

NATURAL RESOURCES COMMISSION
Meeting Minutes, March 18, 2025

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Alan Morrison, Secretary
Carl Wodrich
Cory Webb
Marc Milne
Patrick Early
Bart Herriman
John Wright

NATURAL RESOURCES COMMISSION STAFF PRESENT

Elizabeth Gamboa	Scott Allen
Aaron Bonar	Chloe Perkins

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Chris Smith	Executive Office	Andy Byers	Fish and Wildlife
Mike Smith	Executive Office	Linnea Petercheff	Fish and Wildlife
Ryan Mueller	Executive Office	Gerriann Albers	Fish and Wildlife
Madalynn Conner	Executive Office	Angie Haywood	Fish and Wildlife
Stephanie Flittner	Executive Office	Dan Eckstein	Fish and Wildlife
Steve Hunter	Law Enforcement	Kevin Shettle	Fish and Wildlife
Terry Hyndman	Law Enforcement	Trevor Laureys	Fish and Wildlife
Whitney Wampler	Legal	Terry Coleman	State Parks
Rebecca McClain	Legal	Brandt Baughman	State Parks
Matthew Rea	Legal	Dale Brier	State Parks
Amanda Wuestefeld	Fish and Wildlife	Steve Weinzapfel	Reclamation

GUESTS PRESENT

Erny Nick	Dan Borett	Charlie Masheck
Samantha Chapman	Kate Minelli	Kathy Cahalan
Tom Morelock	Robin Meyer	Dee Fox
David Fox	David Jose	Steven Cobb
Constance Applegate	Bernard Kitten	Gary Stach
Carol Howard	Kara Scanatdor	Gary Howard
Madeline Sersic	Caitlin Smith	Philip Quandt

Erin Huang	Sam Hagio	Story Warren
Jenny Jones	Kurt Gary	John Frey
Charles Paxton	Lynn Burry	David Baumgartner
Bruce Huron	Mike Fields	Lynn Dustman
Jake Masheck	Jenie Dustman	Mary Fields
Rich Nye	Mark Deweese	Ra'ah Sugar Bona
Danielle Rodriguez	Melanie Wheldon	John Steinbrenner
Brad Gallings	Cathi Eagan	Orlando Pelaz
Adesa Pelaz		

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 10:01 a.m., ET, on March 18, 2025 at Fort Harrison State Park, The Garrison, 6002 North Post Road, Blue Heron Ballroom, Indianapolis. With the presence of nine members, the Chair observed a quorum.

The Chair noted the Commission meeting is being live streamed and there is information on the Commission's website for people who wish to make comments related to an agenda item. The Chair added that comment cards are available to fill out for people attending in person who wish to comment on an agenda item.

APPROVAL OF MINUTES

The Chair asked for a motion to approve the Commission's January 21, 2025 meeting minutes.

John Wright moved to approve the minutes as submitted. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

REPORTS OF THE DNR DIRECTOR, DEPUTY DIRECTORS, AND THE CHAIR OF THE ADVISORY COUNCIL

Alan Morrison, Director of the Department of Natural Resources (Department), provided his report, which is summarized as follows:

Morrison and his staff visited eight of the ten law enforcement districts and met with the Department's Bureau Directors and Division Directors. In addition to meeting with the law enforcement districts, Morrison met with sixteen Conservation Officers in Clarksville after they returned from helping with flood relief in Kentucky. He and his staff have attended several annual division meetings. An all-DNR staff meeting was held recently to

communicate the Department's vision to staff. Morrison noted he has witnessed the passion and experience of Department staff.

The legislative session is moving forward, and the Department is diligently working on several bills that impact on the Department.

The Department recently hired Stephanie Flittner as General Counsel and Will Haines as Legislative Director.

The Department is working on agency goals that align with the Governor's broader agenda for the State - data and innovation, professional development, budget discipline, and reducing costs for users. Morrison's goal is for the Department to be the best state agency and the best natural resources department in the country. The goal is to get better every day, and the Department has a great team to accomplish this goal.

Chris Smith, Deputy Director of the Land Management Bureau, provided his report, which is summarized as follows:

Staff are preparing Department properties for spring and the start of the recreation season. Last week the Division of Forestry, Division of Nature Preserves, and the Division of State Parks successfully completed prescribed fires to help control invasive species, improve habitat by providing forage for wildlife, and promote the growth of trees, wildflowers, and other plants.

