

NATURAL RESOURCES COMMISSION
Minutes of September 24, 2002

MEMBERS PRESENT

Michael J. Kiley, Chair
John Goss, Secretary
Jane Anne Stautz
Jack Arnett
Jerry Miller
Raymond McCormick, II
Terry Coleman
Rick Cockrum

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Jennifer Kane

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Carrie Bales	Executive Office
John Davis	Executive Office
Paul Ehret	Executive Office
Carrie Doehrman	Executive Office
Mickey James	Executive Office
Glen Salmon	Fish and Wildlife
Catherine Smith	Fish and Wildlife
Brian Breidert	Fish and Wildlife
Dave Meuninck	Fish and Wildlife
Robert Waltz	Entomology and Plant Pathology
Jerry Pagac	Parks and Reservoirs
Jim Webb	Parks and Reservoirs
Tim Cordell	Parks and Reservoirs
John Bacone	Nature Preserves
Jenny Kintzele	Soil Conservation
Mark Richier	Law Enforcement

GUESTS

Mark Reshkin
Dale Enquist
Bruce Weldy
Jody Weldy

MONTHLY REPORTS

Michael J. Kiley, Chair, called to order the regular meeting of the Natural Resources Commission at 10:00 a.m., EST, on September 24, 2002, at the Marriott, 123 North St. Joseph Street, South Bend, Indiana. With the presence of eight members, the chair observed a quorum.

Jerry Miller moved to approve the minutes of August 20, 2002. Jack Arnett seconded the motion. Upon a voice vote, the motion carried.

John Goss provided the Director's Report. He said the Natural Resources Study Committee had a "good" week. It met for two days and subsequently endorsed a bill to spend up to \$5 million dollars for the automated hunting and fishing license system. "All the sporting groups are anxiously waiting for it to happen." Goss noted that 37 permit fees and other user fee increases were proposed to the Committee, to which the Committee endorsed 15 or 20. He said that \$2.5 to \$3 million will be added to the budget if all proposed increases "make it." Director Goss also said the Indiana Coal Council did not agree to legislation for fee increases regarding coal mining and reclamation, but indicated there might be some agreement during the session. "There is good atmosphere."

Goss reported Leaf Cam, a joint project between the Department of Commerce's Division of State Tourism and the Department of Natural Resources, is now available on-line and accessible on the DNR Website. He said that people are "encouraged" to access Leaf Cam to view foliage to help plan their Indiana fall trips. "This is a fun project."

Goss said that DNR is working with the Department of Environmental Management to review the regulations and jurisdiction over wetlands due to a recent U. S. Supreme Court decision. He said the decision "threw the whole wetlands law into a gray area."

Goss updated the Commission on DNR's involvement in the search for the missing Indiana University student Jill Behrman. He said DNR staff built two dams across Salt Creek and pumped the water out to facilitate the search; however, with the heavy rains, "the dams did not hold." There is "great team effort between the DNR, State Police, and the FBI. DNR staff is working hard."

Goss said, at the Lynnville mine, run-off from a "giant gob pile" was "pumped off-site without being treated." He said the Environmental Protection Agency was investigating the incident and the DNR is cooperating fully. "We made some mistakes on it, and hopefully it is going to be resolved very soon."

Rick Cockrum, Commission member, asked for clarification on the wetlands jurisdiction issue. Carrie Doehrmann, Chief Counsel for the Department of Natural Resources, explained that the federal lawsuit "removed a state's ability to regulate wetlands that are not adjacent to a navigable waterways. It removes the U.S. Army Corps of Engineers from the process." The Chair asked Stephen Lucas for his perspectives. Lucas responded the U.S. Supreme Court found that jurisdiction for the Clean Water Act was limited to wetlands with a nexus to navigable waters because the "commerce clause" did not apply to isolated wetlands. A wetland without a connection to navigable waters was not a water of the U.S., although it still could be a water of the state subject to Indiana jurisdiction. Chairman Kiley asked whether DNR would continue to have dual jurisdiction under 404 permits. Doehrmann answered the DNR continues to comment to IDEM regarding 404 permits.

