

NATURAL RESOURCES COMMISSION
Meeting Minutes, September 20, 2022

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Dan Bortner, Secretary
Noelle Szydlyk
Jessica Miller
Bart Herriman
Carl Wodrich (appeared electronically)
Marc Milne (appeared electronically)
John Wright (appeared electronically)

NATURAL RESOURCES COMMISSION STAFF PRESENT

Scott Allen Elizabeth Gamboa

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Chris Smith	Executive Office
Ryan Mueller	Executive Office
Kirsten Haney	Executive Office
Caitlin Smith	Executive Office
Steve Hunter	Law Enforcement
Erick Bolt	Law Enforcement
Rebecca McClain	Legal
Terry Coleman	State Parks
Brandt Baughman	State Parks
Doug Lang	State Parks
Marie Laudeman	State Parks
Michael Rea	State Parks
Ronald Hellmich	Nature Preserves
John Seifert	Forestry
Tom Bacula	Fish and Wildlife

GUESTS PRESENT

Steve Lucas	Kathleen Lucas	Dr. Charles Beeker
Bob Matthews	Susan Milvalo	Eman Ibrahim
Cathy Csatari	Craig Zandstra	Christine Livingston
Michael Spinar	Scott Pelath	Andrea Huntington
Kathy Luther	Vernon Beck	

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 6:05 p.m., CT, on September 20, 2022, at Indiana Dunes State Park, Pavilion, 1600 North 25 East, Chesterton, Indiana. The Chair recognized a quorum.

The Chair recognized Doug Lang, Assistant Property Manager at the Indiana Dunes State Park, and Marie Laudeman, Interpretive Naturalist with the Division of State Parks.

Laudeman explained the Pavilion was built in 1930 for one hundred thousand dollars. The building reopened in 2021 after renovations that preserved the architecture. IT is being used for fine dining and roof-top observations. She noted the buoys in Lake Michigan that mark the J.D. Marshal Nature Preserve are visible from the Pavilion. Lauderman noted Indiana Dunes State Park is 2,100 acres with three miles of beach and shares a border with Indiana Dunes National Park. The two often work together on special projects, but the parks both have unique features. She said there are approximately one-and-a-half to two million visitors a year at the Indiana Dunes State Park, and approximately five million visitors a year to both the Indiana Dunes State Park and the Indiana Dunes National Park.

The chair also recognized and thanked several visitors to the meeting.

APPROVAL OF MINUTES

The Chair asked for a motion for the approval of the Commission's July 19, 2022, meeting minutes. Jessica Miller moved to approve the minutes as presented. Noelle Szydlyk 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 his report. Bortner stated the Pavilion at the Indiana Dunes State Park is a testament to vision and solid partnerships and thanked Pavilion Partners, LLC for hosting the Commission meeting.

The 2022 Indiana State Fair was another successful fair. Bortner noted the Department lost some long-time State Fair educational fish species, including the endangered lake sturgeon, during the fair. Bortner said the DNR Building at the fairgrounds will undergo some much-needed renovation before the fair next year.

The Department continues to move forward on the Governor's initiatives. The Next Level Conservation Trust provided \$25 million for land conservation and has approved 27 projects placing 3,700 acres of land into public trust.

Bortner shared the Million Tree Initiative has seen 600,000 trees planted and another 248,000 trees are planned to be planted in 2023.

The Governor's Next Level Trails Program has more than 34 miles of new trails completed with another 52 miles currently under construction.

Bortner said the Department continues to move forward with deferred maintenance projects and is receiving great feedback from guests regarding the changes being made. The Spring Mill Inn, built in 1934, will close in November 2022 for an 18-month renovation project.

Bortner reported Fall is the second-busiest time of the year for the State parks and several fall events are planned.

Chris Smith, Deputy Director of the Land Management Bureau, provided his report. He noted fall events taking place on Department properties include National Public Lands Day and National Hunting and Fishing Day. Both will take place on September 24, 2022. This is also the Department's last free fish day of the year. On September 25, 2022, State Parks, State Forests, and State Recreation Areas will offer free admission.

