

IN THE MATTER OF:

COMPREHENSIVE FISH AND WILDLIFE) Administrative Cause
RULES ENHANCEMENT PROJECT) Number: 08-061D

**REPORT OF THE NATURAL RESOURCES ADVISORY COUNCIL OF PUBLIC
HEARINGS AND RECOMMENDATIONS AS TO SUGGESTIONS FOR
SUBSTANTIVE AMENDMENTS TO THE FISH AND WILDLIFE RULES**

BACKGROUND

In January 2008, the Natural Resources Commission (*NRC*) announced its plan to conduct a comprehensive review the fish and wildlife rules found at 312 IAC 9. The ambitious undertaking was designed to address concerns that the rules were confusing to Department of Natural Resources' (*DNR*) constituents and lacking in clarity making enforcement by DNR's Law Enforcement Division difficult.

A steering committee comprised of Patrick Early, Advisory Council Chair; John Goss, Executive Director of the Indiana Wildlife Federation; John Davis, Deputy Director of the DNR; Col. Mike Crider, DNR Division of Law Enforcement; Phil French, NRC Member and Sandra Jensen, NRC Administrative Law Judge; was established to evaluate the potential of the project. The Steering Committee determined that the concerns of both consumers and the DNR could be addressed through a four (4) stage process. The four stages were identified as (1) readoption of 312 IAC 9; (2) adoption of essentially non-substantive clarification amendments; (3) consideration of substantive amendments; and (4) potential legislative initiatives.

Stage (1) was completed with the readoption of 312 IAC 9, without amendments, on November 24, 2008. Stage (2) of the project has involved the processing of the following three rule amendment packages:

- Deer Hunting and Hunter Education Housekeeping Rule, Administrative Cause 08-189D;
- Definitions, Mammals and Birds Housekeeping Rule, Administrative Cause 09-026D; and
- Fish, Reptiles and Special Permits Housekeeping Rule, Administrative Cause 09-058.

The Deer Hunting and Hunter Education Rule was granted final adoption by the NRC in September 2009 and will be effective on January 1, 2010. It is anticipated that the Definitions, Mammals and Birds Housekeeping Rule will be considered by the NRC for final adoption in January 2010 with the Fish, Reptiles and Special Permits Housekeeping Rule to follow.

The remainder of this report will address Stage 3 of the project, the consideration of public suggestions for substantive amendments to 312 IAC 9. For stage 3 of the project, the Steering Committee set forth a general process by which to publicize the opportunity for the public to submit suggestions and for the systematic consideration of those suggestions. In keeping with the Steering Committee's established process, an internet based suggestion form went live in late January, 2009 and remained available until April 1, 2009. The DNR Communications Division aided these efforts with the issuance of press releases and a post to DNR's email based *Wild Bulletin*. The Steering Committee determined that the initial review and consideration of the substantive suggestions would be conducted by the Natural Resources Advisory Council (NRAC), which would submit this report of recommendations for NRC consideration.

PUBIC HEARINGS AND COMMENTS

Over 1,000 substantive suggestions were received from the public in just over two months that the suggestion form was available. With the assistance of staff members of the Indiana Wildlife Federation, the suggestions were grouped into five general categories that were considered by the NRAC as follows:

- Hunting Birds, Administrative Cause No. 09-084D
- Hunting, Trapping, Taking Mammals/Except Deer, Administrative Cause 09-085D
- Fishing/Except Trout & Salmon on the Brookville Tail waters, Administrative Cause 09-086D
- Fishing-Trout & Salmon on the Brookville Tail waters, Administrative Cause No. 09-087D
- Hunting, Trapping, Taking Mammals/Deer, Administrative Cause 09-088D.

The NRAC scheduled public hearings to receive additional public input on these suggestion categories each month beginning in June, 2009 and ending in October 2009.

The public input and discussion associated with these suggestions is contained within the minutes of the NRAC meetings and the relevant portions of those minutes are attached to this report as Exhibits 1 – 5. A separate public meeting to receive public input on the issue of trout fishing on the Brookville tailwaters was conducted in Brookville, Indiana on October 8, 2009. The summary of this meeting is attached to this report as Exhibit 6.

There were a small number of suggestions received that did not clearly relate to the topics contained in the five general categories to be considered directly by the NRAC. These suggestions were deferred to NRC Staff, who were directed to conduct public hearings, receive additional public input and submit reports for consideration to the NRAC. These suggestions were divided into five additional groupings, identified as follows:

- Wild Animal Possession Permits, Administrative Cause No. 09-125D
- Disability Hunting Licenses, Administrative Cause No. 09-126D
- Fish & Wildlife Area User Fees, Administrative Cause No. 09-127D
- Endangered Species Habitat & Reintroduction, Administrative Cause No. 09-128D
- Animal Sanctuary License, Administrative Cause No. 09-129D

The NRC hearing officers presented their reports to the NRAC at its October 2009 meeting, at which time additional opportunity was provided for public input directly to the NRAC. Information pertaining to these suggestions is contained in Exhibit 5 and the hearing officers' reports attached as Exhibits 7 through 11.

RECOMMENDATIONS

During the NRAC's December 2009 meeting, the members reflected upon the substantive suggestions and the public input received in conducting discussions and deliberations as to which of the suggestions it deemed meritorious for some level of further review or action.

There were certain rule amendments that have been proposed by the DNR that are at various steps in the rule adoption process that were included within the suggestions received and considered by the NRAC over the past few months. The NRAC lends its support to these rule packages, which include the ability of youths to take a deer of either sex during the special youth season, the expansion of turkey hunting opportunities and

the placement of limitations upon the seasons and/or bag limits associated with the hunting of ruffed grouse.

The NRAC submits the following substantive suggestions for additional consideration and action by the NRC.

- A. Suggested substantive amendments recommended for future rule amendment:
1. The raccoon running season should be extended by the elimination of the later winter blackout period. The NRAC does not believe that the running season should be made into a year-round season and supports the continued existence of the late fall blackout period for the purpose of avoiding conflicts with deer hunters.
 2. A requirement to display of hunter orange on occupied ground blinds should be established for any season during which an individual hunter is required to wear hunter orange. The NRAC is bringing this proposal forward because hunting accidents involving ground blinds are on the increase despite a general decrease in hunting related accidents.
 3. A size limit of 14 inches should be established for the harvesting of small mouth bass. The public input received through the suggestion process indicates that there are some really good small mouth bass fisheries developing in Indiana and the public supports efforts to enhance this fishery while still providing opportunity.
 4. It is acknowledged that telecheck, the ability to check in deer and turkeys by telephone, is not possible due to present financial constraints. However, the NRAC recommends that these substantive amendments be made, when the DNR is economically able to develop and implement the necessary technology.
 5. A comprehensive deer hunting license that addresses all weapons and all bag limits should be developed. Through a license of this type a multi-season deer hunter could purchase one license at the beginning of the first deer season and be licensed for all seasons without purchasing additional licenses.
 6. Allow crossbows to be used during archery seasons by senior hunters age 65 and older.

B. Suggested substantive amendments recommended for additional review by the DNR's Division of Fish & Wildlife as to biology and wildlife management.

1. The DNR should considering allowing the hunting of coyotes year-round on all public and private land. The NRAC notes that a landowner or a landowner designee is already allowed to take coyotes year round.
2. The DNR should consider extending raccoon and possum taking season.
3. The DNR should consider limiting depredations permits to the taking of antlerless deer only.
4. The DNR should conduct a review of all deer hunting seasons and bag limits and consider extensions to seasons or increased bag limits to address deer herd management. The NRAC recommends that this action be taken to address the increasing pressures from insurance companies and farmers upon the Indiana General Assembly.
5. The DNR should consider implementing an earn-a-buck program as a means of addressing increasing deer populations.
6. The DNR should explore moving waterfowl season dates for Indiana's southern zones to later in the year.
7. The DNR should continue its consideration of allowing the use of live shad as bait for striped bass fishing in waters where shad are already established. This NRAC recommendation is made with the instruction that any amendment should incorporate means, methods and restrictions designed to minimize the spread of shad to uninfested waters.
8. Contemporaneous with the consideration of allowing the use of live shad as specified in item B7, the DNR should consider allowing the increase in cast net size for taking shad from five to ten feet in diameter.
9. The DNR should consider protecting the catfish resource from the taking under commercial fishing licenses of large catfish for sale to pay lakes.
10. The DNR should consider allowing the use of crossbows during firearms season.

C. Suggested substantive amendments requiring action by the Indiana General Assembly.

AGENDA ITEM #3

1. As an alternative to allowing crossbows to be used during firearms season as set out in Item B10, the DNR should seek a legislative amendment that would facilitate the establishment of a crossbow season under a separate crossbow license.

Date: _____

Patrick Early, Chair
Natural Resources Advisory Council

EXHIBIT 1**Excerpt of Natural Resources Advisory Council's June 10, 2009 Meeting****Consideration of public comments received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding rules governing hunting, trapping, and taking mammals (except deer); Administrative Cause No. 09-085D**

The Chair explained that approximately one year ago a process was initiated to conduct a comprehensive review of the fish and wildlife rules codified at 312 IAC 9. He noted that a Steering Committee was formed to provide the review. The Chair said the first step of readopting 312 IAC 9 was completed last year, and the second step involves proposing non-substantive changes to the existing rules. "Those [amendments] have been occurring for the past three or four meetings at the Commission." He noted that the third step in the process is to "review and consider" substantive changes to the rules. The Chair explained that today's meeting is the first public meeting to consider the "first set" of suggestions submitted through the Commission's Web site. "We had about 1,000 suggestions."

The Chair commented, "The staff has done a wonderful job of trying to sort those [suggestions] into common groups, because not any two are exactly alike but we think we have come pretty close with that." He noted that "most" of the Steering Committee—Bryan Poynter, John Davis, Phil French, John Goss, Col. Michael Crider, and Sandra Jensen—were present at today's meeting. The Chair explained that the suggestions were characterized into five major topics, and the first topic to be considered today is hunting, trapping, and taking mammals but excluding deer. "Any decisions we make have no binding affect, so we are not adopting anything or declining anything. What we are doing is we are reporting on to the next step."

The Chair explained that the Advisory Council, in reviewing the suggestions, will make one of the following recommendations to the Natural Resources Commission: (1) recommend that a suggestion "has merit or appears to have merit and a lot of support" and deserves further study and consideration; (2) recommend a suggestion "doesn't have merit. It may not be because it didn't have any merit to the person that made it, and we are not being judgmental, but either it's something we can't deal with or we already know there is a regulatory reason we can't deal with it...or it is not practical"; (3) recommend more study be given to the suggestion, which would involve Department staff reviewing the biology or social impacts; or (4) determine that a suggestion would involve legislative action. "In this particular recommendation, we can't really do anything other than refer it on to our legislative agenda." He noted that the Advisory Council is not making any biological decisions. We are not trying to do anything other than to sort through these initial 1,000 suggestions and try to make sure things are going down a funnel. So that what ends up coming out of the funnel are things that really are good for hunters and fishermen, and positive for, I guess, for all of the people in Indiana...We are trying to do what is in the best interest to the State".

The Chair announced that the following subtopics have been determined and will be reviewed as follows: (1) License Fee Structure and Added Types of Licenses; (2) Youth Licenses; (3) Senior and Low Income Licenses; (4) Lifetime Licenses; (5) Coyote and Year Round Hunting Season; (6) Coyote/Hunting and Trapping Methods and Equipment; (7) Coyote and Holding Furs for Selling; (8) Opossum and Raccoon Extended Hunting and Running Season; (9) Squirrel Extended Season; (10) Squirrel Change of Season; (11) Exotic Mammals; (12) Hunter Education; (13) Cotton Tail Rabbits; (14) Miscellaneous Licensure Suggestions; and (15) Miscellaneous Suggestions.

Richard Cockrum asked, “So at the end of the day today, will we be moving on the recommendations you went through or are we going to wait until the end in October when we have them all as a package?”

The Chair explained that the Commission will consider a “whole packet” at its November meeting. “We do not have to today to come up with what we are moving on.” He noted that as the process moves forward there may be overlap on certain topics that would provide additional information on other topics reviewed in future meetings.

John Davis explained that administrative rules expire every seven years, and noted that since 312 IAC 9 was readopted in 2008, the review process is not under an “artificial” timeframe. He noted that a legislative change was made that amended the definition of “youth” into consistency across the youth hunting regulations. A “youth” is anyone under 18 years of age.

Bryan Poynter, Chair of the Natural Resources Commission, noted that the Steering Committee is “remarkably” on schedule with the review process. He said the Steering Committee’s objective is to move “efficiently” through the process. Poynter said “substantively we hope that we can move the best of the recommendations forward.”

The Chair explained that the subtopics to be reviewed first are those to which persons had submitted cards indicating a desire to speak.

SUBTOPIC: Opossum and Raccoon Extended Hunting and Running Season

Jack Corpuz noted that he is a member of several sporting clubs. Corpuz said, “I don’t have a real problem with the season the way it is set up. I think they have plenty of opportunity the way it is.” He said the existing rule provides a “small rest period” where dogs cannot run. Corpuz said that wildlife “deserves a break for a little while... . We all have to use the same woods, and I don’t have a problem with that, but we don’t all have to use it 365 days a year”. He concluded, “Basically, I didn’t want it to be a slam dunk; I just wanted to make sure there was opposition out there”.

The Chair asked for Department staff to explain the existing rule governing the hunting and running season for opossum and raccoon.

Wayne Bivans, Chief of Wildlife, Division of Fish and Wildlife, explained that meetings were held a few years ago to discuss seasons. He said that raccoon and opossum hunting seasons are November 8th through January 31st, and dog running season from February 15th through October 14th. “There is a period of time between the dog running season and the raccoon hunting season that is closed to dogs, and a period of time after January 31st to February 15th is closed.” Bivans said that from the science and biology side, “there isn’t an issue; within the public user groups is where the issues lie.”

The Chair said that “most” of the suggestions received have to do with either extending the hunting seasons or removing closed season for running dogs to allow the ability to run dogs year round.

Jack Hyden, President of the Indiana Beagler’s Alliance, said that “we are not really asking for extended hunting season.” He explained that the raccoon “hunting world” has changed “dramatically”. The guys have gotten older and the [raccoons] haven’t gotten any slower. He said there has been a transition from actually hunting or taking the raccoon to field trials or “night hunts” to compete with individuals from other states for “bragging rights”. Hyden said that the Indiana hunters “need that extra 40 nights of training the dogs so that their dogs are as in good hunting condition, working condition, as those folks who are from some of the other states who may have those time periods that, yes, they can be out working their dog.” He noted that there are less raccoons being taken and there is more competition being done. Hyden said that most “every other” sporting dog can be out on state ground or on private ground 24 hours a day seven days a week with no restrictions. “These folks are losing 40 nights of very important training period for their dog.”

Bill Freeman asked for information regarding the history of the reason for the season closure. “There’s no biological reason apparently. Is it convenience for turkey hunting season?”

Jerry Moll from the American Kennel Club said, “Originally, it was more of a law enforcement issue because at one time pelts were very valuable...so there was a shutdown period before the raccoon taking season and after to allow law enforcement to better enforce” the season. He noted that raccoon pelts are not as valuable today. Moll said that Ohio and Kentucky has year round running season.

Richard Cockrum asked Jack Hyden whether he has noticed impacts to upland bird gaming since there is not a biological reason for the closure to running dogs.

Jack Corpuz said that he has heard from sporting groups that raccoon dogs running in the spring “bust turkeys off the roost”. He noted that bow hunters commented that deer will not “show up” in areas where dogs have been running the night before. “These groups have to work together and work things out.” He commented, “If were up to me, I would restrict all dogs to nine months or less.”

Bill Freeman said, “I have seen a lot of bird dogs...and they are kept very close” to the hunter. He asked whether there was a difference in the contact a hunter has with either raccoon dogs or bird dogs.

Hyden said that raccoon dogs are usually “fairly” close to the hunter.

Freeman asked, “What is ‘fairly’ close? Could it be a mile?”

Hyden said that dogs can run a mile from the hunter or “usually it’s going to be much closer because a raccoon loves to climb a tree.” He noted that “most of the time” the dogs are running in the woods and not in the fields where upland birds nest.

Moll said that the increased raccoon population “keeps raccoon dogs in check. When you release or free cast the dog, they are more likely to find a raccoon track closer and a lot quicker”. He noted that DNR issues permits for field trials during the closed running season.

AmyMarie Travis Lucas said that she has hunted for raccoon “maybe twice in my life. The testimony on the record so far is not consistent with my recollection of the two times I’ve hunted as far as the dogs being relatively close to the hunters.”

Crider said that he agreed with Jack Hyden in that the raccoon population has changed, but he noted, “a dog is going to go until it finds a raccoon, so if that’s two miles away but typically a good dog is going to strike out and find a track and run the track. He said that if there are no biological reasons for the running season closure, and only social reasons, “we are talking about a set of rules for which somebody could be arrested. And if there are not good valid reasons for somebody to be in that situation, then that’s kind of where Law Enforcement is coming from on this particular issue.” He noted, however, the hunter still requires permission from the land owner.

John Christopher said he is an avid bow hunter, and suggested, “If this is adopted, that it be provisional and reviewed in a year so that if there are social issues that come up that they are reviewed like the ‘one buck’ rule.”

The Chair said that rules that result from this review process “would not be conditional changes”, but noted that if rules “clearly have implications we didn’t anticipate can be dealt with”.

Christopher said, “That makes it a little more distasteful. As a bow hunter I don’t think I ever had a [raccoon] dog come by. I don’t know the impacts of this a year or two out.”

The Chair noted that Christopher’s comment is “very consistent with things we will have to take into consideration”.

Jack Hyden said, "I'm confident that the [raccoon] hunters would not have a problem saying lets give it five years and then let [the Division of] Fish and Wildlife look at it to see if [it] wants to bring a change again."

Dick Mercier, representing the Sportsmen's Round Table, indicated that "we have members on both sides of this issue so our board has actually not taken position on it".

SUBTOPIC: Coyote/Hunting and Trapping Methods and Equipment; Coyote and Holding Furs for Selling

Bill Herring indicated he was a lifelong resident of Indiana and has hunted for approximately 55 years. He noted that his father provided to him a guiding principal that "all wildlife in Indiana belongs to the state of Indiana. It was not any one individual's private possession until they had taken that wildlife in a legal manner and in legal season." He noted that rules have been amended recently to allow individuals to own wildlife as private property. Herring noted that it was "shameful" that live trapped coyotes are transported over state lines.

Herring said Indiana has a "burgeoning" coyote population, and people have differing opinions regarding coyotes. He noted that a recent rule amendment instituted a time limit to possess a live coyote, but "unfortunately, it left the opportunity for people to own, again, a live coyote in Indiana for a certain period of time." He said that as rules are considered the principle that all forms of wild mammals belong to Indiana should be kept in mind. "If we do that, we can avoid a lot of problems in the future as far as people thinking or maybe even actually owning live wild animals". He concluded, "Do not allow people to possess a live coyote for any length of time after they have trapped it. [The coyote] should be very quickly terminated."

Sandra Jensen, Administrative Law Judge for the Natural Resources Commission, explained that the Commission's Division of Hearings has received two citizens petitions for rule change that precipitated the creation of three separate administrative files. She said the petitions will "go through a committee process review" as set forth in the Commission's nonrule policy document, Information Bulletin #7, and are separate from the comprehensive rule review process being conducted by the Steering Committee. Jensen noted that the citizen petitions involve the issues of live trapping of coyotes, possession and trade in live coyotes and the running of coyotes in enclosed pens. Director Carter has appointed a committee to review the citizen petitions, and that review will be separate from this rule process.

John Davis asked for clarification regarding the existing rule governing possession of coyotes.

Jensen explained that last year a rule was adopted requiring any coyote that is taken, trapped live, outside of trapping season must be euthanized within 24 hours of being taken. She noted that there may be statutory limitations prohibiting a requirement that coyotes taken in season be euthanized.

John Davis asked for clarification of rules regarding transportation of live coyotes across state lines.

Linnea Petercheff with the Division of Fish and Wildlife explained that if coyotes are exported outside Indiana, the transportation has to be in accordance with the other state's regulations. "A lot of states are making changes regarding allowing importation of coyotes." Indiana allows, if a person has a game breeder license, the person can import a coyote and keep it in captivity under that license. An importation permit is required for coyotes to be imported into Indiana.

Bill Herring summarized, "I am in favor of basically outlawing any importation or exportation from Indiana live coyotes, and also all coyotes live trapped should be euthanized promptly."

David Lupke asked whether game breeder licenses were being issued specifically for coyote. Petercheff answered in the affirmative. She explained that traditionally the coyotes are legally obtained during the coyote season, and by statute, the game breeder is allowed to keep a coyote if the coyote has been trapped during season.

The Chair noted that the majority of the suggestions received suggested that since taking of coyotes on private property is open year round that the hunting and trapping season should also be year round.

Jack Hyden said that "quite a few" trappers that are members of the Beagler's Alliance have commented that "their biggest issue is that, again, coyotes have become basically a pest. They are a predator and they kill a lot of other game animals, rabbits, squirrels, and quail." He said a coyote pelt is "not worth that much; however, a trapper can get \$60 to \$90 out of a live coyote." He said the trappers believe that "this is a very good population control. There is an incentive there to take the coyote; whereas, for its pelt, there isn't much of an incentive."

The Chair said, "I don't want to revisit the whole enclosure thing, but the reason they are worth \$60 to \$90 live, is because they are selling [the coyotes] to people with enclosures." He reiterated that the enclosure issue will be discussed in association with the citizen petitions received in the Division of Hearings, which will be considered separate from the instant rule process.

SUBTOPIC: License Fee Structure and Added Types of Licenses; Youth Licenses; Senior and Low Income Licenses; Lifetime Licenses

John Goss, representing the Indiana Wildlife Federation, which is made up of 52 conservation groups, commented regarding licenses and the impact on the Division of Fish and Wildlife and the Division of Law Enforcement budgets. He explained that the "whole system" of funding for fish and wildlife programs is "totally" user fee based, and the Division of Law Enforcement budget "consistently" has been from license fees and

from federal funds matching those license fees. Goss said that in the 1930s it was “wisely determined” to impose a “user fee” tax on outdoor equipment, which was expanded in the ‘50s and ‘60s. “Whenever we talk about federal funding...it’s all from the people who are out there purchasing hunting, fishing, trapping, camping, hiking equipment” providing federal dollars and the state dollars come from the sale of licenses.

