

NATURAL RESOURCES COMMISSION

Minutes of July 19, 2001

MEMBERS PRESENT

Michael J. Kiley, Chair
Rick Cockrum, Vice Chair
Larry Macklin, Secretary
Damian Schmelz
Jerry Miller
Jane Anne Stautz
Steve Cecil
Raymond McCormick
John Goss
Terri Moore

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Debbie Michaels

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Carrie Bales	Executive Office
John Davis	Executive Office
Paul Ehret	Executive Office
John Bacone	Nature Preserves
Gwen White	Fish and Wildlife
Paul Bykowski	Law Enforcement

GUESTS

Jeff Myers	Linda McCabe
Genevieve Novak	Tim Hayes
Kristie Fessell	Ellen Jacquart

MONTHLY REPORTS

Michael J. Kiley, Chair, called to order the regular meeting of the Natural Resources Commission at 10:00 a.m., EST, on July 19, 2001, at The Garrison, Fort Benjamin Harrison State Park, Indianapolis, Indiana. With the presence of ten members, the chair observed a quorum.

Damian Schmelz moved to approve the minutes of June 21, 2001. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Larry Macklin provided the Director's Report. Director Macklin informed the Commission the item concerning the increase of the fishing and hunting license would be on the August agenda. He said, "it has been 14 years since an increase. We did, and continue to watch and closely monitor the Fish and Wildlife funds. We were watching it closely, and we now believe it is time to move forward." Director Macklin said the department has been collecting public comments on a proposed model that reflects its projective needs and said those comments would be passed along before the next meeting.

The Director said he and the Division of Fish and Wildlife staff had been meeting with many of the sportsmen's groups from around the state. He said, "we have had a very good reception to date regarding fee proposals. There is some opposition as well, and there are some very good comments that we want to spend the next 30 days looking at. To a large extent, the comments have been very supportive, and we are going to continue that public input as we go forward." Director Macklin commended the media for helping get the information out to the public.

Director Macklin reported the Department of Natural Resources is dealing with some very difficult issues regarding protestors of the Timber Management Program. The Director commented that the Timber Management Program has enhanced the forestry properties throughout the state for nearly 100 years. He said the protesting mainly involves Yellowwood State Forest, but the situation "remains under control and has been very peaceful. We recognize the demonstration and are supporting their right to peacefully protest. In fact, we have instituted a policy in our state forests that now sets up a safety zone." The Director said in the past there was generally no need for safety zones with respect to the public. Now there will be safety zones around each area of the forestry properties as the Management Program is implemented. The Director reflected, "that policy also establishes designated safe areas directly at those safety perimeters for observers. We think that is going to be well-accepted and will work well."

Director Macklin met with individual DNR Division Directors regarding cost saving measures and streamlining processes that could be implemented within each division. The Director noted the department has had a strong four years in terms of much needed property improvements, maintenance, and salary enhancements. He said, "with current fiscal conditions, we just want to be sure that we continue to be responsible."

Jerry Miller, Chairman of the Advisory Council for Lands and Cultural Resources, reported his council did not meet this month.

John Davis, Deputy Director for the Bureau of Lands, Recreation, and Cultural Resources, reported the landholding Divisions held their quarterly meeting at Camp Atterbury. He added, "that's always an interesting meeting. Part of what we discuss is non-traditional ways to manage properties." Davis said at the meeting there was discussion on the Interlake property. "We want to come up with a good management plan."

Ray McCormick, Chairman of the Advisory Council for Water and Resource Regulation, reported upon three main items. He said there was a presentation by Mark Ryder with the Division of Fish and Wildlife on the status of DNR shooting ranges. McCormick said, "the shooting ranges were not necessarily designed for how they are being used today. Today there are more automatic weapons and hand guns that are used at the shooting ranges." He said Ryder took it upon himself to obtain education on shooting ranges, and he is implementing updates to produce safer ranges. Ryder also presented information on the new state-of-the-art Kingsbury Shooting Range. McCormick said, "DNR should be commended on building such a fine facility. I think Mr. Ryder should be commended for tackling a problem, that has developed over the years, and for getting it set on the right path."

McCormick said another issue of discussion was the Interlake properties. He said the properties were part of the coal mine reclaimed areas purchased with \$5 million set aside by the legislature as a one-time funding for the purchase of reclaimed coal properties. These properties are located in Pike and Warrick Counties.

McCormick said the council discussed the proposed increase in sport hunting and fishing license fees. "There was a lot of testimony there. It was real interesting to hear the comments from different conservation organizations. I think it would be most appropriate that I reflect those comments at the next meeting when we tackle this issue."

