

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

IN THE MATTER OF:)	
)	
PETITION FOR RATE INCREASE BY FOURWINDS RESORT AND MARINA)	ADMINISTRATIVE CAUSE NUMBER: 21-SP-044

**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 RATE INCREASE BY FOURWINDS RESORT AND MARINA.

On December 15, 2021, Brent Pearson (*Pearson*), Operations Manager, TEI Industries, d/b/a Fourwinds Resort & Marina (*Fourwinds*), submitted a request for a rate increase (*Petition*) to the Department of Natural Resources (*Department*) and the Natural Resources Commission (*Commission*). Fourwinds’ is requesting a proposed slip rate increase of a flat 10% across all slips. Also included with the Petition was a listing of existing rates of comparable marinas. If approved, the proposed rate increases would become effective on January 1, 2023. The Petition is attached as *Exhibit A*.

Pearson stated in his petition that due to dramatically rising costs across all aspects of the marina business is the basis for his proposed rate increase. Furthermore, he went on to state “The 2021 U.S. inflation rate is currently at 6.8% which is the highest increase since 1982.” He then goes on to summarize that the rate increase is warranted based on their continued significant capital investments and improvement of the Fourwinds property along with basing this on the rates for same or similar size slips at comparable, but far less impressive marinas.

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*, Fourwinds submitted its Petition to the Department, and a copy to the Commission, before January 1 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 rate 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 J. Franklin (*Franklin*) was assigned as the Hearing Officer. Franklin advised Pearson of her assignment as the Hearing Officer and provided him with her contact information and the assigned administrative cause number.

Pearson, on behalf of Fourwinds, filed an affidavit as required by IB #20, on March 4, 2021 confirming that 792 slip renters were notified of the proposed rates, the deadline for requesting a rate hearing, and the mailing address and the email address at which requests for a rate hearing could be sent. The comments are attached as ***Exhibit B***.

4. COMPARABLE ANALYSIS AND DEPARTMENT RECOMMENDATION

Upon receipt of a ratemaking request from a marina, the Department's Division of State Parks is tasked with analyzing the rates of comparable marinas. *IB#20, Sec.3(E)*. In Fourwinds' Petition, Pearson noted marinas in a 400-mile radius as required by IB#20; the three that were most comparable are Jamestown Marina (Jamestown, Kentucky), Kent's Harbor Marina (Liberty, Indiana), and Lake Cumberland State Dock (Jamestown, Kentucky).

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 Fourwinds' 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 the requested increases.

5. HEARING OFFICER ANALYSIS

Each of the marinas from which rates were identified by Pearson qualifies as a "comparable marina" in that each is located within 400 miles and provides some similar amenities to the amenities offered at Fourwinds. Pearson noted that the Fourwinds property is by far the nicest of

its kind within several hundred miles including surrounding states. *Information Bulletin #20, Section 2(B)*.

If a sufficient number of requests for rate hearing are received, the hearing officer shall schedule a rate hearing under section 4 of this information bulletin. If a sufficient number of requests for rate hearing are not received no rate hearing will be conducted, but any requests for rate hearing received will be considered as public comments. *Information Bulletin #20, Section 3(F)*.


Out of the 792 customers, I received a total of 32 rate hearing requests. In order to schedule a rate hearing, I would need to receive 10% which would total 79 customers. Most of the complaints centered around the excessive 10% increase and a few around lack of maintenance.

For requests for rate increase seeking 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 by Pearson, in Fourwinds' Petition, be approved.

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.

Dated: June 27, 2022



Billie J. Franklin
Hearing Officer

EXHIBIT A

21-SP-044



December 15, 2021

Dear Sirs,

In accordance with IB#20 (Fifth Amendment) I am submitting a proposal to increase our slip rates at our Bloomington, IN property on Monroe Reservoir. The Bulletin requires that we include in this petition a request for new rates, along with justification for the increase and a listing of rates on the slips in comparable marinas. Each of those requirements are included in this request.

Fourwinds last request was submitted in December 2020, approved in July 2021, and will be implemented in 2022. The approved increase varied by slip size but averaged slightly less than 2%.

Request

I have attached a listing of our proposed rate increase for your review. The proposed increase is a flat 10% across all slip sizes.