Smith said Epizootic Hemorrhagic Disease (EHD) has impacted deer in Wayne, Union, Fayette, and Franklin Counties and the Department has adjusted bonus antlerless quotas to one in those counties for this year. Humans are not at risk of contracting EHD. EHD is attributed to high population levels. Hunters in the impacted counties are being asked to report what they observe through the Department's website. Smith said there is a spike in avian influenza in wild migrating birds. The Department is asking hunters to take precautions when processing wild game birds. Suggested precautions may be found on the Department's website.

Smith said twenty counties will receive funding for improving local bodies of water as part of a \$1.2 million grant through the Division of Fish and Wildlife's Lake and River Enhancement Program. Seven lakes and seventeen rivers and streams will benefit from grants. Lake and River Enhancement is a boat registration fee where funds are distributed by the Department through a competitive grant program for water quality and sediment projects throughout the state.

Smith stated Sunset Cabin was dedicated at McCormick's Creek State Park on August 5, 2022. It is a 1,400 square-foot cabin that sleeps eight, has a fully accessible entrance on the first floor, is available all year, is located next to the family cabin area, and overlooks the McCormick's Cove Nature Preserve. Smith noted the Luetkemeier family partnered with the Department to build Sunset Cabin as they did with the building of the Centennial Cabin.

Smith said the Division of Fish and Wildlife has released a request for a proposal for a new point-of-sale license system to replace the current system. In addition to license sales, the new system will manage Indiana CheckIN for successful hunters and manage the draw system. The system should allow transactions to be conducted from a variety of Internet devices.

Smith said on September 22, 2022, the Division of Nature Preserves will dedicate a new trail and boardwalk at the Elkhart Bog Nature Preserve. Ron Hellmich, Director of the Division of Nature Preserves, was asked to provide additional details.

Hellmich said the Elkhart Bog Nature Preserve is one of the best examples of the circumneutral bog in the state. This is one of the few places where a person can walk out onto the bog on the boardwalk.

Smith added that on September 21, 2022, the Commission will have an opportunity to tour the Willow Slough Fish and Wildlife Area and learn about the lake renovation project.

Ryan Mueller, Deputy Director of the Resource Regulatory Bureau, provided his report. He said September is Indiana Archeology Month. The Division of Historic Preservation and Archaeology coordinates the event to encourage learning about the discipline of archeology, Indiana archeological sites, and laws protecting those sites. Universities, museums, organizations, and individuals throughout the state host a variety of programs including archaeological laboratory open houses, artifact identifications, lectures on archaeological topics, and archaeological excavations.

Mueller stated the Division of Reclamation is selecting bids for plugging orphaned and abandoned oil and gas wells. This effort is an initial phase as part of a federal grant that awarded \$25 million to Indiana. Division staff has identified and organized the well sites into geographic project regions to efficiently solicit bids. This effort helps control methane emissions and plugs wells and prevents surface contamination. Mueller reported there are about 1200 orphaned and abandoned wells statewide.

Mueller said beginning September 29, 2022, the Division of Water will participate in the Drainage Task Force to review the Indiana drainage code and Flood Control Act.

Mueller stated the Division of Entomology and Plant Pathology has completed the 2022 treatments for spongy moth, formerly gypsy moth. Kudzu treatments began in August and are continuing. Treatment for the spotted lanternfly is ongoing in southern Indiana (Switzerland County) The spotted lanternfly has been confirmed in Huntington, Indiana and staff continues to conduct surveys to determine the extent of the spread. The Department received approximately \$170,000 in additional federal funding to manage the spotted lanternfly, which is focused on survey and outreach.

Kirsten Haney, Deputy Director of the Administrative Bureau, provided her report. She said the Department, along with the Indiana Department of Administration, is continuing work on deferred maintenance projects, completing 88 projects. She noted the various projects moving forward include wastewater treatment plants, wastewater plants, HVAC, comfort stations, the Natural Resources Building at the Indiana State Fairgrounds, the Spring Mill Inn and parking garage, trail work, and exterior renovations of the nature center at Whitewater Memorial State Park. The Department will request the remaining \$18 million at the next Indiana State Budget Agency (SBA) Committee meeting in round three of the deferred maintenance.

Haney stated that as of September 16, 2022, the Department had 1,172 regular positions filled and 225 regular positions vacant. The Department currently has 120 positions in the “request to hire” queue. The Department is eager for the statewide compensation plan results to be released this fall in hopes it will help with recruitment and retention.