Chairman Kiley spoke about rescheduling the August Commission meeting. Because of the "vast public interest" in the license fee issue, he said the August Commission Meeting would be moved from Clifty Falls State Park to Fort Benjamin Harrison "to afford easier access to the public."

David Vice, Deputy Director for the Bureau of Resource Management, reported he traveled to Michigan City and met with personnel in the Division of Law Enforcement, Division of Fish and Wildlife, and the Division of Water. He said he also met with Public Safety officials in Michigan City to discuss concerns. Vice said he visited and toured the new state-of-the-art Kingsbury Shooting Range. "We are utilizing a concessionaire at this facility which makes it possible to extend the hours of operation."

Vice reported the Division of Law Enforcement is conducting lake and property visitations. This past weekend there were two very serious boating accidents. The first accident involved a barge hitting a fishing boat on the Ohio River. There were six fatalities in that incident. The second accident was a "hit and run" on Morse Reservoir. Two people seriously injured. Vice said conservation officers had made an arrest in the hit and run case.

Paul Ehret, Deputy Director for the Bureau of Resource Regulation, participated in the State Soil Conservation Board meeting. The primary function of the meeting was to review grant applications for this year's Lake and River Enhance (LARE) fund appropriation. Approximately, \$1.1 million in LARE funds were granted out of \$2.0 million worth of proposed projects.

Ehret reported staff has been getting together to work on strategy for the implementation of ecological protection zones. This issue was presented before the Commission as an informational item last month at Pokagon State Park. He said, "we are specifically focusing our efforts toward the request from Lakes Wawasee and Syracuse to initiate the first restriction zones on those two lakes. We hope to have a rulemaking 'notice of intent' published in the September 1, 2001 Indiana REGISTER. If we can, we would like to have specific regulation proposals on Wawasee and Syracuse to present to the Commission for preliminary adoption this fall."

Ehret said he had recently received a joint petition from three lake organizations requesting DNR to implement fishing tournament rules on Lakes Wawasee and Syracuse. DNR is reviewing the request internally and will be working toward developing a procedure that will facilitate the rule process. Ehret reflected the procedural rules, that would govern how fishing tournament are licensed, have not yet been approved by the Attorney General's Office or been signed by the Governor. As a result, "we have some time yet to consider how best to approach a rule specific to Wawasee and Syracuse." Ehret concluded, "currently, it would appear the procedural rule would become effective probably in January 2002."

BUREAU OF LANDS, RECREATIONAL AND CULTURAL RESOURCES

PERMANENT APPOINTMENTS AND PERSONNEL INTERVIEWS

Personnel Interview for Assistant Property Manager at Jasper-Pulaski Nursery

Rick Cockrum and Terri Moore presented this item. Benjamin T. McKinney was recommended for the position of Assistant Property Manager at Jasper-Pulaski Nursery.

Jerry Miller moved to approve Benjamin T. McKinney as Property Manager at Jasper-Pulaski Nursery. Rick Cockrum seconded the motion. Upon a voice vote, the motion carried.

Personnel Interview for Assistant Property Manager at Jackson-Washington State Forest

Rick Cockrum and Terri Moore presented this item. Jeremiah Lemmons was recommended for the position of Assistant Property Manager at Jackson-Washington State Forest.

Jerry Miller moved to approve Jeremiah Lemmons as Property Manager at Jackson-Washington State Forest. Rick Cockrum seconded the motion. Upon a voice vote, the motion carried.

Personnel Interview for Administrative Law Judge for Division of Hearings

Jane Ann Stautz and Steve Cecil presented this item. Stautz said that two candidates were interviewed for the position. Sylvia Wilcox was recommended for the position of Administrative Law Judge for the Division of Hearings. Stautz said, "Sylvia Wilcox is currently employed with IDEM, has served as Administrative Law Judge and worked with the Department in the past. We would welcome her back."

Jane Ann Stautz moved to approve Sylvia Wilcox as Administrative Law Judge for the Division of Hearings. Rick Cockrum seconded the motion. Upon a voice vote, the motion was carried.

Establishing Facility Rental Fees for the New Indiana State Museum at White River State Park - Opening in May 2002.

Jeff Myers, Assistant Director of the new Indiana State Museum, presented this item. Myers opened saying that the new museum is scheduled to open in May 2002. Myers said, "one of the things that we are excited to be able to feature, in addition to the emphasis that will be placed on natural and cultural heritage of the state, is we will have a facility that will truly serve visitors and other members of the public as they come to Indianapolis and visit the museum."

Myers spoke about the Facility Rental Program at the new museum. "It serves as a wonderful facility to serve corporate, business, individual and governmental functions. The facility was really designed with this purpose in mind."