Goss noted that there were a number of suggestions concerning changes in licenses, such as bringing back the lifetime license. He noted that during his employment as former DNR director, license sales decreased. “We were really puzzled through the early 1990s. What we realized then was so many of the ‘regular’ hunters and fishermen were buying a lifetime license; and therefore, we were not seeing [the lifetime license holders] being counted.” He noted that an aging population and less people in the field also contributed to the decrease in license sales. Goss explained that funds from the sale of lifetime licenses were deposited in a dedicated fund, and only 5% of this fund can be used for Fish and Wildlife’s operating budget. “It’s a restricted fund, which has about a \$17 million balance.” He noted that a recent statutory change has allowed the funds to be used for land acquisition.

Goss said that “lots of people” were upset by the rescinding of the lifetime license. He said the lifetime license was a “very good” deal. He said if the lifetime license was again made available, the Indiana Wildlife Federation would support a license fee costing several thousands of dollars or three or four times the previous cost.

David Lupke asked how the lifetime license sales impact Indiana’s allotment of federal funds.

Goss explained that ten federal dollars to one state dollar. “The little increases that we’ve gotten, for example the voluntary senior fishing license, if that brought in \$10,000 that meant \$100,000” federal government. He noted that the new youth apprentice license brought in \$100,000. “We just need to be really sensitive of \$1 change. If we did a \$1 change, we could be penalizing ourselves \$10.”

Kari Evans asked, “This is based on a dollar match not a license activity match?”

Goss explained that some of the federal formulas are based per person.

Gregg McCollam, Assistant Director of the Division of Fish and Wildlife, explained that someone who purchases hunting or a fishing license is considered a certified hunter or angler. A person may purchase multiple licenses, but a person is only certified once. “Today, a certified hunter is worth \$22 in federal reimbursement, and a certified angler is worth \$11.”

Cockrum commented that if a license fee is doubled, the federal reimbursement would not double. McCollam indicated that Cockrum’s understanding was correct.

Goss said that the federal government is reviewing three proposals that would have a formula based on dollar amount. He said that on the “nongame side” Indiana is eligible to receive \$1.6 million. The state only has \$400,000 for match; however, other organizations, such as Purdue University, have been able to garner funding from the federal nongame research project. “We could be bringing that to DNR if we could match.” He said a statutory change was made so that DNR now has the flexibility to use license money to match nongame projects, some of which overlap “a lot” with habitat improvements.

Goss said the second proposal is a new \$30 million program that will require a 20% state match. “If we want to take advantage of the increase above the current formulas in this year’s proposed budget for U.S. Fish and Wildlife Service money that is available, we are going to need to find additional match dollars.” He said the third proposal is within the “Climate Bill,” the Cap and Trade Program of which over 900 hunting, fishing, sporting groups across the country have endorsed this proposal, because it includes dedicated funding for fish and wildlife. “Indiana’s share on the formula in the bill as it passed out of committee a couple weeks ago would be about \$3.5 million...and it does have dollar required match.” Goss said, “We are going to have to be scrambling for state dollars in order to take advantage of a huge increase. This would be a 30% to 35% increase potentially in federal funding.”

Goss summarized, “What we really need to be talking about are very creative ways to gradually move up any licenses that we can. I would like to suggest that we look at combination licenses...so that people are actually buying more licenses to save some money...and that we are consciously trying to figure out how are we going to create another up to \$1 million in state matching funds so that we are ready to take advantage. This is money available within the year.”

Richard Cockrum suggested that with the proliferation of online and point of sale license purchases whether a “check off” box could be added to allow purchasers to contribute “x” amount of dollars. “I don’t think it’s beyond reasonable thought at all that someone would check \$2, \$3, \$5, or \$10”. Goss said, “That’s a good idea.”

John Davis said that the Department is reviewing opportunities for donations when persons are purchasing a license online or from a vendor, renting a room in one of the inns, or when contributing through the Foundation. Regarding the lifetime license issue, Davis said, “It’s a bad bet for us to predict a cost for the rest of your life whoever you are.” Davis said that the Department “wants all the suggestions that we can have things like the apprentice license.” He noted that Indiana has “bucked the trend nationally. Our license sales are up, and we think it is because we continue to look for innovative ways and that means we don’t want to stop looking for innovative ways to get people involved and encourage youth.” Davis said the nonresident youth license was amended to encourage a parent or adult to bring a youth into Indiana to hunt so it is not cost prohibitive.

Goss said, "I just want to caution about any of the comments that we need to roll things back. I think our organization would say, 'Please don't roll anything back; lets roll forward'."

Kari Evans noted that there were a lot of suggestions about creating combination licenses, some went beyond that to make the licenses lifetime, and other suggestions requested that in any given year a person would be allowed to purchase any of the licenses all at one time. "Would that have any sort of an impact on the funding formula for the federal match? Maybe that makes it, first of all, more efficient not only for the hunter, but potentially for the agency... That's a way to get some guaranteed revenue."

John Davis said, "I think it is a very good idea. We would like to have the maximum amount of freedom. Unfortunately, the way the code is set up now every time we do a license we are in a little bit of a fix."

McCollam said the Department has been discussing license bundles and multi-year licenses, and have presented these ideas to the Fish and Wildlife Conservation Committee. He noted, however, that the federal government was concerned about allowing Indiana to bundle licenses and charge less for a license. "In other words, [the federal government] was not so sure [it] wanted to certify a hunter if [that hunter] bought something that was less than what the certified hunters were paying." In April 2009, the federal government allowed license bundling with cost discount, and agreed the purchaser would be certified. McCollam said that the Department thinks that it can bundle licenses without going to the Legislature to ask for a new category of license. "We are basically saying you can buy a deer license, a turkey license, and a game bird stamp and pay a certain amount. We are not creating something that isn't those licenses themselves." He said multiple year licenses are still being reviewed. McCollam said that perhaps by July 2010 a bundle license would be made available.

Freeman asked, "Is that your sole goal in your approach is to try to provide a discounted fee to maybe generate some more revenue? I think there is a convenience factor...that's an intangible".

The Chair said a predominant suggestion was to allow for purchase an annual license that covers all hunting and fishing activity. "Can that be done?" McCollam answered in the affirmative. He said the Department is reviewing a "hunt-fish-turkey-game bird" license, and he noted that Wisconsin has a license that is "pretty much *carte blanche*; it's a conservationist license." McCollam said the Department would "start out small" in regards to bundling licenses, but as requests for other bundles are received, the Department would expand the bundle license.

Travis Lucas expressed concern regarding multi-year licenses. "I have a great deal of difficulty explaining to judicial officers the importance of fish and wildlife laws to begin with. I would express some concern from my perspective of a multi-year license, like you talked about a 3-year license for fishing, because when a person is one year out of compliance, and they come into court and say, "Gosh, you know, I was confused and I really thought it went to the end of the year," I will just tell you that prosecutors will have

an extremely difficult time enforcing. If you are two or three years out, I think I can get the judge to understand, but if you are just a year out, I just foresee that being difficult from a law enforcement perspective.”

David Lupke said that the convenience “issue is key. It’s more important than the money savings...I assume most people are like me. We think we are going to do a lot more during the year than we actually accomplish. If you are excited about the hunting season that’s not going to start for six months, but you go ahead and buy your license because you are anticipating that you are going to have the time to do it, it would be nothing but a great thing.” He also commented that the Department may be “missing the boat” regarding informing the public regarding recreational opportunities, available licenses, and the relation to state and federal funding.

Freeman asked whether the cost of a lifetime license could be based on age categories such as an actuarial gradation. He asked whether lifetime licenses holders were counted as a certified hunter or angler each year. McCollam answered in the affirmative.

Jack Hyden commented that Indiana license fees are a “bargain” compared to other states.

John Davis noted that the Department’s point of sale has been online for more than four years. He said that data from the online sales is being “mined” to understand the types of recreational activities going on in Indiana. “In fishing, we found some surprises. We thought there were probably 80% of the people that bought a license all the time, and then another 20% that sometimes didn’t. We found it was the opposite. In fact, 20% of the people buy a license every year and 80% buy one and then skip a year”.

John Goss noted that “if we fully explain what the money is going for, and it’s going for good dedicated uses” the Legislature “can, in fact, vote for fee increases”. He noted that the Commission has the authority to approve license fee increases. Goss concluded, “On behalf of my groups, we certainly would like to be advocates for continually, reasonably and gradually, improving our state revenue so that we can max out on the federal level.”

Davis explained that the Legislature “set a floor” for the existing license fees in the Indiana Code. He said the statutes were amended to include a sentence that gave authority to the Commission to raise license fees in the majority of licenses. Davis said fees for approximately 30 licenses, mostly commercial, are still set by statute, which have not been amended since 1960s. He said the Department would like to have the statutes amended in order to give the Commission authority to set fees for these licenses.

SUBTOPIC: Squirrel Extended Season; Squirrel Change of Season

The Chair noted that there is “quite a bit” of support for extending squirrel season. He noted that there are “not a lot” of hunting opportunities in February.

Mitch Marcus, Wildlife Research Supervisor and Staff Specialist with the Division of Fish and Wildlife, explained that there are biological reasons supporting the current squirrel season, and the season should not be extended through into February. He said that research has shown that squirrels have two major breeding seasons, one in December and January. "Hunters would be essentially taking female squirrels that are still raising young." He noted that hunting seasons are not established during time wildlife are caring for young.

Bill Freeman noted that one suggestion requested a delay of the beginning of squirrel season.

Marcus noted that the Department has not collected data in relation to an earlier squirrel season. "We would have to look into that."

The Chair noted that some suggestions received opined that squirrel season began "too early" and should start later than August 15.

Jack Hyden said that members of the Beagler's Alliance have observed that female squirrels are "pregnant and lactating" in August. He noted, however, "We are aware there is no shortage of squirrel, so we are not sure that the August season is actually detrimental. Usually the early seasons really don't affect the overall population as much as the late seasons do, because by February and late February the animals that have made it to that point...they are now the breeding stalk for the season. Those are very important to keep."

Bill Herring noted that the majority of squirrels he has taken in the last 55 years have not been lactating females. He noted that there are fewer squirrel hunters, and the August 15 season is "not a problem".

Wayne Bivans explained that a few years ago squirrel season was extended by one month ending January 31. He said Indiana was divided into two regions for squirrel season. The two regions were combined to establish one squirrel season for entire state.

Jeff Morgan, with the Tree Dog Alliance, commented that neighboring states have extended squirrel season through February. "I assume they do not have problems with their population of squirrels."

SUBTOPIC: Exotic Mammals

The Chair said that one suggestion was received regarding feral hogs. He asked that Col. Mike Crider provide information regarding Indiana's population of feral hogs.

Crider said that releases of domesticated pigs have occurred in Indiana. "We've got a pretty good population in the south central region," and the population is spreading to other areas in the state. He said the Department encourages the taking of feral hogs, which are not protected species. Crider said that the Division of Fish and Wildlife have

received requests for importation of feral hogs for hunting enclosures. He said the Department is formatting public education outreach for landowners and hunters to encourage species management.

Travis Lucas asked whether feral hogs cause environmental damage and whether they are aggressive to humans or livestock.

Crider indicated that he was not aware of aggressiveness to humans. "I guess they could be, but they are extremely disruptive" to ground nesting birds and habitat destruction. He noted that the Board of Animal Health and other groups are concerned with the spread of disease. "There are a whole myriad of reasons why we don't these [feral pigs] to exist in the state."

David Lupke said that it is "well documented" that feral domestic pigs cause "tremendous" environmental damage. He noted that some states have "made a point" to release the large German boars that are "a much larger pig and are much more destructive and a potential threat to people".

John Bassemier asked whether feral pigs have any natural predators.

Crider said that a coyote could take piglets. He said the feral pig seems to be "pretty intelligent...The litters seem to be pretty robust".

Jim Trachtman inquired whether the domesticated pigs were released illegally. Crider answered in the affirmative.

SUBTOPIC: Hunter Education

The Chair noted that the suggestions received regarding hunter education were "all over the board". He asked Crider to provide an overview of the hunter education program.

Crider said that persons born after December 31, 1986 are required to go through the Hunter Education Course in order to be licensed. He said that in the 1970s Indiana was averaging 30 deaths a year associated with hunting accidents. The numbers have dropped "significantly" due to the "extremely successful" education program, which is supported by 900 volunteers. "If we can, we try to keep in the school system." The Department certifies 17,000 to 20,000 students per year. Crider explained that those 12 years of age or older can take the Hunter Education Course online. He said the online version is "challenging". Crider said, "We feel that the format we have now, particularly with passing the apprentice license program...is just about where we need to be".

Crider noted that hunting accidents still occur on occasion. He said some states require mandatory hunter education for all hunters since the late 1940s. Crider said that Indiana's Hunter Education program combined with "good" adult supervision, the Department has reduced hunting accidents to the level "where it's not going to get a lot

better”. He noted that “most” of the approximately 15 or 16 “firearm type” incidents per year are self-inflicted. “Most of our problems are people falling out of trees”.

Crider said he administrated the Hunter Education program for eight years. “I really don’t see a whole lot that needs to be changed”. Crider said the online course takes approximately six to seven hours to complete, and the classroom course is a mandatory ten hours.

Bill Freeman asked whether the courses take into consideration youth attention spans.

Crider said that the Department has “tried to make sure” that Indiana maintains an amount of content, actual instructive content, which would guarantee the acceptance of Indiana’s hunter education certification in other states. “Basically, there are national standards that are set. Typically, the 10-hour window allows for the administrative time of registering students, allowing for lunch period, allowing for some breaks, and allowing time for the test at the end of the program.” He said the online course is basically the digest of the material with a test at the end. Crider said that the online program was designed “so that it is also a good source for just basic safety information.” The cost to be certified through the online course is \$15. Crider said that the Division of Law Enforcement has developed “field days” that can be used in conjunction with the online course. He explained that the list of courses offered in classroom style is “constantly” changing making it infeasible to publish in the Hunting Guide, but the list is posted on the Department’s Internet site.

Crider said that Capt. David Windsor with the Division of Law Enforcement currently administers the Hunter Education Program. Crider said that the Department can demonstrate from “any review that [Indiana] is at least in the top two or three states in the Nation with what we do.”

SUBTOPIC: Cotton Tail Rabbits

The Chair said the suggestions received primarily relate to “what seems to be a scarcity in early season hunting”. Suggestions were made to get rid of the early season and other suggestions proposed extending the season. The Chair asked whether there was a biological reason for the decrease in cotton tail rabbit population

Wayne Bivans said that the Division of Fish and Wildlife has been conducting research regarding the rabbit population for one year. “We thought we would do another year of trying to find out if there is any kind of problems that time of year, if the season can be opened state-wide, or there are lactating females. We are not really sure and we are presently looking into it.”

AmyMarie Travis Lucas asked whether there was historical data available for comparison. Bivans answered that he was not aware of data from Indiana.

Jack Hyden said he contacted “DNR” small game biologists across the country. He said that not all states responded, “but of those that did, and including Indiana, not one of [the small game biologists] felt as though an October season had a negative impact on rabbit populations overall from year to year, basically because the ground cover is thicker, the actual harvest is very small, and the majority of the reproduction is done by the end of September.”

Hyden said he received a copy of *The Population, Ecology, and Harvest of the Cotton Tail Rabbit on the Pigeon River Fish and Wildlife Area, 1962 to 1970* by Herald A. Demaree (Pittman-Robertson bulletin). He noted that the study reflected that in 1967 through 1969 the average rabbit harvest on the fish and wildlife area was 560 per year. Hyden said staff from the Pigeon River Fish and Wildlife Area reported that last year’s rabbit harvest was 527. Hyden concluded, “We have tremendously fewer rabbit hunters, but we’ve only got less than 40 rabbits difference in the harvest. I have a difficult time seeing how that could possibly pose lower hunter satisfaction.” He said that possibly the Department’s conclusion, after completing its research, will be that the October rabbit season “isn’t hurting anything at all”.

Jeff Morgan noted that the disappearance of rabbit habitat is one of the “biggest issues.”

SUBTOPIC: Miscellaneous Suggestions

The Chair noted that the suggestions listed under the “Miscellaneous Subtopic” could not be grouped. He suggested that Advisory Council members review the suggestions. “I think some of them are issues related to other things that we have talked about or will be talking about. So, I don’t know that it merits going into at this point in time.”

EXHIBIT 2**Excerpt of Natural Resources Advisory Council's July 14, 2009 Meeting****Consideration of public suggestions received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding rules governing hunting, trapping, and taking deer; Administrative Cause No. 09-088D**Seasons: Muzzleloader; Extend Archery; Move Firearms Out of the Rut; Extend Firearms; Doe Only Season; and Seasons/Reduce Firearms Season

Tim Nussbaum, from Kosciusko County, provided to Counsel members a hardcopy of several rule proposals. He said the rule proposal would move the firearms season out of the "rut" and reducing firearms season. He said he suggested moving the start date for antlered bucks back seven days from the beginning of firearms season and the first seven days of firearms season would be for antlerless deer only. "Basically it would be frontloading the season to shoot does or antlerless at the front of our firearms season. That way you are not reducing hunter opportunity. You are becoming more efficient and effective with your opportunity." He said these proposals would put hunters on the "same page" statewide. "I really believe this will help recruit hunters."

Bill Herring, from Morgan County, suggested that days not be eliminated from the hunting seasons, but actually recommended adding a couple days. Herring said he "strongly supports" establishing an early antlerless deer reduction season for antlerless deer only and open to any firearm, modern or muzzle loader, bow or crossbow for one weekend following the youth season for DNR selected counties. He also proposed that no antlered deer be taken under depredation permits in order to minimize the temptations for illegal taking of antlered deer. "These proposals would effectively address some serious concerns in parts of Indiana regarding overpopulation numbers, crop depredation losses, and motor vehicle accidents."

Kevin Smith indicated he was presenting "pretty much a core group of the most active participants with the Indiana Deer Hunters Association". He said the group agreed that the existing firearms season is "long enough and none of them need to be extended or changed; the archery season should be extended to the second Sunday in January; and doe only seasons should start the Saturday after Christmas and extend to second Sunday in January filling all unused tags."

The Chair noted that many suggestions received proposed either shortening the firearms season or to move the firearms season back so that the season did not start at the peak of the rut. He said the Advisory Council is "interested in knowing what deer hunters think about these proposals."

Clarence Williams, from Newburgh Indiana and owner of Hunt-Indiana.com, an online forum, suggested that the existing muzzleloader season remain as it exists or the season could be extended to the end of December. He said the muzzle loader "does a yeoman's

job in taking care of the antlerless population; their kill is 80% antlerless, with a good portion of those are does.” He supported extending all hunting seasons. He said archery season should begin September 15 and extended to end of January. He also supported an antlerless deer season. Williams said the firearms season is at the “tail end of the rut now.” He said the Indiana needs to be creating hunting opportunities rather than taking them away. Williams noted that a “good portion” of antlerless deer are killed after the first weekend of firearms season; therefore, shortening the season would “seriously limiting the DNR’s method of managing deer.” He concluded by voicing his support for extending firearms season.

Richard Landon noted that he owns timberland in Fountain County and deer herd management is necessary for timber management. He agreed that shortening the firearms season would be a “bad idea, because it will rush people and already the two week period of time around my property becomes a war zone on opening day...I feel if we were to extend the season it is possible that we would have less crowding of hunters on the lands.” He said the season extension would provide additional opportunities for hunters. Landon also noted that even though he did not understand the biology of moving firearms season out of rut, “making it more difficult to take a deer might not help new hunters coming into the sport. By keeping firearms season within rut, I think, would help.”

Chad Zartman said he supported moving the firearms season out of the rut, which would increase age structure of the deer. He said “frontloading” the season would help control the doe population, because “people haven’t been out for a year; they are very anxious to get out”. He said the earlier season would create a “more even distribution of per hunter doe kills.”

Danny East said that moving firearm season out of rut was an “act of prejudice. I have yet to see a definitive bracket of when the rut is. How can you move it out of something that you do not know what it is?” East said he was not an antler “worshiper. I go deer hunting.”

Eric Williams noted that he has hunted southern Indiana for the past 15 years. He said the start of firearm season around November 16th is generally when the older aged deer ... or two year old bucks are “running out of does. They’ve had does earlier in the season before 16 days of firearms season begins. A little bit of the rationale in Illinois and Ohio is an awesome technique to provide a proper age structure of antlered deer.”

Tyler Willis indicated he hunted in Crosley Fish and Wildlife Area and that he supports extending archery season earlier, the “one buck” rule and moving firearms season out of rut. He said he was an avid bow hunter and when he hunts from October to mid November it’s the first weekend of firearms season. “Everybody and their brother is out there and its gunfire everywhere.”

Non-Resident Licenses

The Chair said that suggestions were received that indicated Indiana's non-resident license is "too expensive" or "too inexpensive," and requiring \$125 for buck tag and another \$125 for a doe tag was unreasonable.

John Davis explained that some licenses were modified to market Indiana deer hunting. He said that previously a nonresident youth hunter was required to buy an adult nonresident hunting license, but now the nonresident youth will purchase a special nonresident youth license at the regular resident license fee.

Hunter Orange

The Chair noted that "quite a few" suggestions were received regarding requiring hunters to wear hunter orange only when on the ground, and that once a hunter was in a tree stand hunter orange was not really necessary. He noted that none of the suggestions questioned the validity overall of wearing hunter orange from a safety standpoint.

John Evans, representing the Indiana Deer Hunter's Association ("IDHA"), suggested that a 12 x 12 hunter orange tag observable 360° be posted on blinds and elevated shooting houses.

Doug Allman said the IDHA submitted a suggestion noting that the idea of requiring a blaze of hunter orange be mounted on ground blinds and hunter orange has merit. "Some sort of flag for visibility to let someone know there is someone in the blind."

Bill Herring agreed with Allman that requiring hunter orange on ground and elevated blinds has "considerable" amount of merit. He noted that it is to a "person's advantage to advertise their presence" in wearing hunter orange during firearm season whether on the ground or in a tree stand.

Nussbaum commented that he was "definitely" opposed to not requiring wearing hunter orange when a hunter is in a tree stand. "As a landowner, it allows me to find poachers on my land. If they are not wearing hunter orange, that is an additional penalty." Nussbaum said that he understood the safety of requiring hunter orange on blinds; however, said he has hunted his property while in a blind and has caught persons coming across his property. "I wouldn't want to have to advertise that I am there, but part of me understands the safety issue so I don't know how we could address that. Would there be an exemption for landowners?" He noted that non-hunters understand hunter orange and requiring any other color would require a "much greater" learning curve.

Buck and Doe Tag

The Chair reiterated that the Advisory Council does not have an opinion on any of the suggestions received or comments presented at today's meeting. "I don't want to give the impression that we are in support or in opposition to any of it. We are just listening to what people are saying, and then we will report to the Commission."

The Chair explained that most of the suggestions received proposed to reduce costs of licenses by combining the primary licenses or creating a license package with multiple doe tags.

