

NATURAL RESOURCES COMMISSION
Minutes - May 23, 1996

MEMBERS PRESENT

Michael Kiley, Chair
Jack Arnett, Vice Chair
Jerry Miller
John Goss
Joseph Siener
Jodi Perras
Steve Cecil
Sherman Anderson
Damian Schmelz

NATURAL RESOURCES COMMISSION STAFF PRESENT

Steve Lucas	Hearings
Cheryl Hampton	Hearings
Jennifer Kane	Hearings

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Jack Costello	Executive Office
David Herbst	Executive Office
Paul Ehret	Executive Office
Louise Krick	Executive Office
Lori Kaplan	Executive Office
Jeff Tenuth	State Museums
Ron Richards	State Museums
Jim Francis	Fish and Wildlife
Virginia Simone	Legal Counsel
Mary Ann Habeeb	Legal Counsel
Kenneth Spence	Law Enforcement
Jerry Shepherd	Law Enforcement
Dawn Dedy	Lake Michigan Coastal Coordination Program

GUESTS PRESENT

Joanna Waugh	Janet Ryan
Glenn Nicholson	Tim Janatik
Tom Anderson	Tony Arvay
Michael Ryan	

MONTHLY REPORTS

Michael Kiley, Chair, called to order the regular meeting of the commission at 7:05 p.m., EST, in the Mayor's Conference Room, 814 Lakeshore Drive, Michigan City, Indiana. With the presence of nine commission members, the chair observed a quorum.

Jerry Miller moved to approve the minutes of the April 23, 1996 meeting. The motion was seconded by Damian Schmelz and approved by voice vote of the commission.

Jack Costello presented the Director's Report on behalf of Patrick Ralston. He indicated the Director had a foundation meeting at Ft. Benjamin Harrison State Park.

Costello also reported that the Director spoke at Arbor Day along with Lt. Governor Frank O'Bannon. Following Arbor Day the Director and Lt. Governor Frank O'Bannon went to Hoosier Prairie for a dedication.

Costello also indicated that the Director was unable to present the Barretts with a Sagamore of the Wabash due to bad weather. John Bacone presented the Sagamore to the Barretts.

Costello indicated the Great Lakes Commission Meeting was hosed on May 15 and 16. Director Ralston received a "nice award" as outgoing chairman, and First Lady Susan Bayh presented Ralston with a Sagamore of the Wabash.

Jerry Miller, Chairman of the Advisory Council for Land and Cultural Resources, said his council did not meet in May.

Jack Costello, Deputy Director for the Bureau of Land and Cultural Resources, reported that the Buffalo Riders meeting took place at Ft. Benjamin Harrison on May 4 and was a good meeting.

Joe Siener, Chairman of the Advisory Council for the Bureau of Water and Resource Regulation, reported his council met on the 15th of May. One of the things staff is working on with the council is guidelines for a cost-benefit analysis for conservancy districts. The group also hopes to prepare a guide for people wanting to start a conservancy district. It would help describe what are the "pros and cons" of forming a district.

Herbst spoke as Deputy Director for the Bureau of Water and Resource Regulation. He said Director Ralston and a representative from Ducks Unlimited met the Governor and presented him with the annual duck stamp print. At the same time, Conservation Officer David Schwanke of White County received the annual Ducks Unlimited Award. Herbst noted this was an outstanding first time award, and the DNR is proud of Office Schwanke's achievement.

Herbst spoke about the spring wild turkey season. He said there was an increase by 5% over last year of turkeys taken. Herbst noted there are 52 counties that are opened now, and next year there will be an opening of 74 counties for turkey hunting.

Paul Ehret, Deputy Director for the Bureau of Mine Reclamation, was not present.

**BUREAU OF LANDS AND CULTURAL RESOURCES
DIVISION OF MUSEUMS AND HISTORIC SITES**

Consideration of a Request by the Board of Trustees of the Indiana State Museum and Historic Sites for the Deaccession of 629 Items from the Division Collection.

