

Members

Rep. Markt Lytle, Chair  
Rep. Dale Sturtz  
Rep. Richard Mangus  
Rep. Phyllis Pond  
Sen. Greg Server  
Sen. Harold Wheeler  
Sen. Allie Craycraft  
Sen. James Lewis



LSA Staff:

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Committee  
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Authority: IC 2-5-5

## NATURAL RESOURCES STUDY COMMITTEE

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### MEETING MINUTES<sup>1</sup>

**Meeting Dates:** August 17 and 18, 1999  
**Meeting Time:** 1:00 p.m. and 9:00 a.m.  
**Meeting Place:** Brown County State Park, Abe Martin Lodge  
**Meeting City:** Nashville, Indiana  
**Meeting Number:** 2

**Members Present:** Rep. Markt Lytle, Chair; Rep. Dale Sturtz; Rep. Richard Mangus;  
Rep. Phyllis Pond; Sen. Allie Craycraft; Sen. James Lewis.

**Members Absent:** Sen. Greg Server; Sen. Harold Wheeler.

**Call to Order and Scheduling of Next Meeting Dates.** After the introduction of the committee members and representatives of the Department of Natural Resources, Rep. Markt Lytle, Chair of the Committee, asked the Committee for their input on scheduling upcoming committee dates and locations. The Committee decided on the following:

September 1 and 2 at Pokagon State Park;  
October 13 and 14, Michigan City; and  
October 27 and 28 at a location to be announced.

The Committee may meet an additional time if the committee budget allows.

**Preservation of Cemeteries.** Rep. Lytle introduced Larry Macklin, Director, DNR, who provided the following comments pertaining to the preservation of cemeteries. The DNR continues to be concerned about the preservation and conservation of Indiana cemeteries. Not only do these areas represent the final, sacred resting places for generations of Hoosier families and loved ones, but they also serve as historic gateways to the past. As the steward of Indiana's natural and cultural legacies, the DNR believes cemeteries warrant special consideration and protection.

With the passage of House Enrolled Act 1522 in 1999, the Indiana General Assembly recognized the threat to native cemeteries by affording new safeguards to grave sites previously unprotected under state law. The legislation closed loopholes that allowed violators to remove gravestones and damage burial sites, and tightened administrative procedures regulating excavation in a burial ground.

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<sup>1</sup>Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

The DNR would like to devise additional means of protecting cemeteries by requiring that any disinterment, removal, and re-interment in a Hoosier cemetery be conducted with the oversight of trained professionals, in a respectful and orderly manner. The DNR would like to see the law on cemeteries clarified as well as located in one section of the code. The Department looks forward to working with the Committee and appreciates the consideration already given to this issue.

**Dr. Rick Jones, State Archeologist**, DNR, indicated that cemeteries and burials document Indiana history and are worthy of protection not only out respect for people buried there but also for what they tell about our culture, values, and history. The DNR serves as a steward of Indiana natural and cultural resources and as such supports efforts to protect Indiana cemeteries.

Mr. Jones outlined the following recommendations: (1) A number of laws relate to the interment of human remains, and efforts should be made to organize and coordinate these various laws so that they are more easily accessible and understandable to both the public and professionals. (2) A centralized cemetery data base is also necessary to protect these resources. The cemetery database could be easily created as part of the current archeological and historic structures database maintained by DNR. In order to save the cemeteries, they must first know where they are. (3) The DNR believes that a set of standardized procedures should govern orderly and respectful disinterment, removal, and re-interment of human remains. The procedures should be conducted with the oversight of trained professionals.

The DNR is authorized by law to stop construction if graves or human remains are accidentally discovered during the construction. Interested parties, however, may obtain a court order that allows them to remove the graves. The DNR has jurisdiction over human remains buried on or before 1940, which includes burial grounds of Native Americans interred prior to 1940. Cemeteries established after 1940 are governed by the Indiana General Cemetery Act. The DNR does not have jurisdiction over cemeteries currently in use or established cemeteries. Township trustees are responsible for maintenance of cemeteries on public land for which they are responsible. Federal properties are governed by federal law.