Two individuals stated their opinion that the general firearms license should be for a deer of either sex.

One License for All Deer Seasons

The Chair noted that the Department receives federal funding based on license sales. He asked John Davis to provide a brief overview of the federal requirements.

Davis explained that federal reimbursement comes from the sale of hunting and fishing licenses. He said that federal funds are not dependent on the tag designation. Davis then deferred to Gregg McCollam, Assistant Director of the Division of Fish and Wildlife.

McCollam explained that the first purchase of either a hunting license or a fishing license certifies that person as a certified hunter or certified angler. Purchasing multiple licenses during the year does not impact federal funding. Federal funding is based on the number of certified hunters and anglers in a given year.

Bill Freeman said that some suggestions received noted the convenience of purchasing combined licenses and the willingness to pay an increased fee for that convenience.

Muzzleloader and Primitive Firearms

The Chair said that suggestions received proposed eliminating inline muzzleloaders due to the advanced technology and greater range, expanding muzzle loading season for primitive muzzleloaders, and allowing antique calibers.

Herring noted proposed allowing muzzleloaders to hunt an additional two days earlier before archery season to help control deer population by taking an antlerless deer.

Increase Rifle Calibers

Danny East said that “several of us started petitioning the DNR when we used to meet down at the State House...when we were first just looking at straight-walled rifles, I think due to politics, that got swept under the rug...I think we are fine just the way we are. Let’s not push our luck.”

Two other individuals also stated their opposition to the addition of high powered rifles for hunting deer.

Crossbow During Archery Season

James Campbell noted that he is a lifetime hunter since 1970 and asked that crossbow season be expanded into all of archery season. He said crossbows are recognized as

archery equipment by all the major archery organizations, the American Trade Association, and the U.S. government, and have proved to be a “good” recruitment tool to bring youths and women into the sport of hunting and it helps retain older hunters.

Clarence Williams said, “First of all, a crossbow is not a hybrid of a gun and a bow, because the crossbow was invented in 400 BC.” Williams said that he hunts with a bow for 40 years and with a crossbow for the past seven years. He noted that there is “not much difference” between a crossbow and a “high tech” compound bow, and both have advantages and disadvantages. Williams also noted that other states are allowing crossbows in archery season.

Tim Nussbaum said that the debate regarding crossbows is an “eternal” debate. He noted that he has hunted in Ohio, which allows crossbows during archery season, and he has not heard “a lot” of complaints from hunters who use either a compound bow or crossbow. “What tends to be the subject is how can I still have a best deer hunting experience?” Nussbaum suggested creating a crossbow tag.

Tim Labbé, President of the Indiana Bow Hunter Association (“IBA”), stated that the Association is “strongly” against allowing the crossbow during archery season. The IBA “does not feel” the crossbow meets the requirements to be considered a bow or archery equipment, but “more resembles” a firearm than a bow. He noted that evidence shows that crossbows are capable of a 100-yard range, which the IBA considers unsafe.

Kevin Haendiges noted that he owns both a vertical bow and a crossbow, and has experimented with a wrist-held trigger operated release, which most compound bow hunters use. He has concluded that the release is “no different than the trigger on my crossbow”. He said that “anyone who thinks they can get 1,000 feet/second or 100 yards out of a crossbow has never fired one.” He said there are misconceptions about the crossbow. He said that crossbows would not be considered archery equipment under Indiana law, but “a stick with a string that flings a feathered stick is archery.” He said the ballistics of a crossbow is “nearly identical” except that the much shorter crossbow bolt will loose energy faster and thereby limits its range. He said, “If you get 40 yards, that’s a good shot.” Haendiges concluded that he “strongly” advocated the inclusion of the crossbow in early archery or any other archery season.

The Chair noted that a few suggestions received indicated that there would not be opposition to allow the use of crossbows for seniors or those with a disability during archery season. He asked whether the IBA had an opinion as to this suggestion.

Tim Labbé said that the IBA would not be opposed to allow seniors or those with disabilities to use a crossbow during early archery season.

John Walt, a District Representative for IBA, said that he discussed the crossbow issue with the fish and wildlife director of Ohio. Walt asked the director whether offering a crossbow license added to the sales of licenses in Ohio, to which the director answered affirmatively. Ohio experienced a 43% increase in license sales for crossbows. Walt

asked the director how many new hunters were recruited because of the allowance of the use of the crossbow, to which the director answered that recruitment was less than 0.5%. Walt said that the director explained that the majority of crossbow license sales were due to “cross over” of those who previously purchased firearm licenses. Walt also indicated that the director noted that crossbows do not recruit women and youth into hunting. Walt explained that new hunters need to be “schooled” on the use of the crossbow, just like other hunting equipment. He said the crossbow is easier to use, but is not purely a recruitment tool. Walt agreed that the allowance of the use of crossbows retains older hunters.

Clarence Williams noted that the hardcopy report provided to Advisory Council members contains recruitment statistics of crossbows on page seven. Statistics show that youth hunters age nine and ten, are recruited using crossbows. At age 21, the hunters are using vertical bows, and after 40 the hunters revert back to the crossbow.

Bill Freeman asked an IBA representative how IBA recruits youth hunters with bow equipment.

Labbé said that National Archery in the Schools Program starts youth with a Genesis™ bow, which is about 35 pounds. Through the program, the youths become familiar with archery equipment. Labbé confirmed that a youth would be capable of taking a deer with this equipment at 20 yards.

John Walt said, “I agree that there is a certain amount of recruitment with the crossbow...the Ohio data showed that the only way that the crossbow works is through a mentor system.”

Other individuals observed that allowing crossbows would be good for recruitment purposes and for introducing youths to archery hunting.

Antler Restrictions

Kevin Haendiges said he was opposed to antler restrictions. “My vision is not great to begin with and the idea of trying to count points at even 50 yards would be a chore for me with binoculars.” He said the enforcement of this requirement would be a “nightmare”. He also noted that antler restrictions might cause waste, and has been tried in other states producing negative results. He said Mississippi noticed after several years of antler restrictions the average size of the racks diminished.

Clarence Williams said he would not support antler restrictions. He said enforcement of the restrictions would be a major issue. He noted that studies in Mississippi show that antler point restriction basically has an adverse affect on the size of antlers. Williams noted that judging antler points and spreads in the woods, especially from the side, is difficult. He said undersized bucks taken would be “left to rot” in the woods. “We have too many restrictions now; please do not add any more.”

Other individuals offered comments in opposition to antler restrictions

Ban on Spotlighting

Doug Allman noted that spotlighting is a “pet peeve. I hate it because I work to gain access through landowners. I work to keep that access. I constantly have a parade of vehicles before and during gun season and other hunting seasons spotlighting deer on where I hunt.” He said spotlighting disturbs the deer and their behavior. Allman said that access is “hard to gain and is very treasured.” He concluded, “I wish it was banned prior to and during seasons.”

Allman noted that any legislation proposed that would govern spotlighting always contained exemptions for landowners or those with landowner’s permission.

Conservation Officer Steve Hunter explained that public perception is that spotlighting is illegal already. “We get a lot of calls of people spotlighting.” He said that the non-hunting public is “turned off” by spotlighting. He said spotlighting is a law enforcement issue. Hunter explained that it is currently illegal to spotlight from a vehicle with possession of firearm or archery equipment capable of taking a deer.

The Chair said that any amendments to spotlighting would have to be accomplished legislatively.

Kevin Smith indicated that the IDHA membership agreed that it did not want to see any changes to the current rule. Smith commented that personally he has spotlighted deer with his sons and their friends to “make the 6-mile trip around the Hoosier National Forest section that we hunted, and seeing 50 to 100 deer go them pumped up for the next day...spotlighting really helps them to sit in the woods for ten hours the next day to know there are some big boys out there.”

Other individuals noted that imposing a time limit that allowed spotlighting until 10:00 p.m., for example, similar to what other states have done might assist conservation officers.

Depredation

Danny East said he was “all for” depredation permits and changing the rules. He said some hunters can shoot a doe and “not worry about the fawns starving to death... I refuse to shoot a doe this time of the year, and no bucks, period. Too many guys are taking advantage of that.” He asked, “What’s wrong with a little quick survey after the regular season? Do it in January or something like that”.

Bill Herring indicated he had limited experience actually hunting with depredation permits, but did hunt under a depredation permit in early to mid September, which is after the fawns are reasonably able to take care of themselves. “By shooting those does in June, July, or even August, all of those fawns would not have much of a chance of

making it with the stray dogs and coyotes.” He suggested establishing an early doe season in areas where depredation permits have been issued previously, which would reduce the need somewhat for the depredation permits. Herring said depredation permits should be for antlerless only no matter what time of year the permit is issued. He noted that a trend is developing for some hunters to take a buck in the velvet; that “shouldn’t be allowed in Indiana.”

Doug Allman noted that he has “spent time down in front” of the Legislature testifying and hearing discussions revolving around deer. He said the depredation permit is a tool to “appease landowners who are complaining.” Allman said that hunters should be speaking to their legislators rather than the Advisory Council. Regarding depredation permits, “I don’t think DNR likes them; I don’t think the hunters like them.”

Over-Population/Under-Population

The Chair asked Chad Stewart, the Department’s Deer Biologist, to provide an overview of the deer population and other statistics used to determine bonus deer tags. Chad Stewart said that the “bonus” deer numbers are a collaborative effort between the Division of Fish and Wildlife and the Division of Law Enforcement. At the conclusion of each year’s harvest, the data is summarized and distributed to the district wildlife biologist, “who know their areas better than anybody.” The district biologists along with the conservation officers make recommendations. He said the recommendations are then compiled and reviewed and the process is based on a 10-year harvest trend. Stewart said the county population goals are compared to the present trend to determine county allotment.

The Chair asked for an update on the status of Indiana’s deer herd.

Stewart said it is difficult to determine that DNR can only manage deer at a county level. “It’s impossible to go lower.” The county bonus permits are a “generalization” of the county itself. “We know perfectly well that within that county, those numbers can be higher or those numbers can be lower.” He said that Madison County has been allotted eight bonus deer, but “there are probably locations in Madison County that well-deserving of having an eight and there are areas where they are not deserving of having an eight.” He said deer populations are dynamic and are not homogenized within the county.

John Davis noted that areas, such as Carmel, Fishers, and Noblesville in Hamilton County, which have restrictions on firearm use but still with rural areas, there are pockets that are “pretty intense” as far as deer-vehicle accidents, deer sightings, or crop depredation. He said, “When you are seeing ten or twelve deer out there and you are killing as many as you can, and you trying to get them at the specific time when [soybeans] bifurcate, which is a certain time in a plant’s life, then it gets a lot more complicated than just to say, ‘Don’t ever shoot a buck.’” He also noted that deer processors are “geared” to the hunting season. “There is a lot of complexity involved” in deer management.

AmyMarie Travis Lucas said that many of the suggestions received noted a reduction in the deer population. “Do your studies show counties that are showing an extreme reduction in the population?”

Stewart explained that aside from Tipton County and Benton County, “we feel there are plenty of deer around.” He said Benton County does not have the habitat to support a high deer population. He said the northern counties and the southern counties, in particular, “we have not noticed” a decrease in population. Stewart said that five of the past six years the harvests have increased. “The harvest numbers certainly support that the deer numbers are there.” He said 2008 season harvest was approximately 129,748, and deer taken under a depredation permit were a little of 2,700.

John Davis said that the county bonus designation is a “reflection of a lot of statistics”.

One Buck Rule

The Chair noted that the Advisory Council has reviewed the “one buck rule” previously, and the Department’s previous deer biologist indicated there was no biological reason not to harvest two bucks. The Advisory Council extended the “one buck rule” for an additional five years to gather data to determine impact of the rule on the deer population.

“Earn-A-Buck”

Bill Herring said that those who hunt deer to take a trophy deer only will pass on does. One of the merits for an early antlerless season could “in a way” serve as an “earn a buck” by shooting a doe before the regular seasons where a buck can be taken. Herring said establishing an early antlerless season would eliminate paperwork that may be associated with an “earn a buck” program.

Other Suggestions: Telecheck

The Chair explained that the Natural Resources Commission referred the suggestions regarding checking in of deer by telephone by to the Advisory Council.

Charles Walters said he has hunted in Kentucky, which allows telecheck. He said he would be “against” telecheck, because telecheck would “take away” the Department’s ability to gather data and monitor disease.

Doug Allman stated that he would be “strongly opposed” to going to a telecheck system “given that we have CWD in surrounding states, and given that we just had TB discovered in two deer farms.” He said currently the Department has “hands on” inspection during gun season, but the Department would lose the ability to “go back” to institute a system to monitor disease in the herd. Allman said telecheck is basically done for convenience, but noted that the existing check-in system has “flaws”.

Conservation Officer Steve Hunter explained that there are “a lot” of cultural differences across the State and deer check stations are available in areas where deer hunting is a “real popular” sport. However, there are areas in the State, such as in Benton, Blackford and Tipton Counties, where there are fewer deer and “we are having trouble finding those check stations.” A hunter who harvested a deer in some locations may have to drive 45 minutes or more. Hunter said, “[Telecheck is] not necessarily convenience only, it’s getting to the point in some areas it may be a necessity.” He agreed that there may be issues of tissue collection associated with telecheck. Hunter said that the Division of Law Enforcement is not “strongly for or against” telecheck, but “there will probably be a time in the future where it is going to be a necessity to go to something else because people in more urban areas don’t like to see a bloody deer in the back of a pickup.” He explained that some cities have wanted to pass ordinances against bringing in a deer uncovered and other deer related ordinances.

Chad Stewart said that collecting biological data is “much easier” with the physical check stations. He said the Department has had mandatory check stations since 1981. Since that time the Department has gathered approximately 28 years of data, and from a biological standpoint “that’s valuable”. He said as attitudes and priorities change telecheck may be inevitable since technology “tends to win out”. Stewart said a survey was conducted last year as the deer were checked in asking the hunter whether deer would be commercially processed or self-processed. There was no statistical difference in adult deer age structure of those deer commercially processed or self-processed. There was a statistical difference in the amount of fawns that were self-processed versus commercially processed, commercially processed fawns were much fewer than self-processed fawns. Stewart said that the Department would have to “mandate” areas “highly sensitive” to Chronic Wasting Disease or Bovine Tuberculosis, as a sampling area. “Whether that’s delineated by counties, townships, or major highways, we need to maintain that ability in those areas” to collect data. He noted that Illinois has instituted this kind of check station program where it knows there is CWD or TB. He said Indiana may have to institute a program similar to Michigan where physical check in of deer is voluntary, to which Michigan provides hunter incentives.

Bill Freeman asked whether the data the Department collects can be collected by commercial processors. Stewart said that commercial processors could collect age data; however, female fawns would have to be enumerated some other way. Freeman then commented that the Department could access the commercial processor as a source for scientific data. Stewart; however, explained that some of the biologists have had resistance from processors in collecting for disease samples. “[The processors] are afraid that if the animal is positive [for disease], it could be traced back to their facility which would result in additional quarantine”. Freeman said, “Good point.”

Some individuals suggested that Indiana consider methods adopted by other states. Reportedly some states require a person to physically check one animal for every “so many” tags purchased. Illinois and Kentucky both have some form of telecheck

AGENDA ITEM #3

The Chair asked whether telecheck would “make it easier” for hunters that self-process to take more than one buck. Steve Hunter said, “That’s already happening now. I think the deer we are missing are the ones that don’t have any check stations attached” to a processing facility. He said that if it is made easier to check in deer compliance will most likely increase.

EXHIBIT 3

Excerpt of Natural Resources Advisory Council's August 12, 2009 Meeting

Consideration of suggestions for substantive amendments received from the public through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding rules governing hunting birds; Administrative Cause No. 09-084D

The Chair briefly explained the process of considering the suggestions received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding the subject category hunting birds.

Doves/Crows

The Chair said that a few suggestions were received indicating the need to extend the dove season or moving the season to the afternoons. The Chair said that the Advisory Council, in reviewing season lengths and bag limits, would have to rely on "our biologists and how it infringes on other people and other hunting groups".

The Chair noted that a few suggestions were received regarding moving crow season later into the year to eliminate the conflict of waterfowl hunters and to create more hunting opportunities in March.

Rick Cockrum noted that a federal dove stamp is now required to hunt doves.

Chris Smith, the Department's Legislative Liaison, explained that the 2009 Legislature added a Game Bird Habitat Stamp that is required along with the hunting license in order to hunt dove. He said the Department issued news releases through its Division of Communications, and a new section covering the stamp requirement was added to the 2009-2010 Hunting Guide. He said that as rules and regulations are amended, educating the public is the first part of the enforcement effort.

John Davis noted that the *Indianapolis Star* ran an article covering the new Game Bird Habitat Stamp.

Cockrum suggested that a notice that a new stamp is required should be added to the online license and permit order form. "It might be too late, because the season opens in a couple of weeks. People are probably licensed up."

Smith said that he would contact the Division of Communications to add a notice on the online order form.

The Chair then opened the floor for comment.

No comments were received.

Waterfowl

The Chair said that the majority of suggestions received were concerning the reservation system for waterfowl hunting. “There seemed to be a lot of people concerned that there are so many no shows, and that if you are drawn but one of your party doesn’t show up you can’t hunt. Because of that, a lot of people that would like to hunt that didn’t get drawn aren’t being able to hunt and that there is a lot of opportunity going unused.”

Wayne Bivans, Chief of Wildlife for the Division of Fish and Wildlife, explained that the reservation program is run to ensure as many people can hunt as possible and to also ensure that slots are used. He said past registrations for hunting waterfowl on state property were on a first come first serve basis. “There would be far more people than there were hunting slots so many of those people were turned away. Some had camped all night or stood in line half the night.” He said the registration system was devised to “do away with that type of activity. On the one hand we solved one problem, but on the other hand with no shows, that’s another type of problem”. He said hunters will stand in line to register for the “no show” slots. He said that in any reservation system, people will be turned away. Bivans said the current reservation system has been the “most effective” system.

The Chair asked whether all reserved hunts have “no shows”. Mitch Marcus, Wildlife Specialist with the Division of Fish and Wildlife, said that “no show” drawings are held at the properties on those reserve hunt days. “We allocate all those opportunities.”

The Chair noted that several suggestions received indicated that hunters would like to plan vacations around the reserve hunt days, but because of the reservation system, the persons were not notified sufficiently in advance whether they were drawn.

Marcus said that the suggestions received regarding the reservation system are “typical” of comments received since the DNR instituted the reservation system. “The reservation system is a huge convenience to hunting public en masse. It tends to be some of the locals that are a little more upset about it, because they feel they are competing with folks all over the state instead of just the guy next door.” He said the local hunter has “just as much opportunity” as a hunter across the state.

AmyMarie Travis Lucas asked how far in advance persons are notified whether they have been drawn for a reserved hunt. Marcus said that typically persons are notified within a week of the drawing.

Travis Lucas said, “As far as people complaining about being able to plan vacations, I’m trying to figure out if that’s a valid concern.” She added, “I think it would be instructive for us to know how far in advance people are notified.”

Marcus explained that persons can check online approximately two weeks prior to the scheduled hunt whether they have been drawn for a reserved hunt.

Travis asked what percentage of the persons drawn are “no shows” and how many people show up to be listed as standby.

The Chair asked whether there was a reserve hunt draw for every single day or are “some days open days or some days draw days?” Marcus said that “typically” reserve hunt draws are for opening days and weekends. The Chair then asked, “So week days mostly are just where people can show up for the most part?” Marcus said, “I think that would be a decent generality.” He added that the high competition days are the days included in the reserve hunt draw because “the demand is there... We are trying to give a hunter the best shot at a good hunt on our best places to waterfowl hunt in the state. There are just not a lot of those places”.

Richard Cockrum asked whether a penalty disincentive is associated with a “no show”. Bivans said that he did not believe there was a penalty for not showing for the reserve hunt. Cockrum noted that one of the suggestions received recommended instituting a point system. “There just seems that there ought to be some disincentive if you block the date and kept somebody else from it especially if there is a pattern. What’s the downside? I log in; I entered; and if I win I might go or I might not go.” He noted that there will be “legitimate excuses” for not showing for the hunt.

Marcus said, “Because we do the ‘no show’ drawings, we are not keeping someone else out of the field.”

Cockrum answered, “Right, it’s somebody that shows up, but you are keeping somebody from planning their hunt because it taken by somebody who may or may not show up.” Cockrum also noted a suggestion was received regarding the rigidity of the reserve hunt draw process and the suggestion recommended allowing the property manager to have more discretion.

John Davis explained that the property manager has some discretion, but “it wouldn’t surprise me if some property managers also use that as a way to respond to ‘Hey, get me in there.’”

Marcus advised that the reservation system for waterfowl has been in place since the early 1980s. He said that suggestions pointed out that a single hunter is not allowed to participate in the hunt. “It used to be we only allowed parties of three in the drawing. There was a lot of father-son pressure shortly after that, so now we are now allowing parties of two and three.” He said that there is “no trouble” filling the ‘no show’ slots “so we haven’t seen that we really need to address singles other than in the ‘no show’ drawings.” Marcus also explained that a party with a ‘no show’ may substitute another person or accept a person into their party that has been selected from the ‘no show’ drawing.

Chris Smith said he hunts waterfowl and has used the reserve hunt draw system. “It is a good system. I have been drawn and I have had one of my three back out at the last minute... What we did was we showed up there; you’ve got this standby pool of people.

We said, 'Hey, we'll take somebody right now. There's usually someone who is there by himself...There is flex to the system'. He concluded, "I don't know of a system out there that guarantee everybody show up all the time."

John Davis said that technology may be available to build a credit for "having applied and not been drawn the year before so that perhaps if you apply and don't get drawn, maybe you get two chances or 1 ½ chances the following year."

Randy Showalter said that he was a past employee of the Department "many years ago" and worked at Lake Monroe. He said a reservation system was initiated for waterfowl in 1977. "I soon found out very quickly in the Lake Monroe situation—and I think we have statewide—is some of the public areas become very local in use." He explained that the prior to the reservation system those from Bloomington "always had the jump on everybody because they could show up at a moments notice. If they were not drawn on a particular day, they could go back to work." He said that a person from Indianapolis or from northern Indiana "didn't have that luxury if they made that commitment to come to Monroe they were committed for the day." He said that with the reservation system those living in the locale were able to take advantage of the "no show" slots. Showalter said it is "important that everybody" in Indiana have access to the reserve hunts. "We just need to be consistent with handling 'no shows'. The reservation system, as far as I'm concerned, been a very positive thing because it allows every citizen in Indiana to take advantage of it."

John Davis asked whether slots were filled due to "no shows" in reserve hunts on reservoir properties. Mike Mycroft, Resources Management Coordinator with the Division of State Parks and Reservoirs, answered, "I'm fairly certain we do, but I just can't answer to what conditions of whether or not we let one person in or there has to be two or more."

