

NATURAL RESOURCES COMMISSION

Minutes of September 20, 2000

MEMBERS PRESENT

Michael J. Kiley, Chair
Jack Arnett, Vice Chair
Larry Macklin, Secretary
Damian Schmelz
Joseph Siener
Jane Ann Stautz
John Goss
Rick Cockrum
Steve Cecil
Terri Moore

NATURAL RESOURCES COMMISSION STAFF PRESENT

Jennifer Kane
Debbie Michaels

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Jack Costello	Executive Office
Paul Ehret	Executive Office
Dave Vice	Executive Office
Carrie Doehrmann	Executive Office
John Davis	Executive Office
Carrie Bales	Executive Office
Deb Lawrence	Executive Office
Gerald Pagac	State Parks and Reservoirs
Gary Miller	State Parks and Reservoirs
John Fredrick	Forestry

GUESTS

Bill Weir	Walton Guthrie	Linda Anderson
Joe Shawler	Kevin Cogan	Sharon Beard
Tim Ellingsworth	Marsha Fallon	A. C. Phillips
Sandy Ellingsworth	Mike Fallon	Courtney Brooks
Doris Cogan	Bernie Fallon	Kelly Krampe
Carroll Cogan	Mary Fallon	Miriam Siebert
Aleta Guthrie	Jenny Fallon	Wendell R. Kelly

Katherine Kelly
Colleen Crum
Stephanie Tittle
Bob Gossom
Steve Gilles
David Hubert
Ed Sorrels
Mike Thacker
Joe Siebert
Shellie Dukes

Charles Jackson
Brian Crum
Wallace Spalding
Diane Gossom
Rick Hubert
Bonita Phillips
Christine Siebert
Rick Ryan
Jim Behrman
Bill Beard

Sandra Jackson
Dennis Tittle
Kathleen Skaggs
Keith Brooks
Brandon Hubert
Doris Weir
L. D. Honeycutt
Julie Smith
Jeff Dukes

MONTHLY REPORTS

Michael J. Kiley, Chair, called to order the regular monthly meeting of the Natural Resources Commission at 7:05 p.m., EST, on September 20, 2000 at the Falls of the Ohio State Park, Jeffersonville, Indiana. With the presence of ten members, the chair observed a quorum.

Damian Schmelz moved to approve the minutes of August 30, 2000. Joseph Siener seconded the motion. Upon a voice vote, the motion carried.

Larry Macklin gave the Director's Report. He said he was "very proud" of the Falls of the Ohio State Park. He said the park was a "wonderful" site and thanked staff for their efforts in putting together the meeting.

Director Macklin said he attended two Natural Resources Legislative Study Committee meetings, one held in the Columbia City area and the other at Spring Mill State Park. He said the Columbia City meeting covered various program reports, as well as discussion on boat registration and other boating issues actually relating to the Indiana Bureau of Motor Vehicle. The Spring Mill State Park meeting covered issues on historic preservation, specifically statewide cemetery and historic bridge registries. Macklin said DNR was in "good shape" regarding the cemetery registry and is pursuing GIS software to facilitate cemetery mapping and identification. Macklin said updates were also given on the Historic Preservation Income Tax Credit.

Macklin said the biannual budget is "on schedule and will be complete by November 30, 2000, which is the date for the DNR budget presentation." He said the new Indiana State Museum, located in the White Water State Park, is currently under construction and scheduled to open spring of 2002. Macklin said he participated in a walk-through of the current Indiana State Museum building. He said when the building ceases to be a museum, the building will revert back to the city of Indianapolis ownership. Macklin said Indianapolis, as yet, has no plans for the building.

Macklin said he attended a meeting in Northwest Indiana to discuss the Town of Beverly Shores' request for a permit for deer control by immuno-contraception. He said DNR is studying the potential impacts the contraceptives may have on human health, as well as the health of other wildlife. Macklin said the Commission will be informed of the progress of the permit.

Jerry Miller, Chairman of the Advisory Council for Lands and Cultural Resources, was not present.

Jack Costello, Deputy Director for the Bureau of Lands, Recreational and Cultural Resources, said he attended the August council meeting at Clarence Long's Home. Costello reported that he had been enjoying practicing retirement for the past 3½ weeks. Costello introduced John Davis as the acting Deputy Director Bureau of Lands, Recreational and Cultural Resources.

