

NATURAL RESOURCES COMMISSION

Lake James Room
Potawatomi Inn
Pokagon State Park
450 Lane 100 Lake James
Angola, Indiana

Minutes of July 17, 2007

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chairman
Robert Carter, Jr., Secretary
Richard Mangus
Thomas Easterly
Lawrence Klein
Robert Wright
Damian Schmelz
Doug Grant

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Sandra Jensen
Jennifer Kane

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

John Davis	Executive Office
Ron McAhron	Executive Office
Adam Warnke	Executive Office
Amanda Ricketts	Human Resources
Linnea Petercheff	Fish and Wildlife
Samuel Purvis	Law Enforcement
Phil Marshall	Entomology and Plant Pathology
Jomary Baller	Water
Alex deGrood	State Parks and Reservoirs
Lance Tresenriter	State Parks and Reservoirs
Ryan Limley	State Parks and Reservoirs
Rich Dunbar	Nature Preserves
John Bacone	Nature Preserves
Tom Lyons	Forestry
Brad Schneck	Forestry

GUESTS PRESENT

Victor Wenning	Stephen Studer	Ralph Taylor
Jerry Wehner	Karla Hench	Paul Greenwalt
Brad Schneck	Pete Hippensteel	Alan Hux

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 4:05 p.m., EDT, on July 17, 2007 in the Lake James Room, Potawatomi Inn, Pokagon State Park, 450 Lane 100 Lake James, Angola, Indiana, Indiana. With the presence of nine members, the Chair observed a quorum.

The Chair noted that members of the Commission had an opportunity to tour by boat Lake James and Snow Lake arranged by Lt. Col. Samuel Purvis, Maj. Felix Hensely, and Conservation Officer Bill Snyder. “This region addresses a myriad of water and riparian issues.” The Chair also welcomed back Commission member Damian Schmelz.

Thomas Easterly noted that the proposed May 22, 2007 minutes contained an error on page six indicating that a “Thomas Early seconded the motion.” Easterly said that he did not recall whether Patrick Early or he seconded the motion, but requested the minutes be corrected. Richard Mangus moved to approve with amendment the minutes of May 22, 2007. Thomas Easterly seconded the motion. Upon a voice vote, the motion carried. The minutes of the meeting of May 22 are modified to show that Patrick Early seconded the motion.

Report of the Director, Deputies Director, and Natural Resources Advisory Council

Director Carter gave his report. He thanked the Division of State Parks and Reservoirs for being “a gracious host”. The Director announced that Ann Walker, previously the director of Strategic Management, was appointed as the new Deputy Director for Administration and Budget. He also noted that Legislative Liaison, Burgess Brown, announced her departure, and an offer has been made to the Indiana Department of Transportation’s liaison. The Director also noted that Kim Brandt, Director of Communications, has accepted the fundraising position at the Indiana State Museum.

Director Carter said the state parks continue to show “record” attendance and revenues. “We are excited about that.” He said several ribbon cuttings have been held at various state properties, one on May 29 for the new shooting range at Atterbury Fish and Wildlife Area, for which the Governor was the keynote speaker. “We had a great crowd. It was a great event for a world-class shooting range.” The Trine Property in Steuben County, donated by Ralph and Sherrie Trine, was dedicated on June 1, 2007 and will be administered in conjunction with Pokagon State Park. “[The Trines] have been tremendous partners with the DNR. They are good friends of ours.” The O’Bannon Woods Aquatic Center was dedicated on June 6, and the dedication was “heavily” attended. “Governor Daniels joined us at the Charlestown State Park for the opening of

the new boat ramp that was desperately needed for anglers and boaters on the Ohio River.” On June 28, the new entrance dedication at Indiana Dunes State Park was held. “That is a beautiful entrance that we have at the Dunes.”

Chairman Bryan Poynter noted, “I can’t remember a time period when we have had more opportunities to dedicate more property or to announce to the public these wonderful additions to not only our state parks, but to river access and other things.” He added, “This is a real testimony to [Director Carter’s] leadership to get those things done.”

The Director reflected Dan Bortner can attest that where the ribbon cuttings took place, the attendance has grown “tremendously, and especially Charlestown. The boat ramp has really drawn the people.” He thanked Bortner for “really marketing” the ribbon cutting events.

John Davis, Deputy Director, Bureau of Lands, Recreation, and Cultural Resources, reiterated that property attendance is up in the second quarter, which “looks more like what we projected.” He noted that the State Forest Strategic Plan is “on the street” and open for comment, and public meetings will be held around the state. He also noted that the plan could be accessed from the Department’s Web site.

Davis said maintenance activities are occurring around the state especially at the Indiana Dunes State Park. The Division of Nature Preserves received a grant from the U.S. Forest Service to “attack and reduce the fuel load level on the urban forest interface.” He said the Department is preparing for the summer Legislative meetings. “The Budget Committee, Natural Resources Study Committee, and Water Resources Study Committee will be forums for people to talk about proposed legislation.”

Ron McAhrn, Deputy Director, Bureau of Resource Regulation, indicated that the Water Shortage Task Force finished and published the *Indiana Suggested Model Ordinance*. He said the model for water conservation is available for local communities to consider “at least putting some teeth in some requirements to limit [water] usage.” He announced that updates on the Task Force’s efforts are available online (<http://www.in.gov/dnr/water-shortage/>). “We welcome input on everything that we are doing.”

McAhrn said that the Department is formatting proposed rules in response to statutory language to implement the sale of water from the three principle reservoirs in the southern part of the state: Patoka, Brookville, and Monroe. He noted that draft legislation is “near completion” to implement the Great Lakes Water Management Agreement. “There are interesting provisions in the Compact regarding inter-basin transfers.” McAhrn said that the Water Resource Study Committee “will be taking up these matters beginning August 2 in Indianapolis.”

The Chair noted that Patrick Early, Chair of the Natural Resources Advisory Council, was not present at today’s meeting. He said the Advisory Council addressed two “very important issues—one regarding water draw down at reservoirs and the other is riparian issues, which we talked about during our boat tour.” The Chair asked Stephen Lucas,

Director of the Commission's Division of Hearings, to provide a brief summary of these two issues.

Lucas said legislation was enacted by the last session of the Indiana General Assembly concerning contract sales of water primarily from the three DNR reservoirs, "although the legislation is somewhat broader". He said the legislation is the initial "serious foray" into addressing "water quantity issues—water as a commodity. It may have some challenges as it goes forward, but the first stage is rule adoption." Lucas said the Advisory Council reviewed a "genesis" rule proposal and gave its blessing to a concept. Where hearings were required to be conducted by the Advisory Council, the Director of the Division of Water could appoint a hearing officer rather than have the members of the Council conduct the hearings themselves. Lucas said the proposed rules would eventually be reviewed in a "broader fashion" by the Council and would then be tendered to this Commission for preliminary adoption. In the interim, the Director was likely to be requested to adopt a temporary rule.

