

ADVISORY COUNCIL
October 12, 2016 Meeting Minutes

ADVISORY COUNCIL MEMBERS PRESENT

Patrick Early, Chair
Tim Karns
R. Ross Williams

NRC, DIVISION OF HEARINGS STAFF PRESENT

Sandra Jensen
Dawn Wilson
Scott Allen

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Cameron Clark	Executive Office
John Davis	Executive Office
Chris Smith	Executive Office
Danny East	Law Enforcement
Terry Hyndman	Law Enforcement
Jason Lee	Law Enforcement
Linnea Petercheff	Fish & Wildlife
Brian Schoenung	Fish & Wildlife
Matt Buffington	Fish & Wildlife
Amanda Wuestefeld	Fish & Wildlife
Steven Donabauer	Fish & Wildlife
Sean Wooding	Legal
Monique Riggs	Water
Allison Mann	Water
Mark Basch	Water

GUESTS PRESENT

Erin Huang	Herb Higgins
Stevi Kersh	Sandra Fishel
Lyman Welch	Rob Day

Call to Order

Patrick Early, Chair, called the meeting to order at 10:03 a.m., EDT, at the Fort Harrison State Park Inn, 5830 North Post Road, Roosevelt Room, Indianapolis, Indiana. With the presence of three members, the Chair did not observe a quorum, and official action was not taken on the agenda items.

Reports of Deputies Director

Chris Smith, Deputy Director of the Bureau of Water Resource and Regulation, provided his report. He stated that October 7, 2016 was the deadline for the grant applications for the Historic Preservation Fund. The Division of Historic Preservation and Archaeology staff is reviewing the applications. The Indiana Historic Preservation Review Board will meet on November 2, 2016.

Smith announced that Megan Abraham was appointed the new Director of the Division of Entomology and Plant Pathology. He stated that Abraham has been with the Department more than ten years. The Division of Entomology and Plant Pathology is conducting phytosanitary inspections of grain to be shipped internationally as part of an international agreement to ensure all grain shipped in or out of this country does not contain pests or pathogens.

Smith stated that the Division of Oil and Gas has seen a decrease in permitting due to the decrease in market demand. The Division is focusing its efforts on orphaned and abandoned wells. There are approximately 930 known orphaned or abandoned wells throughout Indiana. The wells are dealt with on a priority ranking system based on safety issues. Funding for plugging orphaned and abandoned wells is from a percentage of the permitting fees. Smith noted that with the decrease in issuance of permits, the funds available to address orphaned and abandoned wells decreases.

Smith stated that the Division of Reclamation has also experienced a decrease in the coal market. He noted that the Abandoned Mine Lands Program staff is working with the Town of Princeton to address a methane gas issue to alleviate the safety, health, and environmental hazards of past coal mining while improving land productivity and enhancing the landscape. The Department is working with the Town of Princeton to identify the cause and address the issue.

Smith reported that the Division of Water staff has been meeting with the Town of Salem representatives to discuss a flooding issue in the Salem downtown area. The Division of Water has had several retirements resulting in a loss of knowledge and experience. The Division is working to hire qualified staff to fill those vacant positions.

John Davis, Deputy Director for the Bureau of Lands and Cultural Resources, provided his report. Davis acknowledged the most recent Centennial celebration event, the construction of the Centennial Shelter at McCormick's Creek State Park, in honor of the State Parks 100th Anniversary. The shelter is set to open in the fall of 2016.

Davis announced that the Visitor's Center at Goose Pond Fish and Wildlife Area was dedicated on September 22, 2016, and on September 23, 2016 there was a rededication of the Spring Mill Lake at Spring Mill State Park. He explained that the Spring Mill Lake had been dredged to enhance lake recreation. The lake is now open for non-motorized boating and fishing. Davis offered that the O'Bannon Group Camp also recently reopened following a refurbishment project.