If human remains are reported to the DNR, the DNR first contacts the coroner so that the coroner can determine if there has been a crime. If an individual discovers remains, the individual should contact the DNR. Failure to do so is a violation of state law.

The DNR distributes literature on how to preserve and maintain cemeteries. Regional and national groups also provide training on cemetery preservation. There are federal guidelines as well.

Rep. Lytle requested a list of groups that advise people on the repairing and restoration of cemeteries. He indicated that the committee needs to examine the oversight process for removal and re-interment.

Stephen Sellers, Director of Public Information, DNR, stated that a person or an organization can get a permit or a court order to disinter and re-inter grave sites. There is no process that supervises the disinterment or re-interment. Limited controls provide some oversight by family members. Notification is required. However, if an individual or organization wants to remove a cemetery, it is pretty easy to do. There is no process by law to ensure that the grave sites are re-interred in an orderly manner that is respectful of the individuals that have been interred or their family members. He noted one instance where graves were excavated with a back hoe. Three grave sites were there; however, the individuals doing the excavation were not trained and did not find any human remains. If professionals had been involved, chances are that the remains would have been found.

Two state agencies have jurisdiction: the DNR has jurisdiction on grave sites prior to 1940 and the Indiana Department of Health regardless of the age of the grave site. He wondered if there should be a centralized function by which a person or organization could apply for a permit in order to re-inter or disinter.

He also raised the issue of what is a cemetery? Does a cemetery consist of an individual in an unmarked grave site that no one knows about? The definition of a cemetery may affect what legislation is needed.

Rep. Lytle inquired as to what professional involvement entailed. Mr. Sellers suggested that perhaps a funeral director would qualify as a professional. He noted that in the case which he spoke about earlier, an archaeologist from the state went out to investigate and found some human remains. A professional would be someone skilled in process such as a funeral director. Mr. Sellers stressed that if persons disinter human remains, an oversight authority should insure that they re-inter the remains.

Matt Hopper, Legislative Liaison, Indiana Department of Health (IDOH), described the IDOH's role. Six provisions in the Indiana General Cemetery Act reference the IDOH. The disinter and re-inter provisions, found in IC 23-14-57-1, outline the application and permit process for a disinterment of human remains. Basically if a cemetery is located on a piece of property owned by a landowner, if the landowner wants to move the grave sites, the landowner must go to the IDOH and apply for disinterment permit. In order to obtain approval from the IDOH, the applicant must meet the following criteria. The applicant must have consent from the cemetery owner or representative, a written consent from the spouse of the deceased or the parent of a deceased minor child, or a court order.

Once the IDOH issues the permit, the IDOH is finished with the process. Nothing in statute requires the agency to see that the remains are re-interred or re-interred in the proper manner. No professional oversight is required. It is basically upon word and honor of permit holder that the re-interment will take place. The cemetery in which the applicant plans to re-inter receives a copy of the permit. Cemeteries have been moved without the DNR knowing about it.

Approximately 160 re-inter permits are issued annually. Only 1% involve cemetery remain removals. Ninety-nine percent involve an individual who has moved on to another state and wishes to have a minor child or spouse who has passed away several years ago to be moved to a family plot. If there is no living relative, the individual obtains a court order.

Without an inventory of all cemeteries, a cemetery could be moved without anyone ever knowing about it. Federal law requires that a funeral director must be present. State law does not. The IDOH became involved due to the health risks, such as the spread of small pox, that might be involved with the opening of graves. Other than the health risk, the IDOH has no interest. In the past, there was a health department in every county that could oversee grave openings.

**Keith Norwalk, President of Crown Hill Cemetery** and member of the Board of Indiana Cemetery and Funeral Alliance and the Indiana Cemetery and Funeral Services, expressed the following. Today individuals purchase a burial right and not a deed to the property. The family purchases the burial monument and are responsible for it.

