

NATURAL RESOURCES COMMISSION
May 14, 2013 Meeting Minutes

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Cameron Clark, Secretary
Donald Ruch
Thomas Easterly
Patrick Early
Phil French
R.T. Green
Anicia Richardson
Matt Voors

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Sandy Jensen
Debra Freije

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

John Davis	Executive Office
Chris Smith	Executive Office
Cheryl Hampton	Executive Office
Shelley Reeves	Executive Office
Phil Bloom	Communications
Scotty Wilson	Law Enforcement
Steve Hunter	Law Enforcement
Linnea Petercheff	Fish and Wildlife
Doug Keller	Fish and Wildlife
Mark Reiter	Fish and Wildlife
James Kershaw	Fish and Wildlife
John Bacone	Nature Preserves
Mike Molnar	Nature Preserves

GUESTS PRESENT

Matt Burlingame	Kent Reineking	Steve King
Greg Schwipps	Paula Reineking	Grover Scott
Dale Sides	Bill Avery	Erin Hirang

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 10:00 a.m., EDT, on May 14, 2013 at Mounds State Park in the Multipurpose Room of the

Nature Center, Anderson, Indiana. With the presence of ten members, the Chair observed a quorum.

The Chair recognized, Anicia Richardson, proxy for the Department of Tourism and Matt Voors, proxy for Michael Cline. He also recognized Chris Smith as Acting Deputy Director for the Bureau of Water and Resource Regulation and introduced Cameron Clark as the newly appointed Director of the Department of Natural Resources.

Stephen Lucas referenced a technical change in the March minutes on page six where Mark Ennes provided his presentation before the Commission. Lucas said that the word “not” should instead be “now”.

Jane Ann Stautz moved to approve the minutes, including the amendment, for the meeting held on March 19, 2013. Thomas Easterly seconded the motion. Upon a voice vote, the motion carried.

Reports of the Director, Deputies Director, and Advisory Council

Director Cameron Clark provided his report. He stated that a fundraiser was recently held in Fort Wayne for the Natural Resources Foundation by local businessmen. “They put on a really, really good event.” The Director said the event was the second year for this particular fundraiser. The funds raised surpassed the \$120,000 raised in 2012 “by quite a bit”. The 2012 funds were used to purchase land in the northeast part of the state as will this year’s funds. “Hopefully, they’ll be able to continue this momentum going on to the future.”

The Director said DNR was working on an In Lieu Fee Program with INDOT and IDEM as part of the Governor’s Roadmap and was “coming along well” primarily with help from INDOT. DNR would have its own In Lieu Fee program. He said Linnea Petercheff is drafting rules that would be submitted soon for consideration as to preliminary adoption.

Director Clark said due to all the recent rains Conservation Officers have been busy performing a lot of boat rescues. In one incident, a man was rescued from drowning in the White River.

John Davis shared his appreciation toward Cameron Clark as the new DNR Director. He said DNR has been busy preparing for this year’s Bicentennial Nature Trust celebration. He said “a couple of dozen projects” have been submitted or approved for purchase of property. Davis also noted that DNR had a successful season of timber burns without any difficulties.

Davis reported that at the conclusion of today’s meeting, Ted Tapp, Manager of Mounds State Park, would guide a tour and provide additional information regarding the area of the proposed reservoir to be located in Anderson.

Chris Smith, Acting Deputy Director for the Bureau of Water and Resource Regulation, provided his report. He reiterated that the spring rains have been keeping DNR busy, specifically with respect to privately owned dams. “We had some issues, but nothing of significance.” Smith said DNR is also “working to keep the gypsy moth under control.” He added, “We made it through

the legislative session without too much damage—a lot of good things, and very little bad, so we’re very happy about that.”

The Chair reflected to Smith, “I know you were filling a needed role, and it was quite an active session, unexpectedly at times. Thank you for doing that.”

CHAIR, VICE CHAIR, AND CHAIR OF ADVISORY COUNCIL

Jane Ann Stautz moved to elect Cameron Clark as Secretary for the Commission. Thomas Easterly seconded the motion. Upon a voice vote, the motion carried.