The Chair said, "Obviously, we have a system that works. We always try to do what's right. I do think there is some merit to what John [Davis] is talking about, and what Rick [Cockrum] brought up; if we have people that are abusing the system if there is a way they can be penalized."

David Lupke noted that a suggestion was received that said the goose reduction hunts were "handled differently" than other reserve hunt drawings. "Is that true?"

Mycroft said that the goose hunts have been handled differently in the past because of the objective to reduce population of geese. "We have required that folks have to have their buddies they intend to bring with them on their application." He explained that the "current plan is to not do that." Mycroft said that the first standby drawing was instituted last year, because there were "very high" levels of "no shows". "In order to maintain some sort of continuity along with our deer reductions as much as we could". He said that there is an approximate 60% no-show at each reserve hunt.

Davis said that the Department is attempting to shift the population reduction hunts to “more like regular hunt situation, but still try to insure that we have enough people show up with the idea that they are helping us get rid of these geese”.

Lupke said, “It would seem that in those cases of reduction, we might have more liberal policies or looser policies regarding no-shows. We want the geese harvested and it would seem we would want to create more opportunity for people”.

Davis agreed, and added, “More opportunity or at least more assurance that we are going to fill all of our slots.”

Cockrum asked, “Why do we have a draw if they are a nuisance. Is it purely safety?”

Mycroft said that when the goose reduction program was initiated the program was “mirrored” after the deer reduction noncommercial hunts “so as not to confuse the public.” He explained that there is an advantage of knowing how many hunters are participating in the reduction hunt so that local law enforcement or adjacent property owners may have advanced notice of the scheduled reduction hunt. Mycroft also said the reserve draw hunts also provided a “comfort level” for the property managers, because many of the properties are “not necessarily designed for hunting.” He said that this year goose reduction hunts are being held on Summit Lake State Park and Potato Creek State Park. Mycroft said that the Division of State Parks and Reservoirs is “open to the idea of changing a lot of this around. We felt all along that we are really kind of standing in the way with a lot of these restrictions.”

Davis said that there is a “different” constituent group that “we don’t really deal with in these fish and wildlife regulations that go to state parks that don’t want [the geese] hunted”.

The Chair noted that other waterfowl suggestions received centered around bag limits and hunting seasons. He asked how the Department determines the waterfowl hunting seasons and bag limits

Adam Phelps, Wildlife Biologist with the Division of Fish and Wildlife, explained that for all migratory birds the bag limits are set at the federal level. He said the Mississippi Flyway Council holds meetings twice a year to discuss bag limits. He said there is an “over abundant” locally breeding population of Canada geese combined with “much more problematic” Canadian breeding arctic populations. As the arctic populations fluctuated, bag limits had to be set to protect the population rather than “taking full advantage of the localized breeding population.” Phelps said that “management thoughts” are changing and the Southern St. James Bay (SJB) goose population hunting zone was eliminated a few years ago. Phelps said that a “few” days were added to the hunting season and in the next couple years the Mississippi Flyway Council will be reviewing extending the bag limits for Canada geese in an effort to help states deal with their “over abundant” Canada geese. “Fundamentally, it’s a federal limit that is set on

Canada goose bag limit. I would love for it to be higher, but right now we just can't do that."

Phelps said that Indiana has three duck hunting zones—north, south, and the Ohio River zone. He said the Department has been tracking duck migration since 1985, and the Department will "count ducks" every week from the last week of August through January on many state and federal properties to index migration. "What we are seeing is that there actually isn't a change over time in terms of when the ducks are coming down." He said that hunters in southern Indiana may be seeing ducks "go down as they traditionally have...but they are coming back maybe a little earlier. So we see a lot, especially pin tails and mallards, coming back north in the tail end of January...So it's a completely different phenomenon that appears that the birds are arriving later...So what you have when you start shooting at northbound birds, it's sort of a double jeopardy on the part of the bird. You are shooting at birds that have been through the gauntlet once and are coming back. In a biological perspective, that's what we call 'additive mortality'; you are killing birds that are almost certainly likely to breed that year and so it's much harder on a population to hunt really late than it is to hunt during the southbound migration".

Phelps explained that the south duck hunting zone covers north of Lafayette to south of Sullivan on the western part of Indiana. "So, when we open at Thanksgiving time for the second split of duck season, Lafayette, Muncie, and Kokomo are frozen. And so, pushing that season even later or shortening that early split eliminates even more hunting days for duck hunters in the northern part of the south zone." He said that setting duck seasons is a "balancing act" to try to give hunters in the zones an opportunity to hunt.

The Chair said, "So you do have discretion over setting seasons, but you are trying to control the mortality and deal with our climate."

Adams said the Department's primary goal is protecting the duck population and the secondary goal is to provide as much hunting opportunity as possible. He said the season dates have not changed "a whole lot," because the southbound migration has not changed "a whole lot."

The Chair asked whether the Department is considering "special seasons" and increasing the bag limit in February due to the goose population.

Phelps said that the Department has established a 3-year "experimental season" from February 1st through the 15th in 30 Indiana counties, and this is the last year for the experiment. He said the Department will ask the federal government to "go operational" with the season in those 30 counties. "The problem we run into is according to the Migratory Bird Treaty Act you can only hunt any given species of bird 107 days. In those 30 counties, we are at 106 right now." He said if the hunting season is lengthened at a statewide level, "then we have to start playing with special seasons, which would be September and February in those counties to try to keep it under 107 days".

Lupke asked whether the Department is considering expanding to include more than the current 30 counties. Phelps said, "It depends primarily on how fast the Flyway moves in expanding our bag limits and season days for the regular season in general." He said that if the seasons are lengthened, then counties would not be added; however, several additional counties are currently being considered for initiating a 3-year experimental season.

Donald Van Meter asked whether Indiana has "about the same" goose population problem as the surrounding states.

Phelps explained that the goose population is "about the same" throughout the Flyway. He said Manitoba has indicated that its localized goose populations are "exploding. They want us to kill more migrant geese, because in the southern parts of those provinces, they've got a lot of giant locally breeding maximas that we have here...[Manitoba] would like to see our bag limits go up". He said that some of the southern states' goose populations are "lagging" behind Indiana's population, but Alabama and Louisiana are "starting to have serious problems now as well".

Phelps explained that Indiana sets its duck season and bag limits within a framework, which is based on the mallard duck population and number of ponds in Canada in May. There is a 60-day duck hunting season that runs from Saturday closest to September 24th to the last Sunday in January established by the U.S. Fish and Wildlife Service. The Department "can pick 60 days within that span per zone...and each zone is allowed two splits or two time periods in which hunting is legal".

Ross Williams asked whether there were "a lot of bagged geese" during the February extended season. Phelps said that it is estimated that approximately 13,000 have been taken over the last two years. He noted that birds banded in Indiana have been taken in 31 states and provinces. "These [geese] spread out a lot more than people give them credit. A lot of the birds we shoot in February are mostly giant geese, a lot of them are Ontario, Michigan, and Wisconsin giant geese, but the vast majority is Indiana giants".

Cockrum said that the "biggest" complaints he receives are associated with the goose population and the "problems of hygiene...I think this bureaucracy is going to be pressed when and if this Country ever has a bird flu outbreak...I think the public will just demand something be done for these retention pond geese". He suggested Indiana broach this issue with the Mississippi Flyway Council.

Davis asked Department staff to explain Department efforts in combating nuisance waterfowl.

Phelps said that he is not really involved in the nuisance goose population. He explained that "a lot" of geese are relocated and banded every year.

Davis said that the Department can issue a permit to band geese, egg oiling, and lethal ways to deal with the goose population.

Linnea Petercheff, Staff Specialist with the Division of Fish and Wildlife, explained that the Department can issue a permit for goose egg and nest destruction. “But to actually trap, re-locate, or euthanize Canada geese, the person has had to have gone through our training...because [the Department] gets a permit from the U.S. Fish and Wildlife Service that allows us to take “X” number of geese and mallard ducks. These people who get this training become authorized agents under [the Department’s] permit to either trap and re-locate or euthanize Canada geese. Under the federal law provisions, it allows the euthanasia of adult Canada geese if there is a public health problem.” She said that several permits have been issued under the public health provision in situations where the county public health officer declares a public health problem. “The door has opened a little in the past few years to allow for some more control.”

Travis Lucas noted that the City of Martinsville sent three of its officers through the training program, and Martinsville has applied for a permit.

Lupke asked whether persons are trained to recognize the different subspecies of geese “so they know they are shooting the resident giant Canada and not something coming through?”

Phelps explained, “It’s not an issue during the time period when it is legal; all those interior birds are well north of us by then.” He also explained that banding and relocating birds has impacted the harvest of those relocated adults. The only way really to control a population of long-lived birds like this is to kill adults, and the harvest rate of those birds that we move is about 30%, which is something like three times the regular harvest rate of Canada geese. So, moving these geese does work to reduce the adult population.”

The Chair opened the floor for additional comment.

No further comments were received.

Pheasant and Quail

The Chair explained that the suggestions associated with pheasant center primarily on the reserve draw hunts.

Budd Veverka, Wildlife Research Biologist with the Division of Fish and Wildlife, provided an overview of Indiana’s pheasant and quail populations. He said the pheasant and quail seasons have begun “pretty much the same day” since about the mid ‘70s, which is the first Friday after November 3rd. Depending on populations, pheasant and northern quail seasons run for 45 days, with southern quail hunting season running longer until January 15th, because the population “is better in that area.”

Veverka said that the pheasant and quail populations are “not in great shape” due to change in habitat. “We’ve lost a lot of the upland habitat in Indiana. We have a lot more forests now. Some of the areas that were upland are now forests, a lot of farms are now

subdivisions” and with current farming practices “we are losing fence rows, which are key winter habitat. We don’t have as many grain crops in the state anymore, which was major to those species and we have more corn and soybeans. It’s just a lot of factors for small game.” He said that quail bag limits are reduced on the DNR properties located in the northern part of the state.

Veverka said that most game birds spend most of their time on the ground. “They are very susceptible to severe weather, ice storms, and heavy snow.” He said an exact number of pheasant cannot be provided, but an index shows whether the population has increased or decreased since 1966. The quail population index goes back to the 1940s. Veverka said that the population of both quail and pheasant “really got hurt in the late 70s when we had the severe storms. Since then we haven’t really rebounded well.” He said that the Department has ceased the pheasant propagation program, “putting more birds out, because of the sheer cost of that program and it was fairly ineffective”. He said there was a “significant” decrease in the southern Indiana quail population due to the significant ice storms along the Ohio River this past winter, with some counts as much as 50% decline. Veverka said quail populations are “very weather affected.”

Veverka said that as hunting occurs later in the season there is more additive mortality. “So, keeping the season earlier in the year and not in that late time where they are more susceptible is usually what we try to concentrate on.”

Cockrum asked whether the hunting season should be shortened on the tail end for both quail and pheasant.

Veverka said the Department is reviewing data accumulated from other states’ shortened seasons. He noted that Ohio has reduced its quail season to mid November. He said that the quail seasons “lengthwise are good...but reducing bag limits really doesn’t make much change or difference” to the population. He said currently hunters do not harvest the bag limit, and “severely” reducing the bag limit “you a lot of times discourage hunting”.

Cockrum asked whether the increased turkey population has an impact on pheasant and quail populations.

Veverka said the birds use different habitats, and turkeys “really have no effect” on quail and pheasant populations. However, explained that coyotes and small mammals, such as skunks, opossums, and raccoons, attack nests and kill adult birds. Raccoons are “probably the largest predator” in the state for these game birds. He reiterated that the “major factor” impacting quail and pheasant population is the loss of habitat.

Ruffed Grouse

The Chair noted that the suggestions received centered around populations of ruffed grouse and habitat improvement.

John Davis noted that a secondary goal of the Division of Forestry is to manage state forests in a way to increase ruffed grouse habitat.

Jack Corpuz, representing the Ruffed Grouse Society, noted that the approximate take of ruffed grouse in 1981 in Indiana was about 25,000 birds. He also noted that on the Department's last game bird survey the number was "so small that it was not statistically significant. They could only estimate that it was 600 or less...It took us 25 years to get to this particular position that we are in now; it will probably take 25 years of [the Division of Forestry's] efforts or efforts along those lines to bring the birds back".

Corpuz said that Indiana's population of woodcock, pheasant, bobwhite quail, and ruffed grouse are "all in decline, and I mean really in bad decline." He noted that Illinois has reported a 100,000 pheasant harvest, Ohio reporting 100,000 pheasant harvest, and Indiana reporting 10,000 pheasant harvest. "We are the whole in the donut...It is the citizens of the state that have to become aware of habitat, habitat, habitat. That's the whole thing right there. If we don't have the habitat; we won't have the game".

Corpuz said that the Ruffed Grouse Society hosted a Ruffed Grouse Summit in which Department staff from the Divisions of Fish and Wildlife and Forestry participated. "We have to get people on private lands to buy in, and they are doing that right now, to establish habitat". He asked the Department to participate in future summits centered on pheasant and quail.

John Davis said, "We would be happy to take part in that kind of program. It would be good to include other agencies, farm agencies particularly."

Don Gorney, from Indianapolis and representing Amos W. Butler Audubon Society, said he "largely echoes" the comments made by Corpuz regarding ruffed grouse. "We, at Audubon, are very concerned about the ruffed grouse population in Indiana; it's on a steep decline and has been for awhile...We question why the hunting season is not closed to ruffed grouse". He said the ruffed grouse is "pretty much" on its way to being extirpated in Indiana. Gorney said the hunting season should be closed until the population rebounds.

Cockrum said, "I think that there is a logical point there in that, if neighboring states have a tenfold harvest and we are in the process of improving habitat and the count is down to 600, what the Ruffed Grouse Society thinks about a two year moratorium on grouse hunting in Indiana."

Corpuz noted that the "tenfold harvest" he spoke of applied only to pheasant. Corpuz added that he would have to present the moratorium to the Ruffed Grouse Society. "The first response I can think of is that if we close the season we will never get it back."

Steve Backs, Wildlife Research Biologist for the Division of Fish and Wildlife, said his primary responsibility was ruffed grouse and wild turkey. He said a moratorium on ruffed grouse hunting "is not going to stockpile more grouse." He said hunting small

game is based on concepts of law of diminishing return. “If populations are down, fewer people hunt.” He said the grouse populations would continue to decline even if the hunting were closed. “We need to create the habitat. Hunting the ruffed grouse is not the issue. The issue is habitat.” He said, however, the Department is looking at reducing the hunting season to the early part of the season “where the tendency of any birds taken at that point is called compensatory mortality versus later in the season where it’s considered additive mortality. In the end, it’s going to be habitat.”

Backs said that Northeastern part of the United States have classified ruffed grouse as a species of concern; however, these states continue to have a hunting season. “Part of the reason for that is to provide incentives for the public.” He said that some Indiana landowners are conducting “intensive management” on their woodlands in order to produce ruffed grouse populations “so they can also enjoy the opportunity to hunt those birds. Taking the season away you take away their incentive to that management on their private land.”

Turkey

The Chair asked Steve Backs to provide an overview of Indiana’s turkey population.

Steve Backs said the Department is reviewing increasing turkey hunting opportunities both in the fall and spring. He said that addressing increasing bag limits is a “pretty complicated” answer for the spring season more so than the fall season for reasons of gobbler mortality in the spring is basically considered additive mortality. He said a recent 10-year Kentucky study showed that 60% of the standing adult gobblers in the spring season alone are mortality related. “You could get several years of low production and you are going to start depending more and more on jakes, the juvenile gobblers, to support your harvest.” He also noted that the success rate for a hunter’s first bird is 22% to 25%, “so that means 75% of hunters are not getting their first bird.” He said the Department has an open permit system that is based on the attrition of hunters as a hunter kills out then the woods becomes more open, less pressure, and less competition. “You start adding multiple birds, you start stacking up hunters against [turkeys], which in some areas we are starting to see an increase in hunter densities.”

Backs said that the turkey population is “generally” leveling off as the population matures. “The only real growth we are seeing is in the more recently established populations in the northern part of the state.” He noted that the hunter demand and number of hunters is increasing.

Backs said the Department is looking to expand the number of counties for the fall archery season and firearms season as the turkey population expands for both. He noted that over harvest can occur during firearm season if “you get too liberal in the fall season, but at the same time if you are harvesting juvenile birds prior to the winter bottleneck and the winter stress period, part of that is considered compensatory loss, which means that you are taking away some of the birds that would have been lost naturally”. He said that

by reducing population in the fall the survival of turkeys into spring is increased due to reducing the flock size before the population goes into the winter stress period.

Backs said Indiana has experienced four years of below production. “We’ve managed to coast through that with a conservative one bird bag in the springtime. I think we are under estimating the value of what occurred in 2004 when we had extremely high production.” He explained that an adult “cohort of hens” has carried Indiana’s turkey population. However, the hens are reaching “their old age, pathological age, and they are dying off...We may be setting up for seeing some pretty lean times”.

Backs said Indiana is the smallest Midwestern state, and “we have the highest dispersed human population across the state, which has negative impacts on our [turkey] populations, but also dispersed hunter pressure”.

Donald Van Meter noted that several suggestions recommended one license to cover a bag limit of one bird taken in the spring or fall. “Is that simply an economic issue for us?”

Backs explained that licenses are a combination of finances and management of two separate hunting seasons with two different dynamic turkey populations.” He said that the participation in the fall hunting season participation is controlled by those buying a license. “If 75% to 80% of hunters aren’t killing a bird in the spring, you just shift those to the fall so what happens is liberalizations that you were looking at based under the current license structure for the fall season, you will have to go back to the drawing board because now you’ve got an unpredictable untenable number of people that are shifting that extra license without an additional thing.” Backs also noted that Indiana differs from other surrounding states in that Indiana has 40,000 lifetime license holders, with approximately 24,000 lifetime license holders hunting in the spring season. He said that there are approximately 9,000 to 10,000 landowners who hunt turkey without a license. He said harvest of turkey under a youth comprehensive license has increased. He summarized that 65% of the hunters a field “aren’t having to buy an extra license; they are taking 70% of the birds in the springtime.”

The Chair asked, “Why have our hatches been so bad the last four years?”

Backs answered, “Just go to the crop and weather reports, and you will see. I mean, the spring planting dates, and everything else, and cold wet weather.” He explained that a key period for wild turkeys is from about Memorial Day to July 4th. He said that in a “normal year, everything being ideal” 50% to 60% of the turkey polts will be lost in the first week of June. He said the inclement weather affects the invertebrate food supply, which, in turn, retards the growth and the thermal dynamics of the birds to survive. Backs said the weather has been the “biggest” contributing factor on the survival rate of the turkeys.

Bill Herring, from Morgan County, noted that the effort of “a lot of people” and the Department has contributed to the “tremendous” turkey population in Indiana. He

requested that the spring season begin earlier, “leaving the end the same but just adding a few days or even a week on the front end”. He noted that Kentucky’s spring season begins two weeks earlier than Indiana’s spring season, pointing out that southern Indiana’s topography is similar to Kentucky’s topography.

Herring said that last year he requested the firearm season for hunting turkey during the fall be extended. “As it is right now you can only hunt for five days, which is only one weekend, and that doesn’t give too many people an opportunity to hunt for a very long period of time.” He said that the fall season harvest has declined since 2005. “How many shotgun hunters will plunk down \$25 for a license that they have very little chance at filling?” He said the turkey population is “large enough” to support more hunter interest in the fall. “Then why can’t we very easily and very conservatively increase the shotgun portion of the fall turkey season at least an additional week.” Herring provided a hardcopy of the 2008 letter requesting an extension of the fall turkey hunting season using a shotgun.

Miscellaneous Suggestions

Don Gorney said that the Amos W. Butler Audubon Society would “vociferously oppose” a federally approved hunting season for the greater Sandhill Cranes in Indiana. “Other states are pushing for sandhill crane hunts, and that’s likely to be approved in the next two years. With Indiana’s strong ties to the migratory population of greater Sandhills Cranes through Jasper-Pulaski, that Audubon and a lot of other groups would have a lot of comments and oppose that in Indiana.”

EXHIBIT 4**Excerpt of Natural Resources Advisory Council's September 14, 2009 Meeting****Consideration of public comments received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding fishing-trout and salmon on the Brookville Tail waters; Administrative Cause 09-087D**

The Chair briefly explained the process of considering the suggestions received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding the subject category hunting birds. He said that 1,000 suggestions were received, and that, "we've tried to at least give every single one of those suggestions air time. So, we haven't looked at anything and said, 'This is a good idea or it's a bad idea'. What we are doing is we are basically listening to everything people had suggested."

The Chair concluded by explaining that after the Advisory Council's October 14 meeting, the Advisory Council will make a recommendation to the Natural Resources Commission about "items that appear to have merit, which then starts a whole year long process. It's not something that gets decided in any short period of time." The Chair said that any rule proposal will take into consideration impacts on persons, biology, costs. "There are all sorts of things that come into play before the Natural Resources Commission would go ahead and start to change any of the rules."

The Chair explained that the purpose of tonight's public meeting is to provide an opportunity for persons to express their opinions about the suggestions received. He commented that since there were more than 200 suggestions received associated with the Brookville tail waters, a separate Advisory Council meeting was scheduled. The Chair explained that prior to any rules being changed, "there would be proposals and there would be more public hearings that people would be allowed to testify."

The Chair explained that there was no rule proposal being considered at tonight's meeting. He said that an issue has arisen regarding the placement of boulders within the Whitewater River. The Chair said, "That issue was not specifically something that we would have been dealing with as part of our fishing regulations overview. Whether there are boulders in the river or not has nothing to do with the fishing regulations." The Chair noted, however, that there has been "enough back and forth" about this issue that the Advisory Council "felt like it might be appropriate for people, if they wanted to talk about that...we decided to go ahead and at least open up the issue to talk...about the boulder issue."

John Davis, Deputy Director of the Bureau of Lands and Cultural Resources, said that the Department of Natural Resources has an interest in all of the suggestions received associated with the Fish and Wildlife Comprehensive Rule Enhancement Project. He explained that the Department of Natural Resources has an interest in impacts to navigable rivers as well as the Department's "landowner in trust" role for the people of Indiana. "We have that kind of neighbor function, as well as any permitting function that

we would have for putting things in the floodway or affecting the floodway; that's a separate permitting piece." He said purpose of the Advisory Council meetings involved in reviewing the suggestions is focused on the regulations governing fishing or hunting. "That's really more what we are aiming at, and that is what the Chairman just explained well."