John Davis said he had the "excellent opportunity" to attend the Summer Study Committee meeting held at Spring Mill State Park. He announced the fourth meeting of the Study Committee will be held at Brown County State Park in October with discussion topics being the deer reduction program and the progress of Prophetstown State Park. Davis said he was "most impressed" with the 100% attendance at the meetings. He said the agency is getting ready for the Deer Reduction program, which is scheduled for November.

Joe Siener, Chairman of the Advisory Council for Water and Resource Regulation, said the Council did not meet.

Dave Vice, Deputy Director for the Bureau of Resource Management, said the Division of Law Enforcement was offering the River Rescue Training in South Bend this week. Vice said that this one-day training option was offered to all DNR staff that might be around water during work activities.

Vice said John Davis and he met on September 5 with a group of citizens in Posey County to discuss Hovey Lake issues. Vice stated he attended and spoke to the annual meeting of the Indiana Sportmen's Roundtable on September 16. Vice said he will attend the U.S. Army Corp of Engineers and State Natural Resources Directors Joint Conference the first week of October at Kentucky's Lake Barkley State Park.

Paul Ehret, Deputy Director for the Bureau of Resource Regulation, reported the Division of Reclamation received the Lt. Governor's Quality Improvement Award for the third year in a row for using unit price contracting to save time and money on state contracts. He said that the unit price contracting was the same idea for which the Division of Reclamation was recognized as a top ten state government finalists by the Council of State Government earlier this year.

Ehret said Director Macklin and he toured seven counties in southwest Indiana. They met with the Brine Coalition. He said the Coalition was formed to address the

environmental impacts of brine contamination of the soil in area of old-time oil production. Brine or salt water is natural by-product of oil production. Often times oil production of the past did not provide for proper disposal of this by-product, resulting in localized, but “very lethal” results to the ecology. He said there are numerous individual sites throughout the southwest part of the state that has been damaged and contaminated by brine because of past oil-drilling practices. Various state and federal agencies are pursuing remedial solutions to the pollution. Ehret and 70 to 80 other people attended a demonstration at the first brine remediation site. Ehret commented that the Brine Coalition was an “excellent” grass roots organization.

Ehret said he attended the first meeting of the Lake Enhancement Workgroup. The Workgroup primarily discussed recent legislation regarding bass tournaments, county survey issues, and House Bill 1076 addressing drainage issues. Ehret said that H1076 passed the House last year, but did not pass the Senate.

BUREAU OF LANDS, RECREATIONAL, AND CULTURAL RESOURCES

DIVISION OF STATE PARKS AND RESERVOIRS

Consideration of the proposals to operate Lick Fork Marina, Patoka Lake

Gary Miller of the Division of State Parks and Reservoirs presented this item as follows:

Lick Fork Marina has been in operation for 20 years, and has been operated first by Marty Fallon and then currently by his son Bernard (Bernie) Fallon. The original lease was for a period of ten years with two options for renewals, each at five years. The second lease extension of five years expired on April 29, 2000 and Mr. Fallon has been operating on a month-by-month basis since that time. This is actually the first time that a long-term lease has gone to the expiration date. Therefore, the Department had to develop a prospectus and solicit proposals to operate the marina/houseboat rental concession.

In response to the prospectus there were two proposals received by the Department. One of the proposals was from Mr. Fallon and Shirley Fallon, and the other one was from Mr. Jeff Dukes and Mrs. Shellie Dukes.

Both proposals indicated that they would provide the existing services. They also indicated that they would expend services to include such items as camping, cabins, more boat slips, and secure boat storage areas, among other items. Mr. Fallon also indicated that he would like to develop an inn and a small golf course.

Each proposal indicated that they would pay an annual flat fee and then a percentage of the gross sales. The fixed fee from Mr. Dukes is slightly higher than Mr. Fallons' fee, as well as the percentage of gross sales. Mr. Dukes states that his fee for gross sales would be 5% for all sales, whereas Mr. Fallon indicates 5% for a majority of sales, but also indicates a lower percentage for higher general sales, camping, rental on new boats, covered boat storage, gasoline and other new development areas.