Updates on Commission and Committee activities

Chairman Poynter thanked Ted Tapp for providing the opportunity to hold the Commission meeting at Mounds State Park. “We’re looking forward to seeing proposals for the reservoir and seeing the mounds later.”

Jane Ann Stautz reported that the AOPA Committee met prior to the Commission meeting on two different matters.

DNR, EXECUTIVE OFFICE

Consideration and identification of any topic appropriate for referral to the Advisory Council

Steve Lucas reported on a pending adjudicatory proceeding for which he had issued a nonfinal order. One aspect was there are statutory directives with respect to shooting preserves and the adoption of standards pertaining to social or welfare ramifications. He asked that the proceeding be tendered for review by the Advisory Council, not as to its disposition, but as to recommendations that could have prospective application. Following Advisory Council recommendations, the DNR and the Commission might conclude rules are unneeded or might elect to pursue rules or a nonrule policy document. “As far as I could tell as the ALJ, although it’s an old statute, the subject matter has never been visited [by the Commission]. In this proceeding, the particular license at issue expired as of May 1st, but there might...be a need for some direction before new licenses are issued.” He said input could come from the Division of Fish and Wildlife, the Division of Law Enforcement, and the DNR’s Office of Legal Counsel. Lucas said he would not personally offer recommendations concerning substance.

PERSONNEL ITEMS

Information Item: Introduction of Sara Wesner, Assistant Manager of Deer Creek and Wabashiki Fish and Wildlife Areas

James Kershaw introduced Sara Wesner as the new Assistant Property Manager of Deer Creek and Wabashiki Fish and Wildlife Areas. He said that Wesner began her employment in January, 2013. Wesner oversees several parcels of the Healthy Rivers Initiative, mostly in the Sugar

Creek and Wabash Corridor, Deer Creek Fish and Wildlife Area, Wabashiki Fish and Wildlife Area and Green Valley Public Fishing Area. Kershaw said Wesner lived in Fowler, Michigan and attended Michigan Tech University graduating with a degree in wildlife ecology and management where she went to work for Waukesha County Parks as a natural land management intern and transitioned into the head park attendant before coming to IDNR.

The Chair asked Wesner what her job duties would consist of as Assistant Manager.

Wesner replied that she was working on the five year management plans for Deer Creek, Chinook, Fairbanks Landing, and Wabashiki.

DIVISION OF NATURE PRESERVES

Consideration of the dedication of the Conrad Station Nature Preserve in Newton County

John Bacone, Director of Division of Nature Preserves, presented this item. He said that the Conrad Station Nature Preserve “is a very interesting tract of land” located in Newton County south of the Kankakee River. The nature preserve connects with the 7,200-acre Kankakee Sands and offers direct linkage with Beaver Lake Nature Preserve and Willow Slough Fish and Wildlife area contributing to a landscape-size area of protection of approximately 15,000 acres of public natural land. The tract has a high quality black oak sand savanna and sand prairie as well as a high quality prairie restoration. Bacone said the tract is owned and managed by The Nature Conservancy and was purchased with the assistance of Indiana Heritage Trust Fund.

Thomas Easterly moved to approve the dedication of Conrad Station Nature Preserve in Newton County. Patrick Early seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF FISH AND WILDLIFE

Consideration of request to amend the Coastal Zone Management Federal Consistency Reviews Nonrule Policy Document, Natural Resources Commission Information Bulletin # 43; Administrative Cause No. 13-025B

Linnea Petercheff, Staff Specialist in the Division of Fish and Wildlife, presented this item. She said DNR requested modification of the nonrule policy governing “federal consistency” reviews, primarily to change the staffing to perform the reviews. “Federal consistency” is derived from the Coastal Zone Management Act and requires certain federal actions that affect a state’s coastal zone be consistent with its federally approved coastal program. The coastal zone in Indiana is the portion of Lake Michigan and the watershed area draining into Lake Michigan as outlined in Exhibit C of the policy.

