

**Natural Resources Advisory Council
Minutes of the August 30, 2006 Meeting**

Members Present

Patrick J. Early, Chair
Amy Travis, Vice Chair
William Pippenger
Donald Van Meter
William Wert
John Bassemier
Thomas Rethlake
Jim Trachtman

Department of Natural Resources Staff

Kyle J. Hupfer, Director
Ron McAhron, Deputy Director
John Davis, Deputy Director
Ann Knotek
Cheryl Hampton

Natural Resources Commission Staff

Steve Lucas

Guests

Richard Mercier

CALL TO ORDER WITH WELCOMING AND OPENING REMARKS BY THE DNR DIRECTOR

Kyle J. Hupfer, Director of the Department of Natural Resources, observed that with eight members a quorum was present. He called the meeting to order at approximately 10:08 a.m.

The Director welcomed the members of the Natural Resources Advisory Council to its inaugural meeting and requested all those present to introduce themselves. Introductions were made.

Hupfer explained, "In the past there have been two Advisory Councils. They have been merged and repopulated." He said his understanding was that in recent years, the Natural Resources Commission would meet every other month, and the Advisory Councils would meet in the months when the Commission did not. The Advisory Councils would go through the NRC's agenda items. "It was really focused on the NRC agenda." He said, "I'd like for the group to be more meaningful than just to look at what the NRC has been doing, basically to just have duplication."

The Director reflected, “The statute actually says that this group is much broader in scope than what the NRC does. This is really designed to serve as an advisor, not just to the NRC but also to the Department and to me as part of that. I would rather take that sort of approach than what was done in the past.” He said the new Advisory Council could take a “more long term view” of issues and solutions. There might sometimes be “hot topics” and at other times broad policy matters that can be “put on the agenda, allowing for the public to come in and comment on them.”

Hupfer said “another piece is that the Advisory Councils were focused on making decisions. I’m not sure that’s what an advisory body should be looking for. What this group has the opportunity to do is take complex issues, study them, take public comment on them, condense those, and then present them to the NRC that may have to enact a rule.” His expressed hope was that the new Advisory Council can look at issues and provide insight and focus before rule adoption is even considered. “I think in the past this group has been under-utilized. The issues were decided before this group was ever talked to, and it wasn’t functioning in an advisory capacity.”

The Director said he hoped the Advisory Council “would come up with a methodology today. My suggestion is that you folks pick a point of contact, and maybe it’s the Chairman, going forward. We would have, immediately following the NRC meetings, a time to see if the Commission would have some potential issues” the members “would like to have the Advisory Council to study. The public would have an opportunity to email us or to email the members of the Advisory Council. There would be some sort of scheduling group, which would be maybe the Chairman [of the Advisory Council], myself, or the two Deputy Directors as my designees, and the Chair of the NRC, who would pick topics for the agenda of this Advisory Council.” The agenda for the Advisory Council could be set and distributed the week immediately following the NRC meeting. “You guys can talk about that, as well, as to how you would like to operate.”

Director Hupfer said the former Advisory Councils did a lot of things that “were just technical amendments and would spend a lot of time on those. I think looking at broader, more complex issues, where you really have time in this group to dig into them. That’s sort of what I would ask for.”

The Director said he envisioned the Advisory Council meeting every other month, during the months between Commission meetings, although this schedule would not necessarily mean a subject considered by the Advisory Council would have to be placed on the agenda of the NRC meeting that immediately followed. “The statute calls for the Advisory Council to meet every other month or every two months.”

Tom Rethlake asked that the Advisory Council be set to meet on the same schedule every other month. “It would help my schedule, but I don’t know about the rest of you. We might have it on a day every third week.” Hupfer suggested the members discuss and decide as to how they wished to schedule the meetings. He said the DNR would be “happy to have meetings” set at Ft. Harrison State Park, rather than downtown Indianapolis, if that were the preference of the members. “Some of the members from

the southern area of the state may have a little bit farther to drive, but it may still be easier to get up there and park.”

Donald Van Meter said, “I agree with you as far as this is an advisory committee. It seems like taking topics, studying them, and providing whatever advice we believe would be more helpful to the NRC.” He said the Commission has the responsibility for making the decisions. He reflected the Director’s suggestion “makes a lot of sense to me.”

Director Hupfer said he hoped the Advisory Council would provide advice to the Deputy Directors and to him, as well as the Natural Resources Commission. “The law as its written is much broader than giving the NRC advice as to rule making. It is a policy advisor for me, for the Divisions, and for all the DNR. I can perceive that there can be many issues that come before this Council that have nothing to do with a rule. It may just be a policy or a process that we’re going to follow.”

