

**NATURAL RESOURCES COMMISSION**

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

**Minutes of January 13, 2005**

**MEMBERS PRESENT**

Michael Kiley, Chairman  
John Goss, Secretary  
Larry Goode  
Jane Ann Stautz  
Damian Schmelz  
Raymond McCormick, II  
Lester Ponder  
Tom Easterly

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Stephen Lucas  
Jennifer Kane

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

Paul Ehret	Executive Office
John Davis	Executive Office
Jessica Marks	Executive Office
John Friedrich	Forestry
Jerry Pagac	State Parks and Reservoirs
John Baker	State Parks and Reservoirs
Jeff Wells	Law Enforcement
Samuel Purvis	Law Enforcement
Jim Arthur	Land Acquisition
John Bacon	Nature Preserves
Glen Salmon	Fish and Wildlife
Mike Reeder	Legal
Ihor Boyko	Legal
Mike Molnar	Coastal Zone Management Program
Nick Heinzelman	Natural Resources Damage Assessment
Jomary Crary	Water
Ann Walker	State Museum and Historic Sites
Kathleen McLary	State Museum and Historic Sites

**GUESTS PRESENT**

Kathleen McLay	Alan Hux
Dan Theobald	Dick Mercier
Ted Prettyman	Jim Nowacki
Carolyn Marsh	Gil Mascher
Nat McKnight	

Michael J. Kiley, Chair, called to order the regular meeting of the Natural Resources Commission at 2:06 p.m., EST, on January 13, 2005, at The Garrison, Fort Harrison State Park, Indianapolis, Indiana. With presence of eight members, the Chair observed a quorum.

Chairman Kiley deferred the election of officers.

Jane Ann Stautz moved to approve the minutes of November 16, 2004. Raymond McCormick seconded the motion. Upon a voice vote the motion carried.

Director John Goss noted, "This is a time of transition. There are a lot of things going on." He said that with assistance from the Governor's Office, the Department of Natural Resources is functioning normally. He introduced Raymond Rizzo, a Governor's representative who has been appointed to work with the DNR until a new Director is selected. Goss said Rizzo worked with Governor Bowen and is "very experienced" in state government. "It is a very good working relationship."

Goss provided Commission members a copy of the new *Outdoor Recreation Guide*. He said the guide was published in partnership with Indiana State Tourism and "all the tourism people throughout the state." He said the new publication is the beginning of DNR's new marketing program. "It's promoting outdoor recreation statewide."

Goss announced the DNR's newest state park— O'Bannon Woods State Park. He explained that, to form the park, a portion of Harrison-Crawford State Forest was transferred from the Division of Forestry to the Division of State Parks and Reservoirs. "We think it is going to work out better over the years, because it is such a great recreation property."

Goss announced the completion of a "very significant" lawsuit in federal court. He introduced Lt. Col. Jeff Wells from the Division of Law Enforcement and added, "Jeff has done a tremendous job coordinating this effort."

Lt. Col. Wells explained that DNR had a 38-count indictment against two defendants. He said one defendant pleaded guilty to one count before trial. "After over 170 exhibits were submitted and over 70 witnesses testified," the other defendant, Russell G. Bellar, pleaded guilty to three counts. The guilty pleas were accepted by Judge Allen Sharp. Wells said Bellar "admitted his culpability in those crimes" and has agreed to pay \$4,500 in cash substitute in asset forfeitures relative to equipment used in violation of the laws, \$120,000 reimbursement for the associated criminal investigation, and a \$5,000 fine. Wells commented that this was a "huge case from the standpoint of cooperative efforts" from the U.S. Fish and Wildlife Service Law Enforcement Division, U.S. Attorney's Office in the Northern District, FDA, and DNR.

Kiley commented, "Surely, that ought to be a deterrent to other folks who are contemplating the same type of operations."

John Davis, Deputy Director of the Advisory Council for Lands and Cultural Resources, updated the Commission on recent flooding. He said crews from the Division of Forestry were assisting in tree removal and clearing roads in north central Indiana. He said there was a “successful” deer reduction in late November and early December and suggested DNR staff make a presentation to update the Commission on the deer reduction program. Davis noted that the hunting and fishing licenses were available for purchase online. He said employees from Marsh are going through training for the sale of licenses, and Wal-Mart employees will be trained in the near future.