This is the third year the Department, in collaboration with Bob Ross Inc., is taking registrations for the Happy Little 5K. The registration fees help fund tree planting on Department properties. Registration is open until April 1, 2025. The virtual 5K race can be completed anytime between April 19 and April 27, 2025.

The Division of State Parks is soliciting proposals for a new Campground Reservation System because the current contract is ending. Proposals are due on May 28, 2025 and implementation of the system is anticipated in 2026. The Department is excited to review the available options to provide the best customer service for camping guests.

The Indiana Natural Resources Foundation is currently taking applications for the Discover the Outdoors Grant program to provide financial assistance for transportation for field trips to Indiana State Park properties in the 2025-2026 school year. The grant is available to kindergarten through twelfth grade educators. To date, the Indiana Natural Resources Foundation has provided an opportunity for more than 25,000 students to visit state parks. Applications for the grant are accepted from March 15 until April 30, 2025. Application information can be found on the Department's and the Indiana Natural Resources Foundation's websites.

Indiana State Board of Animal Health (BOAH) and the Department continue to monitor highly pathogenic avian influenza (HPAI) in the wild and in the domestic population of

birds throughout the state. HPAI has been detected in 30 counties and is suspected in 32 other counties based on pending test results. HPAI is caused by the influenza virus that usually spreads among birds. It is common in wild birds such as waterfowl, shorebirds, and raptors. HPAI impacted more than 1,500 sandhill cranes. The public can report the sighting of a sick or dead wild bird on the Department's website. Members of the public should avoid contact with sick or dead wildlife. If it is necessary to remove a dead bird, do it safely, use appropriate equipment, wash hands, and dispose of the carcass properly.

The spring issue of Outdoor Indiana features a photo-filled cover story about the tiny plants that dot the Hoosier landscape. The issue also includes the Department's walleye program and the greenhouse at Prophetstown State Park. This is the first issue of Outdoor Indiana printed by the Department's partners at Indiana Correction Industries (ICI), an Indiana Department of Corrections program dedicated to providing incarcerated individuals real-world training programs that develop work ethics, skills, and abilities to support successful re-entry.

Ryan Mueller, Deputy Director of the Regulatory Bureau, provided his report which is summarized as follows:

The Division of Reclamation continues its progress to plug orphaned and abandoned oil and gas wells. As of March 1, 2025, 385 wells have been plugged at a cost of nearly \$23 million. This exceeds the initial goal of the program to plug 350 wells. Phase two includes an additional \$14 million in funding and is underway. Five projects have been identified and coordination with the federal orphan well plugging office is ongoing with contracts expected to be awarded in the next several months.

On April 16 the Division of Water will host a public open house in Columbus, Indiana. The goal of the open houses is to foster cooperation with residents and local entities participating in the National Flood Insurance Program and to provide technical assistance and data to local officials. Information on topics such as floodplain management and permitting, water resource assessments, dam and levee safety, and community assistance will be shared with attendees. This open house is one of several that will be taking place throughout the state.

The deadline for entering the annual Division of Historic Preservation and Archaeology photo contest is Friday, April 4, 2025. Open to photographers of any age and skill level, the contest has been held since 2005 to promote Indiana's historic resources. All structures in photo entries must be at least 50 years old and in Indiana, but do not have to be fully restored. Photos of exclusively natural elements will not be accepted.

Mike Smith, Interim Deputy Director of the Bureau of Administration, provided his report which is summarized as follows:

On January 28, 2025, the Department budget was presented to the House Ways and Means Committee and on March 13, 2025 it was presented to the Senate Appropriations Committee. The Department's general funds were reduced by five percent, approximately \$3.5 million. Under the current version of the biennium budget, the Department would receive \$62 million from the general fund, \$90 million from dedicated funds, and a projected \$129 million of federal funding, or \$182 million annually.

A capital budget item remains in place for the rebuilding of the McCormick's Creek State Park campground that was devastated by the 2023 tornado.

In late January 2025, the Indiana Office of Management and Budget paused most federal grant programs, and most grant related documents were held for several weeks. In the last three weeks, there has been positive movement in several grant programs.

Patrick Early, Chair of the Advisory Council, reported that the Advisory Council has not met since the last Commission meeting.

The Chair recognized and congratulated Karen Hinton for receiving the Director's Award for her work in state parks.

