

# NATURAL RESOURCES COMMISSION

Minutes of April 24, 2001

## MEMBERS PRESENT

Michael J. Kiley, Chair  
Rick Cockrum, Vice Chair  
Larry Macklin, Secretary  
Damian Schmelz  
Terri Moore  
Jack Arnett  
Sylvia Wilcox  
Raymond McCormick  
John Goss  
Jerry Miller  
Steve Cecil

## NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas  
Jennifer Kane  
Debbie Michaels

## DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

John Davis	Executive Office
Carrie Bales	Executive Office
Dave Vice	Executive Office
Carrie Doehrmann	Executive Office
Rick Jones	Historic Preservation and Archeology
James A. Gerbract	State Parks and Reservoirs
Linda S. Badger	Indiana State Museum
Gary Doxtater	Fish and Wildlife
Steve Jose	Fish and Wildlife
Gwen White	Fish and Wildlife
John Marshall	Fish and Wildlife
Glenn Lange	Fish and Wildlife
Scott McDaniel	Law Enforcement
John Bacone	Nature Preserves
John Richardson	Reclamation
John Friedrich	Forestry
George Bowman	Water
Jim Hebenstreit	Water
Marcella Fane	Legal
Ihor Boyko	Legal
Eric Myers	INRF

## **GUESTS**

Timothy E. Morgan  
Kate E. Ardissono  
Joe A. Exl  
Doug Allman

## **MONTHLY REPORTS**

Chairman Michael J. Kiley, called to order the regular monthly meeting of the Natural Resources Commission at 10:10 a.m., EST, on April 24, 2001, at The Garrison, Fort Benjamin Harrison State Park, Indianapolis, Indiana. With the presence of twelve members, the chair observed a quorum.

Jerry Miller moved to approve the minutes of January 23, 2001. Jack Arnett seconded the motion. Upon a voice vote, the motion carried.

Director Larry Macklin provided his report. He reported that since the last meeting, he has been very busy with the Indiana General Assembly. He added that he and Deputy Director John Davis traveled to Mounds State Park for the groundbreaking ceremony for the new Welcome Center. He said that he also had a nice opportunity to visit with the agency's curators at Brown County State Park and also attended a Great Lakes Commission meeting.

Director Macklin reported the first session of this year's Governor's Conference on the Environment was held April 20 in Muncie. He noted that after seven years of the Governor's Conference being held in Indianapolis, it was decided to try 'going on the road' this year with three sessions. The first conference was in Muncie; the second would be in South Bend, and the third in Corydon. Macklin spoke about Billy B who performed an environmental song and dance in Muncie, Indiana. The entertainer does a great job singing and talking to the youth about the environment.

Macklin said that one of the most important legislative bills in the 2001 session for the DNR was House Bill 1219. He said that we were successful in amending the bill to give the Commission the authority to raise fish and wildlife fees. The minimum fee would still be set by statute. He explained that we were concerned enough about the impact of recent negative fiscal forecasts on our ability to properly manage fish and wildlife resources, that we went to the General Assembly and asked for the amendment. We are grateful to the members of the General Assembly for giving us the opportunity.

Macklin informed the Commission the DNR has been working closely with Dr. Marsh from the State Board of Animal Health concerning the possible threats for disease with Indiana wildlife as well as domestic animals. There is concern for "bovine tuberculosis" from Canada, and now in Michigan, and how it may affect Indiana at some point. He also said that currently eight Western states now have restrictions or quarantines in effect for Chronic Wasting Disease. He also spoke about concerns for foot and mouth disease and its impact on livestock production in Europe. He said DNR is working towards strengthening and standardizing its importing and exporting requirements from various animal-breeding facilities. He added he did not wish to be an "alarmist," but he wants to be ready if disease reaches Indiana.