Lucas said that the Commission, primarily through its AOPA Committee that Jane Ann Stautz chairs, "is deeply involved in efforts along with the [Department] to resolve riparian rights disputes along our public freshwater lakes." He observed that Steuben County, the site of the current NRC meeting, is "one of two counties that have the most inland lakes along with Kosciusko County". The Advisory Council has determined to engage in a process by which it would review decisions by the Court of Appeals and through the AOPA Committee that adjudicate riparian lines between properties and resulting pier configurations. Currently, a person interested in how the DNR and NRC would handle issues of pier placements would have to research the reported high-court decisions and the compilations of administrative law judge decisions in Caddnar, the NRC's searchable online database. He said the Advisory Council project would result in a nonrule policy document, which would not have the force and effect of law, but it would "synthesize the extensive number of decisions that there are now into a more user-friendly fashion." The proposed nonrule policy document would come before this Commission for approval or modification. "I hope and I think this product would be helpful to those who use the lakes in northern Indiana."

The Chair commented, "The whole concept of the Advisory Council working with issues that the Commission deems important has worked very, very well."

Jane Ann Stautz asked for an update on the State Fair plans and preparations. Davis said Chris Smith and Amanda Ricketts are managing the preparations. The Chair asked whether improvements have been made to the pavilion since a few years ago. Davis indicated that no improvements have been made to the building, but he invited Ricketts to provide an update. Ricketts said that most DNR divisions have an exhibit in the pavilion, and activities will be held every day. August 14 is the Wild Game Cookout, "which is always a big hit". Davis said the fishing pond would be populated for the second year. "I'm sure that will be very popular again." He said that the Department is actively recruiting volunteers to assist with the fishing pond. "That's a great gig to help kids catch fish and get them off the hook."

The Chair observed, “One of the things that we are so fortunate with the Commission and our office is to be blessed with great staff. I would like to recognize Sandra, Steve, Jennifer, and Debbie, and all the others that work to support the Commission.” The Chair invited Sandra Jensen to provide the Commission on an update regarding recent staff recognition.

Jensen explained that the statute regarding rule adoptions was amended two years ago. “Things got quite intense in the [Division of Hearings] for quite some time trying to figure out just exactly what all the new statutory requirements were and synthesize them into a manageable form that Commission and Department staff could use when a rule is proposed.” She said, Jennifer Kane “took it upon herself to essentially take all the new statutory requirements and synthesize them...which resulted in a compilation of a booklet of forms that can be used in the process of rule adoption”. Jensen said that Kane was nominated and received a monetary “spot bonus,” which is a project-based bonus award. The booklet has “allowed Steve, Jennifer, and myself to bring rule packages to all of you in what seems like an absolute seamless way.”

The Chair addressed Jennifer Kane to express his appreciation and the appreciation of the Commission: “Congratulations. That was well deserved.”

The Chair asked Ted Bohman, Property Manager for Pokagon State Park, to provide a brief introduction of the park’s unique features and amenities. Bohman noted that Pokagon State Park has the “only” toboggan run in Indiana, which is ¼ mile long. “We had 80,000 rides on [the 4-person toboggan] last winter.” He said the park’s campgrounds are full every weekend from Memorial Day through Labor Day, and most weekends. Bohman said an issue the park is addressing is communicating effectively to ethnic groups the “carry-in-carry-out” trash policy. “We have been very proactive this year. We send people out on Gators and actually pass out trash bags to the public and point to where the dumpster is located. This has been very successful.”

Bohman noted that the 338-room Potawatomi Inn is the “largest inn complex in the DNR system, and it does generate a tremendous amount of revenue for the state parks.” He announced that Commission members were invited to tour the Trine State Recreation Area following the meeting. The Chair thanked Bohman for his hospitality.

CHAIR AND VICE CHAIR

Updates on Commission and Committee activities

Jane Ann Stautz noted that the AOPA Committee did not meet, but a September meeting is tentative. “I think there are a few items that will be before us.”

Consideration of Proposed Mission Statement for the Natural Resources Commission; Administrative Cause No. 07-135X

The Chair presented this item. He indicated that Jane Stautz recommended “very prudent” amendments to the draft “mission statement” contained in the Natural Resources Commission’s packet, but he did not have the proposed amendments with him. “The importance to have a mission statement comes initially in the form of personnel issues. We have been operating without one.” Having a mission statement can also be helpful, however, to the public, the DNR and Commission in understanding our unique role. Through the efforts of Steve Lucas and Sandy Jensen, a “very reasonable” mission statement, which “aptly defines what we do”, was circulated previously to Commission members.

The Chair deferred the agenda item for consideration at the September meeting in order to circulate modifications suggested by the Vice Chair. He welcomed input from the Commission members. The Chair noted that a mission statement is “valuable” regarding Division of Hearings staff performance reviews, and “as an agency, we are supposed to have [a mission statement] and I think we should.”

Thomas Easterly commented, “I was struck that the mission statement didn’t address what I think the Department is really for and that’s the long term management of its properties and the things that it regulates that it really doesn’t own.” The Chair said that topic could be addressed.

John Davis suggested a review of the Department of Natural Resource’s mission statement might be helpful in formulating the Commission’s mission statement. The Department’s mission statement does speak to management of lands and resources. The Chair clarified that the proposed mission statement is “just for the Commission, and then there will be a complimentary mission statement for the Division of Hearings.” He said the mission statements “will all blend together. It doesn’t have to be overly complicated, but it does need to be complete. I do want it to reflect what the purpose of the Natural Resources Commission is designed to do.” The Commission’s mission is linked to the DNR’s, but the two are not identical.

The Chair asked that Commission members direct their comments regarding the mission statement to Steve Lucas, Sandra Jensen, or himself.

DNR, EXECUTIVE OFFICE

Consideration and identification of any topic appropriate for referral to the Natural Resources Advisory Council

The Chair inquired whether Commission members had other issues to be considered by the Natural Resources Advisory Council. John Davis said that Ron McAhron and he

“would be happy to hear from any Commission members at any time if you think of something that ought to be discussed as possible topics.”

No items were presented.