The Chair thanked Cory Webb with INDOT and Carl Wodrich from Indiana Department of Environmental Management (IDEM) for serving as proxies for their respective agencies. The Chair recognized Webb and asked him to introduce himself. Webb is the environmental policy manager for INDOT's Environmental Services Division. He worked at IDEM for twenty years and has worked at INDOT for the past year.

CHAIR AND VICE CHAIR

Information: Consideration of 2025 meeting dates:

The remaining 2025 Commission meeting dates are May 20, July 15, September 16, and November 18. All meetings, except the July 15 meeting, are scheduled to be held at Fort Harrison State Park, The Garrison. The July 15 meeting is scheduled to be held at Spring Mill State Park.

Updates on Commission and AOPA Committee

Jane Ann Stautz, Vice Chair of the Commission and Chair of the AOPA Committee, thanked Jennifer Jansen for her service on the AOPA Committee. Stautz recognized the appointment of Deborah Law from the Indiana Department of Transportation (INDOT) to serve on the AOPA Committee. Stautz reported that the AOPA Committee has a couple matters scheduled for May 12, 2025.

DNR, EXECUTIVE OFFICE

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

None

DNR, DIVISION OF STATE PARKS¹

Report to the Natural Resources Commission on Citizen Petition to allow the use of non-motorized bikes and e-bikes on DNR properties. Administrative Cause No. 23-SP-042

Matt Rea, Office of Legal Counsel, presented this item and a summary of his report follows:

A Citizen Petition was submitted by Patrick Carpenter regarding the use of e-bikes on Department properties for hunting purposes because the e-bike has a smaller environmental footprint. The Petitioner suggested that allowing e-bikes on Department properties would make it easier for people with mobility disabilities.

The Department committee appointed to review this petition consisted of Matthew Rea, Assistant Forrester Bradley Schneck, Deputy Director of Operations Brandt Baughman, Deputy Division Director Dale Brier, Southwest Public Lands Supervisor, Daniel Eckstein, and Captain Jet Quillen from the Division of Law Enforcement.

The Department allows bikes and e-bikes on Department properties with some restrictions, such as staying on established roads, trails, and campgrounds. E-bikes are currently allowed wherever mountain bikes are permitted. The Department assumed the Petitioner is advocating for an expanded use of e-bikes that would allow them to be used anywhere on Department property. The requirement that e-bikes remain on established trails and certain areas is based on safety concerns and ecological considerations. E-bikes are not designed to go off road and the speed at which an e-bike can travel while traversing over an unknown terrain is a safety concern. Operating E-bikes off trail would increase damage to sensitive natural features such as flora and fauna and cause wildlife disruption.

The Petitioner asserted that e-bikes should be allowed for people with disabilities. The Department has a process in place to allow mobility devices and a permitting process to allow mobility devices to go in certain areas.

¹ The items are reported in the minutes in the order in which they appear on the agenda; however, before addressing agenda items 4 through 8, the Chair announced that the items would be addressed in the following order: Item No. 6, regarding rules to establish a season for taking of bobcats; Item No. 8, regarding preliminary adoption for a new rule on regulation of carbon sequestration project; Item No. 4, report on citizen petition, Item no. 5, amendment of Information #61; and Item no. 7, final adoption of readoption of rules.

The Department considers all guests using Department properties and does not want to cater to one group to the detriment of another group. The Department would not be serving everyone by allowing e-bikes everywhere on all Department properties. The expansion of e-bikes on Department properties is not warranted or appropriate.

Bart Herriman moved to approve the Report on Citizen Petition as presented. Alan Morrison seconded the motion. Upon a voice vote, the motion carried.

NRC, DIVISION OF HEARINGS

Consideration of amendments to Information Bulletin #61; Public Freshwater Lake List to remove Rainbow Lake, located near Geneva in Adams County, from the list of public freshwater lakes. Administrative Cause No. 25-AD-021

Rebecca McClain, Office of Legal Counsel, presented this item and a summary of the report follows:

McClain clarified that Rainbow Lake in Adams County is being removed. Rainbow Lake was brought to the Department's attention through an administrative law case involving Rainbow Lake Homeowners' Association (HOA) and Limberlost Conservation Association (LCA). The lake was originally supposed to be in a trust to form a conservation area. It was sold to developers and now is private. There are no documents to support that the lake was used by the public and there are no public access sites on the lake. There have been reports of nonresidents fishing without licenses by lake residents. No water permits have been issued by the Department and there is no reason for the Department to regulate the lake. The Department agrees with the HOA to remove Rainbow Lake from the Public Freshwater Lake List.

