

ADVISORY COUNCIL
Meeting Minutes of January 15, 2014

ADVISORY COUNCIL MEMBERS PRESENT

Patrick Early, Chair
AmyMarie Travis Lucas, Vice Chair
John Bart Herriman
John Hastings
Bill Freeman
Ross Williams

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Jennifer Kane

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Chris Smith	Executive Office
John Davis	Executive Office
Cameron Clark	Executive Office
Cheryl Hampton	Executive Office
Joe Hoage	Executive Office
Danny East	Law Enforcement
Tom Torsell	Law Enforcement
Steve Hunter	Law Enforcement
Mark Reiter	Fish and Wildlife
Doug Keller	Fish and Wildlife
Bill James	Fish and Wildlife
Ashlee Haviland	Fish and Wildlife
Phil Bloom	Communications

GUESTS PRESENT

Michael Bergerson	Brian Niksch	Nicole Messacar
Mike Seitz	Ken Purze	Blair Milo
Jack Arnett	Jason Miller	Barb Simpson
Herb Higging		

Call to order

Patrick Early called the meeting to order at 10:22 a.m., EST, at the Fort Harrison State Park Inn, 5830 North Post Road, Theodore Room, Indianapolis, Indiana. With the presence of six members, he recognized a quorum.

Election of Officers

Patrick Early called for a motion to slate officers for 2014.

Bill Freeman moved to nominate Patrick Early as Chair and AmyMarie Travis Lucas as Vice Chair. Bart Herriman seconded the motion. No other nominations were offered. Upon a voice vote, the motion was carried. Patrick Early was elected Chair. AmyMarie Travis Lucas was elected Vice Chair.

Reports of Deputies Director

John Davis, Deputy Director of the Bureau of Lands and Cultural Resources, updated the members regarding fish and wildlife fees. His Bureau is waiting approval from the Governor's Office, State Budget Agency, and the Department regarding fee amendments. There are approaching deadlines for the Fishing and Hunting Guides. "We usually publish in the early spring for the Fishing Guide, and so it has to end up going to print. We sent two versions to the printer." He also announced the Boat, Sport, and Travel Show will start February 14. "We have a big presence out there. We sell a lot of licenses and answer a lot of questions."

Davis said the snowmobile and off-road vehicle licensure transition from the DNR to the Bureau of Motor Vehicles, which began 18 months ago, is now complete. "The go-live date was January 1, 2014. It seems to be going smoothly. That should benefit all of us.... We should get more registrants, and BMV will profit from that."

Chris Smith, Deputy Director of the Bureau of Resource Regulation, said there were two significant staff changes since the last Advisory Council meeting. Mitchell Zoll was appointed as Director of the Division of Historic Preservation and Archaeology. Zoll retired from Ball State University's Archaeology Department and for seven years was a private consultant. "He has a very extensive background in archaeology, which is kind of a change for the division. Most of our previous directors had an emphasis in historic preservation.... Mitch has been very well received." Smith announced Steve Weinzapfel is the new Director of the Division of Reclamation. "Steve is a 20-year veteran of the Division of Reclamation and has experience in both the Abandoned Mine Lands Program and in inspection and enforcement."

Smith reported the Division of Reclamation and the Indiana Society of Mining and Reclamation held their annual technological exchange conference in early December in Jasper, Indiana. "It's kind of a unique scenario where industry, government regulators, and second-party vendors all get together and sit down and talk about successes and the struggles that they are having. They go over the new technologies and how they are using them.... It's interesting that probably in most of the other regulatory bureaus we don't necessarily have that kind of exchange. It's something to look at in the future because it seems to help you down the road."

Approval of minutes of meeting held on August 14, 2013

AmyMarie Travis Lucas moved to approve the minutes of the meeting held August 14, 2013. Bill Freeman seconded the motion. Upon a voice vote, the motion carried.

Consideration of evaluation by the Division of Fish and Wildlife of the impacts of the Stone Lake Boat Races held May 31-June 2, 2013 in LaPorte; Administrative Cause No. 13-068L

The following email comments were received from Barb Hooper and Jane A. Langford and distributed to Council members immediately before the meeting:

Thank you for the opportunity to reply and comment at the Advisory Council Meeting. Due to distance and time constraints it is not feasible to attend the meeting.

Throughout this report the merits of Stone Lake in LaPorte County are extolled. The excellent water quality, the diversity of vegetation with endangered, threatened, and rare plant life present, the chemical balance enhancing the plant and fish communities are all cited as reasons for this high quality lake.

There is some information not included in the report which should be noted:

The treatment of Eurasian Milfoil was addressed in the report. In treating the lake, the milfoil was spot treated to protect and preserve the desirable vegetation. The vegetation was considered by Aquatic Control an important part of the lake

The power boat testing of motors on the shore line was done outside of the time constraints of the permit. It was done the evening preceding the race and again after race hours another day.

The report suggested high speed boating one weekend a year probably would not damage the lake. This did not include the high speed recreational boating which continued through the summer because boaters saw high speed boating and followed that precedence. The damage to the lake was not one weekend.