Jerry Miller, Chairman of the Advisory Council for Lands and Cultural Resources, reported the Council had not met since the last Commission meeting.

John Davis, Deputy Director, reported that DNR received two notices from the federal government. “Good news!” A \$1.2 million grant from the Land and Water Conservation Fund (LWCF) was awarded to accomplish two habitat conservation plans at Prophetstown State Park. He explained that the grants will fund habitat restoration and protection for the least tern and the Indiana bat. “The work we propose illustrates our concern for the species.” Davis said DNR staff at Monroe Lake and from the Division of Law Enforcement have “played an important role” in the search for Jill Behrman.

Davis reported Saturday, September 28, is designated as “Environmental Good Turn Day.” He said that Boy Scout Troupes and many others are volunteering for clean up and maintenance at DNR properties. Davis said the DNR plans to sample 3,000 deer for chronic wasting disease during the fall hunting season. He explained that 1,000 deer will be tested for the disease, and if there are positive findings, an additional 2,000 deer will be tested. Davis said if there are no positive findings in the first 1,000, the remaining deer will be held in abeyance.

Paul Ehret, Deputy Director, reported for Ray McCormick, Chair of the Advisory Council for Water and Resource Regulation. Ehret said the Advisory Council had not met before the Commission meeting; however, in the near future, both advisory councils will meet together to discuss a possible merger.

Ehret announced that the Council of State Governments gave the Division of Water an innovation award for its restructuring. Ehret said the re-organization has “proven to be very, very productive.” There is “improved paper processing” and the backlog of permit applications has been cut. Ehret also announced that the Division of Reclamation received awards on a regional and national level for their Abandoned Mine Land Program. He said the reclamation at the Sunshine Mine in Bicknell was completed in May 2001 and garnered an award for the Mid Continental Region. “It really looks amazing.” The Office of Surface Mining gave another award for the active mine, Solar Sources “as the best reclaimed site in the country.”

Ehret stated that Governor O’Bannon proclaimed last week “Coast Week.” He noted that the dedication took place at the Indiana Dunes State Park Pavilion. Ehret also stated that Dr. Robert Waltz, State Entomologist, has spent “a lot of time” dealing with the West Nile Virus issue. Ehret noted that Dr. Waltz would update the Commission later this evening.

PERSONNEL ITEM

Permanent Appointment for the Assistant Property Manager at Kingsbury Fish and Wildlife Area

Jack Arnett, Commission Member, presented this item. He said interviews were conducted for the Assistant Property Manager at Kingsbury Fish and Wildlife Area. Arnett said there were “two good applicants” for the position; however, the Personnel Committee recommended Ronald Lorman. He noted Lorman was a 19-year employee at the property. “He has done everything at the property.” Kiley asked whether the other applicant was a DNR employee. Arnett said that the other applicant, Keith Wildeman, was a DNR employee. Kiley commented that even though candidates are not chosen for a position, “we should bring along our employees so that they can advance within DNR.”

Jerry Miller moved to approve Ronald Lorman for appointment as Assistant Property Manager of the Kingsbury Fish and Wildlife Area. Terry Coleman seconded the motion. Upon a voice vote, the motion carried.

DIVISION OF STATE PARKS AND RESERVOIRS

Consideration of a Correction to the Effective Date for Annual Horse Permits

Jerry Pagac, Director, Division of State Parks and Reservoirs, presented this item. Pagac explained that the effective date for the fee increase for the annual horse permit (trail fee) was listed incorrectly during a prior Commission meeting. He stated that the sales of the increased 2003 permit fee should have been “effective immediately.” Pagac recommended the Commission amend the effective date of the increased 2003 fee for annual horse permits as immediate.

Jane Anne Stautz moved to approve the 2003 permit fee increase for annual horse permits be effective immediately. Jack Arnett seconded the motion. Upon a voice vote, the motion carried.

Consideration of the Phase 1 Development of Prophetstown State Park and Departmental Transfer

Jerry Pagac, Director, Division of State Parks and Reservoirs, presented this item. Pagac reported \$6 million had been appropriated for the first phase development of Prophetstown State Park; however, the funds were “lost” due to the fiscal difficulties. He said that 1,600 acres have been purchased with “1,400 acres to go. We are looking at all possible sources to make this work.”