Davis said that the Department, as it relates to the proposed placement of boulders in the Whitewater River issue, "owes being a good and responsible neighbor" to the Brookville Park, Franklin County, and the City of Brookville. He noted that it was his understanding that Central Indiana Trout Unlimited has withdrawn its request to place boulders in the river. He also noted that the Department was "remiss" in scheduling tonight's meeting in Indianapolis rather than a location in the Brookville area. "That's a lesson that we take to heart".

Nick Schroeder, representative of the Central Indiana Trout Unlimited ("CITU"), stated "We are not going to continue the permitting process for the boulder placement at Brookville tail waters. He said a notice of the permit withdrawal was posted to CITU's Internet site. Schroeder said the permit withdrawal was a result of a meeting of CITU and "concerned citizens" from Brookville.

Davis suggested that a discussion regarding river habitat improvement and water-based recreation could occur at tonight's meeting.

The Chair said, "I think we do need to go actually, as we look into this further, we probably need to have a meeting down there with a set agenda where people really know that we are going to talk about habitat improvement and some of the things that could be done...I think that would be a more appropriate setting with plenty of public notice as opposed to talking about it more when we are talking about fishing regulations, which is why we are here".

The Chair asked Bill James from the Department of Natural Resources Division of Fish and Wildlife to provide a brief presentation on the status of the Brookville tail waters.

Bill James, Chief of Fisheries, said the Brookville tail waters is an "amazing" 1.8 miles of stream is "probably one of the most intensively studied 1.8 miles that we have." He said the brown trout fishery is "relatively young", and explained that the Department for the past three years has been involved in providing brown trout from a federal hatchery in Kentucky. He said the CITU, with support from other "trout enthusiasts" in the region, initiated the brown trout fishery. The Department stocks 1,500 rainbow trout in the spring for a "kind of put and take" consumptive trout fishery. Working with trout enthusiast, the Department has stocked approximately 3,000 brown trout in the Brookville tail waters annually.

John Davis provided the Advisory Council with a schematic of the section of river at issue. He explained that the Brookville tail waters are located at the tail race of the

Brookville dam and running under the State Roads 101, 252, and 52 (Main Street extended) down to join the West Fork of the Whitewater River.

James said the tail waters are “special” due to the fish congregating at the tail waters. “There is some fish loss out of [the Brookville] lake into the tail water, which provides some exiting opportunities for kinds of fish that you don’t find in every stream.” He noted that Brookville Lake is “well over” 100 feet deep, and the discharge out of the lake tends to be cold; “that’s what it takes to support trout year round.” James also noted that Indiana has “very few” streams that can support trout year round. James said the tail waters provides “great opportunity” for trout, walleye, small mouth, and a variety of other fish species.

James said that the Department has invested in fish stocking and has conducted fishery and angler surveys. He then introduced the South Region Fishery Supervisor, Brian Schoening, to discuss the “science part” of the Brookville tail waters. He noted that Schoening is a native of Brookville.

Brian Schoening said the Brookville tail waters is a “unique” fishery, in that Brookville Lake is the deepest reservoir in Indiana, and it is a multi-species fishery. He said the lake has been stocked historically with rainbow trout annually. He said that in 2001 CITU requested and was given permission from the Department to stock brown trout in the tail waters. Schoening explained that the Department conducts a brown trout study every summer, and it was noticed that the brown trout were surviving over the winter into spring. With this result, CITU requested an 18-inch minimum size limit on brown trout in 2005, which was codified as a permanent rule.

Schoening said that with the imposition of size limits fish stockpiling can result in the decrease of fish growth. He said that in 2007 the Department contracted with the federal hatchery near Kentucky’s Lake Cumberland to stock 3,000 brown trout as part of a mitigation project. Schoening also explained that the Department worked “closely” with the U.S. Army Corps of Engineers to regulate the temperature of the “day release” of water out of the lake. “Historically, that has been the hold up on maintaining trout year round”. He said summer water temperatures elevate and are too warm for trout to survive. Schoening explained that the Corps is cooperating with the Department in regulating the lake discharge in order to maintain water temperatures favorable to year round trout survival. He noted that the carrying capacity of the tail water is unknown. “Carrying capacities can run anywhere from 50 to 100 trout per acre...It could be that the 1,500 rainbows and the 3,000 brown trout going in there annually is more than it can support, but maybe it can support more”. He said the Department this year started data collection by clipping fins of brown trout that are used for stocking to track growth and survival rate. “So now we can follow that year class, and we are going to do that over about three years...to make intelligent decisions on how to manage the fishery”. Schoening said the “key” to the fishery is to “figure out” the mortality rate of the fish. He said that the mortality rate in stocked brown trout populations can reach 80%. Schoening said the Department has “decent” data on the density of the fishery. The studies show that there are approximately 15 pounds to 90 pounds of trout per acre. “It

looks like everything is going fine right now.” He noted that the size limit of trout imposed by rule is “more of a social issue than a biological issue.”

David Lupke, Advisory Council member, asked whether there were signs of natural reproduction in the fishery.

Schoening answered, “We haven’t seen any natural reproduction in the tail water.” He said there is “anecdotal” evidence of some small fish that have been caught, but “is that just a small fish from the hatchery or is it natural reproduction?” Schoening noted that the temperature fluctuations and climate in the tail waters is unnatural and would be “unlikely” that the stocked trout would be able to sustain a population through natural reproduction.

Lupke said that he has visited the site twice, and in both visitations he observed “fishermen harvesting stringers of fish, mixed groupings of fish, but quite a few were browns under regulation size.” He asked whether there was enforcement of the regulations.

Schoening said the Department conducted a creel survey last year. He said the survey results showed 58 harvested brown trout, with 35 being undersized. Schoening said that the area is patrolled by conservation officers, but “they can’t be everywhere all the time.”

Bill Freeman asked, “What is the issue then? If they are not going to produce naturally to maintain the population, and we are going to stock every year anyhow to get a population for fishing, is it just a question of what time of the month are we going to run out of fish?”

Schoening explained that the fish are surviving year round. He said there is a rainbow trout “put and take” fishery where 1,500 fish are stocked every year, which “most” are harvested in a “narrow window” of time between late April through the end of May. Schoening said the brown trout are stocked later in the year.

Freeman asked, “Biologically, then, what does it take to have the brown trout to be able to reproduce? Is that where the boulder concept came in?”

Schoening explained that the “boulder concept” was “just an idea that we had to do some fish habitat in the tail water.” He explained that the tail water is an altered 1.8-mile long waterway. The waterway is separated from its watershed by the dam. “The inputs that a stream would normally get, such as large woody trees...rocks moving around, it is not happening there”. He said there are some areas of the tail water where there is “not ...a tremendous amount” of features. “The concept is pretty tested where you can increase carrying capacity within a stream by providing additional habitat features.”

John Bassemier asked whether the tail waters were over fished. Schoening said, “I can’t say that it’s over fished. Is it crowded? Yes, probably so...That is not an area that we really have any means to address”.

The Chair reiterated that there is no proposal being considered to change a rule or regulation. He then opened the floor for public comment.

Senator Jean Leising indicated that she resides in Franklin County and represents a portion of the county. She said that Franklin County citizens have contacted her regarding the subject matter. She said, "I know that we are not talking about boulders, but I was trying to figure out in my just common sense mind why we would place 75 boulders in 25 areas within the river when the DNR deemed that portion of the river navigable. But then I found out that the Army Corps didn't deem it navigable so I was a little confused about that. I think that a lot of people maybe here tonight are still confused about that as well."

Sen. Leising said that a "bigger" issue may be the proposed prohibition to bait fishing in the river. "Honestly, there are a lot of local people that I think use the river for bait fishing and actually consume that fish. I would hate to see a total ban on bait fishing, and I think a lot of the people that I represent would as well." She noted that there is "serious concern" regarding potential damage to the Brookville Park if the boulder project had moved forward. "I don't think we have to talk any more about that tonight, but that certainly was one that I received some very serious calls of concern about."

Sen. Leising noted that there was a "lack" of information provided to the local community, the Town of Brookville and residents, regarding the project. She said the local community was "in the dark". Sen. Leising also noted that the boulder project may have a "negative" impact on the recreational canoeing in Franklin County. "Canoeing has been a big deal for Franklin County for several years, and I know there are people here that can better talk to you about that, but I think certainly it would have a negative fiscal impact on the local community in that regard."

Sen. Leising said, "I hope we can work this out. Obviously, it's hard, I think, from a common sense standpoint, for local people to figure out why we are making these huge potential changes for fish that are not native and cannot re-populate on their own in that waterway." She noted that the Department personnel "are much more abreast and knowledgeable" regarding the biological issues, but the community "is confused where all of this is coming from." Sen. Leising said, "There always are at least two sides to every issue. A lot of times there are three or four at the Legislature, but we need to try to be civil to each other." She concluded, "We should really take a serious look at doing something that's not native."

Sen. Leising thanked the Advisory Council, and stated, "I know the people in the next meeting that I have to leave for that happens to be in Brookville tonight, will be very happy that, at least at this point in time, the boulder project has been halted and that [the Advisory Council is] certainly listening to all sides in regards to the trout".

Jim Suhre, President of the Brookville-Franklin County Chamber of Commerce and Executive Director of Canoe Fest, which is an annual canoe and town festival, stated that

he would, however, speak as a private citizen. He stated that he represented the “Canoe Fest Against the Boulders”. Canoe Fest has no conflict with fishing regulations per say.”

Suhre said, “The whole reason for Canoe Fest is to bring people to the [Brookville] to spend their money. We are looking at incremental dollars pretty much anyway we can. Clearly, a fisherman’s dollar is the same as a paddler’s dollar. So we are not deaf to the idea of economic impact.” He said that in speaking with the canoe liveries, the liveries “alone bring perhaps 125,000 people a year to Brookville.” He noted that “as far as economic impact, we are looking at a ceiling in regards to that stretch of river. I mean there are really only so many people we are going to fit on there.” Suhre said, “I’m here speaking—even though Canoe Fest, per say, has no stake in fishing regulations—to relate to you that my town and county are enraged and they are very, very much against all of this.” He provided to the Advisory Council approximately 200 letters indicating opposition. Suhre also noted concern regarding the lack of newspaper publication of the tonight’s meeting.

Suhre noted an August 7, 2003 report, “*Survey of the sport fishery in the East fork of the Whitewater River Downstream of Brookville Reservoir*” by Doug Keller, the Department’s Aquatic Invasive Species Coordinator. (<http://www.in.gov/dnr/fishwild/3540.htm>). He said the report concludes that the Brookville tail water fishery is “diverse”. Suhre then read aloud portions of the online report.

Suhre concluded, “We have a situation where, because the law doesn’t require you all to notify us, and no one is saying anything improper went on, but because of that particular circumstance, because of the boulders, and because of that, you have many people, for lack of a better term, who are very angry. We respectfully request that you do not change how the river is. We like how it is. That will allow for the coexistence of all groups. And, I implore you to suggest that if you can make suggestions on the law, why don’t you throw a suggestion in on procedure that the Legislature take a look at notification of the towns?” He said, “fact of the matter is, it’s our home and we care a lot about it.”

Representative Robert Bischoff stated that he has been a legislator for 31 years and has represented the area for 31 years. He thanked the meeting attendees for their “strength and energy to come out here this evening and voice your concerns on this very emotional issue for the people of Brookville and the surrounding area...to let this Advisory [Council] know how important this issue is for your quality of life in Brookville and Franklin County”. Rep. Bischoff said that he has received telephone calls and “many” letters addressing the two issues from his constituents, one issue regarding placement of boulders in the tail waters and the other issue regarding fishing regulations.

Rep. Bischoff said that the placement of boulders in the East Fork of the Whitewater River was “unacceptable” noting the impact it would have had on canoe races in Franklin County, “the biggest event in Brookville during the year”. He thanked the Advisory Council for informing the attendees that the placement of boulders in the river was withdrawn. “I appreciate that so much.”

Rep. Bischoff said that the fishery in the Brookville tail waters has “been a treasure for those people there for generations, generations, and generations. A sport they not only like to do; it’s entertainment; it helps feed their families; it’s the joy of fishing. And, now, there is actually conversation that you want to take that away from those people in that geographical area there in Franklin County in the Brookville area”. He asked the Advisory Council to “use good judgment, have your meetings, and take a good long hard look at the issue”. He said the fishery is a resource that “means so much to this group of people that took time out from their busy schedules to come to Indianapolis here this evening. I want to thank you from the bottom of my heart. And, I realize how big an issue this is.”

Rep. Bischoff said, “It was said earlier here that those people do not want change on that issue. They would like to keep it the way it has been for many, many, many years... There is always a compromise... to hopefully work things out, but I can honestly say that in this situation it would be very difficult to have a compromise. I would like to keep it the way it is. For those trout fishermen, if they want to come in there and do what they have done in the past, that’s not been a problem”. He said that the local community “wants to keep that treasure, that resource that they’ve enjoyed for probably centuries. Let’s keep it the way it is.”

Rep. Bischoff said that he chairs the House of Representatives’ Natural Resources Study Committee, and indicated that the Committee is scheduled to meet tomorrow. “I’m going to bring this issue up and let the members know what the issue is here and what has happened. Again, I ask you to use excellent judgment and let’s not change something that’s been such a great asset for the people of that area.”

John Davis explained that the Department issued a statewide news release in February 2009 notifying that the Department was accepting suggestions regarding the hunting and fishing rules codified at 312 IAC 9. He explained that the 1,000 suggestions received were divided into categories based on the number of related suggestions. “I think this one had enough numbers that it seemed that it should be a separate public meeting.” He said the Advisory Council has held public meetings regarding suggestions received associated with hunting deer, hunting and trapping mammals (other than deer), birds, and licenses and permits. Davis said that the Advisory Council is “listening to everyone’s ideas.”

AmyMarie Travis Lucas, Advisory Council member, explained, “If I’m having a clear understanding, I’m understanding that the rules are to be reviewed every so often with public input and with DNR biologists to see if we are managing the resource appropriately so that it can be prolonged into the future. If we find out something is being over fished or over hunted, that we can address that. And, that’s part of the reason that we open this up for public comment.” She added, “I just wanted to extend the fact that we are supposed to review these rules every so often. And, the best way we can do that do that is say, ‘Hey, what do people think?’ But we definitely do not have our minds

set to change something or not to change something. Any time we do change things, we would do it based not only public sentiment, but also on sound science.”

Bassemier asked, “So, if we get twelve people on a good day down there fishing, why is the State of Indiana spending all the money to put two non-native fish in a stream that it seems that the residents of the area don’t even want; they’d just be happy catching the natural fish?”

Davis answered, “I’m not sure we have total agreement on the number of people fishing.”

Schoening said the 2008 creel survey indicated that there were approximately 6,000 anglers throughout the course of the creel survey that used the tail waters and 3,000 of those anglers were trout anglers. He said the “typical” dollar amount used to calculate the economic activities from fishing is \$62 per day. He explained that the \$62 is based on a U.S. Fish and Wildlife survey conducted every ten years, which estimates how much a person spends to go fishing (including cost of bait, tackle, gas, lodging, and food). He said the \$62 spent per day translates into approximately \$186,000 of economic impact to the State “not particular to Franklin County”.

Freeman asked Rep. Bischoff whether the local citizens “would be just as happy if there were no trout in the river? Do they even care about the trout locally?”

Rep. Bischoff answered, “I really don’t want to speak for the residents there. I would rather you ask that question to one of them when they offer testimony. Again, I believe the bottom line is they would like to keep it the way it is now. Again, if there is trout there, fine, but let’s let everyone do what they are doing right now.”

David Lupke, Advisory Council member, noted that being an angler and a kayaker himself, and stated, “I know that these types of things can coexist quite well, and that habitat improvements on rivers for fish in Michigan have not in any way negatively impacted the recreational canoeists”. He suggested that “non-confrontational” meetings be scheduled locally to include all interested parties. “The river is not only a local resource; it’s a state resource, and thus, as was stated, the entire state does have an interest in this”. Lupke said that the Advisory Council would “benefit” from the feedback from the discussions among all interested parties. Rep. Bischoff said the local community would “probably welcome some kind of dialogue”.

The Chair reiterated that the Advisory Council “looked at every suggestion... Our job, as appointed volunteers, is to try to sort through all of these things for the sole purpose of trying to make sure that there are more and better recreational opportunities for people in Indiana. We don’t have a dog in this fight. So, we are not here with any preconceived notion. I want to make it clear; there is not a proposal on the table”. He added, “Regrettably, we should have had this meeting in Brookville”. The Chair explained that the Advisory Council plans to schedule another meeting in October to be held in Brookville in order to receive additional comment from the local community.

The Chair said that the Department can “certainly engage” in a habitat discussion. “But what we are doing today, we are just hearing both sides of an issue about whether or not there needs to be any changes to the fishing regulations and whether it makes things better for all of our constituents, the people in Franklin County and the people of Indiana.” He said, “Let’s accept the fact that if there is going to be any habitat discussions, it will be an open forum with DNR...But tonight let’s talk about opinions about whether or not there needs to be any changes to the fishing regulations.”

Brian Nobbe stated that “he grew up on the river.” He noted that the anglers, whether they are fishing for trout or other fish species, have “coexisted up to this point. I’m not sure why there is really even an issue of changing it, because it has been working all the way up until people want to change it.” He said the local community “like” to catch trout, but “they like to catch everything else, too.” Nobbe said he wants everyone to enjoy the river. “We like the trout, but we just like everybody having access to the river and being able to fish.” Nobbe noted that he takes his five children fishing, which involves a fishing rod and hooked live bait. He said that children “are not going to fly fish.”

Nobbe said that a park was built on the East Fork of Whitewater River, which provides access to fish. He noted that the West Fork of the river is privately owned. “You don’t have to go to the East Fork and ask anybody to fish. You can just go whenever you want and fish as long as you obey the law”. He suggested the trout bag limit be decreased to three fish and the length be increased to 20 inches. “I think everybody should have access to the river.”

Paul J. Nobbe, from Brookville, stated that he has “seen the river from before the lake and after the lake.” He complemented the DNR for the “tremendous” job managing the resource. Nobbe said he owns land along the Whitewater River, and owns, with his three sons, a convenience store near the river. “We would like to continue like it is...I think it’s a good deal for everybody, because it’s the only trout stream in southern Indiana...The only thing I don’t want to see is I don’t want a special interest group to come in and ...to make it so it’s their own private little river”. He concluded, “I would like to see it like it is. I mean, let everybody enjoy the river not just a select small interest group”.

Stanley Monroe indicated that he was born and raised in Franklin County. He noted that he has fished in rivers for 53 years, and “I would like to know what the difference is in a hooked fish? Does it make any difference if you hook it with a night crawler or a fly? It’s still a hooked fish, right?”

Lupke explained, “Because of live bait, fish tend to take live bait deeper. When they get it into their mouth, they tend to swallow it. An artificial fly tends to almost always get caught on the outside of the mouth, around the rim of the mouth.”

Monroe said that he has seen rivers “crowded”, but has “never seen” the East fork of the Whitewater River “crowded at any point.” He said, “It seems to me they are wanting to

come in and completely control our stream and root us out, the residents of Franklin County. They want to completely take over and then tell us how we can fish in our own stream.”

Jim Vohland said that he is a resident of Franklin County. He noted that 1.8 miles of river is approximately 10,000 feet, and controlling the number of anglers on the river “probably would be beneficial in that regard.” He said, “I think it has coexisted the way it is just fine for the past few years.”

Patti Beasley, representing Reel Women-Reel Men of Indianapolis, a fly fishing club, with 150 members that “frequent” the Brookville tail waters. “I fish it personally several times a week.” She said the suggestion regarding “artificial lures and flies only” was directed to protecting the trout fishery. “I keep hearing that the fly fishermen want this and the bait casters want that, and what we are talking about here, I think, or what we are missing is that we want to protect the trout fishery. We have to figure out how to do that”. She said the rainbow trout fishery was at one time a “put and take” fishery, but “what happens with the rainbow trout fishery is soon after it is stocked, it is depleted...I know that because I go back and I fish it and I can see a drastic drop in the number of rainbow trout that are left”. Beasley said the brown trout fishery is not being protected. “To say that we have a regulation that you can keep a brown trout over 18 [inches] is not really protecting it. Indeed, those fish are being harvested.”

Beasley said that she understands the local issues. “Unfortunately, it isn’t just about the local people; it is about the State; it is about the people who fish in all different ways; and it’s about protecting the trout”. She said the Brookville tail waters fishery is becoming “more and more” popular. “It is attracting fishermen from all over...The one thing that we do agree on is that it is a very unique fishery, but that’s not enough. We just can’t say that it’s unique, we have to do something to not only keep it going and make it a wonderful fishery, but also to enhance it”.

Beasley said, “It’s not the trout fishermen want boulders; it’s about we need to start doing something to help Brookville tail waters. We can no longer just dump fish in, have people take them home, and say, ‘Oh, Brookville is a great fishery.’ It is not unless we maintain it, unless we enhance it, and we take pride in that...I think we need to do that collectively”. She concluded that the suggestion for “artificial only” and a “catch and release where you can still have fishing that takes place right below the dam and down at the confluence, but perhaps have a section between the two roads, the bridges, that would be catch and release only that would provide that protection for the brown trout”.

Mickey Wilson, a lifelong Brookville resident, stated “When it comes down to it, ...fly fishing versus live bait fishing you are going to generate more money off of live bait fishing than you are for artificial fishing. You have to buy live bait every time you go pretty much”. He noted that he “does a lot” of fly fishing and live bait fishing. Wilson noted that the trout is non-native, but “we all enjoy them...but it shouldn’t be a political debate and it shouldn’t even have to come to this point. Why mess up a good thing? It’s been that way for years; it does not have to change. Nobody has to change anything”.

He concluded that since the brown trout are not naturally reproducing and there is annual stocking, “So, why change it.”

Ryan Ison, a resident of Franklin County, noted that he and his family have caught 24-inch brown trout. “As far as that goes, [the brown trout] are maintaining. As far as producing more eggs, that’s pretty highly unlikely”. He noted that the area is a flood zone and the water levels fluctuate. “So, there’s not really a lot you can do other than what we are doing right now.”

Stephen Weber, from Brookville, stated that Brookville Lake was constructed mainly for flood control. “The lake has been very beneficial all the people that live along the river.” He stated that, as a lifelong resident of Brookville, he has observed that the town has “rejuvenated. The people in Brookville take a lot of pride in their town”. Weber said he has “bait fished” the river and has caught a variety of fish including bluegill, small mouth bass, and other species. “I have no interest in fly fishing.” He said, “Since there has been coexistence; and that the people with the trout want to promote their trout and try to work it in to have them do better, that’s fine. If it was approached like that, that would be fine, also.” Weber concluded, “A week after you would decide that we can’t bait fish anymore, there’s going to be ‘no trespassing’ signs put up...We want to preserve this and let everybody come and enjoy this river. I don’t want confrontation; I want everybody to be able to enjoy this”.