Davis reported that the Division of State Parks hosted the National Association of State Park Directors' Annual Conference between September 6 and 9, 2016 in French Lick, Indiana.

Representatives from 45 states and Canadian Provinces were in attendance including federal agencies, exhibitors, and vendors.

Davis stated that the Bicentennial Torch Relay has been through 17 state and national parks, and said that several Division of State Park employees were nominated to be torchbearers. He noted that the torch will end its journey in Indianapolis on October 15, 2016, where the Everlasting Light for Indiana will be illuminated at the Statehouse grounds in the Bicentennial Plaza. He stated that the work is still continuing on the In-Lieu Fee for Mitigation Program for permittees who may need wetland and stream mitigation.

Davis introduced, and the Chair recognized, Colonel Danny East, the Director of the Law Enforcement Division.

East announced promotions within the Law Enforcement Division. East stated that Terry Hyndman was appointed as Executive Director and promoted from Major to Lieutenant Colonel. Jason Lee was promoted to Major in charge of Field Operations. Tim Beaver was promoted to Captain and will serve as the South Region Commander. Shawn Brown, assigned to District 10, was promoted to Lieutenant.

Approval of minutes of meeting held on January 12, 2016

Chairman Early stated that the approval of the January 12, 2016 meeting minutes would be deferred to the next scheduled meeting.

Consideration of recommendation for preliminary adoption of amendments to 312 IAC 6.2 governing Great Lakes Basin Water Management; Administrative Cause Nos. 14-097V and 15-076W

Mark Basch, with the Division of Water, presented this item. Basch stated that the proposed amendments are to 312 IAC 6.2, which governs the management of ground and surface water within the Great Lakes Basin. The proposed rule amendments are in response to the “Petition to Change Great Lakes Compact Implementation Permanent Rule (LSA #13-135)” submitted to the Natural Resources Commission, Division of Hearings on June 4, 2015, by Save the Dunes, Natural Resources Defense Council, the National Wildlife Federation, and Alliance for the Great Lakes.

Basch stated that 312 IAC 6.2 assists with Indiana’s implementation of the Great Lakes–St. Lawrence River Basin Water Resources Compact (“Compact”) under IC 14-25-15. In 2008, the states and Canadian Provinces who border the Great Lakes entered into the Compact governing the withdrawal of water from the Great Lakes. 312 IAC 6.2 governs: registration and permitting of water withdrawal facilities; a voluntary conservation and efficiency program for water withdrawal facilities; mandatory conservation and efficiency programs for new and increased withdrawals, diversions, and consumptive uses; and otherwise complies with IC 14-25-15.

Basch stated that this particular program requires that any water withdraw facility of either ground or surface water with the capacity to pump greater than 100,000 gallons per day to

register with the Department and to report its water use annually. Basch noted that the first reporting year was 1985, and is governed by the Water Resource Management Act. Currently there are 4,091 registered water withdraw facilities in Indiana. Approximately 25% of the water withdraw facilities are in the Great Lakes Basin. In 2015, there was approximately 2.5 trillion gallons of water reportedly pumped by water withdraw facilities in Indiana. Approximately 29% of the water use occurred within the Great Lakes Basin and of that water that was pumped out nearly 80% was used for industrial use.

Davis asked whether the Charlestown State Park's water supply facility located adjacent to the Ohio River was a water withdraw facility.

Basch said that Charlestown State Park's water supply facility is registered as a withdraw facility. He noted that there is not a fee associated with the registration program. Basch stated that there is a potential permit system depending on the water withdraw thresholds in the Compact.

Basch stated that the Department evaluated the proposed revisions to 312 IAC 6.2 and recommended the addition of definitions for "Baseline volume abandonment", "Discontinued significant water withdrawal facility" and "Inactive significant water withdrawal facility" and provided brief descriptions of the new definitions. 312 IAC 6.2-2-3(g) provides for the relinquishment of a facility's baseline volume when it is subject to "Baseline volume abandonment" or is considered to be a "discontinued significant water withdrawal facility." Basch confirmed that the sale or transfer of all or a portion of a facility's baseline volume shall not be considered baseline volume abandonment.