Justification

Dramatically rising costs across all aspects of the marina business is the basis for the proposed rate increase. The 2021 U.S. inflation rate is currently at 6.8%, the highest increase since 1982. Steel, concrete, lumber, and copper prices – materials needed to maintain and improve the property - have risen much more than that. Lumber and steel prices have risen over 200% since 2020. Copper and concrete prices over 20%. Other costs of business – health insurance, wages, utilities – have increased much more than our annual slip rate increases of ~ 2% over the last 4 years. We continue to invest and make improvements to the property, and therefore believe our facility is the best the area has to offer within a several hundred mile radius.

Comparable Marinas

We searched for marinas within a 400-mile radius as required by IB#20 (Fifth Amendment) and found 17 in total. There are significant differences between these marinas versus Fourwinds. Very few of these marinas offer the extensive amenities found at Fourwinds.

Of the 17, we found only three marinas comparable to Fourwinds: Jamestown Marina and Lake Cumberland State Dock both in Jamestown Kentucky, and Kent's Harbor Marina in Liberty Indiana. While none of these is a truly apples to apples comparison, because they don't offer the amenities nor the number of slips available at Fourwinds, they are certainly the closest among the 17 marinas found. Each of them offers a sizeable marina with 350 to 600 moorings, Boat Rentals (less than half the size of the Fourwinds fleet), a boat Service department, food service (café style), modest overnight accommodations, etc. Of the remaining 14 marinas in this group, none can be identified as comparable to the Fourwinds property.

Fourwinds Resort & Marina Slip Rates 4/2022 through 12/2022

Dock	Slip Length	Slip Width	Open or Covered	Seasonal or F/Y	number of slips	2022 Current Slip Rate	per foot of length	2023-2024 Proposed \$	per ft	% Increase
D	36	13	C	F	26	\$5,463	\$151.75	\$6,009	\$166.93	10.00%
	36	15	O	F	14	\$3,583	\$99.53	\$3,941	\$109.48	10.00%
	36	16	O	F	0					
	36	17	O	F	2	\$3,926	\$109.06	\$4,319	\$119.96	10.00%
	36	18	O	F	8	\$4,159	\$115.53	\$4,575	\$127.08	10.00%
	46	18	O	F	0					
E	50	18	O	F	6	\$4,895	\$97.90	\$5,385	\$107.69	10.00%
	20	10	O	S	20	\$1,470	\$73.50	\$1,617	\$80.85	10.00%
F	30	12	C	F	70	\$4,415	\$147.17	\$4,857	\$161.88	10.00%
	24	12	O	F	16	\$2,434	\$101.42	\$2,677	\$111.56	10.00%
	26	12	O	F	16	\$2,486	\$95.62	\$2,735	\$105.18	10.00%
	28	13	O	F	19	\$2,841	\$101.46	\$3,125	\$111.61	10.00%
	32	13	O	F	19	\$3,236	\$101.13	\$3,560	\$111.24	10.00%
G	36	13	C	F	24	\$5,463	\$151.75	\$6,009	\$166.93	10.00%
	42	15	O	F	12	\$4,104	\$97.71	\$4,514	\$107.49	10.00%
	42	18	O	F	5	\$4,185	\$99.64	\$4,604	\$109.61	10.00%
	46	15	O	F	12	\$4,104	\$89.22	\$4,514	\$98.14	10.00%
	46	18	O	F	5	\$4,667	\$101.46	\$5,134	\$111.60	10.00%
H	48	16	C	F	28	\$7,231	\$150.65	\$7,954	\$165.71	10.00%
	42	14	C	F	30	\$6,366	\$151.57	\$7,003	\$166.73	10.00%
I	54	16	C	F	28	\$7,883	\$145.98	\$8,671	\$160.58	10.00%
	30	12	C	F	40	\$4,415	\$147.17	\$4,857	\$161.88	10.00%
J	42	14	O	F	26	\$4,748	\$113.05	\$5,223	\$124.35	10.00%
	26	12	O	S	0					
K	26	12	C	S	0					
	46	18	O	F	6	\$4,667	\$101.46	\$5,134	\$111.60	10.00%
	50	18	O	F	7	\$4,895	\$97.90	\$5,385	\$107.69	10.00%
	46	20	O	F	4	\$4,895	\$106.41	\$5,385	\$117.05	10.00%
	50	20	O	F	1	\$5,252	\$105.04	\$5,777	\$115.54	10.00%
	60	20	O	F	5	\$6,429	\$107.15	\$7,072	\$117.87	10.00%
P3	76	20	O	F	13	\$8,386	\$110.34	\$9,225	\$121.38	10.00%
	30	12	C	F	56	\$4,415	\$147.17	\$4,857	\$161.88	10.00%
P4	30	12	C	F	56	\$4,415	\$147.17	\$4,857	\$161.88	10.00%
P2	36	13	C	F	52	\$5,463	\$151.75	\$6,009	\$166.93	10.00%
P5	24	10	C	F	64	\$3,342	\$139.25	\$3,676	\$153.18	10.00%
P6	24	10	C	F	64	\$3,342	\$139.25	\$3,676	\$153.18	10.00%
P1	72	20	C	F	6	\$10,875	\$151.04	\$11,963	\$166.15	10.00%
	90	22	C	F	3	\$13,326	\$148.07	\$14,659	\$162.87	10.00%
WBI	32	12	C	F	40	\$5,357	\$167.41	\$5,893	\$184.15	10.00%
EZ Ports			O	S	85	\$725		\$725		0.00%

