

**BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
STATE OF INDIANA**

<b>IN THE MATTER OF:</b>  <b>PETITION FOR FEE INCREASE AND RATE ESTABLISHMENT BY BY TWO HERONS MARINA, LLC</b>	) ) ) ) )	<b>ADMINISTRATIVE CAUSE NUMBER: 22-SP-007</b>
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**REPORT OF HEARING OFFICER WITH PROPOSED FINDINGS  
AND RECOMMENDATIONS TO THE U.S. ARMY CORPS OF ENGINEERS BY THE  
NATURAL RESOURCES COMMISSION**

**1. PETITION FOR FEE INCREASE BY TWO HERONS MARINA, LLC**

In a letter dated January 20, 2022, Thomas Greemann (*Greemann*), on behalf of Two Herons Marina, LLC (*Two Herons*), submitted correspondence seeking a rate increase (*Petition*) to the Department of Natural Resources (*Department*) and the Natural Resources Commission (*Commission*). The Petition is attached as ***Exhibit A***. In addition, Mr. Greemann submitted correspondence seeking a request for rate establishment to the Department of Natural Resources (*Department*) and the Natural Resources Commission (*Commission*). The request for rate establishment is attached as ***Exhibit B***.

In his Petition, Mr. Greemann, proposed a rate increase ranging from 1.8% to 12.9%. After a brief review of the petition, Mr. Greemann explained that he miscalculated his proposed rate increases and they should reflect 1.8% to 14.29%. Since taking over Two Herons, Mr. Greemann has discovered slips that they did not know existed or were mismeasured in 2019 when he purchased this property from Lake Monroe Marina.

Greemann stated that while he is establishing a covered slip size of 12' x 30' he is aware that he already has an existing covered slip that size and has made an error in the amount he originally requested and would like those both to reflect \$3400. (*Greemann Email, 2022*)

According to the petition, Two Herons has 150 floating rental slips that have historically been, and are currently, 100% rented with a waitlist. The marina also has a 30' x 40' floating store and restaurant, floating shower and restroom building. Two Herons also maintains a pump out dock that is available to

anyone on the lake free of charge. Two Herons also has a conveniently located parking lot, large enough for 150 cars, for renters and other patrons of the marina.

In the Petition, Mr. Greemann stated that they added a maintenance crew to address ongoing maintenance issues such as decking and dock float repair and electrical upgrades. They also hired a diver to survey the underwater structure and anchors annually and worked with the company that originally built the docks to repair issues found by the dive survey.

Also included in his petition, Mr. Greemann is requesting a rate establishment for 7 new dock sizes. He is planning on building 100 new slips that will be scheduled for completion by Spring 2023.

If approved, the proposed establishment would become effective on January 1, 2023.

## **2. SCOPE OF REVIEW**

Requests for rate establishment or increase are evaluated by the Commission under Information Bulletin #20 (Fifth Amendment) (*IB #20*), as posted in the Indiana Register at [20170524-IR-312170263NRA](#) on May 24, 2017. IB #20 is provided as guidance on the informal process for Commission review of ratemaking requests made by resorts and marinas operating under a lease with the Department.

Consistent with the requirements set forth in IB #20, Two Herons submitted their Petition to the Department, and a copy to the Commission of the year preceding the year in which the proposed rates, if approved, will be implemented.

## **3. HEARING OFFICER ASSIGNMENT AND NOTIFICATION TO RENTERS**

Section 3 of IB #20 provides for the assignment of a hearing officer and the dissemination of information concerning a request for fee establishment or increase as follows:

- (A) The [Commission] will assign a cause number and hearing officer. By February 1, the Department shall notify the lessee of the assigned administrative cause number, identity of the hearing officer, and hearing officer's electronic mail address.

- (B) By March 1, the lessee shall provide written notice, by personal delivery, U.S. first class mail, or by electronic mail, to each slip renter or buoy renter that the lessee is requesting a rate establishment or increase associated with slips or other mooring facilities, including buoys and docking stations. The notice shall include the proposed rates and advise the renter that a rate hearing will be scheduled only upon submission of requests for rate hearing by ten percent (10%) of the renters within fifteen (15) days ... The lessee shall also provide the renter with the hearing officer's electronic mail address. Not later than March 15, the lessee shall provide the Hearings Division with a copy of the notice and a listing that includes the names of persons notified and the method of service under this paragraph....
- (C) By March 1, the lessee shall post written notice in a conspicuous location at the lessee's business office of a request for rate establishment or increase associated with accommodations, lodging, and houseboats, including floating cabins. The notice shall include the proposed rates and advise the public that a rate hearing will be scheduled only upon submission of twenty-five (25) individual requests for rate hearing to the hearing officer by personal delivery, U.S. first class mail sent to the address of the Hearings Division as provided in section 2(A)(ii) of this bulletin, or by electronic mail sent to the hearing officer not later than March 15. The lessee shall also provide the public with the hearing officer's electronic mail address.

Billie Franklin (*Franklin*) was appointed as the Hearing Officer. Franklin advised Mr. Greemann of her assignment as the Hearing Officer and provided him with her contact information and the assigned administrative cause number.

