

NATURAL RESOURCES ADVISORY COUNCIL
Minutes of February 13, 2008

MEMBERS PRESENT

Patrick Early, Chair
AmyMarie Travis, Vice Chair
Phil French
Donald Van Meter
Rick Cockrum
Chuck Hasbrook
James Snyder
William Wert
Bill Freeman

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Jennifer Kane

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Ron McAhron	Executive Office
Jim Hebenstreit	Water
Jon Eggen	Water
Tom Flatt	Fish and Wildlife
Matt Buffington	Fish and Wildlife

GUESTS PRESENT

Dick Mercier
John Goss

Patrick Early, Chair, called the meeting to order at 10:40 a.m., EST in The Garrison, Fort Harrison State Park, 6002 North Post Road, Indianapolis, Indiana. With nine members present, the chair observed a quorum.

The Chair announced that several new persons have been appointed to the Advisory Council. He asked that each new member provide a brief biography.

Bill Freeman indicated that he resides on 300 acres located in Brown County. "I've been interested in forest management and wildlife all my life. This is a nice opportunity to take some of my knowledge I've had in the past to help out the state of Indiana somehow." Freeman said he is a contractor and is Chairman of the Board of the Charles C. Brandt

Construction Company based in Indianapolis. He also noted the company celebrated its 100th Anniversary last year.

Dr. Charles Hasbrook said that he is a family physician in Indianapolis and has been “involved in the City my whole life.” He grew up in Indianapolis and attended Brebeuf Jesuit High School. “I’m an outdoors person, a cyclist, triathlete, swimmer, and hiker. I have property in Brown County, as well, and want to see if I can help along those lines.”

James Snyder, from the Northwest Indiana City of Portage, said that the “Great Lakes are a huge concern of ours. We’re kind of in the black hole of the media up there, and you probably don’t hear a lot of things down here about us. We have serious concerns about the Great Lakes and also our state parks. I’m happy to be here representing that area.”

The Chair welcomed the new members, and said, “Hopefully, this will be a meaningful experience for you.”

The Chair observed a quorum and asked for a motion to approve the Advisory Council meeting minutes of both August 15, 2007 and October 10, 2007. Rick Cockrum moved to approve the meeting minutes of August 15, 2007 and October 10, 2007. William Wert seconded the motion. Upon a voice vote, the motion carried.

Election of Officers: Chair and Vice Chair

The Chair explained that, by statute, election of officers must occur at the first meeting of the year. “I realize that we have some new members, but you are just going to have to trust this stuff, unless you want to nominate yourselves.” The Chair then entertained nominations.

Donald Van Meter nominated Patrick Early for Chair and AmyMarie Travis for Vice Chair. Rick Cockrum seconded the motion. The Chair asked for additional nominations. Hearing none, he called for a vote. Upon a voice vote, the motion carried.

At the request of John Davis, Deputy Director for the Bureau of Lands, Recreation, and Cultural Resources, the remaining members of the Advisory Council, along with Department and Commission staff, introduced themselves.

Purposes of Advisory Council and Overview of Processes

The Chair noted that with new Council members “it may be valuable to go over why [the Advisory Council] exists and what we are supposed to be doing.” He asked Stephen Lucas, Director of the Commission’s Division of Hearings, to provide an overview of the Council’s responsibilities.

Lucas provided Advisory Council members with a reference document he said outlines the Council's responsibilities, authority, and processes. "Really, the Advisory Council, I think, has great latitude in what it can do." He explained that before 20006, there were two advisory councils, "originally both the deputies essentially had their own advisory council, but as practice for the last several years, the two advisory councils had been meeting together so they already partially merged." Lucas noted that the regulating statute has been modernized and updated. "As a practical matter, you give advice to the DNR Director, the Deputies Director, and the Commission as to functions of the agencies." Lucas said the Natural Resources Commission is a major part of where the Council's advice "gets to ultimately".

Lucas provided an overview of the functions of the Natural Resources Commission. He said one of the functions of the Commission, with which the Council would frequently interface, was "permanent rule adoption". The Commission is the writer of permanent rules for the Department of Natural Resources. He said the Department Director "adopts emergency (or temporary) rules, with occasional input from the Council. Recently, this Council provided advice in the context of water withdrawal contracts from reservoirs, such as Monroe Reservoir."

