

NATURAL RESOURCES COMMISSION
Meeting Minutes, November 19, 2024

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Dan Bortner, Secretary
Brian Rockensuess
Laura Hilden
Noelle Szydlyk
Phil French
Patrick Early
Bart Herriman
Tom Kelley
John Wright

NATURAL RESOURCES COMMISSION STAFF PRESENT

Elizabeth Gamboa	Scott Allen
Aaron Bonar	Chloe Perkins

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Ryan Mueller	Executive Office	Amanda Wuestefeld	Fish and Wildlife
Chris Smith	Executive Office	Trevor Laureys	Fish and Wildlife
Mike Smith	Executive Office	Terry Hyndman	Law Enforcement
Kirsten Haney	Executive Office	Holly Lawson	Communications
Steve Hunter	Executive Office	Ron Hellmich	Nature Preserves
David Bausman	Executive Office	Jennifer Ware	Water
Terry Coleman	State Parks	Mark Basch	Water
Brandt Baughman	State Parks	Celena Langlois	Water

GUESTS PRESENT

Erin Huang	Chris Greisl	Cliff Chapman
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Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 10:00 a.m., ET, on November 19, 2024, at The Garrison, Fort Harrison State Park, 6002 North Post Road, Indianapolis, Indiana. With the presence of eleven members, the Chair observed a quorum. The Chair noted the Commission meeting was being livestreamed on the Commission's webpage.

APPROVAL OF MINUTES

The Chair asked for a motion to approve the Commission's September 17, 2024, meeting minutes.

Tom Kelley moved to approve the minutes as submitted. Bart Herriman seconded the motion. Upon a voice vote, the motion carried.

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

Dan Bortner, Director of the Department of Natural Resources (Department) provided the following report:

The Spring Mill Inn at Spring Mill State Park will reopen on November 20, 2024, completing the renovation that began in November 2022 as part of the Governor's maintenance initiative. On December 3, 2024, the cornerstone will be set which will officially begin the construction phase for the new lodge at Potato Creek State Park.

The Monon South Trail broke ground. There is construction in all five counties where the trail is located. The first section of the trail runs through Orange County and will open on December 19, 2024. The opening event will be held in Orleans.

The Next Level Conservation Trust (NLCT) continues to fund projects protecting over 2,000 acres of land with \$12 million of the \$25 million available. There is an additional \$7.4 million in offer status on which the Department will be closing on soon.

Bortner thanked Governor Holcomb for his support of the Department and noted that Hoosiers will benefit for generations to come because of the great things accomplished by the Governor's administration.

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

The Garrison at Fort Harrison State Park is now open after renovation which included new carpet, paint, restroom renovations, mechanical systems, and structural repairs to the building. The decision was made to close the restaurant due to the revenue not justifying continued operation. The dining room was converted to event space and the kitchen was converted for catering events. There are five different caterers on contract who can provide a broad spectrum of dining options. Work on the Fort Harrison State Park Inn has been completed which included replacing the roof, gutters, and soffit.

Construction has started on the Indiana Golf Association's (IGA) Pete and Alice Dye Golf Center at The Fort Golf Resort. The Department is excited to be the new home of

IGA's administrative offices and the Indiana Golf Foundation Hall of Fame. The project should be completed in Spring 2025.

Deer firearms hunting season started on Saturday, November 16, 2024, and runs through December 1, 2024. As of November 18, over 63,000 deer have been checked in, which is approximately 2,000 more than this time last year. Real time data is available on the Division of Fish and Wildlife's website. Archery hunting season remains open through January 5, 2025, and the muzzleloader season runs from December 7 to December 22.

The first set of state park deer management hunts are currently underway at 23 properties, including the archery-only hunt at Fort Harrison State Park. Another round of deer management hunts will occur December 2 and 3. The park properties are closed to other visitors during those hunts.

The Division of Forestry completed its annual open house series, giving forest users and neighbors the opportunity to discuss future projects and a hear summary of projects that were completed this year. The Division completed their annual certification audits with the Forest Stewardship Council and the Sustainable Forest Initiative, ensuring that wood products coming from the State Forests are grown in a sustainable and well-managed manner. The audits offer a "green certification," which is important for overseas markets. The Division is currently taking public comments until December 17, 2024, on the Division's updated strategic plan, which is available for review on the Department's website. Two open houses on the strategic plan have been held with a third, and final, open house scheduled in December.

At the beginning of November, the Division of Law Enforcement graduated 23 new Conservation Officers from the recruit school. The probationary officers will work with field training officers during the hunting season. The officers who need to will attend the Indiana Law Enforcement Academy to complete their education.