Haney stated the Department submitted the fiscal year 2024-2025 budget to SBA on August 20, 2022. She added the Department presented the contents of the budget to the Governor's Office and anticipates presenting at the SBA Committee meeting later in 2022.

Haney said the Department is engaged with the infrastructure bill as funding is made available for the Abandoned Mine Land Program, Orphaned Wells, and other potential operational opportunities. She noted the Department was recently awarded \$25 million in federal funding for the Orphaned and Abandoned Well Program and applied for the Community Wildfire Defense Grant.

The Chair noted the attendance of Steve Lucas, former Director of the Natural Resources Commission and thanked him for his service and commitment to natural resources.

CHAIR AND VICE CHAIR

Information: Consideration of 2022 meeting date:

The Chair noted the remaining Commission meeting on November 15, 2022, to be held at the Fort Benjamin Harrison – Garrison in Indianapolis.

Updates on Commission and AOPA Committee

Jane Ann Stautz, Vice Chair of the Commission and Chair of the AOPA Committee, reported the Committee is scheduled to meet on October 4, 2022.

DNR EXECUTIVE OFFICE

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

Chris Smith stated the Department has new items identified for referral to the Advisory Council and plans to have meetings in October and December 2022.

DNR DIVISION OF NATURE PRESERVES

Consideration of the dedication of the Muskegon Nature Preserve in LaPorte and Porter County

Ron Hellmich, Division of Nature Preserves, presented this item. Hellmich noted the proposed nature preserve is 23 acres located approximately 1,000 feet offshore in Lake Michigan that will protect the sunken ship, SS Muskegon. This site was listed on the National Register of Historic Places in 1989.

The proposed nature preserve includes the shipwreck and associated debris field and will promote understanding and appreciation of cultural values. The debris field and remains of the ship include machinery and gears from the engine and are at a depth of 32 feet of water. He said the shipwreck tells an important story about past events by providing information regarding economic, technological, and cultural history, and gives insight into early survival on the Great Lakes.

Hellmich noted the proposed nature preserve is within the Lake Michigan water in Indiana and will be administered by the Division of Nature Preserves. Management will be in cooperation with Indiana University.

Hellmich said the Division of Nature Preserves recommends dedication of this site as a State Nature Preserve.

The Chair recognized Dr. Charles Beeker, Director for Indiana University's Center for Underwater Science and Academic Diving Program.

Beeker said he has dived the site of SS Muskegon. He was intrigued that still intact and visible were the double boilers, machinery, drive shafts, and the propeller. He noted the SS Muskegon was originally named the Peerless, launched from Cleveland, Ohio in 1872, and is considered "one of the finest ships on the Great Lakes." The Peerless was based out of Chicago, Illinois. At that time, it was a cargo transport ship, and it would have taken about six days for the Peerless to steam up to Duluth, Minnesota.

Bortner added the Department is grateful for the partnership with Indiana University (IU). There are fourteen shipwrecks in Indiana Lake Michigan waters that the IU divers are able and better equipped to explore for possible future protection.

Bart Herriman moved to approve the dedication of the Muskegon Nature Preserve in LaPorte and Porter County. Jane Ann Stautz seconded the motion. The Motion carried unanimously, with the Commissioners voting as follows on a roll-call vote: Poynter – Aye; Stautz – Aye; Bortner – Aye; Wodrich – Aye; Miller – Aye; Szydlyk – Aye; Milne – Aye; Herriman – Aye; Wright – Aye.

DNR DIVISION OF FORESTRY

Report to the Natural Resources Commission on citizen petition to add a rule regarding dispersed camping; Administrative Cause No. 20-SP-019

John Seifert, Division of Forestry, presented this item. Seifert said the Department considered the opportunity to add additional dispersed camping. Because of the complexities of hunting and fishing in fish and wildlife areas, several conflicts could result. The Department is denying the citizen petition for a rule change.

Smith added the Division of Forestry allows dispersed camping, but the Division of Fish and Wildlife has a different mission that includes property access for hunters and anglers. Smith noted there are not many forests or opportunities for dispersed camping in the northern part of the state. The Department tried to find a middle ground to offer additional dispersed camping opportunities but was unable to find a solution.

