

**NATURAL RESOURCES COMMISSION**

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

**Minutes of November 16, 2004**

**MEMBERS PRESENT**

Michael Kiley, Chairman  
Rick Cockrum, Vice Chairman  
John Goss, Secretary  
Jack Arnett  
Damian Schmelz  
Raymond McCormick, II  
Jerry Miller  
Linda Runkle  
Jane Ann Stautz

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Stephen Lucas  
Sandra Jensen  
Jennifer Kane

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

John Davis	Executive Office
Jessica Marks	Executive Office
Eric Myers	Executive Office
Nila Armstrong	Outdoor Recreation
John Friedrich	Forestry
Glenn Lange	Fish and Wildlife
John Olson	Fish and Wildlife
Linnea Petercheff	Fish and Wildlife
Jim Gerbracht	State Parks and Reservoirs
Jeff Wells	Law Enforcement
Samuel Purvis	Law Enforcement
Jim Arthur	Land Acquisition
Beth Hernley	Oil and Gas
Rex Garniewicz	State Museum
Terri Swoveland	Water
George Bowman	Water
Jason Shorter	Entomology and Plant Pathology
Mike Reeder	Legal
Brian Deiwert	Legal
Lee Casebere	Nature Preserves

## **GUESTS PRESENT**

John Crist	Greg Hersberger
Briam Bullock	Jim Bartlett
Ronald Gifford	Jody Weldy
Arlene Smoot	Ralph Taylor

## **REGULAR REPORTS**

Michael Kiley, Chair, called to order the regular meeting of the Natural Resources Commission at 10:00 a.m., on November 16, 2004, at The Garrison, Fort Harrison State Park, Indianapolis, Indiana. With the presence of nine members, the Chair observed a quorum.

Jerry Miller moved to approve the minutes of July 20, 2004. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

Director John Goss stated, "It has been great working with this group." He indicated that summary remarks would be given at the January Commission meeting. "Things are steady and fine at the DNR, and we have had a very productive fall." Goss noted a presentation was made to the State Budget Committee, requesting a "slight increase" in equipment expenditure and level funding for operations "seemed acceptable." He said also presented was a capital budget that would "put us back around \$50 million funding to catch up on fixing things all, kinds of things that have been neglected—almost all rehab."

Jerry Miller deferred to Ray McCormick, who chaired the previous joint meeting of the Advisory Councils, to provide the meeting report.

John Davis, Deputy Director of the Advisory Council for Lands and Cultural Resources, introduced DNR Executive Office Assistant, Jessica Marks, who will assist the Commission administratively. He also introduced Teresa Marshall from the Division of State Parks and Reservoirs.

Davis updated the Commission on the progress of acquiring property in Greene County, Goose Pond. Negotiations are ongoing with owner and the U.S. Fish and Wildlife Service as far as funding. "We continue to make progress, although the owner's patience is getting short as the U.S. Fish and Wildlife demands are getting longer."

Davis noted that the new 8,000 acre Fairbanks Landing was opened for deer hunting. He said Indiana Michigan Electric owns the property; however, the company "turned over management of to the DNR. The property will be maintained as a fish and wildlife area, and straddles the Greene-Sullivan county line, with seven miles of frontage on Bass River. "It is a great piece of property. We had some successful deer hunters last weekend, and it really increased our available acreage to the public substantially."

Rick Cockrum asked whether data was available from the previous weekend's noncommercial deer hunts that took place on DNR properties. Dr. Jim Mitchell, Division of Fish and Wildlife's deer biologist, said data was being compiled and specific numbers were not available. He added, however, "there are some old bucks on military bases since the properties were closed for long periods. Trophy hunting is tremendous." Davis noted that Fort Harrison State Park was closed,

along with 20 other state parks and one nature preserve, for the noncommercial deer hunts. “This is a part of our ongoing deer reduction program.” He noted that “virtually” no opposition was heard. Mitchell estimated that “half as many” deer were taken this year than last year. “New Harmony took a few more than last year.” Mitchell explained that the second year harvest is expected to decrease by half, which “indicates we are doing some good.”

Cockrum inquired whether the DNR is again testing for Chronic Waste Disease (CWD). Mitchell indicated that DNR has collected samples from the previous two years. “No sample had detectable levels.” He said that approximately 1,100 samples have been collected since opening firearms season this weekend. Davis recommended a future presentation to the Commission regarding DNR’s deer program.

Paul Ehret, Deputy Director of the Advisory Council for Water and Resource Regulation, was not present.

Raymond McCormick, Chair of the Advisory Council for Water and Resource Regulation, reported on the October 19, 2004 joint meeting of the Advisory Councils. He said six items were considered along with two informational matters. McCormick noted that he had updated the Advisory Councils regarding progress of the Foundation Task Force.

McCormick also reported that a presentation was made regarding the Comprehensive Wildlife Strategy (CWS), which will be administered by a previous DNR employee, Dr. Gwen White (currently employed by J.D. Case). CWS will be funded by CARA, funds collected from offshore drilling, and would implement a partnering approach. McCormick said that only one of six agenda items was not recommended for Commission approval; however, all six items are on the present Commission agenda.

### **PERSONNEL ACTION**

#### **Consideration of the Recommendations by the Personnel Committee for the Appointment of John Johnson, Property Manager at Public Access South, Glendale F&W Area**

Jane Ann Stautz, Commission member, presented this item. She recommended John Johnson for Property Manager at the Public Access South, Glendale Fish and Wildlife Area. “He is a very committed individual to the goals of the Commission. He has excellent experience and background.”

Jan Ann Stautz moved to recommend appointment of John Johnson as Property Manager at Public Access South, Glendale Fish and Wildlife Area. Rick Cockrum seconded the motion. On a voice vote, the motioned carried.

### **DIVISION OF WATER**

#### **Consideration for Preliminary Adoption of Rule Amendments to 312 IAC 11-3-1 Governing Pier Construction on Public Freshwater Lakes; Administrative Cause Number 04-164W**

George Bowman, Assistant Director of the Division of Water, presented this item. He explained that the draft proposal would be considered for preliminary adoption of rules addressing temporary pier construction. “Basically, this is an outgrowth of the Lakes Management Work

Group (LMWG). Bowman noted that “there is confusion” regarding the diagrams and the length of piers and may not accurately interpret the LMWG recommendations. Bowman recommended deferral of the rule proposal to continue discussion with the LMWG to confirm their position. He said a new draft proposal, with a formal recommendation, would be presented to the Commission at a subsequent meeting.