Raymond McCormick, Chair of the Advisory Council for Water and Resource Regulation, reported on the December 9 joint meeting of the Advisory Councils. He said he was re-elected as Chair and Charles Amlaner was elected as Vice Chair. All items from the December 9 agenda are on the Commission’s agenda. He noted southwestern Indiana was experiencing flooding, with several levees overtopped or breached. McCormick also noted that three whooping cranes stopped for 20 days at the Beehunter Marsh (Goose Pond). “It is very unusual for these birds to stop in a migration corridor that long. It’s a tribute to the quality of habitat.”

Paul Ehret, Deputy Director of the Advisory Council for Water and Resource Regulation, updated the Commission on the gypsy moth treatment program. The Division of Entomology and Plant Pathology will conduct 13 public meetings at the end of January to help inform the public concerning strategies to combat gypsy moths. He said treatment would include both pheromone and Btk.

Ehret said according to in-house reports, flooding had thus far impacted approximately 670 homes. He said certain areas are seeing record high water marks, with the East and West Forks of the White River particularly hard hit. Evacuations were occurring in Alexandria and in parts of Madison County. Mississinewa dam and the Hazeleton levee are “being watched and monitored carefully” by the U.S. Army Corps of Engineers. He reported Brookville Reservoir has set an all time high. Ehret said DNR employees are attending daily update meetings with the State Emergency Management Agency. “It’s not a good picture.”

**Consideration of a Recommendation by the Personnel Committee for the Appointment of Sam Whiteleather to the Assistant Property Manager Position at Minnehaha Fish and Wildlife Area**

Jane Ann Stautz, Commission member, presented this item. She said the NRC’s Personnel Committee recommended the appointment of Sam Whiteleather for Assistant Property Manager at Minnehaha Fish and Wildlife Area. She said Whiteleather is currently working for DNR. “We highly recommend him for the Assistant position.” Stautz then moved for his approval. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

### **Consideration of Approval of Fees for Miscellaneous Historic Sites Owned and Operated by the Division of State Museums and Historic Sites**

John Goss introduced this item. He said a fee schedule, for sites operated by the Division of State Museums and Historic Sites, has been discussed for several years. Fees were previously set for the Indiana State Museum but not for the Historic Sites. He noted the current proposal passed the Indiana House and Senate “over the last two sessions” as a legislative directive, but it failed in conference committees. Goss said the failure was not based on concerns with fees at Historic Sites but rather because of concerns with aspects of the same legislation that would have established a heritage agency. Goss explained that following discussions with Office of Legal Council, he believes the Commission has authority to set fees for Historic Sites. “This is going to be a big boost for the sites” and is expected to generate “several hundred thousand dollars”.

Kathleen McLary, Assistant Director of Collections, Indiana State Museum, said, “This gives us an opportunity to begin establishing fees that we can rotate back into the sites to improve the programming.” She said the fees were separated into two categories rather than a “blanket” fee —those sites with more offerings and those with less. Goss added that school groups would be charged \$1, which is the current fee for most other DNR programs. Both Goss and McLary said feedback of the proposed fees was “good.”

Raymond McCormick said the Advisory Councils recommended Commission approval of this proposal. He moved to approve fees for Historic Sites according to the schedule recommended by the Division of State Museums and Historic Sites. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

### **Consideration of Recommendation of Fee Adjustments for the 2005 Recreation Season Effective March 2005**

John Baker, Assistant Director of the Division of State Parks and Reservoirs, presented this item. He noted that DNR annually reviews and recommends modifications to its recreation fees. The current recommendations were included in the Commission packet. He offered to address questions concerning the specifics of proposed fees.

Chairman Kiley asked whether DNR’s fees were “competitive relative to private facilities around the state.” Baker responded that he believed DNR’s fees were competitive. “In terms of the facilities like the ‘rent-a-camp,’ cabins, and group camps, we are very competitive.”

Lester Ponder reported the Advisory Councils recommended approval of the proposed fee schedule. He moved to approve, effective March 1, 2005, the fee adjustments as proposed by the Division of State Parks and Reservoirs. Raymond McCormick seconded the motion. Upon a voice vote, the motion carried.