Jeffrey Tenuth of the Division of Museums and Historic Sites presented this item. He indicated one of the responsibilities at the State Museum is to remove items from the museum's collection that are unsuitable. This process is called "deaccessioning," and it is a process governed entirely by state law. Tenuth indicated the Museum Board of Trustees approved the removal of 629 objects from the collection during its April 26 meeting, subject to review and approval by the commission.

Joe Siener moved to remove 629 objects from the division collection in accordance with the recommendations of the Museum Board of Trustees. The motion was seconded by Sherman Anderson. Upon voice vote, the motion carried.

**BUREAU OF WATER AND RESOURCE REGULATIONS
DIVISION OF FISH AND WILDLIFE
LAKE MICHIGAN YELLOW PERCH UPDATE**

Presentation from the Division of Fish and Wildlife Regarding the Status of Yellow Perch and Salmonid Species in Lake Michigan

Jim Francis of the division of fish and wildlife presented this item. He said there has been a 90% decline in yellow perch populations of the Indiana waters of Lake Michigan in the last three to four years. The same trend has been experienced at Lake Michigan sites in Michigan, Wisconsin, and Illinois. The last good "recruiting" year, one in which young were successfully spawned and developed, was 1988.

Francis indicated that efforts have been undertaken to regulate how many perch are taken. Prior to last year there were no size or bag limits on recreational fishing for yellow perch. Last year a 25-fish daily bag limit was set, and a complete closure was implemented for June.

New limits were placed on the commercial take of yellow perch. In 1984, commercial fishing operations took approximately 1,000,000 pounds of yellow perch from Indiana

waters. In 1995, the quota for the commercial take was reduced to 360,000 pounds. In 1996, the take was additionally reduced to 160,000 pounds.

Damian Schmelz asked what other sites provide an important commercial source for yellow perch. Francis responded that Lake Erie was an important site, and, to a lesser extent, Lake Huron. He said that the Lake Michigan problem did not seem also to be reflected in Lake Erie.

Jerry Miller asked whether consideration was being given to closing Lake Michigan to yellow perch fishing. Francis responded that was becoming a serious possibility. He said the Wisconsin Natural Resources Commission was considering a complete closure for Wisconsin waters of Lake Michigan.

Miller also asked about growth rates for perch. Francis responded that it was difficult to provide an average because there was great variation depending upon site conditions and sex. A female yellow perch might require two or three years to reach eight inches, a harvestable size, in Lake Michigan. A male yellow perch would require a longer period and might never achieve that size. One consequence was that commercial fishing activities took females sooner than males, and 97% of the current adult yellow perch population might be males.

Joe Siener asked how many active commercial fishing operation there were. Francis indicated that 13 licenses are outstanding, but more than one person can fish on a license.

John Goss reflected upon the serious difficulties the loss of yellow perch poses to both recreational (including some charter-boat operations) and commercial interests. He said a healthy yellow perch source was also important to restaurants and to the tourism industry in Northwest Indiana.

Following the presentation and consideration of comments from guests, John Goss offered the following resolution:

**RESOLUTION EXPRESSING CONCERNS FOR DAMAGES SUFFERED BY
YELLOW PERCH POPULATIONS IN LAKE MICHIGAN AND URGING
ACTION BE TAKEN TO RESOLVE THOSE DAMAGES**

WHEREAS, yellow perch (*Perca flavescens*) is a fish native to Lake Michigan and serving an important niche in the ecology of the lake;

WHEREAS, yellow perch is a species which is essential to the full enjoyment of sport fishing activities on Lake Michigan, including charter boat enterprises;

WHEREAS, yellow perch is a species critical to the continued vitality of commercial fishing activities on Lake Michigan;

WHEREAS, a precipitous decline in yellow perch populations has threatened its continued vitality and the vitality of human enterprises dependent upon those populations;

WHEREAS, this decline results in large measure from the failure of young perch populations to survive to maturity, becoming themselves capable of producing offspring;

WHEREAS, adequate protection of the dwindling adult populations of perch is also essential to the well-being of the species in Lake Michigan;

WHEREAS, the Indiana Natural Resources Commission is charged with managing Lake Michigan as a navigable waterway and the native animals, including fish, within the lake;

WHEREAS, the decline in yellow perch populations is of great concern to the Indiana Natural Resources Commission;

NOW THEREFORE BE IT RESOLVED:

The Indiana Natural Resources Commission requests that the Great Lakes Commission, the Great Lakes Governors Council, and any other appropriate agencies identified by the Director of the Department of Natural Resources consider directing special funding to a multistate emergency research project in 1996, or as soon afterwards as possible, to attempt to determine what is harming the yellow perch populations in Lake Michigan and to attempt to correct that harm.