Jack Arnett moved to defer preliminary adoption of rule amendments governing construction of temporary piers. Jane Ann Stautz seconded the motion. On a voice vote, the motion carried.

### **DIVISION OF OIL AND GAS**

#### **Consideration for Preliminary Adoption of an Amendment to Rule Governing Oil and Gas Wells to Modify a Standard for Plugging and Abandonment (312 IAC 16-5-19), Administrative Cause Number 04-199G**

Beth Hernly, Geologist with the Division of Oil and Gas, presented this item. She explained that a recent rule promulgation addressing plugging and abandonment procedures for oil and gas wells contained the word “fresh” before the word “water” in 312 IAC 16-5-19(e). This inclusion led to “unattended consequences. Basically, it was requiring having the well flushed prior to plugging, flushing out brine water within the hole to the surface, which is more environmentally threatening than leaving the water contained.”

Jane Ann Stautz moved to preliminarily adopt rule amendments governing oil and gas wells modifying a standard for plugging and abandonment to delete the word “fresh” before water. Linda Runkle seconded the motion. On a voice vote, the motion carried.

### **DIVISION OF ENTOMOLOGY AND PLANT PATHOLOGY**

#### **Consideration for Preliminary Adoption of New Rule 312 IAC 18-3-19 Regulating the Giant African Land Snail and Other Species of the Family Achatinidae (Gastropoda); Administrative Cause Number 04-101E; LSA #04-127**

Jason Shorter, Regional Supervisor for the Division of Entomology and Plant Pathology, presented this item. He explained the proposal adds a new rule, 312 IAC 18-3-19, to establish a ban on the possession of the giant African land snail. Shorter said there were “multiple” reasons for the ban. “Primarily, it is a federally banned species. It has never had federal approval to be in the United States, let alone in Indiana.” He said the specimens within the U.S. have been imported illegally. African land snails “do pose a public health risk through consumption. Shorter added that these snails are not a major threat to Indiana agriculture because they are unlikely to survive our harsh winter climate, but they do pose a threat to the southern states. Linda Runkle asked how large is an adult snail. Shorter said most specimens reach the size of an adult human hand, with the largest quoted at 13 inches.

Damian Schmelz moved to give preliminary adoption of new rule establishing a ban on the possession of the giant African land snail. Jane Ann Stautz seconded the motion. On a voice vote, the motion carried.

## **DIVISION OF STATE MUSEUMS AND HISTORIC SITES**

### **Recommendation for Final Approval to Deaccession Items from the Collections of the Indiana State Museum and Historic Sites**

Rex Garniewicz, Curator of Prehistoric Archaeology with the Division of Indiana State Museum and Historic Sites presented this item. “We are constantly building and improving our collection, and part of that process is thoughtfully and deliberately removing things we no longer need.” He noted that the list of items to be removed as contained in the Commission’s packet, was approved by the Curator, the Collections Review Committee, and by the Board of Directors. Garniewicz requested approval from the Commission for removal of items from the collections of the Indiana State Museum and historic sites. Kiley asked whether the deaccession of items was an annual event. Garniewicz affirmed, and explained that “every couple months” the collections are evaluated.

Jane Ann Stautz moved approval for the deaccession of items from the collections of the Indiana State Museum and historic sites. Raymond McCormick seconded the motion. On a voice vote, the motion carried.

Goss said that legislation is proposed that would establish a “special auction” for valuable items. He said the current practice is for items to be forwarded to state surplus and with the proposal a contract with a specialist “would do a better job.”

## **DIVISION OF NATURE PRESERVES**

### **Consideration of the dedication of Thomastown Bottoms Nature Preserve, Scott County**

Lee Casebere from the Division of Nature Preserves presented this item. He said the 888-acre proposed Thomastown Bottoms Nature Preserve is located in Scottsburg, Scott County. Casebere noted that the acreage is “very extensive” hardwood bottomland along the Muscatatuck, and is part of a larger 1,428-acre property that will be jointly managed by the DNR’s Division of Fish and Wildlife and the Division of Nature Preserve. “This isn’t really pristine land necessarily, but it is a very large bottomland area with some great stand of re-growth timber with a lot of oak timber which is not typical of a re-growth forest.” Casebere said the copperbelly watersnake exists on the property along with other endangered species.

Jerry Miller moved to approve the dedication of the Thomastown Bottoms Nature Preserve in Scott County. Jane Ann Stautz seconded the motion. On a voice vote the motion carried.

## **DIVISION OF LAND ACQUISITION**

### **Consideration of a Request by Benton County for Approval of an Easement to Rebuild a Bridge within the Pine Creek Wildlife Area**

Jim Arthur from the Division of Land Acquisition presented this item. He explained that Benton County proposes to reconstruct a one-lane bridge within the Pine Creek Fish and Wildlife Area. “It will take roughly over a half acre of land.” He said DNR has requested compensation, and Benton County has been agreed to pay \$1,600 for the easement. Arthur said DNR acquired the property in 1999 for \$3,000 an acre.

Raymond McCormick moved approval, consistent with terms recommended by the DNR's Division of Land Acquisition, of a request by Benton County for an easement to rebuild a bridge within the Pine Creek Wildlife Area. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

### **DIVISION OF FISH AND WILDLIFE**

#### **Consideration for Preliminary Adoption of Rule Amendments (312 IAC 9) Governing the Sale and Possession of Wild Animals and Other Miscellaneous Rule Amendments; Administrative Cause Number 04-145D; LSA #04-253**

Linnea Petercheff from the Division of Fish and Wildlife presented this item. She provided a brief overview of the proposed rule changes. She said Dr. Jim Mitchell, DNR's deer biologist, would present further explanation regarding proposed amendments to rules governing deer. Petercheff said the amendments were drafted jointly by the Division of Law Enforcement and the Division of Fish and Wildlife.