Petercheff explained the Environmental Unit within the Division of Fish and Wildlife reviews projects for floodway construction permits and other building and road construction projects that involve federal or state money, some of which need a federal consistency determination. The National Environmental Policy Act requires an environmental review when involving federal funds. Additional grant money from the state through the State Revolving Fund also requires an

environmental review to determine if there are significant environmental impacts as the result of construction projects. The completed reviews include determinations as to whether a floodway construction permit is required; the presence of any endangered or rare species within one-half mile of the project; and impacts to fish, wildlife, or botanical resources. The amendment to Information Bulletin #43 would include additional language to comply with the federal law concerning whether would need a federal consistency determination.

Petercheff said since the review process already incorporates multiple divisions and provides a thorough review of the project, the DNR believes that incorporating federal consistency in the process through the inclusion of language in the same environmental review letter would save time and provide for a more efficient government. The Environmental Unit currently reviews projects for building additions, demolitions, road improvement projects, INDOT projects, stream relocations, shoreline stabilization projects, and many others that also require a federal consistency determination. When a DNR permit is obtained, a separate federal consistency review is not required since the permit satisfies federal consistency. Federal grants would continue to cover time spent on the federal consistency reviews. The grants currently cover 75% of the costs associated with the environmental reviews if federal consistency is not required. By incorporating the federal consistency review in the environmental review process, state time would be saved, and the review process would be more thorough and efficient.

Jane Ann Stautz moved to approve amendment of Information Bulletin #43 as recommended by the DNR. Anicia Richardson seconded the motion. Upon a voice vote, the motion carried.

Consideration for preliminary adoption of amendment to 312 IAC 5-6-9 to establish permanent special boating zones on Tippecanoe Lake and James Lake; Administrative Cause No. 12-098L

Doug Keller, Aquatic Habitat Coordinator with the Division of Fish and Wildlife, presented this item. He said in early 2009, the Commission adopted a rule to establish an ecozone on Lake Tippecanoe and James Lake in the vicinity of the Ball Wetlands. The rule was adopted with the following objectives:

- 1) To protect the Ball Wetland from further decline. Historical and personal accounts noted declines in the wetland, particularly in the flats area on the Lake Tippecanoe side of the wetland. Much of the decline was believed to be caused by high speed boating near the wetland.
- 2) For public safety in the heavily boated area between the lakes and in shallow areas around the wetland.
- 3) To create clearly enforceable restricted zones. The 200 ft. idle zone that applies to these lakes under Code is based on the legal shoreline. The approximate legal shoreline is well within the Ball Wetland and in some cases is far from the perceived shoreline. Establishing restricted zones a prescribed distance out from the 2008 perceived shoreline created the clearly enforceable speed zones.

In June 2012, a petition was received from Mark Ennes, Past President of the Lake Tippecanoe Property Owners. The petition stated the property owners' belief that the ecozone produced a

positive impact for reestablishment of native aquatic vegetation, assisted in safe boating practices, and complemented the long-term goals of sustaining and enhancing water quality. The petition requested the ecozone be maintained beyond its sunset date of January 1, 2014.

Keller said former Director Rob Carter appointed a review committee composed of Keller with the Division of Fish and Wildlife, Jim Hebenstreit with the Division of Water, and Major Michael Portteus with the Division of Law Enforcement to evaluate the petition and to provide recommendations to the Director and the Commission. The committee observed the aquatic plant community was evaluated in 2008 before establishment of the ecozone, and again in 2012, to determine if the rule had the desired wetland restoration effects. Keller shared two quoted statements that were directly from the unbiased contractor who performed the surveys:

(1) It appears that submersed vegetation abundance and diversity has increased since the inception of the ecozone. This is illustrated by the increases in the number of sites with plants, mean species collected per site and the native diversity index.

(2) There also appears to be an increase in the area covered by rooted floating and emergent vegetation.”

Keller said he reviewed the plant data and agreed dramatic positive changes have occurred in the submersed plant community, and although less obvious, important improvements have occurred in the emergent plant community surrounding the wetland.

Keller said the Division of Law Enforcement has reported good compliance of the rule. No safety issues were created by the rule, and the placement of buoys along the lakeward boundaries of the ecozone makes for a clearly defined enforcement area.

