

NATURAL RESOURCES COMMISSION
Meeting Minutes, September 21, 2021

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Dan Bortner, Secretary
Bart Herriman
Jennifer Jansen
Noelle Szydlyk
Marc Milne
John Wright

NATURAL RESOURCES COMMISSION STAFF PRESENT

Sandra Jensen Dawn Wilson
Billie Franklin

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Chris Smith	Executive Office
Ryan Mueller	Executive Office
Mike Smith	Executive Office
David Bausman	Legal
James B. Brindle	Communications
Kristy Todd	Finance
Joe Caudell	Fish and Wildlife
Linnea Petercheff	Fish and Wildlife
Sam Whiteleather	Fish and Wildlife
Amanda Wuestefeld	Fish and Wildlife
Olivia Vaught	Fish and Wildlife
Brad Feaster	Fish and Wildlife
Steve Hunter	Law Enforcement
Tom Swinford	Nature Preserves
Brandt Baughman	State Parks
Terry Coleman	State Parks
Mark Basch	Water

GUESTS PRESENT

Nick Erny

Nick Buggia
Jill Sims

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 5:00 p.m., ET, on September 21, 2021, at McCormick's Creek State Park, Canyon Inn, 451 McCormick's Creek Park Road, Spencer. With the presence of seven members, the Chair observed a quorum.

APPROVAL OF MINUTES

The Chair asked for a motion for the approval of the Commission's July 20, 2021 meeting minutes. Jane Ann Stautz moved to approve the minutes, as presented. John Wright seconded the motion. Upon a voice vote, the motion carried.

REPORTS OF THE DNR DIRECTOR, DEPUTIES DIRECTOR, AND THE CHAIR OF THE ADVISORY COUNCIL

Dan Bortner, Director of the Department of Natural Resources (Department), provided his report.

Director Bortner began by welcoming the Commission to the Canyon Inn at McCormick's Creek State Park, the park that was originally dedicated in 2016. He also thanked the State Parks Director, Terry Coleman, Assistant Director Karen Hinton and the staff at Canyon Inn for their efforts.

Bortner announced personnel changes that have taken place since the last meeting. Mike Smith who served as the Chief Financial Officer (CFO) and the Administration Bureau Director is now the Chief of Staff and David Bausman who served as DNR Legislative Liaison is now the Department's Chief Legal Counsel. Dale Gick who served as the Director of Engineering has recently left the Department to take a position in the private sector.

Bortner noted Department properties are still seeing record highs in attendance with the camping industry exploding as the demand continues to increase. Bortner noted that participation in the State Fair brought in large crowds who took advantage of the opportunities that were offered by the Department. He stated the Department plans to have a big presence at the 2022 Indiana State Fair.

Ryan Mueller, Deputy Director of the Regulatory Bureau, provided his report. Mueller said the Division of Entomology and Plant Pathology continues treatments for spotted lantern fly in Switzerland County. Mueller reported that this invasive pest has detrimental impacts on plant growth and fruit production, most notably in vineyards and orchards. Additionally, he reported that September is Archeology Month in Indiana and noted that this year's focus is on the production of Hoosier spirits.

Mueller announced the Division of Water in partnership with the Indiana Department of Environmental Management (IDEM) received the “Outstanding Flood Plain Project Award” from the Indiana Association for Floodplain and Stormwater Management. He added the award was presented for development of the Indiana Waterways portal, an online tool that provides joint agency assistance to customers with water and wetland related inquiries. The average response time with this tool has been less than seven days.

Chris Smith, Deputy Director of the Land Management Bureau, provided his report. He reported that the Department continues to see State Park properties with around 88% occupancy rates. He noted the Department will be celebrating “National Public Lands Day” on September 25th and 26th which is the nation’s largest single-day volunteer event.

C. Smith also noted the interpretive display at Goose Pond is nearly finished and scheduled to open late in October 2021.

C. Smith provided updates for the Division of Fish and Wildlife. C. Smith stated Fish and Wildlife wrapped up their biennial “Got Input” process which allows the public to comment or make suggestions on hunting and fishing regulations and other wildlife items. C. Smith said they received over 500 comments.