Pagac explained the park is bisected by State Road 225, and he said the Department of Transportation (INDOT) has agreed to build an overpass to connect the whole park. He also said INDOT would pay \$4.3 million to DNR for reimbursement of costs the Division of State Parks and Reservoirs incurs in land acquisition, pre-engineering, and bridge design. INDOT will also construct the park’s interior roads and the bicycle path. He noted the bicycle path construction is funded by a T-21 grant.

Pagac informed the Commission that the first trusses for the bridge have been placed, half of the campground and a portion of the trail have been constructed, along with the family picnicking area. He stated that the bond issue and the Tippecanoe County innkeeper’s tax would fund the construction of the infrastructure and utilities. Pagac stated that the innkeeper’s tax has been extended until 2014, and a portion of these funds will be used to pay off the bonds. Pagac said that if the project and the transfer are approved, the land would revert to the State after the bonds are paid off.

Kiley asked if the remaining houses within the state park boundaries have been acquired. Pagac stated that one house has been purchased, which is being used for the property manager’s residence; however, no other house has come available. Kiley asked if DNR had first option rights. Pagac said that DNR did not have first option, but the owners are aware of DNR’s interest. Kiley also asked if the park is being used presently. Pagac answered that the public would not be able to access the park until the facilities are constructed.

Goss said the park’s bicycle trail system parallels an existing road and will eventually connect to the Heritage Trail and to downtown Delphi, and he noted Delphi has established a trail system along the Wabash River. John Davis reported school children have been utilizing the Museum at Prophetstown, and DNR is using greenhouses on the property to grow prairie grass plugs. “This is a good use of our resources.”

Pagac said landscape within the park is being restored to its condition in the early 1800s—scattered woodlands and prairie. The aggregate operation within the park boundaries is mining faster than anticipated, and acquisition of that land may be accomplished sooner than expected.

Rick Cockrum asked for clarification regarding the proposed bond issue. Pagac explained that the Recreational Development Commission (RDC) will issue revenue bonds and the RDC will hold title to lands affected by the construction. He said the DNR will make payments from money it receives from the innkeeper's tax to the RDC, which in turn will pay off the bonds. He said the transaction would be similar to the building of the Government Center. Davis added that bonds have been issued before for other state properties.

Jack Arnett moved to approve the project for Phase 1 development at Prophetstown State Park and the Departmental Transfer of real estate to the Recreational Development Commission. Terry Coleman seconded the motion. Upon a voice vote, the motion carried.

DIVISION OF NATURE PRESERVES

Consideration of the Dedication of Chelsea Flatwoods Nature Preserve, Jefferson County

John Bacone, Director of the Division of Nature Preserves, presented this item. He described the proposed 305-acre Chelsea Flatwoods Nature Preserve as a "pretty remarkable tract of flatwoods, because it is the largest chunk existing." He noted that other flatwoods areas exist, but are only 20 to 30 acres in size.

Bacone said the Chelsea Flatwoods Nature Preserve was acquired, in part, from the Indiana Heritage Trust. He recommended dedication of the Chelsea Flatwoods as a state nature preserve.

Jerry Miller moved to approve dedication of the Chelsea Flatwoods Nature Preserve. Jane Anne Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of a Resolution Regarding the Chicago Wilderness Biodiversity Recovery Plan

John Bacone, Director of the Division of Nature Preserves, introduced Dale Enquist, Superintendent of the Indiana Dunes National Lakeshore. Enquist explained that the Chicago Wilderness Biodiversity Council (also known as Chicago Wilderness™) is "an alliance of more than 140 public and private organizations working together to protect, restore, study and manage the precious natural ecosystems of the Chicago Region (Illinois, Southeast Wisconsin, and Northwest Indiana) for the benefit of the public."

Enquist said there are 15 member organizations in Indiana, including the Indiana Department of Natural Resources, Indiana Dunes National Lakeshore, Northwest Indiana Planning Commission, Indiana University Northwest, Purdue University Calumet, Nisource (public utility), Northwest Indiana Forum Foundation, and Lake County and Portage Parks and Recreation Departments. Enquist provided to the Commission copies of the most recent Chicago Wilderness (CW) magazine and the Biodiversity Recovery Plan.

