

NATURAL RESOURCES COMMISSION
Meeting Minutes, January 17, 2023

MEMBERS PRESENT

Bryan Poynter, Chair
Dan Bortner, Secretary
Brian Rockensuess
Laura Hilden
Noelle Szydlyk
Marc Milne
Phil French
Patrick Early
Bart Herriman
John Wright

NATURAL RESOURCES COMMISSION STAFF PRESENT

Elizabeth Gamboa	Scott Allen
Aaron Bonar	Billie Franklin

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Chris Smith	Executive Office	Lucas Green	State Parks
Ryan Mueller	Executive Office	Doug Lang	State Parks
Kirsten Haney	Executive Office	Alex Garcia	State Parks
David Bausman	Legal	Brandon Reed	State Parks
Steve Hunter	Law Enforcement	Erin Hayden	State Parks
Holly Lawson	Communications	Emmett Holsapple	State Parks
Brent Drinkut	Communications	Terrell Brandenburg	State Parks
Amanda Wuestefeld	Fish and Wildlife	Noah Studebaker	State Parks
Linnea Petercheff	Fish and Wildlife	Michael Rea	State Parks
Seth Rogue	Fish and Wildlife	Ginger Murphy	State Parks
Eric Fischer	Fish and Wildlife	Sarah Murphy	State Parks
Mitch Marcus	Fish and Wildlife	Carl Lindell	State Parks
Terry Coleman	State Parks	Jordan Blair	State Parks
Brandt Baughman	State Parks	Sarah Sowinski	State Parks
James Teele	State Parks	Joe Savage	State Parks
Karen Hinton	State Parks	Sarah Hamilton	State Parks
Dale Brier	State Parks	Patrick Haulter	State Parks
John Ward	State Parks	Astra Sisson	State Parks
Corry Duff	State Parks	Heather Zengler	State Parks
Angel Okray	State Parks	Amanda Disbro	State Parks
Chandler Martin	State Parks	Taylor Rheinheimer	State Parks

GUESTS PRESENT

Doug Skinner
Josh Worth
Bryce Clendenning
Ed Clemslimming
John Roeder
Scott Salmon
Greg Hunter

Susan Hunter
Chad Miller
Luke Jackson
Bob Conners
Austin Walker
Josh Clawenbo

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 9:58 a.m., ET, on January 17, 2022, at Fort Harrison State Park, Garrison, 6002 North Post Road, Ballroom, Indianapolis. With the presence of ten members, the Chair observed a quorum.

APPROVAL OF MINUTES

The Chair asked for a motion for the approval of the Commission's November 15, 2022, meeting minutes. Brian Rockensuess moved to approve the minutes as presented. John Wright seconded the motion. Upon a voice vote, the motion carried. Bart Herriman abstained.

ELECTION OF OFFICERS

Bart Herriman made a motion to slate the officers now standing for the 2023 term: Bryan Poynter as Chair, Jane Ann Stautz as Vice Chair, and Daniel Bortner as Secretary. Brian Rockensuess seconded the motion. Upon a voice vote, the motion unanimously carried.

REPORTS OF THE DNR DIRECTOR, DEPUTY DIRECTORS, AND THE CHAIR OF THE ADVISORY COUNCIL

Dan Bortner, Director of the Department of Natural Resources (Department), introduced John Roeder, Senior Operations Director for the Office of the Governor, who is the liaison to the Department. Bortner provided the following report:

This legislative session is a budget year. The Department expects a Senate bill that will cover Department items. The Department will monitor other bills that could impact the Department. The Governor unveiled his legislative agenda. The Department is happy to see several Department-related items which include the proposed lodge at Potato Creek State Park. \$60 million was allocated in the last budget to build two new lodges but the inflated cost made building two lodges unattainable. The Department requested additional funding for the lodge at Potato Creek State Park and will work through the process to pursue a future lodge at Prophetstown State Park.

Another item on the Governor's legislative agenda is an additional \$50 million for the Next Level Trails Program that will continue to connect trails in the state. The Governor is also proposing \$25 million toward land conservation. The success of the Next Level Conservation Trust's partnerships shows a continued need for conservation. The Governor's agenda would also impact compensation competitiveness for state employees and includes increasing Conservation Officers' starting salaries to \$70,000 a year.

As part of Next Level Trails Program, the Department has negotiated the acquisition of the CSX rail line for \$5.5 million. Once complete, the trail will connect Mitchell to New Albany. The trail will be the longest continuous trail in Indiana at 62 miles long and will pass through five counties. The Department's partners, the City of Mitchell and developer Radius Indiana, will be granted an additional \$24 million to begin the design, engineering, and construction of portions of the trail.