Petercheff explained that current rules do not allow for the possession of endangered species in Indiana, which would include fur or other parts regardless where the animal was obtained. Rules currently provide for possession of live animals under permit issued by the Division of Fish and Wildlife with exemption of zoological parks. She said the proposed rules would allow possession of endangered species or parts in Indiana obtained outside of Indiana. However, "sufficient" documentation must be provided to demonstrate lawful taking—exemptions to this proposal are licensed fur buyers, individuals selling manufactured products of an endangered species, and a hunter or trapper that lawfully took the animal in another state. Petercheff added that a "grandfathering clause" would provide that an individual having obtained parts prior to the effective date of the proposal would not need a permit.

Petercheff said an amendment to 312 IAC 9-3-4 would clarify that a deer may be taken with a crossbow only in the late archery season. She added that an antlered or antlerless deer could be taken with a bow and arrows under an extra deer license until August 2007. Another rule proposal would restrict the location where wild turkeys could be taken in the spring season, which includes the recent re-introduction of wild turkeys in the state. The mole salamander and the northern ravine salamander would be added to the list of native species and modernizes the names of several reptiles and amphibians native to Indiana.

McCormick asked why just a spring hunting restriction, and no fall restriction, is proposed for the counties where turkeys have been re-introduced. Petercheff explained that the fall season locations would be determined by a temporary rule. She added that the restricted counties might not be included in the fall hunting season.

Dr. Jim Mitchell explained that the population of urban and suburban deer has been increasing "dramatically" all across the Eastern United States. Urban and suburban areas have proved "very contentious" in regards to addressing deer issues. Twelve years ago, Ohio "tried" to address the increase population by allowing extra deer licenses under bow season. Mitchell said Indiana followed Ohio's lead and instituted the extra deer licenses, which has been ongoing for the past nine seasons. He noted that the current rules create a "situation that tempt people to participate in unethical and illegal behavior." The proposed amendment would allow the taking of four antlerless deer in an urban zone. This authorization would be in addition to a regular deer license

that can be used in an urban area. McCormick said there is no effective deer predator today in Indiana, other than the automobile.

Raymond McCormick moved for preliminary adoption of rule amendments to 312 IAC 9 as presented by the Division of Fish and Wildlife. Jane Ann Stautz seconded the motion. On a voice vote, the motion carried.

### **DIVISION OF OUTDOOR RECREATION**

#### **Consideration of Adoption of a Nonrule Policy Document Addressing the Geocaching on Department of Natural Resources Properties (Information Bulletin #46), Administrative Cause Number 03-128T**

Nila Armstrong from the Division of Outdoor Recreation presented this item. She chaired the Geocaching Committee, a subcommittee of the DNR Property Use Committee. Armstrong said the committee has formulated a nonrule policy document governing geocaching on DNR properties and has worked closely with the Indiana Geocaching Society.” She said geocaching is a “hot activity and people of all ages can participate.”

Armstrong explained that geocaching is a “sophisticated” scavenger hunt using GPS (Global Positioning System) units to locate caches throughout the world. She said currently about 20 caches are hidden in Fort Harrison State Park, with several hundred located on DNR properties across the state. She said the nonrule policy document would not authorize a cache to contain food or contraband. “It became apparent that DNR should establish guidelines for the property manager to manage this activity and to provide protection for our natural resources.”

Jane Ann Stautz noted that cities have passed ordinances governing geocaching and inquired whether other states have policies. Armstrong responded that many states do have such policies. “We did not reinvent the wheel. We went to our neighboring states and took ideas.”

Rick Cockrum asked whether the DNR had received any complaints concerning the placement or management of geocaches. Armstrong answered there have been some difficulties. For example, a cache was placed in a sensitive area in a nature preserve but has since been removed.

Jerry Miller moved to approve Information Bulletin #46, Geocaching on Department of Natural Resources Properties, as a nonrule policy document. Jane Ann Stautz seconded the motion. On a voice vote, the motion carried.

### **DIVISION OF FORESTRY**

#### **Consideration of a Request by the Heirs of Miles and Tobias Huff for an Easement for an Access Road for Ingress and Egress Across Ferdinand State Forest**

John Friedrich from the Division of Forestry presented this item. He explained that the Huff heirs have requested an easement for an access road for egress and ingress across Ferdinand State Forest. He added, “Back in the early 1990s Tobias Huff owned two pieces of property, a 40-acre lot and an 80-acre lot separated by 40 acres, which was deeded in perpetuity to his heirs for

recreation.” Friedrich said the southern 80 acres is landlocked and does not border any public road. “The family has obviously been using the 80 acres,” and would like to “formalize their ability to go there.”

Friedrich said a fire lane across the state forest runs “very close” to both parcels. The heirs have requested to use the fire lane. “It would run across approximately 2,500 feet from the northern acreage, which is accessible from a public road, down to the southern acreage. He stated that the Huff heirs have agreed to pay compensation of \$10,300 according to the easement guidelines. Cockrum asked, “What is stopping them from using the property now?” Friedrich explained that the family can walk to the property, but legally they cannot drive into the property. McCormick questioned whether the fire lane was adequate for driving. Friedrich said if there is a damage situation “we could require them to repair, which is what we can’t do currently.”

McCormick also asked how access by the general public would be restricted. Friedrich explained that there was a gate located where the fire lane abuts the public road, and the road into the 40-acre parcel is private. Jerry Miller moved to approve a request by the Tobias Huff heirs for an easement for an access road for ingress and egress across Ferdinand State Forest. Jack Arnett seconded the motion. On a voice vote, the motion carried.

### **NRC, DIVISION OF HEARINGS**

#### **Consideration of Recommendation by Hearing Officer for Report of the Natural Resources Commission with Respect to the “Petition for the Creation of the South-West Lake Maxinkuckee Conservancy District;” Administrative Cause Number 04-081C (Marshall Circuit Court 50C01-0309-MI-91)**

Steve Lucas, Hearing Officer, presented this item. He said the proposed district would provide wastewater collection and, potentially, treatment for an area along Lake Maxinkuckee near Culver. He reported that a well-attended public hearing was held in Culver on July 22. The “cornerstone” of the NRC’s legal responsibilities at this stage in the life of a conservancy district was IC 14-33-2-17(a). Attention was directed, in the hearing officer report, to page 26 and pages following as forming the core of his recommendations.