Mr. Greemann, on behalf of Two Herons, filed an affidavit as required by IB #20, on February 20, 2022 confirming that slip renters were notified of Two Herons' proposed fees. The notification identified the deadline for submitting a comment or request for public hearing and also provided the mailing address and the email address to which such comments or requests could be sent.

The Commission received no comments or requests for public hearing. A public hearing was not conducted.

#### **4. COMPARABLE ANALYSIS AND DEPARTMENT RECOMMENDATION**

Upon receipt of a ratemaking request from a marina, the Department's Division of State Parks is delegated with analyzing the rates of comparable marinas. *IB#20, Sec.3(E)*. In Two Heron's Petition, Greemann identified Four Winds (Bloomington), Morse Marina (Indianapolis), Geist Marina (Indianapolis), Patoka Lake Marina (Birdseye), Hoosier Hills Marina (Celestine), and Kent's Harbor Marina (Liberty). The Hearing Officer notes that Four Winds, Hoosier Hills Marina, and Kent's Harbor

Marina each also filed petitions for fee increase in 2021 that, if approved, would also become effective in 2023.

On June 27, 2022, Tessa Manuel (*Manuel*), Concession/Contract Program Manager for the Department's Division of State Parks, provided a report of her evaluation and recommendation regarding Two Heron's Petition. Manuel's report is attached as ***Exhibit C***. In her evaluation, Manuel found the "request to be reasonable and justified." Manuel approved the petition for establishment of slip rates and requested increases.

## 5. HEARING OFFICER ANALYSIS

Each of the marinas from which rates were identified by Greemann qualifies as a "comparable marina" in that each is located within 400 miles and provides similar amenities to the amenities offered at Two Herons'. *Information Bulletin #20, Section 2(B)*.

When a request seeks increases of over two percent (2%) for which no public hearing is required, the hearing officer, in consultation with the Department, will prepare a written report to the Commission, which includes written findings and a proposal to the Commission for recommendations to the U.S. Army Corps of Engineers. *Information Bulletin #20, Section 3(H)*.

After reviewing the comparables and taking all information into account, it is the recommendation of the Hearing Officer that the proposed rate increases and proposed establishment by Greemann, in Two Heron's Petition, be approved. After the Hearing Officer presents findings and recommendations to the Commission, the Commission may recommend approval or disapproval of the requested rate or recommend a rate in an amount less than the rate requested by the lessee. The Commission's "recommendation for favorable consideration of a rate establishment or increase shall not be withheld unless, in the opinion of the Commission, the rates proposed exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area." *IB #20, Section 5*.

With the foregoing analysis, the Hearing Officer presents ***Exhibit D***, as the proposed findings and recommendations of the Commission to the U.S. Army Corps of Engineers.

Date: June 27, 2022



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Billie Franklin  
Hearing Officer

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**EXHIBIT A**

Two Herons Marina, LLC

P. O. 606

Seymour, IN 47274

January 20,2022

Tessa Manuel

Division of State Parks

Department of Natural Resources

Indiana Government Center

402 W. Washington Street, Room W 298

Indianapolis, In 46204

CC:

Billie Franklin

RE: Proposed 2023 Marina Rates increase request

Dear Sirs;

Enclosed please find a rate schedule request for the dockage year 2023.

We have been operating Two Herons Marina since September 4, 2019. We were granted our current rates in 2020 and they were put into effect in 2021. This proposed rate increase is necessary to try to keep up with inflation which seems to be quite high.

The proposed rate increase ranges from 1.8% to 12.9% with the average being around 6%. We think that the survey attached indicates that our rates for similarly sized slips are currently as much as 35% less than the nearest competitor Four Winds Marina with whom we share access to Lake Monroe. Even though we do not have all the amenities of Four Winds Marina, 35% difference seems excessive and we would like to slowly bring the difference to around 85% of their current 2021 rates.

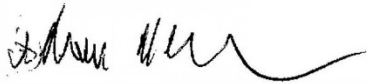
Two Herons Marina has 150 floating rental slips, a pump out dock , a fuel dock, an 8 slip rental boat dock, a 30 ft. by 40 ft. floating store and restaurant, a 35 ft. by 14 ft. floating office building, and a floating shower and bathroom building. There is parking for approximately 300 cars only a short distance from the marina ramp. All of the facilities are convenient for the renters and patrons. We are providing the pump out facility free to any boat on the lake. During 2021 we remodeled the floating house office into two handicap accessible bathrooms with flush toilets and air conditioning , a business office, and a storage and break room.

We have added a maintenance crew to address ongoing maintenance issues such as decking and dock float repair and electrical upgrades. We hired a diver to survey the underwater structure and anchors annually. We have worked with the company that originally built the docks to repair issues found by the dive survey. Over the 2019-2020 winter season we added new flooring to the marina store, redesigned the layout of the shopping area and restaurant, and installed a new kitchen. We upgraded Wi-Fi service for this remote location by transmitting data across the lake from Todd's Marina(private)with the approval of IDNR and Corps of Engineers. Signage for safety concerns has been upgraded after an inspection from our insurance carrier and the IDNR and Corp of Engineers. We are currently upgrading the landscaping to open up new vistas which were choked with dead brush and downed trees with the approval and supervision of the lake manager. We have hauled away old discarded floats and scrap metal and broken dock sections which were stored in the woods and at the back of the parking lot creating several more parking spaces. We installed three more security lights for the parking lot.