Myers said staff has worked very closely with Crystal Catering, the caterer for the new museum, in conducting a market study. The study looked at the rates charged by comparable facilities within Indianapolis for not-for-profit facilities and some by the private sector as well. "We have prepared a proposed schedule for your consideration."

Rick Cockrum asked Myers if he would check on operating costs for the State. Myers replied "most certainly."

Chairman Kiley asked if there had much interest yet to reserve facilities. "What is your advance situation on reservation requests?" Myers replied there is no marketing yet

because there is not a facility fee schedule to share with the public. “It has been very heart-warming to receive unsolicited requests from the public.”

Linda McCabe from the Indiana State Museum said, “without marketing and promoting the facility, we are excited that people have found us, and we have received inquiries from the corporate market from major companies in town for various corporate events. We have a convention that is booked every year through the convention bureau that is coming to us with their event next year. We have a social group that is looking at what we call a ‘buy-out,’ which is renting the entire facility and having all the galleries open as well as all the public space for a big event.”

McCabe said a very high-level social gathering is considering the use of the museum about the time of the opening in May 2002. She said there are interests for wedding receptions, corporate groups, not-for-profit conventions, and social groups. “We are very optimistic about the Facility Rental Program.”

Ray McCormick asked, “What resources do we have for marketing, and how quick can we get this out there to get the revenue?” Myers replied, “this facility is going to be seen as the premier space in central Indiana when it comes on-line. It will be new, and we have high expectations for the interest that will come to it naturally.” Myers said as part of the market study process, the Museum has already begun to look at partners who could help feed business to them. “The Indianapolis Convention and Visitors Association is very eager to know fees so they can begin to direct convention business for off-site social functions to the Museum.

Rick Cockrum asked for a conservative revenue projection for the facility. Myers replied, “Conservative—we want to be careful with this and not create unrealistic expectations. We are looking at approximately \$150,000 worth of facility rental income in the first year. That would be supplemented by an additional \$37,000 worth of commission on the food service that Crystal Catering would provide to those events.”

Jane Ann Stautz questioned if the other facilities in town offer various reductions in price for not-for-profit or special groups. Myers said, that as a part of the state agency, the museum has to have a consistent fee schedule for all parties. “There is, however, room to work in terms of the amenities that are provided as a part of the facility agreement so that we can make this very marketable to all parties.”

Chairman Kiley added that he had been to several functions at The Indiana Historical Society and thought the facility was “very nice,” but the new museum facility “far surpasses that from the standpoint of the capability of handling a large crowds.”

Myers explained to Chairman Kiley that the Museum wants to make sure the fee schedule will allow it to continue to offer the highest quality of experience. “We have been very careful about security expense, maintenance, wait staff, and so forth.”

Rick Cockrum commended the staff for their analyses.

Rick Cockrum moved to approve the facility rental fees for the new Indiana State Museum as recommended by staff. Terri Moore seconded the motion. Upon a voice vote, the motion was carried.

DIVISION OF NATURE PRESERVES

Informational Presentation Regarding Carbon Sequestration and Reforestation Opportunities on Department Lands.

John Bacone, Director of the Division of Nature Preserves presented this item. He emphasized the item was important to all property management divisions within the agency, however, and not only the Division of Nature Preserves.

Bacone said “it is becoming more and more recognized how important reforestation will become as a strategy for addressing global warming.” The DNR currently has an opportunity to reforest portions of various properties, by working in concert with The Nature Conservancy and Cinergy Corporation. In exchange for “carbon credits,” the right to claim the carbon that is sequestered by the trees, tracts of old fields would be reforested at no expense to DNR. It is possible that there might be opportunities to plant prairies, in a similar type of arrangement, in the future.

Tim Hayes from Cinergy Corporation handed out a “Fact Sheet” on Climate Change/Carbon Sequestration and a press release on the types of projects that Cinergy has had since 1999. Hayes gave a brief overview of the climate change issue, information about Cinergy, and how the climate change issue is being addressed.

Hayes explained a change in the earth’s climate is due to man-made emissions of greenhouse gases. He said, “the majority of scientists support the fact that the earth’s overall temperature is increasing. Carbon dioxide is the primary greenhouse gas. Carbon dioxide is a natural gas that we have to have, and that it is a gas that attracts heat and keeps it from being released it back into the atmosphere.” Hayes reported there are a lot of international and U.S. discussions and negotiations. Hayes reported there is continued uncertainty on the rate and magnitude of climate change and whether it will have negative effects to the earth’s environment. “That’s a very brief overview of a very complex issue.”