Keller stated the DNR was prepared to present the proposed amendments at the January Commission meeting when opposition was voiced to the Property Owners Association (POA) by private property owners in the vicinity of one of the areas of the ecozone that encompasses developed shoreline. He said that the POA has since revised their petition asking for the removal of one section of the ecozone located in the northeast corner of Lake Tippecanoe.

Keller said the DNR review committee recommended preliminary adoption for the indefinite extension of the portions of the ecozone surrounding the Ball Wetland Area on Lake Tippecanoe and James Lake. The committee accepted removal of the residential area from the ecozone as the petition requests. The motor and speed restrictions would remain with the exception of the area being removed. He said the review committee also recommended the term “trolling motor” be clarified to mean electric motors only.

The Chair commented, “I know the Commission has heard this several times, including Mr. Ennes came from Valparaiso at our last meeting. His comments and others are well noted in the March minutes. Ennes did a great job at presenting that at the last meeting.”

Thomas Easterly reflected, “I still don’t understand this part we’re removing. Are there not plants there, or we don’t care about those plants? Was there, other than that people don’t want it, environmentally or ecologically was it not needed, or we just don’t want to have the dispute?”

Keller displayed a map of the area of the ecozone, including the area to be removed. “It helped tie us in to help keep a 500-foot buffer in the area so that when they come in to this channel, it helped identify when you’re going into that channel. These folks felt that they could not do the things around their shoreline because there are three or four homes over in this area. They want weed control. They want dredging. [The area to be removed] is not really wetland area. This is developed shoreline, and this is kind of high ground. Just the one corner is what they’re asking to remove from the ecozone.”

Jane Ann Stautz asked for an explanation of speed restrictions on motorboats entering the zone.

Keller responded there would be a buoy placed 200 feet from the perceived shoreline in the channel. The buoy would identify an idle-speed zone.

Phil French asked who performed the study concerning the vegetation within the channel.

Keller responded Aquatic Control performed the study as part of a Lake and River Enhancement grant.

Thomas Easterly moved to give preliminary adoption of amendment to 312 IAC 5-6-9 for special boating zones on Tippecanoe Lake and James Lake as petitioned and recommended by the DNR review committee. Donald Ruch seconded the motion. Upon a voice vote, the motion carried.

Information Item: Catfish Issues – Fee Lakes and overfishing

John Davis introduced this item. Davis informed there was a recent meeting with Greg Schwipps. “If the Commission will recall, there was a conversation in the summertime and then the action was instruction from the Commission for us to have, at our request, an ability to go back and talk to commercial fishermen, sport fishermen, and very importantly, other states, especially along the Ohio where this issue is big and we have shared jurisdiction. Greg came in to see us and we talked about a couple of the issues that are out there about catfish and we thought it would be a profitable thing for all if we ask Greg to come and share that with us. I think Bill James is meeting with the Ohio River states in Kentucky tomorrow. We still have some of the same issues to handle.”

Greg Schwipps, Vice President of the Indiana Catfish Conservation Association, presented this item. He said that he also teaches at Depauw University and stated that he was present as an individual representing concerned catfish anglers. “This issue of catfish conservation, along with the spread of Asian carp, has to be the single biggest issue that your committee, along with your new Director, Mr. Clark, is going to face on the fishery side of the coin in the coming years.”

Schwipps said he has been “cat-fishing his entire life” and still lives in Morgan County where he fishes the White and Ohio Rivers. He is also a writer for outdoor magazines. “In those magazines, I encourage readers to get out and go cat-fishing.” Writing the 2nd Edition of FISHING FOR DUMMIES several years ago, he again encouraged people “to get out and go cat-

fishing.” He said he believes “catfish are the single best sport fish in this country, and every day more and more anglers are agreeing with me.”

Schwipps said for ten years the Commission has tweaked rules “for bass and walleye; has monitored muskie at [Lake] Webster; built and celebrated the striper fishery at Raccoon [Lake], but has taken no action to protect catfish.” He cited the *2013 Indiana Fishing Guide* discussing David Ben Mullen’s Fish of the Year award”

[He] has been a frequent Fish of the Year winner and always with blue catfish. This year’s winner was the seventh for Mullen. It measured 48 inches and weighed about 55 pounds. That’s well short of the state record (105 pounds) but representative of the size he caught regularly on the Ohio River until recently. “I had been averaging about four or five fish over 50 pounds until the last two or three years,” said Mullen, whose fishing zone covers a five-mile stretch of the river near Harrison County. “Last year I caught a 45, and a couple 30s, a few 20s. That was a really, really bad year for me. We’ve got about a 50-member club and we noticed in our tournaments that the poundage was down, way down.”

