

NATURAL RESOURCES COMMISSION

Minutes - May 27, 1999

MEMBERS PRESENT

Michael J. Kiley, Chair
Larry Macklin, Secretary
Damian Schmelz
Jerry Miller
Lori Kaplan
Jane Ann Stautz
John Goss
Lori Kaplan
Steve Cecil
Rich Cockrum

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

David Vice	Executive Office
Paul Ehret	Executive Office
Carrie Doehrmann	Executive Office
Angie James	Executive Office
Brent Shike	Executive Office
Eric Myers	Executive Office
Melissa Stefanovich	Staff Counsel
John Bacone	Nature Preserves
Burney Fischer	Forestry
John Kubisiak	Fish and Wildlife
Laurie Rounds	Water
Steve Davis	Water
Jim Hebenstreit	Water

GUESTS

Tony Arvey
Eric Ditmar
Jeff Parry
Mike Ryan
Tom Anderson

MONTHLY REPORTS

Michael J. Kiley, Chair, called to order the regular monthly meeting of the natural resources commission at 7:15 p.m., on May 27, 1999 in the Holiday Inn, Michigan City. With the presence of ten members, the chair observed a quorum.

Jerry Miller moved to approve the minutes of April 29, 1999. The motion was seconded by Damian Schmelz. Upon a voice vote, the motion carried.

Larry Macklin provided the Director's report. He said he attended the Gene Stratton Porter dedication and reburial. Stratton Porter was a well-known author and naturalist from Northeast Indiana in the early 1900s.

Director Macklin said Stratton Porter expressed the desire to be buried on the grounds of her home in Noble County. The Gene Stratton-Porter Memorial Association acquired Stratton Porter's home from her only daughter, Jeannette Porter Meehan (which became known as the "Gene Stratton Porter State Historic Site"), and later conveyed the property to what is now the DNR. In addition to Stratton Porter, the reburial of Jeannette Porter Meehan also took place at the site both had been buried in California

The site now enjoys a new visitor center. Macklin reflected, "We urge you to stop and visit" the new center.

Director Macklin said the endangered species program in Indiana is "going well and continues to." He expressed appreciation to Katie Smith, Ph. D., and her staff for their efforts with the program.

Director Macklin said a "recent highlight" of his duties was attendance with IDEM Commissioner Lori Kaplan at the meeting of the Great Lakes Commission in Montreal. He said the Canadian provinces of Ontario and Quebec had never joined the Great Lakes compact, but the eight U.S. member Great Lakes states had long-advocated their membership. For years, both provinces were serving the compact by "observer status" designation. Both Ontario and Quebec provinces were eligible for full membership. Quebec joined during the Montreal meeting, and Ontario is reviewing the advantages of membership. "It's time we have them at the table." He said with her assumption of duties as IDEM Commissioner, Lori Kaplan was recently appointed by Governor O'Bannon as one of Indiana's members in the Great Lakes Commission, and Steve Lucas was appointed as an alternate member.

The Director reported the division of water is "in the midst of a major reorganization." The reorganization has been pursued by Mike Neyer, Division Director, and should better support customer needs, as well as providing the division and agency with improved efficiency. He said the division would report to the NRC on its reorganization efforts in the near future.

Jerry Miller, Chairman of the Advisory Council for the Bureau of Lands and Cultural Resources, said his council was set to meet at Madison in June.

Paul Ehret, Deputy Director for the pending Bureau of Resource Regulation, said he attended the annual meeting for the division of water. He added that, in a few months, Mike Neyer would explain to the commission the division's reorganization. Ehret characterized the new structure as being "dynamic and customer friendly. It will maximize technical staff time directed to technical duties," rather than requiring technical staff to direct efforts toward clerical functions.

Ehret said the division of water was actively involved in monitoring a potential problem with the control structure for Sylvan Lake. A "wet spot was observed" in the face of the dam. "Right now everything looks fine, but we're carefully monitoring the situation."

Ehret reported that he attended his first lakes management workshop meeting. He said he was looking forward to the final recommendations of the group.

Ehret explained that the final report to Congress by EPA was due in October concerning coal combustion waste. He said representatives of EPA also viewed in person how CCW is managed within coal mine sites. "I think it was to our advantage that they spent the time to come here." He said the Indiana General Assembly passed legislation dealing with financial responsibility of coal companies disposing coal combustion waste, a major element of the rules now awaiting final consideration by the commission. He estimated the rules would be ready for commission action in December 1999 or January 2000.