The motion was seconded by Jack Arnett. Upon a voice vote, the motion carried.

LEGAL PROCEEDINGS

Annual Report by the Lake Michigan Coastal Coordination Program Concerning Activities to Implement the 1995 NRC Resolution for Lake Michigan.

Steve Lucas introduced this item. He reflected upon the NRC Resolution passed in May 1995 placing a renewed emphasis upon the needs and significance of the Lake Michigan coastal region to the State of Indiana. The resolution also sought to promote governmental streamlining and cooperation. Employees of the department of natural resources and the natural resources commission were to take a leading role in this effort, but with an understanding that other state agencies were essential to achieving success.

Lucas reported that the Lake Michigan Coastal Coordination Program has been developed within the DNR. The LMCCP is in large measure a response to the commission's resolution. In addition the LMCCP has been founded within the parameters of a March declaration by Director Patrick Ralston that efforts should focus on what can

be accomplished in Indiana within the current statutory framework. Lucas said that Dawn Deady is the program coordinator.

Lucas indicated that a program, open to the public as well as the commission, would be presented at the Department of Natural Resources Field Office, on the following morning (May 24, 1996). This program would highlight not only DNR's efforts for the coastline but also important activities by the Indiana Department of Environmental Management, focused primarily on the Grand Calumet River and its harbor on the mouth of Lake Michigan. There would be a brief introduction to new Web pages on the Internet. Lucas said a brief field trip would follow the presentation in order examine beach erosion dynamics, viewing Washington Park in Michigan City and an area just west of Mt. Baldy in the Indiana Dunes National Lakeshore.

Jodi Perras outlined the IDEM presentation for the May 24 field trip. She said it would be lead by Kay Nelson, Director of the Northwest Regional Office of IDEM.

Presentations on May 24 started with an introduction by Steve Lucas.

Dawn Deady outlined the public participation process which included 25 public meetings in Northwest Indiana last year to identify issues and possible responses to those issues. She said Director Ralston had authorized a Blue Ribbon Panel made up of a breadth of interests in an effort to prioritize issues, responses, and set a process to measure success regarding those priorities.

Lt. Ed Troche of the division of law enforcement field office in Michigan City outlined a wide array of enforcement issues and responses. He spoke of organizing a first-ever meeting of law enforcement agencies along the shoreline held earlier in the spring and intended to improve boating safety and enforcement. Lucas commented briefly upon a boating booklet being cooperatively developed with a focus on Lake Michigan.

Deady reviewed an assessment of recreational facilities and shoreline access being lead by the division of outdoor recreation. She noted that Jodi Dickey is the DNR's contact person for this effort.

Steve Davis presented slides to help explain beach erosion difficulties along Lake Michigan and their natural and artificial causes. Davis described basic principles of shoreline dynamics and the benefits of "beach nourishment." Lucas outlined a general permit opportunity established in April by Director Ralston through a temporary rule. He said a general permit would obviate the need to obtain a special navigable waters permit and should encourage beach nourishment activities. The Army Corps is set to undertake a beach nourishment this season to benefit Mt. Baldy and other sites, and it is expected to take advantage of the general permit. John Goss urged that the DNR look to additional opportunities to encourage voluntary beach nourishment activities.

Deady outlined a natural resources inventory being undertaken for Indiana's Lake Michigan watershed by John Bacone and his staff at the division of nature preserves. She noted this effort would supplement the considerable data already assembled for this critical environmental region by the division of nature preserves and private organizations such as The Nature Conservancy.