The First Day Hikes Initiative began in 2012 as part of a nationwide state park initiative to get people outdoors on the first day of the calendar year. The program has grown internationally every year with every state as well as Canadian providences participating. Indiana's First Day Hikes had 4,334 participants who hiked a total of 7,326 miles in the state parks and forests.

Bortner introduced Holly Lawson as the new Director for the Division of Communications. Lawson's most recent position was with the Indiana Department of Education.

Chris Smith, Deputy Director of the Land Management Bureau, provided his report as follows:

Division of Forestry's Vallonia Nursery has begun their seedling sales. The Division sells over 2.5 million seedlings each year.

Approximately 10,900 Holiday Gift Packs were sold last year. This is comparable to previous years' sales. The Department observed changes in buying habits last year and will make some adjustments for the upcoming year.

Division of Fish and Wildlife completed the RFP process for the new license sale system and selected Brandt Information Services as the vendor. The Department will begin contract negotiations and looks forward to working with them on updating the license sales system.

The Archery Trade Association Show was held January 11 to January 13, 2023, at the Indiana Convention Center in Indianapolis. The show attracted companies, including 30 Indiana vendors, showing the newest and best of their products. The Division of Fish and Wildlife staff attended the show and participated in meetings on topics such as technology updates and overlapping hunting regulations.

Brown County State Park was selected as the sixth most beautiful state park in the country according to a study by Travel Lens. Inspired by the "Happy Painter" Bob Ross's

love of the outdoors the Division of State Parks and the Natural Resources Foundation are partnering with the Michigan Department of Natural Resources to stage the virtual Run for the Trees: Happy Little 5K between Earth Day and Arbor Day. The registration deadline is March 1, 2023. To learn more, see runsignup.com/happytrees.

Ryan Mueller, Deputy Director of the Regulatory Bureau, provided his report as follows:

The Division of Reclamation has awarded contracts to plug orphaned and abandoned oil and gas wells. This is part of the initial phase of funding authorized by the federal grant program which awarded Indiana \$25 million. The initial phase will plug approximately 350 of the 1,300 orphaned and abandoned wells statewide. Future grants are anticipated.

The Drainage Task Force held meetings in November and December of 2022 to discuss topics including the Indiana Flood Control Act, local floodplain management, and floodplain mapping. David Knipe represents the Division of Water on the Drainage Task Force, which will continue to meet and to make recommendations in 2023.

The Division of Entomology and Plant Pathology will provide outreach through the months of January and February at various events. Division staff will be at the Indiana Nursery and Landscape Association Expo in Indianapolis. The Indiana Invasive Species week is February 20 to February 26, 2023. Division staff are preparing for spongy moth treatments in the spring.

Division of Historic Preservation and Archaeology has completed meetings with all Indian tribes that were interested and has shared with those tribes the lists and documents of students who attended Josiah Whites Manual Labor Institute. The names of people buried in the cemetery have been shared as well. Based on feedback received by the Division, the tribes are interested in doing some noninvasive geophysical work to determine the accurate size of the cemetery and to locate any unmarked graves. There is interest in doing some restoration work on the gravestones but there is no plan for the restoration work. The Division will be doing similar research for the St. Joseph school.

Kirsten Haney, Deputy Director of the Bureau of Administration, provided her report as follows:

The Department continues to work with the Indiana Department of Administration on deferred maintenance projects. A variety of projects are being completed around the state. The Governor's recommended budget includes a \$300 million biennium appropriation for deferred maintenance under the State Budget Agency. The Department has not been notified how much, if any, funds will be available for Department deferred maintenance projects.

As of January 1, 2023, the Department had 1,194 regular positions filled and 203 regular positions vacant, which is a decrease from the last report. The Department is in the process of filling 100 of those regular positions. Applications have increased and more qualified candidates are applying due to the statewide compensation updates.

The Department is scheduled for a budget hearing in the House Ways and Means Committee on January 24, 2023. The Department's fiscal year 2024 and 2025 biennium budget as listed in the Governor's recommended budget will be reviewed.

Patrick Early, Chair of the Advisory Council, noted the Advisory Council met on October 24, 2022, and before the Commission meeting on January 17, 2023. The Advisory Council has been discussing a variety of fish and wildlife and invasive species issues that may progress into proposed rules.