The report tells us how exceptional Stone Lake is and that the public must be aware of high speed boating. The report also says, it "does not appear" that the 2013 power boat races have caused irreversible damage. Please consider in you evaluation why anything that would be detrimental to this gem would be allowed. If all the merits of this lake are to be considered valuable, why not start preserving Stone Lake now and not hoping questionable use won't be harmful.

Thank you for your time.

Stephen Lucas, Director of the NRC's Division of Hearings, introduced this item. He said the Division of Law Enforcement issued a permit, with conditions, for a three-day boat race on Stone Lake in the City of LaPorte. Several citizens objected to issuance and sought administrative review. A "very orderly" hearing of the facts was held in Michigan

City. Citizens expressed passion from different perspectives but in a way that was productive. “I want to express my appreciation to all of the parties for their civility.”

Lucas said an element of the original permit anticipated a follow-up and analyses by the Division Fish and Wildlife. As a result of the adjudicatory hearing process, the terms of the follow-up were refined. A nonfinal order from the administrative law judge set December 31 as the date for completion of the analyses. Lucas said the Division of Fish and Wildlife’s report was “very thorough. The staff worked very hard on the report and beat the deadline. I very much appreciate that. Ultimately, it is what the Natural Resources Commission asked because the way our process works is, as administrative law judge, I issue a nonfinal order and a party can object. None of the parties objected, so the nonfinal order was ultimately approved by the Secretary of the Commission.”

Lucas added, “My understanding is there will be another permit application for Stone Lake this year,” but the permit has broader policy ramifications. The Division of Law Enforcement issues “boat race permits fairly routinely, but they are often on big waters, like the Ohio River or Lake Michigan. “They may not have the same environmental or human sensitivity as a smaller body of water.” The NRC’s Division of Hearings has many hearings, “but we haven’t done lots of hearings from this subject area, so we look forward to your counsel not just on Stone Lake but also on other water bodies.”

Lucas then deferred to Doug Keller, the Division of Fish and Wildlife’s Aquatic Habitat Coordinator. Keller gave a PowerPoint presentation providing an overview of the Division’s analysis parameters, conclusions, and recommendations. The Commission directed the Division to assess the shoreline vegetation and water quality of Stone Lake prior to, during, and after the boat race event. Stone Lake has two distinct deep water basins separated by a very shallow area located more toward the easterly side of the lake. There were two race courses set up due to the multiple classes of boats in the race events. “The most concerning area where these race courses occurred was right through the shallow bench that separates the two deep basins.” He said the water across the shallow bench is from five and ten feet deep throughout the entire distance across the lake. “Both race courses were passing this shallow water shelf twice during a single lap of the race.”

Keller said the Division focused on the plant communities. “We do a lot of plant surveys so we know how to evaluate plant communities.” Stone Lake has exceptional plant diversity, and the Division was aware of three state listed aquatic plant species prior to the survey. But “during the survey, we found another species of plant that I don’t think we have ever found there, but it is another fairly uncommon species of aquatic plant that you don’t find in very many locations in the State. So, really, there are four species of fairly significant concern..., which are generally located in more of those undisturbed type locations that require better water quality to survive.”

Keller said most of the vegetation at Stone Lake is in fairly shallow water, about five to ten feet deep, as is common in most Indiana lakes. Because of the water clarity of Stone Lake, vegetation “was found as deep as 20 feet or more. There are not many lakes where you can find vegetation 20 feet deep, because we simply don’t have that type of water

clarity in most Indiana lakes.” The plant community at Stone Lake was evaluated one or two days before the race occurred, and then the day after the race weekend. “We are looking at a very short timeframe how that plant community changed.” The analyses showed some plant parameters declined post-race. Also observed was abundant plant fragmentation following the race. “Wave action and propeller fragmentation are probably the likely reasons we saw more fragmentation around the shoreline.” Stone Lake has Eurasian watermilfoil, an invasive aquatic plant, which is distributed very easily by fragmentation, but was not at nuisance levels at Stone Lake in 2013. “The more fragmentation that occurs the more opportunity [Eurasian watermilfoil] gets to expand and possibly grow to nuisance level.”

Keller said the bathymetric chart, or depth contour map, also shows existing density of aquatic vegetation. The map does “not tell us what the plants are, but that there are plants out there.” Keller pointed out the map shows the most dense plant community was located across the shallow bench. “One thing that kind of jumped out at me was this [northerly portion of the shallow bench] right up here where the boat race passed over this area two times in the race course. There is a red area, which indicates the more dense plant community, mostly across the shallow bench, but there is also the open orange belt through there on the [north] side, which could be that the boats were moving through there disturbing plants and lessening the abundance of plants in that area.”

Advisory Council member, Bill Freeman, asked whether there was an evaluation of vegetation prior to the race.

Keller responded that due to an equipment malfunction, there was no pre-race vegetation data. “We can’t say for sure that it looked different from this pre-race, but it is just kind of strange that tract right through there that should have connected with the red area of the north shore does not connect.”