Lucas said that based on the record thus far, he believed the proposed district held promise of engineering and economic feasibility. With respect to the latter, however, the relationship of the proposed district and the Town of Culver were “yet to be fully sorted.” The public health would be immediately or prospectively served by providing for sewage collection and disposal. The district proposed to serve and cover a proper area, but he believed several citizens raised salient questions concerning the inclusion or exclusion of particular lots or sides of streets. These questions deserved further consideration by the Marshall Circuit Court. He found that each part of the district was contiguous to another part in satisfaction of IC 14-33-3-1. The proposed district could be established and operated in a manner compatible with other districts or water supply projects, but as with the issue of economic feasibility, the relationship to the Town of Culver deserved additional consideration.

Lucas said the recommendations of the hearing officer to the Natural Resources Commission were directed to particular technical points required by the Conservancy District Act. Since the statute did not authorize a recommendation concerning formation of the district, with that matter being one exclusively for the local court, no recommendation was made. He said whatever recommendations the Commission decided to make to the Marshall Circuit Court, they would



constitute prima facie evidence that could be supplemented or refuted at a subsequent judicial hearing.

Rick Cockrum asked whether he understood correctly that “our job is to make sure the district meets the statutory guidelines.” The Marshall Circuit Court would decide the ultimate questions bearing upon formation of the district. Lucas agreed. He said there are half a dozen statutory factors the NRC was to consider in acting, in effect, as a “friend of the court”.

Chairman Kiley said there is a remonstrance process through which the court has opportunity to accept or reject the conservancy district plan. If a majority of the freeholders oppose formation of the district, the formation process would terminate. Lucas said that was a good point, and the remonstrance process is separate from and independent of the Commission’s role.

John Crist said he represented remonstrators. He said the hearing officer “admitted” there were valid concerns with respect to service of a proper area. Crist asked rhetorically how one side of a street along the lake could be included and the other excluded.

Crist also contested whether the “contiguousness” requirement had been met. He said a public access site divides the west part of the proposed district into two distinct areas.

Crist said the proposed district originally was to contain 159 properties, but he said the proposition has now grown to 180 home sites. Local residents have not received explanation why the numbers have increased. He asked if the proposal would open the door to multi-family dwellings.

Crist said the Town of Culver is the logical entity to provide wastewater collection and treatment. He indicated he spoke with the Town the day before the public hearing, and he was told the Town did not have the infrastructure needed to support the district. If the Town is not involved, the second option of the district would be to establish a cluster system. If there is flooding and a failure, raw sewage would then flow into Lake Maxinkuckee.

Crist said he and others also had questions as to who would gain financially if the district were to be formed. He said the membership of the group forming the district is unfair and not consistent with local population distributions. Crist said a member of the district had told him that he could be removed from the district, but others could not. The proponents arbitrarily drew boundaries as to who would be in and who would be out. He said there also were concerns that the proposed district would have two homes sharing each grinder pump.

Ronald Gifford spoke next as attorney for Petitioners. He said Crist raised many of the issues before the NRC that he has raised at the public meetings. The Petitioners have made a serious effort to be responsive. Also, some of the issues have been addressed in the hearing officer report. In addition to the public hearing, the hearing officer kept the comment period open afterwards, and there was ample opportunity for interested persons to comment. “Judge Lucas has done a marvelous job of synthesizing the comments into a readable report.” He said the report followed the statutory requirements, and he asked that the hearing officer report be adopted as the Commission’s report to the Marshall Circuit Court.

Damian Schmelz asked whether the court could respond to comments once the proposed district is “beyond us.” Lucas responded in the affirmative. He said the NRC findings are prima facie evidence, but the Marshall Circuit Court would schedule a hearing at which it could take additional evidence to support or refute those findings. “There are subsequent steps.”

Schmelz asked whether the Commission minutes could be provided to the court. Lucas responded that he would take the question as a directive and would forward draft minutes to the Marshall Circuit Court when they have been prepared.

Linda Runkle asked if a conservancy district's board members are appointed or elected. Lucas said if the district is formed, the Marshall County Commissioners would appoint the initial board, and thereafter the freeholders would elect board members. Ron Gifford said all geographic areas of the conservancy district would be fairly represented.

Kathrine Densborn is a local homeowner who expressed the perspective that the proposed district is a "marvelous project." She said citizens needed, but "to look at what is best for the lake."

Alex Kolosowsky said a sample taken in 1995 picked up some things, but the final analysis indicated there was no reason to believe that septic tanks had placed leachate in the lake. "It is one of the cleanest lakes in Indiana. We know this is going to make an explosion of building around our lake." He said places in Michigan were limiting the number of boats on a lake, and he believed establishing the conservancy district was likely the first step to that also happening on Lake Maxinkuckee.

Jerry Miller moved to approve the hearing officer report as the Commission's report to the Marshall Circuit Court on the formation of the proposed Lake Maxinkuckee Conservancy District. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

Cockrum said he thought the remonstrators raised some interesting points, but largely they are subjects outside our jurisdiction. Many of the issues are really matters to be addressed through local zoning.

### **Consideration of Report of Public Hearing and Analysis and Recommendation for Final Adoption of Amendments to Rules Governing Boats Carrying Passengers-For-Hire (312 IAC 5-14), Administrative Cause Number 03-153L; LSA 04-155(F)**

Steve Lucas, Hearing Officer, introduced this item. He said the rules governing boats carrying passengers for hire were primarily directed to the protection of public safety, and their greatest application was to activities on the Indiana waters of Lake Michigan. Lucas said many of the aspects of the rules were directed to arcane maritime matters. He suggested that Indiana State Boating Law Administrator, Samuel Purvis, would be better equipped to address and answer questions concerning the rules. He presented them for consideration as to final adoption.

Maj. Sam Purvis said, "In Indiana, we have 75 boats that carry passengers for hire, with 50 of them on Lake Michigan as charter boats." The rules adopted 20 years ago "didn't always have a good basis relative to manufacturing standards, and often these standards have now surpassed our rules. What we want to do is to bring the rules current to standards of the manufacturers, and where they apply, to those of the U.S. Coast Guard. Some are technical. We have also added a list of what the standards were based on. We met with the charter boat captains and reached total agreement of their organization and total buy-off." He said taking into account current manufacturing standards generally "makes it easier for passenger for hire vessels to comply with our rules."

Rick Cockrum observed, "I do not see a definition of 'watercraft.' There are increasing numbers of floating guide services, drift boats, and sail-boats." Purvis responded, "If they are charging a fee, they are captured under compliance. We have talked to them."