C. Smith also stated that 73 rural and volunteer fire departments throughout the state received awards through their volunteer assistant grant program through the Division of Forestry, a total award of nearly \$320,000, and noted that these awards are used for training and purchasing firefighting equipment to help combat wildfires throughout the state. C. Smith said these grants are administered by the Division of Forestry and made available through the Department of Agriculture.

Indiana National Resources Foundation will be offering “Give Adventure” grants to the Department with \$20,000 in funds available this year.

C. Smith stated the Divisions of Forestry and Nature Preserves have been working with Indiana State Museum on tree mortality on historic sites.

Mike Smith, provided his report. He stated they have hired a new Deputy Director; Kirsten Haney and she comes from State Budget Agency. M. Smith also provided that he will be attending the State Budget Committee meeting at IUPUI, and DNR has two items on the agenda. M. Smith stated that the Department is requesting an allocation of general rehabilitation dollars in the amount of 2.3 million dollars to assist with remodeling and expansion of the Abe Martin camp store as well as replacing the roof on the redbird outdoor recreation maintenance building. Additionally, M. Smith noted that the funds will be used to add insulation and HVAC to Mounds State Park pavilion and to monitor erosion and perform remediation and weed control at Cricket Lake Nature Preserve. The other item on the agenda is campground comfort stations in the amount of 2.2 million dollars to support the rehab and repair of 22 existing comfort stations.

CHAIR, AND VICE CHAIR

Information: Consideration of 2021 meeting dates:

The Chair noted that the remaining 2021 Commission meeting date is November 16.

The Chair thanked everyone for making the effort to attend the Commission meeting at the McCormick's Creek State Park.

The Chair stated, "It is with very mixed feelings that this will be our Chief Administrative Law Judge's last meeting. Judge Sandra Jensen has taken a new position to advance her career, and she will be sorely missed. She stepped in to a role that she had to fill very big shoes when Steve Lucas left and once we began evaluating who would be the successor to Steve, it became very clear that Sandra was the right choice. The collegial spirit that takes place in that office is because of Sandra's leadership and she's handled a very tricky situation throughout the last year. Most people do not see the day to day work that the Commission does which is a task that she's done extraordinarily well."

Sandra Jensen commented, "Thank you, Bryan and to everyone for the experiences that I have had, I have learned and have had so many great memories."

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.

Consideration of Department of Natural Resources' Comprehensive Fees List by Division; Administrative Cause No. 19-109A

Chris Smith presented this item. Smith stated this comprehensive list is for consistency and to update a fee schedule that has not been updated since the early 1990's. This established fee list covers various divisions and will offer a range for a minimum and maximum amount for allowable charges and noted that anything over that will need to be presented and approved by the Commission going forward.

The Chair recognized Nick Buggia.

Buggia stated he is the Upper Midwest States Manager for the Congressional Sportsmen's Foundation. He expressed their strong support for the proposed license fee and stamp increase. Buggia noted that these fees have not seen an adjustment in over 15 years. Hunters, anglers and trappers have always served as a primary source of conservation funding for the Department

since it was created over a century ago. Sportsmen and women have taken great pride in shouldering the financial burden of conserving the public's fish and wildlife resources.

The Chair recognized Jill Sims.

Sims stated she serves as the Great Lakes Policy and Engagement Manager at National Marine Manufacturers Association. She added their support and agreed with Nick Buggia's comments on this agenda item.

Jane Ann Stautz complimented the Department staff for the detailed work they put into this fee list.

Noelle Szydlyk moved to approve the comprehensive fee list. Jennifer Jansen seconded the motion. Upon a voice vote, the motion was carried.

DNR, DIVISION OF NATURE PRESERVES

Consideration of the dedication of the Sebert Woods Nature Preserve in LaPorte County

Tom Swinford, Division of Nature Preserves, presented this item. Swinford stated that the proposal is to add 39-acre habitat in LaPorte County. It is a dedication from the Sebert family to the LaPorte County Parks Foundation, Inc. The Preserve will be managed by the LaPorte County Parks & Recreation Department and will offer opportunities for nature experiences and will also establish a new partnership between the LaPorte County Parks & Recreation and LaPorte County Parks Foundation Inc.

Jennifer Jansen moved to approve the dedication of the Sebert Woods Nature Preserve. John Wright seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF WATER

Consideration of the Brookville Lake Water Supply Contract with Brookville Enhancement Partners; Administrative Cause No. 21-WA-031

Mark Basch, Division of Water, presented this item. Basch stated that the State of Indiana is authorized under IC 14-25-2 to sell water on a unit pricing basis for water supply purposes or low-flow augmentation from the water supply storage in reservoir impoundments that are financed by the State.