Schwipps described more examples of a decline in the catfish fishery, stating that on the previous Saturday 41 experienced cat fishing teams fished the Ohio River, and the winning team had a winning rate of 60 pounds. He said five catfish should weigh close to 150 pounds.

Schwipps said he wrote to former Director Carter in February requesting reconsideration of a proposal to limit the taking of catfish to one blue over 35 inches, one flathead over 35 inches, and one channel over 28 inches per day by recreational and commercial fishermen. He said the 2009 proposal has “never been voted on.” Division of Fish and Wildlife concerns leading to the 2009 proposal were based on several factors believed to be placing increasing pressure on Indiana’s catfish resources:

- Increasing sport fishing interest in catfish, both for consumptive harvest and for a growing number of catfish catch-and-release tournaments.
- Increased commercial harvest above the long-term annual average, including the targeting of the largest catfish available for live sale to pay lakes.
- First-hand observations and anecdotal information from fishermen over a period of years that suggests the number and size of catfish appears to be declining, at least in some heavily-fished locations.
- Unquantified but expected negative impacts on catfish from growing abundance of Asian carp as well as impacts of other exotic invasive species such as zebra mussels.
- Periodic water quality issues, most notably from non-point source pollution affecting Indiana’s rivers.
- Knowledge that the current 10 inch minimum size limit does not protect catfish to reproductive size which is closer to 15 inches.

- Research findings that document catfish are more heavily exploited in the commercially-fished zones of the Wabash River.

He contended none of those concerns has been resolved, but the proposal was not voted on, and no alternative has been developed. “My patience is running out,” noting that “it takes at least two or three decades to replace one of these big fish.”

Schwipps showed short video clips from YouTube that were posted by pay lakes. These are videos posted to advertise the pay lake business. He said some YouTube clips show tagging of every fish over 70 pounds. “You pay to fish at a pay lake, and there is a large gambling atmosphere associated with many pay lakes. A person might put in extra money for a big fish pot associated with tagged fish.”

Schwipps provided three hand-outs and offered to answer any questions from the Commission.

Schwipps noted that Director Carter stated the 2009 proposal limitations were “extreme”, and Indiana believes its catfish regulations are in line with other states. Schwipps urged “Indiana is lagging behind every Midwest state with the exception of Kentucky,” and “even Kentucky is currently conducting a major catfish study,” which he believes will lead to rule changes. Ohio and Missouri allow one big catfish (over 35 inches for blues and flatheads per day) and prohibit commercial fishing. Many states in the Midwest have rules that are very similar to the 2009 proposal. Alabama prohibited the removal of live fish from the state after realizing commercial fishermen were “driving down, netting big fish and hauling them back to pay lakes.” A Kentucky state legislator proposed a bill, which was tabled, that would have prohibited live big fish from being taken out of state. “Other states have done something. Kentucky is doing something. Why is Indiana doing nothing?”

He continued, “We conducted angler surveys since 1977. Catfish are always extremely popular, and they have become increasingly popular especially sport fishing for trophy catfish. You as a state can promote trophy cat-fishing and creating a market that is just not there yet, because people will travel to this state to fish for these big fish. We’ve done it for other fish. We can do it for catfish. All we have to do is protect the resource, and the fish will grow. We have the fish. We just have to protect and give them half a chance.” He provided a handout listing what he believes to be the major problems and solutions for Indiana’s catfish population. Schwipps thanked Rob Carter for inviting him in for a meeting at the statehouse and John Davis for the opportunity to address the Commission.