Enquist explained that the CW region includes nine counties in Illinois, two Wisconsin counties, and Lake, LaPorte, and Porter Counties in Indiana. He said the U.S. Forest Service, Environmental Protection Agency, and other members have endorsed the Biodiversity Plan. The "first step is to endorse the Plan, and the second step is to approve a resolution." He asked the Commission to "support the Biodiversity Recovery Plan."

Rick Cockrum, Commission Member, asked for clarification of the Biodiversity Recovery Plan. Enquist explained that the plan is a "ways and means cookbook, a how-to to expand cooperation and education. It is an overall policy document guide, not a managing document." Goss inquired of DNR's contribution. Bacone said

that DNR's Indiana Heritage database, which includes locations of rare plants and animals, is accessed to formulate plans to "connect the communities." Enquist commented, "It is a good land use database."

Mark Reshkin, Ph.D., exclaimed, "What a more opportune time. This dovetails beautifully with the Coastal Program. Marrying these programs brings a much broader spectrum of enhancing our natural resources. It breaches barriers between states. The Coastal Program succeeded primarily because the DNR stuck with it. We applaud Steve Lucas and other members. Chairman Kiley, your expertise and doggedness helped it succeed."

Jane Anne Stautz asked whether support of the Biodiversity Plan brought a financial obligation. Reshkin said endorsement of the Biodiversity Plan and the approval of the resolution would not necessitate a financial obligation. He said the Chicago Wilderness is a 501 (c)(3) nonprofit organization that receives \$1 ½ million annually from the U.S. Forest Service and the U.S. Fish and Wildlife Service, along with additional grants that are geographically restricted.

Enquist asked, "What makes sense for Indiana? We do not know yet." He said there is the possibility for DNR staff to volunteer. Enquist noted that there was no membership fee, but a "nominal" fee has been discussed. He asked the Commission to "support" the Biodiversity Recovery Plan and to approve a resolution endorsing the plan for Northwest Indiana.

Jane Anne Stautz moved to approve the RESOLUTION OF THE INDIANA NATURAL RESOURCES COMMISSION ENDORSING THE BIODIVERSITY RECOVERY PLAN FOR NORTHWEST INDIANA. Jerry Miller seconded the motion. Upon a voice vote, the motion carried.

NATURAL RESOURCES COMMISSION DIVISION OF HEARINGS

Consideration of Report of Public Hearing, Public Comment, DNR Responses, and Revised Recommendation for Final Adoption of amendments to 312 IAC 9-2-13 and 312 IAC 9-10-6 Governing Scientific Collector Permits; Administrative Cause Number 00-191D; LSA Document #02-68(F)

Stephen Lucas, Director of the Division of Hearings, presented this item for Hearing Officer Sylvia Wilcox. He said the Commission previously discussed the proposed rule amendments at its August 2002 meeting. The Commission deferred final action pursuant to citizen comments (Michael Lodato) regarding proposed language in 312 IAC 9-10-6(e). The Commission requested the Division of Fish and Wildlife meet with Lodato and the Hearing Officer to address Lodato's concerns. Additional language was drafted to accommodate Lodato's request that the rule should allow the Director discretion in reviewing qualifications necessary in issuing a scientific purposes permit.

Catherine Smith, Ph.D., stated, "Mr. Lodato is eminently qualified." The section in question was "discussed at length," and although she believed Lodato's concerns were adequately addressed in the original rule draft, the amendments would increase his comfort level and were appropriate. Smith said the scientific purposes permit is the "most powerful permit issued" by the Division of Fish and Wildlife. The permit "overrides endangered species regulations. By issuing this permit, we are stating that these persons are qualified." She said language was added that would allow a person not affiliated with an institution to be sponsored by the Department to conduct activities under the scientific purposes permit. "We did not want to get into peer review."

Kiley commented that the DNR was “using good judgment. It would have been a shame to lose a well-qualified person like Mr. Lodato.”