The Chair explained that the Advisory Council will schedule an October meeting to be held in Brookville.

Derrick Filkins explained that he manages a fishing-related business, “so I am very attentive to increasing the number of angling days”. He said that Indiana is “not known for fishing”, and increasing angling days increases the amount of money that flows into the state. “It also keeps some of our anglers leaving the state and fishing somewhere else”. Filkins said that he was “in support” of building any kind of fishery in the state that will either keep our anglers in Indiana or bring new anglers in. He said that taking one “small” piece of the river to make it a “very trophy” river is “very attractive” to anglers. “There is an enormous amount of food in the tail water; it will grow fish very rapidly and it will sustain their growth”. Filkins stated that the Brookville tail water is a state resource; “it belongs to everybody in the state of Indiana.” He reiterated that he supports increasing angler days, and when there is a “prime” fishery “people are going to come and use it, especially in the Midwest because we have to travel a long way to do quality fishing”.

Tag Nobbe, a lifelong Brookville resident, said he offers guide fishing on Brookville Lake, which is stocked with muskellunge, walleye, and striped bass. “I know a lot of people travel to Brookville [Lake] just to fish for walleye”. He said he and his customers “primarily” fish for walleye. He noted that the trout season begins on the last Saturday in April. “All the other fish...there’s no start date and no end date...so there is really no urgency to...get out there”. Nobbe suggested that the trout season be eliminated in or to

“cut down” on the amount of trout being taken. “If you just don’t have a start date, then you are not going to have people rushing down there...to be first”.

Jeff Conrad, a member of Trout Unlimited and Indiana Smallmouth Alliance, stated that he is a fishing guide “mostly fly fishing, but I take spin fishermen and occasionally bait fishermen in my boat. I know the mortality rate of bait fishing.” He explained that the “kill ratio” on bait fishing is “somewhere in the neighborhood of 32% if the fish is deep hooked.” He said he supported the elimination of bait fishing and the use of artificial bait only.

Todd Settle, Brookville resident and member of the Central Indiana Trout Unlimited, said he was commenting as a “concerned citizen”. He said that “it seems to be widely understood”, that in looking at the resource and the associated scientific data the mortality with live bait fishing is “greatly exceeding” that of using artificial bait. He said Trout Unlimited’s goal is to protect the resource, the “cold water” North American fisheries. “Trout Unlimited is not concerned whether someone bait fishes, or spin fishes, or fly fishes.” Settle noted that Trout Unlimited in cooperation with the DNR has assisted in river stocking and monitored water temperatures.

Settle said, “If we look at this as a resource, and not at the users of the resource, it appears that eliminating a particular angling technique that has collateral mortality beyond just the harvesting of the fish that that angler is taking home with them, we need to address that because that has far reaching affects on the population of the stream, the efficacy of the programs, and the long life of this resource”. He said the suggestion to allow all angling techniques in certain sections of the river and restricting angling techniques in other river sections “is a compromise proposal that takes into account all of the users of the resource and the well being of that resource”.

John Helm, Brookville resident, said he has fished the Brookville tail water “many years and bait fished basically all my life”. He said the expense associated with fly fishing “would eliminate a lot of people from being able to fish those waters because of the hard economic times we are in”. He stated, “I’m not in it for the money; that’s not what it is all about. I spent many, many dollars, and will continue to do so, but I really have no reason anymore to get down there and spend my money on this. I guarantee you it is going to be a loss of a lot of income to all the people, the whole community, for people to just to restrict to a certain people and a certain clientele. I can’t go down there and spend my money on that”. Helm said that restricting a portion of the stream to artificial bait only would “harm me, my friends, and others that I’ve associated with throughout the years, to limit us on what we can do. And that is going to have a negative impact on the economy”.

Kate Green, Brookville resident, said that “being able to work together is a beautiful thing”, but the area that was suggested for restriction “is the entire stretch of the town park, which is where most kids and people want to go and fish”. She noted that the two areas suggested for “no restriction” are located at the dam and the confluence of the East and West Fork of the Whitewater River, which “happen to be the two most dangerous”

parts of the river at certain times of the year. Green said that the Brookville Park is “90% of the river, so that’s a hard call to call it a ‘compromise’, in my opinion”.

Harry Graves, Brookville resident, said he was concerned about property rights and the potential impacts caused by amendments to hunting and fishing regulations. “I understand there are differences of opinion whether the river is navigable or nonnavigable. It makes a lot of difference in property rights.”

Ed Devine said he is a member of Trout Unlimited, but was commenting as citizen. He said that the Brookville tail waters became a trout fishery when the trout were first introduced ten years ago. “These trout need to be protected. It’s a unique situation down there”. Devine said that the discussion is not angler versus angler, but is “catch and release and artificials. You can fish and catch and release with anything”. He conclude, “I’m for catch and release, and so is my four year old daughter”.

Nick Schoeder, a member of Central Indiana Trout Unlimited, said, that the Advisory Council should consider that “Brookville is a little bit different than most resources in this state; it’s the only cold water fishery in Central Indiana. We know what it does for brown trout. We know that it brings and attracts a lot of attention”. He noted that the Brookville tail water is “number 15 spot for brown trout fishing in the Midwest in the wintertime”. Schoeder concluded that the tail water is “a special place and it needs special consideration”.

Scott McDonough, a resident of West Harrison, Indiana, he noted that the trout are “anything but a natural resources—two foreign species that have been brought in. They can’t breed”. He said that Brookville Lake is not a natural habitat for trout. “Why would we restrict or create any new restrictions to protect species that are not even a natural resource. It just seems to be beyond the prerogative of something the [Advisory Council] would want to tackle”.

Ryan Ison said that he has observed that since the water temperatures have been changed in Brookville Lake “we have just about destroyed our striper population. I don’t catch near like a used to catch them... You have to weigh it out. Are these trout really benefiting us or is it benefiting us more as Brookville Lake by keeping our striper population up?”

EXHIBIT 5**Excerpt of Natural Resources Advisory Council's October 14, 2009 Meeting**

Review of Minutes of public meetings conducted by Natural Resources Commission, Division of Hearings staff, for suggestions deferred by the Advisory Council:

- **Wild Animal Possession Permits; Administrative Cause No. 09-125D**
- **Disabled Hunting Licenses; Administrative Cause No. 09-126D**
- **Fish and Wildlife Area User Fees; Administrative Cause No. 09-127D**
- **Endangered Species Habitat and Reintroduction; Administrative Cause No. 09-128D**
- **Animal Sanctuary License; Administrative Cause No. 09-129D**

Sandra Jensen, Hearing Officer, presented this item. She explained that the Advisory Council deferred topics that had a “minimal” number of suggestions to the Commission’s Division of Hearings staff with five public meetings held in total.

Jensen explained that the suggestion associated with disability hunting licenses recommended that a disabled veteran “be able not only to get lower cost regular hunting and fishing licenses with those licenses also to include deer and turkey license”. She said the suggestion regarding the fish and wildlife area user fee requested that a new fee be established for those that use the property for other than hunting of wildlife or fishing, such as hiking, bird watching, mushroom hunting, berry picking, etc. Jensen noted that those who buy a license to hunt or fish on these areas are essentially paying a fee with the license purchase. She said that those with a hunting a fishing license would be exempt “across the board and then anyone else that might be using those areas might have to have some kind of card or user fee paid”. She said it would need to be based on a random check arrangement, “just like the hunting and fishing license check”. Jensen pointed out that the Department explained that some of the properties are funded federally, and the suggested new fee may introduce “complications” regarding the funds generated by the suggested new fee.

Jensen explained that the suggestions associated with the endangered species habitat reintroduction were varied, and the minutes of that public meeting are self-explanatory.

Jensen said that suggestions to amend the wild animal possession rule are “a little complicated”, but essentially the suggestions recommend that the existing statute that exempts certain entities, such as zoos, that receive accreditation from the American Zoological Association be amended to allow additional entities to be included in an exemption. Alternatively the suggestion was that the statute be amended to remove the exemption entirely, thereby placing full regulation of wild animal possession, including the establishment of any exemptions, within the control of the Department.

Jensen noted that Jennifer Kane, also with the Commission’s Division of Hearings, conducted the public meeting regarding the suggestion that recommended the creation of

a wild animal sanctuary permit. Jensen also noted that CeAnn Lambert and Holly Hadac, who submitted the suggestions, were present at today's meeting.

The Chair asked for clarification regarding the review of the minutes of the five public meetings held by the Commission's professional staff.

Jensen explained that the minutes will be incorporated into the materials for use by the Advisory Council in its deliberation and recommendations on all the suggested substantive changes.

Holly Hadac stated that she is the Educational Director for the Indiana Coyote Rescue Center, as well as a Michigan wildlife rehabilitator. She explained that a wild animal sanctuary license is needed for those wild animals that are not suitable for release due to habituation "mostly created by an untrained public". She said that "most people" who possess a wild animal "intend" to release the animal back into the wild. Hadac said that if an animal is non-releasable due to permanent injury, improper nutrition or inadequate caging, the regulations require that the wild animal be euthanized in the absence of a wild animal possession permit.

Hadac said that in the 1980s, Michigan DNR estimated that wildlife rehabilitators in southeast Michigan answered over 30,000 calls from the public each summer. "The government doesn't want that responsibility or that phone bill. This also illustrated to the DNR the importance of how much both the general public and wildlife rehabilitators cared about our wildlife."

Hadac said that a wild animal sanctuary permit is "necessary...to lighten the paperwork" for the Indiana's DNR and the permit holders, and to allow permanent possession of a non-releasable native wildlife. She also explained that the permit should be issued to "cover the premises as long as the sanctuary exists. If the permit covers an individual that has to transfer for a job or a spouse's job, has to move for an ill relative, or covers an individual that dies, the sanctuary can still exist when other people in the organization continue its operation. The sanctuary can proceed until the permit is relinquished."

CeAnn Lambert, President of the Indiana Coyote Rescue Center, noted that she holds twelve wild animal possession permits "in order for me to keep the animals that I have". She said that "most" of the paperwork associated with the permits is required to be annually reviewed and signed by a veterinarian before filing with the Department. She said that a sanctuary permit would allow for possession of wildlife indigenous to Indiana only and would exclude exotic wildlife. Lambert recommended that wildlife sanctuaries should be inspected annually by the Department, and a fee should be created for a sanctuary permit.

Lambert said that a wildlife sanctuary permit holder should be able to "solicit for funds" for management of the sanctuary. "The public would be more likely to become involved with Indiana wildlife if we did have sanctuaries available." She said that a wildlife sanctuary would provide a means to care for a wild animal purchased at sales and

auctions where a purchaser is no longer able to care for the animal and the animal is non-releasable. “I get about two calls a year from people begging me to take their coyote puppy that they bought in Indiana...I feel these exploited animals should be the responsibility of Indiana DNR since [it] allows the selling of these animals without proper permits in place for the animals that are bought”.

Lambert stated that wildlife residing in a permitted sanctuary would not be allowed to be sold and would only be allowed to be transferred from one licensed sanctuary to another licensed sanctuary. “This would make sure our wild animals were not being sold for private profit to be used as live bait”.

The Chair asked Lambert to provide a brief description of the Indiana Coyote Rescue Center.

Lambert said that she possesses 20 coyotes, twelve are held under wild animal possession permits and the remaining coyotes are held under a game breeder license. She explained that the coyotes are held in 20 x 20 pens that have “dig out” wire installed in the inside perimeter of the pens to prevent digging. She said the pens also have “overhangs” installed on the pens. The coyotes “can’t go over and they can’t go under”. Lambert said that one pen contains three two year old coyotes that were litter mates, two males and one female. She explained that coyotes are not like wolves; “you can’t keep them in a pack situation. I try to keep just pairs; that works out the best, a male and a female.” She noted that some of the coyotes she possesses do not tolerate another coyote in its pen.

The Chair asked whether Lambert’s coyotes are sterilized.

Lambert explained that the male coyotes have vasectomies rather than being neutered in order to allow for “normal coyote behavior”.

Bassemier asked, “Would you suggest that if there is a sanctuary permit, that part of the permit process would be that [the wild animal] should be neutered?”

Lambert answered that animals held under a wildlife sanctuary permit should be sterilized, but “I would prefer the vasectomy and removal of the uterus”. She noted, “One thing I do know is that you can’t keep a neutered coyote with a non-neutered coyote, male and female, because you are going to have bloody fights”.

AmyMarie Travis Lucas asked for clarification regarding permitting the sanctuary rather than a issuing the permit to an individual such as the director of a sanctuary.

Lambert stated, “My concern is my death, as far as my coyotes go”. She explained that Holly Hadac has agreed to be Vice President of the Rescue Center to “take over if something should happen to me”. Lambert said that issuing a sanctuary permit to the entity rather than an individual would assure continuation of the sanctuary in the event of her inability to manage the facility. Lambert also noted that the wild animal possession

permits were issued in her name “though I’ve always been concerned about what would happen to my coyotes” being held “just with a possession permit if I were to die”.

...

Consideration of public comments received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding fishing (except trout and salmon on the Brookville Tail Waters); Administrative Cause No. 09-086D

The Chair provided a brief overview of the process of considering the suggestions received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding the topic category of fishing regulations.

Rick Cockrum, Advisory Council member, commented, “I was overwhelmed by the comments. The fishing public, I think, is ahead of us in policy as to the requests for catfish, bass, bluegill, crappie, trout, small mouth, large mouth to increase size limit and decrease the creel limit. I was very, very impressed with the fishing public. They want to protect the fishery for the future and limit the harvesting. That really bodes well for the direction that we are headed”.

The Chair asked Bill James to provide a brief overview of the status of Indiana’s catfish fishery.

Bill James, Chief Fisheries Biologist with the Division of Fish and Wildlife, agreed with Advisory Council member Cockrum. James said the national trend in the last several years has been for reduced bag limits and increase in size limits “particularly on the long-lived, slow growing” predator fish, such as muskellunge, bass, and big catfish. “These are species that are very difficult to replace.” He explained that with “careful” handling of these fish “they can be recycled, catching these fish over and over again”.

James said that Indiana has three catfish—channel catfish, flathead catfish, and, in the larger river systems, the blue catfish, which can reach over 100 pounds in size. He said that in certain rivers and in the larger rivers, such as the Ohio River, the Wabash River, and the Lower White River, both sport and commercial harvest of catfish is allowed. He said the commercial fishermen are primarily using hoop nets. James noted that Indiana’s catfish harvest regulations “match” Kentucky’s regulations on the Ohio River; “that has certainly lead to questions on resource sharing, partitioning, and conflict over the years where there’s a growing perception, I think, that the commercial fishing may be impacting the quality of sport fishing”. He said the Department continues to have discussions with neighboring states with inter-jurisdictional waters, such as the Wabash River and the Ohio “where we want to be sure that whatever steps we take are uniformly taken by states on both sides of the river. It doesn’t do much good if [Indiana is] more protective” than the neighboring state.

James said the Department is taking a “close look” at the regulations governing catfish harvest. He said that the Department has also, in concert with universities, conducted catfish studies on the Wabash River, and the data from these studies is currently being reviewed. The Department, on an ongoing basis, is “developing what we believe are science-driven, biologically-justified fishing regulatory proposals” for rule amendment.

The Chair asked James to clarify the regulations governing commercial fishing of catfish.

James explained that there are no bag limits regarding commercial fishing for catfish; however, there are specific stretches of Indiana rivers that are designated as “commercial fishing”, such as the Wabash downstream limits from Lafayette down to the Ohio River. He said that the small and medium rivers are not open to commercial fishing. He noted that there has been “a lot” of catch and release of the large catfish by sports anglers, which is “something you did not hear about 20 or 25 years ago”. As sport anglers are targeting the larger catfish, “at the same time they are aware that commercial fishermen are targeting some of those same big fish that are often times sold legally to pay lake operations...The hard to replace big old fish that have been taken out of the public domain and put in a for-profit private operation, and that raises a public policy question on use of the resource”. James also noted that the Department has been reviewing the regulations governing the catfish fishery prior to the comprehensive rule review enhancement project initiated at the end of last year.

The Chair then opened the floor for comment regarding size and bag limits.

Chad Miller, owner of Wildcat Creek Outfitters, commented regarding small mouth bass bag limits. He commended the Department on its actions regarding Sugar Creek, which “has been viewed by those who come to this state to fish with us as very progressive”. Miller said that he has provided guide service for 14 years and grew up on Sugar Creek in Crawfordsville. He commented that the 20-inch size limit and one fish bag limit per day for small mouth bass, which has been in effect for four years, has had an impact on the fishery. Miller said this past summer “we caught a [small mouth bass] 23 inches and well over six pounds, so that is evidence in my mind this has been a success”. Miller recommended the 20-inch size limit and one fish per day bag limit to continue on Sugar Creek and be extended to the Tippecanoe River. “I would like to see something be done from the 19 miles from the Oakdale dam down the [Wabash River] junction. I would like to see it managed for quality fishing”.

Chuck Brinkman, from Zionsville, Indiana, and resides on the board of Indiana Small Mouth Alliance. “We are after any protection that we can get of [small mouth bass] as well as any protection of the habitat”. He noted that he wades and paddles “a lot” of Indiana streams. Brinkman said that he has noticed impacts to habitat from “big storms”, which introduce sediment levels “beyond anything I’ve seen in 20 years”.

The Chair then opened the floor for comment regarding fishing with shad in bodies of water where shad already exist. He asked Bill James to provide a brief overview of regulations governing fishing with shad.

James explained that the current regulation is that carp and shad, when live, may not be used for bait accept at Brookville Reservoir. He said that Brookville Reservoir was developed as an exception “many years ago when it looked like Brookville [Reservoir] was going to be Indiana’s striped bass fishery, true Atlantic striped bass”. He said the

striped bass fishery was expanded to Patoka Lake, Raccoon Lake (Cecil M. Harding Lake), and Ohio River. Hybrid striped bass has also been introduced, a man-made hybrid of white bass and striped bass. James noted that Monroe Reservoir is “probably” the “most famous” hybrid striped bass fishery in Indiana.

James said that a Department taskforce, made up of biologists, have reviewed the issue of using live shad. The main concern is how to allow use of live shad for bait without risking introducing shad to waters where shad do not exist. “We unfortunately had gizzard shad show up in a lot of places that they were not distributed by Mother Nature”. He explained that shad is a “great” forage fish that can grow “big” predator fish, if shad is in the right fish community. If shad is in a lake that is basically a bass-bluegill, such as Monroe Reservoir was for 30 years” the shad “get in between the bluegill and the bass,” which decreases the quality of the pan fish. “Bluegill quality fades and then the number of bass decrease; the very opposite of what people that would want to introduce shad had in mind”. He said the Department is “very concerned” about the movement of shad and the introduction of exotic species, such as Asian carp. James noted that at certain lengths shad and silver carp look “pretty much the same” to the untrained eye.

The Chair noted that some of the suggestions requested the use of live shad as bait in the same lake where the shad were harvested.

James said the enforcement of the requested change to allow use of live shad in same lake the shad was harvested would be difficult. “Putting [the shad] on the road is going to be the issue, and that seems to be the potential point of control”.

Rhett Wisener, fisheries biologist at the Cikana State Fish Hatchery, said that gizzard shad carry viral hemorrhagic septicemia (VHS). He said that last year the Department drafted a rule amendment to include additional lakes to the list of bodies of water (Cecil M. Harding Lake, Monroe Reservoir, Patoka Lake, Lake Freeman, Lake Shafer, and Hardy Lake) where the use of gizzard shad and thread fin shad as live bait would be allowed on those waters where the shad were harvested; however, the rule would not list all bodies of water where shad currently exist. He said that for some bodies of water with shad “we still have the opportunity to do renovations and other management options” to remove or decrease shad populations. He said the proposed rule draft would disallow possession of shad on those bodies of water other than those listed in the rule. The rule would also require that gizzard and thread fin shad collected on bodies of water not listed in the proposed rule be “killed immediately upon capture” and prior to being used as bait. Another proposed amendment in the rule draft would allow the use of live alewife as bait on Lake Michigan only.

Greg Yazel, Greensburg, Indiana and officer of the Indiana Striped Bass Association “the “ISBA”), noted that he was “designated” as spokesperson for some of those present at today’s meeting. He said that he would support the rule draft as presented by Wisener regarding the use of live shad as bait. He said that the ISBA has “tasked itself” in promoting striped bass and hybrid striped bass fishing in Indiana; we do this by advocating and educating anglers on proper catch and release techniques”. Yazel said the

ISBA is “specifically” requesting amendment to the rules to allow “live gizzard shad as bait”, but “we are not asking for the changes for all waters in Indiana”. He said the Brookville Lake exception to use live shad as bait should be extended to other “specific” lakes where shad currently exist and “where renovation to rid the shad from the lake would be impossible and where DNR has stocked hybrid striped bass and striped bass”. Yazel commented that allowing the use of live shad as bait would “add more angling opportunities”. Yazel provided the Advisory Council with a 500-signature petition supporting a rule amendment to allow the use of live shad as bait in other certain bodies of water in Indiana as allowed on Brookville Reservoir.

Bill Freeman said, “I find it fascinating that a conservation group like [ISBA] would advocate at all using an invasive species to catch one of your sports fish”.

Yazel said that shad has been labeled as an invasive species. “I assume...that there was no gizzard shad in the State of Indiana at some point in time. But, as I see it, in every major reservoir and lake in Indiana, and for as long as I can remember and been fishing, there has been gizzard shad in those lakes”. He said that shad exist in Monroe Reservoir, and “you will not renovate Monroe Reservoir and get rid of all the gizzard shad; that’s never going to happen...[Shad] are there, so why not utilize the resource that is already there”. Yazel noted that shad are “fragile” and “very hard” to keep alive. He also noted that killing captured shad would “help control the shad population to a certain extent, but I don’t see that as being a factor at reducing populations”.

Craig Nobbe, Brookville, Indiana, said that the “window of opportunity” to catch a striped bass “usually consists of about the first hour in the morning”. He said he has three 30-gallon shad tanks for bait. “You actually have to have a special tank to keep the shad alive”. He noted that “you can’t really catch the shad before you go fishing the same day”. He explained that when the sun rises, the shad will “move up shallow and spend a lot of time on the surface”. He said the shad can be caught with a cast net, placed in a shad tank, kept overnight, and taken back to the lake the next morning, for that “one hour of opportunity in the morning” to catch striped bass. Nobbe stated that he was “perfectly okay” with a rule amendment that would require the use of live shad as bait in the same body of water the shad was harvested. “If I have to not catch the bait until that morning, I’m not going to very successful unless I can catch the bait in the lake the day before and have some kind of holding pen within the lake where I actually collect the bait the next day. I don’t know what the answer is, but waiting for that morning to catch bait is not really going to work for me”.