Jerry Miller moved to give final adoption to the rule amendments to standards governing boats carrying passengers for hire. Jack Arnett seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Report of Public Hearing and Analysis and Recommendation for Final Adoption of Rule Amendment Governing Reinstatement Mississinewa Lake Fishing Tournaments (312 IAC 2-4-12), Administrative Cause Number 04-052P;LSA #04-67(F)**

Steve Lucas, Hearing Officer, presented this item. He said that with repairs to the dam forming Mississinewa Lake nearing completion, the Division of State Parks and Reservoirs wishes to again make it available for fishing tournaments. The amendments would return the status quo to when the lake was at full pool elevation. He said the amendments were not controversial and were recommended for final adoption.

Chairman Kiley said it was "very good news" that Mississinewa Lake is expected to reopen this spring season. John Goss said recent conversations with U.S. Army Corps confirm that the lake is on schedule open for a spring opening.

Jane Ann Stautz moved to give final adoption to rule amendments to make Mississinewa Lake available for the conduct of fishing tournaments, under the limitations set forth in the rule section. Linda Runkle seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Public Hearing and Analysis and Recommendation for Final Adoption of Initial Provisions to Establish 312 IAC 6.2 to Assist with the Administrative of the Water Resources Development Act and IC 14-25-1-11, Administrative Cause Number 04-048W; LSA #04-66(F)**

Steve Lucas, Hearing Officer, also presented this item. He said that presented for final adoption is a new rule (312 IAC 6.2) that would establish the procedural groundwork in Indiana for administering the federal Water Resources Development Act ("WRDA") and its state-law counterpart at IC 14-25-1-11. In general terms, these statutes prohibit the diversion of waters from the Great Lakes Basin without the concurrence of all Great Lakes Governors. He said the new rule was authorized by state legislation enacted earlier this year as Public Law 71-2004.

Lucas said the new rule would identify the Department's Division of Water as the point-of-contact for WRDA inquiries. The DNR would be authorized as the entity to issue orders appropriate to implementation of the state statute.

Lucas offered as an example of this kind of order a decision made earlier this year with respect to a conservancy district proposed along the watershed boundary in LaPorte County. Water supply for the proposed district would originate in Westville, which is in the Illinois River Basin, and would be transferred north to the proposed district, which is in the Great Lakes Basin. Water not consumed by the district would be transferred back to Westville for wastewater treatment. The DNR determined this activity would not constitute a transfer of water outside the Great Lakes

Basin, and the new rule would formalize the ability of the DNR Director to make such a determination.

Lucas said there were a myriad of other issues pertaining to consumption in and transfers of water outside the Great Lakes Basin. James Hebenstreit and others were working on a project sponsored by the Council of Great Lakes Governors that could result in a new Interstate Compact concerning Great Lakes diversions. He said 312 IAC 6.2 was likely to be revisited in the future, and the current proposal was a modest but important first step. He recommended it be given final adoption.

Damien Schmelz moved to give final adoption to 312 IAC 6.2 that would establish some procedures for the state administration of IC 14-25-1-11 and WRDA. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Introduction, Report of Public Hearing and Subsequent Comments, Analysis, and Recommendation for Final Adoption of Group Pier Amendments for Public Freshwater Lakes (312 IAC 11), Administrative Cause Number 04-025W; LSA #04-94(F)**

Steve Lucas, Hearing Officer, also presented this item. He said the proposed amendments would disqualify a “group pier” from the Commission’s “general license” that applies to most piers within public freshwater lakes. If the amendments were adopted, persons who wished to place new group piers would be required to obtain a site-specific license from the Department’s Division of Water in advance of placement. Adjacent property owners would be entitled to notification. Controversies concerning group piers would be considered initially by the DNR. Currently, those controversies are considered initially by the NRC’s Division of Hearings, and, typically, only after the piers are constructed.

Lucas said the majority of the comments were generally supportive of the proposed amendments, but there were questions. A few persons said the change was unwelcome as another layer of bureaucracy. At least one individual suggested the amendments did not go far enough, and every temporary pier should be required to obtain a license before placement. There were reflections that the definition of “group pier” was not finely tuned. In seeking to respond to this concern, Lucas suggested the rule could be amended to have an automatic “sunsetting” provision after a period of five years, to allow the agency to gain experience with the proposal. He said concerns were expressed that the NRC might not have statutory authority to write rules regarding group piers, since the Lakes Preservation Act does not address piers by name. Lucas said his report to the Commission included a legal analysis in which he concluded there was statutory authority, but he also recommended a resolution to support legislation to clarify the point upon which reasonable persons could differ. He said he also offered an analysis in response to questions concerning the “grandfathering” of existing structures, or, what the hearing officer preferred to describe as “lawful nonforming uses”. He thought this subject warranted further agency consideration and the drafting of either a nonrule policy document or a rule amendment. Of the four items presented in his report for consideration in addition to the formal rule adoption, Lucas said he felt most strongly about this one. Finally, officials from Steuben County had urged that the DNR should approve licenses for temporary piers only “when there is a check-off from the local plan commission.” He suggested that a workgroup be created or asked to look at existing statutory language and to write a draft rule that would, if given final adoption, make local zoning approval a condition. If the workgroup determined sufficient statutory authority did not exist for such a rule, then it might offer thoughts on a statutory amendment to accomplish this result. He

said there is some precedence for the principle in the statutes pertaining to flood plain management.

John Goss stated that Judge Lucas is the expert on piers largely because of his 20 years of mediating pier disputes. “It’s time for us to move on from the *laissez faire* attitude as the public waters become increasingly populated. This should be considered at step one, but additional cautious and reasonable steps are needed to address the situation to give public guidelines for public construction. We have had a lot of discussion. At the request of the legislature, we have reconstituted the Lakes Management Work Group. They have unanimously recommended this current definition of ‘group pier’ to get it started. This group will continue to work on other lake issues. We are ready to say that group piers need a permit. I want to personally thank the work group for its hard work and for working closely with us in the DNR.” He then recognized Ralph Taylor, Dr. Jones, and Dave Tyler as participants in the work group.