The chair asked "What gave rise to the need for these amendments? Is it environmental concerns?"

Basch stated that the proposed amendments address the main concerns of defining terms used in the rule. The proposed amendments focus, add, and clarify particular definitions, such as the transfer of the baseline volume of a discontinued significant water withdrawal facility. He noted that the Save the Dunes, Natural Resources Defense Council, the National Wildlife Federation, and Alliance for the Great Lakes petitioned to amend the definition of "salmonid stream" to include the same streams identified in the Indiana Department of Environmental Management's ("IDEM") rule, 327 IAC 2-1.5-5(a)(3). Basch explained that the Division of Water found that the existing language governing facilities that are considered discontinued and abandoned was inadequate and required additional clarification.

The Chair asked, "Is that basically limiting the ability to transfer licenses, if you will, that are dormant?"

Basch answered in the affirmative. "It's looking at defining how that would be done and potentially the concept of a facility no longer being active. I think there is a real concern with eliminating somebody's ability to withdraw water. And certainly transfers of these facilities can occur with change of ownership. So that was what the intent...to make it a little more specific."

Jensen provided a brief history on the rule proposal. She explained that when 312 IAC 6.2 was amended in 2013 under LSA Document # 13-335(F), comments were submitted during the public hearing phase regarding further amendment to the definition of “salmonid stream”. She said that Stephen Lucas was the Hearing Officer for that previous rule package, and he noted in his report to the Commission that the Department, with input from the U.S. Fish and Wildlife Service, should review further the definition of “salmonid stream.” Jensen also noted that during the public hearing phase for the 2013 rule adoption, comments were submitted recommending further amendments to clarify the baseline volume, abandonment, and other terms. She said that Lucas also noted in his report that these suggested amendments were beyond the scope of the rule as proposed at that time but Lucas suggested the matter should be reviewed for possible amendments in future rule package. The proposed amendments under LSA Document #13-335(F) became effective September 1, 2014. Jensen said the petition for rule change has been under review since then.

Basch stated that the proposed definition of “discontinued significant water withdrawal facility” references a five-year time frame of non-use, or state of disrepair, that is consistent with the definition of an “abandoned water well” under IC 25-39-2-2. “Inactive significant water withdrawal facility” is also being defined and references “a state of good repair” and a five-year time frame consistent with IC 25-39-2-2. “Baseline volume abandonment” provides for either a voluntary termination of the facility baseline volume established under the Compact or the facility is determined to be discontinued.

Basch recommended that the proposed definition of “salmonid stream” provided in the draft presented to the Advisory Council members be revised further to refer to those waters designated in 327 IAC 2-1.5-5(a)(3) by name instead of by reference to IDEM’s administrative rule. He noted that the amendment was developed in consultation with the U.S. Fish and Wildlife Service as required under IC 14-25-15-7(c).

Basch said that Save the Dunes, Natural Resources Defense Council, the National Wildlife Federation, and Alliance for the Great Lakes the Department requested that the conversation efficiency efforts that was listed in Resolution Five, the Adoption of Basin-Wide Conservation and Efficiency Objectives, of the Compact adopted by the Great Lakes Counsel on December 8, 2008 be incorporated as a rule amendment. He said that the Northwest Indiana Forum provided input on suggestions on changes to the rules.

Karns asked for clarification regarding the relinquishment of volume process. “What happens when that occurs? Where do the baseline volume credits go?”

Basch stated, the proposed amendments at 312 IAC 6.2-2-3(g) provides for the relinquishment of a facility’s baseline volume when it is subject to “baseline volume abandonment” or is considered to be a “discontinued significant water withdrawal facility.” He explained that if a facility no longer has its base line volumes those are basically lost unless there is a transfer of the baseline volume credits. If there was a discontinued facility that meets the requirements then the facility’s baseline volume would be gone.