Deputy Director, John Davis, noted that all activities from the Advisory Council “may not necessarily end up at the NRC. It may just be this group and the Department.”

Amy Travis asked how the Advisory Council should handle a dissent within the group as to an advisory opinion. The Director answered, “I only have so much time that I can spend going through things. The NRC only has so much time during their meetings. I can foresee that we would pick some fairly hot topics and get a lot of folks showing up here to talk.... If everybody here does agree, but there were some dissenting public opinions, I think still it’s going to be important to pass those along. It’s not just that it’s 8-4 on one position, but that when you talk to the NRC, or present to me, if it’s a non-rule issue, you can say: ‘Here we had X number of people show up. Here were the three main themes that we heard. From a policy perspective, or from this angle, we heard this. There was this other group that thinks we should be going in this direction.’ Really, be more a fact-finding body and provide advice and counsel but not be this will be the end of the debate. The Advisory Council would foster debate and push ideas forward.”

Director Hupfer concluded, “I appreciate you all volunteering to help us out. I look forward to working with you. I am going to try and make it my practice to make it to these meetings if I can because I think it was lost at some point that the Advisory Councils were advisory to the Department. I think the rest of the day should be mostly administrative in nature so I’m going to leave. Thank you, all.”

John Davis said, “Our agenda shows that we’re going to have an election of officers followed by an information item that Steve is going to present. We haven’t talked about this. I don’t know if you all would prefer Steve’s information as background and function of the Advisory Council. Would you rather hear that and have a little discussion before the election, or would you rather do the election of Chairman and Vice Chairman?” After a brief discussion, the Advisory Council determined to have the legal background discussion prior to the election of officers.

INFORMATION ITEM: STATUTORY AUTHORITY FOR THE ADVISORY COUNCIL

Steve Lucas, Director of the Division of Hearings for the Natural Resources Commission, presented this item. He reflected that an overview of the Advisory Council's legal responsibilities was included in written materials distributed prior to commencement of the meeting. Attached to the overview, in an appendix, was the primary statutory authority as codified at IC 14-9-6. "As you follow along with these materials, or read them later, you may have questions. I would be happy to try and help answer them either today or later."

Lucas said the legislation anticipates the members will elect a Chair and a Vice Chair. The members may also elect any other officers that the Advisory Council deems appropriate. He illustrated as an example that the Natural Resources Commission traditionally elects the member who is the DNR Director as its Secretary. The Secretary is then authorized to sign documents on behalf of the Commission "that might come out of official actions by the Commission. Maybe that isn't necessary for an advisory body, or maybe that would be helpful." He said the choice was with the membership of the Advisory Council.

John Davis asked whether the Advisory Council could decide to elect a Secretary "later as the need arose." Lucas responded that the Advisory Council could appropriately defer a decision on the election of an officer other than the Chair or Vice Chair.

Donald Van Meter reflected there "would have to be some sort of minutes taken." Lucas answered that the Commission's Division of Hearings would provide personnel to take minutes, unless the Advisory Council wished to have a member designated to take minutes or to apply some other approach. "Traditionally what we've done is somebody from my shop has actually done the minutes, but it doesn't have to be that way. One of you or some combination of you can do that. I don't want to lock you into an approach that you're not comfortable with. We would be willing to do it as we do minutes for the Commission, if that's your wish, but we would be very happy if you wanted to do the minutes yourself."

William Wert said, "That has worked well, historically, to have you guys provide that. You won't get any volunteers here probably." The members requested that the Division of Hearings assist with taking minutes.

Lucas continued, "As Kyle pointed out, a function of this entity is to advise DNR and the Commission as to policy and program administration. When the two prior Advisory Councils were established in the 1960s, actually their original function didn't mention the Commission." He said, the function of the two Advisory Councils was to advise the Deputies Director for their two respective bureaus. "I've been here a long time, though I haven't been here since the 60s, but I'm told that what happened, almost from the beginning, was that the Commission sought advice from the Advisory Councils." He added, "When the prior Advisory Councils went through 'sunset' in 1989-90, the statute was changed to match the reality. So the statute said you'd advise the Deputies, you'd advise the Director, and you'd advise the Natural Resources Commission."

Lucas added there was a “specific prohibition on providing a role relative to licensing activities. For examples, the DNR issues licenses under the Flood Control Act or the Lakes Preservation Act. The agency issues licenses regarding coal mining under SMCRA. In that context, the two Advisory Councils before ‘sunset’ in 1990 had some role there [with the issuance of specific licenses], but with ‘sunset’ by the Indiana General Assembly, that authority was taken away. That’s one thing you don’t do. There are a whole lot of things left beyond that.”