Chairman Kiley asked Director Macklin what kind of responses have been received with respect to the statutory changes regarding fish and wildlife fees. Macklin responded that it has been absolutely wonderful from our support groups so far, and we are grateful that we have this chance to do something. He added that he would like to get the support groups together and discuss possible approaches. He hopes to discuss a “tiered” method for setting increases spread-out over more than one year.

John Davis reported he had received “surprising and overwhelming” support from Division of Forestry and State Parks on the increases in recreational fees. He added the annual pass sales have increased since the gate fee has increased. Chairman Kiley responded people generally do not mind paying a fee as long as they benefit from it.

Jerry Miller, Chairman of the Advisory Council for Lands and Cultural Resources, returned from his medical recovery period and had no report.

John Davis, Deputy Director for the Bureau of Lands, Recreation, and Cultural Resources, welcomed Jerry Miller back from medical leave. Davis informed the Commission that the Lick Fork Marina transition occurred in a smooth fashion and is working very well. He reported there have been problems supplying potable water to Indiana Dunes State Park. He said efforts are being made to get city water and that they are working with the city and IDEM to make sure we can accommodate all the visitors we will have before the city water takes place.

Davis reminded the council members that they should be getting invitations to the Judy Burton Nature Preserve dedication ceremony. The dedication takes place on Friday May 4, 2001.

Raymond McCormick, Chairman of the Advisory Council for Water and Resource Regulation, reported his council met on March 14, 2001. There was discussion on the Heritage Trust. Lori Rounds, Division of Water, gave a presentation on the Great Lakes Grant Program. McCormick said the Council recommended the adoption of amendments concerning scientific collectors permits. He added that most of the meeting involved discussion of Indiana’s dams and the conditions and safety thereof. This was presented by Ken Smith from Division of Water. He said that Indiana’s dams need a lot of attention. Many of the dams were built over 100 years ago. One percent of the dams are federally owned or controlled, 10% are controlled by the state, and 75% are privately owned. The dams are inspected by the DNR.

Damian Schmelz asked how frequently “by rule or law” each dam is inspected. McCormick responded that the dams are supposed to be inspected every two years. The Division of Water had only two dam inspection employees and it was hard to keep-up. The positive side is that there has been significant funds added to the Div. Of Water over the last four years for dam safety in Indiana.

Macklin responded that, in the last four years, we have placed considerable emphasis on dam safety and that the General Assembly has come forth with funds (\$10M) to help with the repairs on DNR property dams. He added the dams are rated and inspected by priority. Further, that we have worked with INDOT and ‘borrowed’ two engineer positions to add dam inspectors.

Dave Vice, Deputy Director for the Bureau of Resource Management, reported the DNR and the Indianapolis STAR have launched what is called “Falcon Cam” on the STAR web site. Scott and Kinney are the proud parents of two chicks at Market Tower on the Circle.

Vice also reported on other items. District biologists and property managers hosted an open house statewide last week to receive comments on the county antlerless deer quotas for the 2001 deer season. Over the last two weeks boat inspections were completed at the ten districts in preparation for the summer activities. Two “swimming pool rehabs” should be completed by mid-May for the opening Memorial Day weekend at Turkey Run and Clifty Falls.

Paul Ehret, Deputy Director for the Bureau of Resource Regulation, was not present.

## **BUREAU OF LANDS, RECREATIONAL AND CULTURAL RESOURCES**

### **PERMANENT APPOINTMENTS AND PERSONNEL INTERVIEWS**

#### **Personnel Interview for Property Manager at Lake Michigan Research (Fish & Wildlife)**

Rick Cockrum presented this item. He said he and Terri Moore interviewed three persons for the property manager position. Joseph Exl was recommended for the position of Property Manager of Lake Michigan Research in the Division of Fish and Wildlife.

Rick Cockrum moved to approve Joseph Exl as Property Manager at Lake Michigan Research. Terri Moore seconded the motion. Upon a voice vote, the motion carried.