The Chair recognized David Baumgartner, whose statement is summarized as follows:

Baumgartner is an attorney representing the HOA. The lake was built in 1956. The developer at the time platted approximately 100 residential lots and a golf course around part of the lake. The lake is now owned by the HOA. It is unclear how the lake was added to the Public Freshwater Lake List. Since the lake was posted on the Departments' website, people have shown up to try access the lake and trespassed on private property to access the lake.

Herriman asked how large Rainbow Lake is. Baumgartner replied he thinks it is more than 40 acres.

The Chair asked if there were more comments or if there was a motion for final adoption.

Marc Milne moved to give final adoption to the proposed amendments as presented. Bart Herriman seconded the motion. Upon a voice vote, the motion carried.

Consideration of the Hearing Officer Report on rule processing, public hearing, and hearing officer analysis with recommendation on final action to amend 312 IAC 9-3-9 permitting possession of a bobcat found dead, 312 IAC 9-3-18.1 to allow a person to trap bobcat during bobcat season, 312 IAC 9-3-18.4 to remove bobcats for the possession and sale requirements, 312 IAC 9-10-4 to add bobcats to the list of species for which a game breeder's license is required, 312 IAC 9-10-12 to remove specific requirements for bobcat hides and other parts purchased by licensed buyers, and making technical and confirming changes: LSA#24-383(F); Administrative Cause No. 24-FW-010

Aaron Bonar, Hearing Officer, presented this item and his report is summarized as follows:

The proposed amendments will allow people to trap, possess, and sell bobcats in certain counties in Indiana and establish a statewide quota for a bobcat trapping season. The rule is conforming to the passage by the Indiana General Assembly of a law that became Indiana Code (IC) 14-22-6-17. Section (b) of that provision provides: "the Director of the Department of Natural Resources shall not later than July 1, 2025, adopt rules to establish a season to take a bobcat."

The proposed amendments would allow bobcat trapping in 40 southern Indiana counties, a statewide bag limit of 250 bobcats per season, and an individual bag limit of one bobcat per trapper. The Department believes the bobcat population has increased sufficiently in those 40 counties to sustain a 250-bag limit. There are healthy bobcat populations and habitats to sustain growing populations in these counties. Illinois, Michigan, Kentucky, and Wisconsin currently have seasons to take bobcats. Geriann Albers is the Department's certified wildlife biologist, furbearer, and turkey program leader and is available to answer questions.

The Commission granted preliminary adoption of the proposed rule on September 17, 2024. A public hearing was held on November 14, 2024. Several people from the public attended the meeting in person and on-line to offer comments both in favor of and in opposition to the proposed rule. Comments were received at the public hearing, by email, U.S. Mail, and through the Commission's rulemaking docket. Due to the large number of comments received, a second public hearing was held on January 16, 2025. There were fewer public comments during the second public comment period and public meeting, which was also held in person and virtually. A summary of the public comments is included in the Hearing Officer's Report as Exhibit B and the proposed final rule is included as Exhibit A.

Most people who opposed the rule requested the Department adopt a zerobag limit for bobcat trapping, however, adopting a zerobag limit would not comply with the General Assembly's mandate to establish a season to take bobcat. The Hearing Officer recommended final adoption of the proposed final rule.

The Chair noted the Commission strives for a fair process and wants people's voices to be heard. Holding two public comments periods and two public meetings is unusual but necessary given the volume of comments. The Chair stated the action is a final adoption of the proposed rule and

the process should be fair, not redundant, and there is well documented public input. The Chair said he would first recognize anyone representing an organization to speak.

The Chair recognized Nick Erny with the Indiana State Trappers Association:

Erny sits on the board of the Indiana State Trappers Association, representing more than 450 members and they support the rule amendment as written.

The Chair recognized Dan Borett with the Indiana Wildlife Federation:

Borett is the Executive Director of the Indiana Wildlife Federation (IDF) and IDF was neutral during the legislative process for a bobcat trapping season. In the future they would like to see a rule like the bobcat rule go through the Department's rulemaking process and not through a legislative process. He said IDF is in favor of a rule to allow bobcat trapping because the Department used the best available science to establish a bobcat trapping season. Borett noted Indiana has a constitutional right to hunt, fish, and trap and it is the preferred way to control natural resources.