Crown Hill is the third largest cemetery in the country. Crown Hill consists of 550 acres of which 200 are not developed. It is a not-for-profit, non-sectarian cemetery. Crown Hill contains a pioneer cemetery with over 1,160 burials. Today a cemetery must endow funds to provide for perpetual care. Crown Hill, with over 190,000 burials, has a care fund in excess of \$14 million. They can provide the assurance that graves will be taken care of and maintained. Crown Hill

also houses the administrative offices of the Marion County Genealogical Society. They have archival resources and will be able to maintain the histories of those buried for the next several hundred years. He suggested that the State Board play a role in the oversight process. He doesn't think that an independent funeral director or independent cemetery administrator would give the assurances necessary.

Rep. Lytle indicated that the committee may want to investigate how local communities can maintain markers and what types of support they can receive.

**John Molitor, Historic Landmarks**, offered the following suggestions.

*Disclosure.* Sellers need to disclose where human remains are buried. Disclosure documents should be recorded when the property is transferred.

*Respectful Development.* Only next of kin may remove buried bodies. A buffer area of at least 100 feet should be established surrounding grave sites. If development is conducted, the development plan must be submitted to the DNR for approval. Currently, DNR approval is required for development within 500 feet of archeological sites. Accidental disturbances of grave sites would trigger a plan review, similar to existing law.

*Cataloging.* A public-private partnership within each county, consisting of cemetery owners or township trustees, historical societies, and local officials, should establish a catalog of all cemeteries. The State Legislature should set a goal of having a survey, plat, and record of all cemeteries by 2003.

*Right to Record.* DNR would not be responsible to record, but would be responsible for maintaining a central registry to certify that the information has some accuracy or correctness. Whoever puts together the information would have the right to go the county recorder office to record the site.

**Marsh Davis, Community Services Director for Historic Landmarks Foundation of Indiana**, provided the following information on the Historic Sites and Structures Inventory. The inventory was mandated by the National Historic Preservation Act of 1966 and carried out by the states. Since 1977, Historic Landmarks has participated in the program. The state receives a grant from the federal government. The state through historic preservation grants makes funds available to local communities and organizations to carry out various types of projects, one of which has been the inventory process. The public and private partnership has resulted in a great success. The Historic Landmarks Foundation has matched the funds made available through the DNR and developed a network of contacts throughout the state that could assist in a similar program to document cemeteries. The partnership would involve local preservation societies. There is a great interest in conducting a cemetery inventory. The location of cemeteries must be known before they can be protected. He envisions a comprehensive list of all cemeteries with a database housed at DNR. By the next meeting, he would like to offer a time line, staffing, potential costs, and survey methodology for the project. He noted that some counties have cemetery boards that are trying to document the listing of cemeteries. Some counties have information and some do not. Rep Lytle indicated that he would appreciate having Mr. Davis' ideas at the next meeting.

**Mary Jane Baldwin, from Bloomington, Monroe County**, expressed her concerns about a cemetery located in Bean Blossom Township in Monroe County. She had expressed her concern at a committee meeting held during the last legislative session about a company that was planning to mine near the cemetery. At that time, the DNR asked for the name of the cemetery and the company that planned to mine near the cemetery. According to Ms. Baldwin, the DNR was to investigate the intentions of the mining company. The company is now core

drilling within 30 feet of the cemetery. However, Ms. Baldwin has not yet heard from the DNR about its investigation.

She is a member of the Indiana Pioneer Restoration Project. She noted that this cemetery and the mining taking place near it was an example of how state history is being lost. John McHenry, for whom the cemetery was named, was born at Fort Vincennes in 1814. He was born in the era of William Henry Harrison and his father fought in the Battle of Tippecanoe. His father was one of the first settlers.

Rep. Lytle asked if the DNR could follow up on Ms. Baldwin's request. Carrie Bales and Mr. Sellers indicated that they would follow up on Ms. Baldwin's request.

