

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF:)	
)	
PETITION FOR RATE INCREASE)	ADMINISTRATIVE CAUSE
BY FOURWINDS RESORT AND MARINA)	NUMBER: 22-SP-035

**FINDINGS AND RECOMMENDATIONS TO THE U.S. ARMY CORPS OF
ENGINEERS
BY THE NATURAL RESOURCES COMMISSION**

A. Findings

1. The scope of the informal review accorded by the Natural Resources Commission (the “*Commission*”) in Information Bulletin #20 (Fifth Amendment) (*IB #20*) is addressed to petitions for rate increase or rate establishment at marinas and related facilities on properties owned or leased by the Department of Natural Resources (the “*Department*”).
2. Although the Department may appropriately exercise whatever rights are provided in a ground lease with respect to marina facilities, as well as any other rights provided by law or equity, the scope of review provided in *IB #20* is limited to the subject of the petition for rate increase. The Commission ultimately recommends action on the petition to the U. S. Army Corps of Engineers (“*Corps*”), and the Corps may either accept or reject the recommendation.
3. Fourwinds, in its Petition, requests slip rate increases of 10% across the board. Out of the 816 customers that received notifications, there were approximately 140 rate hearing requests. In order to schedule a rate hearing, there would need to be 10% of the customers’ requests received. Most of the complaints centered around the excessive 10% increase, while others have concerns of dock safety as well as lack of maintenance among other concerns.
4. If a sufficient number of requests for rate hearing are received, the hearing officer, in consultation with the Department, will select the date, time, and location in Marion County for a rate hearing to be held. A public hearing was conducted on May 31, 2023 and held at the Garrison at the Fort Harrison State Park located in Indianapolis, IN.
5. In determining whether to recommend a rate increase be granted the Department is to analyze similar facilities and compare rates with those sought by the Petitioner. The consideration of rates charged by comparable marinas is fundamental to determining the propriety of proposed rate increases to marina slips and mooring buoys. The preponderance of information in the record indicates that the increased slip rates

proposed by Fourwinds will remain consistent with the slip rates charged by comparable marinas for similarly sized slips.

6. A Hearing Officer's or the Commission's recommendation for rate increase shall not be withheld unless the rates proposed exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area.
7. The requested rate increases, are within the industry range and supportable. The rates approved by the Hearing Officer on behalf of the Commission are set forth in the attached table, which includes all rates previously established as well as the rates recommended for approval through this action. Rates established through previous Commission recommendations are so noted.

B. Recommendation

The Natural Resources Commission recommends to the U.S. Army Corps of Engineers the rates as set forth in the attached table be approved for existing facilities at Fourwinds Resort & Marina.

Dated: 9/19/2023

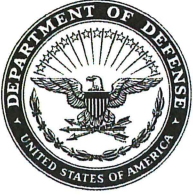


Bryan Poynter, Chair
Natural Resources Commission

Commission Slip Rate Recommendation

FOURWINDS RESORT & MARINA SLIP SIZE & DESCRIPTION		CURRENT RATE	REQUESTED RATE For IMPLEMENTATION JANUARY 1, 2024
Dock			
D	36 x 13 / covered	\$6,009.00	\$6,609.00
	36 x 15 / open	\$3,941.00	\$4,335.00
	36 x 17 / open	\$4,319.00	\$4,750.00
	36 x 18 / open	\$4,575.00	\$5,032.00
	50 x 18 / open	\$5,385.00	\$5,923.00
E	20 x 10 / open	\$1,617.00	\$1,778.00
	30 x 12 / covered	\$4,857.00	\$5,342.00
F	24 x 12 / open	\$2,677.00	\$2,944.00
	26 x 12 / open	\$2,735.00	\$3,008.00
	28 x 13 / open	\$3,125.00	\$3,437.00
	32 x 13 / open	\$3,560.00	\$3,916.00
	36 x 13 / covered	\$6,009.00	\$6,609.00
G	42 x 15 / open	\$4,514.00	\$4,965.00
	42 x 18 / open	\$4,604.00	\$5,064.00
	46 x 15 / open	\$4,514.00	\$4,965.00
	46 x 18 / open	\$5,134.00	\$5,647.00
	48 x 16 / covered	\$7,954.00	\$8,749.00
H	42 x 14 / covered	\$7,003.00	\$7,703.00
	54 x 16 / covered	\$8,671.00	\$9,538.00
I	30 x 12 / covered	\$4,857.00	\$5,342.00
	42 x 14 / open	\$5,223.00	\$5,745.00
K	46 x 18 / open	\$5,134.00	\$5,647.00
	50 x 18 / open	\$5,385.00	\$5,923.00
	46 x 20 / open	\$5,385.00	\$5,923.00
	50 x 20 / open	\$5,777.00	\$6,354.00
	60 x 20 / open	\$7,072.00	\$7,779.00
	76 x 20 / open	\$9,225.00	\$10,147.00
P1	72 x 20 / covered	\$11,963.00	\$13,159.00
P1	90 x 22 / covered	\$14,659.00	\$16,124.00
P2	36 x 13 / covered	\$6,009.00	\$6,609.00

P3	30 x 12 / covered	\$4,857.00	\$5,342.00
P4	30 x 12 / covered	\$4,857.00	\$5,342.00
P5	24 x 10 / covered	\$3,676.00	\$4,043.00
P6	24 x 10 / covered	\$3,676.00	\$4,043.00
WBI	32 x 12 / covered	\$5,893.00	\$6,482.00
EZ-Port	22(S) / open	\$725.00	\$795.00



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT
600 DR. MARTIN LUTHER KING JR PL
LOUISVILLE, KY 40202

December 1, 2023

SUBJECT: Lease No. DACW27-1-68-2174, Monroe Lake, Indiana

Division of State Parks
Indiana Department of Natural Resources
Attention: Brandt Baughman
402 W Washington Street, W298
Indianapolis, IN 46204
BBaughman@dnr.IN.gov
TManuel@dnr.IN.gov

Dear Mr. Baughman:

We have received and considered the Natural Resources Commission's findings and recommendations for slip rentals at **Fourwinds Resort and Marina** submitted by your office dated September 22, 2023. The proposed rate increases are acceptable.

If you have any questions regarding this letter, you may contact Mrs. Stephanie Fugate at 502-315-7011 or Stephanie.N.Fugate@usace.army.mil.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer D. Rahn".

Jennifer D. Rahn
Chief, Civil Management and Disposal
Real Estate Contracting Officer
Louisville District