CHAIR AND VICE CHAIR

Information: Consideration of 2023 meeting dates:

The Chair noted the 2023 Commission meeting dates are March 21, May 16, July 18, September 19, and November 21. All meetings are currently scheduled to be held at the Fort Harrison State Park Garrison but are subject to change.

Updates on Commission and AOPA Committee

Nothing new to Report.

DNR, EXECUTIVE OFFICE

Consideration and identification of any topic appropriate for referral to the Advisory Council

No items were identified for referral to the Advisory Council.

DNR, DIVISION OF STATE PARKS

Information Item: Introduction of New Property Managers, Assistant Property Managers, and Update to the Commission.

Terry Coleman, Director of the Division of State Parks, presented this item and gave an update as follows:

The mission of Indiana State Parks (Division) is to conserve, manage, and interpret resources while creating memorable experiences for everyone. The vision is accomplished through excellence in stewardship, recreational diversity, interpretation, service, and growth, resulting in unique places that people respectfully use, enjoy, and cherish.

The Division plan was last developed in 2018 and has been successful in accomplishing these high goals. The Division is currently developing the next five-year plan that will likely include the Department Director's seven pillars. Those initiatives include customer service, fiscal responsibility, communication, diversity and succession planning, personal growth, flattening of the organization, and enhancement of the Department brand.

The 2018 Division plan consisted of eight primary goals that included:

- Staffing, investing in people
- Natural cultural recreational resources, being good stewards
- Facilities and infrastructure, wise use of capital
- Revenue enhancement, the Division is currently at 91.5% self sufficient
- Communication and marketing, effective and often
- Technology, embrace and implement options and opportunities
- Hospitality, new guest service called "Service State Park Style"
- Sustainability, efficiencies

One area of focus for the Division has been succession management and planning. The Division's leadership team is one of the strongest in the country with leaders behind leaders who are equally as strong and ready, if called. Selecting new team members for the Division is considered very important and the new leaders are critical to drive the Division forward into the future.

Coleman introduced Michael Rea. Rea was the top ranked student and delivered the address at the National Association of State Park Director's Park Leadership School.

Michael Rea, North Region Manager, introduced the following Assistant Managers for the North Region:

Jordan Blair – Raccoon Lake
Doug Lang – Indiana Dunes State Park
Angel Okray – Tippecanoe River State Park
Sarah Sowinski – Prophetstown State Park
Joe Savage – Mississinewa Lake

Coleman introduced Carl Lindell, Central Region Manager.

Lindell noted that retirements in the Division several years ago resulted in uncertainty on how to attract and retain the right people to the Division. The professionalism and leadership of the incoming team members has far exceeded expectations. Lindell introduced the following Assistant Managers for the Central Region:

Terrell Brandenburg – Maintenance Crew at McCormick's Creek State Park
Alex Garcia – Versailles State Park
Sarah Hamilton – McCormick's Creek State Park
Patrick Haulter – Brown County State Park
Emmett Holsapple – Monroe Lake
Astra Sisson – Mounds State Park
Noah Studebaker – Brookville Lake

Heather Zengler – Summit Lake

Coleman introduced Lucas Green, South Region Manager. Green introduced the following Assistant Managers:

Corry Duff – Clifty Falls State Park

Erin Hayden – Charlestown State Park and Falls of the Ohio State Park

Chandler Martin – Harmonie State Park

Sarah Murphy – Spring Mill State Park

Brandon Reed – Redbird State Recreation Area and Shakamak State Park

John Ward – Interlake State Recreation Area and Lincoln State Park

Coleman introduced James Teele, Regional Manager of State Park Inns. Teele introduced the following:

Amanda Disbro – General Manager at Spring Mill Inn

Taylor Rheinheimer – Assistant General Manager at Potawatomi Inn

Coleman continued with the Division of State Parks update as follows:

Indiana State Parks was the centennial gift to the State of Indiana in 1916. The Governor and the Department executive leadership believed in the value public lands, allowing the Division to continue the mission.

The Division's interpretive programs began in 1923. The naturalists tell the rich history and knowledge of Indiana nature. The interpretive program is one of the best in the country, and the inns and lodges at our state parks continue to rank first in occupancy per capita.

The Division has 37 properties rich with natural, cultural, and recreational resources within a one-hour drive of anywhere in the state. Coleman started with the Division in 1979 right after high school, when there were only 18 properties. The Division has doubled in that short time.