** 587 Covered Wet Slips
216 Open Wet Slips

While physically comparable in some regards, there are major operational differences between Fourwinds and Jamestown, Lake Cumberland State Dock, and Kent's Harbor. Kent's Harbor is essentially a seasonal marina, April to October, as ice protection is not provided in the winter. Fourwinds on the other hand provides year-round mooring with ice protection from the deployment of over 400 motorized "ice-eaters". So while Kent's Harbor's rates are advertised for the whole year, their customers are not able to use the marina year-round.

Kent's Harbor is an open slip marina with 357 open slips versus Fourwinds 216 open slips. For this reason we have selected Kent's Harbor as the base line comparison to Fourwinds open slip rates. Fourwinds 2022 rates are comparable to Kent's Harbor 2022 rates. Fourwinds 2023 proposed open slip rates will be slightly higher than Kent's Harbor 2022 rates. However, we fully expect Kent's Harbor to raise their 2023 rates by 3% minimum. At that point the Kent's Harbor 2023 rates will be slightly higher than the Fourwinds 2023 proposed rates.

The majority of Fourwinds slips are covered, 587 covered wet slips versus 216 open slips. Both Jamestown and Lake Cumberland State Dock have less covered slips than Fourwinds but are the only comparable marinas in terms of the sizes of covered wet slips and the resort amenities offered. Historically the current Fourwinds covered wet slip rates have been significantly below both Jamestown and Cumberland State Dock rates due to the modest increases of less than 2% over the last four submissions. The Fourwinds 2023 proposed covered slip rates continue to remain well below Jamestown Marina's 2022 rates. The rates on the State Dock chart appear to be comparable. However, note that we were able to get hard pricing from State Dock for 2021 only. State Dock confirms that there will be as of yet an undetermined 2022 increase somewhere in the 3 to 10% range. If a modest 5% increase is assumed then the State Dock 2022 rates are comparable to the Fourwinds 2023 proposed rates. One would have to assume that the State Dock 2023 rates will be higher than the Fourwinds 2023 rates as historical data has shown.

Current rates for Jamestown, Lake Cumberland State Dock, and Kent's Harbor (on same or similarly sized slips) are included as an attachment to this request.

In summary, we submit that the requested rate increase is warranted based on our continued significant capital investments and improvement of the Fourwinds property, and furthermore based on the rates for same or similar size slips at comparable, but far less impressive marinas. Upon approval of these rates, we will continue to evaluate demand for the facility and may well charge rates below those approved if that is appropriate to maximize occupancy. A "full" marina takes advantage of our Hotel, Food & Beverage, Service, Rentals, and Gas Island amenities so it is always our goal to charge the correct rate that will maximize occupancy.

Please do let me know if there is anything missing from this request that you will need. Thank you and I look forward to hearing from you soon.

Sincerely,



Brent Pearson
Operations Manager, TEI Industries
Fourwinds Marina & Resort

bpearson@bestinboating.com

Mailing Address: Brent Pearson
C/O Port Royale Marina
8800 Port Royale Dr
Gainesville, GA 30506