PERSONNEL ACTION

Consideration of personnel interview for the position of Assistant Property Manager, J. Edward Roush Lake, Huntington, Indiana

The Chair commented regarding the next four personnel items. Personnel items are “some of my favorite things to consider during these Commission meetings, because I believe that it offers key personnel at our state parks and properties to be recognized for the talent that they have been recruited for and sought themselves.”

The Chair explained that the four personnel items would be presented with Commission action to follow. He then invited Larry Klein, Chair of the Commission’s Personnel Committee, and Dan Bortner, Division of State Parks and Reservoirs to make presentation.

Dan Bortner thanked the Commission for allowing hosting of the meeting. “It’s great to have you out on our properties.” He noted that eleven candidates applied for the three Division of State Parks and Reservoirs property positions. “These are heavily sought after jobs, and these people have prepared in their educational backgrounds and in their current careers.” Bortner also noted that the three candidates are current employees of the Department.

Bortner introduced Lance Tresenriter as the candidate for Assistant Manager at Roush Lake. Tresenriter said he grew up in Freemont, Indiana, graduated from Indiana University, and was currently working at Pokagon State Park completing his internship under Ted Bohman.

Richard Mangus, Commission member, asked about the process for the hiring of Department personnel. Ricketts, Director of the Division of Human Resources, explained that each vacancy whether it is assistant property manager or property manager at any state property is posted for a period of 30 days. “They are posted to external candidates as well as internal candidates on our Indiana State Job Bank.” She said that vacancy advertisements outside the state’s job bank may also be published. Ricketts said that each application is screened through the computerized system as well as reviewed by staff. “We collect a handful of individuals to interview.” She said 15 candidates were interviewed by a panel, and then “one or two candidates are selected for each vacancy that we recommend to the Commission.” Ricketts said that the recommended candidates are then interviewed by Klein. By statute, the Commission then considers for approval the recommended appointments.

Ricketts announced that she was in the process of outlining internal procedures for personnel considerations. She said the completed outline would then be provided to Larry Klein to be shared with the rest of the Commission.

Richard Mangus than asked, “Does the park manager play a role in this?” Ricketts said that if there is a vacancy in an assistant property at a state property, the property manager at that location will sit on the interview panel. “Typically, the director of that division will also sit on the interview board.” She said each candidate is asked the same questions with value assessments for each answer, and a review of the candidates experience and education is also completed.

The Chair explained that this Commission has statutory obligation to make the final decision on personnel matters as they pertain to property managers and assistant property managers. He said that Klein acts as the Commission’s Personnel Committee chair, “so he plays a role in this usually after the professionals have made their recommendations.”

Larry Klein commented that all the resumes and applications were forwarded to him by Ricketts. “I have been very impressed with the level of expertise in the [Department].” Klein said Ricketts was “coaching” him on the processes. “I am trying to assemble what the Commission is statutorily required to do and what is done by way of policy internally so that all Commission members will be familiar with that process.” He said, “I have had absolutely no reason to not support what has been recommended.”

Larry Klein moved to approve appointment of Lance Tresenriter as Assistant Property Manager of J. Edward Roush Lake, Huntington, Indiana, as recommended by the presenter. Robert Carter seconded the motion. Upon a voice vote, the motion carried.

Consideration of personnel interview for the position of Property Manager, Jackson–Washington State Forest, Brownstown, Indiana

Tom Lyons, Assistant State Forester, presented this item. He noted that Jackson-Washington State Forest has about 17,000 acres, includes the Starve Hallow State Recreation Area, and is located south of Brownstown. Starve Hallow is a “highly developed recreation area with a lake and modern camp grounds.” He said 30 applications were received resulting in a “competitive” slate of candidates. Lyons said that four candidates were interviewed who were either currently working for the Division of Forestry or had worked for the division at one time.

Lyons introduced Brad Schneck as the recommended appointment for Property Manager at Jackson-Washington State Forest. Schneck said he grew up in Jackson County and currently the Conservation Director at Camp Atterbury. “I’m real familiar with how the [state forest] is laid out, the operations, and a lot of the day-to-day operations.” Schneck noted that he “missed the interaction with the public.” He said, “I didn’t think any other candidate was going to show as much love for the property as me growing up and living there. I was only away while at school. I was looking forward to coming back.”

The Chair inquired of the responsibilities of a state forest property manager. Schneck said that at Jackson-Washington there are currently two resource specialists who basically manage the 17,000 forested acres. He said there are “a lot of school talks, hiking and horse trails. We take people out and introduce them to the woods.” Schneck explained that Jackson-Washington is a forest property managed for sustaining natural resources for both recreational and cultural purposes. “It gives the public an opportunity to see sound stewardship on our forested lands.” He said the property manager is the person who oversees operations and makes sure everything is going smoothly.

Larry Klein moved to approve appointment of Brad Schneck as Property Manager, Jackson–Washington State Forest, Brownstown, Indiana, as recommended by the presenter. Robert Carter seconded the motion. Upon a voice vote, the motion carried.

Consideration of personnel interview for the position of Assistant Property Manager, Potato Creek State Park, North Liberty, Indiana

Dan Bortner also presented this item. He said that Alex Degrood, candidate for the position of Assistant Manager at Potato Creek State Park, has been in the state park system for six years with another several years as a volunteer.

Alex Degrood thanked the Commission for the privilege and consideration for the assistant property manager position. He graduated from Indiana University, and has worked at McCormick’s Creek State Park for about six years with two years as intermittent and four years as a permanent employee. “I have always been a supervisor of one crew or another, and I deeply enjoy McCormick’s Creek State Park.” Degrood noted that he was a member of the Friends of McCormick’s Creek State Park, and his wife is the acting president of the group. He said, “I have thoroughly enjoyed my time at McCormick’s Creek State Park, but I’m looking forward to moving on.”

Richard Mangus asked, “What is making you go from McCormick’s Creek to Potato Creek?” Schneck said, “I want more snow.”

Larry Klein moved to approve appointment of Alex Degrood as Assistant Property Manager of Potato Creek State Park, North Liberty, Indiana, as recommended by the presenter. Robert Carter seconded the motion. Upon a voice vote, the motion carried.

Consideration of personnel interview for the position of Assistant Property Manager, Cecil M. Harden (Raccoon State Recreation Area), Rockville, Indiana

Dan Bortner also presented this item. He introduced Ryan Limley, the candidate for Assistant Property Manager at Cecil M. Harden Lake at Raccoon State Recreation Area.

Ryan Limley noted that he was currently completing his internship at the property working for the past four years as an intermittent employee of the Department. “I have worked at Leiber State Park as security. I’m looking forward to beginning my full-time

career with the Department preserving the environment and enhancing it for future generations.”