Karns asked whether a facility could re-apply for the baseline volume.

Basch explained that there is a permitting process. If certain thresholds are met during the evaluation, then a permit would be required for the water withdraw facility. He noted that some applications could go to a regional review conducted by the states who are part of the Compact.

Karns asked about the abandonment of a well process, and whether the re-application process was rigorous. “Have you ever had any instances where someone has tried to get an abandoned well re-permitted?”

Basch explained that once an abandoned well is plugged, it is no longer defined as an abandoned well and then the process of starting a new well would begin.

The Chair recognized Lyman Welch.

Lyman Welch, Legal Director for the Alliance for the Great Lakes, thanked the Department for the work that has been done on the rule revisions and said the proposed changes will add clarity. He stated that there is one area of concern regarding the proposed language governing the transfer of the “baseline volume abandonment.” He said the proposed language could give rise to an incorrect interpretation that facilities that have a baseline have the ability to transfer that volume away to another entity. Welch said that Indiana has the ability to use a certain amount of Lake Michigan water for reasonable purposes, but the way that the rule is worded it could contradict the normal common law and allow transfer to a non-riparian owner.

Welch stated that the Alliance for the Great Lakes is fine with a situation in which someone wants to sell their facility and transfer it to a new owner, but the problem identified by Welch related to the ability of an entity to sell a portion of the baseline volume. He said entity could sell a portion of the baseline volume to someone far away, which creates a concern and contradiction with the Compact, which governs diversion from the Great Lakes Basin. There is a concern that the rule proposal may be interpreted to allow the transfer of water outside of the Great Lakes Basin.

Basch explained that the concern about transferring water out of the Great Lakes Basin is addressed in the proposed rule. An entity would need to meet the requirements of the Compact and the baseline volumes, even if transferred.

By consensus of the Advisory Council members present, the proposed rule amendments to 312 IAC 6.2, should be presented to the Natural Resources Commission.

Information Item: Department of Natural Resources, Division of Fish and Wildlife, 2015-2016 Administrative Rule Ideas

Linnea Petercheff, Staff Specialist with the Division of Fish and Wildlife, presented this item. She provided an overview of the administrative rule ideas. She explained that every two to three years the Division of Fish and Wildlife reviews the administrative rules relative to hunting, fishing, and trapping as well as the fish and wildlife associated permits. The Division of Fish and Wildlife posted a list of ideas on its webpage entitled, “Got Input for Division of Fish and

Wildlife”, and accepted comments from April 1, 2016 to May 15, 2016. Over 1,600 comments were submitted, and from these comments, the Division compiled the list of ideas as presented to the Advisory Council.

Petercheff explained that a proposed idea is to prohibit the release of captive-bred, native, and exotic species of mammals, reptiles, amphibians, crustaceans, and mussels except as authorized by permit. This would prohibit the release of exotic species into the wild, such as San Juan rabbits, boa constrictors, alligators, and other animals that did not come from the wild in Indiana.

Petercheff stated that a deer control permit was established by emergency rule (LSA Document #16-267(F)) that allows for the taking of a white-tailed deer outside the deer hunting seasons that are causing damage or a health or safety threat. The Department would like to make the deer control permit permanent through the regular rule adoption process. The requirements for obtaining the permit would be established by permanent rule providing the time frame in which the deer could be taken; methods that could be used to take the deer; the bag limit; and disposition of the deer, including the antlers. She stated the requirements would include evidence showing a minimum of \$500 in economic damage, unless there is a public health or safety threat.