R. T. Green asked, “So your proposal is the pay lakes are the ones that are taking these big fish?”

Schwipps replied, “I think that’s a big part of the problem, but I think really we need rules that protect the fish we have in the various waterways we have. Right now, our current regulations are one size fits all, and they’re very, very generous. We basically say you can take any size fish from any body of water, as many as you want, when it comes to catfish. That’s not it exactly, but it’s pretty close. We don’t do that with any other species of fish in this state.”

Green asked, “As far as commercial fishermen, how often do they take big fish, if they do?”

Schwipps replied, “Often. We have I think like 18 licensed commercial fishermen in the state of Indiana, but we can do more to limit commercial fishing in this state. They too work without season, without regulation. Part of what you’re seeing here is commercial fishing targeting catfish when they’re vulnerable. You’ve got catfish, for example, and seasonal winter holes where they’re in very deep holes congregated, and that’s when they’re targeted. They’re without season, without limit, without regulation.”

Chairman Poynter commented, “Greg, very passionate, very thorough. I appreciate all the background you provided. I know you’ll work with Deputy Director Davis, and we look forward to having you back.”

Matt Burlingame addressed the Commission. He said that he teaches at Manchester University and is a former DNR research biologist. He is “an avid catfish fisherman.” In 2011 when the catfish issue was brought before the Commission, “Director Carter stated that he thought that time was premature—that we need to look at this.” DNR has scientific data from studies on the Wabash River. In 2009, biologist Steve Dominar “produced a report focused more on flathead catfish and blue catfish that said the same thing. Where we’re not having commercial fishing, we’re not having these large fish and taken out of the rivers. They grow to bigger sizes. They think we have faster growth rate at age five, and the size structure is larger.” He said during the 2011 meeting, the Indiana Economic Development Commission performed a feasibility study on the proposed rules, and it concluded there was negligible impact on the commercial fishing industry. Although there was a negligible impact in the commercial fishing industry, “it could mean a huge boom to the recreational fishing industry for taking these big fish that are native species. They belong here, and they are a huge part of our ecosystem here in Indiana.”

The Chair thanked Greg Schwipps and Matt Burlingame for their presentations.

Thomas Easterly added, “I’m curious if DNR has a report or has those studies. We do electra-fishing. I’m sure you do electra-fishing, too.”

John Davis added, “Let me say again, we did that study. Yes, the economic development impact is what we did for the rule. We presented the rule, and we talked about it. We decided not to go forward. I don’t think exactly the way it has been described. I think what we decided was we needed more information from commercial fishermen, more information from sports fishermen, and we needed to coordinate with the other states. We have to coordinate with Kentucky on the Ohio. So we said we would go away and do that. Bill James is involved in those conversations tomorrow with the other states. I guess I consider Greg and Matt as also part of that process.”

Easterly asked, “Do our biologists have some feel for how much of this is because of over fishing or taking things to pay lakes versus something we have to deal with also with just the Asian carp coming up? I mean, is putting a rule in place likely to make any difference?”

Davis replied, “I think, absolutely, the answer is ‘yes’. Our biologists have an idea, as well as anybody can have an idea, of what a carp that displaces 90% of the biomass does to anything.” YouTube shows video of pay lake owners in Ohio verbally identifying fish as coming from Indiana. “I think there’s a bunch of evidence out there. I think that’s part of the bigger picture

that we were after when the Director said we weren't ready. I guess that's perception." Davis then asked Doug Keller if he had any comments.

Keller added "the juvenile Asian carp are not living in the waters where these big catfish live. These juveniles live in back water areas, very shallow sloughs off the channel. There will be some small enough fish out in the rivers that catfish will help curb a little bit in numbers, but I don't think the catfish is going to solve the Asian carp issue. We need those predators in those backwater areas, because backwater areas usually have poor enough water quality that it just guards bowfin, and some things that just really aren't the real effective predators."

Burlingame added, "I think our concern also is with the transportation of these fish from the Ohio River to watersheds all over Indiana, Kentucky and Ohio, and just want to end this where they're carrying invasive species across the watersheds."

Jane Ann Stautz asked if the Division of Fish and Wildlife planned to reexamine the database on the catfish studies and bring a rule proposal to the Commission.

Davis responded that the Division of Fish and Wildlife was "gathering more information and studies to bring back before the Commission."