Larry Klein moved to approve appointment of Ryan Limley as Assistant Property Manager of Cecil M. Harden (Raccoon State Recreation Area), Rockville, Indiana, as recommended by the presenter. Robert Carter seconded the motion. Upon a voice vote, the motion carried.

DIVISION OF NATURE PRESERVES

Consideration of the dedication of Duning Woods Nature Preserve, Wayne County

The Chair noted that the next four agenda items would be presented collectively with Commission action to follow.

John Bacone, Director of the Division of Nature Preserves, presented this item. He explained that the four areas for consideration for dedication are owned by the Whitewater Valley Land Trust in Wayne County. Bacone said the Land Trust has “through the years come to the Heritage Trust Committee for some of the funding that helped us protect these places.”

Bacone said the four tracts have remnant old growth forest, as well as old fields that have been re-forested. “They are high quality areas, and the Whitewater Valley Land Trust has been an excellent partner.” He provided the Commission with a color aerial photograph to give perspective of the tract locations. Bacone said the tracts are embedded in an “interesting valley” south of Richmond, which “Earlham College, the Hope Environmental Center, and a lot of the neighbors have decided that they are trying to keep that area as natural as possible.” He noted that “a lot” of the farms are getting enrolled in conservation easements and being reforested. “This is quite an incredible part of the state that is going to continue to retain its natural character into the future.” Bacone then recommended the four parcels be dedicated as nature preserves.

Damian Schmelz moved for approval of the dedication of Duning Woods Nature Preserve, Wayne County. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of the dedication of Bolling Woods Nature Preserve, Wayne County

[See discussion above.]

Damian Schmelz moved for approval of the dedication of Bolling Woods Nature Preserve, Wayne County. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of the dedication of Neff Woods Nature Preserve, Wayne County

[See discussion above.]

Damian Schmelz moved for approval of the dedication of Neff Woods Nature Preserve, Wayne County. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of the dedication of Lick Creek Summit Nature Preserve, Wayne County

[See discussion above.]

Damian Schmelz moved for approval of the dedication of Lick Creek Summit Nature Preserve, Wayne County. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

The Chair requested that the Division of Nature Preserves make a presentation at an upcoming meeting regarding the process of acquiring land for dedication as well as provide information as to the “unique public-private partnerships.”

DIVISION OF ENTOMOLOGY AND PLANT PATHOLOGY

Consideration of preliminary adoption of amendments to 312 IAC 18-3-14 governing standards for the control of gypsy moth adding St. Joseph County to the quarantine area; Administrative Cause No. 07-061E

Phil Marshall, acting State Entomologist, presented this item. He provided a review of the efforts of the Division of Entomology and Plant Pathology and the Department regarding the gypsy moth quarantine program. Marshall explained that the federal program “Slow the Spread” has been implemented in Indiana since 1988. “The ‘Slow the Spread’ program is the reason why, after seven years, we are now just adding a new county to the quarantine.” Marshall explained that St. Joseph County has been found to be infested with gypsy moth, and the proposed amendment to 312 IAC 18-3-14 adding St. Joseph County to the gypsy moth quarantine area is appropriate. He recommended that the proposed amendment be given preliminary adoption.

Jane Ann Stautz moved for preliminary adoption of proposed amendment to 312 IAC 8-3-14 adding St. Joseph County to the gypsy moth quarantine area. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

DIVISION OF FISH AND WILDLIFE

Consideration of request for approval of amendments to the Natural Resources Commission nonrule policy document, Information Bulletin #2, “Roster of Indiana Animals, Insects and Plants that are Extirpated, Endangered, Threatened or Rare”; Administrative Cause No. 06-243D

Linnea Petercheff, EPO Staff Specialist, presented this item. She said that the primary reasons for modification of Information Bulletin #2, *Roster of Indiana Animals, Insects and Plants that are Extirpated, Endangered, Threatened or Rare*, are to update the list of species, update the contact information, and modify the classification of “rare” by replacing the classification with “special concern” as regards to wild animals only. “There have been a lot of changes made to the list of endangered species in the past two years through our administrative rules process.” These modifications support the additions and deletions proposed.

Petercheff said that new federal funding is available for species that are listed as *special concern*. “We have modified the definition of ‘rare’ to coincide with the term ‘special concern’ used by the U.S. Fish and Wildlife Service.” She said that the river otter would be an example of a species of special concern, which was listed as endangered, but no longer endangered. Petercheff noted that species removed from the endangered list are monitored for five years.

Petecheff said that the Division of Fish and Wildlife worked with the Division of Nature Preserves to modify definitions of endangered, threatened or rare as associated with plant species. She said that there are “quite a few additions and deletions” to Information Bulletin #2, “but that is a compilation over the years of changes being made to rule and not through the policy.”

Jane Ann Stautz said, “I thought the Bald Eagle had been removed from the endangered species list.” Petercheff explained that the Bald Eagle was removed from the federal endangered species list, but the state listing would need to be amended by rule. Petercheff said that a rule proposal would be forthcoming from the Division of Fish and Wildlife’s Nongame Advisory Committee to remove the Bald Eagle from the state endangered species list and added to the special concern species list.

Larry Klein inquired of the meaning of “extirpated.” Petercheff said “extirpated” means “no longer found in Indiana.” Klein asked, “But you are removing that classification?” Petercheff said the extirpated classification would be removed for wild animals. “It doesn’t serve any purpose legally for those particular species, and it is hard to really determine that an animal is not here anymore.” Klein then asked, “So, we are going down to two classifications—endangered and special concern then?” Petercheff answered that classifications for wild animals would be either endangered or special concern. She noted that for plants and insects the “rare” classification would be retained.

Jane Ann Stautz moved to approve amendments to the Roster of Indiana Animals, Insects, and Plants that are Extirpated, Endangered, Threatened or Rare” (Information Bulletin #2). Robert Carter seconded the motion. Upon a voice vote, the motion carried.

NRC, DIVISION OF HEARINGS

Consideration of Proposed Report of the Natural Resources Commission with Respect to the Petition for the Establishment of the Wildwood Dam Conservancy District Referred by the Morgan Circuit Court; Administrative Cause No. 07-036C

Sandra Jensen, Hearing Officer, presented this item. She indicated that the Morgan Circuit Court referred the petition for the establishment of the Wildwood Dam Conservancy District to the Commission on February 19, 2007. The proposed district’s purpose is the operation and maintenance of an improvement of a work or improvement for water based recreation.