The Chair recognized Charlie Masheck with the Fur Takers of America (FTA):

Masheck is on the Board of Directors for FTA, owns Hoosier Trappers Supply [Inc.] and is a taxidermist. He noted that a bobcat trapping season would have a financial impact on trapping and taxidermy businesses in the state. FTA supports the bobcat trapping season and trusts the Department in the decision to create a bobcat trapping season because of past successes.

The Chair recognized Samantha Chapman with Humane World for Animals:

Chapman is the State Director for Humane World for Animals and on behalf of their members and supporters they urge the Commission to set a zero bag limit for the taking of bobcats. They would like to see the Department work with researchers on a comprehensive population study so there is a better understanding of the bobcat population in Indiana.

Chapman noted it has not been that long since majestic bobcats were on the endangered species list after being hunted and trapped to near extinction in the 1960s. There is still no adequate population data, and it would be foolish and reckless to resume hunting and trapping bobcats at the risk of losing these shy, native cats. She is grateful the Department holds wildlife in trust for everyone in the state to enjoy but less than .06 Hoosiers hold a trapping license, and the Department estimated bobcat trapping would generate \$30,000 dollars in revenue, which is irresponsible. According to the U.S. Fish and Wildlife Services, wildlife watchers outspend hunters six to one and outnumber them ten to one nationwide. According to the U.S. Bureau of Economic Analysis, outdoor recreation generated \$16 billion for Indiana in 2023, of which only .7 percent was generated by hunting and trapping.

Chapman stated the bobcat trapping proposed rule does not reflect Hoosier values and we all have a stake in how wildlife is treated. In January 2025, Humane World for Animals commissioned a survey of likely Indiana voters by the respected non-partisan Remington

Research Group that found 71% oppose the use of neck snares, steel jaw leghold traps, and cage traps to trap bobcats and 66% do not believe recreational trapping of bobcats is sufficient to allow bobcat trapping. Remington Research Group also found that 60% of the people surveyed believe the interest of Hoosiers who value wild animals should be considered proportionate to the interests of hunters and trappers.

Chapman said trapping is cruel and harms domestic pets. Researchers have found that pet captures occur near urban areas, on trails, and in the winter. She noted that governmental bodies avoid disclosing date regarding trapped pets.

Bobcats play an important role in the ecosystem and there is no evidence bobcats are negatively impacting other species. The Department already allows someone to obtain a permit to address bobcats that are causing issues with livestock and other animals. The legislation mandated the Department to create a bobcat trapping rule, but the bill's author, Senator Scott Baldwin, said the bag limit could be set at zero based on population data.

The Chair recognized Kate Minelli from Bloomington, Indiana:

Minelli stated the bobcat population is bouncing back and there is a call to not enact a bobcat culling season, but there needs to be thorough longitudinal studies on bobcat population density and ecological health. Minelli lives in an area where the bobcat population has been bouncing back. She is an avid hiker and has not seen anecdotal impacts on pride populations.

Minelli said bobcats birth one small litter a year, typically two to four kittens. Rabbits are the primary food source for bobcats with a litter size of five to twelve babies and have an average of three to four litters per season. Female rabbits can have up to seven litters a year. Rabbit populations are ecologically sound, requiring apex predators to maintain balance. The rabbit hunting season goes from November 1 to February 28 and a hunter can kill five rabbits a day for the entire season, refuting the argument that rabbit populations are being depleted by bobcats. There are no definitive facts about the bobcat population, but there is gestation information on bobcats and rabbits. The Indiana hunting laws refute the need to preserve rabbits, the bobcat population is not a threat to the gestational tenacity of rabbits, and do not outcompete the number of rabbits legally hunted in Indiana.

Minelli stated it is up to the Commission to set the bobcat hunting and trapping guidelines, and the consensus is there is no substantiated data on bobcat populations in Indiana with crucial information missing. Because there is no certainty beyond a reasonable doubt the bobcat quota should be set at zero.

The Chair noted there were five online people who offered comments and several in attendance have indicated they would like to comment. The Commission will limit the comments by choosing randomly from people who are for and those who are against the proposed amendments.

The Chair recognized Kathy Cahalan of Ripley County, Indiana:

Cahalan owns 40-acres of mostly wooded property in Ripley County and has never seen a bobcat. She values these creatures and the opportunity to see one alive in the bobcat's natural habitat. A decade ago, she heard horrific stories of animals eating off their own legs in leghold traps and is shocked these traps are still legal. The leg hold traps are cruel and there is a risk of non-targeted animals, pets, and humans. She has read stories of dogs caught in snares and dying before their owner could save them. An unattended trap is a legal liability.