Keller said water quality tests were performed by the Indiana Clean Lakes Program. The Division of Fish and Wildlife does not have expertise to analyze water quality. “We can collect water samples, but we do not have the means of testing the water samples. Fortunately, Indiana Clean Lakes was very willing to process the data.” Indiana Clean Lakes has collected data at Stone Lake since 1989. Water samples “were taken right before racing, one day during the race event, the day after race weekend, and in early July and early August.” The samples were tested for water clarity, three nitrogen and two phosphorus parameters, algae, and chlorophyll. Data collected since 1989, collected about every five years, was compared to the 2013 race event data. The Secchi Disk analysis shows that prior to the race (May 2) and during the race (June 1) water clarity was identical. “Actually, the day after the race, water clarity improved slightly. The data for July 1st and August 2nd shows a very drastic decline in water clarity down to a point that we have never seen that poor water clarity in Stone Lake clear back to 1989.” Of the three nitrogen parameters “the one that jumps out at me is the nitrate parameter.... From 1989 through most of 2013, nitrates are almost non-detectable in Stone Lake. But you can see what happened in August 2013. You see nitrogen levels like we’ve never seen before in Stone Lake.” The ammonia levels and total Kjeldhal nitrogen behaved very

similar throughout the entire sampling period. Right before the race, both parameters were fairly low. They increased the day of racing, continued to increase the day after racing, and then they slowly tailed off through July and August. Phosphorus is generally the most limiting nutrient in aquatic systems. “If you do not have a lot of phosphorus, you limit your primary productivity. You don’t have a lot of planktonic algae growth, but it also gives that lake that high quality, a very clear lake.” Data shows that for the collecting history of Stone Lake, phosphorus has almost been non-detectable in the lake. “The August 2nd sample showed phosphorus sky-rocketed in the lake.”

Vice Chair AmyMarie Travis Lucas asked, “Are your water experts telling you that changes that are race-related would have taken a month or so to take effect, and that’s why we see the change in August but not in July? Is there a conclusion we can draw?”

Keller answered, “There is really not a conclusion, but what we can show is that if we just sampled this year, and that was all the sampling that we had ever done, we wouldn’t know if August 2nd was an anomaly or if that’s just the way it happens every year. As you can see from all of those different samples that were conducted prior to 2013, they were around that same timeframe, and we’ve never seen some of these things before. These are the three things that really jump out at us: the Secchi Disk decline in July and August; nitrates increased dramatically; and increased phosphorus. We don’t know if the boat race exactly caused this, but we do see a pattern that never happened before and the one thing that changed this year was the boat race. Is it the reason? We are not sure.”

Travis Lucas asked if there were other anomalous events in July and August, such as severe weather or flooding, that may have introduced chemicals into the lake.

Keller said a very heavy rain event occurred just prior to July 1, 2013.

The Vice Chair asked whether Stone Lake was surrounded by farmland. Keller said Stone Lake has a very small watershed. “It does not have really much of a runoff, but what runoff there is, it is fairly protected runoff.” He explained Pine Lake and Stone Lake join together and there is really no outlet to the lakes. “These are kind of perched lakes that sit there in a little bowl. They do not collect agricultural runoff.” The July 1 rain event could have caused the decrease in the Secchi disk reading on the July date. “After that rain, the rest of July was very dry throughout the state, so that doesn’t explain why on August 2nd the Secchi disk reading was so low.”

John Davis stated, “Logically, it doesn’t make sense that there would be low phosphorus in July.... The jumps in August do not quite fit the race event either.”

Bart Herriman asked whether nitrates and phosphorus were already in Stone Lake through migration and become stirred up through propeller action. Keller said nitrates and phosphorus are used in lawn fertilizers, which may migrate into the lake through runoff, or the nutrients may also be stirred up from the bottom by agitation or wind or boat wave action. “That’s what we are really concerned about, not stirring up these nutrients in a lake that is such high quality.”

The Vice Chair then asked, “Does the aquatic life in normal circumstances...kind of clean the lake? So, if the aquatic life is damaged, it hurts the health of the lake with regard to these other chemicals?”

Keller responded that aquatic plants are “grabbing the nutrients that are made available. So, by protecting the plants if there is a pulse of phosphorus or nitrate, or any other nitrogen made available, if you’ve got a healthy plant community out there, it will take in those nutrients so that they are not out in the water column fueling planktonic algae blooms and harming water clarity.”

The Vice Chair asked whether it would take a month and a half for the nutrient levels to change due to the decreased vegetation density on the easterly side of the shallow water shelf. “Or is that too much speculation?”

Keller said, “That would be a lot of speculation because plants will recover, and they will continue to grow when they get chopped off. They will come back, but it takes a little while to come back.” He said the Division did not conduct plant or hydro-acoustic sampling to look at the plant community later on in the season. There is no data to compare that sampling.

Herriman asked whether there are DNR professionals who believe the nutrient spikes in July and August are due to other reasons, such as runoff due to the large rainfall. “Is there agreement within the Department?”

Davis responded the DNR “does not want to attribute to things that we can’t really attribute to. Maybe there is an explanation that I am not aware of.”