## **Consideration for Adoption of Resolution in Support of the Concepts Embodied in the Marquette Greenway Project and Expansion of the Project to Include the Eastern Portion of the Coastal Zone**

Mike Molnar, Lake Michigan Coastal Program Coordinator, presented this item. He said minor modifications were made to the resolution from what was contained in the Commission's packet, and he distributed copies of the modified version to members, along with a Marquette Greenway Project (the "Project") summary sheet. He said the Project "is something that is not really new." U.S. Congressman Peter Visclosky has supported a coordinated "vision for Northwest Indiana" since 1985.

Molnar said discussions began in 2003 regarding the Project and "a new focus for Northwest Indiana". There were originally three concepts "agreed upon" by Mayors of Hammond, Whiting, East Chicago, Gary, and Portage, but the focus has expanded as discussions progressed. Molnar noted that the Project also incorporates planning concepts that "cut across community boundaries." The Project purposes are as follows: (1) increase public access to the shoreline (recapturing 75% of the shoreline for recreational use); (2) require minimum setback for future development to insure a "ribbon of green space" along the shoreline; and (3) have a multi-use trail to connect the areas.

Molnar stated that the study encompassed approximately 60 square miles with 21 miles of shoreline. He said current public access is approximately 33%. Molnar noted that Phase I of the Project focused on the western portion of the study area, and Phase II, which incorporates much of the National Lakeshore. "This area already has a lot of public access," but the focus would be to "bring some of those regional planning concepts in." The Project Development Commission was identified as a "potential entity" to help in some "future role." Molnar stated, "Everything that we do is based upon voluntary participation." He stated that the Project is "pulling a lot of things together—transportation, green ways, economic development, and preservation." Molnar added that the Project would also pull together the five communities that "may not always have compatible land uses."

Molnar explained the Resolution speaks to Northwest Indiana's natural area issues. He indicated that the Northwest Quality of Life Council passed a resolution in the fall of 2004, and there was an endorsement of the project by the Northwest Indiana Regional Planning Commission. Molnar emphasized that as contained in the Resolution, "the Department of Natural Resources is urged to assure that the Marquette Project adheres to all laws pertaining to environmental management and protection of the Lake Michigan Coastal area." Environmental protection is one "motivating factor" of the Lake Michigan Coastal Program.

John Davis explained that discussions between IDEM and DNR "were part of the fine tuning of the Resolution." He noted that the Resolution does not "pre-approve" any action requiring a permit. Davis also clarified the specification that new structures could

not be built within 200 feet of the shoreline does not include piers, boat launches, or other public access structures.

Ted Prettyman from Gary, Indiana, said the Resolution contains “good language,” but it does not mention that “we have been hit with a monumental tax chaos.” He said the Resolution language was duplicitous with no mention of eminent domain. Prettyman said there was “more distrust of existing officials exercising the power” rather than “opposition” to the concept. He said he appreciated the Commission consideration of the concerns.

James Nowacki said he attended the five public meetings, and he was opposed to the Project. “It’s never been answered sufficiently to the benefit of the people that attended these meetings exactly what this program is.” He observed that no city has put into action what was in the plan submitted 20 years ago. Nowacki noted that a 200-foot green way would, at a minimum, be a “green wash, but 2,000 feet we might have something conceivable.” He said the Project “is not all benevolence” for the shoreline. “We think that this is a land grab and is a way to indemnify heavy polluters against their obligation to clean up the land they polluted and to pass it on to the taxpayers.”

Nat McKnight from Gary said the “idea” of the greenway proposal is “wonderful.” He contended the company hired by the four communities, JR&R Planning, has a history of “land grabbing” in Northwest Indiana and Chicago. McKnight said he was not opposed to redevelopment. “We have to be very cautious.” He said economics would drive redevelopment, but he suggested rewarding “public access that is already there.” He said local residents maintain the beaches in Miller Community of Gary. He contended the Project was being “pushed forward without a lot of consideration.” McKnight urged the Commission to table the Resolution until more information can be discussed. “You can’t agree with something you do not know.”

Carolyn Marsh of Whiting said the bird sanctuary (sometimes referred to as the “Migrant Bird Trap”) in Hammond is included in the Project and is being “attacked.” She contended a 200-foot setback threatens the bird sanctuary, and if approved, a trail would pass through the sanctuary. Marsh asked the Commission “not to vote on this Resolution. Unless you understand the plan, you should not vote for the Resolution.” She said the Resolution would be used to market the Project. She said cooperation of all parties involved is necessary.