**David Foster, from Bloomington**, expressed his concerns about cemetery preservation. He also indicated that he was pleased with the committee work on this issue. He is involved with a group trying to locate 300 cemeteries in Monroe County. He noted that three weeks ago, he found a cemetery that had not been visited since 1939. A property owner called about the cemetery. A building contractor wanted to fix and restore the cemetery. Most of the grave stones were intact. On the other hand, that same afternoon he heard of another cemetery. In the 1950s someone had bulldozed the cemetery and hauled off the remains. He is concerned about cemeteries on private property and how they can be kept from being destroyed.

Mr. Hopper of the IDOH indicated that he would let the committee know if the death certificate identifies the cemetery in which the deceased is buried and if it would be an easy process to check the death certificate in order to identify and find cemeteries.

Travis Whorl, Association of Indiana Counties, and Leslie Goss, with the Recorders' Association, indicated that if the re-interment is recorded after the remains have been moved, the IDOH should be notified so that the IDOH can correct the death certificate.

**Wanda Aldred, of the Martin County Genealogical Society**, noted that most genealogical societies have a census of known cemeteries.

Rep. Lytle asked staff to put together a list of study topics that were brought up pertaining to the preservation of cemeteries, so that the committee could address the issues at the next meeting.

**State Forest Inventory Program.** Burney Fischer, State Forester, noted that the Indiana Hardwood Lumberman's Association asked that the State Forest Inventory Program be placed on the agenda. Periodically, the forests of Indiana are inventoried. The DNR has worked in partnership with the U.S. Forest Service since 1950 on inventories. The inventory is an ongoing process in Indiana. However, the federal law has changed and Indiana will need to respond. Mr. Fischer introduced Dr. John Moser from Purdue University to explain the changes.

**Dr. John Moser, Purdue University**, former President of the Society of American Foresters, reported the following. The Forest Inventory Program started with the Organic Act in 1897 when Congress acknowledged a need to know about the condition, extent, and uses of the nation's natural resources. The purpose was to put into place an inventory that could be periodically monitored. The program came to Indiana initially in 1950. The inventory process involves establishing a series of grids that are placed across the nation. Samples are then taken that can involve many different layers. Crews go out and collect information from samples identified on the grid. One sample plot can represent different acreage, depending upon the location. Not only trees are inventoried, but also surrounding vegetation in order to gain information about biodiversity. The data then becomes part of a national inventory which is registered with the National Archives. The inventory information maintains the same importance as national weather information. The Forest Inventory Program enjoys universal endorsement by all

constituencies. The data can be used by state law makers to set policy and law, by state foresters as a management tool, by private industry, by other governments, and for private research. Environmental agencies and the media also use the data.

The Inventory helps to determine if more trees are cut than are growing. The inventory sheds light on wildlife habitat that may be harmed as well as species that live in the habitat. The first inventory was conducted in 1950. The next inventory was in 1967--seventeen years later. The next inventory was in 1986, or 19 years later. The next inventory was in 1997, 11 years after the previous inventory. The major problem with the program is that there is not enough funding to maintain a five-year inventory cycle, as is desired. Clearly businesses would take inventories more frequently.

The framework of the current program was put into place through the 1998 Farm Bill. A provision of this bill provides for an annualized inventory system. Each year one-fifth of resources should be re-inventoried. The next year another fifth, so that within a five-year period, 100% of the resource would be inventoried. Each year satellite images are available, so that each year new and improved information about the resource is available.

The program was successful in obtaining additional revenue on a national basis; however, how the Forest Services use the money has changed. The intent was to use federal money to leverage state funding. The federal government will focus more attention on states that make a financial commitment. Several states have already made a commitment. For Indiana to be a part of the program, Indiana needs to increase its appropriation for the new program.

The new program started in 1999. Indiana was selected to be one of the first states to participate. Indiana is in a unique spot because it has a respected state forester. Members of Congress from Indiana also helped support participation. Purdue University also has a reputation of being a specialist in forest inventories. Many other states will not be phased in until 2003. Dr. Moser noted that no money was put in for the program for the last biennium.