Petercheff stated that the idea that raccoons, opossums, and coyotes taken under a nuisance wild animal control permit be euthanized statewide garnered a lot of comments. She noted that resident landowners and tenants are currently allowed to take nuisance animals on their own property without a permit and are able to euthanize or release the nuisance animal within the county of capture. The population of raccoons remains at a high level, with young born both in the spring and in the summer. Raccoons and opossums frequently become a nuisance when they get into attics and other buildings. Raccoons can carry and transmit various diseases, including raccoon roundworm, which can be fatal upon infection, distemper, rabies, and parvovirus. Raccoons and opossums are also known to kill chickens and birds and eat chicken, bird, and turtle eggs. Coyote, common throughout the state, are also a predator of domestic cats and dogs, as well as poultry and game birds. The coyote population appears to also be at a high level, with coyotes often found in urban and suburban areas. Petercheff said that euthanizing a coyote, raccoon, or opossum trapped under the nuisance wild animal control permit can prevent problems for others without harming the population.

Petercheff stated that comments were received on the establishment of a bobcat hunting and trapping season in certain counties in southern Indiana. There would be a bag limit per person and a statewide quota, along with a limited number of open counties. She stated that the bobcat populations have expanded during the last two decades, and incidental kills have increased with more than 60 mortalities reported annually since 2010. The population continues to expand in the southern part of Indiana. Petercheff said the population in southern Indiana is sufficient to withstand a regulated harvest. State law requires the Department manage for viable populations and a regulated trapping and hunting season is the best option.

Petercheff stated that another idea would propose to add three counties to the fall wild turkey firearms season: Elkhart, Kosciusko, and Noble Counties.

Petercheff stated that additions to Indiana's endangered species list include the following species: little brown myotis (bat), northern long-eared myotis (bat), tri-colored (bat), and rufa red knot. An exemption would be provided for landowners and nuisance wild animal control operators who may need to take one of these species of bats in the case of a public health threat. She said the Department would like to remove the following seven species from the state's list of endangered species: osprey, pyramid pigtoe, orangefoot pimpleback, pink mucket, tubercled blossom, longsolid, and the white wartyback.

Petercheff stated that a proposed rule idea would include increasing the opening of the throat of legal minnow traps in 312 IAC 9-6-1 to be no more than two inches diameter, instead of the current one inch. This has been requested in order to allow larger crayfish to be collected. Another amendment would prohibit the use of a cast net, seine, or any other device used to collect bait extending from a dam downstream 200 yards, including the Ohio River. She noted that implementing this rule would help prevent the spread of Asian carp into other aquatic systems and assist Law Enforcement by eliminating the conflict of bait collection and misidentification of target bait species.

Petercheff stated that a proposed rule idea would increase the statewide minimum size limit to 24 inches for northern pike and modify the statewide daily bag limit of three to include no more than one per day over 30 inches. Hamilton Lake in Steuben County would be the only exception to the statewide rule, where the daily bag limit would be six northern pike per day with no minimum size limit and the daily bag could include no more than one per day over 30 inches.

Petercheff stated another idea would be to require the tagging of all live baskets used to keep fish alive in public waters with the angler's name and address or customer identification number for both sport anglers and commercial fishers. This would not include baskets or holders that hang over the side of a boat. Definitions of live boxes and holding boxes would be added to help clarify requirements. Restrict the "gifting" of sport-caught fish to licensed commercial fishermen, roe harvesters, roe dealers, and to others for the purpose of stocking pay lakes.

Petercheff stated that the Department would like to change largemouth bass regulations on Shakamak State Park and Hoosier National Forest lakes due to the presents of gizzard shad. Another idea is to propose to increase lake trout bag limit on Lake Michigan to simplify regulations and be less confusing for anglers, as many anglers fish in both states waters during the same fishing trip. Also, the proposed change would clarify and clean up various issues regarding commercial fishing regulations.

Davis asked Petercheff to provide a brief summary of the meeting with the Fish and Wildlife Conservation Committee (FWCC).

Petercheff stated that on October 8, 2016 the Department met with the FWCC. She reported that there was good discussion on several rule changes, such as the sunfish bag limit and eliminating the possession limit. She noted that the Department had some concern regarding the possession limit being removed when a person is at a temporary location, but is reviewing the proposal. She stated that there was discussion regarding the bobcat season and the deer control permit.