Marina Name: **Jamestown Resort and Marina**

City, State: Jamestown, Kentucky Lake Cumberland

Telephone: 270-343-5253 web site: www.Jamestown-marina.com

Distance (per Mapquest): 211 miles

Hotel, Motel, Cabins: Yes, Hotel, condo, and cabin rentals

Restaurant: Yes, Café

Service Dept: Yes

Boat Rentals: Yes, houseboat and pontoon rentals

Cov Wet Slips: 314+

Open Wet Slips: 304+

PWC Mooring: 26+

Slip Rates: 4/2022 through 3/2023

Slip Length	Slip Width	Open or Covered	Jamestown Marina		Fourwinds Resort & Marina (10.0% Increase)			
			2022 Current Slip Rate (annual)	per foot of length	2022 Current Slip Rate (annual)	per foot of length	2023 Proposed Slip Rate (annual)	per foot of length
24	10	C	\$3,942	\$164.25	\$3,342	\$139.25	\$3,676	\$153.17
30	12	C			\$4,415	\$147.17	\$4,857	\$161.90
30	13	C	\$5,602	\$186.73				
36	13	C			\$5,463	\$151.75	\$6,009	\$166.92
40	16	C	\$6,914	\$172.85				
42	14	C			\$6,366	\$151.57	\$7,003	\$166.74
48	16	C			\$7,231	\$150.65	\$7,954	\$165.71
50	20	C	\$8,642	\$172.84				
54	16	C			\$7,883	\$145.98	\$8,671	\$160.57
72	20	C			\$10,875	\$151.04	\$11,963	\$166.15
90	22	C			\$13,326	\$148.07	\$14,659	\$162.88
103	24	C	\$19,611	\$190.40				
20	10	O	\$1,654	\$82.70	\$1,470	\$73.50	\$1,617	\$80.85
42	14	O			\$4,748	\$113.05	\$5,223	\$124.36
50	20	O	\$6,050	\$121.00	\$5,252	\$105.04	\$5,777	\$115.54
76	20	O			\$8,386	\$110.34	\$9,225	\$121.38
80	20	O	\$8,168	\$90.76				
90	21	O	\$12,577	\$139.74				
EZ Ports		O	\$600		\$725		\$725	

Marina Name: **Kent's Harbor Marina**
 City, State: Liberty, Indiana Brookville Lake
 Telephone: 765-458-7431 web site: www.kentsharbor.com
 Distance (per Mapquest): 121 miles
 Hotel, Motel, Cabins: Yes, Condos
 Restaurant: Café
 Service Dept: Yes
 Boat Rentals: Yes, pontoons
 Cov Wet Slips: less than 20
 Open Wet Slips: 357
 PWC Mooring: 20

Slip Rates: 4/2022 through 3/2023

Slip Length	Slip Width	Open or Covered	Kent's Harbor Marina		Fourwinds Resort & Marina (10.0% Increase)			
			2022 Current Slip Rate (annual)	per foot of length	2022 Current Slip Rate (annual)	per foot of length	2023 Proposed Slip Rate (annual)	per foot of length
20	10	O	\$1,770	\$88.50	\$1,470	\$73.50	\$1,617	\$80.85
24	12	O			\$2,434	\$101.42	\$2,677	\$111.54
24	13	O	\$2,480	\$103.33				
26	12	O	\$2,440	\$93.85	\$2,486	\$95.62	\$2,735	\$105.19
28	13	O	\$2,860	\$102.14	\$2,841	\$101.46	\$3,125	\$111.61
30	14	O	\$3,170	\$105.67				
32	13	O			\$3,236	\$101.13	\$3,560	\$111.25
36	15	O	\$3,590	\$99.72	\$3,583	\$99.53	\$3,941	\$109.47
36	16	O	\$3,840	\$106.67				
36	17	O			\$3,926	\$109.06	\$4,319	\$119.97
36	18	O			\$4,159	\$115.53	\$4,575	\$127.08
38	15	O	\$3,790	\$99.74				
42	14	O			\$4,748	\$113.05	\$5,223	\$124.36
42	15	O			\$4,104	\$97.71	\$4,514	\$107.48
42	18	O			\$4,185	\$99.64	\$4,604	\$109.62
46	15	O			\$4,104	\$89.22	\$4,514	\$98.13
46	18	O	\$4,595	\$99.89				
46	20	O			\$4,895	\$106.41	\$5,385	\$117.07
50	18	O			\$4,895	\$97.90	\$5,385	\$107.70
50	20	O			\$5,252	\$105.04	\$5,777	\$115.54
60	20	O			\$6,429	\$107.15	\$7,072	\$117.87
70	20	O	\$7,460	\$106.57				
76	20	O			\$8,386	\$110.34	\$9,225	\$121.38