Lucas said the former Advisory Councils had specific responsibilities with respect to two particular programs. “I’m not sure that historically these responsibilities have had great impact, but in trying to do an overview now, I’ll mention them. They’ve both been carried over to the new Advisory Council. One has to do with the Water Resources Management Act, a law that’s designed to provide for water use management. It deals with such things as minimum stream flows, and it can be inter-connected with drought issues. In that context you have a specific statutory role in that, if rules were to be written, those rules would start from here in a group that would be augmented by four members of the Indiana General Assembly, two from the House and two from the Senate, with bipartisan representation.” He said the most-recent session that created this committee also created a Drought Committee, “so at some point there might be some interface with that.” Lucas said the second specific responsibility has to do “with the Historic Preservation Review Act, and some of the determinations that the Division of Historic Preservation and Archaeology do. I think that probably some of those functions that are referenced in the statute [regarding the Advisory Council] are now done by the Historic Preservation Review Board, so this section could be archaic. But it’s still on the books so I wanted to reference it.”

Lucas said, “In choosing the Chair, you’re also choosing a member of the Natural Resources Commission, because the Chair sits on the Natural Resources Commission.” He said the NRC has “more focused roles” as the DNR Director described. “Probably it’s most notable role is that it serves as the permanent rule writer for the Department of Natural Resources.” He added, the DNR “Director has authority for temporary rules.” The Commission also has “nonrule policy documents. It also serves in an adjudicatory role that it effectuates through an Administrative Orders and Procedures Act Committee that has a lot of interface with” the Division of Hearings.

John Davis said he had “a couple of questions. If the Chairperson cannot attend the Natural Resources Commission meeting, then the Vice Chairperson would attend?” Lucas responded, “It probably would make sense for the Vice Chair to attend an NRC meeting when the Chair cannot. He or she could then communicate back to the Advisory Council as to what the Commission did or didn’t do. But the way the statute is written, it doesn’t give the Chair or this Advisory Council any authority to have a person, other than the Chair, vote on the Commission.” Davis continued, “If the Chair couldn’t attend, and the Vice Chair went to the Commission meeting, and we were close on a quorum, that Vice Chair would probably not count toward the quorum.” Lucas said his understanding of the law was consistent with this viewpoint. William Pippenger said traditionally the

Vice Chairs had not attended Commission meetings when the Chairs were unavailable. Lucas responded, "That's correct."

Davis said, "Just to be clear, Ron and I and [Steve] are not members of the Advisory Council. Once the group elects a Chairman and a Vice Chair, then the Chair will run the meetings, and we'll be here in support and as resources. That kind of thing?" Lucas said he agreed.

Jim Trachtman asked whether, with the appointments to the new Advisory Council, "Is it the beginning of a new term for everyone? Or, are we all sort of held over from the former Advisory Councils?" Lucas said the appointments were "staggered". Davis added, "I think there were no holdovers. Some of you were appointed to a term that expires in one year, some were appointed to a term that expires in two years, and some were appointed for a term that expires in three years to create the stagger." Davis asked if there were a statute that established the staggered terms. Lucas responded, "Yes, I didn't include that portion of the statute because it's noncode and technically goes away after a year. The noncode portion did provide for staggered terms, and it's my understanding that, in fact, is what the Governor has done." Davis said "we will get clarification" for each one of you "who may have a question on that."

ELECTION OF OFFICERS

A. CHAIRPERSON

B. VICE CHAIRPERSON

With the consent of the membership, John Davis opened the floor for the election of officers. He asked for nominations.

Donald Van Meter said, "As far as our election here, it would help me if anybody who is interested in this position might inform us. I know some people here but don't know what their timeframes are. I, for one, would not be interested in being the Chair. I simply don't have the time. But I don't know if other people would feel comfortable with saying something."

Thomas Rethlake said he also would be unable to serve, but he understood Patrick Early "might be interested. He lives very close, and he would be in an ideal position to review and sign papers. So, I would put his name out there, if he wants the position."

Patrick Early said, "As I talked with the Governor's office, they asked, unless someone else had a burning desire to do this, they asked if I would be interested. I am, but let me provide background so you'll know a little bit about me before you decide. I won't go through a complete biography, but if you're going to consider voting for somebody, you would" want to know something about the person. "I live here in Indianapolis and have lived here basically all my life. I have recreated outdoors all my life so I feel somewhat an expert on outdoor recreation. I'm a pretty avid hunter. When I get the opportunity, I not only hunt on my own property but kind of sometimes all over the world. I've had the opportunity to go to Africa, and I go to Alaska, Mexico and Canada, and wherever I get