Two Herons Marina employs a fulltime manager, fulltime maintenance dockmaster, and 12 seasonal workers. The payroll has tripled in the last two years because we are trying to give our customers better service and to keep our wages in line with the current inflation and labor shortages.

This marina has historically been 100% rented with a waitlist. There is a turnover of less than 3% annually. Currently the marina has a waitlist of over 200 boaters that have contacted us by mail, phone, or in person in the last ten months. We have been approved by the state of Indiana and Corps of Engineers to build 100 additional slips. We hope to be underway with this project in 2022.

Respectfully submitted,



Thomas Greemann, member

Two Herons Marina, LLC

P.O. Box 606

Seymour, IN 47274

Physical address:

5505 State road 446

Bloomington In 47401

[tgreemann@hotmail.com](mailto:tgreemann@hotmail.com) 812-525-8335

## Dockage Rate Proposal

### Annual Dockage Rates

#### Current rates 2021

Side fingers 16-20      \$1375    no elect

#### B, C, D and E docks

12x20 uncovered      \$1550    no elect

12x24 Uncovered      \$1750

17x32 Uncovered      \$2800

32' end uncovered      \$2000

12x28 Covered      \$3000

13x28 Covered      \$3100

14x28 Covered      \$3100

12x30 Covered      \$3300

13x36 Covered      \$3100

17x40 Covered      \$4550

17x48 Covered      \$5300

#### Proposed rates 2023

\$1400

\$1600

\$1950

\$3200

\$2200

\$3100

\$3200

\$3300

\$3400

\$3500

\$4900

\$5900

Additional footage      \$ 70

\$ 80

PWC      \$550

\$ 575

Marina Name:

Two Herons Marina

Rent increase % calculator



## Marina Survey and Rate Increase Proposal

### **Comparable marinas:**

All rates are for annual rents.

We chose to compare Two Herons Marina to 6 marinas that were located in the State of Indiana and within 130 miles by road.

#### **1: Four Winds Resort and Marina**

This is our closest comparable marina located only 6 miles away by water on Monroe Lake. It has more amenities than Two Herons, including a hotel with pool. But it is approaching 1,000 slips and many people complain about the long walks to their slips from their cars. The restaurant and bar are not open as much as patrons may desire. The size of the marina may make people get in their cars and drive to the showers and restaurant. Two Herons has a floating coffee shop and store at lake level and also floating restrooms and showers attached to the docks. Current rents are in one case 65% of Four Winds and we think we need to work to get the rents to around 80% to 85% of Four Winds prices.

See comparison chart next page:

Marina Name:		Two Herons Marina				Four Winds Marina	
Location:		Bloomington, IN				Bloomington, IN	
				Proposed	2023		
Slip Rates for year of:		2021	\$ foot		\$ foot	2021	\$ foot
16'-24" uncovered side	20	\$1,375	\$69	\$1,400	\$70		
18' Uncovered	18						
20' Uncovered	20						
10 x 20' Uncovered	20					\$1,484	\$74.20
12x20' Uncovered	20	\$1,550	\$78	\$1,600	\$80		
12x24' Uncovered	24	\$1,750	\$73	\$1,950	\$81	\$2,460	\$103
12x26' Uncovered	26						
12x28' Uncovered	28						
12x26' Uncovered	26	\$2,368	\$91	\$2,400	\$92	\$2,512	\$97
30' end uncovered Elct	30	\$2,000	\$66.67	\$2,200	\$73.33		
13x28' uncovered	28					\$2,868	\$102.43
13x32' Uncovered	32					\$3,248	\$101.50
17x32' Uncovered	32	\$2,800	\$87.50	3,200.00	\$100.00		
17x 36' Uncovered	36					\$3,964	\$110
32' end Uncovered	32	2000	\$63	2200	\$ 68.75		
12x20' covered	20						
12x24' covered	24						
12x28' covered	28						
12x28' covered	28	\$3,000	\$107	\$3,100	\$111		
13x28' covered	28	\$3,100	\$111	\$3,200	\$114		
14x28' covered	28	\$3,100	\$111	\$3,300	\$118		
12x30' covered	30	\$3,300	\$110	\$3,400	\$113	\$4,460	\$149
14x30' covered	30						
13x36' covered	36					\$5,516	\$153
14x42' covered	42					\$6,428	\$153
16x40' covered	40						
17x40' covered	40	\$4,550	\$114	\$4,900	\$123		
16x48' covered	48					\$7,304	\$152
17x48' covered	48	\$5,300	\$110	\$5,900	\$123		
16x54' covered	54					\$7,430	\$138
PWC		\$550		\$575		\$725	

**2: Morse Marina**

Located near Indianapolis 96 road miles from Two Herons Marina this is used to judge what smaller slips are renting for in the area. Current rents at Two Herons range from 67% to 75% of Morse Marina. Our proposed increases will bring Two Herons up to 80% to 84% over a period of years.

