

NATURAL RESOURCES ADVISORY COUNCIL
Minutes of the October 11, 2006 Meeting

Members Present

Patrick Early, Chair
Amy Travis, Vice Chair
Donald Van Meter
John Bassemier
David Lupke
Jim Tractman

Department of Natural Resources Staff

Kyle Hupfer	Executive Office
Adam Warnke	Executive Office
Ron McAhron	Executive Office
John Davis	Executive Office
Kim Brant	Communications
Cheryl Hampton	Human Resources
Linnea Petercheff	Fish and Wildlife
Glen Salmon	Fish and Wildlife
Jim Mitchell	Fish and Wildlife
Gary Langell	Fish and Wildlife
Mitch Marcus	Fish and Wildlife

Natural Resources Commission Staff

Jennifer Kane

Guests

John Olson	Paul Vice
Mike Weiler	Jack Corpuz
Dick Mercier	Dr. J. Scott Teeter
John Goss	Tom James
Doug Allman	Phil Bloom

Patrick Early, Chair, called the meeting to order at 10:35 a.m., EDT in the Conference Room, Park Office, Fort Harrison State Park, Indianapolis, Indiana. A quorum was not present for the Advisory Council. As a result, the August 30, 2006 minutes could not be approved.

The chair explained, "This Council is advisory in nature. We will make recommendations or a series of recommendations. . . Any decisions we make today will be recommendations in nature and not any kind of final ruling."

Consideration of “One Buck” Rule

Glen Salmon, Director of the Division of Fish and Wildlife introduced the Department Director, Kyle Hupfer. Director Hupfer indicated that “all opinions” of the Advisory Council regarding particular topics would be relayed to the Natural Resources Commission, “because it is important for [the Commission] to get as many viewpoints as they can.”

Director Hupfer introduced this item. He noted that 2006 is the fifth season of the “one buck” rule. The rule expires “by its own terms, and if we do not take action we are either back to two bucks or we are in a void depending on the interpretation of the rule.” He indicated, however, that a permanent rule may be pursued addressing the bag limit rather than a temporary rule. Director Hupfer then introduced Dr. Jim Mitchell, the Department’s deer management biologist.

Mitchell provided the Council members a historical background of the “one buck” rule. He noted the bag limit has “gone from as many as four bucks to the current status of one.” Mitchell noted, with the “liberal bag limit” concerns were raised regarding the age structure of Indiana’s herd. Department staff “felt that the age structure of the herd was not a biological issue and it was not a herd management issue.” Mitchell said the Division of Fish and Wildlife is concerned on all issues “that we do the proper thing biologically” and the deer population management is “within the social-cultural carrying capacity of what the people of the state want.”

Mitchell noted that Indiana’s deer herd is “a healthy population” with “good age structure.” Approximately, seven years ago, a survey of the “active deer hunters” was performed resulting in the implementation of the “one buck” rule. The rule has been effective for the past five years, but set to expire in 2007. This past summer, D.J. Case conducted a survey sending questionnaires to approximately 10,500 hunters. The results were categorized as to archery hunters, firearm hunters, lifetime hunters, and sampling of youth hunters. “We got nearly the same rate of return [of the questionnaire] in all groups.” Mitchell explained that additional comment is requested from the Advisory Council before drafting a proposed permanent rule. “Whether we stay [with one buck] or we go to two bucks, or four this will not impact our ability to manage [the deer herd] from a biological standpoint.” Mitchell said the age structure of the antlered bucks within a herd “simply does not impact the health of the herd.”

Mitchell noted that Indiana’s deer herd is “healthy overall”; however, last month there was an outbreak of EHD (epizootic hemorrhagic disease), which is similar to “blue tongue” in livestock. EHD “so far is primarily in the west central part of the state from Sullivan County to Vermillion County.” He indicated the EHD outbreak is not related to the age structure of the deer herd. “The age structure is not a factor in the health of a herd.”