## **BUREAU OF RESOURCE REGULATION DIVISION OF STATE PARKS AND RESERVOIRS**

#### **Consideration of a Non-rule Policy Document Regarding Fishing Tournament Organizational Meeting Protocols; Administrative Cause Number 00-172P**

Jim Gerbract, State Parks and Reservoirs, presented this item. He said the purpose of the organizational meeting is to allow fishing tournament sponsors to reserve dates for fishing tournaments on properties managed by the Department of Natural Resources, Division of State Parks and Reservoirs. In response to public requests and a previous directive from the Commission, the Division had reduced to writing its protocols for the management of the meeting.

Damian Schmelz asked if the tournaments were allowed on weekends. Gerbract responded the tournaments are allowed during the week and weekends, except for holiday weekends.

Jerry Miller asked if there was a charge for a permit. Gerbracht replied that there is no fee for a permit, but a one-dollar fee for each user, which goes into the general fund.

Jack Arnett moved to approve the non-rule policy document. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

#### **DIVISION OF FORESTRY**

##### **Consideration of a Request by Cataract Lake Water Corporation for an Easement for Installation, Operation and Maintenance of Water Line and Booster Station on Owen-Putnam State Forest.**

John Friedrich from Division of Forestry presented this item. He said for consideration is a request from the Cataract Lake Water Corporation to improve its waterline along State Road 243 in Owen-Putnam State Forest. Part of the water line that was installed previously was done without obtaining the appropriate state permit. This water line served residential users in the area and at Lieber State Recreation Area. Cataract Lake Water is now requesting permission to upgrade a portion of the line to provide better service to its customers. This effort would include installing a larger line and adding a booster station. He said the Division of Forestry recommended approval of the request.

Damian Schmelz moved to approve the easement for Cataract Lake Water Corporation, including validation of items not previously authorized. Jerry Miller seconded the motion. Upon a voice vote, the motion carried.

#### **DIVISION OF NATURE PRESERVES**

##### **Consideration of the Dedication of Little Calumet Headwaters Nature Preserves, LaPorte County.**

John Bacone, Director of the Division of Nature Preserves, presented this item. He explained the proposed nature preserve is “a really special natural area” that was acquired by the Indiana Heritage Trust Project and the partnership of the LaPorte County Parks and Recreation Department. The tract contains a high-quality wetland for rare plants and a high-quality forest. The tract is located south of Michigan City in LaPorte County. Bacone said the Division of Nature Preserves recommended dedication of this site as a State Nature Preserve.

Tim Morgan from LaPorte County Parks also spoke. He thanked the Commission and the Department of Natural Resources for “partnering” on the project. He explained that the property was purchased without tax dollars through the Indiana Heritage Trust and through donations.

Chairman Kiley thanked Morgan for his comments. The Chair also reflected on the outstanding efforts by the LaPorte County Parks Department in acquiring and making lands available for public enjoyment in Northwest Indiana.

Terri Moore moved to approve the consideration of the dedication of Little Calumet Headwaters Nature Preserves in LaPorte County. Jack Arnett seconded the motion. Upon a voice vote, the motion carried.

## **DIVISION OF MUSEUMS AND STATE HISTORIC SITES**

### **Consideration of Deaccessioning of Artifacts**

Linda Badger from the Indiana State Museum made this presentation. She said the Collections Department of the Indiana State Museum seeks to deaccession several items. The proposal has already been thoroughly considered within the Division of Museums and by its Board of Trustees. Badger reported a lot of the items are in very poor condition. She said some items would be offered back to the Hooks Foundation in accordance with an agreement for display entered previously. Some items will be reserved for educational purposes. Others can be offered to local museums, and still others should probably never have been included in the State Museum's collection.

Damian Schmelz moved to approve the deaccessioning of artifacts as proposed by the Indiana State Museum. Steve Cecil seconded the motion. Upon a voice vote, the motion carried.