**Gary Cargile, International Paper Company**, representing the Indiana Hardwood Lumbermen's Association, a professional forester and private landowner, shared the following. Nationally, Indiana ranks first in production of wood office furniture and in the top five in many other hardwood industries. Many businesses are small, family-owned businesses. To remain competitive, companies need to know if the resource will support their products. Landowners know the importance of accurate and current information. The information allows managers to know where to invest time and resources. In Indiana 85% of the forests are privately owned. Information pertaining to the condition and extent of the forests are important in establishing environmental policy, health policy, to determine the vitality of air and water resources, and to make the best decisions on many fronts. He urged the committee to take an active roll in supporting the program. He noted that hardwoods regenerate and do not need to be replaced by seedlings. Seedlings are needed only for land conversion if the land is not allowed to convert naturally.

Mr. Fischer noted that Farm Bill changed the inventory to an annual program. However, the federal program changed too late for the state to make the necessary changes during the last session. He has talked with the Forest Service and indicated that Indiana wants to start the program. Currently, two staff members from the U.S. Forest Service are measuring the first plots. Each plot represents 6,000 acres. This sampling does not allow the state to make regional estimates, but does allow estimates for the state as a whole. The federal crew is housed in a state forest and provided with office supplies, but two more staff will be needed. He noted that it was more cost efficient for the state to contract with the Forest Services to hire and train the necessary staff which ensures national standards and monitoring. The DNR will need for \$350,000 for the biennium to pay for the program: \$200,000 for the first year and \$150,000

annually thereafter.

**Pat McGuffey, IHLA**, encouraged the committee to assist in getting the funding.

**Tim Maloney, Hoosier Environmental Council**, also expressed his support of efforts to obtain the necessary funding, noting the importance of an accurate and timely inventory.

**Bill Hayden, Sierra Club and Izaak Walton League**, also supported funding for the program.

**Tree Seedling Program.** Director Macklin announced that \$1.8 million was approved for the tree seedling program. The DNR hopes to increase the annual production of 4.5 million seedlings to 6 million seedlings. The DNR would be happy to report on the program at an upcoming meeting.

**Fossil Removal from DNR Property.** John Bacone, DNR Division of Nature Preserves, noted that in general, it is the policy of the DNR not to permit the removal of nonrenewable resources from DNR properties. In recent years many plants have been removed from DNR properties for commercial purposes. Grape vines, for example, are collected in order to produce wreaths. Ferns and ginseng have also been removed. The collection of certain species depletes the land of the resources. Fossils are not a renewable resource and should not be removed from DNR property. The DNR has issued permits that allow a minimal amount of fossils to be removed for research purposes by university personnel who are properly identified.

**George Aldred, President of the Indiana Society of Paleontology**, expressed his concern about the DNR policy because it prohibits him and other amateurs from collecting fossils. The fossils are generally shared with educational institutions and museums. He noted that fossils need to be collected because they will deteriorate if they are left out in the elements. His association would like to be able to obtain a permit that would allow them to collect fossils.

**Margaret Cars, Secretary of the Indiana Association of Paleontology**, expressed a similar concern. Ms. Cars is the editor and publisher of a publication on fossils that has over 800 subscribers worldwide.

**Wanda Aldred** also expressed a similar concern.

**Jack Costello, Deputy Director, DNR**, indicated that the DNR may wish to review its policy to see if professionals such as members of the association should be able to obtain a permit to remove fossils under certain conditions if there is a scientific need. He indicated, however, that the DNR did not want to turn amateurs loose on the property. However, if the association were able to put together a project that could be monitored, the DNR might be able to issue permits.

**Endangered Species.** Mr. Hayden provided the following information. Indiana's Fish and Wildlife Program came into existence as a result of Aldo Leopold's game survey research during the 1920's. The federal Pittman Robertson Act put a tax on guns and ammunition, and this revenue is shared with the states to fund hunting programs. Later the Dingell Johnson Act was passed to provide the same type of funding for game-fish programs. The main focus of these programs was to provide game habitat and game animals for hunting and fish hatchery programs for fishing.