Dave Vice, Deputy Director for the pending Bureau of Resource Management, spoke about the DNR reorganization and its impact. He said he had heard wide-spread support, particularly for the concept that the division of law enforcement and the division of fish and wildlife would be included under one roof. Vice said division of law enforcement hosted the Fish and Wildlife Conservation Committee on Saturday, May 22.

Vice said the division of law enforcement also demonstrated the new Digital Sonar systems on the Atterbury Fish and Wildlife Area lakes. He said the new equipment will replace the outdated sonars, for which replacement parts cannot be found. Dave said the division of law enforcement is trying to replace their fleet of patrol boats (mainly recreation style) with boats geared to law enforcement. He reported that Bob Robertson, Fisheries Biologist (District 1), relocated his office from the old Bass Lake hatchery site to DNR headquarters at Kankakee Fish and Wildlife Area.

He said the division of entomology and plant pathology had completed spring efforts at slowing the progress of gypsy moths. This division would now focus more effort upon inspections of nursery dealers.

Vice reported that construction was completed on two public access sites in Steuben County to provide boating access to the Lake James chain. He also reported that bids have been received for the Patoka Reservoir rehabilitation and upgrading of the

campground electrical system. He said an emergency authority to proceed was approved by the department of administration, and work is already underway. Dave said bids have also been received for the Salomonie and Huntington Reservoirs parking and road improvements.

He reported that the legislature passed a budget that provides funds for shooting range construction and rehab. Combined with funds already available for shooting ranges, renovations and/or construction of new ranges can now be accomplished for many DNR ranges statewide.

BUREAU OF LANDS AND CULTURAL RESOURCES PERSONNEL COMMITTEE

Consideration of Personnel Interviews for Three Positions in the Division of State Parks and Reservoirs

Steve Cecil said that he, Terri Moore, and Dave Hensel met earlier in the week as the NRC's Personnel Committee. The committee reviewed personnel interviews for three available positions in the division of state Parks and recreation. According to Cecil, "I continue to be impressed with the caliber of individuals we get for these positions."

He said the committee voted to recommend the following appointments: Wayne Ley for Assistant Property Manager at Salomonie Lake; Nate Orsburn for Assistant property manager at Versailles State Park; and, Eric Ditmars for Assistant Property Manager at Shakamak State Park. Cecil then moved the commission to approve these appointments. The motion was seconded by Jerry Miller and approved on a voice vote.

Eric Ditmars was present, and, following the vote, briefly addressed the commission. "I'm honored to accept the position. It had been a long time coming."

Kiley welcomed Ditmars and noted: "We feel DNR has the most dedicated employees in state government."

DIVISION OF LAND ACQUISITION

Consideration of a Resolution Declaring Approximately Six Acres of Land as Surplus to the Needs of the Department of Natural Resources at the Former Tri-Lakes Fish Hatchery

John Davis, Director of the Division of Land Acquisition, presented this item. He said the tract of realty was the former Tri-Lakes Fish Hatchery and contains one parcel with a house and garage that had been used as the property manager's residence. The hatchery is closed, and the first parcel is no longer utilized by the agency. The second and adjoining

parcel is used by the DNR as a storage site for the group that manages the agency's northern public access sites.

Davis said the recommendation is the first parcel be declared surplus to the needs of the department of natural resources. He said the parcel would be offered to Whitley County, and he anticipated the county would accept the parcel for development as a six-acre county park.

Jane Ann Stautz moved to approve the resolution declaring six acres of the former Tri-Lakes Fish Hatchery as being surplus to the needs of the DNR. The motion was seconded by Damian Schmelz. Upon a voice vote, the motion was approved.

DIVISION OF FORESTRY

Consideration of a Request to Raise the Price of Conservation Seedlings by Two Cents a Seedling (\$2 for Each 100 Seedlings)

This item was presented by Jim Wichman of the division of forestry. He said in 1997-1998, the division of forestry invested in the production of an additional one million seedlings for sale and distribution in 1998-1999. The additional seedlings were sold and are in the process of being distributed to customers.