Mr. Fallon is requesting a larger leased area and a longer lease of up to 100 years. The prospectus calls for a lease of ten years with two five-year options.

Given that both proposers plan to operate the existing facility and develop new facilities, both proposals are similar in fashion. The proposal from Mr. Fallon includes the future development of a golf course and an inn. Development of this magnitude would need to be agreed to by the Department and the Corps of Engineers, and would require a longer lease to depreciate the cost.

The proposal from Mr. Dukes is slightly more favorable to the Department financially, considering the existing facility and services only. It is difficult to speculate on the proposers' future development given the limited information and unknown feasibility.

There has been a history of low customer service with the existing operation. The Corps of Engineers and the DNR have received a number of calls and letters from unhappy customers over the years. These are from both slip renters as well as houseboat renters. Last fall Mr. Fallon conducted an un-requested and unapproved project that involved a large area of land that was bulldozed. This caused the Department among other things to have concerns with its' relationship with the Corps of Engineers.

For these reasons, the Department recommends that Mr. Dukes receive the new lease to operate the Lick Fork Marina concession.

Kiley opened the floor for comment. The following persons spoke concerning the marina proposals.

Kevin Cogan, Louisville, Kentucky, stated he has "watched" the development of the Lick Fork Marina "since its conception" and "one great family" operates the facility. Cogan commented that running a marina is "not easy." He said when boats swamp, Bernie Fallon assists with his SCUBA gear.

Cogan said the proposed miniature golf course and inn would stimulate community and economic growth, which would also benefit DNR. He said he “helped put the marina together”, and asked the Commission to consider “the family investment, the love, and history involved in running the marina.”

Dennis Tittle, Anderson, Indiana said he has been coming to the lake and marina since it opened. Tittle said, “when you deal with the public there is no way to satisfy all.” He stated that “[DNR] has a proven record with the existing facility management, and the state has gotten paid.”

Rick Ryan, Birdseye, Indiana, questioned the Commission regarding the sealed bid process and whether both bids were sealed. Gary Miller responded there were three people present at the bid opening. He said “at times, mail might be opened if it is not marked ‘confidential,’ and if a bid was opened, it would not have been read.”

Kiley announced the Commission meeting was not the appropriate forum to address the legality of the bid opening process, and re-opened the floor for further comment.

Mike Thacker, Georgetown, Indiana, said he has been coming to Patoka Lake for seven years. He said he docked his 24-foot pontoon at the state marina for \$400 per season, which has doubled the cost per season to \$800. Due to the increase, Thacker said he relocated to the Fork Lick Marina three years ago and “has not had any problems.” He said, “Bernie [Fallon] is always there to help.” Thacker said the facilities are “clean and you have good help.”

Wallace Spalding, Louisville, Kentucky, said he has been coming to Patoka Lake for 20 years. “I enjoy Indiana’s facilities better than Kentucky’s.” He said, “It is important to have the ability to run the marina, and 20 years experience should speak volumes.” Spalding said that Fallon is a member of the community, and there are 20 years of history [with Fallon] and the [Commission] could have 20 more.” He said “experience should be the hallmark not the dollars.” Spalding asked the Commission to “look at the experience when making the final decision.”

Robert Gossom, St. Anthony, Indiana, said he was the President of the Lick Fork Marina Boating Association (30-members), and was speaking on behalf of many houseboat owners within the association. Gossom said the association was formed because there had been “no maintenance on the houseboats and they have been left to deteriorate.” He said there was no bubbling done in the marina during the past winter to prevent ice formation. Gossom said there is “inconsistency” in the service of the present marina management, and there is no public phone service available except within Mr. Fallon’s residence. “If we confront Fallon, [he] says there is always another marina.” Gossom added, “We do not feel that we are being treated fairly by the present management. You do not treat the public like he does, and it’s time for new blood.”

Diane Gossom, St. Anthony, Indiana, said there have been some improvements to the store, gas dock, and new concrete. She said there have been no improvements to Dock A,

which “constantly has loose, rotten boards, and is a safety concern.” Gossom said, “The present management does not seem to be able to address maintenance issues.” The grounds are “unkempt” with “several broken down and rusted trailer trucks taking up parking space.” Gossom concluded, “The present management’s treatment of boaters and the kinds of confrontations are uncalled for.”