Eventually, Congress recognized that these programs only addressed game and sport species and did not address the vast majority of native species of wildlife and wild fish. The federal Endangered Species Act sought to protect rare and endangered species of fish and wildlife. Subsequently, states were required to establish non game fish and wildlife programs. The Non Game Program was established in Indiana's Division of Fish and Wildlife, but no sustainable

federal funding was provided as was the case for the Pittman Robertson and Dingell Johnson bills that provided for game and sport fish management.

The Indiana General Assembly allows taxpayers to use the Non Game Checkoff on their income tax forms to designate all or a portion of their tax refunds to the Non Game Program. This funding mechanism has been rather successful but is vulnerable to various economic changes. The addition of other tax check-offs may also affect the amount of revenue raised. Additionally, if fewer taxpayers receive fewer refunds, the revenue will drop. Since the beginning of the program, there has never been a line item in the DNR budget appropriating moneys from the General Fund to the program.

Indiana's native wildlife and fish belong to all the citizens of the state, not just those who feel a responsibility to protect them voluntarily. A stable and dependable source of revenue from the state's General Fund for the program is appropriate. Pitman Robertson and Dingell Johnson moneys are required to be used for hunting and sport fishing and should not be used for non game fish and wildlife programs.

Congress is presently considering a bill that would appropriate significant Land and Water Conservation Fund revenues from off shore oil leases for non game wildlife purposes. The bill may require states to appropriate matching money in order to receive the federal appropriation. If Indiana had a non game line item then all it would need to do is calculate how much it would need to meet the match and make the appropriation.

Mr. Hayden urged the members of the committee to support the establishment of line item in the DNR budget with a nominal initial appropriation in order to begin the process.

**Dick Mercier, Indiana Sportsmen's Roundtable**, indicated that the most recent figures indicate that as much as \$16 to \$18 million in federal dollars may be available. The state, however, would need to provide a match that might initially equal 10%.

**Kathy Quimbach, Program Director-Public Affairs**, reported the following. Approximately 550 species in Indiana, or 85% of wildlife species, are non game. The state lists 85 species as endangered and 44 as rare in Indiana. The income tax checkoff began in 1982 and raises approximately \$380,000 each year with over 42,000 contributors. The average contribution is \$9.13 with 2.6% of eligible income tax payers participating. The river otter reintroduction was funded by donations.

Mr. Maloney supported the proposal for a line item in the budget for a non-game fund. He noted that the non-game program has been successful given its limited resources. He noted that hundreds of people turned out for the otter reintroduction program. In terms of species, bird-watching is a very big business. Bird-watchers enjoy hawks, owls, migratory song birds, and sandhill cranes, among many others. A national survey conducted by the U.S. Fish and Wildlife Service outlined the economic value of the non-game population. Residents spend over \$300 million to watch wildlife. All of wildlife is significant economically. The Non-game program ensures that all wildlife does well.

**Penalty for Killing an Endangered Species.** Mr. Mercier introduced a concern pertaining to the penalty for killing an endangered species. Under existing law, if a person knowingly, intentionally, or recklessly kills an endangered species, the person must pay a replacement fee over and above the fine. The replacement fee for killing an endangered species is the same as the replacement fee for a rabbit, quail, or fish. The fee is \$20 for the first offense, and \$35 for each additional violation. Mr. Mercier would like to see the replacement fee increased to \$500 for first offense and \$1,000 for the second. This increase would make the replacement fee the same as the replacement fee for deer or wild turkey.

Vicki Carson, IHLA, expressed her concern that the law could be read that if anyone destroys the habitat of an endangered species, the person would have to pay the increased replacement fees.

Mr. Maloney supported the proposal. He noted that the proposal was only changing the replacement fee. Sanctions already exist in law for the destruction of habitat of an endangered species.