Keller said the Division of Fish and Wildlife is not an expert on water quality parameters. “Again, I just point to that we’ve got a history at Stone Lake of these water quality samples, and we’ve never seen a spike like this before. Most of these levels aren’t crazy high levels, but they are crazy high levels for Stone Lake.” There are many other poor Indiana lakes that have nitrogen and phosphorus levels “through the roof, highly eutrophic lakes”. Keller said Stone Lake is an oligotrophic lake, which means a lake that does not have a lot of nutrients. “I don’t think any of us would be comfortable saying that the boat race absolutely caused this, but we saw some changes in the lake the year the boat race occurred.”

Keller said Division of Fish and Wildlife staff observed some troubling actions by boaters involved in the race event. Race entrants were not allowed to launch into Stone Lake just prior to a race. But before the race weekend, the race entrants were at the boat ramp “running their engines with propeller engaged..., which put out a spray behind their boats. This activity would stir up nutrients, and it would also undermine the boat ramp. We would call this... ‘power-loading’ where someone is goosing their motors..., and they blow a big whole out below the boat ramp. We try to discourage boaters from doing that.” The permit required a 200-foot idle-zone belt around Stone Lake. He said boaters

were observed “with propellers engaged at the beach area throwing very high sprays up in the water as they were leaving the beach area. This would suspend sediment and nutrients.” There was one occasion observed where an ATV was used to launch a boat at the beach area, but the ATV became stuck in the water and had to be towed out. This activity would also suspend sediment and nutrients into the lake.

Keller explained that the following Division’s conclusions and recommendations were made in order to continue to protect the high quality of Stone Lake, mainly the water quality and aquatic plant community:

Conclusions

- Shallow bench contains most abundant plants, significant diversity, and rare species
- Plant fragmentation from boats was obvious and can lead to spread of invasives
- Emergent plants helped buffer shoreline from wave action
- Some water quality parameters (nitrate and soluble phosphorus) were elevated post-race and highest ever observed at Stone Lake
- Waterfowl impacts were not observed

Recommendations

- High speed boating permitted no more than one weekend per year
- A 200-foot buffer should be maintained as a safety zone for the protection of the biological community of the Stone Lake
- High speed boating should only be allowed in areas of Stone Lake that do not have shallow areas that are densely vegetated, such as the shallow bench
- Boats must refrain from warming their engines on trailers at the boat launch above idle throttle when the propeller is engaged. Boats also must not run their engines at a high throttle and with propeller engaged while in the staging area at the beach or anywhere else within 200 feet of shore
- Treatment to control the Eurasian watermilfoil should be performed at least three weeks before the a race event so that Eurasian watermilfoil biomass is reduced and less susceptible to propeller and wave induced fragmentation

Keller noted Eurasian watermilfoil was treated approximately three weeks before the race event at a total cost of \$9,400. Funds from the Lake and River Enhancement (“LARE”) Program covered 75% of the treatment, and the City of LaPorte covered the balance.

Davis explained that LARE is funded through the boat registration program. LARE funds are apportioned to the Division of Law Enforcement and the Division of Fish and Wildlife and distributed through grants for local and river improvements.

Freeman asked whether treatment costs would be covered by LARE and the City of LaPorte for future race events. Keller responded, “Not necessarily. We’ve got those competing funds. One of the reasons we went to Stone Lake this year was because Pine

Lake, which is right next to [Stone Lake], had a whole-lake sonar treatment that occurred...to treat all the water milfoil. When you do that, you don't want another lake sitting right next door where boats can travel to and from.... We didn't treat Stone Lake just because of the boat race. We can't promise that Stone Lake will be treated in the future. It all depends on other priorities as well."

Freeman asked whether Stone Lake and Pine Lake are public freshwater lakes. Lucas answered that they are. "In terms of identification and measurement..., it's a little bit like the situation with Lake Michigan and Lake Huron. We give them two names, but it's one lake."

Keller acknowledged Ashlee Haviland with the LARE Program as the lead author and main data collector. "She was out there every day doing lots of work collecting data and analyzing the data to write the report." He acknowledged staff from the Fisheries Section and other LARE efforts. "We definitely have to acknowledge the Indiana Clean Lakes Program. They did all the water quality sampling for free, but they also wanted to add to their database. We really added a burden onto their job this year."

The Chair reflected that the findings "can't really directly tie the impact of those elevated levels of chemicals or the water clarity to the boat race itself. They are just observations that were made when things were tested, correct?" Keller answered in the affirmative.

The Chair continued, "We are saying that from our standpoint we would still likely issue a permit as long as they follow the parameters in that recommendation not going across the shallow bench; only one week a year; enforcement of not racing motors inside the 200-foot barrier, correct?"

Keller answered in the affirmative. "That's why we didn't come out and say, 'no racing should ever occur there again,' because we could not point that the race caused those nitrogen and phosphorus elevations. But it's kind of coincidental. We don't think any major harm occurred this year, and we would be fairly comfortable saying we don't think harm will occur in one weekend in future years, but we could lessen the harm that occurs if they stay out of the shallow waters."

Vice Chair Travis Lucas asked, "If we make them only race on the deep end of the lake, where they wouldn't cross the shallow waters, does that basically make the course so small that it is not feasible?"

Keller noted that one-third of the race course encompasses the shallow bench area, and the east portion of the lake. "I don't understand how big of a course they would need, so I cannot comment on that".