the chance to go.” He added, “This is something that I’m really very interested in. I’ve served in other capacities, not necessarily under this Administration.... All during Steve Goldsmith’s tenure as Mayor, I was the Chairman of the Capital Improvement Board.” He said he was still an appointed member and was actually serving as the Vice Chair of the Capital Improvement Board.” Early continued, “I’m actually a C.P.A. is what I do for a living. I am a Managing Partner of Somerset, which is about a 120-person C.P.A. firm here in Indianapolis. I do work. I don’t just volunteer, so there will be times when I am either working and have a conflict, or, more likely, I may be in the Yukon or sometime like that. Although I will do my best to make every single meeting, there will probably be a time or two a year where I will have a scheduling problem. I have no preconceived agenda. I did not want to get on here because I have an issue or something that I want to sound off on. For years I’ve done all these things that really weren’t up my alley or interested me that much. I did them because somebody needed to do them, and as I got into them, I enjoyed them, but things that have to do with Indiana natural resources, and recreation, and the opportunity to use our natural resources wisely, does interest me. This is more than would you be on this board and come to a meeting once. Hopefully, I can pass some value along the way. A lot of you have been doing this a lot longer than I have. You understand the issues better and what needs to be done. I don’t envision this as just my opportunity and a podium to stand on. I just want to have an opportunity to participate.”

Tom Rethlake moved to nominate Patrick Early as Chair. Jim Trachtman seconded the motion.

Donald Van Meter moved to close the nominations. John Bassemier seconded the motion.

Upon a voice vote, the motion to close the nominations passed. On a separate vote, Patrick J. Early was elected Chair.

John Davis asked Chairman Early if he wished to preside over the remainder of the meeting. The Chair responded, “We’ll get today settled then work on the next meeting.” Davis thanked the Chair and asked for nominations for Vice Chair.

William Pippenger nominated Amy Travis as Vice Chair.

Davis said it “was a fair thing to do” for Travis to provide a brief biography.

Amy Travis said, “I am from Bloomington, Indiana and have lived there for almost all of my life except for a brief time in Lake County, Indiana. I am the First Deputy Prosecutor for Carl A. Salzmann, Prosecutor for Monroe County. I have been a Prosecuting Attorney for 13 years in total, between Lake County and Monroe County. I am an avid outdoors person.... I love to fish, and I am a big equestrian person. I’m a big user of the parks with regard to horse riding. I love to hike, and I love to be outside. I grew up with our family vacations being tent camping and stuff like that. My significant other is a Conservation Officer. I also have an interest in the law enforcement aspect of it.”

Davis asked if there were a second to the nomination. William Wert responded, “I second the motion.”

Donald Van Meter moved the nominations be closed. William Pippenger seconded the motion.

Upon a voice vote, the motion to close the nominations passed. On a separate vote, Amy Travis was elected Vice Chair.

REPORT OF DEPUTY DIRECTOR FOR THE BUREAU OF WATER AND RESOURCE REGULATION

Ron McAhron, Deputy Director for the Bureau of Water and Resource Regulation, provided an overview of the Divisions within his Bureau. “Thank you, all, for coming and for agreeing to serve. I think this is for me a very exciting time to be here.”

McAhron said, “I have five Divisions that are in my group. I want to go through them real quickly.”

McAhron explained, “The oldest, the largest, the one everyone is familiar with is the Division of Water. For those of you who have served in the past, you will remember Mike Neyer who is our Division Director. The Division of Water is primarily involved with the Flood Control Act, and is currently overseeing a major project updating the FEMA maps, which has been an interesting item and one we may ultimately want to talk with you about. With better technology, the floodway is changing, and that has implications for those who come in and have flood insurance premiums.” He said the “process gives us a better delineation but has social implications. We’re trying to do a better job of getting that word out. That’s a significant process there. We also have something that cuts across both groups. We’re loving our lakes in the northern part of the state to death. We’re having increasing issues with seawalls and piers, and we’re struggling with rules.”

McAhron said, “Another large division is our Division of Reclamation that is involved with coal mining. Bruce Stevens is the Division Director, and Reclamation is widely recognized as a very effective and efficient operation. It’s very important right now as coal [mining] is picking back up in southwestern Indiana. We’re running about 35 million tons a year. They’re housed in Jasonville.”

McAhron continued, “The next is the Division of Oil and Gas. Herschel McDivitt, who some of you may remember worked with [the Division of] Reclamation back in the 80s, just started as the Division Director. He went into private business and came back to us last September. We have a major initiative right now. With the prices up, we think this is a good time to address the issue, which we have in southwestern Indiana, where there are a lot of idle wells that are monuments to the hay day of the business. We have a

September 1st deadline for information to come in here on the status of some 3,000 wells that may need to be plugged. We are working aggressively to modernize that program. There are new oil and gas plays with oil shale and directional drilling. Those weren't commonplace when the program was set up. Herschel is really active trying to bring us up to current."