Marina Name:		Two Herons Marina				Morse Marina		Geist Marina
Location:		Bloomington, IN				Indianapolis, IN		Indianapolis, IN
				Proposed	2023			0
Slip Rates for year of:		2021	\$ foot		\$ foot	2021	\$ foot	2021
16'-24" uncovered side	20	\$1,375	\$69	\$1,400	\$70			
18' Uncovered	18							
20' Uncovered	20							
10 x 20' Uncovered	20					\$2,100	\$105	\$2,415
12x20' Uncovered	20	\$1,550	\$78	\$1,600	\$80			
12x24' Uncovered	24	\$1,750	\$73	\$1,950	\$81	\$2,225	\$92.71	\$2,560
12x26' Uncovered	26							
12x28 Uncovered	28							
12x26' Uncovered	26	\$2,368	\$91	\$2,400	\$92			
30' end uncovered Elct	30	\$2,000	\$66.67	\$2,200	\$73.33			
13x28' uncovered	28							
13x32' Uncovered	32							
17x32 Uncovered	32	\$2,800	\$87.50	3,200.00	\$100.00			
17x 36' Uncovered	36							
32' end Uncovered	32	2000	\$63	2200	\$ 68.75			
12x20' covered	20					\$3,075	\$154	\$3,285
12x24' covered	24					\$3,200	\$133.33	\$3,285
12x28' covered	28							
12x28' covered	28	\$3,000	\$107	\$3,100	\$111			
13x28 covered	28	\$3,100	\$111	\$3,200	\$114			
14x28 covered	28	\$3,100	\$111	\$3,300	\$118			
12x30' covered	30	\$3,300	\$110	\$3,400	\$113			
14x30' covered	30							
13x36' covered	36							
14x42' covered	42							
16x40' covered	40							
17x40' covered	40	\$4,550	\$114	\$4,900	\$123			
16x48' covered	48							
17x48 covered	48	\$5,300	\$110	\$5,900	\$123			
16x54' covered	54							
PWC		\$550		\$575				\$1,120

3: Geist Marina

Located near Indianapolis approximately 100 road miles from Two Herons Marina. This is a good comparison for small to medium slips. Current rents at Two Herons are around 65% of Geist and we hope to bring rents up to approximately 80% within a few years.

Marina Name:		Two Herons Marina				Geist Marina	
Location:		Bloomington, IN				Indianapolis, In	
				Proposed	2023	0	
Slip Rates for year of:		2021	\$ foot		\$ foot	2021	\$ foot
16'-24" uncovered side	20	\$1,375	\$69	\$1,400	\$70		
18' Uncovered	18						
20' Uncovered	20						
10 x 20' Uncovered	20					\$2,415	\$120.75
12x20' Uncovered	20	\$1,550	\$78	\$1,600	\$80		
12x24' Uncovered	24	\$1,750	\$73	\$1,950	\$81	\$2,560	\$106.67
12x26' Uncovered	26						
12x28' Uncovered	28						
12x26' Uncovered	26	\$2,368	\$91	\$2,400	\$92		
30' end uncovered Elct	30	\$2,000	\$66.67	\$2,200	\$73.33		
13x28' uncovered	28						
13x32' Uncovered	32						
17x32' Uncovered	32	\$2,800	\$87.50	3,200.00	\$100.00		
17x 36' Uncovered	36						
32' end Uncovered	32	2000	\$63	2200	\$ 68.75		
12x20' covered	20					\$3,285	\$164
12x24' covered	24					\$3,285	\$137
12x28' covered	28						
12x28' covered	28	\$3,000	\$107	\$3,100	\$111		
13x28' covered	28	\$3,100	\$111	\$3,200	\$114		
14x28' covered	28	\$3,100	\$111	\$3,300	\$118		
12x30' covered	30	\$3,300	\$110	\$3,400	\$113		
14x30' covered	30						
13x36' covered	36						
14x42' covered	42						
16x40' covered	40						
17x40' covered	40	\$4,550	\$114	\$4,900	\$123		
16x48' covered	48						
17x48' covered	48	\$5,300	\$110	\$5,900	\$123		
16x54' covered	54						
PWC		\$550		\$575		\$1,120	

#### 4: Patoka Lake Marina

Located in Sothern Indiana Approximately 73 miles from Two Herons Marina . this comparable marina is very similar in amenities. The parking and access is better at Two Herons. Two Herons is at an advantage as it is located nearer to population centers.