Marina Name: **Lake Cumberland State Dock**
 City, State: Jamestown, Kentucky Lake Cumberland
 Telephone: 270-343-6000 web site: www.statedock.com
 Distance (per Mapquest): 212 miles
 Hotel, Motel, Cabins: Yes, Hotel and cabins
 Restaurant: Yes
 Service Dept: Yes
 Boat Rentals: Yes, houseboat, ski boat, pontoon, PWC rentals
 Cov Wet Slips: 227+
 Open Wet Slips: 146+
 PWC Mooring: 45+

Slip Rates: 4/2022 through 3/2023

Slip Length	Slip Width	Open or Covered	Lake Cumberland State Dock				Fourwinds Resort & Marina (10.0% Increase)			
			2021 Current Slip Rate (annual)	per foot of length	2022 5% probable increase	per foot of length	2022 Current Slip Rate (annual)	per foot of length	2023 Proposed Slip Rate (annual)	per foot of length
24	10	C	\$3,415	\$142.29	\$3,586	\$149.41	\$3,342	\$139.25	\$3,676	\$153.17
28	14	C	\$5,040	\$180.00	\$5,292	\$189.00				
30	12	C	\$4,725	\$157.50	\$4,961	\$165.38	\$4,415	\$147.17	\$4,857	\$161.90
34	16	C	\$5,670	\$166.76	\$5,954	\$175.10				
36	13	C					\$5,463	\$151.75	\$6,009	\$166.92
40	16	C	\$7,200	\$180.00	\$7,560	\$189.00				
42	14	C					\$6,366	\$151.57	\$7,003	\$166.74
48	16	C					\$7,231	\$150.65	\$7,954	\$165.71
50	18	C	\$8,300	\$166.00	\$8,715	\$174.30				
54	16	C					\$7,883	\$145.98	\$8,671	\$160.57
60	18	C	\$8,950	\$149.17	\$9,398	\$156.63				
72	20	C					\$10,875	\$151.04	\$11,963	\$166.15
80	22	C	\$10,345	\$129.31	\$10,862	\$135.78				
80 H.R.	24	C	\$10,459	\$130.74	\$10,982	\$137.27				
90	22	C					\$13,326	\$148.07	\$14,659	\$162.88
100	24	C	\$15,990	\$159.90	\$16,790	\$167.90				

EXHIBIT B

Comments received

JoLynn Bahr, (Email, February 2, 2022)

We would like to request a rate hearing concerning the proposed 10% increase in slip rental fees for 2023 at the Fourwinds Marina. We received a letter that there is a proposal for a 10% increase for 2023 which seems very out of line with prior increases and we would like to request that this be discussed further.

Susan Berwick, (Email, February 25, 2022)

I rent a boat slip at the Fourwinds marina at Lake Monroe and I am contacting you about the rate hearing due to the recent slip increase of 1.8 % in 2022 and a rate increase of 10% in 2023. I am requesting to be put on the list of the slip renters to object to this rate raise and would like to be involved in a rate hearing . Susan Berwick 812-320-1668. Thank you

Charles Bowden, (Email, March 10, 2022)

I request a hearing for the rate increase at four winds marina . My name is Charles Bowden. I am on K 19 and have been for 7 yrs.

Justin Carter, (Email, March 10, 2022)

I would like a hearing about the 10% increase on slip renters. At Fourwinds marina.

Richard Cervi, (Email, March 11, 2022)

To whom it may concern; please schedule a hearing to reduce the Fourwinds intended price increase for the year 2023 boating season. Please consider the more then \$75,000.00 dollars it has cost our family the last ten years for only a slip & running water. We love Lake Monroe & the Great People we meet.

Thank for your time.

Best regards,

Richard Cervi

248.613.8892 Cell

John Coleman, (Email, March 10, 2022)

Hi,

I would like to have this rate increase proposal heard and be given the opportunity to receive feedback from all parties.

If possible, please keep me/us informed?

Very Respectfully

John Coleman, Current FourWinds slip lease holder

Elizabeth Deans, (Email, March 10, 2022)

Robert and Elizabeth Deans (P5/39) request a rate hearing

Mark Drewes, (Email, February 24, 2022)

I am writing to demand a rate hearing for the proposed 10% rate increase by Fourwinds Resort. If available, please provide a link to the information Fourwinds submitted to support this request.

Thanks.