One of the accomplishments of the last five years is the establishment of the Indiana State Parks Inns Authority (Authority) as a quasi-corporate and body politic for operation, management, and administration of seven inns and lodges. The Division is planning to build the eighth lodge at Potato Creek State Park, which is expected to cost over \$100 million to build. The Authority allows the employees at the inns and lodges to have the same benefits as state employees, resulting in better recruitment and retention of employees. On July 1, 2022, the Division vested principal employees with the Indiana Public Retirement Fund, funding accounts of team members with qualifying time since 1993 at a cost of more than \$4 million.

The Division is currently in round three of the deferred maintenance program, using \$100 million on infrastructure projects. The projects include refurbishing 54 rooms at Abe Martin Lodge, renovations at Potawatomi Inn (7 million), room renovations at Turkey Run Inn (\$2.4 million), replacing the HVAC system and restrooms at the Garrison (\$3

million) and renovations at Spring Mill Inn and parking area (\$15 million). The grist mill and flume at Spring Mill State Park will be repaired with additional funds.

There are 22 projects waiting to connect water and wastewater systems with state park properties. This will benefit the communities serving the properties and means the Department will not have to spend money managing water and wastewater treatment.

The Division has 24 state park leaders enrolled in classes provided by the Eppley Institute for Parks and Public Lands and the National Center for Accessibility at Indiana University. The classes will inform our leaders about accessibility and enable the Department to provide better access to more guests at all the Department properties.

The Division has had conversations with Black Folks Camp Too, a company that partners with state parks to educate black communities and to encourage them to enjoy our state parks

The Division will partner with Ball State University and Martin University to create an internship to grow and to train future staff. The discussion with Ball State University will include the Dean of the College of Science and Humanities to attract the natural and cultural resource students, as well as an associate dean from the hospitality and culinary program to help in the Division's inns and lodges. If the internships are successful, the program could expand to other schools such as Ivy Tech Community College, Indiana University, and Purdue University.

The Division has four deputy directors with different responsibilities. The deputy directors are Brandt Baughman, Deputy Director of Operations; Ginger Murphy, Deputy Director for Stewardship; Karen Hinton, Deputy Director of State Parks Inns and Chief Executive Officer of Indiana State Parks Inns Authority; and Dale Brier, Deputy Director of Community Grants and Trails.

The Division operates two separate sides of the business: the state parks and the inns. During the pandemic, state parks set an all-time revenue record of \$48 million, \$14 million more than the previous year. The inn operations have revenue of approximately \$27 million, which is more than \$2.5 million in profit. Last year the online store had more than \$3 million in sales and over \$1 million in Holiday Gift Packs were sold. The Division has reduced the number of self-operated concessionaires operating on the properties. Resale and self-operated concessions had \$3.4 million in sales.

State Park Interpreters conduct over 12,000 public school programs every year and visited with over 450,000 people through those programs. The nature centers have over a half million visitors a year.

Coleman thanked the Division of State Park staff and leaders and thanked the executive staff and members of the Commission for the work done to equip and enable the Division to make the state parks operation a success.

DNR, DIVISION OF FISH AND WILDLIFE

Report to the Natural Resources Commission on Citizen Petition to ban netting on Sugar Creek, clearly define netting, and to add grass carp on the list of exotic species not allowed to be released when caught; Administrative Cause No. #22-FW-022

Linnea Petercheff, Division of Fish and Wildlife presented this item. Petercheff reported:

A citizen petition was filed by Chad Miller that requested banning netting of any kind on Sugar Creek, clearly defining netting bait, and adding grass carp to the list of exotic species. The report includes the definition of minnow, size of the seines, and what kind of cast nets can be used. Minnows can be taken by a minnow trap, dip net, minnow seine, cast net, and lawful sport fishing methods such as rod and reel, trotlines, and limb lines pursuant to 312 IAC 9-7-15. Anglers use live bait when fishing for catfish and smallmouth bass.

Sugar Creek has the most restrictive black bass regulations in the state, allowing one a day with a minimum length limit of 20 inches. It is illegal to harvest black bass with a minnow collection device, such as a seine. A recent community survey of Sugar Creek was comparable to previous surveys in fish populations and there is not a measurable impact of cast netting on the presence and abundance of fish species in Sugar Creek.

The Department is not supportive of eliminating the ability of anglers who want to catch their own bait legally. The Department plans to add an infographic in the fishing regulations guide and other material in 2023 to help educate anglers so they understand the legal methods before prohibiting the use of seines and nets. In 2022, the Division of Law Enforcement cited five people in District 3 for using illegal nets to catch fish. Some of the fish are illegal to catch with a net while some fish are not.