Ralph Taylor spoke as a member of the Lakes Management Work Group. He said all were “significant players in debating the issues in the spirit of the public trust doctrine. The group feels strongly that this proposal is a very positive piece of verbiage that should be a part of the Indiana Administrative Code. The group strongly opposes another look at the definition of ‘group pier’. It’s extremely important to look at the issues. The group feels strongly that, if this issue would need to be tweaked, we would hate to see it not occurring until five years out. The rule is sufficient in its entirety and should not be subject to the ‘sunset’ clause.”

He said the work group also agreed “with the change to Title 14, Article 26 by putting language specifically about piers to take before the legislators. We endorse it.” He said an independent legal analysis of the current authority to write rules concerning temporary piers was sought, however, and the analysis was consistent with that of the hearing officer. That authority currently exists. “The issue ‘grandfathering’ is important to protect our riparian owners and their usage.” We must take responsibility for applying the principle in a way that will assure “a balance of the law and the users.” He said he believed a work group debate of specific “grandfathering” issues was likely within the “next six months to a year.”

John Davis asked for a clarification concerning the resolution pertaining to legislation. He said that would be a resolution urging the DNR to request the Indiana General Assembly to consider such legislation.

Jack Arnett moved to give final adoption to the “group pier” amendments as given preliminary adoption and set forth in the Commission packet. In addition, he asked that the motion include the following resolutions:

- (1) The Department of Natural Resources is urged to request the Indiana General Assembly to consider amendments to the Lakes Preservation Act (IC 14-26-2) to clarify that the agency has jurisdiction over piers and other similar temporary and permanent structures.
- (2) The Department of Natural Resources is urged to prepare a draft document to articulate principles and policies pertaining to lawful nonconforming uses under the Lakes Preservation Act, particularly as those uses apply to temporary piers and other temporary structures. The draft would also consider whether a license for a temporary structure should have a definite or an indefinite duration. There should be an opportunity for review by the Lakes Management Work Group or other public review before tender of the draft to the Commission for its consideration as a rule or a nonrule policy document.
- (3) The Department of Natural Resources is urged to prepare a position paper as to whether the agency has statutory authority to make approval of a Lakes Preservation Act license

contingent upon local license approval. If the authority is found to exist, the paper shall include a possible strategy for its effective and appropriate implementation. The strategy may include the development, in cooperation with local officials, of a model ordinance. If the requisite statutory authority is found to be lacking, the paper shall identify proposed or conceptual language by which the authority might properly be established.

Jerry Miller seconded the motion. Upon a voice vote, the motion carried.

Chairman Kiley said, "This issue needs to be addressed now. We appreciate the work group's efforts. They are the catalyst, the eyes and ears in the field, along with our staff. These pier issues are burgeoning."

**Consideration of Public Hearing and Analysis and Recommendation for Final Adoption of Rule Amendments Establishing Watercraft Restriction Zones on Lake James Chain (312 IAC 5-6-5), Administrative Cause Number 04-064W; LSA #04-84(F)**

Sandra Jensen, Hearing Officer, presented this item. She explained that the rule proposal would maintain designated special watercraft zones on Lake James and the other lakes within the Lake James Chain of Lakes. "The idle zones would be located between Lake James and Snow Lake, and in Follett Creek located between Big Otter Lake and Snow Lake." She said the rule proposal would make permanent a temporary rule that has been in effect throughout the 2004 boating season.

Jensen said eleven citizens attended the public hearing, with six individuals commenting "in favor" of final adoption of the rule amendments. "There was no opposition. That, in large part, goes to the credit of a lot of people who worked on this rule, including Maj. Samuel Purvis, before I had anything to do with this." Jensen recommended the rule amendments be given final adoption.

Jerry Miller moved for final adoption of permanent rule amendments establishing watercraft restriction zones on Lake James Chain. Rick Cockrum seconded the motion. Upon a voice vote, the motion carried.

Kiley asked if citizens were satisfied with the temporary boating restrictions that had applied for the 2004 boating season. Purvis said there was "a lot of attention and interest in the boating zones." He said there was cooperation with a local radio station and with lake associations. "There was no incidence of an accident this summer in any of the original areas [that were established previously as restricted zone or] the two that are involved in this proposal.

**Consideration of Report of Public Hearing, Analysis, and Recommendation for Final Adoption of Amendments to 312 IAC 16-3 Governing Permitting and Transfer of Oil and Gas Wells, Administrative Cause Number 04-022G; LSA #04-121(F)**

Jennifer Kane, Hearing Officer, presented this item. Kane explained that the proposed amendments would conform the rules to recent changes made to the underlying statute IC 14-37-3. "The statutory changes had a positive fiscal impact of approximately \$51,000 annually." She noted specifically the proposed amendments modify the existing language to increase the fees charged for the permitting of wells for oil and gas purposes and implement a fee for the transfer of permits for oil and gas wells. Kane stated the amendments also include a requirement that the

UTM (Universal Transverse Mercatum) coordinates of a proposed well be provided in the application for a well permit.

Kane said the public hearing was convened as scheduled on September 29, 2004, and noted that no member of the public attended the public hearing or otherwise commented on the proposed amendments. She recommended the proposed amendments to 312 IAC 16-3-2 and 312 IAC 16-3-8 be given final adoption.

Jerry Miller moved to give final adoption to the amendments proposed to 312 IAC 16-3-2 and 312 IAC 16-3-8. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Report of Hearing Officer and Recommendation for Final Approval of Rule “Recodification by Readoption” of 312 IAC 8, Public Use of Natural and Recreational Areas, Administrative Cause Number 04-001P; LSA #03-315(F)**

Jennifer Kane, Hearing Officer, presented this item. This agenda item (312 IAC 8) along with following two agenda items, 312 IAC 6 and 312 IAC 17 (Item 19 and 20 respectively) are presented for consideration as to recodification by readoption. Kane explained that the three articles would be “sunsetting” on January 1, 2005 unless recodified.

Kane said 312 IAC 8 governs standards for public use of natural and recreational areas. She said public notices of intent to recodify these articles were published in the INDIANA REGISTER, as well as notice of public hearing in the *Indianapolis Daily Star*. The public hearing was held on May 10, and no member of the public attended the public hearing or otherwise commented on the recodification. No changes are proposed, and these articles would be “readopted” in total.

Kane said, as prescribed at 312 IAC 2-2-4(b), the Director of the Division of Hearings gave preliminary adoption of the “recodification by readoption” of 312 IAC 8. She recommended the Commission give the recodification final approval.