Jensen gave an overview of the Commission’s role regarding the formation of conservancy districts. She said the Commission is not responsible for “actually determining whether or not to approve or decline” a petition. By statute (IC 14-33-2-17 or IC 14-33-2-18), the Commission must make findings and report back to the court regarding whether the proposed conservancy district meets certain conditions. Jensen noted that the findings begin on page ten of the recommended report.

Jensen said that comments were solicited from state and local governmental authorities. “None of the comments expressed any reluctance or opposition to the establishment of this conservancy district.” The public hearing was held on June 1, 2007 in Morgan County to which no opposition was expressed. Jensen said the petitioner’s attorney provided evidence revealing the proposed district appears to be necessary “to enable the petitioning homeowner’s association to preserve a dam that creates a 7.7-acre recreational lake.” She noted that the dam and lake are “highly regarded” by the residents and provides recreational opportunities, aesthetic appeal, and provides “great benefit” to the market value of the residences.

Jensen noted, however, that the dam within the proposed conservancy district “has been subject of a Department enforcement action, which at this point has been stayed but if the action proceeds would or could result in the breaching or the decommissioning of that dam.” She said the dam’s present condition has resulted from the inability or failure of the current owner to maintain the dam to specifications. The proposed district will “provide a mechanism by which the dam can be repaired and maintained.” She said that with the establishment of the conservancy district, the current owner of the dam “pledged to give title of the dam, as well as the common area, and grant a temporary construction and permanent maintenance easement” to the conservancy district. Jensen explained that the proposed conservancy district would obtain a loan to address the immediate repair of the dam, and through annual assessment, the debt would be expired and provide funds for ongoing maintenance, inspections and liability insurance as required by statute.

Jensen said that the Wildwood Dam Conservancy District does appear to be necessary, holds promise of economic and engineering feasibility, appears to offer benefits to the freeholders in excess of cost, and serves a proper area. She said the Department has classified the dam as “high hazard”, and the district would immediately and prospectively serve the public health and safety. Jensen recommended the Commission give approval to the report as its report to the Morgan Circuit Court.

Larry Klein asked, “What exactly are we doing if we are not recommending approval of the district?” Jensen explained that the Commission would provide the Morgan Circuit Court with the report as written or as modified. “Basically, you are acting as a friend to the Court in advising the Court as to your review of the conditions required by statute.” She said that the Department conducts a “great deal” of background work regarding conservancy districts. Jensen characterized the recommended report as a “technical review” that may contain additional information that the Morgan Circuit Court may not otherwise receive.

Stephen Studer, Petitioner’s attorney, asked the Commission to adopt the report. He said the proposed district is “essentially a funding mechanism that would allow the transfer of the property and allow the property owners to own this dam. They can repair and maintain it on a long term basis.”

Damian Schmelz moved to approve the Hearing Officer’s Report with respect to the “Petition for the Creation of the Wildwood Dam Conservancy District” as the Commission’s report and determination to the Morgan Circuit Court. Doug Grant seconded the motion. Upon a voice vote, the motion carried.

Consideration of Proposed Report of the Natural Resources Commission with Respect to the Petition for the Establishment of the Lake Waveland Conservancy District Referred by the Parke Circuit Court; Administrative Cause No. 07-046C

Sandra Jensen, Hearing Officer, also presented this item. She said the Parke Circuit Court referred the petition for the establishment of the Lake Waveland Conservancy District on March 20, 2007. The proposed conservancy district would be established for: (1) collection, treatment, and disposal of sewage and other liquid wastes; (2) providing water supply, including treatment and distribution for domestic, industrial, and public use; (3) improving drainage; and (4) developing forests, wildlife areas, parks, and recreational facilities, if feasible, in connection with beneficial water management for the area within the proposed district.

Jensen said comments were solicited from state and local governmental authorities, and comments received were contained in the report. “The Indiana State Department of Health voiced its support for this particular establishment.” The public hearing was conducted in Parke County on June 7, and no member of the public attended except for the petitioner, its attorney and witnesses. Jensen noted that the area within the proposed

district boundary is planned for development with full build out of 130 homes by 2017. “The planned development will involve a conservation designed subdivision in which the residences are being clustered leaving large areas within the development that are undisturbed.” Jensen said that conventional individual septic tank systems and individual water wells, because of the cluster design, are not feasible. She said that the Indiana State Department of Health has approved the construction of advanced wastewater treatment systems similar to what is proposed to be constructed for the planned development.

Jensen explained that the drinking water for the planned development would be provided by either of two ways. Jensen explained that the petitioner has caused the drilling of two test wells within the boundaries of the proposed conservancy district and determined that the two wells are capable of producing sufficient water supply for the development. “The water from the wells would only need to be treated through a water softener system.” Alternatively, the petitioner entered discussions with the Town of Waveland and the Town of Russellville for the supply of drinking water. She explained that the towns have engaged an engineering consultant “with the idea that, in the future” the towns would join in constructing a central water supply. The petitioner believes that if the towns’ proceed with their plans the proposed conservancy district may gain water service through contractual arrangements with the towns.

Jensen said evidence was presented that the utility fees within the proposed conservancy district are “consistent with fees of similar services” provided throughout the state, and that the proposed charges and fees would provide sufficient revenue to expire debt related to construction and ongoing services and repairs. She said that the proposed conservancy district appears to be necessary and is engineering and economically feasible for the purposes of wastewater collection and treatment, and for water supply.

Jensen said that the report identifies “certain unknowns” regarding the purposes of improving drainage and developing forests wildlife areas, parks, and recreational facilities. She said that Alan Hux, petitioner’s attorney, may be able to provide the Commission with updates on these unknowns. She noted that the proposed district is adjacent to Little Raccoon Conservancy District. Jensen said the Little Raccoon Conservancy District owns a buffer area along Lake Waveland. The proposed district’s intention is to enhance natural forested areas, installing sedimentation basins along with establishing trails. Jensen said that the proposed drainage improvements for the conservancy district would eventually drain onto the buffer area that is within the Little Raccoon Conservancy District. She noted that, at the time of the public hearing, the drainage issues have not been resolved between the proposed district and the Little Raccoon Conservancy District.

Jensen said the proposed conservancy district also proposes to develop parks and other recreational opportunities. This purpose would also require an agreement with Little Raccoon and the proposed conservancy district, because the parks planned for use by the proposed conservancy district would be leased from Little Raccoon Conservancy District and docks are proposed for construction on Lake Waveland, also owned by Little

Raccoon Conservancy District. Jensen noted, however, that the proposed district plans are “consistent” with the purposes of Little Raccoon Conservancy District, “but agreements are just not in place yet.”