The Department has a bag and size limit to protect fish populations but cannot enforce an administrative rule that requires netting of bait only be used for fishing with that bait.

The Department does support a proposed rule change requiring grass carp to be killed and not released into public water. The rule language needs to be clarified, because aquaculture permit holders can possess and sell live grass carp to private pond owners.

The District Fish Biologist was present to answer any questions.

The Chair acknowledged the sensitive nature of the citizen petition request, asked if there were any questions, and noted that though the report is sound, there is still an opportunity for dialog between citizens and the Department. The Chair recognized Chris Smith for further comment.

Smith said there is already a rule to address the method of sport fishing but the Department cannot restrict all netting because it will limit other fishers. He noted the issue requires education and enforcement by the Department. Smith said he supports the Department committee that

reviewed the citizen petition opening a dialog with the petitioner and other citizens so the Department can determine when and where any illegal fishing or netting is occurring. Smith said the Division of Law Enforcement has issued 859 tickets in the last five years for illegal fishing methods.

The Chair stated there are citizens interested in the issues described in the petition and because the issue is complex it deserves more attention and dialog by the Department.

Patrick Early, Chair of the Advisory Council, asked if other streams had black bass size limits of 20 inches or if that was specific to Sugar Creek.

Petercheff answered that the black bass 20-inch minimum size limit is specific to Sugar Creek.

Early said the issue of enforcing fishing violations appears to be availability of officers in proportion to the number of violations. He said if Sugar Creek is being singled out then the Department could look at rules pertaining to seining minnows and for opportunities to review fishing violations.

The Chair said he is confident the Department, Petitioner, and all those who are interested could come together to create meaningful “next steps” and that there is a commitment by the Department to move forward. The Chair asked if there were any other questions or comments. There was no response and the Chair called for a motion.

Brain Rockensuess moved to approve the Report on Citizen Petition to ban netting on Sugar Creek, clearly define netting, and to add grass carp on the list of exotic species list. Patrick Early seconded the motion. Upon a voice vote, the motion carried.

An unidentified citizen in the audience asked about the citizens petition regarding Sugar Creek, stated he was having trouble hearing, and if the Commission would hear input from the people who use Sugar Creek.

The Chair replied that the agenda item was considered, a vote was taken, and the report by the Department was accepted with a commitment from the Department’s Executive Office and the Division of Fish and Wildlife that there would be follow-up with the Petitioner and citizens that have concerns. The Chair noted there was input that was considered in the Department’s Report and dialog with citizens regarding fishing and netting on Sugar Creek would continue.

Report to the Natural Resources Commission on Citizen Petition regarding changes to the Wild Animal Rehabilitation Permit; Administrative Cause No. #22-FW-025

Petercheff also presented this item and reported:

The citizen petition was filed by Julie McLaughlin, a wild animal rehabilitator, requesting changes to the Wild Animal Rehabilitation Permit. Requested changes include unannounced inspections for wild animal rehabilitators, a process for dealing with

violations and suspending permits, and that Conservation Officers conduct annual inspections of the rehabilitator's facility.

Currently, the Administrative Code allows Conservation Officers to do unannounced inspections of a wild animal rehabilitator's facility at any time. Rehabilitators are not a business. They use their own time and money to take in and care for wild animal and then release the animals back into the wild. Inspections of wild animal rehabilitators are done if a complaint is received or at random and inspections are documented. If rehabilitators do not correct any noted violations, the Department could suspend or deny the rehabilitator's permit.

The Department is not recommending any changes to the administrative rule regarding the Wild Animal Rehabilitation Permit.

John Herriman moved to approve the Report on Citizen Petition as presented, regarding changes to the Wild Animal Rehabilitation Permit. Phil French seconded the motion. Upon a voice vote, the motion carried.

NRC, DIVISION OF HEARINGS

Consideration of recommendation for final action on readoption of 312 IAC 29, governing standards for Oil and Gas; LSA #22-328(F); Administrative Cause No. 22-OG-010

Billie Franklin, Hearing Officer, presented this item and reported as follows:

The Notice of Intent to readopt the rule was published in the Indiana Register on November 2, 2022, which provides 30 days to submit a written request to have a particular section of the rule readopted separately. No request was received. The Hearing Officer recommended the readoption of 312 IAC 29 in its entirety and without amendment be approved for final adoption.

John Wright moved to give final adoption to readopt 312 IAC 29 governing standards for Oil and Gas as presented. Brian Rockensuess seconded the motion. Upon a voice vote, the motion carried.

The meeting was adjourned at approximately 10:55 a.m., ET.