Mitchell noted that, in the last 16 years, Department staff checked 48,000 antlered deer (or deer that are from 1 ½ to 3 ½ years of age). “What we have found is that we have a

trend that started quite some time ago of fewer and fewer yearling bucks.” Looking at only the antlered deer “70% were 1 ½ years old 16 years ago and 50% were 1 ½ the last two years.” Mitchell provided graphical depictions of deer harvest trends. “If the ‘one buck’ rule had no effect at all [the graph lines] would be parallel. It is apparent that there is some small effect in leading to an older age structure.”

Mitchell explained the results of the survey questionnaire. “Just looking at raw data, we have 70% [of the respondents] were in favor [of the ‘one buck’ rule] and 24% were opposed.” Similar percentages were found in viewing the results as to the type of weapon used. When the results are extrapolated to represent all hunters statewide, “you do see just the beginning of a difference—71% in favor and 21% opposed.” Those surveyed were hunters that hunt with a license. “We had no way to sample the people that hunt without a license, which are the farm operators or military personnel.”

Mitchell noted that a separate question was asked in the survey regarding a “two buck” program. 56% of the respondents were in favor and 35% were opposed. “Sorting [the results] by weapon or sorting by how you came into the survey did not” affect the percentage ratio of those in favor or opposed. “We believe this is more indicative of what all of our residents would want who buy a license, which is 54% versus 33%” opposed.

Director Hupfer reiterated that the “one buck” rule is not a biological issue. “The biologists do not think whichever way we go here, that it is going to impact the health or ability of the deer herd or our ability to manage [the herd].” He said, “We, internally, have tried to keep our opinions out” of the issue, and he also added that “a good job” was done in sampling Indiana’s hunters. Director Hupfer said the decision regarding the issue “shouldn’t be a decision for all time... This should be revisited” on the same five year time line. He indicated that a rule would be drafted for the next Commission meeting in November. “We are looking at a five-year horizon and we are leaning towards the continuation” of the current rule.

The Chair asked, “What do you credit the ambiguity of the survey?” Mitchell explained that it is a situation where persons are “open-minded” and approve of the herd’s age structure. Hupfer noted that D.J. Case conducted the survey, and that D.J. Case attributed the ambiguity to “confidence in the DNR. That’s [D.J. Case’s] words not ours.” He also noted that for most issues involving DNR, persons are “either for or against. There is not a lot of middle ground.” Director Hupfer indicated that the comments he has received do not coincide with the survey results. He noted, however, the survey was taken from a “large sampling”. Mitchell added that cross references can be made from the survey results. “The people that are strongly in favor of staying with [the ‘one buck’ rule] tended to be not real strong in favor of going back and checking on [the effect of the ‘one buck’ rule]. The people that were strongly opposed to [the ‘one buck’ rule] were very much in favor of going and checking on [the effect]”.

The Chair asked, “So there is not an official recommendation of staff?” Director Hupfer answered, “In order to start the rule process, there needs to be something for the

Commission to consider. We haven't started drafting a document yet." The Chair asked, "Out of this meeting today, would you hope there is some type of consensus—we take a vote when this is all said and done?" Director Hupfer, "No, I don't think necessarily. It's just going to be a combination of what we hear today, the survey, and then move something forward." The Chair then opened the floor to public comment.

Dr. Scott Teeter indicated that he was a comprehensive hunting and fishing license holder, and he was "disappointed" when the 'one buck' rule was implemented. "I heard very clearly then that this was not a biological issue; that it was a political issue. Now I hear that it is a sociological issue. So I appreciate the Director pointing that out." Teeter said it was "important" to note that the "one buck" rule affects "those that hunt multiple seasons with multiple weapons". Teeter indicated he is affected by the rule. "By its design, [the 'one buck' rule] diminishes my opportunity to participate in Indiana. Unfortunately, as of Sunday, I am a doe hunter."

Teeter said that the survey data was "very clear". He added, "There is probably no statistical relevance to any change since the 'one buck' rule has come into effect." He said the "evidence should be weighed rather than be counted." Teeter said that "overwhelmingly" the number of single season hunters "far outnumber" those that hunt multiple seasons. He said that the survey results "reflect people's perception". Teeter suggested implementing a "point restriction approach" to manage Indiana's deer herd for older bucks similar to Arkansas. He concluded that he was "opposed" to the current restriction of one buck, and indicated he wished to see a return to a 'two buck' rule.