In 1998-1999, the division of forestry invested in the production of an additional 500,000 seedlings for sale and distribution in 1999-2000. The division received approval from the State Budget Agency to expend \$200,000 in operating accounts and \$100,000 for preventative maintenance accounts to support this increase in production. The approval was on a one-time basis, and the division has requested in the new biennium budget funds to maintain annual production of 6,000,000 seedlings.

The proposed price increase should keep increases in expenditures matched by increases in revenue. With sales of 600,000 seedlings, the increase would result in an increase in revenue of \$120,000 with total annual revenue from the sale of seedlings at approximately \$1,300,000.

John Goss moved to approve the requested price increase of two cents per seedling as sought by the division of forestry. The motion was seconded by Damian Schmelz. Upon a voice vote, the motion carried.

BUREAU OF WATER AND RESOURCE REGULATION DIVISION OF WATER

In the Matter of Recodification of Water Well Drilling Contractor Rules; Administrative Cause No. 98-122W; LSA #99-2; Consideration for Preliminary Adoption of 312 IAC 13 and the Repeal of 310 IAC 16

This item was presented by Jim Hebenstreit of the division of water. He explained that, in consultation with the NRC's division of hearings, the division of water has prepared for preliminary adoption the recodification of the rules governing water well drilling contractors. These are currently codified as DNR rules at 310 IAC 16 and would be recodified as NRC rules at 312 IAC 13.

Hebenstreit explained that, for the most part, existing language would be retained without significant changes. Cross-references would be updated and a few nonsubstantive language changes would be implemented.

One important substantive change is that standards for the design and construction of public water supply would be governed by the Indiana Department of Environmental Management. The new rules would cross-reference rules proposed by the Water Pollution Control Board on this subject rather than present DNR standards for public water supply wells. He asked that the rules, as set forth in the commission packet, be given preliminary adoption and committed to public hearing.

Damian Schmelz moved to give preliminary adoption to the recodification of rules governing water well drilling contractors from 310 IAC 16 to 312 IAC 13 as set forth in the commission packet. The motion was seconded by Jane Ann Stautz. Upon a voice vote, the motion carried.

LAKE MICHIGAN INFORMATIONAL ITEMS

Informational Item: Lake Michigan Yellow Perch Report

John Kubisiak, Lake Michigan Fisheries Biologist, presented this item. He said Indiana has entered a cooperative effort with the other three Lake Michigan states in an effort to turn around the serious decline in yellow perch populations within the lake. There is a moratorium on commercial fishing for the species, and sport fishing has also been restricted. In addition, the states are conducting scientific research into causes for the decline.

SCUBA surveys of spawning yellow perch have shown good viability and spawning rates. Unfortunately, fish recruitment for most of the 1990s was, "until last year, essentially zero." The production for 1998 was the third best for any single year since the 1970s. He said studies this year will show progress of last years recruitment class.

Kubisiak said one question facing biologists was the extent to which yellow perch moved around Lake Michigan. Studies now appear to show that most populations are localized and not highly mobile. "A few fish jump over to Milwaukee, but mostly they stay put."

One probable source of trouble for yellow perch is alewives. There is a "pretty strong negative relationship" of large alewives to perch populations. Kubisiak said predation probably is not the factor, but alewives appear to compete effectively with perch for food.

He said studies also suggest the percentages of male and female yellow perch is an important factor in maintaining healthy populations. In the middle 1990s, the percentage of perch was heavily skewed in favor of males.

Kubisiak also reflected regulation efforts have been an important factor in aiding some rebounding to yellow perch populations. "We suspect regulation protection" helped with the comeback," particularly of females.

Tony Arvay of Porter said he believed the comments by Kubisiak were a refreshing change from some prior biologist reports regarding yellow perch populations. Particularly with respect to discussions as to the numbers of male and female perch, he believed previous reports were uninformative.

Jeff Parry of the Gary Post Tribune noted fishermen were catching a fair number of medium-sized perch. He asked Kubisiak why that was occurring. Kubisiak responded there was better recruitment in 1995 than biologists originally believed. Although 1995 production was not at a normal level, it was higher than in most other years in this decade and higher than predicted.

Information Item: Karner Blue Butterfly Resolution and Report

John Bacone, Director of the Division of Nature Preserves, presented this item. He said Karner blue butterflies (*Lycaecides melissa samuelis*) were once found in 18 counties in northern Indiana, but today they remain only in isolated sites in Lake and Porter Counties. The species is federally endangered, and a recovery plan is being developed with the hope the species will not become extirpated from Indiana.