Cahalan said there was a severe drought in 2024 and a harsh winter season. She has seen fewer wild animals, and suspects that many have died. Bobcats are still recovering from endangered status, and she suspects their numbers have also decreased. She does not know if there are the hard, recent statistics that there should be before making decisions to allow bobcat trapping. There are already provisions in the law for nuisance control. Cahalan asked the Commission to consider a zero quota for bobcat trapping.

The Chair recognized Tom Morelock:

Morelock is a full-time wildlife nuisance operator representing himself. Most people have the same goal of preserving bobcats. The most effective way to gather information for bobcats and other animals is to have a regulated harvest season. Some information that can be collected includes litter size, tracking disease, and how prey species are impacted. Morelock wants to see bobcats thrive, so he supports a trapping season because it is the most effective way to manage wildlife in a way that can sustain the bobcat population. The same method has been used successfully to manage other wild animals, and the trained biologists know how to manage wildlife.

Morelock said he has been trapping 45 years and has captured at least 10,000 animals in foothold traps. The accusations of animals chewing off their legs are ridiculous. The river otters that were reintroduced to Indiana and other Midwest states were all captured with foothold traps by trappers in Louisiana. Yellowstone wolves were also trapped by Canadian trappers in the same steel traps that would be used to trap bobcats, except the traps have been improved. Traps are tested for effectiveness and humaneness.

The Chair transitioned from public comments to allow Geriann Albers with the Department to speak:

Albers is the furbearer and turkey program leader for the Department and has been collecting bobcat data for the last eight years. She has been collecting bobcat information for the last eight years. The Department has worked with Purdue University to establish the population model, creating a solid foundation. The Department will continue to monitor bobcats throughout the process because bobcats are important to the Department, the public, and Indiana.

Herriman asked if surrounding states that allow bobcat trapping have similar bag limits and whether other states with similar rules continued to see their bobcat populations grow. Albers said Illinois limits the bobcat harvest through a permit draw system whereas Indiana is implementing a bag limit quota. Illinois is continuing to see their bobcat population grow. Kentucky has a much more liberal bag limit of ten bobcats, and in the upper peninsula of

Michigan a person can harvest several bobcats while in the lower peninsula the per person limit is one bobcat.

Milne asked what values were used in the model to estimate year to year survival and what percentages were used. Albers responded that the research was from collaring research done on Indiana yearling and adult bobcats, resulting in adult survival rate of 85% and a yearling survival rate of 95%. There was no data on bobcat kitten survival in Indiana, but the consensus in literature seemed to be 30% was normal bobcat kitten survival rate. That rate was used as the primary metric; however, different scenarios were run to see where sensitivities are of the model.

Milne said the numbers seem to reflect unharvested bobcat population numbers, which scholarly literature says is about 75% to 95%, but harvested bobcat survival numbers are much lower at around 50% to 60% in harvested populations. Milne asked if the drop in adult survival is considered post-harvest. Albers replied that she did not think the current model accounts for that, but that it does use a lot of other very conservative metrics. The model assumes if a female bobcat does not have nine square miles of habitat and does not have kittens that she is probably incapable of reproducing.

The Chair indicated he hoped all comments were represented in the written and in person comments. The chair asked if there was a motion to accept the Hearing Officer's Report for final adoption as presented.

Patrick Early moved to give final adoption to the proposed amendments as presented. Bart Herriman seconded the motion. Upon a voice vote, the motion carried with eight yes votes and one no vote.

Consideration of Hearing Officer Report on rule processing, public comment and hearing officer analysis with recommendation to take final action to readopt certain rules subject to expiration and to repeal certain rules: LSA #24-574(F); Administrative Cause No. 24-AD-031

Elizabeth Gamboa, Hearing Officer, presented this item and reported as follows:

The final action is for the readoption of several rules that are set to expire at the end of the year. The process for readoption has changed slightly and is set forth in IC 4-22-2.6. A summary notice of the proposed rules for readoption must be provided to the legislature and posted to the Indiana Register. After authorization to proceed with readoption, notice of a 30-day comment period is published on the Indiana Register. During that time the public may request a rule be processed through the rulemaking process as outlined in IC 4-22.