Dick Mercier, representing the Indiana Sportsmen's Roundtable, indicated that the Indiana Sportsmen's Roundtable had not taken a "formal survey" of its members. "But talking with many of them at various meetings, we find there are almost four to one in favor of the 'one buck' rule being retained."

Paul Vice spoke on behalf of the Indiana Bow Hunter's Association. "We have decided, as officers, not to take a position 'an all or nothing' statement on this issue." He noted that the Association had conducted a survey beginning "late last year and ending in March." Vice said 32% of membership is "wanting to return to a two antlered deer per person bag limit", and 68% is in favor of retaining the one antlered deer bag limit. He said the Bow Hunter's Association would request that, if the decision is to institute a 'two buck' bag limit, that the "second buck tag be allowed for archery hunters and not restricted to firearms."

Tom James, Vice President of the Indiana branch of the Quality Deer Management Association, complemented Director Hupfer's reduction of the cost of the bonus antlerless deer permit. "We feel that was a very good move to continue to increase the antlerless harvest". He noted that the association has approximately 500 members, and "as a whole, the organization supports a 'one buck' rule based on the current season lengths and the timing of those seasons." James emphasized that the *Hoosier Record Book Program* for the last 15 years lists "a minimum typical antler score of 140 inches, and a minimum non-typical score of 60 inches." He noted that the year prior to the

inception of the 'one buck rule,' there were 240 entries in the program. "In 2004... there were a total of 371 entries, which is an increase of over 141 mature bucks entered. We feel this is a very strong indicator of more mature bucks being present in the herd". James added, "We could expect tighter and more intense breeding season or rut" with "fawns being born in a more timely manner, which also reduces depredation by coyotes and other predators."

James said the current bag limit of one buck "is the best way to provide more of a balanced age structure of the herd." He suggested an "exploration of either a shorter and/or later starting date on the firearms season as a possible way to insure that more bucks make it into that older age class."

Doug Allman noted that he initially "testified against" the one buck bag limit. "At this point in time, it makes no difference to me". He said he hoped that the "issue would be settled and finalized" so that "other important conservation issues" can be addressed. Allman indicated that he was a "selective hunter" and would not want point restrictions as established in other states.

The Chair referenced the five emails that were submitted prior to the meeting and that were provided to the Council for its review. Amy Travis read the names and provided the general opinion of each email: "Rick Giesler—for; Cole Heichelbech—generally for; Dan Fuhs—in support of; Brad Herr—opposed; Mike Holder—for; and Farrel Weisheit—for".

David Lupke, Council member, said, "We all acknowledge the fact that in Indiana there are no shortages of deer—the population is very strong." He noted that "traditionally" scientific and popular literature have "encouraged" management of deer population by "culling of the antlerless deer, particularly does." Lupke said that Indiana's deer herd "could easily sustain additional harvesting; however, I would be concerned about the two buck rule possibly being detrimental to the age structure". He also said a two buck bag limit "might somehow change the ratio harvest between does and bucks, which I would not be supportive of."

Donald Van Meter, Council member, noted that he had conducted a "very informal" survey of deer hunters to which he is acquainted. "It was almost unanimous to keep the one buck rule." He indicated that he was in agreement that three years of data is a "very short time and very difficult to know" the effect of the one buck bag limit on the deer population. Van Meter said the rule "definitely" should be reviewed in five years. "Based on the sociological issues...I would be in favor of keeping the one buck rule, but take a hard look at it in five years". Director Hupfer noted that there are "many variables" associated with the deer population, and "until we implement a two buck bag limit, we will not know" the effect of the one buck bag limit.

Amy Travis asked whether the graph lines drawn from the survey data would "become significantly less parallel if the one buck rule is working?" Mitchell explained, "The more [the one buck rule] works, the more divergence there should be in the lines." Travis also asked whether another five years of data would be sufficient. Mitchell said, "You

really won't know unless you go back" to a two buck bag limit. He added, "If we go back at this time, it may be premature."

The Chair noted that the one buck rule "has not changed what happens on my farm, but it's changed what happens around my farm." He explained that "law abiding" hunters do not shoot "everything they see anymore". The Chair noted that with other variables "things cannot be statistically certain".