Mike Molnar clarified the proposal provides for a minimum 200-foot setback. “We realize there are a lot of industrial sites along the shoreline.” He indicated that anything greater than 200-foot setback in the industrial sites could become a “land grab.” Molnar said management of the Migrant Bird Trap was a separate issue that was presented before the Natural Resources Foundation as the tract’s easement holder. He said the Hammond Parks Foundation was also easement holder of a portion of the bird sanctuary, and he said the Migrant Bird Trap is not part of the Marquette Project. “The Marquette plan has no intention of putting a trail through the middle” of the bird sanctuary. Molnar added, “No where within our documents or within the Coastal Program’s guidance do we ever state

that we will purchase property from anyone other than a willing seller. We will not fund a project that uses eminent domain.”

Kiley asked for more information about the Northwest Indiana Quality of Life Council (NIQLC) and the Northwest Indiana Regional Planning Commission (NIRPC). Molnar answered that NIRPC is a “council of governments” including 38 communities in Northwest Indiana. NIQLC includes both government and non-government membership, and its mission is to “review how to improve the quality of life within Northwest Indiana.”

John Davis said the 200-foot setback is focused upon the placement of structures. “The greenspace can go way beyond 200 feet.” Regarding the Migrant Bird Trap, “DNR has played a lot of defense to try to keep a trail out of there and to get a fence around it.” He stated that DNR is aware of the “problems and issues” in Northwest Indiana, and he added the Marquette plan is a “general idea” to address the issues.

Paul Ehret said, “The plan is, I think, for the first time to some extent to provide for public access, provide for public use, and to coordinate communities that have not necessarily coordinated in the past.” He noted that the Advisory Councils had specific discussions on eminent domain.

Kiley asked for more background concerning the discussion by the Advisory Councils. Ray McCormick said Clarence Long, Advisory Council member, voiced concern with the possible use of eminent domain to acquire property. McCormick said the Resolution was not available for Advisory Councils’ review, but it voted to support the concept.

Thomas Easterly is the recently appointed Commissioner of the Indiana Department of Environmental Management. As such, he is also member of the Natural Resources Commission. Easterly said he has lived in Northwest Indiana for the past ten years, and he has been a member of the Northwest Indiana Quality of Life Council and NIRPC’s Environmental Management Policy Committee. He provided the Commission with insight concerning the Project. Easterly said, “This is like a vision not a plan.” He added, “We have had 100 years of industrial use and maybe we can go back in some of these places and go back to natural.” Identifying the Project helps articulate the vision, and, in turn, increases the likelihood of the support by local industrial interests for the development of the greenway. The Project provides focus. Easterly said he understood citizen concerns but believed the Resolution was deserving of support.

Damian Schmelz requested a more detailed plan of the Marquette Greenway Project. Molnar said the plan is to be finalized January 27<sup>th</sup>, and the workgroup is incorporating citizen comments. He said a lot of the issues have been resolved. Goss added, “This is an opportunity, and we need to move on this now, because this land will be changing uses.” Molnar said the Marquette Greenway Plan is “going to go forward whether we are involved or not, and it would be much better if the [Lake Michigan Coastal Program] and the DNR and other state agencies are at the table as resources.”

Damian Schmelz noted that the Commission has regularly held meetings in Northwest Indiana, and he said he was “totally sympathetic” to the concept. Raymond McCormick moved to adopt the RESOLUTION IN SUPPORT OF THE CONCEPTS EMBODIED IN THE MARQUETTE GREENWAY PROJECT AND EXPANSION OF THE PROJECT TO INCLUDE THE EASTERN PORTION OF THE COASTAL ZONE, as amended and distributed during the Commission meeting. Schmelz seconded the motion. Upon a voice vote, the motion carried.

### **Consideration for Approval of a Request by Steuben Lakes Regional Water District for an Easement to Install a New Sewer Line Over Land Near Jimmerson Lake**

Jim Arthur from the Division of Land Acquisition presented this item. He said the Steuben Lakes Regional Water District requested a 20-foot easement over DNR land near Jimmerson Lake. “The proposed public sewer system will enhance the quality of water.” Arthur explained that the easement was originally to go across the Jimmerson Lake dam and within a county road easement. The Division of Water and the Division of Engineering discovered “problems” with the dam. Both divisions recommended the easement be outside the dam restriction line. He noted the sewer line would be underground, and the easement compensation follows the Commission’s guidelines in Information Bulletin #28 (First Amendment).