### **Consideration for Preliminary Adoption of Biennial Fish and Wildlife Rule Amendments; Administrative Cause Number 00-050D**

Gary Doxtater, Director from Division of Fish and Wildlife, introduced this item. He said more than a year was spent in preparation of the proposed rule package and that Fish and Wildlife and Law Enforcement have been working together. There were open houses held around the state allowing for opportunity for a great deal of public input. Doxtater said Jon Marshall, who heads up the Public Affairs Unit, coordinated the efforts.

Jon Marshall informed the Commission that every few years the Division of Fish and Wildlife and the Division of Law Enforcement review their administrative rules. He said that in previous years, there was not a lot done prior to preliminary adoption. This time the hope was to have substantial public participation even before rule adoption formally commenced. He said the proposed rules would amend provisions within 312 IAC 9 that govern hunting deer by firearms, hunting deer by bow and arrows, urban deer zones, turkey, brown trout, largemouth bass, walleye, channel catfish, fish sorting and a prohibition on waste, yellow perch, ice fishing, whooping cranes, sandhill cranes, aquaculture permits, and the meaning of "sale" as it applies to native reptiles and amphibians.

Marshall said that the Division of Fish and Wildlife used the public hearing process as the primary public input tool, but discovered that public hearings were not the best avenue for public input. He said that the Division developed the current open-house style meetings to gather the public's comments and ideas. Marshall said there were 16 open house public meetings involving approximately 800 people. The conversations and comments were contained in the printed report. There were several ideas that were carried forward and that they tried to balance the needs of the resource with and the needs of the people.

Kiley asked Marshall to give a brief highlight of the proposed rules, which were thought to be controversial.

Marshall said the rule that garnered the most controversial comment was to reduce the taking of an antler deer to one per year. The idea was taken to public hearing during the last evaluation and there was significant opposition; therefore, it was dropped from the process. Marshall said that there has been a significantly large vocal group who would like to see a reduction in the buck limit and added that through this process, we have brought the issue back out for discussion in the hearing process (should it be preliminarily adopted).

Marshall said that a fish and wildlife conservation committee supported the rule change. He also commented that the Deer Advisory Committee had not come to a consensus on whether or not they support the rule change. Biologists report that by reducing the buck limit may reduce the buck take, but not significantly. There is concern from constituents that reducing the buck limit will lead people to put more pressure on antlerless deer or does; thus, reducing the overall deer population. Marshall said that the biologists do not believe that it will be a major concern, however, it is a public concern. He added that to balance the various concerns on this issue, it is suggested to reduce the antler deer tag limit to one per year for a five-year trial period. Jim Mitchell, DNR deer research biologist, felt that the five-year time period would be an adequate amount of time to gather data, and evaluate the success should the rule be changed.

Damian Schmelz ask Marshall how quickly non-trophy antler deer gets to a higher grade. Marshall responded that it takes at least three and a one-half years, but our average deer harvest is two and a one-half years.

Ray McCormick asked how many people take two bucks per year. Marshall said the Division's present tracking system does not correlate that information. McCormick added that this is an issue of quality deer in Indiana. Glenn Lange, Div. of Fish & Wildlife, said that it is certainly a balancing act between public perception that they want more quality deer in Indiana and that this is what they have proposed. That was the reason it was decided to implement it for the five-year period. We have been criticized many times over the years for not being responsive and this issue is a recurring proposal from the majority of the deer hunters in Indiana.

Kiley reflected that this rule is only a preliminary adoption and that there would be more opportunity for input before the final rule comes back for final adoption. He said that public hearings would be scheduled before it comes back for final approval.

Marshall continued by stating that the fish-sorting rule was another somewhat controversial issue. Jerry Miller asked for explanation concerning the daily bag limit on fish in Indiana. Marshall said that today, with recirculating areas and live wells, fish can be held for a reasonable period of time and then released and still be healthy. He added that Indiana does not have a "wanton waste" rule dealing with fish. Marshall explained that fish may be released without counting toward the daily bag limit only if: the fish is alive and in apparent good health; capable of swimming away normally under its own power; returned to the water from which it was taken before the end of the day; and in a place where the immediate escape of the fish is not prevented.