**Phil Ohmit, Hoosier Conservation Alliance**, noted that the replacement fees for deer and turkey were established in 1976. It costs the DNR more to replace the animals than the replacement fee. Bald eagles cost \$1,700 to reintroduce, the peregrine falcon cost \$2,000, and the river otter cost \$1,400. He noted that the commercial trade of reptiles and endangered species has made them more valuable as collectibles. Snakes could be worth \$150 to \$600 each. Spotted turtles could be sold for \$60 to \$125. The animals are more valuable than the fines and assessments.

Mr. Maloney noted that some do not see the value in protecting endangered species. However, he indicated that the venom of a snake, for example, is currently being studied as medical treatment for breast cancer. Melvin Tuttle, an expert on bats, found that endangered bats fed on insects that were destroying the potato crop in Texas. There are sound scientific reasons, in addition to moral ones, for protecting not only endangered species but all species.

**Shooting Preserves.** Rep. Lytle indicated that the committee would hear initial testimony on shooting preserves. However, time would be allowed at a subsequent committee meeting to hear additional testimony. Mr. Ohmit; Mr. Maloney; and **Jim Gergrack, with the Indiana Chapter of the Wildlife Society**, indicated that they would reserve their comments on shooting preserves until the October meeting. However, they did not support the concept.

**Recess.** The committee recessed at 6:30 p.m and resumed on Wednesday, August 18, at 9:00 a.m.

**Brown County State Park.** Jerry Pagac, Director of the DNR Division of State Parks and Reservoirs, introduced the inn manager, Andy Rogers. Mr. Rogers welcomed the committee. Doug Baird, Park Manager, provided an overview of park. He also indicated that vans would be available so that the committee could tour the park after the meeting. Brown County State Park is the largest state park with 15,600 acres. It is also the most heavily used park with close to two million visitor days per year. (Visitor days consist of the number of times individuals enter the park. If an individual enters the park 20 times on a given day, the DNR would record 20 visitor days.) Brown County experiences the greatest number of visitors in October. The Park was established in 1929. The horse campground has 204 sites, with 118 have electric hookups. During holidays and weekends and from September through October, the camp is full. Brown County has one of the largest horse campgrounds in the Midwest with 80 miles of horse trails.

He noted that providing horse trails and campgrounds at a state property is hard on the environment. Animals as heavy as horses going uphill create tremendous erosion. Horse trails also require heavy maintenance. Brown County State Park has a full-time staff member who spends all his time maintaining trails, but has not been able to catch up with the maintenance that needs to be done. Tippecanoe State Park may also be a good place to locate horse trails.

**Shooting Preserves.** The Committee heard additional testimony on shooting preserves. Colonel Larry Allen, Director of the DNR Division of Law Enforcement, shared the following information. As of July 27, 1999, 13 entities were licensed as shooting preserves by the DNR. He stressed that the DNR is opposed to including whitetail deer on shooting preserves. Maintaining deer in a preserve increases the probability of the dissemination of disease. The

integrity of the whitetail population in the wild could be compromised. Although a number of other states allow deer in preserves, almost every state that is in the business is looking for way to get out. Oregon just recently passed legislation to ban the practice. State veterinarians in other states are also opposed to the idea. Col. Allen urged the committee to obtain information from other state veterinarians.

Col. Allen explained that a shooting preserve is a tract of land that is licensed to propagate and release certain animals for hunting for a fee. There are about 50 shooting preserves in the state; thirteen are licensed for the current year. Shooting preserves are subject to the following restrictions:

- 100-640 acres maximum.
- \$100 annual fee.
- Cannot be five miles from state-owned public hunting ground.
- Boundaries must be posted every 500 feet.
- Restricted to certain types of birds (pheasants, quail, ducks, a few other birds).
- Requires Indiana hunting license or non-resident special fee.
- Season is from September to April.
- Shooting preserves are inspected by DNR.
- Daily records are required.
- State veterinarian is contacted if any disease appears to be present.
- May not import or keep carnivores.