McCormick inquired of the compensation amount. Arthur said compensation requested is \$1,218.32, which includes a 15% reduction since it is a buried structure. Davis said the easement request is for a new sewer line.

Larry Goode moved to approve the request by Steuben Lakes Regional Water District for an easement to install a new sewer line over land near Jimmerson Lake as recommended by the Division of Land Acquisition. Lester Ponder seconded the motion. Upon a voice vote, the motion carried.

### **Consideration for Approval of Dedication of Prairie Creek Barrens Nature Preserve, Daviess County**

John Bacone, Director of the Division of Nature Preserves, presented this item. He said Prairie Creek Barrens is a “really interesting” site, and it is in an area where “you wouldn’t expect to find sand dunes.” Bacone said the area is a “little clump of sand dunes with a remnant of the original vegetation, and in the bowl of the dunes, there is a sedge meadow wetland.” He said there was formerly a sand prairie on the dune slopes.

Bacone said the site was purchased from three families with Heritage Trust Funds. He noted there were “very rare” species in the sedge meadow, and the Division of Nature Preserves secured two successive Golden Eagle Grants from IPALCO. The funding was used to provide plantings to re-install prairie on the dune slopes. Bacone recommended dedication of the Prairie Creek Barrens.



Lester Ponder said the Advisory Councils recommended Commission approval, and he moved to approve the dedication of the Prairie Creek Barrens Nature Preserve in Daviess County. Raymond McCormick seconded the motion. Upon a voice vote, the motion carried.

**Consideration for Approval of a Request by the Midwestern Gas Transmission Company for an Easement for an Access Road for Ingress and Egress Across Pike State Forest to Access Its Pipeline, and an Easement to Erect Structures to Modify Its Pipeline**

John Freidrich from the Division of Forestry presented this item. He said the Midwestern Gas Transmission Company, which has a north-south pipeline crossing a portion of the Pike State Forest, has requested an easement for a road to access its pipeline. The existing natural gas pipeline also crosses an east-west set of natural gas pipelines owned by Texas Eastern Transmission Company. “These companies exchange, or buy and sell natural gas, so it is important for them to have the ability to interconnect.”

Freidrich said Midwestern Gas wanted to upgrade the existing facilities in order to connect to Texas Eastern’s pipeline. “This involves creating and developing several structures there for meters.” He said the area would be fenced, which is “rather unique to us because it would exclude other uses of that area.” Transmission facilities are also included in order to communicate with their offices. He noted the area involved is “rather small”—an area of about 6,000 square feet. The area is an existing easement with pipelines, and it is already cleared.

Freidrich added that Midwestern Gas has completed the construction under emergency construction approval approved by the Director. This procedure is contained in Information Bulletin #28 (First Amendment). Midwestern Gas wanted to complete construction before the onset of winter weather to facilitate a secure natural gas supply during the primary heating season. Approval for a permanent easement is now sought from the Commission. Freidrich said a total compensation of over \$28,000 is consistent with the Commission’s Information Bulletin #28 (First Amendment).

Raymond McCormick said a representative from Midwestern Gas attended the Advisory Councils joint meeting, and he was very helpful in responding to members’ concerns and questions. He moved to approve the request by the Midwestern Gas Transmission Company for a permanent easement for a road across Pike State Forest to access its pipeline, and an easement to erect structures to modify its pipeline. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Recommendation by Hearing Officer for Report of the Natural Resources Commission with Respect to the “Petition for the Creation of the Western**

**Shelby Conservancy District;” Administrative Cause Number 04-184C (Shelby Circuit Court 73C01-0408-MI-73**

Jennifer Kane, Hearing Officer, presented this item. She said the Shelby Circuit Court forwarded the Petition for Creation of the Western Shelby Conservancy District to the Commission. The proposed conservancy district contains two freeholders and proposes to be established for each of the following purposes:

- (1) Improving drainage.
- (2) Providing water supply, including treatment and distribution, for domestic, industrial, and public use.
- (3) Providing for the collection, treatment, and disposal of sewage and other liquid wastes.
- (4) Developing forests, wildlife areas, parks, and recreational facilities if feasible in connection with beneficial water management.

Kane said the proposed district would be located in Shelby County and Marion County, including 100.24 acres and 97.04 acres, respectively from the two counties. The NRC’s Division of Hearings circulated correspondence describing the proposal to other state agencies and local governments, and their comments were requested. She said the Indiana Utility Regulatory Commission (IURC) and the City of Indianapolis forwarded comments, and these are incorporated into the recommended report. She said the City of Indianapolis opposes the formation of the district within Marion County “citing that the area is included in the Indianapolis-Marion County Sanitary Sewer District Master Plan.”