The Chair asked whether the DNR is suggesting the decreased vegetation on a portion of the shallow water bench was caused by the boat race event. Keller answered, "We did see abundant fragmentation wash up on shore following the race. It leads us to believe that there was boat-induced fragmentation that occurred, boat and wave fragmentation."

Freeman observed that it appears there are few residences surrounding Stone Lake.

Local resident, Nicole Messacar, explained that Stone Lake's northwest shoreline is forested, but there is a neighborhood east of the lake. "All of those storm drains drain into Stone Lake. Chemicals from lawn treatments are leached into the lake. It is a small watershed, but it's an urban watershed with lots of lawns and very small lots. You can see that there are lots of houses."

The Chair said, "What seems to make sense is should DNR continue to issue the permit and continue testing to see if a pattern emerges? We would test again? Is that the kind of thing, if we issue a permit, would we do this testing again to see if there is a pattern?"

Mark Reiter, Director of the Division of Fish and Wildlife, said testing was needed but is a financial burden. "I don't know that the Division of Fish and Wildlife should be hung with that cost. Is it going to be a cost of doing business for the race?"

The Chair agreed with Reiter's concern. "I think all those things will eventually have to be determined if there is a request for another permit."

John Davis said, "It's a cost of doing business or a cost of business protecting the lake. Definitely not the operating budget of the Division, but maybe a LARE grant makes sense when we are talking about this much money."

The Chair noted the DNR's recommendations did not include continued testing if another race event is permitted. "If we are concerned that these anomalies may have been as a result of [the race], then it seems to me another recommendation might be, wherever the funding comes from, that there needs to be some continued testing to either confirm or disprove the theory that [the race] may have caused a problem. We might want to add that to the recommendations."

Bart Herriman asked about the costs associated with acquiring a permit for a boat race event.

Chris Smith responded there is no cost for a boat race permit application.

Blair Milo, Mayor of the City of LaPorte, thanked the DNR, the Advisory Council, and others involved in the process. "We appreciate the partnership that we have had with the DNR." The City of LaPorte wishes to continue to protect Stone Lake, "We want to make sure that we have the opportunity to continue to enjoy Stone Lake and all of our lakes across the City of LaPorte well into the future." Last year's boat race event was "a tremendous success at a number of different levels. It was great participation across the community, and the folks from [Formula1®], the boat race group that came in, was thrilled with the opportunity to be able to hold the race on Stone Lake. In fact, they are very excited about different opportunities to try and come back in the future. We are very interested to see if this is something that we can pursue."

Milo said the DNR's presentation "was very helpful to know going into the future; however, if the boat race was attributable for the plant life on the northern side of Stone Lake, the race track crosses that shallow area at two different points. If the race was what directly led to that loss of vegetation, then I think you would see that on both the northern and the southern portion of that track that there would be a decrease in the plants, which was not necessarily what was shown. I point that out because it would be a concern of trying to have the race in the future...that when you cut off one-third of the lake that significantly shortens the track course on the lake." Milo noted the City of LaPorte discussed preliminarily with Formula1® about revising the race course. Formula1® has concerns whether it "would have the appropriate amount of distance to be able to still do a race event with just that lower portion of the lake. It would be something that we would try to continue to look into to see if we can make it work, but there is some significant concern on our end if we are not able to cross that shallow area." At the northeastern end of Stone Lake is Stone Lake Beach, which was the primary viewing area of the race course. "If you cut off that area of the racecourse, nobody can see the race very well." City streets on the southeastern side of Stone Lake were opened, "but it is a little bit farther away so you are not able to see the action. All of our vendors were stationed on the northeastern side of the lake. If we are not able to utilize that area, that significantly challenges our ability to hold a positive experience for everybody involved. I'm not sure where we would put all the other attributes that are incorporated with the race if we lose that northeastern area."

Milo concluded, "We very much appreciate the opportunity to discuss all of this." An economic impact study showed that the three-day race event had a positive economic impact of about \$1 million. "It was a significant enhancement for our local businesses. It brought thousands of residents out and visitors to the area.... It was a great weekend. We certainly want to continue to act in a manner that is protective and respectful of the environment at Stone Lake, but we want to be able to use the lake the rest of the year for all of the boating activities...the low-speed activities that are performed throughout the rest of the year. We want to continue that long into the future."

Jack Arnett, Executive Director of the LaPorte County Convention and Visitors Bureau (the "Bureau), said the Bureau signed the contract with Formula1® to bring the race event to Stone Lake. The Bureau has many opportunities to work with the county's natural resources using them "in a real positive way. We are really appreciative of that. We couldn't do that without the help of [the Division of] Law Enforcement, not only at this event but some other events that we hold on Lake Michigan and other locations in the county. It is a great partnership and we are going to continue that. Certainly, any recommendations that come forward, we will work together to make those happen."