Dr. Keith Brooks, New Albany, Indiana, reflected that he was an avid fisherman. He said the present management has treated him “fairly” and is “easy to get a hold of.” Brooks said he was not aware of the other issues and would “like to see Fallon’s lease renewed.”

Joe Shawler, Paoli, Indiana, stated that he has been coming to Fork Lick Marina for three years, and “if Mr. Fallon gets [the lease] back, I’m leaving.”

Tim Ellingsworth, Jasper, Indiana, said the docks needed repaired, and suggested there be guidelines for proper and timely repairs. Ellingsworth said he had experienced “not so much confrontation with Mr. Fallon, but impasse.”

Doris Cogan, Louisville, Kentucky, said she started coming to Patoka Lake when it was “sticks and stones, when there was just a vision.” She was “overwhelmed” with the improvements. Fallon “has put his heart and soul” in managing Fork Lick Marina. Cogan said Fallon put up birdhouses to attract moquito-eating birds, as well as installing handicap ramps down to the lake. Cogan said the state was “anxious to get a marina and they approached Mr. Fallon. Mr. Fallon did not approach [the state].”

Carroll Cogan, Louisville, Kentucky, said he has known Bernie Fallon since the initial marina. He said Marty Fallon ran a family operation and “put his whole life into the operation.” He said Bernie Fallon has “taken over” and has continued to “use the same operation and details.” Cogan said Fallon lives on the property and is there to respond to emergencies. Cogan asked the Commission to compare “what was there 20 years ago to today’s improvements.”

Linda Anderson, New Albany, Indiana, said she was the Secretary/Treasurer for the Boating Association for the last three years. She said it is “common practice for the current manager is to rent your slip to someone else if your boat is out for repairs without receiving a discount.” The “repairs to the docks are pitiful, and they break frequently from their moorings because of storms.” She added, “Dock A broke loose in an April storm, and was so close to Dock B, the houseboats could not get out.” Anderson said the current management addressed a request to repair loose boards on Dock A “by sending a female teenage employee with duct tape.”

Anderson slip fees were not “well defined,” and it “seems [Fallon] makes the fees up as he goes.” Since Fallon’s lease expired in April, he has not been able to offer a valid contract. Anderson said the current management “does not have the interest of the elderly or the handicapped. There is no parking for the handicapped, but they can’t get down to the ramp to the houseboat dock.” She asked “why the [Commission] would

allow ten more years under the current management?” Anderson said the “majority of the time, [Fallon] was curt and unpleasant. It is time for a change.”

Jim Behrman, Columbus, Indiana, asked the Commission if there were a management change, whether the changeover would be in an “orderly” fashion. Kiley stated, “I assure you in the event there is a change, we have professional staff that will oversee the lease and make sure the lease is executed in an appropriate manner.”

Sandy Ellingsworth, Jasper, Indiana, reported she has been coming to Patoka Lake since 1976. “The problems we have are not because of Bernie, it’s because his dad is not there to oversee it. People should enjoy [the marina] on behalf of Indiana and ourselves. I have never seen a local business owner treat customers like [Fallon] does. In the last four years [the marina] has not been run as it was so intended.”

Wendell Kelly, Harrisburg, Indiana, said he has known Bernie Fallon for six years. “Fallon called me when repairs were needed, which were done right away. If anyone could walk in [Fallon’s] shoes one day, they’d see what all [he] has to deal with. It takes a lot of money to make repairs, and [Fallon] runs constantly.”

Bernie Fallon thanked everyone for coming, and stated, “I believe the Commission will make the best decision, and hopefully it will be me.”

Jeff Dukes, Thorntown, Indiana, said he has been an avid boater his entire life. He indicated he has boated on many lakes, but “settled on Patoka Lake.” Dukes said he belonged to the Lick Fork Marina Boating Association. He has been in the banking industry for the past 18 years and has “extensive experience dealing with people.” Dukes reflected he “did not have experience running a marina, but I do have experience running a business. I have a number of investors to build first class facility. We have some grand ideas for expansion and visibility to serve the public and the state.”