The Chair asked about the removal of black bears from the Exotic Mammals list.

Petercheff noted that at least two wild bears from bordering states have entered Indiana naturally, so there is a need to add a rule to address black bears since they would no longer be an exotic mammal as defined in state law. The current characterization of bears as exotic mammals assumes that any bears found in the wild escaped from captivity and that is no longer the situation.

The Chair asked about reports of a mountain lion in Indiana.

Davis stated that there had been a report that a mountain lion may have killed a pet dog, but the carcass of the dog was not able to be examined for preliminary tests to determine whether the pet dog was killed by a cat, a mountain lion, a coyote, or another dog.

Lieutenant Colonel Hyndman, with the Law Enforcement Division, added that the Division of Law Enforcement received a report of a mountain lion being captured on a trail camera. Conservation officers inspected the site where the trail camera was located. A determination has not been made as to whether the sighting of a large cat is a hoax or whether the animal capture on video is a local mountain lion.

Petercheff stated that the last confirmed report of a mountain lion was in 2010.

Karns asked about the rule proposal regarding hunting from a boat for fox and grey squirrels. He asked whether there had been problems with the historical use of a non-powered boat for squirrel hunting.

Petercheff replied that it had been commonly assumed that the practice of hunting from a boat for squirrels was already legal. Squirrel hunting has traditionally been allowed from a boat that is not under power at the time of hunting. However, this is not currently legal under 312 IAC 9-2-2.

The Chair asked Hyndman to comment on Bovine Tuberculosis and if there were special rules relating to hunting more deer in those counties where the bovine tuberculosis is present.

Hyndman stated that bovine tuberculosis has been found in at least one deer and possibly one raccoon. He said that the U. S. Department of Agriculture (USDA) is leading the effort and working with the Division of Fish and Wildlife to determine the severity of the spread of bovine tuberculosis. He explained that harvesting of mature bucks is recommended, because the bucks are going into rut and roam a broader area. Hyndman said that the Department will partner with the property owners to collect samples. Additional opportunities to harvest deer have been provided to allow hunters to assist in reducing the deer population in the affected counties. A second buck tag will be issued to an individual submitting a buck that meets the established requirements for sampling. Landowner permits will be available to landowners desiring to reduce the deer population on their property for the purposes of disease management. The areas of concern are in Franklin County, and portions of Dearborn, and southern Fayette Counties.

Petercheff added that the Department Director signed an emergency rule (LSA #16-426(E)) to temporarily require deer taken from the affected counties to be submitted to the department for testing to receive written authorization to take an additional antlered deer in one of these three areas. The additional buck must also be submitted for testing for bovine tuberculosis. The rule also prohibits the use of bait and other food for wildlife in the area to prevent the spread of the disease.

Davis commented that there could be a need for sharpshooters at the end of the deer hunting season depending on testing results.

Smith asked Petercheff about nuisance wild animal control permits and approximate number of operators euthanizing as opposed to catch and release. Petercheff responded that 75% of the nuisance wild animals captured are euthanized.

The Chair recognized Erin Huang.

Erin Huang, Indiana Director for the Humane Society of the United States (HSUS), stated that the HSUS as well as the Indiana members and supporters would urge the Council to reject the proposal to allow for a hunting and trapping season for bobcats. She stated that bobcats were once plentiful in Indiana, but the population was almost wiped out due to overhunting and over trapping before being granted protection under the endangered species list from 1969 through 2004. Huang said trophy hunting and commercialization could endanger the bobcat, and noted that the bobcat population is still recovering. "They are treasured and a rare addition to the landscape." Huang said the commercialization of the species would allow private profiteering and deprive the public from enjoying the bobcat in the wild. She noted that the bobcat is only slightly larger than the average housecat weighing approximately 20 to 30 pounds and are shy animals. She stated that the Department has reported no instances of bobcats preying on pets and noted that conflicts with livestock are rare. She stated that bobcats are not hunted for the meat, but instead for trophy or their pelts for profit. Huang said that establishing a bobcat hunting and trapping season would result in undue pain and suffering for the bobcats, as well as family pets and non-target wildlife who may become ensnared in the traps set for the bobcats.