While I'm certain that the resort is experiencing some increases in operating expenses, it's hard to

fathom the need for a 10% overall increase. By my rough math that would result in total additional fees to the resort of about \$350,000 per year. It would seem to me that the marina operation does not have a lot of variable expenses. I suspect the actual increases in expenses involve utilities and payroll, which is understandable. However, I don't see how that adds up to such an increase. This seems like a money grab to make their investment more profitable.

The hotel should be self-sufficient based on room rents. The marina store should be self-sufficient based on the prices charged. The repairs and maintenance should be self-sufficient based on fees they charge for repairs, etc. The restaurant should be self-sufficient based on guest charges. Where in the world are they losing money.

What we have seen since the new operator took over:

- Horrible decline in the quality of the food and service at the restaurant. It's a joke, and hardly anyone on the marina will even go there anymore.

- Typically out of service bath houses for the marina guests.

- No operating pump station

- Minimal dock maintenance (other than their big addition to make more money, the cost of which should be borne by those users)

- Horribly congested parking on the weekends, made dramatically worse by adding more slips.

- No improvement in security.

With this increase, I'll be paying \$4,900 per year for a slip that might require a ½ mile walk with supplies, typically no bath house, typically no food worth eating, typically little security, and shoddy maintenance. Seriously?

Regards,

Mark A. Drewes

Attorney

Samantha Hicks, (Email, March 10, 2022)

Good evening,

My husband, Ryan Hicks, and I both would like to request a hearing to discuss the proposed rate increase for 2023.

Please let us know when a good time would be to discuss our growing concerns regarding the rates, amongst other concerns. I can be reached via email or at 317.306.9965.

Thanks,

Samantha Hicks

Jason King, (Email, February 19, 2022)

Please let this email serve as a request for a rate hearing for the proposed rate increase for the Fourwinds Resort and Marina. The Fourwinds has petitioned for an astounding 10% increase in rates.

Thank you,

Jason King

Boat Slip E44

hoosierking3@gmail.com

812.219.8586

Susie Knust, (Mailed, March 7, 2022)
To whom it may concern:

I hereby request a hearing in regards to the proposed increase by The Fourwinds Marina of 10% in 2023. I feel that their request is unreasonable, especially since we have limited parking, last year there was no working pumpout for nearly 800+ boat slips, and the restaurant and bar were closed most of the time except for carryout, so their employee costs were way down. Also, several boat neighbors had GFI issues with their electrical outlets the past few years as well.

Any questions, please let me know.

Sincerely,



Susie Knust, Slip F-21
1905 N Ridgeway Dr.
Ellettsville In 47429
Home Phone 812/876-3497
Cell Phone 812/935-2002

Carrie Krueger, (Email, February 24, 2022)

To whom it may concern,

As a slip owner at Fourwinds Resort and Marina, we would request a rate hearing to better understand the proposed 2023-2024 updates. Understood documentation was available for review at "IDNR Div of State Parks" but unable to locate.

Thank you,
Carrie and Jim Krueger

Matt Lawrence, (Email, February 27, 2022)

To Whom It May Concern,

I would like to submit my request for a rate hearing as a fourwinds marina member. Slip F26.

Thank you,
Matt Lawrence

Paul Mecklenburg, (Email, March 10, 2022)

I'm writing to request a hearing for slip rate increases for the 2023 season.

Paul Mecklenburg

Dock I-2

4282 Forest Drive

BROWNSBURG, IN 46112

Phone: 317-442-0956

Tim Merry, (Email, March 10, 2022)

Good afternoon,

I oppose the proposed 10% rate like for Fourwinds marina slip members. Their facilities are already overpriced as compared to other Midwest marinas and have fewer amenities. They also do not have adequate parking for current slip renters, but yet continue to increase their rental fleet which further tightens parking availability.

Respectfully

Tim Merry

TL&J Enterprises LLC

Garland Miller, (Email, March 11, 2022)

I hereby request a rate hearing. P6, slip 9.

Garland (Charlie) Miller

Doug Money, (Email, February 17, 2022)

I hereby request a hearing regarding the 10% rate increase for slips located at Fourwinds Marina located in Bloomington, IN.

I, along with many others, feel this is an excessive rate increase and also oppose the rule of only using Fourwinds employees to perform work on boats located at the marina.

I have leased a slip there from 2018 to current.

Thank you,

Douglas A. Money

317-697-8471

Lisa Moyer, (Email, March 10, 2022)

Whom it May concern,

We are requesting a hearing Four Winds Marina

We have been slip owners for 5 years now. The last two years Four winds has increased our dock rental.