Ray McCormick questioned why the issue relative to hunting deer in enclosures was deleted from the proposed rule package. Marshall explained that there is no regulation that explicitly disallows hunting of deer during season in enclosed areas. He added that it was also an issue that the legislature was “dealing with.” McCormick stated his objection to “penned deer hunting”.

Marshall added that this is a controversial topic from several angles. There are people in Indiana who raise deer that are concerned over this issue.

Chairman Kiley commented that the Commission would note that the suggestions and comments from the staff. He also requested the Division of Fish and Wildlife prepare an “interim report” and present it to the Commission before the final adoption is placed on the agenda .

Jerry Miller moved to approve the request for ‘preliminary adoption’ of the fish and wildlife rule amendments. Damian Schmelz seconded the motion. Upon a voice vote, the motion carried.

Chairman Kiley suggested that the issue of deer hunting in enclosed areas could be studied. Steve Cecil moved to approve the recommendation. Ray McCormick seconded the motion. Upon a voice vote, the motion was carried.

## **LEGAL PROCEEDINGS**

### **NRC DIVISION OF HEARINGS**

#### **Consideration of Report, Findings of Fact, and Conclusions of Law with Nonfinal Order of the Administrative Law Judge in the matter of *Carl Underwood v. Department of Natural Resources*, Administrative Cause Number 00-140L**

Upon motion of the attorney for Carl Underwood, this item was reported continued until the May meeting.

#### **Consideration of Report of Hearing Officer and Recommendation for Final Adoption of the Amendments to Rules Governing Mediation of Disputes on Public Freshwater Lakes; Administrative Cause Number 00-056A; LSA #00-154(F)**

Steve Lucas, hearing officer, presented this item. He said for consideration were amended mediation rules to implement legislation enacted by the 2000 Indiana General Assembly and codified within the Lakes Preservation Act (IC 14-26-2). The legislation requires a process for the submission of user disputes between riparian owners or between riparian owners and the DNR on public freshwater lakes. He said the proposal was not expected to be controversial, and no public comments were received. He recommended approval of the rules for final adoption in the form published.



Steve Cecil moved to give final adoption to the amendments for the mediation of disputes on public freshwater lakes as published upon preliminary adoption. The motion was seconded by Sylvia Wilcox. Upon a voice vote, the motion carried.

**Consideration of Report of Public Hearing and Recommendation for Final Adoption of Recodification and Modification of Flood Plain Management Rules from 310 IAC 6-1 to 312 IAC 10; Administrative Cause Number 00-199W; LSA #00-253(F)**

Steve Lucas presented this item. He said for consideration was the recodification and modification of rules that govern construction activities in flood plains (including both floodways and fringe areas) or what are sometimes referred to as flood hazard areas. He said these rules are an important package, and although noticed by publication in the Indianapolis STAR and the Indiana REGISTER, as well as on the agency website, they have drawn no formal comments. Also, the proposal was shared by the Division of Water with engineering consultants.

Lucas said technical modifications were recommended from the language given preliminary adoption to make the general license for utility line crossings mesh with language for navigable waters. Currently, the general license is unavailable for navigable waters. He said the amendments would fully implement the intent in proposing this expansion.

Lucas said a major policy issue is whether to require a two-foot freeboard for building construction floors above the regulatory flood. This point was discussed by the Commission when the rules were given preliminary adoption. He said currently the two-foot freeboard is required for the fringe areas but not for the floodway itself, which he said seems unjustified. Whatever freeboard requirement there is—whether two feet, one foot, or none—should be the same throughout the flood plain (both floodway and fringe). He made no recommendation on this major policy point. Lucas added that a citizen contacted him subsequent to completion of the hearing process, and after the hearing officer report was written and distributed, to argue the freeboard requirement should be eliminated. He told the citizen he could come to the NRC meeting and present brief argument on this point.