John Davis asked whether Little Raccoon Conservancy District contains state or U.S. Army Corps of Engineers property. Jensen said that, to her knowledge, there was no state or federally owned property within Little Raccoon Conservancy District. Davis asked whether Cecil M. Harden Lake on the Raccoon State Recreation Area was located within the Little Raccoon Conservancy District. Jensen noted that Lake Waveland was within the Little Raccoon Conservancy District, but not the federally owned reservoir.

Doug Grant inquired of the difference between a sewer district and a conservancy district providing wastewater treatment. Stephen Lucas answered, “The simplest answer is that the Natural Resources Commission is involved with conservancy districts and IDEM is involved with sewer districts.” Thomas Easterly suggested that the Advisory Council could research this topic. Alan Hux, Petitioner’s attorney, explained that conservancy districts are freeholder generated “or run by the landowners”, and regional sewer districts are generally a “commissioner type or political organization”.

Hux explained that the buffer area between the proposed district and Little Raccoon Conservancy District was previously leased by Little Raccoon Conservancy District to the Town of Waveland Recreation District. The Town of Waveland has leased Lake Waveland for use as park area. “That lease has been released as to the buffer area by the Town of Waveland in conjunction with the Little Raccoon Conservancy District leasing that area to the proposed lake Waveland Conservancy District.” Hux indicated that a lease agreement has “not officially” been done, but agreements “in principle” have been reached between the two entities. Hux noted that the Corps of Engineers and the Department of Natural Resources approved dredging of Lake Waveland, which has commenced, and the docks, which were approved by Little Raccoon Conservancy District, have been installed. He also noted that Little Raccoon Conservancy District has approved the drainage plan for the proposed district; however, the “document has not been officially signed, and we are awaiting the overall improvement for using the buffer area for parks, walking trails, and that sort of situation.”

Hux said that the planned development within the proposed Lake Waveland Conservancy District would “amount to about a \$30 million project for Parke County. They are hoping to bring in summer home type people to be able to enjoy this area.” Hux explained that the proposed conservancy district will lease Lake Waveland from Little Raccoon Conservancy District, “because Little Raccoon does not want to have anything to do with the purpose of recreation; it is created purely for flood control.”

Robert Wright asked, “What happens if the Town of Waveland does not follow through with the lease to your client?” Hux said the Town of Waveland already released the area “that we are interested in. So, the Town of Waveland is out of the picture as far as the buffer area goes.” He said the only two parties concerned are Little Raccoon Conservancy District and the proposed conservancy district. Wright clarified his

question, “What if Little Raccoon doesn’t go through as you anticipate they will? What would happen to your conservancy district?” Hux answered that the proposed district would retain the purposes for drainage, collection of wastewater, and supply of drinking water. “The problem we would have is we would have to have parks outside the buffer area in which they do plan to have walking trails throughout the 200 acres” that the proposed district encompasses. “There will be parks, but not as extensive and there will not be lake access.” Wright then asked, “Would your client still want to go forward?” Hux answered, “Yes, they will. They have completed five homes at this point in time, and they are ready to go forward.”

Jensen said that the Commission is “merely” reporting to the Parke Circuit Court. She explained that the Petitioners have opportunity to present further evidence to the Court regarding agreements between Little Raccoon Conservancy District and the proposed district.

Doug Grant moved to approve the Hearing Officer’s Report with respect to the “Petition for the Creation of the Lake Waveland Conservancy District” as the Commission’s report and determination to the Parke Circuit Court. Robert Wright seconded the motion. Upon a voice vote, the motion carried.

Consideration of Report of Public Hearing and Comments, and Recommendation regarding final adoption of amendments to 312 IAC 8-2, 312 IAC 9-3, and 312 IAC 9-4 allowing the carry of a handgun on DNR property; LSA Document #07-23(F); Administrative Cause No. 06-168D

Sandra Jensen, Hearing Officer, presented this item. The proposed rule amendments would authorize a person who possesses a valid and unlimited license to carry a handgun or who is exempt from the those licensure requirements to carry a handgun on Department properties and while hunting deer by firearm, bow and arrow, and chasing raccoon, opossum, and hunting wild turkey. Jensen said another proposed amendment would allow a properly licensed adult who is accompanying a youth during the special youth deer season to carry a handgun. The Commission gave preliminary adoption to the rule proposal at its November meeting.

Jensen said two public hearings were conducted in May—one in Miami County, and the second at Spring Mill Inn in Lawrence County. “These two locations were chosen in an attempt to hold these hearings at locations close to where most of the DNR properties are located.”

She observed that the proposed amendments allowing carry of handguns while hunting or chasing opossum or raccoon received “very little debate,” with “overwhelming comments in support.” Jensen explained the “most active debate” related to the carry of handguns on DNR properties. “Even on this point, the vast majority of the comments were in support of this rule proposal.”

Those who voiced opposition to this amendment “generally expressed the belief that individuals carrying handguns, even those that are properly license to do so, introduce a dangerous element to the DNR properties.” She added, “Opponents expressed their anxiety at having to share the properties with people who might be carrying handguns.” Jensen said that comments from persons who “routinely” carry handguns expressed belief that “by creating gun-free zones within the DNR properties that basically only the criminals who are willing to commit criminal acts, including carrying handguns without a license, would be the ones carrying handguns.” The supporters of the proposed amendment “expressed their anxiety with the inability to defend themselves in the event that they should need to.”

Jensen said that no matter the position taken with regard to the proposed amendment to allow the carry of handguns on DNR property “somebody is going to be uncomfortable.” She recommended final adoption of the proposed rule amendments “for reasons that didn’t have anything to do with personally held beliefs or emotions; it had to do with the fact that Indiana authorizes licenses to carry handguns to certain individuals that have subjected themselves to a background check.” Jensen added, “Absent a rationally based reason for revocation, restriction, or modification of the license [to carry a handgun], typically those licenses are fully honored.” She noted the Department’s observation that “peaceful interactions” occur between people properly licensed who are carrying handguns and people who are opposed to the carrying of handguns in restaurants, shopping centers, and other public places, and “in state parks for the past year by virtue of a temporary rule adopted by the previous director.”

Jensen said the Department reported that during the period the temporary rule has been in effect there have been no problems. She also noted that none of the comments received reported an actual incident involving an individual that was properly licensed to carry a handgun. Jensen said that Ohio and Michigan do not restrict the carrying of handguns by properly licensed individuals. “With all of those things in mind, I did recommend final adoption of this rule package.”