Eventhough our business struggled to live through 2020 & 2021 we continued to pay our dock fees without being late. We still came down and supported the hotels restraurant and staff. Now they are raising rates again and are planning to raise rates every year for the next 3 years. In 4 years their rates will be 60% higher than they were our first contract year, with gas prices increasing its becoming too expensive to boat.

they also plan to raise food costs to as they say bring in more money per plate, get rid of bar food. These were the words of management.

They continue to take away any incentive for boaters to enjoy Monroe.

If this continues they may see a very different landscape next year where there are more empty slips than filled. Boaters ive talked with are already discussing selling or moving their boats.

Its sad, we all love our lake time, too bad its being destroyed by greed.

Thank you,

Lisa Moyer

Kris Nicola, (Email, March 10, 2022)

Hello,

I am a Fourwinds member. I would like a rate hearing to argue the proposed 10% increase for the 2023 season slip fees. This is, in my opinion, an excessive and unjustified request.

Thank you,

Kris Nicola

Angie Raymond, (Email, March 10, 2022)

To whom it may concern

The slip rental rates have yet again been raised, while we receive services that are substandard. I would like to add my voice to those requesting a hearing

Angie Raymond

Brett Richards, (Email, March 10, 2022)

Hi –

As a slip leasee, I would like to request a hearing on the proposed 2023 10% rate increase for the Four Winds Marina. The slip fee's are already ridiculously priced compared to other marina's that offer similar services. Please confirm receipt.

Brett Richards, President

Bruce Richardson, (Email, February 22, 2022)

RE: Fourwinds Marina proposed 10% rate hike for 2023.

I am writing to express my concern with the proposed 10% slip rate hike from Fourwinds Marina on Lake Monroe in Bloomington Indiana. I feel that this proposed rate hike is excessive. Rates have progressively been increasing ever since we first began slipping there in 2011. Granted the marina has made some improvements, some long overdue, but this is a business decision that they elected to pursue. Their business models knows that additional slips mean additional income, I don't feel we should have to pay for this decision now as those new improvements will pay for themselves overtime. Other improvements such as the parking lot were things that needed to be done years ago based on the volume of humanity that use the slips. I calculate that when fully rented, which they

are, they take in almost 3.8 million dollars. I feel that with amount of income, there is room to pay expenses and have plenty of profit left over. The ultimate problem with Lake Monroe is that there is no competition from other marinas. There is clearly more demand than supply on that lake. You guys need to consider licensing additional marinas to allow some competition. Much nicer marinas on other lakes in different states such as on Dale Hollow are much cheaper because there is more marina competition.

I respectfully request that you consider a much smaller rate increase, if any, for Fourwinds Marina.

Thank you for your time and consideration on this matter.

Bruce Richardson, Agent

356 S Indiana St.

Mooreville, In 46158

317-831-3500-office

317-584-3650-fax

bruce.richardson.gqqt@statefarm.com

Kevin Templeman, (Email, March 10, 2022)

Requesting a hearing regarding the rate increase at Fourwinds Marina.

Christie Vance, (Email, March 10, 2022)

Please accept this email as a request for a hearing for the proposed 10% rate increase for 2023.
Fourwinds Marina
P2
Christie A Vance
812-327-4796

Keith Walberg, (Email, February 27, 2022)

To whom it may concern, I'm writing to formally
request a rate hearing as a slip owner at Fourwinds Resort and Marina. Fourwinds barely
provides the bare minimum in service and amenities, yet is one of the highest priced marinas
in the country. How do we get a hearing for rate decrease? Sincerely, Keith Walberg
[Sent from Yahoo Mail on Android](#)

Matthew Willey, (Email, March 11, 2022)

Good morning,
As a slip leaser, I would like to request that the DNR conduct a rate hearing regarding the
proposed 10% increase at Fourwinds Marina. Thank you.

EXHIBIT C



Indiana Department
of Natural Resources

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: TEI Industries
d/b/a Fourwinds Lakeside Inn & Marina
Rate Increase Request
Administrative Cause No. 21-SP-044

Dear Ms. Franklin,

The Division of State Parks acknowledges receipt of the petition submitted by TEI Industries – d/b/a Fourwinds Lakeside Inn & Marina, requesting slip rate increases.

After careful review, the Division finds this request 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".