Milne addressed the report and stated there was an additional “not” in the second to last sentence of the last paragraph that made the meaning confusing. The Chair noted the mistake.

Dan Bortner moved to accept the Report to the Natural Resources Commission on citizen petition to add a rule regarding dispersed camping. Noelle Szydlyk seconded the motion. The Motion carried unanimously, with the Commissioners voting as follows on a roll-call vote: Poynter – Aye; Stautz – Aye; Bortner – Aye; Wodrich – Aye; Miller – Aye; Szydlyk – Aye; Milne – Aye; Herriman – Aye; Wright – Aye.

DNR DIVISION OF LAW ENFORCEMENT

Request for preliminary adoption of amendments to 312 IAC 5-7-1 and adding 312 IAC 5-7-16 through 18; Boating Zone in Fort Wayne; Administrative Cause No. 21-LE-025

Rebecca McClain, Division of Legal Counsel, presented this item. McClain said the request started as a citizen petition from the City of Fort Wayne to adopt a rule to change the boat speed limit along portions of the St. Mary’s River, the St. Joseph River, and the Maumee River in Fort Wayne. The Department assigned a committee, and a report was presented at the Commission meeting in March, 2021.

McClain said the proposed rule change includes amending 312 IAC 5-7-1 to remove references to “navigable waters” and to add “public waters” because, pursuant IC 14-15-7-3, the Department is granted authority to adopt rules regarding operation of watercraft on public waters. The zones were defined by coordinates and not buoys as there are several landmarks to determine the coordinates. The City of Fort Wayne will add the signage.

Herriman asked why the rule amendment was requested.

McClain answered the rule amendment for adding the special speed zones was mostly for public safety. She noted the areas around the speed zones are being developed and there are more kayak and canoe liveries operating in this area.

Jane Ann Stautz moved to approve the preliminary adoption to amend 312 IAC 5-7-1 and adding 312 IAC 5-7-16 through 18; Boating Zone in Fort Wayne. Bart Herriman seconded the motion. The Motion carried unanimously, with the Commissioners voting as follows on a roll-call vote: Poynter – Aye; Stautz – Aye; Bortner – Aye; Wodrich – Aye; Miller – Aye; Szydlyk – Aye; Milne – Aye; Herriman – Aye; Wright – Aye.

NRC DIVISION OF HEARINGS

Consideration of recommendation for final action on readoption of 312 IAC 8, governing standards for the Public Use of Natural and Recreational Areas; LSA #22-242(F); Administrative Cause No. 22-SP-001

Elizabeth Gamboa presented this item for the Hearing Officer. Gamboa noted the previous Director of the Natural Resources Commission approved preliminary adoption on October 1, 2021. Notice of Intent to readopt the rule was published in the Indiana Register on August 3, 2022. No written requests to have a particular section of the rule readopted separately were received

Gamboa recommended final readoption of 312 IAC 8 in its entirety and without amendment.

Bart Herriman moved to give final adoption to readopt 312 IAC 8, governing standards for the Public Use of Natural and Recreational Areas as presented. Jane Ann Stautz seconded the motion. . The Motion carried unanimously, with the Commissioners voting as follows on a roll-call vote: Poynter – Aye; Stautz – Aye; Bortner – Aye; Wodrich – Aye; Miller – Aye; Szydlyk – Aye; Milne – Aye; Herriman – Aye; Wright – Aye; Record as Poynter-Aye, Stautz-Aye, Bortner-Aye, Wodrich-Aye, Miller-Aye, Szydlyk-Aye, Milne-Aye, Herriman-Aye, Wright-Aye.

PRESENTATIONS

Presentation on 20 Years of Indiana’s Lake Michigan Coastal Program by the Lake Michigan Coastal Program

Jenny Orsburn, Program Manager, Lake Michigan Coastal Program gave a slide presentation.

Presentation on projects by the Kankakee River Basin and Yellow River Basin Development Commission

Scott Pelath, Executive Director, Kankakee River Basin and Yellow River Basin Development Commission gave a slide presentation.

The meeting was adjourned at approximately 8:30 p.m., CT.