Arnett said adjusting the race course would be a challenge. "We did bring in an outside company to do an economic impact study. \$1.3 million can be directly attributed to this race. The event has broad-ranging support in the community as you can tell. We found out about this [meeting], and we were able to get the Parks Department, local Soil and Water Conservation District, Visitor's Bureau, Chamber of Commerce, Mayor Milo, and

the Kankakee River Basin down here on four-days notice, and we will continue to have that broad ranging support. I think all of us understand the natural resources need protected and they are available for multi-uses. Hopefully, we can find ways to make that happen. The race event was important to our community from a financial standpoint, and from a community standpoint it was a great event.”

Michael Bergerson, attorney representing the Bureau, thanked the Advisory Council for the opportunity to discuss the Department’s report. He said the race had broad community support. The LaPorte County Commissioners signed a letter of support for the event. In addressing the Department’s report, Bergerson said, “We don’t think that there is enough evidence, quite honestly, but only having had the report for a little bit of time, that the race would have had those impacts relative to water clarity...nitrates...or phosphorus, and other comments in the report and today’s comments. They just didn’t know that, relative spikes or anomalies, whether they were attributable to this race or not. They are certainly of concern, and we certainly want to work with the DNR in issuing a new permit, because we would like to have a permit issued this year.”

Bergerson said the Bureau “can live with almost every other recommendation that is being made, including additional testing before and after the race going forward.” But “modifying the racecourse is a concern of ours. Without more information that the DNR would have had, we think that recommendation that they are making certainly is a concern to us and the promoters of this race. We want to certainly support the use of the lake. We think it supports the mission of preserving the lake not only for the citizens of the community but for water life and just general welfare. This race in particular also draws people to utilize Stone Lake, which is one of the missions we are hoping to achieve, to get more people out to participate and see what kind of natural resources we have in LaPorte County. It is very important to us.”

Mike Seitz, from the LaPorte County Chamber of Commerce, stated that the Chamber and City of LaPorte represent approximately 300 community businesses, which have been “really supportive of the boat race. It was really unbelievable the way the City and the citizens reacted to this race. I mean the anticipation and the excitement in the community. Here was an opportunity to use one of our valuable resources. Keeping in respect with the environmental issues, we are hoping for a tradeoff.” Seitz noted, “There [are] even rumors that this is going to be on a race circuit for the Formula1® races..., and there are rumors that it could be televised. What an economic impact that would have on the City of LaPorte and our area. With the boat racing in Michigan City on the big lake with big boats, and now we’ve got a boat race on a little lake with smaller boats.” One long range economic development purpose is to provide a good quality of community life. “We’ve got a lot of things going for us. We’ve got good school systems and natural resources with the lakes, a great city...With this boat race it really not only gives us a short attraction to people coming in, but it upgrades our overall quality of life for having and offering neat and interesting things to do in the City of LaPorte. Again, with all due respect to the environmental aspects of this, we surely hope we can do this again.”

Nicole Messacar said she was speaking as the Assistant Chair of the LaPorte County Parks and Recreation Department. Similarly to the DNR, the Parks and Recreation Department, is “always trying to kind of balance the need to get people to enjoy your resources...while still protecting the resources for the future.” The Parks and Recreation Department takes the DNR’s recommendations seriously. It may not be apparent in the DNR’s report that the neighborhood adjacent to Stone Lake is “an urban area. There [are] a lot of streets. There is a Taco Bell.” The relationship between the nutrients and the boat race is not clear, “but I don’t want it to be dismissed either”. She said she supports the race and appreciates the communication and partnerships of all involved.

Kenneth Purze, Vice Chair of the Kankakee River Basin Commission (the “KRBC”), read the KRBCs mission and vision statements.

Mission Statement: The Kankakee River Basin Commission coordinates the water resources and water-related land resources of the Kankakee River basin in Indiana by promoting and protecting the varied aspects of the drain infrastructure with projects for flood control, drainage maintenance and environmental enhancements for natural resource conservation and recreational development.

Vision Statement: The Kankakee River Basin Commission will provide an organizational environment to promote and sustain the development of surface and ground water for agriculture, residential, recreational and commercial purposes; to address water quality and in stream issues; to restore and protect fisheries; wetlands and aquatic habitat; and to ensure future availability of water supplies in the basin.

Perze explained the KRBC mission and vision statements are important to a review of the Stone Lake Evaluation Report because Stone Lake is located in the “biggest sub-watershed in this entire Kankakee River watershed in Indiana. I’m really proud to say that, although we don’t have a watershed management plan presently for this sub-shed..., we have put together a steering committee and we actually submitted for a 319 an IDEM grant, but were rejected because funding is limited.” The KRBC is very concerned about water quality, especially in and around the City of LaPorte, because the runoff ultimately ends up in the Kankakee River. “We are concerned about environmental and recreational uses. I can assure you that in our watershed steering committee we are going to use that data..., and we have the plans to do different types of sampling. A lot of parameters that you’ve looked at here will be a part of watershed management plan.” He said routine testing will be conducted, and KRBC has budgeted \$100,000 for water quality issues. Since Stone Lake is located in the sub-watershed, “I think it’s important to understand that regionally...we are paying attention to water quality...[and] we are paying attention to recreation and tourism”. The [KRBC] regionally ties together water quality and recreation, tourism and environmental concerns.”

