

**AOPA COMMITTEE
OF THE
NATURAL RESOURCES COMMISSION
May 15, 2018 Meeting Minutes**

AOPA COMMITTEE MEMBERS PRESENT

Jane Ann Stautz, Chair
Jenifer Jansen
Bart Herriman

NRC, DIVISION OF HEARINGS STAFF PRESENT

Sandra Jensen
Dawn Wilson
Scott Allen

GUESTS PRESENT

Anthony Spahr
Elizabeth Gamboa

Call to order and introductions

Jane Ann Stautz, Chair, called the meeting to order at 9:09 a.m., ET, at the Fort Harrison State Park, Garrison, 6002 North Post Road, Lawrence Room, Indianapolis, Indiana. With the presence of three members, the Chair observed a quorum.

Consideration and approval of minutes for the meeting held on February 14, 2018

Bart Herriman made a motion to approve, as presented, the minutes of the meeting held on February 14, 2018. Jennifer Jansen seconded the motion. Upon a voice vote, the motion carried.

Consideration of revisions to the Findings of Fact and Conclusions of Law with Nonfinal Order proposed for consistency with the AOPA Committee's previous determination in the matter of *Miami County, et al. v. DNR*; Administrative Cause No. 14-146W.

The Chair stated that the AOPA Committee appreciated the inclusion of the red line version and the final version of the Findings of Fact and Conclusions of Law with Nonfinal Order in the matter of *Miami County, et al. v. DNR*. She explained that a majority of the revisions in the Nonfinal Order deal with what was originally proposed starting at Finding 252. She noted that there were several findings in the original Nonfinal Order that are proposed to be stricken to reflect the decision of the Committee made at its February 14, 2018 meeting.

The Chair asked if there were any questions.

ALJ Jensen stated that Elizabeth Gamboa, Counsel for the Department, and Anthony Spahr, Counsel for Hidden Hills Residents, have items that they wanted to address on the record.

Gamboa explained that the Department, in its Objections to the Findings of Fact and Conclusions of Law with Nonfinal that was filed on October 23, 2017, raised an issue of possible typographical errors in the Nonfinal Order. Gamboa stated that Finding 48, on page 12 of the proposed Nonfinal Order reads, “These activities routinely involve the review of geotactical and hydrology plans. Crosby also serves as a tactical advisor for the Indiana Department of Homeland Security.” Gamboa stated that the term “geotactical” in the first sentence and “tactical” in the second sentence should read “technical” in both instances. Gamboa said that even though the issue of typographical errors was raised in the Departments’ Objections, it was not discussed during the Oral Arguments held on February 14, 2018.

The Chair asked whether Spahr had any objection to the correction of the typographical errors.

Spahr noted that the typographical corrections were minor and said he did not object to the corrections.

The Chair asked Gamboa if she had any additional comments.

Gamboa commented that she reviewed the order and agreed that it reflected the Committee’s February 14, 2018 determination.

Spahr explained that it recently came to his attention that two of the Hidden Hills residents have sold their properties. Spahr noted that Donald and Sharon Weeks sold their property at 1039 North Harbor Pointe Drive, Peru, Indiana, to Joseph and Katherine Derozier, and Eric and Jodie Marburger sold their property at 1162 West Elburn Drive, Peru, Indiana, to Robert Eric and Jamie Seward.

ALJ Jensen explained that at this point in the administrative process parties cannot be substituted. Jensen suggested that she would add the Deroziers and the Swards to the service list of the Notice of Final Order with a footnote added to the caption noting the property sales with an explanation that the notice of the property sales was mentioned for the first time at today’s meeting.

The Chair summarized that that the two amendments to the revised Nonfinal Order include the typographical corrections in Finding 48 and the addition of a footnote to the caption to reflect sale of properties and notification of the Final Order to the Deroziers and the Swards.

Jennifer Jansen moved to affirm the revised Findings of Fact and Conclusions of Law and Nonfinal Order in the matter *Miami County, et al. v. DNR*, including the correction of the typographical errors in Finding 48 and the addition of a footnote regarding the sale of properties,

as the Commission's Final Order. Bart Herriman seconded the motion. On a voice vote, the motion carried.

Adjournment

The meeting was adjourned at 9:18 a.m., ET.