitute the Commission's endorsement of the rule, in its present form, in satisfaction of IC 4-22-2.5. Lucas said no member of the public offered comments on the proposed readoption.

Pat Early moved to give final readoption by recodification to 312 IAC 7 under IC 4-22-2.5. Bob Wright seconded the motion. On a voice vote, the motion carried.

**COMMISSION TOURS:**

The Natural Resources Commission participated in onsite inspections at Morgan Monroe State Forest of projects and programs of the Department of Natural Resources. Property Manager, Jim Allen, lead a hike around Bryant Creek Lake to discuss refurbishment of the dam and control structure prior to the regular meeting. Following adjournment of the regular meeting, State Forester John Seifert provided a broad perspective on the enabling legislation for the Division of Forestry, with the challenges being addressed and the scientific experiments being pursued in perform its legislative responsibilities, using a 24-year-old regeneration opening as the backdrop for the perspective. A trip was made to an element of the Hardwood Ecosystem Experiment ("HEE"), with brief explanations by Dr. Rob Swihart, Department Head, and by Jeff Riegler Research Technician, at the Department of Forestry and Natural Resources at Purdue University, accompanied by Scott Haulton, Wildlife Biologist at the Division of Forestry. Dr. James Randolph, Professor and Director of the Center for Energy and the Environment, SPEA, Indiana

University, and his staff, outlined the activities at the Ameriflux Tower and its relationship to the international FLUXNET network. John Seifert and Tom Lyons provided a walking tour of the Beanblossom Lake and shelter restoration project, including anticipated activities there this summer by the Youth Conservation Corps.