David Lupke suggested "sticking" with the one buck bag limit "since it's popular with the hunters", and to extend the current rule another five years to gather additional scientific data. Amy Travis asked, "Are you suggesting we call a question?" Director Hupfer noted that the Council has an "advisory" role. He explained that the Advisory Council's discussion should be reflected to the Commission. The Chair agreed, and he noted that the comments and discussion would be "passed on" to the Commission. Travis said, "I think it is really important to reflect that the majority of people we are hearing from are for it; but that we do have some people that are opposed to it for sane reasons, good reasons, and that we are not basing any advice we give on any biological reason." Director noted that the survey was "pretty solid". The Chair indicated that he would reflect to the Commission the discussion, comments, and concerns of the Council.

Consideration of DNR Website and the Commission Website

John Davis, Deputy Director of Bureau of Lands and Cultural Resources, announced that Jennifer Kane from the Commission's Division of Hearings would provide an overview of the NRC website. He said that Kim Brant, Director of Communications, would address the Department's web site.

Jennifer Kane provided to the Council members a hard copy of the front page of the Commission's web site and the relevant Advisory Council sub page. She noted that the Commission's front page lists the link for the Advisory Council under "Related Boards". Kane said, "We look to [the Advisory Council] to tell us what kind of information you would like to see posted." She said a "more comprehensive" web page can be developed to include Council member information, pictures, and other links. John Davis added that the Council members could provide information such as hometown, interests and other relative information.

David Lupke said he has reviewed the Advisory Council pages, and noted "The number one sin of web site ownership is not keeping it updated." He said an updated web page is "more critical than some of the additional niceties". Lupke noted that the hardcopy of the web page listed August 22 as the date the page was last updated. "It needs to be much more frequent as information becomes available." Kane said that the Advisory Council page was updated approximately a week prior to today's Council meeting by posting of the agenda to the sub link. She explained that the front entry page would not reflect the sub link update. She noted, however, that the first paragraph on the Council's page "should have been amended to reflect more current information."

Kane said the Commission's web site is "more static" than the Department's web site. "The only reasons why we would update [the Council's] page would be to post the agenda or minutes". She said "at a minimum" the Council's page would be updated "every other month". Davis added that the Council's page would be "static but with the ever-shifting meeting notices and minutes". Donald Van Meter commented that he agreed "the single biggest thing is to keep things up to date." He noted that the calendar link for the agenda was "perfect". Van Meter said he was "not particularly enthralled" with posting Council member pictures. Davis said, "It's up to [the Council] to decide". Lupke agreed that photographs would not be necessary. Lupke said the agenda should be posted "with some supplemental information so that topics that are going to be discussed can be researched from that site." Kane noted that the supplemental information provided to Council members regarding the one buck rule was not provided to her until two days prior to today's meeting. "Uploading the documents in a timely manner would not have been possible."

Kim Brant gave a brief overview of the Department's web site, and provided a copy of the April statistics for the Department's web site. She explained that Access Indiana hosts the Department's web site; however, Access Indiana is going through "major structural changes and they are behind in getting [more current] statistics to us." The DNR website "averages over one million unique visits a month. So, that's not just hits; that's visits per person, which on average comes to 835 plus visitors to the website every hour." There are approximately 10,000 web pages on the Department's web site. She noted that the Department's web site is "routinely" the "most visited" web site in state government. "In the month of April we get beat by the Department of Revenue." In other months the State Lottery or the Bureau of Motor Vehicles may be visited more frequently than the Department's web site.

Brant explained that the Division of Communications "does not generate the [web site] information. "All the information comes to us from the various divisions." The Webmaster, Noah Coffey, "is in charge of all 10,000 pages. He is a one man shop."

The Department's web page is a ".gov. We have a lot of limitations as to what we can and can't do." All state agency web sites must have a similar look and cannot contain advertising. "We have started domain names that click people over to a .com, and we are working on advertising to go on the .com" sites. She explained that currently to find information on the Department's web site a visitor has to know which division link contains the information. "We are trying to narrow it down to topics."