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

The Division of Reclamation continues to oversee the plugging of orphaned and abandoned oil and gas wells statewide. This is the initial phase of grant funding authorized by the Federal Infrastructure Act where participating states were awarded \$25 million each. As of November 8, 2024, 359 wells have been plugged at a cost of \$21.5 million. In addition, \$14 million in federal funding has been received to monitor and abate methane emissions from leaking wells. Nearly 360 wells have been plugged since January 21, 2023.

Staff from the Divisions of Fish and Wildlife and Reclamation continue to monitor the Chinook Fish and Wildlife Area (FWA) after a controlled burn caused a subsurface fire. Chinook FWA is located east of Terre Haute and north of I70. It is a reclaimed abandoned coal mine site, and it is believed that the controlled burn ignited shallow or exposed coal fines that spread further underground given the dry and windy conditions in October and November. Access to the FWA by the public has been limited. The Department created fire breaks, removed trees and vegetation, and periodically surveys

the site using a drone with thermal imagery sensors. Cold and wet winter conditions should help extinguish the fires.

Currently, the Division of Entomology and Plant Pathology is inspecting dealers that carry seasonal greenery such as wreaths, garland, and other decorations. Staff is mainly on the lookout for signs of boxwood blight, a fungal disease that can spread to other plants and landscaping. It's important to properly dispose of seasonal greenery and to avoid composting if there are signs of this disease.

The Chair asked if there have been other subsurface fires. Mueller said there have been, but the fires have been confined in a quarry or pit area where the area could be flooded to extinguish the fire. Mueller said the Chinook FWA fire is located on the top a hill where the fire could work its way through the buried coal fines.

The Chair recognized Director Bortner

Bortner thanked Deputy Director Kirsten Haney for her service to the Department. She has accepted a position with municipal government. Bortner said Mike Smith, the former Department CEO, will be serving as the Interim Administration Deputy Director until a replacement is hired.

Kirsten Haney, Deputy Director of the Bureau of Administration, thanked Director Bortner, the Department, and the Commission. Haney has appreciated her time in state government but has taken a position with the City of Carmel. Haney provided her report as follows:

The Department's partnership with Indiana Department of Administration (IDOA) for deferred maintenance funding remains strong and the Department is excited to re-open Spring Mill Inn on November 20, 2024. Deferred maintain projects have remained active. The Department anticipates a ramp-up of bids after Spring Mill Inn is open.

The Department received guidance from the State Budget Agency (SBA) and State Personnel Department (SPD) to hold positions and to fill only the most vital ones until after the new administration is in place in 2025. Due to the hiring guidance, the Department has shifted from a its vacancy rate of 4.57 percent to 5.72 percent.

The Department is having an agency budget hearing on December 16 to present the Department's budget to the State Budget Committee. This will be an overview of the Department's existing budget, biennium accomplishments, and agency challenges. Larger agencies are typically asked to attend and present in this format prior to release of the Governor's recommended budget in January.

Patrick Early, Chair of the Advisory Council, reported that the Advisory Council met in October to approve a water contract that will be before the Commission.

The Chair recognized Colonel Steve Hunter to report on the hurricane relief efforts of the Law Enforcement Division. Colonel Hunter deferred to Lieutenant Colonel Terry Hyndman to report to the Commission.

Hyndman stated that eight Conservation Officers along with firefighters from the City of South Bend, the City of Goshen, and the City of Mishawaka were deployed to North Carolina as part of a hurricane response effort. The team conducted wilderness search and rescue operations for a week. They rescued several people who were otherwise inaccessible for rescue, which required long hikes, and communication was limited due to cell towers being down. Officers reported some of the most perilous situations the team members had ever been in.

CHAIR AND VICE CHAIR

Information: Consideration of 2025 meeting dates:

All meetings are scheduled to be held at The Garrison at Fort Harrison State Park, but the locations are subject to change. The 2025 Commission meeting dates are scheduled for January 21, March 18, May 20, July 15, September 16, and November 18.

Updates on Commission and AOPA Committee

Jane Ann Stautz, Vice Chair of the Commission and Chair of the AOPA Committee, reported the AOPA Committee has not met since the last Commission meeting.

DNR, EXECUTIVE OFFICE

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

None

The Chair noted the Commission meeting is being livestreamed. Information is provided on the Commission's website for people who wish to register to make comments related to an agenda item.

DNR, DIVISION OF NATURE PRESERVES

Consideration of the dedication of the Fern Station Nature Preserve in Putnam County

Ron Hellmich, Division of Nature Preserves, presented this item and reported as follows:

The proposed nature preserve is 568.47 acres of unbroken forest offering forest interior habitat for wildlife. It is dominated by white oak, beech, and hickory trees, and is rich with woodland species, including wood thrush, Acadian flycatcher, and Northern parula. Red-shouldered hawks are present. The site is home to an abundant population of Kentucky warblers. Rare species that are present include cerulean, worm eating, and hooded warblers, brood-winged hawks, and eastern box turtles. Tributaries of Snake Creek contain amphibian life. The wooded ravines support a rich understory of native shrubs and a variety of fern species.