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

EXHIBIT D

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

IN THE MATTER OF: PETITION FOR RATE INCREASE BY FOURWINDS RESORT AND MARINA))))	ADMINISTRATIVE CAUSE NUMBER: 21-SP-044
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***PROPOSED*
FINDINGS AND RECOMMENDATIONS TO THE U.S. ARMY CORPS OF
ENGINEERS
BY THE NATURAL RESOURCES COMMISSION**

A. Findings

1. The scope of the informal review accorded 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 seeking 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.
4. Fourwinds, in its Petition, requests slip rate increases of 10% across the board. Out of the 792 customers that received notifications, there were a total of 32 rate hearing requests. In order to schedule a rate hearing, I would need to receive 10% which would total 79 customers. Most of the complaints centered around the excessive 10% increase and a few around lack of maintenance.

5. In determining whether to recommend a rate increase 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 to marina slips and mooring buoys. The preponderance of information in the record indicates that the increased slip rates proposed by Fourwinds will remain consistent with the slip rates charged by comparable marinas for similarly sized slips.
6. A Hearing Officer's or the Commission's recommendation for rate increase 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. The requested rate increases, are within the industry range and supportable. The rates approved by the Hearing Officer on behalf of 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. Rates established through previous Commission recommendations are so noted.

B. Recommendation

The Natural Resources Commission recommends to the U.S. Army Corps of Engineers the rates as set forth in the attached table be approved for existing facilities at Fourwinds Resort & Marina.

Date: _____

 Bryan Poynter, Chair
 Natural Resources Commission

Commission Slip Rate Recommendation

COMPREHENSIVE RATE LIST			
FOURWINDS RESORT & MARINA SLIP SIZE & DESCRIPTION		CURRENT RATE	COMMISSION RATE RECOMMENDATION For IMPLEMENTATION JANUARY 1, 2022
Dock			
D	36 x 13 / covered	\$5,463.00	\$6,009.00
	36 x 15 / open	\$3,583.00	\$3,941.00
	36 x 17 / open	\$3,926.00	\$4,319.00
	36 x 18 / open	\$4,159.00	\$4,575.00
	50 x 18 / open	\$4,895.00	\$5,385.00
E	20 x 10 / open	\$1,470.00	\$1,617.00
	30 x 12 / covered	\$4,415.00	\$4,857.00
F	24 x 12 / open	\$2,434.00	\$2,677.00
	26 x 12 / open	\$2,486.00	\$2,735.00
	28 x 13 / open	\$2,841.00	\$3,125.00
	32 x 13 / open	\$3,236.00	\$3,560.00
	36 x 13 / covered	\$5,463.00	\$6,009.00
G	42 x 15 / open	\$4,104.00	\$4,514.00
	42 x 18 / open	\$4,185.00	\$4,604.00
	46 x 15 / open	\$4,104.00	\$4,514.00
	46 x 18 / open	\$4,667.00	\$5,134.00
	48 x 16 / covered	\$7,231.00	\$7,954.00
H	42 x 14 / covered	\$6,366.00	\$7,003.00
	54 x 16 / covered	\$7,883.00	\$8,671.00
I	30 x 12 / covered	\$4,415.00	\$4,857.00
	42 x 14 / open	\$4,748.00	\$5,223.00
J	26 x 12 / open	obsolete	**converted to a wave break
	26 x 12 / covered	obsolete	*converted to a wave break
K	46 x 18 / open	\$4,667.00	\$5,134.00
	50 x 18 / open	\$4,895.00	\$5,385.00
	46 x 20 / open	\$4,895.00	\$5,385.00
	50 x 20 / open	\$5,252.00	\$5,777.00
	60 x 20 / open	\$6,429.00	\$7,072.00
	76 x 20 / open	\$8,386.00	\$9,225.00

P1	72 x 20 / covered	\$10,875.00	\$11,963.00
P1	90 x 22 / covered	\$13,326.00	\$14,659.00
P2	36 x 13 / covered	\$5,463.00	\$6,009.00
P3	30 x 12 / covered	\$4,415.00	\$4,857.00
P4	30 x 12 / covered	\$4,415.00	\$4,857.00
P5	24 x 10 / covered	\$3,342.00	\$3,676.00
P6	24 x 10 / covered	\$3,342.00	\$3,676.00
WBI	32 x 12 / covered	\$5,357.00	\$5,893.00
EZ-Port	22 / open	\$725.00	\$725.00

* Per email dated 1/4/2021 from Brent Pearson this has been converted to a wave break.

** Per email dated 12/23/21 from Debbie Kaschub, this has been converted to a wave break.