She recommended that the preliminarily published version of 312 IAC 8-2-3(a)(4) be revised due to certain properties the Department leases from the Corps of Engineers. Federal law prohibits the carrying of handguns on federal property. Jensen explained, “To retain consistency with federal law, the reservoirs owned by the U.S. Army Corps of Engineers and Falls of the Ohio State Park would be exempted.” She noted that the amendment is supported by “at least” one public comment received and the necessity to retain federal consistency.

The Chair noted that the two public hearings were “widely” publicized. Richard Mangus asked, “You kept using the words ‘state parks’. You mean all DNR property?” Jensen explained that the proposed rule would apply to all DNR properties except for the reservoirs leased from the Corps and the Falls of the Ohio State Park. Doug Grant asked, “Up to a year ago, you could not carry a handgun?” Jensen answered in the affirmative.

Damian Schmelz asked, “What precipitated this [proposed rule] in the first place? Why did anyone introduce this as a need to change the policy—people walking about in fear that they would have to defend themselves?” He added, “I resent what is implied here. I am a Catholic priest, a pastor of a parish. This is a very poor argument maybe, but I don’t want people bringing their guns to church. Do they have a legal right? Well, I guess they do, because we don’t have legislation saying they can’t.” Schmelz said, “I think we are promoting something that I don’t want to be a part of. Lock the [guns] in your trunk.”

Jensen said that she did not know what precipitated the rule proposal being brought forward by the Department. Schmelz indicated that he was “not impressed” with the allowance of carrying handguns in neighboring states. “Why not follow the [federal government] on this one. No guns on state properties.”

Petercheff clarified that handguns can be carried on federal property only when it is carried during lawful pursuit of wild animals during when the handgun is a legal weapon to be used. She said that the previous Director and other administrative staff reviewed several rules and decided that the public should have an opportunity to comment on the continued prohibition or allowance of the carrying of handguns on Department property.

Robert Wright said, “One of the things that concern me about this is that we assume people who have gun permits are law abiding citizens. Having been involved in law enforcement for the past ten years, I simply can’t believe the number of people who have gun permits who commit crimes.” He noted that background checks are performed, but individuals “do not have a background until they are convicted of one crime. There are a lot of people that have gun permits that are not law abiding citizens.”

Schmelz asked whether handguns would be allowed in the Indiana State Museum. Jensen said, “Presumably, they would.” Schmelz said, “It smells of an obsession to me. ‘I’ve got my gun. I want my gun. I want to be able to take it wherever I want it. I don’t want anybody to tell me no.’” Magnus responded, “There are people that way.” Schmelz added, “We did very well for a lot of years without this. Why now?”

The Chair said, “With all due respect, it is more complicated than that. It is certainly an action that is proactive, and it is something that has been well documented. The opportunity for public comment and input that has been received has been overwhelmingly in support. There are also well reasoned arguments that would disagree.”

Larry Klein asked whether the opinion contained in the Hearing Officer’s Report, “was the opinion of the entire DNR organization or was it an opinion crafted from the public hearings?” Jensen said that the recommendation is “crafted” from all of the public comment received and the Department’s responses to the public comment. Petercheff said that the Division of Fish and Wildlife met with the Director, Deputies Director, and Division of Law Enforcement to discuss the issues and made a collective response.

Klein said that the proposal “has got a great deal of deliberation internally...and that all of the powers-that-be had their opportunity to present their comments and reflect on their decision and to make their recommendation accordingly.” He added, “If the professionals charged with the responsibility of managing the system feel that this is something that really doesn’t impact, and, in fact, has provided no substantive problem whatsoever, I wouldn’t quarrel with that.”

Larry Klein moved to approve for final adoption of amendments to 312 IAC 8-2-3, 312 IAC 9-3, and 312 IAC 9-4 to allow handguns possessed in accordance with IC 35-47 to be carried on Department property. Richard Mangus seconded the motion. Upon a voice vote, the motion carried. Damian Schmelz voted in opposition.

Consideration of Report of Public Hearing and Recommendation for final adoption of amendments to 312 IAC 5-6-3 governing special watercraft standards and the placement of temporary structures on Bass Lake in Starke County; LSA Document #06-558(F); Administrative Cause No. 06-155L

Stephen Lucas, Hearing Officer, presented this item. He explained that amendments are proposed to 312 IAC 5-6-3, which governs the operation of boats and the placement of piers on Bass Lake in Starke County. “For the most part, it is retaining the structure that has existed on that lake for many years.” This rule is “one of the oldest.” He said that there was “some” public interest, but “not a great deal.” Lucas said the President of the Bass Lake Homeowners Association commented and reflected his personal concurrence with the rule proposal.

Lucas noted that 312 IAC 5-6-3(a)(2)(B) contains a clerical error. He said the language “Extends no more than” should be shown stricken. Lucas noted, however, that the rule language as preliminarily published is correct. He recommended that the proposed amendments be given final adoption.

Robert Wright moved to give final adoption to amendments to 312 IAC 5-6-3 governing special watercraft zones and structure standards on Bass Lake in Starke County. Larry Klein seconded the motion. Upon a voice vote, the motion carried.

Consideration of Report of Public Hearing and Recommendation for final adoption of rule amendments to 312 IAC 11-5-2 governing lawful nonconforming uses on public freshwater lakes; LSA Document #06-605(F); Administrative Cause No. 06-085(A)

Stephen Lucas, Hearing Officer, also presented this item. He noted that the subject to this current rule proposal was before the Commission previously. “The Attorney General’s Office had some problems with what was given final adoption. We hope we have addressed those.”

Lucas explained that the rule is an “important topic” to the breadth of attempting to address lawful nonconforming uses on public freshwater lakes. He noted the concept of “lawful nonconforming use” is “commonly understood” within the context of zoning, but it does not receive a lot of consideration in a regulatory context. “If a structure is in existence that was lawfully placed there and the statute or the rule changes, that wouldn’t have authorized that structure prospectively, it’s still lawful unless it gets to the point that it has to be repaired.” He also said that the proposal would also allow for the Department to declare the structure a “nuisance”.

Lucas also referred to a technical problem with the attachment to the hearing officer report. In preparing the document for the agenda, stricken language in what would be subsection (d) and subsection (e) is not carried forward from what was published for preliminary adoption. These strikes should be reinstated for final adoption.

Lucas provided an example of a situation where the rule would govern. He explained that at some lakes, such as Cedar Lake in Lake County, had permanent piers installed as early as the 1920s. Generally, those permanent piers would still be lawful because they were lawful when the piers were placed. If one of the piers were to fall into a “derelict” condition so that it posed a safety or navigation hazard, however, under the proposed rule the Department could cause its removal.