Marina Name:		Two Herons Marina				Patoka Lake Marina	
Location:		Bloomington, IN					
				Proposed	2023		
Slip Rates for year of:		2021 \$ foot		\$ foot		2021 \$ foot	
16'-24" uncovered side	20	\$1,375	\$69	\$1,400	\$70		
18' Uncovered	18						
20' Uncovered	20						
10 x 20' Uncovered	20						
12x20' Uncovered	20	\$1,550	\$78	\$1,600	\$80	\$1,300	\$65
12x24' Uncovered	24	\$1,750	\$73	\$1,950	\$81	\$1,400	\$58.33
12x26' Uncovered	26						
12x28 Uncovered	28					\$1,800	\$64.29
12x26' Uncovered	26	\$2,368	\$91	\$2,400	\$92		
30' end uncovered Elct	30	\$2,000	\$66.67	\$2,200	\$73.33		
13x28' uncovered	28						
13x32' Uncovered	32						
17x32 Uncovered	32	\$2,800	\$87.50	3,200.00	\$100.00		
17x 36' Uncovered	36					\$2,600	\$72.22
32' end Uncovered	32	2000	\$63	2200	\$ 68.75		
12x20' covered	20						
12x24' covered	24					\$2,600	\$108
12x28' covered	28					\$2,800	\$100
12x28' covered	28	\$3,000	\$107	\$3,100	\$111		
13x28 covered	28	\$3,100	\$111	\$3,200	\$114		
14x28 covered	28	\$3,100	\$111	\$3,300	\$118		
12x30' covered	30	\$3,300	\$110	\$3,400	\$113		
14x30' covered	30						
13x36' covered	36						
14x42' covered	42						
16x40' covered	40					\$4,715	\$117.88
17x40' covered	40	\$4,550	\$114	\$4,900	\$123		
16x48' covered	48						
17x48 covered	48	\$5,300	\$110	\$5,900	\$123		
16x54' covered	54						
PWC		\$550		\$575			



5: Hoosier Hills Marina

Located in Southern Indiana about 94 miles from Two Herons Marina. Similar amenities as Two Herons but is at a disadvantage on proximity to population centers.

Marina Name:		Two Herons Marina				Hoosier Hills Marina	
Location:		Bloomington, IN				Celestine, IN	
						double well	14x30
				Proposed	2023		
Slip Rates for year of:		2021	\$ foot		\$ foot	2021	\$ foot
16'-24" uncovered side	20	\$1,375	\$69	\$1,400	\$70		
18' Uncovered	18						
20' Uncovered	20						
10 x 20' Uncovered	20						
12x20' Uncovered	20	\$1,550	\$78	\$1,600	\$80		
12x24' Uncovered	24	\$1,750	\$73	\$1,950	\$81		
12x26' Uncovered	26						
12x28 Uncovered	28						
12x26' Uncovered	26	\$2,368	\$91	\$2,400	\$92		
30' end uncovered Elct	30	\$2,000	\$66.67	\$2,200	\$73.33		
13x28' uncovered	28						
13x32' Uncovered	32						
17x32 Uncovered	32	\$2,800	\$87.50	3,200.00	\$100.00		
17x 36' Uncovered	36						
32' end Uncovered	32	2000	\$63	2200	\$ 68.75		
12x20' covered	20					\$2,400	\$120
12x24' covered	24						
12x28' covered	28						
12x28' covered	28	\$3,000	\$107	\$3,100	\$111		
13x28 covered	28	\$3,100	\$111	\$3,200	\$114		
14x28 covered	28	\$3,100	\$111	\$3,300	\$118		
12x30' covered	30	\$3,300	\$110	\$3,400	\$113	\$1,540	\$51.33
14x30' covered	30					\$3,100	\$103
13x36' covered	36					\$3,710	103.056
14x42' covered	42						
16x40' covered	40						
17x40' covered	40	\$4,550	\$114	\$4,900	\$123		
16x48' covered	48						
17x48 covered	48	\$5,300	\$110	\$5,900	\$123		
16x54' covered	54						
PWC		\$550		\$575			

**6: Kents Harbor Marina**

Located around 128 road miles from Two Herons Marina. This marina has superior amenities with a pool and golf course but is very rural. Their slips are double-welled, two boats per slip. Two Herons is proposing rents at around 90% of Kents Harbor

Marina Name:		Two Herons Marina				Kents Harbor Marina	
Location:		Bloomington, IN				double well	slips
				Proposed	2023		
Slip Rates for year of:		2021	\$ foot		\$ foot	2021	\$ foot
16'-24" uncovered side	20	\$1,375	\$69	\$1,400	\$70		
18' Uncovered	18						
20' Uncovered	20						
10 x 20' Uncovered	20						
12x20' Uncovered	20	\$1,550	\$78	\$1,600	\$80		
12x24' Uncovered	24	\$1,750	\$73	\$1,950	\$81	\$2,010	\$83.75
12x26' Uncovered	26						
12x28 Uncovered	28					\$2,455	\$88
12x26' Uncovered	26	\$2,368	\$91	\$2,400	\$92	\$2,360	\$90.77
30' end uncovered Elct	30	\$2,000	\$66.67	\$2,200	\$73.33		
13x28' uncovered	28					\$2,765	\$98.75
13x32' Uncovered	32						
17x32 Uncovered	32	\$2,800	\$87.50	3,200.00	\$100.00		
17x 36' Uncovered	36					\$3,710	\$103.06
32' end Uncovered	32	2000	\$63	2200	\$ 68.75		
12x20' covered	20						
12x24' covered	24						
12x28' covered	28						
12x28' covered	28	\$3,000	\$107	\$3,100	\$111		
13x28 covered	28	\$3,100	\$111	\$3,200	\$114		
14x28 covered	28	\$3,100	\$111	\$3,300	\$118		
12x30' covered	30	\$3,300	\$110	\$3,400	\$113		
14x30' covered	30						
13x36' covered	36						
14x42' covered	42						
16x40' covered	40						
17x40' covered	40	\$4,550	\$114	\$4,900	\$123		
16x48' covered	48						
17x48 covered	48	\$5,300	\$110	\$5,900	\$123		
16x54' covered	54						
PWC		\$550		\$575			