Jerry Miller moved to give “recodification by readoption” to 312 IAC 8. Jack Arnett seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Report of Hearing Officer and Recommendation for Final Approval of Rule “Recodification by Readoption” of 312 IAC 16, Oil and Gas, Administrative Cause Number 04-002G; LSA #03-315(F)**

Jennifer Kane also presented this item. She said 312 IAC 16 governs standards regarding oil and gas. Kane said the public hearing was held on May 10, and no member of the public attended the hearing or otherwise commented on the recodification. No amendments are proposed in the article and would be “readopted” in its entirety.

Kane said as prescribed in Commission recommendations and codified at 312 IAC 2-2-4(b), the Director of the Division of Hearings gave preliminary adoption of the “recodification by readoption” of 312 IAC 16. She recommended the Commission give final approval of the “recodification by readoption” of 312 IAC 16.

Jerry Miller moved to give “recodification by readoption” to 312 IAC 16. Jack Arnett seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Report of Hearing Officer and Recommendation for Final Approval of Rule “Recodification by Readoption” of 312 IAC 17, Other Petroleum Regulation, Administrative Cause Number 04-003G; LSA #03-315(F)**

Jennifer Kane also presented this item. She said 312 IAC 17 governs standards for other petroleum regulation. Kane said no member of the public attended the hearing or otherwise commented on the recodification. No amendments are proposed in the article and would be “readopted” in its entirety.

Kane said noted that the Director of the Division of Hearings gave preliminary adoption of the “recodification by readoption” of 312 IAC 17. She recommended the Commission give final approval of the “recodification by readoption” of 312 IAC 17.

Jerry Miller moved to give “recodification by readoption” to 312 IAC 17. Jack Arnett seconded the motion. Upon a voice vote, the motion carried.

**Consideration for Preliminary Adoption of Service Rule Amendments Pertaining to Private Carriers and other Related Matters Under the Administrative Orders and Procedures Act (312 IAC 3-1-7), Administrative Cause Number 04-170A; LSA #263**

Sandra Jensen, Hearing Officer, presented this item. She explained that the rules govern filing and service of pleadings and documents in adjudications. “The primary purpose is to conform the rule to IC 4-21.5 with respect to private carriers.” The amendments would give similar status to filings by U.S. Priority Mail. She added that the rule amendments would establish that filing and service are complete at the deposit with the private carrier or at the postmark. “It also recognizes the method identified in the Indiana Administrative Orders and Procedures Act for service by publication.”

Jerry Miller moved to give preliminary adoption of rule amendments pertaining to service by private carriers and other related matters under the Administrative Orders and Procedures Act. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Approval of Amendment to Nonrule Policy Document, Roster of Indiana Animals and Plants that are Extirpated, Endangered, Threatened, or Rare (Information Bulletin #2 (First Amendment), Administrative Cause Number 99-101A**

Lee Casebere of the Division of Nature Preserves presented this item. For consideration is an update of a nonrule policy document originally published in April 1992. Casebere said that “most higher animals” which are endangered or threatened, such as birds and mammals, have statutory and regulatory protection. In Indiana, these protections generally are not afforded to plants and insects. The listing provides a central location where endangered species can be identified and provides a reference and legitimacy to encourage their protection. The draft includes considerable information collected since the listing twelve years ago. He recommended approval of the amended nonrule policy document.

Rick Cockrum noted there was a spelling error to the reference to swamp rabbits. Lucas said he would seek to have the error corrected before publication.



Linda Runkle moved to approve the amended version of the listing of extirpated, endangered, and threatened species as presented by the DNR but with correction of the spelling error in the reference to swamp rabbits. Rick Cockrum seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Memorialization and Modernization of Nonrule Policy Document to Address Horses on DNR Properties (Information Bulletin #47), Administrative Cause Number 04-035A**

Steve Lucas briefly addressed this proposed nonrule policy document. He said the Commission had adopted a substantially similar policy in 1996, but the policy had not been published. He acknowledged there were a few clerical and technical modifications from 1996, including new cross-references and the deletion of matters that now appeared obsolete. He expressed the belief, however, that the policy was substantively equivalent. Lucas said the DNR Property Use Committee had reviewed the draft. He presented the document to the Commission for consideration and possible action.

Ray Hersberger said, although he did not agree with every aspect of it, “the old policy has served us well. As I go through [the proposed nonrule policy document], it is not much different. It is something that is pretty livable for the horse riders of Indiana.”

Hersberger said he had one clarification from page seven of the draft nonrule policy document. He said that as written, it appeared to suggest both temporary and permanent closures were by the division director. Lucas said he believed there had been an error, and the document should provide that the DNR Director must approve permanent trail closures.

Linda Runkle moved to approve the nonrule policy document to address horses on DNR properties, but with the correction in subsection N that only the DNR Director is authorized to approve permanent trail closures. Rick Cockrum seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Approval of Amendment to Nonrule Policy Document, Procedural Guidelines for the Interpretations of the Conservancy District Act (IC 14-33) (Information Bulletin #36 (Third Amendment), Administrative Cause Number 04-196C**

Jennifer Kane, Paralegal, NRC-Division of Hearings, presented this item. Kane explained that the Information Bulletin #36 addressed procedural guidelines for the interpretations of the conservancy district article (IC 14-33). She said a technical error was noted in Section 6 of Information Bulletin #36 addressing addition of purpose to an existing district. Kane noted that the last sentence in Section 6 the word “territory” was inadvertently added twice and should be replaced with “purpose” in both instances. With approval of the amendment by the Commission, the document would be submitted to the Legislative Services Agency for publication in the January 1, 2005 Indiana Register. “In addition, the amended document would be listed and published on the Commission’s Web Site.”

Jerry Miller moved to approve the amendment to Section 6 of Information Bulletin #36 (Third Amendment), Procedural Guidelines for the Interpretations of the Conservancy District Act (IC 14-33). Jack Arnett seconded the motion. Upon a voice vote the motion carried.

**Consideration of a Request by Crawford County Water Company, Inc. for a Long-Term Easement and a Temporary Construction Easement for Installation, Maintenance and Use of an Underground 14-inch Water Main Via a Utility Corridor for the Transportation of Water across Harrison-Crawford State Forest**

John Friedrich of the Division of Forestry presented this item. He said for consideration was a request for a long-term and a temporary construction easement for a 14-inch water main across Harrison Crawford State Forest. A large portion of Harrison Crawford State Forest through which the water main would run is also within the Leavenworth Nature Preserve. Friedrich said that originally the Crawford County Water Company sought approval with no compensation, but following negotiations with John Davis, the Water Company had agreed to compensation of \$11,000.