Jack Arnett moved to approve for final adoption of amendments to 312 IAC 9-2-13 and 312 IAC 9-10-6 governing scientific purposes permits, including the modifications made since the August meeting. Jane Anne Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of Report of Hearing Officer and Recommendation for Final Approval of Rule Recodification by Readoption of 312 IAC 18, Article Governing Entomology and Plant Pathology; Administrative Cause Number 02-082E; LSA Document #02-72(F)

Stephen Lucas, Director of the Division of Hearings, introduced this item along with the next two items on the agenda. He said these were the first efforts by the Division of Hearings to perform “recodification by readoption” since the Commission provided guidance on implementing the process during its April 2002 meeting. He said consistent with the guidance, the hearing officer conducted the hearings and other proceedings needed to keep the agency rules from being “sunsetting”. Generally, “recodification by readoption” would be performed on an “article” basis (312 IAC 3 being an example of an “article”), and each of the three items currently under consideration would include a full article. In addition, the texts of the rules were attached to the hearing officer reports so the Commission could offer insights or instructions on possible amendments. If there were any amendments, however, they would be considered in subsequent rule adoption proceedings. Lucas informed the Commission that “recodification by readoption” was now an ongoing statutory responsibility, and every year articles would be presented in the same fashion. He then deferred to Jennifer Kane, Hearing Officer, to describe the three rule articles for consideration.

Jennifer Kane noted that 312 IAC 18 (NRC Article 18) governs standards regarding entomology and plant pathology. She said the procedures for “recodification by readoption” prescribed by the Legislative Services Agency were followed. Kane said the “notice of intent” was published in the April INDIANA REGISTER, and a second notice along with notice of public hearing was published in the July INDIANA REGISTER. She said the notice of the August 1, 2002, public hearing was also published in the *Indianapolis Daily Star*.

Kane explained that the “recodification by readoption” process allows time for public comment. She said persons have an opportunity to request that a particular rule section or the rule in its entirety be withheld from the recodification by readoption process. If such a request were made, the section or the entire rule would then go through “regular” rule promulgation. Kane said the public hearing was held as scheduled and noted that no public comments were received.

Kane said that no amendments to existing language were proposed in the Article 18. She stated that the Director of the Division of Hearings gave preliminary approval of the “recodification by readoption” of 312 IAC 18, and as directed by this Commission at its April 2002 meeting, final action would rest with the Commission. Kane recommended that the Commission approve for recodification by readoption 312 IAC 18 in its entirety.

Jack Arnett moved to approve for final recodification by readoption of 312 IAC 18. Rick Cockrum seconded the motion. Upon a voice vote, the motion carried.

Consideration of Report of Hearing Officer and Recommendation for Final Approval of Rule Recodification by Readoption of 312 IAC 2, Article Governing Procedures and Delegations; Administrative Cause Number 02-029A; LSA Document #02-72(F)

Jennifer Kane, Hearing Officer, presented this item. She stated that 312 IAC 2, in its entirety was proposed for final recodification by readoption. Kane explained that 312 IAC 2 (NRC Article 12) governs standards regarding Commission procedures and delegations, and the administration of organized activities and tournaments on designated public waters.

Kane said that the procedure for “recodification by readoption” prescribed by the Legislative Services Agency was followed. Kane said the public hearing was held as scheduled on August 1, 2002, and no public comments were received. Kane said that no amendments to existing language were proposed in Article 2. She stated that the Director of the Division of Hearings gave preliminary approval of the “recodification by readoption” of 312 IAC 2, and as directed by this Commission at its April 2002 meeting, final action would rest with the Commission. Kane recommended that the Commission approve for recodification by readoption 312 IAC 2 in its entirety.

Jerry Miller moved to approve for final recodification by readoption of 312 IAC 2. Jack Arnett seconded the motion. Upon a voice vote, the motion carried.

Consideration of Report of Hearing Officer and Recommendation for Final Approval of Rule Recodification by Readoption of 312 IAC 3, Article adjudicatory proceedings; Administrative Cause Number 02-030E; LSA Document #02-72(F)

Jennifer Kane, Hearing Officer, presented this item. She explained that 312 IAC 3 contains standards governing adjudicatory proceedings, and is proposed, in its entirety, for recodification by readoption.