Lucas also outlined several resolution items he asked be considered by the Commission in conjunction with the rule adoption. These were identified from page five of his report to the Commission, and, in addition, one other was described to help implement the general license for utility line crossings over navigable waters.

- The Department is urged to develop (in consultation with the Soil Conservation Board) a strategy for education, and if education is insufficient then for regulation, of the design and placement of outfall structures that will not contribute to soil erosion and sedimentation, whether those structures are inside or outside the floodway.
- The opportunity is affirmed in favor of an aggrieved local unit of government to seek administrative review from the Commission, if the Division of Water denies approval of a proposed flood plain ordinance.
- The Division of Water and the Division of Land Acquisition are urged, in consultation with the Advisory Council for Water and Resource Regulation, to development and submit to the

Commission a workable regulatory concept, for the evaluation of property relative to the reconstruction of buildings lawfully in the floodway.

- The Division of Law Enforcement is urged to develop a system for the review of general licenses for utility line crossings, and for other structural crossings of navigable waterways, to assure the consistent and appropriate clearance of watercraft.

He recommended the rules be given final adoption, with the amendments described in the report, and that the resolution items also be considered for approval.

Steve Cecil moved to give the rules final adoption and to approve the proposed resolution items. The motion was seconded by Damian Schmelz.

Ray McCormick said he had discussions on the previous evening with a citizen from southern Knox County who opposed the two-foot freeboard requirement. He said the requirement exceeded what was required by FEMA and had a very negative effect upon commercial and residential development. McCormick was critical of the agency's effort to publicize rule adoptions with a major impact on the public, as evidenced by the lack of public participation at hearing. He urged the two-foot freeboard not be given final adoption and the rules be deferred for further discussion. He said the citizen also discussed with him a "variance" for agricultural buildings in the flood plain and indicated the Commission should consider the inclusion of a variance procedure. McCormick reflected some areas along the Wabash River were as much as ten feet below the regulatory flood elevation, and the rules had a damaging effect upon development in those areas.

Jim Hebenstreit of the Division of Water said FEMA recognized some exemptions that could impact non-residential construction in Indiana in the floodway. He agreed the two-foot freeboard requirement was not mandated by FEMA, but building to the flood elevation generally was.

In response to a question, Lucas indicated there was a need to bring these rules to some final action. He repeated he was not making a recommendation as to the amount of freeboard, but by statute, this rule adoption process needed to be completed before the end of the year, or all the flood plain management rules would be sunsetted. He reminded the NRC the two-foot freeboard requirement already existed for the fringe. The amendments would make the requirement consistent within the floodway.

The Chair suggested the item be deferred for one month. Jack Arnett reflected the rules did not change much with respect to the freeboard requirement from current language, and a variance was not even currently under consideration. He said a motion for approval was on the floor and asked that the Chair call the question for a vote. The Chair then called the question.

On a voice vote, final adoption of the rules and of the resolutions was approved by a vote of nine to one. McCormick voted against the motion.

**Consideration of Report of Public Hearing and Recommendation for Final Adoption of Recodification of Surface Mining and Reclamation (SMCRA) Rules; Administrative Cause Number 00-215R; LSA #00-285(F)**

Jennifer Kane, hearing officer, presented this item. She said the proposal was, in the classic sense, a recodification. No substantive changes were proposed. Even so, the rule adoption was a daunting task because of the length of the surface coal mining rules, easily the longest in the agency. She thanked Marcella Fane, John Richardson, Ihor Boyko, and the staff of the Division of Reclamation for their efforts. Kane also noted that J. Nathan Noland of the Indiana Coal Council was kept informed of the progress of these rules. She recommended the proposal be given final adoption.