Brant said the Department's web site is being updated to "keep up with technology" adding POD cast and VOD Cast. A POD cast allows visitor to download audio. "There is a [public service announcement] that Director Hupfer did on the emerald ash borer." The first VOD cast is on the Indiana State Museum's web page with interview of Dr. Goff, the curator of the Museum's new exhibition. Brant also said POD casting will be added to "mirror" *Outdoor Indiana*.

Donald Van Meter commented that the “fall page works really well. I like that very much”, and indicated that the page was “fairly easy” to navigate. He noted that keeping the Department’s web site updated is a “continued problem”, but indicated that he understood the obstacles to updating the site. Van Meter also listed several URLs with outdated information. He said, “to no small degree” the Department’s image is reflected on its web pages, “as is every other organization’s”.

David Lupke commended the Department and said, “When you do a Google, Yahoo!, or MSN search generally it does find the right thing on your site, which is excellent.” When comparing the Department’s web site to web sites from other states, the Department’s web site is “easier” to navigate. “I don’t know how one webmaster can manage 10,000 pages, many of which are dynamic pages.” Van Meter asked, “Is it better to have fewer pages and everything up to snuff or have a lot of pages and not be able to keep up to date?” Brant explained, “It’s hard not to have all those pages with the diversity of this organization and all the information that people are looking for.”

John Davis commented that the Department is “evolving a new structure”, and that the “more public divisions maybe should be financing a couple more staff” for web support. Davis agreed that one person “chasing 10,000 pages is very, very difficult.” Brant said it is hoped that another position may be financed with revenue from the .com advertisements. “We have a goal of \$100,000 revenue in advertising next year.” Donald Van Meter said the transition from the Department’s .gov web site to a .com link is “pretty seamless. I didn’t even know I was in a .com”.

Overview of the DNR’s Division of Fish and Wildlife

Glenn Salmon, Director of the Division of Fish and Wildlife, presented this item. He explained that each state across the country “came up with their own model” for a fish and wildlife agency. “Everything we do is based on what we call the North American Model of Wildlife Conservation, and we don’t really deviate too much from the other states”. The Division’s functions are based on license sales revenue, and the Division is statutorily responsible for fisheries, wildlife, and nongame resources. Salmon noted that the Division is also going through a strategic planning process to update “our targets and our vision”.

Salmon gave a brief history of the Division of Fish and Wildlife. The Department of Conservation was formed in 1919 with five divisions—geology, entomology, forestry, land and waters, and fish and wildlife. “The 1920 report for the Division said we had 39 employees of which 27 were game wardens.” He noted that the first license sold was in 1901 and cost \$1. In 1913, a fishing license was made available for purchase by women. Salmon gave a brief overview of the Division’s structure and section functions.

Salmon listed that the Division is funded mainly by license sales, but also receives federal monies through the Pittman-Robertson Wildlife Restoration Act (excise tax), and the Endangered Wildlife Fund, which is the tax check-off. He said that the Division receives approximately \$9 million in federal funds each year. “About \$8 million is in the

sport fish or wildlife restoration programs, and about one million is in state wildlife programs.” Salmon said that approximately 26% of Indiana citizens are anglers, 9% are hunters, and 51% are wildlife watchers. “\$1.5 billion is the economic impact of hunting, fishing and wildlife watching”. Salmon also noted that “about half of the Division of Law Enforcement’s activities are funded with license dollars” receiving approximately \$8 or \$9 million per year.

David Lupke inquired whether consideration has been made regarding instituting an excise tax on products associated to nongame wildlife viewing activities, such as binoculars, bird seed, and bird feeders. Salmon explained that each state’s fish and wildlife agency, including Canada and Mexico, is a member of a group called The Association of Fish and Wildlife Agencies. The group “is a voice for conservation. They tried very, very hard and came within a few votes in passing CARA, Conservation and Reinvestment Act, and that would be your off-shore oil money or a tax on binoculars and backpacks.” CARA was not passed. Salmon also said the Division had to formulate a Comprehensive Wildlife Strategy, which was “just accepted” by the U.S. Fish and Wildlife Service.