Huang stated that HSUS would urge the Council to reject the proposal to allow for the taking of raccoons, opossums, and coyotes under a nuisance wild animal control permit. She stated that the rule does not take into account existing regulations, which allow the option to release on site and in the county, with consent from the landowner. She said that requiring the nuisance animals to be killed once trapped, including the accidental trapping of non-target animals or species without exception, is not ethical, impractical and would have unintended consequences on the species and the ecological balance. Huang said intentional or accidental capture of lactating female raccoons or coyotes would unnecessarily orphan their young.

Huang noted that some nuisance wildlife control operators, whose service model is based on nonlethal wildlife conflicts, may have an issue with the proposal as the operators may be required to euthanize the animal. She noted that the operator may not be able to humanely euthanize the wild animal under requirements. Huang stated that the purpose of the regulations governing the euthanasia is to resolve wildlife conflicts and not depopulate or control the

population of raccoons, opossums, and coyotes. “Euthanizing every animal trapped will not reduce or control the population of the species and it won’t reduce the spread of disease.” She stated that the Center for Disease Center (CDC) does not recognize euthanasia as a method to control diseases, such as rabies. Huang urged the Department to increase its efforts to educate the public on how to humanely reduce conflicts with wildlife.

Huang stated that she was under the impression that an idea was to delist primates from the exotic species list. She understood that currently primates are not allowed to be kept as a pet, unless under an USDA permit. She stated that, by delisting primates, individuals who have primates could possess them without regulation. Huang said that the private possession of primates is inhumane and poses unacceptable physical and zoonotic disease risk to the community and is detrimental to wildlife conservation efforts. She said that primates, if kept as pets, are typically denied the mental stimulation, physical exercise, and proper diet. Huang said HSUS is requesting that primates be retained on the list of exotic mammals and prohibited as pets.

The Chair recognized Stevi Kersh.

Stevi Kersh stated that she is a concerned citizen and is opposed to establishing a bobcat hunting season as bobcats “pose no threats to humans or other animals.”

The Chair explained the process of the Council’s review of the Department’s suggested administrative rule amendments. He noted that the suggestions are brought before this Council as a preliminary matter; with subsequent recommendations to the Natural Resources Commission for full vetting. He explained that if the Commission gives preliminary adoption to a proposed rule amendment, the rule proposal is subject to statutory requirements under IC 4-22-2. Public hearings are required at a later stage in the rule adoption process. The Chair said that the Council considers the Department’s recommendations and those comments from the public. He noted that the Department indicates that it has not found the suggested proposed rule amendment would have any biological reasons not to proceed with a recommendation to the Commission. He said that a determination as to whether a proposed rule would negatively impact the humane treatment of a wild animal exceeds the scope of what the Council needs to move the item forward. The Chair said any rule proposal recommended by this Council to the Commission would be subject to amendment during the Commission meeting as well as during the public the rule adoption process.

The Chair asked Department Director, Cameron Clark, to comment on the constitutional amendment proposed by Senator Steele regarding the right to hunt and fish.

The Director stated that the constitutional amendment, Right to Hunt and Fish, is on Indiana’s Ballot as Public Question One. If passed, Indiana’s Constitution would be amended by adding Section 39 to Article 1 to provide that the right to hunt, fish, and harvest wildlife shall be forever preserved for the public good, subjected to regulations promoting wildlife conservation and management. He said the amendment would designate public hunting and fishing as the preferred method of wildlife management.

By consensus of the Advisory Council members present, the proposed rule amendment suggestions are recommended for presentation to and consideration of the Natural Resources Commission.

Adjournment

The meeting adjourned at 10:04 a.m., EDT.