Basch said this contract request is a renewal of the existing water supply contract. Basch requested approval of a contract for a 10-year term between Brookville Enhancement Partners and the State of Indiana for withdrawal of water from Brookville Lake for golf course irrigation. The total volume of water committed will be less than 1% of the designated water supply capability of Brookville Lake.

John Wright moved to approve the Brookville Lake Water Supply Contract with Brookville Enhancement Partners. Jennifer Jansen seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF HEARINGS

Consideration of recommendation for final action on readoption of 312 IAC 7, governing Trails and Scenic Rivers; LSA #21-228(F); Administrative Cause No. 21-OR-002 (Agenda Item #7); Consideration of recommendation for final action on readoption of 312 IAC 6, governing Navigable Waters; LSA #21-342(F); Administrative Cause No. 21-WA-001 (Agenda Item #8)

Billie Franklin, Division of Hearings, presented these items together. Franklin noted the Director of the Natural Resources Commission approved preliminary adoption on January 5, 2021, Notice of Intent to readopt the rules were published in the Indiana Register on June 16, 2021 for 312 IAC 7 and August 11, 2021 for 312 IAC 6, and no written request to have a particular section of the rule readopted separately was received. Franklin said the required fiscal analyses were forwarded to the Legislative Council, by email, as required by IC 4-22-2-28(i) on June 16, 2021 for 312 IAC 7 and August 11, 2021 for 312 IAC 6.

Franklin recommended final readoption of 312 IAC 7 and 312 IAC 6 in their entirety and without amendment.

Jennifer Jansen moved to readopt 312 IAC 7 and 312 IAC 6 without amendment. Noelle Szydyk seconded the motion. Upon a voice vote, the motion carried.

Consideration of approval of amendments to Nonrule Policy Documents in order to update URL links and make other technical amendments; Administrative Cause No. 21-AD-029

Franklin also presented this item. Franklin stated that recently the Division of Hearings underwent a website migration causing URL addresses to change and along the way other technical amendments were identified such as inaccurate references within the Division's Nonrule Policy Documents. Franklin noted that she also made changes to reflect division name changes. Franklin stated that the Commission has 51 Nonrule policy documents and 8 resolutions and 19 of those were affected.

Bart Herriman moved to approve the amendments to Nonrule policy documents. John Wright seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF FISH AND WILDLIFE

Request for preliminary adoption of amendments to 312 IAC 5 governing licenses for fishing tournaments on public waters, as well as 312 IAC 9 governing the use of body-gripping traps for wild animals and the ability to register as an organ donor when purchasing a hunting, fishing, or trapping license online; Administrative Cause No. 21-FW-021

Linnea Petercheff, Division of Fish and Wildlife, presented this item. Petercheff stated in 312 IAC 5-3.5-1 it removes language that specifies the Division of Law Enforcement as the Division that issues a license. Petercheff said the change specifies that licenses for fishing tournaments are issued by the Division of State Parks for lakes on properties they manage, and by the Division of Fish and Wildlife for Lakes Wawasee, Syracuse, and Sylvan. This change is needed to be consistent with current practice.

312 IAC 9-3-18(f) and 312 IAC 9-10-11(h) governing body-gripping traps will remove the requirement that body-gripping traps are required to be submerged. Petercheff stated the amendment will only require enough water to cover the opening of the trap.

312 IAC 9-10-28 is a new rule governing an anatomical donation indication as required by law in IC 14-22-11-20 to specify that a person may become an organ donor at the time of purchase of a fishing, hunting, or trapping license online and have that designation on the license. Petercheff stated this new law passed in 2020, requiring the Department to provide this option for customers to register as an organ donor when purchasing a license online.

The Chair recognized Nick Erny.

Erny stated that he is a Board Member at the Indiana Trappers Association. Erny stated that he is in favor of body-gripping trappers.

Jane Ann Stautz moved to approve the preliminary adoption of amendments to 312 IAC 5 and 312 IAC 9. Noelle Szydlyk seconded the motion. Upon a voice vote, the motion was carried.

The meeting was adjourned at approximately 5:54 p.m., ET.