Kane reported the evidence was insufficient to determine whether the proposed district appears to be necessary for improving drainage. The proposed drainage system would incorporate a combined sewer overflow, and “would comply with IDEM’s Rule 327 IAC 15-13, and be compatible with Marion County Sanitary Sewer Master Plan.”

Kane said the proposed Western Shelby Conservancy District would encompass a new development, Tillisin Farms, with 272 apartment units and approximately 709 single-family homes. The supply of potable water to the proposed district would be by contract with the Indianapolis Water Company or through construction of the district’s own water treatment facility. “The Petitioners indicated the first option was preferred,” but the Indianapolis Water Company has “refused any meeting until” the district layout is confirmed. The formation of a conservancy district would “preserve the right of the district for the purpose of supplying water. If a contractual agreement with the Indianapolis Water Company is unsuccessful, the establishment of the conservancy district is an appropriate mechanism to provide a water supply.

Kane then addressed the proposed purpose of providing for the collection, treatment, and disposal of sewage and other liquid wastes. No comments were received regarding the portion of land located in Shelby County. She noted several comments were, however, received that addressed the portion located in Marion County. The City of Indianapolis indicated that it could not currently provide service to the tract located within Marion

County, but “plans to do so in the future.” Kane cited a 2000 Commission report that addressed an analogous circumstance considering a petition to add additional area to the West Central Conservancy District. “Where adequate services are currently being provided, there is no need. Need is not satisfied, however, by the development of a plan for future services.” She also noted that the Commission reasoned during the March 2000 meeting that it does not make a determination of exclusivity and does not determine the relative abilities of competing entities to provide services. March 14, 2000 Minutes.

Kane said IC 13-26 governs sewer districts, but does not preclude the establishment of a conservancy district for the purpose of sewage collection and treatment within sanitary sewer district boundaries. “Actually, the statutes encourage cooperation between entities. The fact that the tract of land is included in the City of Indianapolis’ Master plan does not preclude the establishment of the Western Shelby Conservancy District.”

Kane said the IURC indicated there might be a boundary conflict in Marion County between Southeastern Utilities’ certificate of authority and the proposed conservancy district. IC 8-1-2-89(g) prohibits another “sewage disposal company from rendering sewage disposal service in the area in any certificate of authority.” Kane concluded with this possible conflict, a determination could not be made whether the Western Shelby Conservancy District proposes to cover and serve a proper area. “More accurate maps would facilitate the Shelby Circuit Court’s evaluation of the compatibility of the proposed district boundaries and the Southeastern Utilities’ territorial area.” She recommended the Commission approve the report as its determination to the Shelby Circuit Court.

Kiley asked if he understood correctly that the City of Indianapolis “wants to service this area in Marion County, but there is no indication of when?” Kane responded that his understanding was correct.

Alan Hux, attorney for Petitioners, encouraged the Commission to adopt the findings in the report. He stated that IC 14-33 “contemplates a conservancy district serving in Marion County. Regarding the certificate of authority from the IURC, Hux said, “It’s my opinion that Title 8 does not necessarily cover conservancy districts, because I do not believe a conservancy district is defined as a ‘sewage disposal company.’ It talks in terms of corporations and does not include governmental entities.” He added that there would be coordination of services, but “we are just trying to bring, from the encouragement of the people in Shelby County, some development in the area. We are not going to try and create any turf battles here.”

Dan Theobald spoke on behalf of the Shelby County Development Corporation. He said the corporation approached Cedar Run Developments to “come to Shelby County. Our organization is charged with bringing new quality development.” He said Douglas Warnecke, President of the Shelby County Commissioners, was not able to attend today’s meeting, but he wanted to pass along that the Commissioners are “very happy in finding somebody to come forward and help get some service into that district.” Theobald said School Superintendent Moore was also unable to attend, but he said Moore supported

establishment of the conservancy district. “The schools are faced with enrollment decline because of the lack of development opportunities.”