The Chair asked about any “major issues” the Division is facing in the coming year. Salmon said the maintenance of funding is the major issue. He said funding has been approved to hire a new person that will focus on recruitment and retention. “We have a lot of side issues such as chronic wasting disease.”

Report of Deputy Director, Bureau of Lands and Cultural Resources

John Davis reported that the Department is “up \$2 million in revenue from last year. It looks like license sales are relatively strong.” He provided to the Council members two pictures of the Atterbury Fish and Wildlife Area shooting range that is currently under construction. “It’s about a \$5 million shooting range.” Also under construction is the access ramp at the Charlestown State Park. “It will be the first new Ohio River ramp in quite awhile. It’s strategically placed between Jeffersonville and Madison, so it should be a pretty popular access”.

Davis said that the prescribed burn season has just begun. He noted that the Division of Nature Preserves burns in the fall, as well as other various divisions. “If conditions are right, we will try to manage with that technique.” He announced that Lake Manitou in Rochester County was quarantined due to infestation of hydrilla, an invasive aquatic plant. “The furthest north hydrilla had been before was in Tennessee. It’s a huge problem in Florida. We are hoping our winter is a little tougher on [hydrilla].” He said the Department is inspecting every boat that comes out of the lake. In the spring, chemicals will be used to “try to retard” the growth.

Report of Deputy Director, Bureau of Water and Resource Regulation

Ron McAhron reported that the Commission, at its September meeting, approved for preliminary adoption rule amendments pertaining to special watercraft and placement of temporary structures (piers) on Bass Lake in Starke County (312 IAC 5-6-3) and Lake of the Woods in Marshall County (312 IAC 5-6-6.5) in order to accommodate the shallow depths of each lake.

McAhron said that a Water Shortage Task Force was established by P.L. 112-2006 (IC 14-25-14-4), and will first meet this November. “Rules that would emanate from [the Task Force] that would deal with water resource management would come through this [Advisory Council]”. He said the Great Lakes Compact that was signed in 2005 also requires legislation in each Great Lakes states. “When that gets rolling”, associated rules would also come before the Advisory Council for discussion. McAhron indicated that he would update the Council members as the Task Force meets.

The Chair reported that he was not able to attend the Commission’s September meeting, but indicated he would attend the Commission’s November 14th meeting. He opened the floor to Council members for suggestions on meeting structure. “We want to make sure we have agenda items for the next meeting, and if there are things that you feel are of issue or of interest that we bring them forward”. The Chair said future agendas would continue to include overviews of Department divisions.

John Bassemier, Council member, requested an update regarding the “co-exploration and drilling” at the Glendale Fish and Wildlife Area. John Davis said a public meeting was scheduled in Montgomery later this afternoon. “Our intent all along is to include conversation with the local folks.” He said the Council would be updated at its next meeting regarding the proposal. “There is no ‘done deal’ or any kind of arrangement made with anybody. We were approached by a coal company that has an operation just north” of the fish and wildlife area. The coal company is “saying there might be coal under the northern section, and if there is, it could be significant.” Davis said the Department allowed the coal company “to do drilling with a truck with rubber tires and drill 20 or 30 holes.” He said the Department “recognizes that it would be a tough thing to try to convince every one that we might want to mine a fish and wildlife area that hasn’t been mined before.” Davis said this kind of operation has occurred before at Green Sullivan State Forest, and “we got a pretty good return on disturbance of a couple hundred acres. We got several million dollars and about 1,000 acres of what is called the Dugger Unit of Green-Sullivan State Forest.” The Department also recognizes the “huge number of hurdles” including environmental impact statements and “all sorts of public comment and input. That’s what we are going to start today”.

Bassemier asked whether the area would be surface mined or an underground mining operation. Davis said that the “only practical way to get the coal would be a strip mine”.

David Lupke asked whether the Advisory Council could add to its agenda any “current, hot, controversial topics, such as mining, mute swans, or fire arms” before the

Department. Davis said, "I think that is what we intended today with the 'one buck rule'". Jim Tractman noted, "We could really use an update" on the emerald ash borer.

Next Meeting of the Natural Resources Advisory Council

The next meeting of the Natural Resources Advisory Council is scheduled for December 13, 2006 to begin at 10:30 a.m., EST.