Jason Miller, the Sports Development Manager with the Visit Michigan City LaPorte/Laporte County Convention and Visitors Bureau, said he was the person that worked most closely with Formula1® officials. He provided a brief explanation of “tunnel boat” racing. The hydroplane boats that ran the yellow course are twelve feet long, and the boats that ran the red course are about 16 feet long. “They skim across the top of the water. For the most part, the only part of these boats that has main contact with

the surface of the water is the propeller.” At idle the propellers go about eight inches below the surface. “The draw that these boats have in the water is minimal at best. When you’re thinking about the possible contact of these boats with the plant life, keep that in mind these boats have very little draw. They skim across the top of the water.”

Miller said if the race course were modified as DNR recommends, the entire spectator base and the vendors would be left out. “That would be a sticking point with USF1 Powerboats...that might have unfavorable ramifications.” Formula1® officials and those participating in the race “do all they can to work with local DNR and organizations...to make sure that what they are doing on these bodies of water is not harmful.” The 200-foot buffer from shoreline is a “solid recommendation..., but the issue that we might run into is...we had to find a place that was 200 feet from shore in deep enough water for these boats to start the race.” He said team members had to ferry over the race participants to the start dock. “That was an issue for the race teams. Our thought would be that they would like to put the start dock closer...so they don’t have to drive all the way across the lake in a boat.... It would be within the 200-foot barrier for approximately 100 feet in length, but that’s near the beach area.”

Brian Niksch, Superintendent of the City of LaPorte Parks and Recreation Department, thanked the DNR for its report. “We are very lucky that we have multiple lakes inside the City limits.” Most land surrounding Stone Lake is owned by the Parks Department and the City of LaPorte. Stone Lake is 149 acres, and Pine Lake is over 400 acres. The Parks and Recreation Department conducted a whole-lake sonar treatment of Eurasian watermilfoil on Pine Lake. There is not a free boat launch on Pine Lake “so everyone who comes into the community for recreational boating they launch [at the free boat ramp on Stone Lake] and go directly across [Stone Lake] and then through the channel.” \$50,000 was spent for invasive plant treatment on Pine Lake and less than \$10,000 was spent for Stone Lake. Sonar treatment was conducted late in the season, and “maybe that August date that was mentioned earlier was due to one of those late sonar treatments”.

Nicksch said the Parks Department is “happy with the report as we start our master planning in about a year or so.... I think this is something that will go into that master plan.” The Parks Department may review additional signage at the boat ramps to discourage the every-day-boater from revving motors. The swimming portion of an annual triathlon is held on Stone Lake. “We definitely want quality water for that. I don’t think we had to close the beach this year due to water quality issues. We do have an area on Pine Lake that they do have to close.” The Parks Department did not stop cutting grass in the summer of 2013. “We did have a lot of rain...throughout the year.”

The Vice Chair asked the Department to address comments made by Mayor Milo regarding the plant density at the southern end of the shallow water bench.

Keller responded “there are really no plants down there. That’s why I didn’t even discuss that.”

The Vice Chair asked whether a condition can be added to a permit to require the permittee to conduct or pay for a portion of environmental testing.

Davis said that it may be possible to add a permit condition to require testing.

The Vice Chair said one year of data may not be sufficient to find a correlation from the race, especially with the anomalous rain patterns of 2013. “That concerns me a little bit. I would like to study it more but know that is a lot of responsibility to put on the budget.”

Davis said the Division of Fish and Wildlife’s budget could not absorb costs associated with testing, but “maybe there is a way to try help” through an IDEM 319 grant, which is similar to a LARE grant. The DNR is not concerned with the impacts of the draft of the boats, but rather with the downward propeller thrust which causes lakebed scouring.

The Chair thanked everyone for traveling from Northwest Indiana and attending the meeting. “From our standpoint, can we place conditions on the issuance of a permit? I tend to agree with [the Vice Chair] in that as good as the data is, it’s hard to draw any correlation. I think from a steward standpoint, it would be important that there is some sort of ongoing monitoring of the vegetation.” In advance of the issuance of future permits, it may be helpful if certain commitments are agreed upon by the permittee, such as ongoing testing funded by the City of LaPorte or Formula1®.

Department Director, Cameron Clark, said conditions were placed on the 2013 permit. He recommended that discussions take place early in the permitting process among all parties to address concerns and conditions that may be placed, by agreement, on future permits.

Chris Smith observed a permit and its conditions are subject to administrative review.

Jack Arnett said all parties would “sit down and help work out some of these parameters. If there is any financial cost...with regards to testing, it will land on us. We have to pay Formula1® to come in.... That’s okay. We’re willing to discuss that.”

Department updates on various topics

John Davis provided Advisory Council members with a copy the *Interim Cave Access Program Letter of Understanding Indiana Department of Natural Resources (IDNR) and Indiana Karst Conservancy (IKC)* (the “Agreement”). He said the Agreement was initiated through discussions between the DNR and caving groups regarding access to DNR caves. These have been closed for about four years due to Whitenose syndrome, a fungus impacting the bat population. “We have been in constant communication...and we have reached an agreement.” Access would be limited to Donaldson/Bronson (Shawnee) and Upper Twin caves at Spring Mill State Park, and Endless and River caves at the Cave River Valley Natural Area. Caving groups are interested in accessing additional caves on State Forest land, but “we wanted to start with this agreement, get some people in caves, open up that opportunity again. We think this is safe.” He noted

the Department has also been in constant communication with the U.S. Fish and Wildlife Service, but acknowledged the USF&W would not endorse the Agreement. “They were happy that we had all of our caves closed.”