Greg Yazel suggested an increase in the casting net size from a 5-foot radius to 10-foot radius or 20-foot diameter cast net. “If we are bound to catching out bait in the open waters the same day and the same lake, up to 30 to 40 feet deep, our current 5-foot radius net will not be effective at all catching bait”.

Winston Bush said that there “seemed to be some misunderstanding” regarding catfish anglers, pay lakes, and commercial operations “being at war; for the most part, that is not true”. He suggested that a size limit be established for catfish, such as “no fish over ten

AGENDA ITEM #3

pounds can be kept in or purchased by a pay lake; that would go some way to prevent commercial fishermen targeting huge flatheads and blues, and then selling them for handsome profits to pay lakes”. He said that he has “witnessed first hand commercial fishermen coming in with boats full of live fish and putting them straight into a fish truck; that fish truck is not bound for market; it’s bound for the pay lake”. Bush noted that he was “not against” pay lakes, and believed pay lakes provide a “valid” service to children, to the infirm, and disabled anglers, but “it’s not necessary for [those] lakes to have 40, 50, 60-pound fish swimming in them”. He also noted that the fish are coming from public waters; “they are not farm-raised fish”. Bush said the larger fish in the pay lakes “usually die while in captivity”. He said the issues regarding pay lakes “need to be sorted out”.

Bush said, “We’ve got to manage this valuable resource”. He said that the catfish fishery in Tennessee’s Cumberland River is “resurging” since Tennessee introduced size limits for anglers and commercial operations. “There is no reason why certain parts of Indiana couldn’t benefit from that sort of thing, too”.

Bush agreed with the recommendation of increasing the cast net size, and said the size limit “currently is woefully inadequate if you are struggling to catch bait. I would strongly second [Yazel’s] suggestion.” He concluded, “I just wanted to let you know that from somebody on the frontline of cat fishing, that the pay lakes are the sole problem, in my view, of why commercial [operations] are tempted to harvest those big catfish, because there it lot of money to be made”.

EXHIBIT 6**Summary of Natural Resources Advisory Council Delegation's Public Meeting
Regarding Trout Fishing on the Brookville Tailwaters****Public Meeting Location: Brookville, Indiana****Date: October 8, 2009**

Patrick Early, Chair of the Natural Resources Advisory Council, introduced himself and allowed the other delegates, Bill Freeman, Advisory Council member from Brown County, Chris Smith, Legislative Liaison for the Department of Natural Resources, and Sandra Jensen, Administrative Law Judge for the Natural Resources Commission, to do the same. Smith noted that he was filling in for John Davis, Department of Natural Resources Deputy Director.

Early explained that on September 14, 2009 an Advisory Council meeting was held in Indianapolis to discuss trout fishing on the Brookville Tailwaters. That meeting was the fourth meeting in a series of public meetings to consider suggested fish and wildlife rule changes received from the public. Over 1,000 suggestions were received through a three to four month period and the commitment was to "look at every single suggestion that was made and at least discuss it...that is all that is going on in this process. I want to make it clear to all of you that there are no proposed changes to any regulations..." Early clarified that the Council is simply offering an opportunity for people to be heard about the suggestions that were received. "All we're doing is listening to opinion and how things effect people and whether or not they think these are good changes or not good changes."

Early noted that this topic was so specific to Brookville that the meetings associated with it should have been scheduled in Brookville from the very beginning. However, out of concern for the convenience of the Advisory Council members who are volunteers and who travel from all over the State, including the Northwest and Southwest corners, the meetings are typically held in Indianapolis.

Early emphasized that until the Advisory Council hears all of the comments about all of the received suggestions and "we weigh everything, both the pros and cons of what we heard and ...certainly the opinion of the people who live in the community is very important in that process", there won't be any recommendations made regarding changes to any of the fish and wildlife rules. If the Advisory Council recommends that changes be made, those recommendations would be made to the Natural Resources Commission. If the Commission decides to go forward with the recommendations, there would be the opportunity for more public hearings and more opportunity for public input, before a new rule could be adopted.

Early then opened the floor for comments.

James Suhre, Franklin County, IN

Suhre stated that he is probably the person who discovered all of this and provided a brief review of the September 14th Advisory Council Meeting. Suhre explained that he learned of the September 14th meeting while researching the boulder project that was proposed by Trout Unlimited for the East Fork. According to Suhre they were opposed to the boulder project but through the course of trying to stop the boulders they discovered a letter writing campaign from the Trout Unlimited organization stating that the Natural Resources Advisory Council was taking comments and asking members to write a letter. Suhre stated that Trout Unlimited suggested one of three letter templates that were available on their website message board. All three of the letters were to outlaw bait fishing...artificial only, catch and release only from the 101 bridge to the 52 bridge on the East Fork.

Suhre explained that they thought the suggested fishing restrictions would be of interest to the people of Brookville so when the Canoe fest organization had its meeting about the boulders, more than half the people present were there for the fishing. Polls revealed unanimous opposition to the suggested rule changes. According to Suhre, it was clear that Trout Unlimited and other fly fishing groups from outside Franklin County were behind the suggestions and no member of these organizations could be identified as being from Franklin County.

When Suhre brought it up that Central Indiana Trout Unlimited was lobbying for these controls he said he was told that it was actually the Department of Natural Resources who was considering the changes. Since that time, Suhre said, it has been discovered on the DNR's website from 2003 stating that from the beginning of Trout Unlimited's involvement and brown trout stocking in 2001, Trout Unlimited has lobbied for these changes and the DNR has denied them and "has actually been holding the line on these kinds of things."

Suhre observed that since September 14th the situation has not gone very well. The conversations on the message board of Trout Unlimited have been "outrageous" to the extent that my wife and others have said that they will only respond in measured and factual ways. There are disputing surveys on whether catch and release is correct and you can sling these surveys back and forth. Whether it is germane or not to have Canoe fest be accused of taking money from non-profits, to have Canoe fest be accused of littering the river, the question was asked when is Canoe fest ever going to give back to this community? When constantly on this message board and also through the comments of members of Central Indiana Trout Unlimited, including an article in the Indy Star, you would think this community was full of "litterbugs" and people who are completely oblivious to conservation or ecology or anything. Suhre stated, "We've been called selfish and irresponsible, all for saying that we would like for fishing to continue as it is now where everyone gets to fish and everyone gets to use the river. I think, as memory serves to a person on September 14th, every person who attended from Brookville said let everyone fish."

Suhre stated that we were told in reply that we were uncompromising and the other alternative was posed as a compromise meaning we would get to bait fish north of 101 and south of 52. Since that time Suhre noted that he has participated in a clean up of the Army Corps property and walked the East Fork north of State Road 101 and observed that the entire banks are rip rap. Some exposed and some covered with grass...it is extremely hard walking. Others with the expertise to know say it's dangerous to fish up by the dam...it's the fastest flow and the deepest water. Suhre also noted that the second most dangerous place is where they say we can fish and that is south of the State Road 52 bridge, down by the West Fork. Anyone around here knows that the West Fork is and always has been the more dangerous of the two rivers. That is no compromise, whatsoever.

Suhre stated that catch and release as a method is not an authoritative point as it has been presented. Suhre passed out a document entitled "*Catch and Release: The Jury is Out*", which includes a statement from the Minnesota DNR Information Office that states "the angler who catches and releases many fish may kill more than the angler who simply harvests a few for supper..." Suhre noted further in the document an excerpt from the Norwegian Council for Animal Ethics, that says, "catch and release concept is a breach of the Norwegian fishing tradition. It turns fishing into a pure sport or entertainment, disengaged from it's original purpose, that of procuring food."

Suhre stated that he discovered in researching this issue that brown trout are considered an invasive species. He reported from the National Park Service, Shenandoah National Park website that "brown trout are large, non-native and dominant predatory fish; they are a threat to native fish population, particularly within the confines of small, mountain stream habitats." Suhre noted further an article from Columbia University that reports California's attempt to eliminate brown trout while conserving native California golden trout and Australia's limit on the amount of brown trout introduced into rivers and lakes as methods of controlling brown trout populations.

Suhre posed to the Advisory Council the position that the brown trout are harmful to the native fish in the river. Suhre stated, "I would like to call now for the entire reconsideration of the stocking of brown trout in the East Fork. The rainbow trout, by all accounts, are more docile and do not have the negative effects that the brown trout have. Suhre requested that the brown trout stocking in the East Fork be discontinued.

Representative Bischoff

Rep. Bischoff thanked each and every member of the audience for coming out on a rainy evening here to be present on a very controversial issue in the city of Brookville and Franklin County. Rep. Bischoff thanked the Advisory Council delegation for holding the meeting in Brookville. He explained that this is a very emotional issue that has a huge impact on the quality of life for the people in Brookville. \

He explained that around the 20th of August, Jim Suhre called and asked whether he was aware that there were plans to put boulders in the East Fork of the Whitewater River. In

response, he stated that he immediately contacted John Davis, Deputy Director of the DNR. According to Rep. Bischoff, Davis also told him there would be a meeting in Indianapolis on September 14th. On September 14th there were several members of Trout Unlimited present who had the opportunity to present their side of the issue.

Rep. Bischoff recollected that there was a bus that brought people from Brookville to Indianapolis for that meeting. “There was talk about compromise. There’s no compromise when there is nothing wrong.” He explained that citizens of Brookville Franklin County have fished the East Fork of the Whitewater River for “years and years and years. Why would you want to take that away from the people here in this geographical area and yield to another group of people who want to come in and take over your turf?”

Rep. Bischoff stated that the first issue addressed at the September 14, 2009 meeting in Indianapolis was the issue of placing boulders into the East Fork of Whitewater River. He observed that the boulders would have had a huge impact upon Canoe fest, which has become a great function here in Brookville. Rep. Bischoff reported that it was announced that the proposal to place the boulders had been withdrawn. He stated that the second issue involved the proposal to limit a portion of the Tailwaters to fly-fishing only or catch and release only or artificial bait only. He said, “I can inform each and every one of you that that is unacceptable.”

Rep. Bischoff stated that the Natural Resources Summer Study Committee met on Monday and Tuesday of this week in Southeast Indiana. We discussed programs and projects and what we want to do and it came to my attention that with the economics of this country that there are so many people out there that need food. He reported about a program we have that costs \$5.00 that goes to all the butchers who can process the excess numbers of deer killed so the venison can get to the people who need it. The message he was conveying is that the East Fork of the Whitewater River for many years has provided a lot of food for the people in this geographical area. “We do not want that changed.”

“Again, I can assure you that I am 100% behind you.” Rep. Bischoff stated that he knew the Advisory Council’s delegation members and has worked with them. He stated his confidence that they will use very good judgment and “I can almost assure that this issue will be and should be put to rest.”

Rep. Bischoff closed by addressing Early and Freeman asking them to take the message back to the Council and Commission that “this is a treasure for the people of this area and they’re very reluctant to have any change whatsoever.”

Rick Schroeder, Central Indiana Trout Unlimited

Schroeder stated that he would like to clear up one thing about Trout Unlimited’s discussion board that comes up from time to time. It is completely uncensored, it’s not monitored in any way, and Trout Unlimited does not control what you say on there. Schroeder noted that he doesn’t approve of a lot of what is said on there but wanted

everyone to understand that it's uncensored and unfiltered information for everybody to talk about this issue. Schroeder explained that he was under pressure from the board and recently from other posters on that message board to shut it down. Trout Unlimited did not shut it down. It continues to be a message board for the discussion of this issue if you choose to use it.

Schroeder acknowledged that Brookville doesn't like the brown trout right now... but noted that Brookville is attracting people from 33 different Indiana cities, 11 Ohio cities, six in Kentucky, one in Wyoming, one in Illinois and one in Massachusetts. He noted that tourism that is coming to you from not only outside the State but inside the State. Schroeder observed that the tourism is bringing money into Brookville, bringing money into the State of Indiana in the way of trout stamps, license fees and plus the money they spend here, maybe at a hotel or campground.

Eldon Crabtree, Indiana Bass Federation

Crabtree introduced himself as a Past President and Conservation Director for the Indiana Bass Federation. He said, "This is not about trout fishing". Our organization stands for conservation, environmental issues, charity, youths and bass tournaments last of all. Crabtree said the Bass Federation does a tremendous amount of work for Indiana's Children's Wish, raising \$135,000.00 for them, and over \$100,000.00 for Riley Hospital, plus hospice, cancer research, and other organizations including assistance to returning soldier and the families of fallen soldiers.

Crabtree's major concern is not brown trout, rainbow trout or anything like that. As this gentleman from Trout Unlimited just spoke, if those kinds of numbers are coming from all over our state and surrounding states and Wyoming.... "Why do we want to fix something that's not broke?"

Crabtree stated that he walked the Tailwater today. The majority of it is in the Brookville Park, a park that local taxpayers paid the bill for and maintains. He observed that young people are not going to use artificial bait with barb-less hooks.

Crabtree stated that the Bass Federation is behind those who oppose the suggested restrictions. My successor, Woody Woodcock, and a board member, Kenny Bortlein, are here. The Bass Federation has got over 1,800 members, whose whole concern is that Indiana has so many fishermen and so little water. We're not Minnesota; we're not Wisconsin or Kentucky, Tennessee or Alabama. We're going to support you.

Kenneth Murphy, Brookville, IN

Murphy stated that his family owns about five acres of river front property. He explained that he was raised fishing on the river. He observed that the proposals that have been presented are probably contrary to the very tenants of the Department of Natural Resources, promoting youth fishing and fishing that Eldon Crabtree talked about.

He expressed his appreciation for Trout Unlimited coming to visit our community and spending their money. We appreciate the visitors just as long as they don't forget that they are visitors. "We live here and we pay the taxes. My family pays \$2,500.00 a year property taxes on that river front property to have someone come in and basically tell me I can't fish the way I have all my life is a pretty tough pill to swallow."

Michael Day and his Son, Cooper, Brookville, IN

Day stated that Cooper is six years old and he doesn't know how to fish with a fly rod. He explained that Cooper fishes with worms. He noted that if they want more trout they should stock double. He noted that Early had stated the importance of having more access to fishing and observed that the proposals would provide less access. We own the water as a taxpayer in Indiana. That water should never be closed or regulated except as to size limits and bag limits.

Rene Stivers, Brookville, IN

Stivers spoke on behalf of the Brookville Town Council, saying "we would like the River left the way it is now. We would like fishing left the way it is." We have a beautiful park and we'd like to have it open to all types of fishing.

Haroline Ison, Brookville, IN

Ison observed that the town park has a lot of memories. She said that her kids fished there and her grandkids fish there now. Furthermore she expressed her opinion that the proposed restrictions could not be adopted for the reason the up and down that River is private property and out to the center of that River is those people's property lines. According to Ison the owners have granted a privilege that they can take away through trespass.

Jerry Harnishfeger, Brookville, IN

Harnishfeger noted that Schroeder talked about people coming from other states to fish. He compared 10,000 people that come for Canoe fest versus 30 or 40 people from Trout Unlimited. He also noted that when they come, they bring their bait, they bring their tackle, they're all gassed up and they go home without spending anything.

Derrick Filkens, Indianapolis, IN

Filkens explained that he runs a fly fishing shop in Indianapolis called Flymasters. He expressed his support for changing the regulations while acknowledging that that most of the people in attendance are not. Filkens explained that he grew up just north of Branson, Missouri, noting that most people would know where that was and that it was the birthplace of Bass Pro Shops. Filkens disclosed that part of the location where Bass Pro is located used to be a family gas station his father owned. He observed that fishing is impacting my family significantly.

He noted that the one thing that drew people to Branson was the fishing. And if you look at Branson now it's an enormous place that is greatly profitable for all the people who live there.

According to Filkens, Flymasters is in its 20th year of business and this past year put out a magazine with a picture of a 24" rainbow trout caught a Brookville. Filkens noted that the magazine went out to 4,000 people in Indiana and those people call the store every day asking about the fishing at Brookville. His customers want to know what the water's like and whether the fishing is any good, etc. He explained that he tells them the truth because it's my reputation. He observed that Flymasters is a referral source for your community and your businesses. Flymasters also profits because we do sell a variety of lures and flies that people come down here to use.

Filkens stated that in the United States, fishing is the fourth most popular sport. The first is walking, the second is swimming and the third is camping. Franklin County has two of those things.... camping and fishing. There is a valuable resource that you can use to draw people to this place for. When people see a picture of a 24" Rainbow Trout they want to go to that place and catch that fish. The problem is that you don't catch those fish in areas where people can keep the fish all the time. Filkens observed that those fish grow because they are put back after they are caught or they grow because they're smart enough to have never been caught.

Filkens noted that the economic impact from having a catch and release area in any community is significant. You cannot find a study anywhere that says a catch and release has negatively impacted a community. It is always a plus for the community. I don't know any community in the United States that do not want more money coming into their community. All businesses are working harder to make the same money they made three or four years ago.

Filkens expressed his support for the catch and release but also his support for the State of Indiana and all the counties between here and Indianapolis because people drive from there, and from Louisville, Cincinnati, and Columbus, to here and spend money in all those counties in between. Filkens stated that these suggestions will probably not be proposed as a rule change because of all the opposition but stated that at some point down the road if Brookville wants its economy to improve it should consider changing some of these regulations. Filkens stated that before I came to Brookville to fish for trout I never came to this area and most people in Indianapolis don't know where Brookville is at.

Patty Scott, Brookville, IN

Scott stated that she walks the town park twice a day with her dog, once in the morning and once in the evening. She said that she sees fishermen down in the park and has asked several of them who have out of State and out of town license plates where they purchased their gas..."it wasn't in Brookville". She's asked where they were purchasing their food and they say it's at home in their hometown. She said that one man told her he

bought a cheeseburger at McDonalds and paid thirty five cents at the vending machine. “A buck fifty is not economic growth.” She also observed that as far as those who don’t know where Brookville is at, “tell that to the 300,000 people who were just at canal days last weekend.”

Marci Bockman, Brookville, IN

Bockman stated that she is originally from Indianapolis. Forty years ago we started coming down here with our children, camping and canoeing and fishing. We always hoped that maybe one day we would retire and move to Brookville...and we did. She explained that now her children, her grandchildren and her great grandchildren visit all summer and winter. “They swim, they play and they fish and I thank God for it.”

James Hundley, Brookville, IN

Hundley stated that Brookville Lake was put in when I was ten years old. He expressed his opinion that people don’t come to Brookville just to catch trout noting that people have been fishing in Brookville for many years before they started stocking trout in 2001. He stated that he doesn’t think the trout fishing is helping the community.

He recounted a recent write up in the local paper about how some people from Trout Unlimited came down. The article said they were here on a Monday and he was working at 52 Pick-Up on that day. He explained that they all bought a \$9.00 one-day fishing license, and they had a guide, not a local guide, that they paid several hundred dollars for. They claimed in the article that they each paid \$50.00 at 52 Pick-Up but Hundley disputed that saying that they bought their licenses and a bottle of water each.

Tom Tiller, Union County, IN

Tiller expressed his view that this is an attempt by a few people to get rules bent so they can gain control of public access, public resources, and to have the DNR pay for it. He stated his opinion that this kind of selfish manipulation of the DNR rules and resources goes on right now. As an example he explained that at Dunlapville, the DNR pays to plant a big field of sunflowers that are used to bait Doves. The DNR carefully limits the number of hunters that use that field for hunting. So the DNR pays for planting a crop to bait a migratory bird and then pays conservation officers to enforce these rules.

“People need to see that for what it is.”

Ed Baker, Franklin County, IN

Baker stated that he is a fisherman who has caught a lot of trout out of the East Fork. He uses bait, ultra light tackle and purchases most of it around Brookville. He explained that he has fished in Colorado, Canada, Wisconsin, Minnesota, Tennessee, Florida and Georgia and never had the audacity to tell them that they needed to change their rules.

Baker explained that he fished with their rules, with their licenses and he purchased his bait from that area.

Baker also observed that he fished the East Fork for many years before the Brown Trout were released and “the fishing was just as good then as it is today.”

Carol Sni¹, Franklin County, IN

I moved back here in 2004 from Arizona. I’ve seen what can happen to good trout streams by playing around with them. I was a guide in Arizona part time and I’ve done a lot of trout fishing all over the United States.

I used to fish the Colorado River in the Grand Canyon. In the later ‘60’s and early ‘70’s it was nothing to get a 10, 12, 14 pound rainbow out of there. But then the federal took it over, started playing around with it and it’s nothing like it used to be. Just like the East Fork there’s no reason...I have nothing against Trout Unlimited and the fly fishermen.... there’s no reason why we can’t all fish together. This stream is not going to produce trout. If they want more trout stock more.

Margaret Fain, Brookville, IN

Fain acknowledged that she does not fish but even though I don’t fish, I want others to be able to. She also responded to Filkens inference that Brookville is not encouraging economic development. She noted that Brookville has a canal trail that is being diligently worked on to increase walking. Brookville has access to our River being increased with Tecumseh’s Landing, Brookville has everything.

In conclusion she expressed her opposition to the regulations that have been suggested and her opinion that it is not fair to let a special interest group control any part of the River that belongs to everyone.

Carmen Precht, Brookville, IN

Precht advised that she has lived in Brookville for 35 – 38 years. She said she’s seen all these changes but has never put a hook in the River. All we’re hearing about is fish but that she said that River is shared by other wildlife. She observed that there are water fowl you would not believe but when the fishermen are there you don’t see the geese and ducks. She said, “I’m here tonight to speak for the geese and the ducks.”

Additionally, she noted that once the government makes one change there will be one more change after the last until the local area loses all control.

Drew Wilson, Franklin County, IN

¹ This individual’s name may be incorrectly recorded. The speaker did provide his full name during his verbal comments but the digitally recorded audio is not completely clear. A search of the sign-in sheet does not provide any assistance in confirming the name.

Wilson stated that his dad raised him fishing in the River and that's where he caught his first Walleye, which was 14 inches and was caught off the top of the spillway. He noted that he has always fished with live bait and is not interested in using lures. He said, "Let us fish in peace."

John Helton, Brookville, IN

Helton advised that he has fished the River for 14 – 16 years for trout. He has always caught trout, catfish and other fish and would take 10 – 14 fish for dinners at work. He said everybody would get together and bring what you want. We loved the dinners and getting together and sharing what we've got.

Tom Hertel, Brookville, IN

Helton explained that he grew up about 2 blocks from the Whitewater River before there was a dam in Brookville. He noted that the city park used to be the city dump before Franklin County took over and observed that there has been a lot of clean up down there. People have dedicated trees and stuff and if you read the plaques you'll see the names of people who worked hard in Franklin County to have a nice park. Helton stated that he's been fishing since 1956 and said that to have someone tell him he can't go down there and fish with live bait just "rubs me the wrong way."