Kane said that the procedure for “recodification by readoption” prescribed by the Legislative Services Agency was followed. She said the public hearing was held as scheduled on August 1, 2002, and no public comments were received. Kane said that no amendments to existing language were proposed in the Article 3. She stated that the Director of the Division of Hearings gave preliminary approval of the “recodification by readoption” of 312 IAC 3, and as directed by this Commission at its April 2002 meeting, final action rests with this Commission. Kane recommended that the Commission approve for recodification by readoption 312 IAC 3 in its entirety.

Jack Arnett moved to approve for final recodification by readoption of 312 IAC 3. Jane Anne Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration for Preliminary Adoption of Rule Amendments to 312 IAC 18-3-8 that Governs Standards for the Control of Black Stem Rust; Administrative Cause Number 00-186E; LSA Document #02-202

Jennifer Kane, Hearing Officer, presented this item. She said the proposed rule amends 312 IAC 18-3-8 that governs the control of black stem rust. Kane explained the amendments would add new varieties to the list of rust resistant plants that may be legally sold in Indiana and other protected areas of the country. Kane also noted that several amendments are proposed to correct clerical errors.

Kane stated that black stem rust is one of the most destructive plant diseases of small grains. She said that, as depicted in Exhibit B of the Commission's packet, this fungal disease has affected America's "bread basket." Kane noted the proposed rule amendments parallel the federal regulation designating those varieties that have been determined to be rust resistant by the United States Department of Agriculture. She said the Department of Natural Resources, Division of Entomology and Plant Pathology, administers this rule. Kane recommended the Commission give preliminary adoption to the proposed rule amendments in 312 IAC 18-3-8.

Jane Anne Stautz moved to approve for preliminary adoption proposed rule amendments within 312 IAC 18-3-8. Jack Arnett seconded the motion. Upon a voice vote, the motion carried.

Consideration for Preliminary Adoption of Rule Amendments to 312 IAC 18-3-12 that Governs Standards for Control of Larger Pine Shoot Beetle by Adding Counties to the Quarantine Area; Administrative Cause Number 02-094E; LSA Document #02-201

Jennifer Kane, Hearing Officer, presented this item. She said the proposed rule amends 312 IAC 18-3-12 that governs the standards of control of larger pine shoot beetle. Kane said that Bartholomew, Franklin, Monroe, Morgan, and Putnam Counties were declared to be generally infested with the larger pine shoot beetle and are proposed to be added to those counties subject to quarantine.

Kane said that as a result of a county being included in the quarantined area, the interstate and intrastate movement of regulated articles listed in the rule will be restricted to prevent the artificial spread of the larger pine shoot beetle to noninfested areas or states. She noted the proposed rule amendments would make permanent an emergency rule that is currently in place.

Kane said that in the absence of county-specific quarantine, the Federal Government through APHIS is empowered to establish the entirety of Indiana as a quarantine area. She noted APHIS currently lists the counties referenced in the proposed rule as quarantined, and she recommended the Commission give preliminary adoption the proposed amendments within 312 IAC 18-3-12.

Jerry Miller moved to approve for preliminary adoption rule amendments to 312 IAC 18-3-12 that would add Bartholomew, Franklin, Monroe, Morgan, and Putnam Counties to the larger pine shoot beetle quarantine area. Jane Anne Stautz seconded the motion. Upon a voice vote, the motion carried.

OTHER MATTERS

Informational Item: Coastal Zone Management Program

Jenny Kintzele of the Division of Soil Conservation presented this item. She said the Department of Natural Resources was "pleased" to announce that Indiana has "officially" become the 34th state to join the 30-year old Federal Coastal Zone Management Program. She said the National Oceanic and Atmospheric Administration published its approval of Indiana's program on August 12, 2002, in the FEDERAL REGISTER.

Kintzele said the goals of Indiana's program are to "protect, restore, and responsibly develop Indiana's coastal resources by supporting partnerships between federal, state, and local agencies and organizations." She said Indiana would receive \$1.2 million dollars annually to fund the Coastal Zone Program. Kintzele explained that the federal dollars would fund projects within the coastal zone, which is the Lake Michigan watershed.