Rick Cockrum asked if the Crawford County Water Company was a public not-for-profit corporation. Friedrich responded that it was a private not-for-profit corporation.

Brian Bullock spoke as the Project Engineer for Midwestern Engineers, Inc. that is developing the line on behalf of the water company. He agreed that, initially, the company thought the easement should be provided with no compensation. He said this perspective was rational because the company has received 20 to 30 easements that were donated by property owners. Since that time, the company has realized “this is a different situation. We’re dealing with a dedicated nature preserve. There should be some compensation. The company is just asking for a little bit more reasonable dollar amount.” Bullock said he generally agreed with Friedrich’s presentation and description of the location of the water main. He said it was additionally “important to note that the main would be ten to twelve feet from centerline of the county road, just two to four outside state and county road. Bullock said this location was not the most economical, but it was being pursued as an accommodation to the DNR, with an understanding of the site’s sensitivity. Staying this close to the existing roadway, rather than being able to use native backfill, we’ll have to use pea and borrow backfill. “A lot of this is in very rugged terrain.” He said the company agreed with the \$11,000 compensation and a free hook-up for the DNR.

Cockrum asked John Davis if the original easement proposal would have gone through the nature preserve but it was now re-routed. Davis answered that the DNR asked that the water main be tightened to align more closely with the road and to cause less disturbance to the nature preserve.

Linda Runkle asked for a brief explanation of the nonrule policy document. Davis directed the question to Steve Lucas. Lucas responded that there was a long-standing nonrule policy document addressing compensation for easements to help assure minimization of impacts from easements and that the DNR would receive “fair market value.” Although there were general principles made applicable to determining fair market value, they were sometimes indefinite and costly to apply. Effective last summer, the Commission approved a “standard compensation schedule.” This schedule allows a shorthand method for determining valuation, but it does not preclude another methodology that would more accurately determine fair market value. He expressed the perspective that to remove the concept of “fair market value” could have opened the policy to a criticism that it was arbitrary and capricious.

John Davis said the proposal was presented to the joint Advisory Councils. They were critical of the proposal and recommended that the standard compensation schedule should be applied.

Ray McCormick said the first time the proposal was presented to the Advisory Councils, the Crawford County Water Company asked for approval without compensation. The Division of

Forestry recommended disapproval of the proposal. The second time there was recommendation for approval with a compensation of \$11,000, but the Advisory Councils again voted to recommend disapproval to the Commission. McCormick also expressed concerns with having the water main pass through a dedicated nature preserve. “Do we have authority to grant an easement through a dedicated nature preserve?”

John Davis responded that the original proposal would have passed through the nature preserve, but the current proposal has been placed mostly along the road. Friedrich added that John Bacone, Director of the Division of Nature Preserves, told him “a permanent easement is not allowed, but this temporary easement is permissible.” Davis said he believed the current proposal would provide adequate environmental protection and reasonable compensation. He recommended approval.

Jerry Miller said, “I think this is the first time that the voting was unanimous against a DNR recommendation on an easement. The Councils did not want to set precedent.”

Rick Cockrum asked if the Advisory Councils “reached a conclusion to protect natural resources,” but with “the movement of easement to the road” that those might be sufficiently addressed. McCormick said he believed “it wouldn’t be wise to set precedent that we will negotiate down on the price when there is impact to the resources.”

Davis said the Crawford County Water Company had sought “to move the easement to a less impactful location.” Cockrum said he understood the Councils’ objection was not to the easement, but to the impact of the resources. McCormick said Cockrum’s understanding was accurate.

Chairman Kiley said, “We are voting on a resolution to grant a public not for profit corporation to run a water line through Harrison Crawford State Forest along a dedicated road easement with compensation of \$11,000 and a free water hookup.” Kiley said a reduction from the standard compensation schedule was given because the easement was moved closer to the roadway to minimize harm to the DNR property.

John Friedrich clarified that the Crawford County Water Company is a *private* not-for-profit corporation.

Jack Arnett asked who handled the negotiations that would result in compensation of \$11,000. Davis said he and company board members participated. He said Friedrich had negotiated the formula and the final location of the water line.

Arnett asked if it might be fruitful to remand this item to the DNR and the Advisory Councils for more discussion. Davis said the company’s board agreed to the negotiated amount. He believed the “board needs a final determination to move forward—but not an escape to the Advisory Councils.”

Cockrum asked Davis if the water company would prefer finality even if set at an amount higher than \$11,000. Davis deferred to Brian Bullock. Bullock said anything in excess of “11,000 would have to be sent back to the company’s board. He added that the total project cost would be about \$2 million. The board was “just asking for a fair easement price.”

Jane Stautz observed the nonrule policy documents provides that the rate per lineal foot may be reduced by 15%. She asked if consideration was given. Davis said there was a \$35,000 discount

for keeping the main in the existing right-of-way, but the project was not end of line service, so that discount was inapplicable. The initial figure did take into account the reduction.

Jerry Miller moved to deny the easement application by the Crawford County Water Company upon the terms of \$11,000 and a free hook-up for the DNR and, instead, to require the full compensation as calculated by the Division of Forestry using the standard compensation schedule. Ray McCormick seconded the motion. The motion carried with John Goss voting against the motion and the Chair abstaining.

### **Brown Trout Information Item**

Rick Cockrum reminded the Commission that Trout Unlimited has raised money to stock brown trout—cold water trout. “The fishing has been pretty successful.” He said there has been “a lot” of tourism, recreation, and traffic.” Cockrum suggested that staff from DNR “needs to coordinate with the U.S. Army Corps of Engineers to address water flow issues and other issues.” Goss said he had attended a conference with the Corps, and Mike Neyer, Director of the Division of Water, was assigned as the “official contact to set up regular communications with the Corps.” Goss suggested that Cockrum forward his concerns to Neyer.

**ADJOURNED:** 12:40 p.m., EST.

**NEXT MEETING:** January 13, 2:00 p.m., EST at The Garrison, Fort Harrison State Park, Indianapolis (Lawrence). Reception following meeting.