Deady then outlined the Healthy Beaches Initiative, one of the more demanding projects of the Lake Michigan Coastal Coordination Program. She explained that the LMCCP was helping to coordinate the activities of 18 local, state, and federal agencies concerned with identifying the causes and solutions to bacterial contamination on Lake Michigan. She noted that key participants in this complex but important effort included IDEM, the Indiana State Department of Health, the National Biological Service, EPA, the U.S. Geological Survey, the Indiana Geological Survey, LaPorte County Board of Health, Lake County Board of Health, Porter County Board of Health, and East Chicago Department of Health, as well as DNR and the NRC. One element of the effort was an information site on the Internet, with the hope that this site would eventually serve as the nexus for the results of scientific research regarding the bacterial contamination which occasionally causes beach closings. Deady then presented portions of the Internet pages directed to this issue, as well as other pages pertaining to the Lake Michigan Coastal Coordination Program.

Lucas reviewed the Internet pages for the World Wide Web pertaining to the NRC and its division of hearings. He explained the linkage to the LMCCP. He said he hoped commission members would agree to providing brief biographies for inclusion on the Web, and he noted that Jennifer Kane of the division of hearings would be primarily responsible for assembling these biographies.

Jodi Perras then introduced Kay Nelson and Cody Fleece who would make IDEM's presentation to the commission. She noted that IDEM maintained a regional office in Gary to reflect the challenges and special significance of environmental issues in Northwest Indiana. Perras reflected that the office in Gary was IDEM's only regional office.

Cody Fleece provided a characterization of the Grand Calumet River and the Indiana Harbor and Ship Canal. He described the techniques for testing sediments in the river and harbor using primitive living organisms. He emphasized the difficulties facing efforts to clean-up the river environment, but he said the commission should be aware that most of these problems resulted from industrial activities before there was a clear understanding of the need for environmental regulation.

Kay Nelson emphasized the progress that has been made, particularly with water quality (as opposed to the quality of sediments) in the Grand Calumet River. As an illustration, she noted that freshwater sponges have been found growing in the outfalls of the East Chicago Wastewater Treatment Facilities upstream on the Grand Calumet River. In association with those sponges were salmonid species. Neither freshwater sponges nor salmonid species will tolerate highly-polluted waters.

Nelson reviewed progress toward dredging the Grand Calumet River and the ship canal. She said the U.S. Army Corps would lead this effort, and the period for reviewing its environmental impact statement was just closing. Nelson noted that the Corps was proposing to place degraded sediments at an abandoned industrial site in East Chicago. Under the proposal, the site would be capped, confining both the sediments and the contaminated materials on site.

Jerry Miller questioned how the analysis by Fleece could be so negative and the analysis by Nelson so positive by comparison. Nelson explained that there was much to be done in the Grand Calumet River basin, but significant progress has been made, particularly with point-source pollution from municipal and industrial outfall structures. She said it was easy to become overwhelmed by the problems facing the river, but with continuing government participation and the cooperation of industries, municipalities, and nongovernmental organizations, more progress was assured.

Nelson then reflected upon various partnership initiatives being pursued by IDEM. She spoke of the CARE Committee, the LaMP, and the Grand Calumet River Partnership/Corridor Planning announced in Gary in mid-April. Nelson referenced the Technical Task Force to address bacterial contamination addressed previously by Dawn Deady.

Nelson said IDEM also would vigorously pursue enforcement actions against those responsible for pollution violations, where partnerships could not be developed. She referenced major financial settlements which had been approved or were anticipated in the near future.

Following Nelson's presentation, Steve Davis lead a brief field trip. He point out the excess accumulation of sand at Washington Park in Michigan City resulting from the breakwater and catwalk to the Michigan City lighthouse at the mouth of Trail Creek. To the west and downdrift from these artificial structures in the Indiana Dunes National Lakeshore, he pointed out the erosion problems caused by the lack of littoral sediments. The point was illustrated dramatically by a road perpendicular to the shoreline which formerly connected to a shoreline drive with adjacent homes. The road now ends abruptly at a high eroding bluff along the shore, and no visible evidence of the shoreline drive or the homes exists, the site now being under several feet of Lake Michigan water.

The meeting of May 23, 1996 adjourned at approximately 9:00 p.m., EST.