Kintzele said projects eligible for the federal dollars would address several coastal issues, such as:

- Protection and restoration of significant natural and cultural resources.
- Programs to prevent loss of life and property in coastal hazard areas.
- Improved public access.
- Revitalized urban waterfronts and ports.
- Improved coordination among government agencies in policy and decision making processes.
- Pollution prevention initiatives, including nonpoint source pollution into coastal waters.

Kintzele also announced that the Governor proclaimed September 14th through 21st Coast Week on behalf of Indiana's acceptance into the federal program. She said the Coastal Week began with a shoreline dynamics discussion. Through the week there were prairie seed collections, hikes at Coffee Creek Preserve, the week ended with the International Coastal Clean Up.

Goss stated that becoming a part of the Coastal Zone Program, has "opened a lot of doors for federal funding. We have been behind, but we are going to catch up."

Informational Item: Lake Michigan Fisheries

Brian Breidert, Lake Michigan Biologist, said the Lake Michigan fishery has had a "successful year. It is the best since the last 15 years." He said the fishery has responded "well" to the reduced stocking level, which began four years ago. Breidert stated that there has been increased survival of those fish stocked four years ago.

Breidert noted that Lake Michigan is a complex environment. He said the introduction of exotic species such as zebra mussel, round goby, and alewife, as well as trout and salmon, has impacted Lake Michigan and its indigenous species. He explained that trout and salmon have helped control the alewife populations, but currently those populations are high. An increased alewife population is "not good" for the yellow perch, because the alewife feed on the yellow perch fingerlings.

Breidert said Lake Michigan's yellow perch issue is basin-wide. All four Lake Michigan states are "collaboratively working" to resolve the "depressed perch population." Breidert said Ball State University has the "largest" 30-year database on yellow perch. Wisconsin, Michigan, Illinois, and Indiana are starting to see two inch perch near shore feeding on the zooplankton. Breidert said that fisherman have caught yellow perch that have two inch perch in their stomachs, showing that the yellow perch are surviving to that age. Breidert stated, "I would like to say the yellow perch are on their way up, but it has not recovered. I believe we are on the way to recovery."

Kiley asked when Indiana commercial licenses were suspended. Breidert stated that the commercial licenses were suspended in 1996. He explained that the sport catch has increased in the past years from 30,000 pounds, to 37,000 pounds, and most recently to 140,000 pounds with an average fish size of 9.3 inches. "It is hopeful to see another strong year class."

Informational Item: Potato Creek State Park

Jim Webb, Potato Creek State Park Property Manager, said Potato Creek State Park is celebrating its Silver Anniversary this year. He said the park was opened in 1977, and the celebration is a "great opportunity to showcase" the 3,840-acre or 6-square miles state park. He noted Worster Lake is the "centerpiece" of the park. Webb said some natural areas were in existence when the park opened; however, most of the acreage was under

tillage and drastically altered from its natural state. A cemetery is located within the park in which are buried some of the “first free black American settlers” who lived in the area.

Webb said in the early 1990s a “proactive” resource program was initiated at the park. He explained that the program continues to restore natural areas to conditions found at the park before settlement. Potato Creek State Park offers family cabins, a variety of campsites and a Nature Center that offers public programming, bird viewing, a live animal exhibit, and the children’s activity loft.

Tim Cordell, Potato Creek State Park Naturalist, said Potato Creek State Park has been “proactive” and “out in front” regarding restoration and maintenance of the natural areas within the park since 1995. He explained a portion of the Grand Kankakee Marsh was located in the area that was to become the park. Input from the U. S. Fish and Wildlife Service, and several DNR divisions, put together a Natural Resource Management Plan that “resumes the natural restoration process,” such as prescribed prairie burns and restoring the natural area drainage to create wetlands. He explained that corporate mitigation and grants have funded some of the restoration.

Pagac commended Tim Cordell. He said Cordell “is the leader in proactive resource management.”

Pagac stated that approximately \$11 million was appropriated in last budget cycle to begin construction on the Potato Creek State Park Inn; however, with the budget shortfalls, the funds were de-appropriated. Pagac said that property management staff met with an “excellent” consultant from The Troyer Group to discuss the inn’s design. “He listened to what we had to say. We took all the elements that work at other properties and incorporated them into this design.”