He said, "For our Division of Historic Preservation and Archaeology, Jon Smith had been the Director. He left us and took a wonderful position with the National Park Service, and we have a vacancy there now that we're trying to fill. We have two major initiatives there with INDOT. Basically, we're trying to modernize our systems. Get off paper and on digital. And with the Major Moves initiative, INDOT will have tremendous need for our services."

McAhron described his fifth Division. "Last but not least we have a small, little understood and appreciated, Division of Entomology and Plant Pathology." He said Robert Waltz, Ph.D., is the Division Director. "We've had some notoriety with the emerald ash borer and gypsy moth and kudzu, etc." McAhron referenced Brazilian elodea and eradication efforts at Griffy Lake in Monroe County. He also noted nursery inspections and inspections relating to the export of grain from Indiana."

McAhron concluded, "We anticipate bringing as issues relevant focuses for all those Divisions. Again, I think piers and some things with cultural resources we'd like to talk about. We look forward to bringing some of those folks in and working with you. I'd take any questions, obviously."

John Bassemier asked, "You said you have 3,000 oil and gas wells. Is that all over the state or just in southwestern Indiana?" McAhron responded, "That's mainly in southwestern Indiana. There was a real boom in the 1800s with the Trenton Field up north, but there are so many holes up there that we don't even have track of. That's almost just out of the game."

Bassemier asked if there was a recent law giving the wells of southern Illinois and southern Indiana new names. "Is that to help inventory as well?" McAhron responded, "Yes, that's basically what we're trying to do. A lot of these have just kind of fallen through the cracks. We're trying to establish ownership and establish a status. We'd like for all of them to be put back into production, but we have the sense that a lot of them are drifting toward...becoming orphans for us to deal with. While the price of the resource is up, we're trying to encourage people to take a serious look [and to decide] is this a resource or is it a liability. If it's a liability, let's get it plugged."

Bassemier asked whether petroleum production wells "were highly regulated." Ron McAhron responded, "No, not compared to the coal industry." The coal industry "has federal oversight", but oil and gas regulation "is more of a state issue, and is not a federal program, other than the Clean Drinking Water Act aspects of injecting the brine water back into a formation." He said in recent years, petroleum production business in Indiana "was so down, because of the price of the product, that very little was going on. If you

pushed real hard, in the past, I wasn't here, but my sense is you would just expedite the failure and closings, and we didn't have the money for plugging.... Now that the business is up, we're hoping" to make progress toward placing wells back into production or causing the license holders to properly plug them.

REPORT OF DEPUTY DIRECTOR FOR THE BUREAU OF LANDS AND CULTURAL RESOURCES

John Davis, Deputy Director for the Bureau of Lands and Cultural Resources, provided an overview for the Divisions in his Bureau. He said, "My responsibility is for the land-holding Divisions of DNR. Those are the Division of Forestry," the Division of Fish and Wildlife, the Division of State Parks and Reservoirs, the Division of Nature Preserves, the Division of Outdoor Recreation and the Division of Museums and Historic Sites. "In addition, there are two other Divisions that are essentially service Divisions for those land-holding Divisions: the Division of Engineering and the Division of Land Acquisition." He said the Division of Forestry is headed by the State Forester, John Seifert. Glen Salmon is the Director of the Division of Fish and Wildlife. Dan Bortner is the Director of the Division of State Parks and Reservoirs, and John Bacone is Director of the Division of Nature Preserves. The Division of Outdoor Recreation is headed by its Director, Emily Kress. The Director of the Division of Museums and Historic Sites recently resigned, and the DNR has begun the process of seeking his replacement. Nick Heinzelman is Director of the Division of Land Acquisition, and Tom Hohman is Director of the Division of Engineering.

Davis continued, "Each of the land-holding Divisions has a slightly different responsibility. In total, we manage about 500,000 acres of Indiana property. We own about 400,000 acres. We manage about 100,000 federally owned acres around the Reservoirs—three in the North and six in the South."

He said, "Each of the Divisions serves a different clientele and has a different thrust of their main missions. Certainly, we'll go into those in some detail when it's necessary or whenever you're curious about those. Our Division of Forestry has the primary mission of forest products and also to instruct and illustrate forest management techniques. There is a private land side of the Division of Forestry that has a lot of interface with agriculture. The Division of Fish and Wildlife has a big federal nexus with the U.S. Fish and Wildlife Service. The money for the Division of Fish and Wildlife, and most of the money for the Division of Law Enforcement, comes from fishing licenses, hunting licenses and the cost-share through the federal acts. Those dollars come mostly from taxes on sporting equipment, and a little off-shore revenue comes through the U.S. Fish and Wildlife Service. That Division also has a large private lands group that deals with farmers and landowners who manage for fish and wildlife purposes, as well as managing their state-owned property. The Division of State Parks and Reservoirs is probably the Division that is most visible to the public. It's where most of our visitation comes from, and a lot of our controversy comes from that. We're suffering from a tremendous amount of use on a confined area so there are a lot of user conflicts. That's one of the things