Marina Name:	Two Herons Marina		Rent increase % calculator				
Location:	Bloomington, IN						
			Proposed		increase amount	% increase	
Slip Rates for year of:	2021	\$ foot		2023			
				\$ foot			
16'-24" uncovered side	20	\$1,375	\$69	\$1,400	\$70	\$25	1.8%
12x20' Uncovered	20	\$1,550	\$78	\$1,600	\$80	\$50	3.2%
12x24' Uncovered	24	\$1,750	\$73	\$1,950	\$81	\$200	11.4%
	26						
12x30' uncovered elec	30						
14x30' Uncovered elec	30						
17x32 Uncovered elec	32	\$2,800	\$87.50	3,200	\$100.00	\$400.00	3.6%
32'end Uncovered elec	32	2000	62.5		0	-2000	0
12x28' covered	28	\$3,000	\$107	\$3,100	\$111	\$100	3.3%
13x28' covered	28	\$3,100	\$111	\$3,200	\$114	\$100	3.2%
14x28' covered	28	\$3,100	\$111	\$3,300	\$118	\$200	6.5%
12x30' covered	30	\$3,300	\$110	\$3,400	\$113	\$100	3.0%
13x36' Covered	36	\$3,100	\$86	\$3,500	\$97	\$400	12.9%
14x35' covered	35				\$0		
17x40' covered	40	\$4,550	\$114	\$4,900	\$123	\$350	7.7%
17x48 covered	48	\$5,300	\$110	\$5,900	\$123	\$600	11.3%
PWC		\$550		\$575		\$25	4.5%
					average increase		5.58%

Location:		Bloomington, IN				increase	% increase
				Proposed	2023	amount	
Slip Rates for year of:		2021	\$ foot		\$ foot		
16'-24" uncovered side	20	\$1,375	\$69	\$1,400	\$70	\$25	1.8%
12x20' Uncovered	20	\$1,550	\$78	\$1,600	\$80	\$50	3.2%
12x24' Uncovered	24	\$1,750	\$73	\$1,950	\$81	\$200	11.4%
	26						
12x30' uncovered elec	30						
14x30' Uncovered elec	30						
17x32 Uncovered elec	32	\$2,800	\$87.50	3,200	\$100.00	\$400.00	3.6%
32'end Uncovered elec	32	2000	62.5		0	-2000	0
12x28' covered	28	\$3,000	\$107	\$3,100	\$111	\$100	3.3%
13x28' covered	28	\$3,100	\$111	\$3,200	\$114	\$100	3.2%
14x28' covered	28	\$3,100	\$111	\$3,300	\$118	\$200	6.5%
12x30' covered	30	\$3,300	\$110	\$3,400	\$113	\$100	3.0%
13x36' Covered	36	\$3,100	\$86	\$3,500	\$97	\$400	12.9%
14x35' covered	35				\$0		
17x40' covered	40	\$4,550	\$114	\$4,900	\$123	\$350	7.7%
17x48 covered	48	\$5,300	\$110	\$5,900	\$123	\$600	11.3%
PWC		\$550		\$575		\$25	4.5%
						average increase	5.58%

## EXHIBIT B

Two Herons Marina, LLC

P. O. 606

Seymour, IN 47274

January 21, 2022

Tessa Manuel

Division of State Parks

Department of Natural Resources

Indiana Government Center

402 W. Washington Street, Room W 298

Indianapolis, In 46204

CC:

Billie Franklin

RE: Proposed 2022-2023 temporary rates.

Dear Sirs;

Enclosed please find a rate schedule for new docks

As you know the DNR and the Corps of Engineers have approved the addition of 150 docks to Two Herons Marina. It is our understanding that we need to make a rate request for rates to go in effect when the docks are completed.

The docks will probably be completed in late summer of 2022.

Respectfully submitted,

Thomas Greemann, member

Two Herons Marina, LLC

P.O. Box 606

Seymour, IN 47274

Physical address:

5505 State road 446

Bloomington In 47401

[tgreemann@hotmail.com](mailto:tgreemann@hotmail.com)

812-525-8336

## Proposed Temporary Rates

12''x 30' Uncovered with water and electric	\$2100
14'x 30' Uncovered with water and electric	\$2800
34' end uncovered with water and electric	\$3000

12' x 30' covered with water and electric	<del>\$3500</del> \$3400 per email dated 5/4/22
14' x 30' covered with water and electric	\$3600
14' x36' covered with water and electric	\$4500
16' x 36' covered with water and electric	\$5000