Klein asked, “Who is responsible for removing that pier?” Lucas said the landowner could be responsible for removing the pier if it constituted a safety hazard. The Chair commented that the types of issues governed by this rule proposal are “receiving more and more attention.” Jane Ann Stautz noted that the rule proposal is “well stated and well drafted.” She added, “Any additional clarity that we can get out of the Advisory Council and discussions would also be helpful.”

Jane Ann Stautz moved to give final adoption to amendments to 312 IAC 11-5-2 governing lawful nonconforming uses on public freshwater lakes, including retention of the stricken language from subsection (d) and (e) as given preliminary adoption. Thomas Easterly seconded the motion. Upon a voice vote, the motion carried.

**Consideration of preliminary adoption of amendments to rules governing the Lakes Preservation Act to implement IC 14-26-2-23(c)(2)(A) restricting riparian usage to a common structure if needed to accommodate competing property rights;
Administrative Cause No. 06-060W**

Stephen Lucas, Hearing Officer, also presented this item. He said that the subject of the rule proposal is within the parameters of the discussion that the Commission had during the early afternoon lake tour. The new rule would govern situations where several individuals have common ownership of an area, such as an easement that serves a variety of offshore property owners or a fee simple ownership that is held in common by many individuals. “To reduce to its simplest terms, there isn’t enough space on the lake for everybody to have their own pier.”

Lucas said that the General Assembly in 2006 authorized the Commission to provide rules for common use if needed to accommodate the interest of landowners having property rights abutting the lake and rights to access the lake. “This is a situation that I think would arise only in the most extreme of congestion. As an administrative law judge, I have had cases where this situation exists.” In one of these cases, the parties voluntarily decided that all five of them would share a group pier on the narrow space they had along the lake. “There was no physical possibility for all five of those parties to place their own pier. As long as they could work together” the resolution was “ideal, but if they couldn’t work together in the future, there might have to be a disposition under this kind of clause where we are going to have a common usage imposed rather than have chaos.” He then recommended the proposed rule be given preliminary adoption.

Thomas Easterly moved to approve for preliminary adoption new rule 312 IAC 11-3-4 governing common usage where needed to accommodate landowner property rights. Robert Carter seconded the motion. Upon a voice vote, the motion carried.

Consideration of recommendation for final action on readoption of 312 IAC 21, Archaeological Review and Recovery; LSA #07-184(F); Administrative Cause No. 07-003H

Stephen Lucas, Hearing Officer, also presented this item. He indicated that this item and the following item are recodifications of 312 IAC 21 and 312 IAC 22, respectively. Lucas said that the Commission, at its May meeting gave final adoption to four other recodifications. He said the two articles before the Commission for recodification today are part of the regulatory structure for archaeological sources, particularly but not exclusively pertaining to Native American materials.

Lucas acknowledged the rules proposed for recodifications have fiscal impacts. The fiscal impacts have not been specifically quantified by the Division of Historic Preservation and Archaeology, but its professionals “have explained how this rule, which provides in most instances for sampling rather than for a 100% excavation when you are talking about mitigating a site, is much less expensive than the alternative for performing this regulatory function.”

Lucas recommended 312 IAC 21 and 312 IAC 22 be approved for readoption to continue the effectiveness of the rules for seven years. He noted that the Division of Historic Preservation and Archaeology may propose substantive amendments to these articles in the next couple years. “If the articles are not recodified presently, though, then they will be sunsetted and there would be no standards at all.”

Robert Wright moved to approve readoption of 312 IAC 21 governing archaeology review and recovery. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

Consideration of recommendation for final action on readoption of 312 IAC 22, Human Remains, Burial Objects, and Artifacts; LSA #07-192(F); Administrative Cause Number 07-004H

[See discussion in previous item.]

Robert Wright moved to approve readoption of 312 IAC 22 governing archaeology review and recovery. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

Consideration of Nonrule Policy Document, Information Bulletin #55, to assist hearing officers in the incorporation of citizen comments; Administrative Cause No. 07-128A

Sandra Jensen, Hearing Officer, presented this item. She noted that proposed Information Bulletin #55 was precipitated by a citizen comment presented at the Commission's May meeting. The Commission gave an informal directive to its hearing officers regarding processing of comments from anonymous sources.

Jensen said that it is "very easy" for individuals submitting comment by email to not identify themselves. She said that Information Bulletin #55 offers a directive to any person serving as a hearing officer on a rule dictating that comments received from individuals that do not identify themselves or their city, county, or state of residence could be disregarded for purposes of consideration. The bulletin also directs hearing officers to pursue technological advancements allowing a format that encourages individuals to provide the required information, as well as facilitates the compilation of those comments into a downloadable form.

The Chair said, "This is something that is indicative of the way the Commission will work into the future. This was discussed as a receipt of public input at our last meeting." He noted that Information Bulletin #55 is a "reasonable and measured approach to improve how we solicit input, which matches with our mission, and is a very vital component to everything that we do here."

Jane Ann Stautz commented, "I want to reinforce for the record the need to continue to look at changes and advances in technology, and to take advantage of that in the whole hearing process and submission of public comment and gathering of that public comment. I think there are some opportunities to take advantage of some efficiency in that process."

Damian Schmelz moved to give approval of nonrule policy document, Information Bulletin #55, to assist hearing officers in the incorporation of citizen comments. Robert Carter seconded the motion. Upon a voice vote, the motion carried.

ADJOURNMENT

The Chair reflected, “As long as I am Chair of this Commission, the Commissioners should feel free to speak their minds, should feel free to express their concerns, and it should be dealt with and respected as professionals. I hope that that posture maintains itself on issues, because there will be other issues that are contentious. There are reasonable opinions that can be expressed on both sides. I would hope that we all respect each others opinions as they are expressed.”

The meeting was adjourned at 6:19 p.m., EDT.

ON-SITE INSPECTIONS OF PROJECTS OR PROGRAMS OF THE DNR AND NRC

Prior to the Commission meeting, professionals from the Division of State Parks and Reservoirs and the Division of Law Enforcement guided a boat tour of Lake James and Snow Lake, two public freshwater lakes. Following the meeting, the Commission toured the newly-acquired Trine State Recreation Area. On the morning following the Commission meeting, Rich Dunbar, Ecologist for the Northeast Region, led several Commission members on a tour of Lake Lonidaw on the Potawatomi Nature Preserve within Pokagon State Park.

FUTURE MEETING DATES

September 18 at 3:00 p.m., EDT (2:00 p.m., CDT) in The Garrison, Ft. Harrison State Park

November 13 at 10:00 a.m., EST (9:00 a.m., CST) in The Garrison, Ft. Harrison State Park