Mr. Mercier indicated that the majority of the Indiana Sportsmen Roundtable (of which there are approximately 50,000 members) are opposed to adding deer to the list of animals that may be hunted at a preserve because of biological and moral reasons. He will offer more details at a future meeting.

**Paula Yeager, Indiana Wildlife Federation**, pointed out that members of the Federation are opposed to adding deer to the list of animals that may be hunted at a preserve due to ethical reasons.

**David Pierce, Hamilton County Farmer**, raises deer. He testified that a deer farm is no different from a cattle farm. They have a USDA license and inspections. The deer are captive, not wild deer and are shipped to Oklahoma, Texas, and Pennsylvania to hunting ranches. He feels that it is not an ethical problem; that the animals are grown for hunting purposes only. There are over 100 deer farms in Indiana. He raises 300-500 deer each year.

Rep. Lytle observed that the biological issue is important to DNR. Sen. Lewis was interested in knowing how one gets started in deer farming. Mr. Pierce answered that one must have a game breeders license from DNR and many times gets animals from other states.

**Jim Mack, Miami County**, shared with the committee a picture of a deer farm in which a group of deer are resting on the ground. Mr. Mack offered the photo as evidence that the deer are not wild, but tame.

Rep. Mangus remarked that if the sport of hunting is to outfox the animals, how does one outfox tame deer.

**Susan Thurston** owns and operates a 1,000 acre hunting preserve. A fence surrounds 160 acres. Ms. Thurston indicated that there was a difference between hunting and shooting. Hunting involves stalking whereas a shoot does not. Ms. Thurston distributed articles pertaining to hunting preserves. She stressed that her operation is an ethical one; however, unethical operators do exist. With certain breeding, care, and management, trophy deer can be raised. Whitetail deer are one of most elusive animals in world and can be valued at up to \$10,000 a head.

Shooting preserves are governed by IC 14-22-31-1. However, no laws govern hunting preserves. Some concerns about hunting preserves are that the animals are being killed in a cage. In response, she stressed that the animals have plenty of land. With respect to the tame deer getting loose and infecting the wild herd, she indicated that deer are herd animals that live within a home environment. If they get out of the pen, they would prefer to be back in, and rather than running away, they would stay around the pen. Disease goes from mother to fawn unless the deer are overcrowded. None of her herd come from the wild in Indiana. The deer are raised and released within the compound. A special mix of corn and clover and other ingredients is fed to the deer.

During the gun season, one hunter is allowed in the compound with one guide. During the bow season, up to four hunters are allowed. She has had friends killed in hunting accidents. Safety is a concern. The guides can communicate with walkie talkies. Most hunters come down before the hunt. She takes them in golf carts to look for a deer that the hunter wants to shoot. In the evening, the hunt is conducted. If blood is drawn, the hunter must pay for the deer. She will hang the meat for several days if that is what the hunter wants to do with carcass. The hunter, however, can do whatever he or she wants to do with the carcass.

Hunting preserves are fledgling industries. If her operation were to become a shooting preserve, it would be against the law. Before she continues to fence additional acres on her property, she would like to ensure that her operation is not in violation of the law because fencing is expensive.

Ms. Thurston stressed that hunters want the thrill of a chase and hunt and would not want to chase something that was not wild. Of course, there are always bad enclosures. Hunts in preserves of 25 to 50 acres are not good.

In response to questions, she noted that exotic deer may be hunted at any time, and that there are 45 members of the National Deer Farmers Association. Only five operate a hunting preserve.

Rep. Lytle indicated that he would like to have the difference between a hunting preserve and a shooting preserve clarified at an upcoming meeting.

During the last legislative session, a proposal added deer to the shooting preserve law and increased the needed acreage. There was not a proposal to create or license hunting preserves. Ms. Thurston is hoping to get the deer season for hunting preserves extended.

**Adjournment.** Rep. Lytle adjourned the meeting at 10:40. Committee members could then toured the park facilities and the T.C. Steele State Museum.