Marina Name:		Two Herons Marina		Four Winds Marina		Morse Marina	
Location:				Bloomington, IN		Indianapolis, IN	
		New docks					
		Proposed		2023			
Slip Rates for year of:		\$ foot		2021 \$ foot		2021 \$ foot	
16'-24" uncovered side	20						
18' Uncovered	18						
20' Uncovered	20						
10 x 20' Uncovered	20			\$1,484	\$74.20	\$2,100	\$105
12x20' Uncovered	20						
12x24' Uncovered	24			\$2,460	\$103	\$2,225	\$92.71
12x26' Uncovered	26						
12x28' Uncovered	28						
12x26' Uncovered	26			\$2,512	\$97		
12x30' uncovered	30	\$ 2,100	\$ 70	\$2,868	\$95.60		
14x 30' Uncovered	30	\$2,800	\$ 93	\$3,248	\$108.27		
17x32' Uncovered	32						
17x 36' Uncovered	36			\$3,964	\$110		
34' end Uncovered	34	\$ 3,000	\$ 94				
12x20' covered	20					\$3,075	\$154
12x24' covered	24					\$3,200	\$ 133
12x28' covered	28						
12x28' covered	28						
13x28' covered	28						
14x28' covered	28						
12x30' covered	30	\$3,500	\$117	\$4,460	\$149		
14x30' covered	30	\$ 3,600	\$120				
13x36' covered	36			\$5,516	\$153		
14x36' covered	36	\$ 4,500	\$125	\$6,428	\$179		
16x36' covered	36	\$ 5,000	\$139				
17x40' covered	40						
16x48' covered	48			\$7,304	\$152		
17x48' covered	48						
16x54' covered	54			\$7,430	\$138		
PWC							

Marina Name:		Two Herons Marina		Geist Marina		Hoosier Hills Marina	
Location:				Indianapolis, In		Celestine, IN	
		New docks		0		double well	14x30
		Proposed	2023				
Slip Rates for year of:			\$ foot	2021	\$ foot	2021	\$ foot
16'-24" uncovered side	20						
18' Uncovered	18						
20' Uncovered	20						
10 x 20' Uncovered	20			\$2,415	\$120.75		
12x20' Uncovered	20						
12x24' Uncovered	24			\$2,560	\$106.67		
12x26' Uncovered	26						
12x28 Uncovered	28						
12x26' Uncovered	26						
12x30uncovered	30	\$ 2,100	\$ 70				
14x 30' Uncovered	30	\$2,800	\$ 93				
17x32 Uncovered	32						
17x 36' Uncovered	36						
34' end Uncovered	34	\$ 3,000	\$ 94				
12x20' covered	20			\$3,285	\$164	\$2,400	\$120
12x24' covered	24			\$3,285	\$137		
12x28' covered	28						
12x28' covered	28						
13x28 covered	28						
14x28 covered	28						
12x30' covered	30	\$3,500	\$117			\$1,540	\$ 51
14x30' covered	30	\$ 3,600	\$120			\$3,100	\$103
13x36' covered	36					\$3,710	\$ 103
14x36' covered	36	\$ 4,500	\$125				
16x36' covered	36	\$ 5,000	\$139				
17x40' covered	40						
16x48' covered	48						
17x48 covered	48						
16x54' covered	54						
PWC							

Marina Name:		Two Herons Marina		Patoka Lake Marina		Kents Harbor Marina	
Location:							
		New docks				double well	slips
		Proposed	2023				
Slip Rates for year of:			\$ foot	2021	\$ foot	2021	\$ foot
16'-24" uncovered side	20						
18' Uncovered	18						
20' Uncovered	20						
10 x 20' Uncovered	20						
12x20' Uncovered	20			\$1,300	\$65		
12x24' Uncovered	24			\$1,400	\$58.33	\$2,010	\$83.75
12x26' Uncovered	26						
12x28 Uncovered	28			\$1,800	\$64.29	\$2,455	\$88
12x26' Uncovered	26					\$2,360	\$90.77
12x30uncovered	30	\$ 2,100	\$ 70			\$2,765	\$92.17
14x 30' Uncovered	30	\$2,800	\$ 93				
17x32 Uncovered	32						
17x 36' Uncovered	36			\$2,600	\$72.22	\$3,710	\$103.06
34' end Uncovered	34	\$ 3,000	\$ 94				
12x20' covered	20						
12x24' covered	24			\$2,600	\$108		
12x28' covered	28			\$2,800	\$100		
12x28' covered	28						
13x28 covered	28						
14x28 covered	28						
12x30' covered	30	\$3,500	\$117				
14x30' covered	30	\$ 3,600	\$120				
13x36' covered	36						
14x36' covered	36	\$ 4,500	\$125				
16x36' covered	36	\$ 5,000	\$139	\$4,715	\$130.97		
17x40' covered	40						
16x48' covered	48						
17x48 covered	48						
16x54' covered	54						
PWC							

## EXHIBIT C



Eric Holcomb, Governor  
Daniel W. Bortner, Director

June 27, 2022

Billie Franklin, IRP  
Natural Resources Commission  
Division of Hearings  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204

RE: Two Herons Marina, LLC  
Rate Increase Request  
Administrative Cause No. 22-SP-007

Dear Ms. Franklin,

The Division of State Parks acknowledges receipt of the petition submitted by Two Herons Marina, LLC, requesting slip rate increases along with an established rate request.