Bacone referenced House Concurrent Resolution 34 approved by the most recent session of the Indiana General Assembly. The resolution states in part: "The beauty of the state of Indiana is enhanced by the presence of Karner blue butterflies; and. . . The people of the state of Indiana should do everything in our power to maintain the presence of Karner Blue butterflies in our state and throughout the nation and the world: THEREFORE, Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring: . . . That the Indiana General Assembly urges the department of natural resources to monitor the status of the Karner Blue butterfly and to do everything within its power to keep the species alive and thriving within the boundaries of our state."

Bacone noted a field trip on the second day of the commission meeting would view Karner blue habitat and provide an overview of problems associated with their successful management. Primary among these are the loss of habitat. Where Karner blue butterflies are present, periodic burning is required to maintain adequate quantities of their food source, lupines. Yet burning also kills Karner blue caterpillars and eggs.

Informational Item: Presentation of Lake Michigan Recreation Access Guide

Laurie Rounds, DNR's Lake Michigan Coastal Coordinator, presented this item. She explained that using a variety of sources, including funding for the exploration of a Coastal Zone Management program, the agency's division of outdoor recreation had developed the Indiana Recreational Access Guide for Lake Michigan. Copies of the guide were distributed to commission members and will also be distributed at boating shows and similar activities.

Rounds said the division of outdoor recreation conducted the research needed for the development of the guide. Included are lakeshore maps that identify beaches, camping or trailer parks, fishing and boating access sites, marinas, and parks larger than ten acres. Included in Appendix A is a focus group summary expressing perspectives as to local needs. Appendix B is the Lake Michigan Access Survey.

Jerry Miller criticized the results of the survey noting that it was taken in the summer when beach and boating activities are at their heights. Fishing is available along the shoreline almost year-round. Because of the timing of the surveys, he argued the results were skewed against fishermen.

Mike Ryan also criticized the publication because on page eight it showed a catfish rather than a species taken from Lake Michigan. Tony Arvay urged the photograph should have been of a fish taken from a charter boat.

Rounds noted the publication is also available online. The publication is really the first effort of its kind and unintended slights and even inaccuracies are probably inevitable. She said the online version could be modified and updated to best illuminate recreational opportunities along the Indiana shore of Lake Michigan. She said the website is <http://www.state.in.us/dnr/lakemich/pdf/access.pdf>

Information Item: Presentation of Two New Online Resources-- Lake Michigan Rim Geographic Information System and Lake Michigan Synthesis

Laurie Rounds also presented this item. She said the Lake Michigan Rim Geographic Information System was funded jointly by IDEM and the DNR (including the use of a NOAA grant for exploration of a Coastal Zone Management program in Indiana). The GIS was developed through the Indiana Geological Survey at Indiana University. A GIS is the demonstration of data through maps and other spatially related data.

She explained that the site contains numerous levels of information, including such items as municipal boundaries, bacterial testing sites, water well data, and the location of Superfund sites. The levels can be combined by the user, a site "zoomed-in" or "zoomed-out," and interpretations applied. There is no limit to how much data can ultimately be included on the site. She then provided a brief demonstration of the site.

Steve Lucas added that he recently observed a demonstration of the site by the Indiana Geological Survey. During the demonstration, the data from several water wells was

placed on a cross-section and used to develop a predictive model for water availability at sites within the wells.

The Lake Michigan Rim Geographic Information System is accessible by any interested person on the Internet at this address: http://129.79.145.156/gis/lakerimmo/lrgis_frontpage.html.

Rounds then demonstrated another online publication: A Synthesis of Major Topics in the Lake Michigan Coastal Area. She said that following 1995 Northwest Indiana Public Work Group meetings, the Lake Michigan Coastal Coordination Program researched the current status of 865 suggestions made by workgroup participants to address concerns for the Lake Michigan coastal area. In 1996, the information was compiled as Northwest Indiana Public Workgroup Reports: 865 Annotations by the Indiana Department of Natural Resources.

Earlier this year, an online document placed most of the information in the annotations within 15 categories. Rounds said most of the work for the project was coordinated within the agency by Dawn Deady and Steve Lucas. The online document now synthesizes the suggestions made by the work groups and the annotations. Rounds then briefly demonstrated A Synthesis of Major Topics in the Lake Michigan Coastal Area. She said the Internet address for the publication is as follows: http://www.state.in.us/nrc_dnr/lakemichigan/.