Ken Saxon, Franklin County, IN

Saxon advised the Council's delegation that they were experiencing the support of the Brookville community, noting that it is support that goes back many years. He provided that in the early '80s the city park was a dump and that in 1983 the Town Board and other community leaders decided it would be a good place for a park. The town park was developed with several activities including softball fields, walking, shelter houses and fishing in mind according to Saxon. He said there was some tax money that went into developing that park and there was also a campaign to raise money through voluntary contributions to support that park. He observed that that's been over 30 years and you see the support that still exists for the activities that go on down there.

He closed by stating that trout fishing and general fishing were part of that original plan and the community supported it then and the community supports it today.

Tracy Morgan, Brookville, IN

Morgan acknowledged that she doesn't fish, but explained that she was speaking on behalf of friends and family that do fish. She noted that there's been a lot of discussion on the Trout Unlimited message board about whether it's pure bred or hybrid trout that are being stocked, whether they can reproduce, etc. She explained that she went to the hatchery and talked to two people who confirmed that they release 3,000 brown trout every year and have been stocking them for the past four or five years. She stated that

she also learned that the fish are only 9 – 10” at the time they are stocked. She concluded that apparently the fish are holding over and they are growing because these trout cannot reproduce.

Morgan also advised that the two hatchery employees also volunteered to her that tailwaters, in general, not just the Brookville tailwaters, are the worst place to expect a hatchery to be because of the fluctuations of water in the River. She noted that this is something that needs to be considered. We’re arguing over a fishery that may not be able to happen no matter what we do because it is a flood control dam. Water has to be released or cut back based on that.

Jerry Harnishferger, Brookville, IN

Harnishferger noted that it was not fishing that got Branson all this notoriety, stating, “country music made Branson.”

Chairman Early closed the meeting stating the hope that once this is all over that everyone can co-exist and that this doesn’t drive a wedge so deep. We all want to use those waters; we’re all citizens of Indiana. What’s before us is to do what’s in the best interest of the public. As we deal with rule changes we take biology into consideration, we take the cost of things into consideration but there are also social issues. We appreciate you coming out today. We would not be interested in moving any changes forward unless the community and Trout Unlimited were working on together. I guess the point is that we haven’t made any recommendations yet, but it is not likely that we will recommend any changes to these regulations now.

Certainly you’ve co-existed to date and we hope you can continue to do so.

EXHIBIT 7

COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT

Suggestion Category: Animal Sanctuary

Administrative Cause No. 09-129D

August 26, 2009 Public Meeting Minutes

GUESTS PRESENT

CeAnn Lambert	Indiana Coyote Rescue Center, Inc.
Holly Hadac	Indiana Coyote Rescue Center, Inc.
Phyllis Price	Indiana Coyote Rescue Center, Inc.
Dale La Cognata	Indiana Coyote Rescue Center, Inc.

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Linnea Petercheff Fish and Wildlife

NATURAL RESOURCES COMMISSION STAFF PRESENT

Jennifer Kane

CeAnn Lambert noted that “a lot” of citizens comment to her that wildlife is being displaced by development. “Some of these well-meaning people take the wildlife in they find, and then the wild animal becomes habituated, socialized, or sometimes even imprinted on humans. In many cases, due to the improper nutrition that these wild animals receive, these animals are non-releasable.”

Lambert said that she files twelve permits annually with the Department in order to keep the coyotes she possesses. “I feel sorry for the DNR when [it] has to keep track of this stuff every year.” She suggested the Department create a wild animal sanctuary license. “My idea of a sanctuary would that a fee would be charged; it would be a reasonably high fee to prevent hoarding...I think there is a danger of hoarding wild animals”. Lambert explained that the sanctuary license fee should be “high” and established as a graduated fee according to the number of animals in the sanctuary.

Lambert said the sanctuary license should allow for possession of indigenous wildlife only and “in no way be used for non-indigenous wildlife including exotics.” She said the sanctuary would be subject to “unannounced” inspections by the Department, which would assure compliance under normal operating conditions. She said the sanctuary would allow a non-releasable animal to live out its life, and the fee would be deposited in a fund associated with other license revenue. “As a citizen who wants to help wildlife, I am proud to pay for any licensing. I want to contribute.”

Lambert said she was concerned that wild animals are being sold at public auctions and transported across state lines. “Then when people find that they can’t keep the wild animals that they have grown to love, because of other states’ regulations, they look for a place in Indiana that will take them.” She said that she receives two calls a year from persons “begging me to take their coyote puppy that they bought in Indiana.” Lambert said that the Department should take responsibility for these “exploited” wild animals since the sale of wild animals is allowed under Indiana statute and rule and without proper permits in place for the animals. “It’s really not the fault of the DNR, but these animals should be brought back to Indiana, if possible, and placed in a sanctuary.”

Lambert said that wild animals residing in a sanctuary should not be sold and should only be allowed to be transferred from one licensed sanctuary to another licensed sanctuary. “This would make sure that our wild animals are not being sold for private profit to be used as live bait.” She said that she would be “happy” to educate other sanctuary permit holders regarding how to acclimate a fox or coyote to live in an enclosure.

Lambert noted that the Department has broadened its focus, in protecting wild animals, to include consideration of the welfare of individual animals. “I think DNR does care about animals one on one.” She said a wild animal sanctuary would facilitate the care of the non-releasable animals. “I noticed that conservation officers are more concerned with animals than they used to be. They are taking animals to rehabbers.” She said the Department has over the past few years has become “kinder and gentler”. Lambert concluded, “I think its time for a sanctuary.”

Linnea Petercheff, Staff Specialist with the Division of Fish and Wildlife, explained that a new rule would need to be adopted to accommodate a sanctuary license, as well as amendments to existing rules. She noted that there is not specific statutory authority authorizing a sanctuary license, but the Department does have authority to establish a sanctuary permit. Petercheff noted, however, that the Department may not have statutory authority to charge a fee for the permit. She said a new rule would have to establish standards and restrictions on how a wild animal is obtained and what can be done with them “like not allowing the sale or breeding”.

Petercheff said that existing statutory authority at IC 14-22-26 allows for a wild animal possession permit and a separate statute in IC 14-22-20 authorizes a game breeder license. She said that currently an individual that has a wild animal rehabilitation permit and has a non-releasable mammal (other than deer), the individual must apply for a wild animal possession permit to hold that animal. The statute and rule requires that a permit be held for each animal possessed. Petercheff said there is a \$10 fee for a wild animal possession permit, but there is no fee for the yearly renewal. She explained that a veterinarian exam is required prior to any permit renewal to ensure that the animals are receiving proper care.

Petercheff said that an “appropriate” requirement would be that a veterinarian makes annual examinations of the wild animals. Lambert agreed and urged that veterinarian examination should be required for animals held under a sanctuary license.

Petercheff said that a sanctuary license would create less paperwork as far as the volume of permits, but a rule would need to be devised that would provide the appropriate restrictions.

Lambert explained that the sanctuaries would not be open to the public; “that would require an exhibitor’s permit issued by the USDA. “I have now determined that I am not letting people come and see my coyotes, because I feel that my coyotes, just the way they are, they deserve a right to just live their life under the best circumstances possible without them having strangers come and look at them.” She said that the sanctuary should be run for the animals and not for humans.

Holly Hadac, Educational Director for the Indiana Coyote Rescue Center and a Michigan wildlife rehabilitator, said that wild animals that are not suitable for release due to habituation to people, “mostly created by an untrained public.” She said that “most” individuals in possession of wildlife intend to raise or heal the wild animal for eventual release. “If release isn’t possible, which could occur for many different reasons such as permanent injuries, improper nutrition, or inadequate caging before we acquire it, that animal has to be euthanized in the absence of a permit allowing it to be kept for the rest of its life.”

Hadac said that she has heard often from individuals: “I didn’t know what I was going to do, but I knew I wasn’t going to let it die.” She said that in the absence of a sanctuary permit, the public will “take over and the state will not be able to regulate at all.” She said that in the 1980s the Michigan DNR estimated that southeast Michigan wildlife rehabilitators alone took in over 30,000 calls from the public each summer. “This also illustrated to the DNR the importance of how much both the general public and wildlife rehabilitators cared about our wildlife.”

Hadac stated several reasons for the necessity of a sanctuary permit. She said the paperwork and workload for the Department and the permit holder would “lighten”. She explained that a sanctuary permit would be the only permit required for permanent possession of a non-releasable native wildlife. Hadac said that a sanctuary permit would allow the holder of that permit to educate the public about the species being possessed under the permit, and to educate the public about the Department.

Hadac said that Lambert has, through the Indiana Coyote Rescue Center, “earned respect in the scientific community. She is knowledgeable about coyote social behavior...Ms. Lambert’s expertise is known all over the country”.

Hadac explained that the purpose of a sanctuary permit is to possess a wild animal for the “rest of its life”. She explained that if the permit is issued to an individual the permit would expire in the event that individual “has to transfer for a job or a spouse’s job, has to move for an ill relative...or dies”. She noted that the sanctuary permit should be issued to an organization, a person, as long as the sanctuary exists or until the permit is relinquished.

Lambert explained that a permitted wild animal rehabilitator cannot solicit animals for rehabilitation or commercially advertise rehabilitation services. She said that a sanctuary should be able to solicit funds, because “you are giving a home to those animals for the rest of their lives and you are going to have to take care of them.” Lambert noted that Indiana Coyote Rescue Center, Inc. is a not-for-profit business.

Lambert asked whether, in the event she would pass away “two weeks” before the renewal of her permits, another individual “could just step in.” Petercheff said that the Department currently addresses these types of occurrences. “We do not euthanize the animals. If there are other people willing to take them, then they would apply for a permit to possess the animals.”

Petercheff explained that a rehabilitation permit and a wild animal possession permit must be issued to an individual, but an educational permit can be issued in the name of an organization. She said a sanctuary permit “would have to be more or less” issued to an organization or a not-for-profit organization with a primary individual listed on the permit.

Lambert reiterated her concern regarding the practice of hoarding wild animals. “If you can charge a fee, charging a large fee is going to help with that, otherwise I don’t know how you would deal with that.”

Petercheff said that the number of animals allowed to be possessed under a sanctuary license may have to be limited by rule.

Phyllis Price noted that she agreed and supported the statements made by Lambert and Hadac. “Having worked with wild animals ourselves I think it is very important to have something like a sanctuary permit.

Lambert said that she was unable to find another state that issues a wild animal sanctuary permit.

Hadac explained that some states may have a similar permit, but the permit is not specifically named a “sanctuary” permit.

Petercheff said that “a lot” of states use the terms “captive wildlife permit” rather than using “sanctuary” specifically. “I’m sure there are some states with a sanctuary permit, but I just haven’t researched it.”

Petercheff said that if the Natural Resources Commission or Department would pursue creating a sanctuary permit, the Department would meet with CeAnn Lambert and other interested persons to “develop a rule with a set of regulations that we could move forward with.” She said that the Department’s Division of Law Enforcement would also be involved in the discussions.

AGENDA ITEM #3

Lambert said, "I really don't want people going out and getting animals out of the wild and taking them to their sanctuary."

Petercheff explained that a proposed rule would have to include "very specific" language setting standards on how a wild animal can be obtained. She said the Department has situations where a person is determining an animal is non-releasable; however, a veterinarian is unable to determine if that same animal is releasable or non-releasable.

Hadac said that if the Department creates a sanctuary permit, would the Department consider giving a sanctuary permit to a person that already possesses wildlife without a permit.

Petercheff said, "It just depends on the situation. We would have to evaluate a lot of things at that particular time...such as how the animals were obtained".

EXHIBIT 8

COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT

Suggestion Category: Disabled Hunting Licenses

Administrative Cause No. 09-126D

August 26, 2009 Public Meeting Minutes

GUESTS PRESENT

None

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Linnea Petercheff Fish and Wildlife

NATURAL RESOURCES COMMISSION STAFF PRESENT

Sandra Jensen

Of the five suggestions in this category three of them relate to disabled veterans' ability to obtain a lowered cost hunting and fishing license for deer and turkey. Of the two remaining suggestions, one requests the ability to use crossbow throughout the archery season for deer and the other requests that the Department clearly "spell out" the rules and requirements for obtaining special disability hunting permit in the annual hunting guide.

The Hearing Officer notified the individuals who offered these suggestions by email of the date, time and location for the public hearing. Notice of the public hearing was also posted to the Natural Resources Commission's website and calendar.

No member of the public attended the public hearing to offer additional input on these suggestions.

The suggestion regarding the use of crossbow throughout archery season was discussed during the Advisory Council's July 14, 2009 meeting. The suggestion about the Department's explanation of the disabled hunting license in the hunting guide does not require the adoption of a rule. Linnea Petercheff notes that the Department includes information about how to obtain a special permit for a hunter with a disability on page 4 of the current Hunting and Trapping Guide and the application form, regulations, and instructions can be found on the Division of Fish and Wildlife's website at: www.in.gov/dnr/fishwild/2371.htm. Information regarding the disabled veterans hunting and fishing license, which is available at a cost of only \$2.75 and does not include deer and turkey hunting, is available on the Department's website at:

AGENDA ITEM #3

www.in.gov/dnr/fishwild/2376.htm and will be included in the Hunting and Trapping Guide as space allows.

There were extensive discussions about hunting license alternatives during the Advisory Council's July 14, 2009 meeting although it is not certain that those discussions included any consideration of expanding the lowered cost hunting and fishing licenses for disabled veterans to deer and turkey hunting. It is the hearing officer's recommendation that the concept of lowered cost deer and turkey hunting licenses for disabled veterans be considered and deliberated in conjunction with the Advisory Council's deliberation of other licensing issues raised during the July 14, 2009 meeting.

EXHIBIT 9

COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT

Suggestion Category: Endangered Species Habitat & Re-Introduction

Administrative Cause No. 09-128D

August 26, 2009 Public Meeting Minutes

GUESTS PRESENT

None

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Linnea Petercheff Fish and Wildlife

NATURAL RESOURCES COMMISSION STAFF PRESENT

Sandra Jensen

The three suggestions received in this category express a desire to see the State of Indiana make a “stronger commitment to creating/expanding larger nature preserves” and to protect endangered species and their habitat. The suggestions reflect that the habitat alone would not only serve to protect and conserve endangered species but would also provide recreational opportunities. One of these comments observes that there are many nature conservation organizations in existence but notes that many of them are disconnected.

One suggestion urges the Department to engage in the introduction of imported bobcats to aid in the expansion of the current bobcat population. This suggestion is directed towards additional hunting opportunities.

The Hearing Officer notified the individuals who offered these suggestions by email of the date, time and location for the public hearing. Notice of the public hearing was also posted to the Natural Resources Commission’s website and calendar.

No member of the public attended to offer additional input on these suggestions.

EXHIBIT 10

COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT

Suggestion Category: F&W Area User Fees

Administrative Cause No. 09-127D

August 26, 2009 Public Meeting Minutes

GUESTS PRESENT

None

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Linnea Petercheff Fish and Wildlife

NATURAL RESOURCES COMMISSION STAFF PRESENT

Sandra Jensen

The two suggestions received in this category offer the observation that hunters and anglers who use the Department's Fish & Wildlife Areas support those areas through the purchase of hunting and fishing licenses while other users (mushroom hunters, birdwatchers, hikers and others) do not contribute financially to the support of those areas.

These suggestions reflect simply that all users should provide their share of support for these State offered resources.

The Hearing Officer notified the individuals who offered these suggestions by email of the date, time and location for the public hearing. Notice of the public hearing was also posted to the Natural Resources Commission's website and calendar.

No member of the public attended to offer additional input on these suggestions.

The public hearing provided an opportunity for discussion between the hearing officer and Linnea Petercheff. It is believed that the Commission is authorized to establish a fee of this type. However, Petercheff noted that entrance fees to fish and wildlife areas would need to be deposited in the Nongame Fund. The deposit of the entrance fees into the Nongame Fund could create conflict with wildlife and sport fish restoration grant requirements. Those grants require revenue generated on/by fish and wildlife areas purchased in part with grant funds from the U.S. Fish and Wildlife Service to be treated as grant-related program income and be deposited in the Fish and Wildlife Fund.

AGENDA ITEM #3

Petercheff also noted that the Department would consider hunting and fishing licenses to also serve as the holders' entrance fee because under IC 14-22-34-21 holders of hunting and fishing licenses cannot be charged a fee for admission to fish and wildlife areas.

It was noted that Fish & Wildlife Areas are not gated facilities and to provide for any type of entrance gate would negate any financial benefit to be gained by the implementation of a user fee. However, it was noted that hunting and fishing licenses are, in essence, subject only to random checks by DNR Conservation Officers. Something like a Fish & Wildlife Area "user pass" that would be subject to the same type of random check as are hunting and fishing licenses could possibly be instituted. DNR's Law Enforcement Division was not yet consulted.

EXHIBIT 11

COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT

Suggestion Category: Wild Animal Possession Permits

Administrative Cause No. 09-125D

August 25, 2009 Public Meeting Minutes

GUESTS PRESENT

Aaron Cleveland Silly Safari Shows, Inc.
John Cusson Silly Safari Shows, Inc.

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Linnea Petercheff Fish and Wildlife

NATURAL RESOURCES COMMISSION STAFF PRESENT

Sandra Jensen

Mr. Cleveland and Mr. Cusson identified themselves as the owners and operators of Silly Safari Shows, Inc., which is “the leading provider of live animal conservation outreach education programs in Indiana.” They provided a fact sheet to aid in explaining that Silly Safaris uses captive bred, domestic and exotic animals in approximately 3,000 animal conservation oriented programs throughout the United States annually. Performances at schools are designed specifically by grade level to meet Department of Education curriculum standards. Other performances occur as nature day programs at schools and other places such as libraries, city events, parks and at festivals, fairs, conventions and churches. Silly Safaris is regularly on television and radio and will release the first of two children’s books in 2009. Mr. Cleveland and Mr. Cusson explained that the focus of all of Silly Safaris performances is conservation.

Indiana Code § 14-22-26-1 authorizes licensed commercial dealers, zoological parks, circuses and carnivals to possess wild animals without needing to obtain a wild animal possession permit from the Department of Natural Resources (*DNR*). Indiana Code § 14-22-26-2 clarifies that a zoological park is “(1) a permanent establishment that is a member of the American Association of Zoological Parks and Aquariums; or (2) an agency of local government, open to and administered for the public, to provide education, conservation, and preservation of the earth’s fauna.”

Mr. Cleveland and Mr. Cusson note that the use of animals in conservation education programs such as theirs is an emerging trend in conservation education. Historically, this type of education has been provided through zoos and other similar establishments that are accredited through organizations such as the American Association of Zoological

Parks and Aquariums (*AAZPA*). However, the *AAZPA* does not recognize recent trends in conservation education and therefore will not accredit organizations like Silly Safaris that do not have “zoo like features like a front gate, like being open to the public, like beautifully landscaped grounds and a park like setting.” The *AAZPA* has also discontinued their “related facilities” programs, which covered traveling education programs conducted by otherwise accredited establishments. By virtue of the accreditation requirements of the *AAZPA*, the present statute requires entities like Silly Safaris, which takes conservation education to the public, to obtain wild animal possession permits while it exempts from this permitting requirement those entities that require the public to come to their facility. Mr. Cleveland and Mr. Cusson stated their belief that “the law and regulations of Indiana only exempt one type of accreditation entity, the *AAZPA*. Organizations that have the ability and the substantial resources to become accredited by the *AAZPA* have a definite market advantage to provide the same conservation education service to the citizens of Indiana. However, the state of Indiana is giving over the power to accredit and the power to set accreditation standards by providing a monopoly to one organization, the *AAZPA*. Other accrediting organizations should be given the same standing under the law. The Zoological Association of America, the Pet Industry Joint Advisory Council, and the Indiana Department of Natural Resources should have the same standing as the *AAZPA*. These other organizations have some form of accreditation standards for live animal outreach education providers-not just zoos.”

Mr. Cleveland and Mr. Cusson acknowledged that the animals used in Silly Safaris’ programs are possessed under a United States Department of Agriculture (*USDA*) permit. Because Silly Safaris possesses that *USDA* permit it is not presently obligated to obtain a wild animal possession permit under Indiana Code 14-22-26-1 et seq. or 312 IAC 9-11-1 et seq. unless they were to obtain a venomous reptile or an endangered species. However, they note their belief that all wild animal programs focused on conservation education should operate under the same regulations and that those regulations should be established by the State of Indiana. Mr. Cleveland and Mr. Cusson note that the present statute allows the *AAZPA*, an organization independent of Indiana Government regulation, to identify which entities are required to obtain an Indiana wild animal possession permit.

Mr. Cleveland and Mr. Cusson further noted that Indiana Code § 14-22-26-2 is outdated. The name “American Association of Zoological Parks and Aquariums” is no longer the official name of that entity. Furthermore, Mr. Cleveland and Mr. Cusson pointed out that other accrediting entities have come into existence, including the Zoological Association of America, and should be included within Indiana Code § 14-22-26-2.

Mr. Cleveland and Mr. Cusson offered two alternative methods to address their concerns. One option would involve amending both Indiana Code §§ 14-22-26-1 et seq. and 312 IAC 9-11-1 et seq. to provide an exemption from the wild animal possession permitting for entities such as Silly Safaris that provide live animal conservation education. The second option would be for the exemptions to wild animal possession permitting that are presently provided in Indiana Code 14-22-26-1 et seq. to be eliminated entirely. Silly

AGENDA ITEM #3

Safaris would support the latter option because all of the providers of live animal conservation education, regardless of their accreditation body, would be treated equally by Indiana statutes. Responsible parties would be compliant with the Indiana Code.

Mr. Cleveland and Mr. Cusson explained their belief that the latter option would place the regulation of wild animal possession and permitting solidly within the control and governance of the DNR. They also acknowledged that this action could result in Silly Safaris having to obtain permits that they presently are not required to obtain. Likewise, AAZPA accredited zoos, municipal zoos, circuses, and agencies of local governments, open to and administered for the public, to provide education, conservation, and preservation of the earth's fauna could be obligated to acquire permits from DNR. However, they stated that they preferred an option that allows for equal treatment under the law. Either way all entities would have to comply with new laws. Compliance is a cornerstone of responsible business practice. Silly Safaris believes in and practices compliance.

Linnea Petercheff, Staff Specialist for the DNR's Division of Fish and Wildlife confirmed that this substantive suggestion will require legislative action. She also stated that the removal of the exemptions from Indiana Code 14-22-26-1 et seq. would allow the DNR to regulate and perform inspections on facilities that are presently not subject to DNR jurisdiction due to their accreditation by the AAZPA and on facilities that are currently licensed only by the USDA.