Lucas said that there are a "handful of very specific statutory responsibilities" for the Advisory Council. With respect for Water Resources Management Act, "which I expect would come to be a hotter topic in the not too distant future," the Advisory Council has a specific role in terms of providing advice for rule writing. In that context, the Advisory Council membership would be augmented by the General Assembly, and "you would get together with four people [from the legislative branch], one from each party and each house." The Advisory Council has a review responsibility when contracts for water withdrawals are submitted to the Department. "You would take comments that were received at public hearing. You actually delegated the responsibility to do the public hearings to staff within the Department's Division of Water, or it could be [the Department's] legal staff." Reports and recommendations would be submitted to the Advisory Council, and the Advisory Council would make input on "how the contract should go forward, under what conditions, or if it should go forward at all. This is a new responsibility and is specific to the Advisory Council." Lucas said, "Your input is not just warranted and hoped for; it's statutorily mandated."

Lucas concluded that the Advisory Council is subject to the Open Door Law. He noted that the Advisory Council does not just give advice. "The Council Chair, by nature of your election, serves on the Natural Resources Commission and that isn't just advice, you made the decision. A seat on the Natural Resources Commission has a lot of responsibilities and a lot of authority with it." He said that unless the Advisory Council has a quorum, it cannot take action.

The Chair explained that one of the roles the Advisory Council has taken is holding public hearings related to hunting regulation changes, the one buck rule, dog running, and others. He asked, "Are we the ones that are supposed to be having these public hearings by statute or is that something that the Department has determined they want them to go

through here first?” Lucas explained the statute anticipates public hearings would be held by the Advisory Council. “It’s not a statutory mandate that in every instance the Advisory Council has to hold a public hearing for a rule. Largely [the decision to seek Council review] comes from the Department, the Deputies, the Director, or maybe from the Commission.”

The Chair said, “Even though the decision we make is not binding, we do typically go ahead and have a vote on matters and then we will pass it on to the Commission with either our recommendation to go forward with it or to deny it, whatever it happens to be.” He also commented, “The recommendation that we make is very much taken into account by the Commission in whether we move forward with issues or not.” Lucas concurred. “Absolutely, and I think the Commission defers a whole lot to the Advisory Council.”

Consideration of Recommendation for Preliminary Adoption of Proposed New Rule for Creek Gravel Extractions from Floodways; Administrative Cause No. 07-203W

Ron McAhrn, Deputy Director of the Bureau of Resource Regulation, introduced this item. He provided the Advisory Council with a brief background. “This is sort of a complex issue.” He explained that persons have “for a long time gone out in the back 40 into small streams and harvested sand, gravel, rocks out of the stream drainage ways.” McAhrn explained that the Flood Control Act prohibits certain activities in the floodway without a permit, one of those being excavation. He noted that a person was cited in the early 1990s, with a subsequent court decision, for taking gravel without a permit. The Department received an adverse ruling, and subsequently “stopped doing anything with that practice for the intervening 15 years or so.”

McAhrn said that the Department has received several inquiries concerning permits for excavation of gravel in a floodway, and the Department and IDEM staff have discussed drafting rules and guidelines. “The reason I think [the Advisory Council] can help is it’s one of these balancing things. We have very rarely legislative intent given to us” from the Indiana General Assembly. He noted that the court ruling resulted in a decision that the activities for which the person was cited “was not inconsistent with the intent of the statute.” McAhrn said that gravel excavation from the floodway is an “ugly practice. There are immediate and nearby impacts of this excavation on the stream habitat and resource.” He said a rule has been drafted “trying to balance the statutory mandate that we have, the 1990s Court of Appeals decision, and the impacts to the resources”.

McAhrn explained that the Department’s jurisdiction under the Flood Control Act starts, by rule, at one square mile drainage area. “Streams under one square mile drainage area, 640 acres, are not in our jurisdiction. It may be in the Corps of Engineers jurisdiction, and therefore under IDEM’s jurisdiction, but the Corps has repeatedly chosen not to be involved in this creek rock harvesting.” He said, “If there is going to be a regulatory program that addresses this practice, it’s going to come from us.” The proposed rule would “stop at navigable waters”, which are governed by separate statutes and rules. The proposed draft would cover “fourth, fifth order streams, smaller streams.”