we'd like to bring to you, and I'll talk about a couple of those. Our Division of Nature Preserves is a smaller land-holding Division. They manage about 60,000 acres. Many of those are free-standing Nature Preserves, and some of those are housed inside the larger properties" such as within State Parks, Forests or Fish and Wildlife Areas. "Our Division of Outdoor Recreation manages very little land. They manage the Knobstone Trail. They also manage the off-road vehicle facility at Redbird." He added, "We have another one of those in the works, the Interlake property. "Most of the Outdoor Recreation job or responsibility is they are our liaison between federal dollars that are available to local units of government. They write what is called a Statewide Outdoor Recreation Plan or SCORP. That is a requirement to get National Park Service money and Water Conservation Funds. Those are the main dollars that they administer, so we help county and city parks finance the kind of recreation that we don't usually do in the state: swing sets, basketball courts, those kinds of things." He said the Museum and Historic Sites Division manages the Museum. He said the DNR Director "handles most of that himself." This Division does also "run eleven Historic Sites spread around the state. Most of those are small properties with a significant building or set of buildings on them. A couple of them have some acreage, like Angel Mounds. "We have lots of interesting problems, all through all of those Divisions, which you all will become familiar with." Davis said "our Division of Engineering essentially does engineering for the Department, not exclusively the land-holding Divisions. They're involved with some of the Divisions that Ron just talked about, but most of the capital dollars go towards our land-holding Divisions, so we build buildings and build roads. We coordinate with INDOT to help us to do that. The Division of Land Acquisition, obviously, is the real estate broker for the DNR. They're involved in the acquisition of property but also in the surplus of property, and the ordinary issues that come with administering 1/2 million acres. They have all sorts of private land interactions, easements with neighbors, and those sorts of things. Those are my Bureau's responsibilities."

Davis said he and Ron McAhron would be the persons working most closely with the Advisory Council, but "we're going to make an effort over the first few meetings to get some of the Division Directors down here. They'll explain their Divisions a little bit in more detail to you, and you can ask questions. You'll be able to put some faces with the problems that we'll discuss."

Davis explained, "There is a third Deputy, Todd Tande. We'll also try to get Todd to come down and introduce himself. Todd handles the Administrative Divisions: Accounting, Budget, Human Resources, and those things. Of course, our Division of Law Enforcement is mostly handled by Kyle, and their Col. Rob Carter. They interface with a lot of the problems that we'll have. Their funding comes mostly from the Division of Fish and Wildlife.... Public Information and Education is one of Todd's responsibilities. That's another one, though, that interfaces with all of the Divisions. They produce our *Outdoor Indiana* magazine and our hunting and fishing guides and historic preservation magazine. We'll try to include some of those folks when we have issues that impact them."

Chairman Early said, "It might be helpful if you could get us some kind of guide book that tells us what all the Divisions are." Davis responded, "Absolutely, and I would urge you to go to our website. Our website has an awful lot of information, not only about the history and responsibility of the Divisions, but also some of their current issues." He said he would put this request on the list of things to send to the members of the Advisory Council.

CONSIDERATION OF NEXT AND FUTURE AGENDAS

Donald Van Meter said, "You have a webmaster, obviously. What area is that in?" Ron McAhron responded that it was in Public Administration and Education. Davis added, "We're going through a bit of centralization." Van Meter continued, "That would be a topic that I would have some interest in us talking about. At Ball State University, we have found that that is our primary access to incoming students. We have printed materials, but the vast majority of information and applications comes through our website. I've got a feeling that's more and more of the case with IDNR. There are some issues, I think, with the website. The issue that I have the most of, and I'm not trying to criticize, but it's something I think would be useful for us to discuss, is that it's not updated. That's a notorious problem with websites across the world. But there are things on there with the Commission and what-have-you which are really old stuff and shouldn't be on there." Davis responded, "We can bring somebody in to talk about this, and that might be what we should discuss, what might be on the agenda." Ron McAhern added that the DNR was working on trying to be more current, as well as "trying to get some of our permit work" on the website. "If we get that impact from you guys, that's helpful to those issues as well."