After careful review, the Division finds these requests to be reasonable and justified based on comparable marina rates.

The Division recommends the rate request petition proceed forward with approval.

If you have questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandt Baughman", is written over a horizontal line.

Brandt Baughman, Deputy Director  
Indiana Department of Natural Resources  
Division of State Parks

cc: Tessa Manuel, Concessions & Contract Manager  
Christie Sorrels, Business Services Manager  
FILES – MARINA LEASE/NRC

*The DNR mission: Protect, enhance, preserve and wisely use natural, cultural and recreational resources for the benefit of Indiana's citizens through professional leadership, management and education.*

**www.DNR.IN.gov**  
An Equal Opportunity Employer

## EXHIBIT D

### BEFORE THE NATURAL RESOURCES COMMISSION OF THE STATE OF INDIANA

IN THE MATTER OF:	)	
	)	
PETITION FOR RATE INCREASE	)	ADMINISTRATIVE CAUSE
BY TWO HERONS MARINA, LLC	)	NUMBER: 22-SP-007

### **PROPOSED** FINDINGS AND RECOMMENDATIONS TO THE U.S. ARMY CORPS OF ENGINEERS BY THE NATURAL RESOURCES COMMISSION

#### A. Proposed Findings

1. The scope of the informal review by the Natural Resources Commission (the “*Commission*”) in Information Bulletin #20 (Fifth Amendment) (*IB #20*) is addressed to petitions for rate increase or rate establishment at marinas and related facilities on properties owned or leased by the Department of Natural Resources (the “*Department*”).
2. Although the Department may appropriately exercise whatever rights are provided in a ground lease with respect to marina facilities, as well as any other rights provided by law or equity, the scope of review provided in *IB #20* is limited to the subject of the petition for rate increase. The Commission ultimately recommends action on the petition to the U. S. Army Corps of Engineers (“*Corps*”), and the Corps may either accept or reject the recommendation.
3. For requests for rate increase, the Hearing Officer shall make a written report to the Commission. The report shall include written findings with respect to the requested rate increase and a proposal to the Commission for recommendations to the Corps in determining Two Herons Marina, LLC’s (“Two Herons”) request.
4. Two Herons, in its Petition, requests slip rate increases from 1.82% to 14.29%. It is noted that the increases are substantial; however, the rates currently in place are well below market rate. Also included in his petition, is a request for a rate establishment for 7 new dock sizes.
5. In determining whether to recommend a rate increase and establishment be granted, the Department is to analyze similar facilities and compare rates with those sought by the Petitioner. The consideration of rates charged by comparable marinas is fundamental to determining the propriety of proposed rate increases and establishments. The preponderance of information in the record indicates that the rate increases and establishments proposed by Two Herons for

effectiveness in 2023 will bring Two Heron's slip rates into consistency with the rates charged by comparable marinas for similarly sized slips.

6. A Hearing Officer's or the Commission's recommendation for rate increase or rate establishment shall not be withheld unless the rates proposed exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area.
7. Further, The Commission exercises its authority to recommend approval of the rate increases and rate establishments as requested by Two Herons.
8. The requested rate increases and establishments are within the industry range and supportable. The rates approved by the Commission are set forth in the attached table, which includes all rates previously established as well as the rates recommended for approval through this action

## **B. Proposed Recommendation**

The Natural Resources Commission recommends to the U.S. Army Corps of Engineers the fees as set forth in the attached table be approved for existing facilities at Two Herons.

Date: \_\_\_\_\_

\_\_\_\_\_  
Bryan Poynter, Chair  
Natural Resources Commission

### Commission Slip Rate Recommendation

COMPREHENSIVE RATE LIST		
TWO HERONS MARINA SLIP SIZE & DESCRIPTION	CURRENT RATE	COMMISSION RATE RECOMMENDATION for IMPLEMENTATION JANUARY 1, 2023
16' - 24', uncovered	\$1,375.00	\$1,400.00
12' x 20', uncovered	\$1,550.00	\$1,600.00
12' x 24', uncovered	\$1,750.00	\$1,950.00
12' x 26', uncovered	\$2,000.00	\$2,200.00
12' x 30', uncovered w/ water & electric	Establishment	\$2,100.00
14' x 30', uncovered w/ water & electric	Establishment	\$2,800.00
32' end, uncovered	\$2,000.00	\$2,200.00
34' end, uncovered	Establishment	\$3,000.00
17' x 32', uncovered	\$2,800.00	\$3,200.00
12' x 28', covered	\$3,000.00	\$3,100.00
13' x 28', covered	\$3,100.00	\$3,200.00
14' x 28', covered	\$3,100.00	\$3,300.00
12' x 30', covered	\$3,300.00	\$3,400.00
13' x 36', covered	\$3,100.00	\$3,500.00
14' x 30', covered	Establishment	\$3,600.00
14' x 36', covered	Establishment	\$4,500.00
16' x 36', covered	Establishment	\$5,000.00
17' x 40', covered	\$4,550.00	\$4,900.00
17' x 48', covered	\$5,300.00	\$5,900.00
PWC	\$550.00	\$575.00
Footage more than 5' past the end of dock	\$70.00	\$80.00