OTHER MATTERS

Consideration of Formal Resolution to Approve the Reorganization of the Department of Natural Resources

Carrie Doehrmann, Chief of Staff and General Counsel for the Department of Natural Resources, presented this item. She explained that pursuant to IC 14-9-4-2(b), the "commission may, with the approval of the governor, merge, consolidate, and abolish bureaus and divisions other than the division of law enforcement as the work of the department develops and as is necessary to consolidate, coordinate, or reduce the functions of the department." She said the recommendation was the NRC apply this authority in support of a proposed reorganization of the department to consolidate the agency into three bureaus: (1) the bureau of resource regulation; (2) the bureau of resource management; and, (3) the bureau of lands, cultural, and recreational resources. Currently, there are four bureaus. In addition the reorganization would recognize the positions of chief of staff and general counsel; assistant director for public policy and planning; and, assistant director for budget and administration and financial controller.

Doehrmann advised the commission its legal authority did not, however, extend to reorganization of the advisory councils. To implement the changes considered for these bodies, the agency would be required to seek legislation.

Larry Macklin said preliminary reaction to the reorganization was very positive. The new structure will allow for more efficient management, in part, because of the reduction in the number of positions and, in part, because bureaus now more closely align divisions with their statutory functions.

Rick Cockrum offered that he believed the flow-chart accompanying this item did not properly identify the role of the commission. In the chart, the only duty apparent for the commission was its management of the division of hearings. As is regularly demonstrated during monthly meetings, the role of the commission is much broader.

Doehrmann responded that the flow-chart was not intended to outline authorities of the DNR and NRC. The focus was upon the proposed restructuring of the DNR. Inclusion of the commission in the chart was intended primarily to emphasize the separate chain-of-command to the governor for the two agencies, as well as to underline the commission's autonomy relative to the DNR. Chairman Kiley added the item for consideration by the NRC was not an approval of the flow-chart but was, instead, limited to the terms contained in the proposed resolution.

Steve Cecil moved to approve the proposed resolution, but with a clerical correction that the word "bureau" be substituted for the word "division" in the final sentence of the second-to-last paragraph. The motion was seconded by Rick Cockrum. Upon a voice vote, the motion carried.

Informational Item: Pilot Television Program Indiana Outdoors

Director Larry Macklin provided a brief overview of this item. He said the DNR was "partnering with Ball State University in creating a television pilot program" to present natural resources issues. He said the "mock-up of the program" was completed by Ball State students. After the DNR has an opportunity to review the pilot program, the commission members will also be given a chance to view it.

Informational Item: Indiana Heritage Trust and the Indiana Natural Resources Foundation

Eric Myers presented this item. He explained that a study conducted ten years ago showed only 3% of land within the state to be in public ownership, one of the smallest percentages among states. A pressing need was demonstrated for a mechanism other than taxation to purchase critical recreational and habitat realty. The need has been exacerbated because current development in rural areas is seriously impacting resources there.

Using an overhead projector, Myers outlined recent purchases that have been made possible with funding from the Indiana Heritage Trust and the Indiana Natural Resources Foundation. Approximately 20,000 acres have been purchased, much of that in

partnership with other funding sources. The purchase of another 7,000 acres is currently pending.

Environmental license plate sales are a primary funding source for the trust, but major contributions have also been made through the Indiana General Assembly, IDEM, and from other sources. More than \$10 million have been obtained through license plate sales, with another \$10 million from the legislature, \$3 million from IDEM, and approximately \$670,000 from dedicated wetland funds and interest on fund balances and donations.

Myers reported that in recent years, funding from the sale of environmental license plates has decreased somewhat. The decrease is generally less pronounced, however, than for other special license plate sales.

Myers then distributed a color pamphlet outlining the successes and aspirations of the Indiana Heritage Trust. Entitled *The Indiana Heritage Trust, A Living Legacy*, the publication contains an introduction from John A. Hillenbrand II, Chairman of the Indiana Heritage Trust Committee.

Jane Ann Stautz asked whether the trust had directed fund-raising activities toward business and industry. Myers responded that *The Indiana Heritage Trust, A Living Legacy* was intended to lend support to this process.

ADJOURNMENT

At approximately 9:25 p.m., CDT, the meeting adjourned.