NRC, DIVISION OF HEARINGS

Consideration of report of hearing officer, including findings and proposal to the Natural Resources Commission regarding the Petition for Rate Increase by Kent's Harbor; Administrative Cause No. 13-012P

Sandra Jensen, Hearing Officer, presented this item. She informed that both Item 9, the Petition for Rate Increase by Kent's Harbor, and Item 10, the Petition for Rate Increase by Lake Monroe Sailing Association, were petitions for rate increases at marinas and governed by Information Bulletin #20 (IB #20). IB #20 specifies the process, including the timelines and the method for considering marina operator's requests for rate increases. IB #20 requires the marina operators provide notice of the petition for increase to all of the marina's current slip holders. Slip holders are provided an opportunity to offer comments as well as to request a public hearing regarding the rate increases. She said all requirements set forth in IB #20 have been complied with for both Items 9 and 10. No comments were received from of the individual slip holders and that no person requested a public hearing associated with Items 9 or 10.

Jensen stated Kent's Harbor Marina was seeking a 2 to 3% rate increase depending on slip sizes. She, along with the Gary Miller of the Division of State Parks and Reservoirs, completed a review of comparable rates for Kent's Harbor Marina within a 400-mile radius pursuant to IB #20. The existing and proposed rates were outlined on the spreadsheet located in Exhibit B of the agenda packet. Jensen stated that she and Miller believe the proposed rates would be "well within reason" and recommended the approval of the petitioner's proposed rate increase.

Patrick Early moved to approve the hearing officer's report including findings and proposal to the Natural Resources Commission regarding the Petition for Rate Increase by Kent's Harbor. R.T. Green seconded the motion. Upon a voice vote, the motion carried.

Consideration of report of hearing officer, including findings and proposal to the Natural Resources Commission regarding the Petition for Rate Increase by Lake Monroe Sailing Association; Administrative Cause No. 13-207P

[See additional discussion in above agenda item.]

Jensen said Lake Monroe Sailing Association's petition related only to slips on its B-Dock. Approximately nine years ago, the A-Dock was replaced and a commensurate fee increase was imposed. The Lake Monroe Sailing Association received approval of a rate increase in 2012 from the Commission. Through an oversight, the Lake Monroe Sailing Association failed to include in the 2012 rate increase commensurate with the replacement of the B-Dock three years earlier. The present petition would increase only those slip fees associated with the new slips on the B-Dock to a rate identical what is charged on the new A-Dock.

Jensen said the slip rates for all of the Lake Monroe Sailing Association, along with the phase in of the new slip rates for B-Dock, were outlined in Exhibit B of agenda item #10. She recommended approval of the petition for a rate increase by Lake Monroe Sailing Association.

Patrick Early moved to approve the hearing officer's report including findings and proposal to the Natural Resources Commission regarding the Petition for Rate Increase by Lake Monroe Sailing Association. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

Consideration of report on rule processing, public hearing, and hearing officer analyses with recommendations regarding final adoption of 312 IAC 28 to help implement IC 14-18-1.5 relocating the State Land Office as a DNR division; LSA Document #12-555(F); Administrative Cause No 12-075K

Steve Lucas, Hearing Officer, presented this item. He said for consideration was final adoption of 312 IAC 28 to assist with implementation of IC 14-18-1.5, as enacted by P.L. 151-2012, to relocate the State Land Office from the Department of Administration to the Department of Natural Resources as a new Division. The function would be performed in concert with the Division of Land Acquisition. Proposed 12 IAC 28 would not impose regulatory requirements but was assist as reporting and communication functions. He presented 312 IAC 28 for consideration of final adoption.

Thomas Easterly moved to approve final adoption of 312 IAC 28 to help implement IC 14-18-1.5 which relocated the State Land Office from the Department of Administration to the Department of Natural Resources as a new division. Donald Ruch seconded the motion. Upon a voice vote, the motion carried.

Adjournment

The meeting was adjourned at approximately 11:15 a.m. EDT.

Next Scheduled Meeting:

July 16, 2013 (10:00 a.m., EDT (9:00 a.m., CDT)), Ballroom, The Garrison, Fort Harrison State Park, Indianapolis