Ellen Jacquart of the Nature Conservancy spoke about the mission of the Nature Conservancy. “We are a nationwide not-for-profit land trust. Basically we protect biodiversity.” She said the Nature Conservancy purchases natural existing areas throughout Indiana and the world. Jacquart said the Nature Conservancy owns and manages land at 80 different natural areas throughout Indiana, each of these with particular aspects of biodiversity that will focus on trying to protect for the long-term. “We have found in recent years, in the last decade, that simply buying existing natural areas is not enough to achieve our mission. Some of these existing natural areas where we feel there is important diversity, plants and animals need to be protected. The natural area left is not big enough to support bio populations for the long-term. We are seeing that we are going to have to use other strategies to try and fix that.” Jacquart said these strategies will include tree planting.

Jacquart reported the partnership, which developed in the late 90's with Cinergy, has allowed funding for approximately 300 acres of tree planting. “It has really been tremendous. We have hooked together pieces of existing natural areas and expanded

their size, at several sites throughout the state. Most of the plantings have been at Big Walnut natural area and at the Blue River project in Harrison and Crawford County.” Jacquart stated this year is the third year of a five-year agreement with Cinergy. “We all recognized planting trees in exchange for carbon credits was a bigger issue than what we could work out, and eventually it would have to be discussed in a forum like this.”

Jacquart stated, “today we are coming to you to talk in general about the concept. The concept is interesting. I can provide you with specifics on the particular fields that we have worked with already. We want to see if there are any questions or concerns and that we are able to address them.”

Chairman Kiley asked, “What do you plant, seedlings?” Jacquart replied, “Yes, we go through nurseries. One of the best parts of this program is that we are able to utilize the tree nurseries. They have a fantastic stock at a very reasonable price.”

John Davis reflected, “We want everyone to think about what this means. It does meet our mission of planting trees. It is also a partnership with an industry that is emitting carbon into the atmosphere. Here is an opportunity where we can partner in to do this kind of work.” He also noted obtaining carbon credits for plantings might have a commercial value in the future, or it might not. The concept of attributing monetary worth to carbon credits is today speculative and dependent upon how legislation develops in the coming years.

Chairman Kiley commented, “I, for one, can not think of a single negative thing about this program.”

LEGAL PROCEEDINGS

NRC DIVISION OF HEARINGS

Consideration of Preliminary Adoption to Technical Amendments to Rules of the Natural Resources Commission; Administrative Cause Number 01-074A; LSA #01-124

Steve Lucas presented this item. He said for consideration were numerous amendments to Commission rules that were needed to keep them internally consistent and consistent with recent statutory changes. He said the proposed amendments generally were not substantive, and he did not expect them to be controversial if committed to public hearing. The proposal was presented for preliminary adoption.

Jerry Miller moved to give preliminary adoption to the various amendments to 312 IAC as set forth in the Commission packet. The motion was seconded by Jane Anne Stautz. Upon a voice vote, the motion carried.

Consideration of Preliminary Adoption to Require Catch Data at Fishing Tournaments; Administrative Cause Number 01-124D

Steve Lucas also presented this item. He said for consideration was an amendment to the proposed procedural rules for the licensing of fishing tournaments and other organized boating activities on public waters. The concept for the amendment was presented by the Department's Division of Fish and Wildlife when the procedural rules were considered this spring. When the procedural rules were given final adoption, the Commission instructed the Division of Hearings to prepare a rule draft to also require catch data at fishing tournaments. This proposal is the result. He said the concepts contained in the draft were as developed by the Division of Fish and Wildlife, lead by Bill James who was then Chief Fisheries Biologist.

Jane Stautz suggested an amendment to the proposal to authorize in subdivision (7) that species-specific data be required. The amendment was made part of the proposal for preliminary adoption.

Rick Cockrum asked whether tournament participants would be required to provide all the information set forth in the proposal. Lucas responded, that if given final adoption as proposed, the Division of Fish and Wildlife could require anything set forth in the section. The division would have discretion, however, as to whether it required all the information, some of the information, or none of it, depending upon the circumstances of the tournament.

Jerry Miller moved to give preliminary adoption to proposed 312 IAC 2-4-9.5, with subdivision (7) modified to allow the Division of Fish and Wildlife to require species-specific data. The motion was seconded by Damian Schmelz. Upon a voice vote, the motion carried.

ADJOURNMENT

At 11:40 a.m., the meeting adjourned.

FUTURE MEETINGS

August 22, 2001, 10:00 a.m. (The Garrison, Ft. Benjamin Harrison State Park, Indianapolis, Indiana)

September 18, 2001, 7:00 p.m. (Oakwood Inn & Conference Center, Syracuse, IN)

October 23, 2001, 10:00 a.m., (The Garrison, Ft. Benjamin Harrison State Park, Indianapolis, Indiana)