In 2022, the State of Indiana's Next Level Conservation Trust pledged \$3.1 million toward the acquisition of Fern Station. Central Indiana Land Trust, Incorporated (CILTI) donors contributed more than one million dollars to purchase Fern Station. It is owned and managed by CILTI.

The Division of Nature Preserves recommended dedication of this site as a State Nature Preserve.

The chair recognized Cliff Chapman for public comment. His comments are summarized as follows:

Chapman is the President and CEO of CILTI and supports the dedication of the Fern Station Nature Preserve. CILTI conducted a breeding bird survey in 2024. The survey results were astonishing with 21 breeding pairs of cerulean warblers and a county record of black and white warblers nesting in the area. The area is also dominated by white oak.

Brian Rockensuess moved to approve the dedication of Fern Station Nature Preserve in Putnam County. Laura Hilden seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF WATER

Consideration of the Contract between the State of Indiana and Stucker Fork Conservancy District for Water Supply from Hardy Lake; Administrative Cause No. 24-WA-024

Celena Langlois, Division of Water presented this item as follows:

Hardy Lake Reservoir was created in 1970 by damming Quick Creek. It was built as a back-up water supply for Stucker Fork. It currently serves DNR property and is a back-up water supply for Stucker Fork. The Department has had an active contract with Stucker Fork since 1969 with an extension in 1980. The current contract was made due to an administrative error.

The process for a water supply contract begins with a request for the contract, followed by a public notice period. Public hearings were held in six counties. No members of the public attended meetings in five of the counties. In the sixth county, Scott County, one person attended who was in favor of the contract.

The contract is with Stucker Fork Utilities which is a part of the Stucker Fork Conservancy District for public water supply purpose. The proposed water supply storage limit is 12,000acre-feet for the purposes of water supply and low flow regulation. The contract is a 50-year contract at a rate of \$33 per million gallons (MG) or a \$2,500 annual minimum.

The dam has been updated due to a meter system that was malfunctioning. The water usage will now be measured by weir discharge.

The Advisory Council approved the contract and recommended the Natural Resource Commission approve Water Supply Contract ST 24-001 between the Stucker Fork Conservancy District and the State of Indiana.

Tom Kelley moved to accept the report and to approve the Contract between the State of Indiana and the Stucker Fork Conservancy District for Water Supply from Hardy Lake. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

NRC, DIVISION OF HEARINGS

Consideration of Hearing Officer Report on rule processing, public hearing, and hearing officer analysis with recommendation regarding final action to amend 312 IAC 5-9-2 governing motorized watercraft operation on Geist Reservoir; adds 312 IAC 5-12-5 governing watercraft operation near dredging equipment; amends 312 IAC 10-5-9 governing permit exemption to remove creek rock from a waterway; repeals 312 IAC 10-5-10; adds 312 IAC 10-5-12 and 312 IAC 10-5-13 governing a permit exemptions.; Administrative Cause No. 24-WA-011

Chloe Perkins, Hearing Officer, presented this item and reported as follows:

Proposed amendments to 312 IAC 5-9-2 create a zone where motorized watercraft can operate safely on Geist Reservoir protecting patrons of the park and beach. Amendments to 312 IAC 5-12-5 says a person may not operate watercraft greater than idle speed no more than 200 feet from dredging equipment. Amendments to 312 IAC 10-5-9 allows a permit exemption to remove creek rock from non-navigable waterways without notice to the Department and repeals 312 IAC 10-5-10. Adding 312 IAC 10-5-12 and 312 IAC 10-5-13 regarding obtaining a permit exemption to remove a tree from the floodway and obtaining a permit exemption with notice to the Department for streambank protection.

The Commission gave preliminary adoption to the proposed amendments on July 16, 2024. A public hearing was held August 7, 2024, with no members of the public in attendance. One public comment was received during the public comment period. The comment and the Department's response are included in the Hearing Officer Report as Exhibit A.

The Hearing Officer recommended final adoption of the proposed final rule.

Noelle Szydlyk moved to give final action to amend 312 IAC 5-9-2 governing motorized watercraft operation on Geist Reservoir; adding 312 IAC 5-12-5 governing watercraft operation near dredging equipment; amend 312 IAC 10-5-9 governing permit exemption to remove creek rock from a waterway; repeal 312 IAC 10-5-10; add 312 IAC 10-5-12 and 312 IAC 10-5-13 governing permit exemptions. Bart Herriman seconded the motion. Upon a voice vote, the motion carried.