Pagac noted that Northern Indiana only has one state lodge, and it is feasible to locate another lodge either at the Indiana Dunes State Park or Potato Creek State Park. “22 million people reside within 150 miles of the proposed project.” Pagac stated that the proposed design accounts for the natural features that exist at the proposed site. “We wanted to create a building that looks like it was born there.” He emphasized that the project also “takes advantage of the area that was disturbed in constructing Worster Lake.”

Pagac added that the lake view is another design element. He said the lodge incorporates massive timbers and stone features, conference facilities, 100 rooms and suites, dining room, outdoor café, and an outdoor fireplace. Pagac presented the proposed designs to the Commission. Goss commented, “This is the flagship project—something that we would like to talk about in the next few years. If we can’t think big enough to put a lodge in a truly unique park, then we will not be able to do anything.”

Informational Item: West Nile Virus

Robert Waltz, Ph.D., State Entomologist, stated that 104 cases of West Nile Virus have been diagnosed in Indiana, with three human fatalities suspect. Indiana has an equine population of approximately 319,000, and 359 of those have been diagnosed with West Nile virus. “Diagnosis takes time and money,” and there are almost certainly many yet undiagnosed cases.

Waltz said mosquitoes are the vectors of the West Nile virus. The mosquitoes live in the tree canopy and feed primarily on birds, which has caused a “rapid buildup of the virus.” He noted that a dog with a weakened immune system that had been “severely compromised” by the virus was a fatality. Any mammal with a “compromised immune system is at risk.” The raptor population (hawks, owls) is reportedly being “killed out” in some areas.

Waltz noted that on the “human side,” there are efforts to educate the populace about the pathogen. There are recommendations of using bug repellent products that contain DEET (diethyl toluamide) and monitoring evening outdoor activities. He said the virus is being managed in animals by administering vaccinations. Waltz said preventative measures could also be taken by treating watering troughs and removing old tires, buckets, and other articles where the mosquito larvae flourish. EPA-approved pesticides (such as methoprene) could be added to drinking water for horses and other standing water. He explained that methoprene prevents the mosquito larvae from maturing.

Kiley noted that it appeared that those counties with a high Amish population, such as Daviess and Elkhart Counties, also had a higher number of confirmed cases of West Nile virus. Waltz agreed, and he explained that there is often a cultural “reluctance in the Amish community” to administer equine vaccinations. He further explained that the Amish communities are mainly located in rural areas, which may contribute to the higher infection rates. McCormick asked whether the growing eagle population in Indiana was at risk. Waltz said that the eagle population would be adversely affected.

Kiley inquired about the precautions and preventative measures DNR was taking in regards to staff and its properties. Davis said the landholding divisions have been searching for water sources that might provide breeding grounds for mosquitoes. He said Dr. Waltz has been providing expert guidance in treatment at the properties. Davis also noted the DNR has issued warnings to dove hunters. Waltz explained it was discovered that “doves have been fighting off the disease”; and because of this ability, dove hunters have been cautioned in dealing with the blood products.

ADJOURNMENT

At 8:32 p.m., EST, the meeting adjourned.

TOUR FOLLOWING DAY (September 25, 2002)

The Natural Resources Commission toured the Football Hall of Fame located in South Bend and several Department of Natural Resources facilities. Commission members viewed the fish ladder constructed on the St. Joseph River in South Bend. Members observed DNR fisheries staff gathering several salmonid species, such as Chinook, steelhead, and Coho. The fisheries biologists collected steelhead salmon for the Richard Clay Bodine State Fish Hatchery, and sent the other fish “up-stream.”

Commission members, DNR employees, and Indiana State Representative Richard Mangus toured Potato Creek State Park. The Commission members toured a family cabin, viewed restored wetlands and prairie, and several species of wildlife. There was also a tour of the Kingsbury Fish and Wildlife Area and the newly renovated shooting range.

FUTURE MEETINGS

December 2002—No meeting.

January 21, 2003 —The Garrison, Fort Benjamin Harrison, Indianapolis, Indiana