Under 312 IAC 2-2-4(b), the Director of the Division of Hearings is authorized to give preliminary adoption of the rules. Preliminary readoption was approved on December 12, 2024. The Legislative Notice was published to the Indiana Register on December 13, 2024, the notice of public comment period was published in the Indiana Register on

January 22, 2025 and posted on the Commission's rulemaking website. The public comment period expired February 21, 2025, no comments were received, and there were no requests to process any of the rules through the rulemaking process under IC 4-22.

The Commission may request the rules be readopted and may repeal the rules. Currently, there is a request to repeal 312 IAC 6-5-4, 312 IAC 6-5-8, 312 IAC 9-4-5, 312 IAC 18-5-2, 312 IAC 18-5-3, 312 IAC 18-5-4, and the entire Chapter 28 regarding the State Land Office. Repeal of the rules was requested because they are no longer necessary or duplicate other provisions. The request is to readopt the rules and to repeal the rules indicated in the report.

Bart Herriman moved to approve the Hearing Officer's Report to give final readoption to certain rules as presented. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF RECLAMATION

Consideration for preliminary adoption of a new rule at 312 IAC 30 regarding regulation of carbon sequestration projects under Indiana Code 14-39; Administrative Cause No. 23-OG-027

Whitney Wampler, Office of Legal Counsel, presented this item and reported as follows:

The Department is requesting preliminary adoption of rules regarding the regulation of carbon sequestration projects. Carbon capture and sequestration is the capture and storage of carbon dioxide to prevent its release into the atmosphere. The two types of sequestration include biologic sequestration and geologic sequestration. The proposed rules address geologic sequestration. Geologic sequestration is an injection into rock formations thousands of feet below the surface. Carbon dioxide is captured and transported to an injection location.

Almost the entire state has the proper geologic formation for geologic sequestration and Indiana is a top manufacturing and ethanol producing state and has large carbon emissions. There is a Section 45Q tax credit from the federal government for the storage of carbon dioxide, a federal push for zero carbon emissions by 2050, and consumer and shareholder pressure to go green.

The Indiana General Assembly (IGA) passed IC 14-39-1 in 2011. In 2019 the IGA designated a pilot project to allow carbon dioxide to be sequestered. In 2022, the IGA passed IC 14-39-2, the general statute for carbon sequestration projects. In 2023, the IGA gave the Department rule making authority for pipelines and carbon sequestration projects. From May 2023 to the end of 2024, the Department had an external working group comprised of Department employees, industry, and other agencies that may issue permits in association with carbon sequestration projects, and other groups that may have a stake or interest in sequestration permits.

The proposed rules contain applicable provisions that incorporate definitions set forth in IC and say that carbon sequestration under IC and the new rule apply to permanent underground storage of carbon dioxide. There are additional definitions that do not appear in IC but do appear in the rules. There is a provision that applies to optional agreements for applicants for a carbon sequestration project permit and a pore space owner to participate in the proposed storage facility.

There is a provision in the rule regarding preapplication coordination with the Division of Reclamation. There is also a provision regarding carbon dioxide transmission pipelines including the applicability of when someone is required to apply for a certificate of authority and when someone is not required. There are more application requirements than what are already in the IC. Applicants are on notice that they must comply with federal, state, and local laws. There are also mapping requirements, timelines to provide the Department with deadlines to follow, rights of way, and notice of other possible permit requirements with INDOT.

There are provisions in the rule for modification, transfer, suspension, and revocation of the pipeline certificate of authority. Any determination of the Department is subject to review and appeal under IC 4-21.5 There is a provision regarding the carbon sequestration permits, including application requirements. Included in the rule are issuance timelines to help applicants plan better ongoing responsibilities of storage operators and pipeline companies, record keeping requirements, access to records, and inspections.

Stautz asked what the minimums were based on for the certificate of insurance and liability insurance coverage. Wampler stated the minimum for insurance was based on IDOA's [Indiana Department of Administration] insurance amounts required for state contractors.

Alan Morrison moved to approve preliminary adoption of a new rule as presented. Patrick Early seconded the motion. The Chair asked if there were any further comments, to which there was no response from the Commission. Upon a voice vote, the motion carried.

After other agenda items were addressed, Cory Webb, proxy for INDOT, attempted to abstain from the carbon sequestration vote, but due to a procedural issue, was denied by the Chair.

The meeting was adjourned at approximately 11:08 a.m., ET.