Consideration of approval of amendments to the Articles of Dedication and Master Plan of Wesselman Woods Nature Preserve; Administrative Cause No. 24-NP-015

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

Wesselman Woods Nature Preserve (Wesselman Woods) was originally dedicated by the Commission in 1981. The Evansville Department of Parks and Recreation holds the fee simple title of Wesselman Woods, and the Department holds a non-exclusive easement over the property.

Amendments to the Articles of Dedication are requested to correct the legal description. The legal description in the current Articles does not conform to the Public Land Survey section lines and does not close. The second call from the true point of beginning provides “thence South 18 degrees West for 285 feet.” This should be “thence West 18 degrees South for 285 feet.” The second correction is in the fifth call from the true point of beginning. The call “North 25 degrees East for 39 feet” should be “North 25 degrees West for 39 feet.”

Amendments to the Master Plan allow the nature preserve to manage native and exotic plant species that endanger growth of more favorable species to maintain a healthy balance of species in the preserve. The current Master Plan does not allow the management of native species. The amendment will allow management of the species at an appropriate level to maintain the balance of species.

The Evansville Department of Parks and Recreation has approved both amendments in a letter included in the Hearing Officer Report as Exhibit A. Notice of public hearing was published in the Evansville Courier on July 31, 2024, and a public hearing was held on September 11, 2024, at Wesselman Woods. Representatives of the Evansville Department of Parks and Recreation and Wesselman Woods volunteers and members of the work crew attended the meeting. Ron Hellmich from the Department and Derek Walsh, Director of Natural Resources and Research for Wesselman Woods, were also present and answered several questions. There were no comments in opposition to the proposed amendments.

The proposed amendments do not cause an impairment, a disturbance, a use, or a development that is inconsistent with the purposes of the Nature Preserves Act. The amendments to the legal description are necessary to accurately describe the area of the Nature Preserve. Amendments to the Master Plan allow management of species that are threatening the natural ecological balance of Wesselman Woods. The Hearing Officer

recommended the amendments to the Master Plan and to the Articles of Dedication be approved.

Tom Kelley moved to approve the Hearing Officer's Report with respect to the amendment to the Articles of Dedication and Master Plan of Wesselman Woods Nature Preserve. Bart Herriman seconded the motion. Upon a voice vote, the motion carried.

Consideration of approval of Nonrule Policy Document 85 to repeal Nonrule Policy Document 16 regarding the Civil Penalty Schedule for Violations of Oil and Gas Production Laws. Administrative Cause No. 24-NP-025

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

The adoption of Information Bulletin (IB) 85 would repeal IB16. IB16 is a civil penalties schedule for violations of oil and gas production laws. Pursuant to House Bill 2023-1623 fees, fines, and civil penalties charged by the Department must be provided in a rule. The schedule for determining civil penalties is now found in 312 IAC 1.5-8-1. The request is that IB85 be approved to repeal IB16.

John Wright moved to approve Nonrule Policy Document 85 and to repeal Nonrule Policy Document 16 regarding the Civil Penalty Schedule for Violations of Oil and Gas Production Laws. Bart Herriman seconded the motion. Upon a voice vote, the motion carried.

The Chair recognized Terry Coleman, Division of State Parks Director, and asked him to give an update on the opening of the Spring Mill Inn at Spring Mill State Park and the construction of the new Lodge at Potato Creek State Park.

Coleman reported to the Commission as follows:

The Spring Mill Inn was shut down for renovation that involved stripping the building to its studs and bringing in new electrical, plumbing, and technology while honoring the historic integrity and construction of the building. The grand reopening will be held November 20, 2024, with the dining room opening for its first meal on Thanksgiving. There will be a temporary shut-down to finish a few items and the Inn will reopen on December 6, 2024, for occupancy. The historic Inn is now accessible and has new lighting that offers a warm and cozy country décor. The cost of the renovations was \$33 million. Approximately \$2 million dollars were spent on the Inn's two-story parking deck and work is being done on the park's grist mill.

The Lodge at Potato Creek State Park is moving forward rapidly with an amazing design. The elevator towers should be visible this month. The Lodge will have 120 guest rooms. The conference facility can be used for exhibitions and other events. The kitchen and dining facilities will be friendly to the banquet facilities and to the Lodge's guests. There will be outdoor dining that overlooks the lake. The Lodge also includes a small indoor water park. The Department has partnered with the Town of North Liberty and the

Indiana Finance Authority to bring sewer and water to Potato Creek State Park, which will take the current water wells and water treatment plants offline.

The meeting was adjourned at approximately 10:43 a.m., ET.