Damian Schmelz moved to approve the Hearing Officer’s Report with respect to the “Petition for the Creation of the Western Shelby Conservancy District” as the Commission’s report and determination to the Shelby Circuit Court. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Petition for Fishing Tournament Requirement, Report of Public Hearing, and Recommendation for Final Adoption of Fishing Tournaments on Sylvan Lake and Amendment of General Application to Reduce Advance Time for Applications from 90 to 60 Days (Administrative Cause Number 04-038L; LSA Document #04-215(F))**

Stephen Lucas, Hearing Officer, presented this item. He said the proposal is an advancement of 2000 legislation that began to recognize “more fully” the challenges presented by user conflicts on Indiana’s public waters. Legislation allowed the Commission to require special licenses for fishing tournaments on all public waters. Lucas explained the Commission established a process by which local government entities could petition to create a special requirement for fishing tournaments on a particular waterway. “Rather than do a massive across-the-board regulatory program, it’s regulation light that looks primarily to the local entities to promote the concept” on a particular lake or stream.

Lucas stated the fishing tournament licenses have long been required on lakes administered by the Division of State Parks and Reservoirs, such as Lake Monroe and Salamonie Lake. Applying the new statutory authority approved in 2000, the Commission recently adopted fishing tournament rules for Lake Wawasee and Syracuse Lake. Rome City filed a petition for similar rules to apply to Sylvan Lake. Lucas said the petition was analyzed by DNR, particularly by the Division of Law Enforcement.

He said a public hearing was held in December in Rome City to consider the rule proposal. “This is the kind of thing that could have been challenging and contentious, but due to the efforts of Sam Purvis and others within the Department working with the locals, by the time the petition was to public hearing stage, it was pretty quiet.” Comments at the public hearing were generally favorable. He expressed his appreciation to the DNR for “doing the advance work and making my life so easy.”

Maj. Samuel Purvis, State Boating Law Administrator, agreed the hearing process went “pretty smooth. There were some localized issues when we first started, but they have been worked out.” Some issues were addressed with the coordination between the local marine patrol funded by Rome City and the conservation officers assigned to the area. The planning meeting for tournaments to be held during the 2005 season was held in October 2004. Purvis said the local tournament organizers agreed to hold tournaments on Sylvan Lake this summer “like the rule is already in place. We’ve got a good working

relationship with the tournament organizers in that area.” He was confident there would be good voluntary compliance.

Dick Mercier, Indiana Sportsmen’s Roundtable, stated, “We certainly hope [the Commission] will support” the rule adoption. He thanked Sam Purvis and Paul Ehret for their assistance in the present rule adoption.

Raymond McCormick moved to approve for final adoption a rule that would require licensure of specified fishing tournaments on Sylvan Lake, and that would reduce from 90 to 60 days the minimum period an application must be filed before a particular event. Jane Anne Stautz asked for clarification of the amendment that would reduce advance time for application submittal from 90 to 60 days. Lucas said the rule currently requires a license application be submitted to the Department at least 90 days before the event. The Division of Law Enforcement has determined 90 days is longer than needed to complete an effective license review. As a result, the Division asked that the minimum period be reduced from 90 to 60 days. With this explanation, Stautz seconded the motion. Upon a voice vote, the motion carried.

**Consideration of Report of Public Hearing, Analysis, and Recommendation for Final Adoption of Rule Amendments to 312 IAC 4-6-6 Governing Law Enforcement Insurance Board (Administrative Cause Number 04-115L; LSA Document #04-208(F))**

Jennifer Kane, Hearing Officer, also presented this item. She explained that the proposed amendments to 312 IAC 4-6-6 would correct the name of the Insurance Board to reflect the official title. She said the Insurance Board also has membership from the Alcohol and Tobacco Commission, Excise Officers.

Kane said the Insurance Board established bylaws governing the operations and activities of the members. Previously, the Director of the Division of Law Enforcement appointed the Chair of the Insurance Board. The proposed amendment to subsection (b) would cause election of the Chair according to the bylaws, consequently “affording all members an equal vote.” Kane recommended final adoption of amendments to 312 IAC 4-6-6 as contained in the Commission’s packet.

Raymond McCormick moved to give final adoption to amendments to 312 IAC 4-6-6 governing the law enforcement Insurance Board. Thomas Easterly seconded the motion. Upon voice vote, the motion carried.

**ADJOURNED:** 3:50 p.m., EST.

**NEXT MEETING:** March 15, 2005, 10:00 a.m., at The Garrison, Fort Harrison State Park, Indianapolis (Lawrence).