Rick Cockrum moved to give the recodification of SMCRA rules from 310 IAC 12 to 312 IAC 25 final adoption. The motion was seconded by Terri Moore. Upon a voice vote, the motion carried.

**Consideration of Report of Public Hearing and Recommendation for Final Adoption of Recodification and Modification of Ancient Human Remains and Artifact Rules; Administrative Cause Number 98-174H; LSA #00-243(F)**

Steve Lucas, hearing officer, said this proposal was also part of the continuing process to recodify DNR rules at 310 IAC as NRC rules at 312 IAC. He said most of the changes here were technical in nature. Although two attorneys asked for copies of the proposal early in the hearing process, neither commented and no comments were otherwise received from the public. He recommended the rules be given final adoption as proposed.

Damian Schmelz moved to give final adoption to the recodification of archaeological rules addressed to human remains and artifacts from 310 IAC 20 to 312 IAC 22 in the form given preliminary adoption. The motion was seconded by Jerry Miller. Upon a voice vote, the motion carried.

**Consideration of Report of Public Hearing and Recommendation for Final Adoption of Recodification and Modification of Archaeological Review Rules; Administrative Cause Number 98-173H; LSA #00-178(F)**

Steve Lucas, hearing officer, presented this item. He said that, again, the rule adoption was part of the process to recodify DNR rules as NRC rules. In this instance, a few substantive changes were included. The qualification requirements to do archaeological work were modified so that experience requirements were directed to experience in the Midwest (so, for example, experience exclusively in Egypt would not suffice). In addition, the ability was clarified of the Division of Historic Preservation and Archaeology to file a complaint with the NRC to sanction an archaeologist not satisfying ethical standards. Lucas said the underlying statute places responsibility in the NRC to establish these basic ethical standards. He indicated there was some interest expressed in these rules at early stages, and he believed comments might be submitted, but none were. He recommended they be given final adoption in the form given preliminary adoption.

Steve Cecil moved to give final adoption to the recodification of the archaeological review rules from 310 IAC 19 to 312 IAC 21. The motion was seconded by Damian Schmelz. Upon a voice vote, the motion carried.

**Consideration of Report of Public Hearing and Recommendation for Final Adoption of Recodification and Modification of Rule Governing the Historic Preservation Review Board; Administrative Cause Number 00-202H; LSA #00-270(F)**

Steve Lucas, hearing officer, presented this item. He said the proposal modernized rules outlining the structure of the Historic Preservation Review Board. He said he believed the modifications were unremarkable, but because it had been 20 years since the rules was adopted, there were several changes. For the most part, they reflected subsequent statutory changes, and the proposed rule was simplified from the current version. No controversy was anticipated, and no public comments were offered. He recommended final adoption.

Damian Schmelz moved to give final adoption to the recodification of the rule governing the Historic Preservation Review Board from 310 IAC 10 to 312 IAC 20. The motion was seconded by Sylvia Wilcox. Upon a voice vote, the motion carried.

**Consideration for Preliminary Adoption of Technical Amendments to Rules Adopted by the Natural Resources Commission Conforming Them to Statutory Amendments; Administrative Cause Number 01-074A**

Steve Lucas presented this item. He asked the Commission give preliminary adoption to a series of unrelated amendments that will help keep the rules consistent with statutory and regulatory changes. He said, in part, this effort reflected the NRC was reaching the final stages of the lengthy process.

Terri Moore moved to give preliminary adoption to the technical amendments as proposed. The motion was seconded by Jerry Miller. Upon a voice vote, the motion carried.

**ADJOURNMENT**

At 12:30 p.m., the meeting was adjourned.

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**FUTURE MEETINGS**

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

June 21, 2001, 7:00 p.m., EST (Pokagon State Park)

July 19, 2001, 10:00 a.m. (The Garrison, Ft. Benjamin Harrison State Park, Indianapolis, Indiana)

August meeting location and time to be announced