Marsha Fallon, wife of Bernie Fallon, said she “has never seen an individual work at a business as hard as Bernie.” Ms. Fallon said she manages the marina while Bernie Fallon travels to boat shows from January through March. Because the lease was ending, Bernie Fallon was “not willing to pay out.” Ms. Fallon said she had not witnessed any discourteous behavior towards boaters from Bernie Fallon. She explained the trucks in the parking lot were necessary for equipment storage, because a building needs to be constructed for storage purposes. She said her husband deals with “people that have been drinking and taking drugs. It’s hard to be nice to people like that.” She asked the Commission to “do the right thing,” and stated that “issues can be resolved. We are willing to work with all agreements DNR has.”

Kiley explained the Commission would be making a decision regarding the proposals within 30 to 60 days. Terri Moore, Commission Member, said both parties proposed extensive improvements to the marina; however, she pointed out that neither party had a financial commitment from a bank. As a small business owner, she recognized the importance of a bank’s support in the success of any business. Moore said that, “without

support, neither party may not get the money, and [the Commission] may be looking for someone else to run the marina within two years.”

Jack Arnett moved to postpone the decision on the proposals to operate the Lick Fork Marina for the purposes of evaluation, investigation, and determining feasibility. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried. Kiley explained the Commission would discuss the proposals in an upcoming Commission meeting within 60 days to be held in Indianapolis.

Informational Items:

DIVISION OF FORESTRY

Request by Walton and Aleta Guthrie for an Easement for Ingress and Egress across Harrison-Crawford State Forest

John Fredrick of the Division of Forestry presented this item. Fredrick said Walton and Aleta Guthrie have owned approximately 120 acres in Crawford County for 18 years. He said that the Guthries plan to build a house in the southeast corner of their property, and the existing access to their property is approximately one-quarter mile from the proposed building site. Fredrick stated the Guthries have requested an easement for ingress and egress to the public road across land within Harrison-Crawford State Forest.

Walton Guthrie stated that he has “always” used the easement when accessing his property. He said he wanted to formally apply for the easement “to make it legal.”

Fredrick said the land within the easement is approximately a tenth of an acre. He said the Division of Forestry and the Division of Land Acquisition are finalizing the transaction details in preparation for Commission consideration at a future meeting.

NRC DIVISION OF HEARINGS

Becoming an Outdoors Woman Program

Jennifer Kane presented an overview of the *Becoming an Outdoors-Woman* (BOW) Program.

The BOW program was started in 1991 by Dr. Christine Thomas to address the fact that women have not had the opportunity to learn outdoor recreation skills. BOW weekend workshops offer a relaxed and non-threatening environment where participants can experience new activities. Despite women’s historically lower level of participation in hunting and angling, women represent a significant and growing market share not only as hunters but also as anglers and outdoor enthusiasts in general. As the overall numbers of hunters and anglers continue to

decrease, the number of women participating in these activities, although small, continues to increase.

Research indicates that participation in outdoor activities was more constrained compared to participation in other forms of recreation and leisure. However, the Henderson et al. (1988) study found that there are similar constraints specific to women. They found that women did not have enough time, with other activities taking priority. Women did not have the physical skills needed or self-confidence. Poor experiences or social unease in recreation keep women from participating. BOW workshops offers a relaxed and non-threatening environment where participants can experience new activities. Studies from 1995 and forward indicate that BOW participants increased their activity level, bought more equipment, purchased more licenses, and have become more interested in resource management agencies.

As studies indicated, those that have participated in a BOW workshop have a more positive perception of their natural resource agency and participants gain a better understanding of DNR work, division goals and missions while having a great time learning new skills. Many participants feel that DNR personnel are more “accessible,” and others report they have become more understanding of hunters and anglers, even though they may choose not to participate.

BOW is sponsored internationally as well as locally. BOW is self-funded, with participant fees basically covering workshop expenses. Without dedicated instructors from DNR, Indiana Hunter Education Association, Galyan’s, and other entities, *Becoming an Outdoors-Woman* Program would not exist in Indiana.

ADJOURNMENT

At 8:43 p.m., EST (9:43 p.m. EDT), the meeting was adjourned.