John Davis indicated, additionally, "One of the issues we might talk about is the carrying capacity of streams and rivers. The situation that brought it to the fore is Sugar Creek between Turkey Run State Park and Shades State Park. We have three canoe operators, there, canoe liveries. Of course, Sugar Creek is a very beautiful body of water. It flows through Shades State Park and Turkey Run. Of the three canoe liveries, two of them purport that they put maybe 500 people a day on the river, each, during the season. The other one says about 300 people a day so that's lots of canoes and lots of tubes. Tubes are a growing phenomenon. That's a lot of people, a lot of families, but also a lot of people drinking beer, flowing through the State Parks." He said one of the canoe liveries is shifting from using DNR's public access, "just outside of Turkey Run. He's building a new access site, not a public access site, his own access site just across the creek from our public access site. This is near the Narrows Covered Bridge, just on the eastern edge of Turkey Run. There's some controversy and a lot of discussion about should he do that. We're a mixed bag. For us, it empties our public access site and makes it easier for regular folks to use when his busses aren't there with their canoes. But, the question comes, is there a carrying capacity of a stream like that? Those numbers mean thousands of people on a hot Saturday in July flowing through the parks. It is a navigable stream, and we'll talk about what that means, also. That's at least an issue we thought we might bring to the group and have you all hear what it's like and what happens and maybe give

us some advice.... Steve, I think there is a way for local units of government to petition us for making rules on 'public freshwater lakes'."

Lucas asked, "Watercraft rules?"

Davis responded in the affirmative.

Lucas continued, "That authority would apply to streams as well as lakes. Watercraft rules have been done on streams, actually."

Davis continued, "I don't know how that conflicts with a navigable stream, also."

Lucas said, "The ability to write a rule depends on being public waters. Navigable streams are public waters." He said typically that would mean either that the watercourse was "a public freshwater lake, navigable, or there was a prescriptive easement" in favor of the public. Apart from these circumstances, "if it's private water, and people are using it, it's really a trespass.... If Sugar Creek is navigable, the law providing the ability to govern watercraft operations would apply to Sugar Creek."

John Davis said another issue that we might have the Advisory Council discuss is "the loss of access to private land, hence effectively a shortage of public land." We might "look at what other states have done to recruit private land...to be in service to the public." For example, "the DNR in Kentucky has farmers sign up to be game bird hunting providers. They have a system where the individual farmer agrees to leave maybe some crop in his field or cover and agrees to have his land entered into a pool, which might get drawn, so a hunter who would want to go hunt quail or turkeys could go and do that on private land."

Ron McAhron said, "We also have a carry capacity issue with our public freshwater lakes. My only hesitation there might be that, with this legislative session, it also reconstituted the Lake Management Work Group. That has not been stood up yet. It should be coming forward any day now. How we will interface with them, I don't know yet. But I think that's certainly an area where we do need sage advice."

McAhron also suggested there might be discussions of a "cooperative conservation initiative". This concept is along similar lines to the suggested topic by Davis pertaining to promoting opportunities for public use of private lands. He said Peabody Coal Company has participated in such an initiative in the Kentucky. "I don't think there will be a shortage" of potential topics.

Patrick Early asked, "Would you envision for our next meeting we would discuss some of these topics? I know we said we would not just mirror what the Commission is doing, but would we want to talk about the issues they're dealing right now with, too? Would it be appropriate for you to talk about what issues you're talking about and what issues are big right now?"

John Davis responded, “Yes, I do think that’s appropriate. Could we share the Commission’s agenda?”

Lucas responded that could be accomplished. He said Cheryl Hampton is the person “who primarily does that. Essentially, it’s put up on the Commission’s website. We could include these folks the same way we include the Commission members. That’s feasible, isn’t it, Cheryl?”

Cheryl Hampton responded, “Right, we can do that.”

Chairman Early continued, “I don’t think any of us has a roster showing contact information or anything else right now.”

McAhrn said, “We need to get that, and we need to get some information back on the terms.”

Donald Van Meter said, “One thing that traditionally occurred, at our Council meetings, was the Chair, who has been at the Commission meeting, gives us a little short summary report. That helps us a lot to know what’s going on. Particularly, anything we talked about, how it was addressed in the Commission, was always of interest to us.”

Jim Trachtman recalled the former Advisory Councils had conducted lengthy, difficult meetings when hunting and fishing fees were substantially raised following several years when there were no increases. Davis acknowledged his observation was correct but added that was one area where DNR had since adjusted its approach. “I think fees have been raised a couple of times since then” in small increments. “But that’s another conversation we can have is what the fees are now.”

The Chair continued, “It would be helpful for a while, I think, if you would bring some of the Division Directors in to educate us as to what their issues are. For a while, that would certainly be helpful for me to obtain a feel for what they perceive their issues to be. I think for a while I’d like for you to help us put together an agenda. When we start to get a hang of what’s of interest to us, we can help shape the agendas more.”