Nick Heinzelman, Director of the Division of Land Acquisition, presented a brief summary of land acquisition under the three major conservation programs: Indiana Heritage Trust, Governor’s Healthy Rivers Initiative, and the Bicentennial Nature Trust.

Chris Smith provided a brief legislative update on behalf of Brad Baughn, the Department’s Legislative Liaison. Under consideration are: (1) a property tax deduction or tax credit for the protection of historic barns (SB 293); (2) creation of a new hunter safety card specific to hunters with a developmental disability (HB 1050); (3) amendment to Class III wild animal permits for big cats, bears and similar animals (HB 1090); (4) amendment governing parameters for state inns for an inn lease to allow sale of alcohol onsite (HB 1116); (5) amendment to game preserves or “high-fenced” hunting (HB 1154); (6) amendment to management of timber located in the back country areas of state forests; (7) constitutional amendment for the right to hunt and fish (SJR 9); and (8) amendments to criminal penalties under Indiana Code 14 (SB 52).

Smith said early discussions regarding the criminal penalties under IC 14 were whether the penalties are “too harsh or not harsh enough...and moving most of the violations to a civil penalty, but as you got through the details..., it just didn’t work out. It wasn’t cost effective.” He said the current version of SB 52 would move most of the hunting and fishing violations from misdemeanor charges to an infraction, similar to writing a speeding ticket. “There would be a monetary fine to them, but not necessarily putting a criminal charge on somebody’s record.” He said some have commented that this amendment would reduce the punitive nature, and “it wouldn’t keep somebody from violating the law. On the contrary of that, often times a misdemeanor charge doesn’t necessarily get pursued.” Smith expected dramatic changes as SB52 progressed.

Vice Chair Travis Lucas observed, “From a prosecutor point of view, I keep hearing...that prosecutors do not prosecute those misdemeanor crimes. That’s not true. I’ve met with all the prosecutors in my section of the State, and they vehemently disagree moving these to civil infractions. I think there is support for whoever would be going in front of the Legislative Committees, if they could have prosecutors come up and speak against that if you wanted it.... We would like those to stay as crimes or at the very least have a graduated system where if you get an infraction one time, it becomes a crime the next time.” SB 52 is “highly concerning to me, and it’s highly concerning to me living in a rural county with a lot of hunting and fishing. It’s also highly concerning to me from the perspective of establishing probable cause that allows us to get into other things, because a lot of dirty hunters and dirty fishers are meth makers, too”.

Davis asked the Vice Chair whether she was concerned that reducing the penalties under IC 14 would change the people’s behavior.

The Vice Chair stated, “I think there is an aspect that it doesn’t affect behavioral change appropriately in the people we’re trying to enforce things with. It leaves law enforcement officers without the ability to search incident to arrest. If they can’t search incident to arrest, they don’t find drugs and illegal guns that are with these people. It’s highly concerning to rural prosecutors. The city prosecutors may not care about it much..., but from our perspective, it’s a kind of a big deal”.

Davis said DNR met with the Indiana Prosecuting Attorneys Council (IPAC).

The Vice Chair said she is a member of and supports IPAC, but IPAC is “dominated by larger city or urban prosecutors and may not reflect the positions of some of the more rural prosecutors.”

Director Clark introduced the Department’s new General Counsel, Joseph Hoage, previously with the Office of the Public Access Counselor. “Joe has stepped in and has hit the ground running in a seamless transition. He has been a big help.”

Clark also introduced Dan East, previously with the Indiana State Police, as the new Director of the Division of Law Enforcement. East “has 34 years of law enforcement experience, and was just about to retire...when we brought him over to DNR. Danny has also made the transition seamlessly and all is going well.”

John Davis provided copies of the U.S. Army Corps of Engineers (USACE) report, *Summary of the GLMRIS Report – Great Lakes and Mississippi River Interbasin Study*. The USACE was ordered to report to the United States Congress by January 6, 2014 regarding efforts to prevent transfer of target aquatic nuisance species between the Great Lakes and Mississippi River basins. Indiana influences the Grand Calumet and the Little Calumet Rivers system. “To put it in a nutshell, it’s between \$4 billion and \$17 billion and it will take 25 years so there will be plenty of time for discussion.” Davis invited Advisory Council members to call him with additional questions.

Chris Smith said the summary report provides eight alternatives to address aquatic nuisance species going from Lake Michigan to the Mississippi and conversely. The summary report is what the USACE “calls its ‘5% review’ so there is a lot of detail left to be determined on any of these scenarios should one be chosen.” He said the full GLMRIS Report can be found at <http://glmr.is.anl.gov/glmris-report/>.

Adjournment

The meeting adjourned at 12:16 p.m., EST.