John Davis suggested having the Division Directors for the Division of Fish and Wildlife and for the Division of State Parks come in for the next meeting. “Pat, from what Kyle said, perhaps we should plan on getting together immediately after the Commission meeting on September 19. We’ll come to you and come together on a place where four or five of us can meet and talk about what goes on the Advisory Council agenda next time. I would urge all of you to let Pat, Ron, Steve or me know if you have things you think about between now and then” that you’d like to have on the agenda.

SCHEDULING OF NEXT MEETINGS

Chairman Early began the discussions for selecting the next meetings. “I am sensitive to what Tom talked about” a few minutes previously. Early suggested picking a date for each meeting, “such as the second Tuesday” of every other month. “Is there a day of the week or week of the month that doesn’t work for people?”

Vice Chair Travis said she would be grateful if the Advisory Council would avoid Tuesdays. “I have three groups that meet on Tuesdays.”

John Bassemier reflected that he had a three-hour drive, and with living in the Central Time Zone, he had to get up very early to come for a 10:00 a.m., Eastern Time Zone meeting in Indianapolis.

Van Meter asked, “Are we thinking of a 10:00 to 12:00 type of meeting?” He noted the Advisory Councils “used to meet for a long time”, sometimes all day.

Pippenger observed, “That was before ‘sunset’.”

The Chair asked, “Could we meet at 11:00 a.m. and go through lunch” until 1:00 p.m.?

John Davis responded, “That’s totally up to you guys.”

Chairman Early continued, “Why don’t we set these meetings for two hours for a while, just to begin the process. I’m kind of a stickler for staying on time. People have to make commitments, so if a meeting needs to be over at 1:00 o’clock, that doesn’t mean 1:30 or 3:00. If we have other issues or more than we can handle, we either have to wait until the next meeting, or there may be a possibility that we have to get together again. I don’t think it’s fair to leave things open ended.” He then asked, “How does the second Wednesday work for people, and if we met from 11:00 to 1:00? The other thing I would suggest, since you offered it up” is that meetings be held at Ft. Harrison State Park. He reflected that parking is much easier at Ft. Harrison than it is downtown.

John Davis responded, “The only restraint we’ll have is if we can get a room. We’ll attack that as soon as we leave here today. My calendar shows October 11th would be the second Wednesday.” If the meeting were to go through lunch, the members could go into the dining room, purchase lunch, “and the staff there would accommodate us with napkins and drinks” in the meeting room. “Everybody would be on their own for paying for that. We’ll handle the vouchers. Do they have the vouchers?”

Cheryl Hampton responded, “Yes.”

Davis continued, “We need for you to sign your voucher and turn it back to Cheryl.”

John Bassemier asked, “What if we have guests who want to make their case?”

Davis responded, “You mean over lunch?”

Bassemier answered, Yes.”

Davis continued, “Well, they would have to” take care of their own lunches.”

The Chair addressed John Bassemier. “You’re the one who has to travel the farthest. If we could make the meetings say at 10:30, we could certainly handle the public comment part of the meetings in the first hour and a half, then we could wrap up over lunch, if that makes sense. In that way, we’re not pushing past 12:30 or one o’clock.... That would be the 11th of October and would also be the 13th of December.”

Amy Travis added, “If we find we have a really hot topic, I’ve served on a couple board of directors, and work groups are so beneficial. We might want to break down and have three people have a pre-meeting and have them deal” with the issues “and pare it down for what we’re looking at.”

Don Van Meter said, “The date of the meeting is on the website calendar, set many days ahead of time, in my observation?”

Lucas answered, “Really the limitation to timing has been selection of the date. Since you’re selecting it now, we’ll put it up today. It will either show you the agenda or say the agenda will be included later. As soon as we have an agenda, it will be included.”

Van Meter continued, “But it does end up on the web at some time?”

Lucas answered, “Correct.”

Van Meter continued, “If that shows up on the website, I don’t know if we have watch-groups that are really concerned about specific topics. Do they watch that closely? I would guess that they could find out about it a good bit in advance.”

Lucas responded, “Yes. We usually get the agenda up (and it’s Jennifer Kane in my office, it’s not ‘we’) within 48 hours of when she has it. Most typically, it’s put up the same day we have it. There’s not a big lag time in that.”

John Davis observed, “So we’ve set the next two meetings. Is there any other business or anything that you’d like to ask?”

John Bassemier moved for adjournment. William Wert seconded the motion. The motion carried.

ADJOURNMENT:

Meeting adjourned at 11:42 a.m.

NEXT MEETINGS:

October 11, 2006 at 10:30 a.m., the Garrison, Fort Harrison State Park, Indianapolis

December 13, 2006 at 10:30 a.m., the Garrison, Fort Harrison State Park, Indianapolis