Rick Cockrum thanked Department staff for its work on the rule proposal. The gravel exaction issue “came to me from fishing organizations and fishery biologists. It was kind of a hypothetical question. We regulate minerals that are extracted, and why not this one. Particularly, the conversation has been on flood control, which is important, but water quality, fish habitat, spawning grounds, there a lot of other issues that are impacted by this.”

The Chair asked for clarification. “This is for all streams that are not listed as navigable, but are bigger than one square mile of drainage? Those streams are countless, right? Any flowing creek of any size is going to drain more than one square mile?” McAhron explained that it is dependent on stream location. “In southern Indiana, you could have extended periods of time where a stream larger than [one square mile drainage] would not have apparent flow.”

William Wert asked, “Is this primarily going to be aimed at commercial, or anybody?” McAhron answered, “No. This is mom and pop.” He said the proposed rule draft has been shared with the commercial industry. The proposal governs creek gravel excavations on private property. Wert then asked, “So, we’re even talking about a guy that takes a backhoe and digs up gravel to patch his farmland?” McAhron said, “Exactly.” McAhron noted there has been more interest in panning for gold and other precious minerals as a hobby both, by hand tools and automated, such as with a suction hose. The rule proposal also addresses the excavation by hobbyists.

Phil French said, “We’re trying to limit the amount or quantify the amount that a landowner personally could extract from his property, as well as permit someone to come onto private property basically under the same rule. Is that the kind of framework that you are trying to address?” McAhron explained that with the landowner it is a property rights issue at some level. French then asked, “But we’re trying to quantify how much and where?” McAhron answered in the affirmative, and indicated that procedures for the extraction are also covered in the rule draft.

Cockrum asked, “But other minerals of value, the landowner doesn’t extract without a permit—coal, oil—right?” McAhron explained that mining of coal is governed by a separate program that is not tied to the Flood Control Act. “There is a federal and state program for coal extraction no matter where.” He said extraction of oil and gas is governed by a separate permitting program and performance issues regardless of location. McAhron reiterated that the rule proposal only addresses removing material from the bed of streams between one square mile of drainage and navigable streams.

The Chair asked, “The issue right now is we don’t have an enforceable rule to prevent people from extracting based on the early 1990s court case?” McAhron answered in the affirmative.

Cockrum asked whether the court decision addressed habitat and fish protection. Lucas explained the court decision was in a “very different context. It was a prosecution, and the judge declined to implement the sanction.... Essentially, the appeal was from a

negative judgment, and the Court of Appeals said it was not going to set aside appeals for negative judgments if there were a rational basis for what the trial court did.” Lucas explained that the trial court found that the Flood Control Act is “about reducing floods, and extracting material does not make floods worse. It might make them better.” He said whether there were any discussions at the trial court level regarding fish, wildlife, or botanical resources, the discussions “may have been melted down and disappeared as it went through the appellate process.” Lucas said that if a standard based on fish, wildlife, or botanical resources were adopted, having gone through the rule adoption process, “it is entirely possible that the Court of Appeals or the Supreme Court would come to a different decision, but I wouldn’t say absolutely”.

AmyMarie Travis asked, “Didn’t the appellate court tie [its decision] to specific factual findings that the trial court made, and it was essentially loathe to overturn the finder of fact?” Lucas agreed.

McAhron reiterated that the proposed rule would need to “balance” the Flood Control Act, the private property issues, and the impacts on the habitat and resource. “That’s how we got to this point.” McAhron then introduced Jon Eggen, the Head of the Division of Water’s Enforcement Section.

Jon Eggen provided Advisory Council members with photographs depicting mineral extractions from streams. He noted the proposed rule draft has a “real similarity with the log jam exemption rule...and basically mirrors those rules.” Eggen explained that the historic use, such as “a local farmer needs some gravel for his barn or his driveway so he goes out and gets [gravel] ever year, every spring, every summer”, has been included in the proposed rule. “Just like the log jam permit, there is a certain precedent. We tried to come up with this threshold and keep those environmental issues in place, like spawning season. A lot of these streams are small. Fish only use them during spawning season.” He explained that streams might be dry the remaining part of the year, “but that’s primary fisheries habitat up in those ponds.”

Eggen noted that “creek rock”, “mineral resources”, “recreational dredging”, and “recreational panning” are defined. These terms borrow definitions from other states with similar regulations. Recreational panning is a “family thing.... It’s not that big of deal unless there are not 200 people in one spot doing it. It’s pretty minor activity, and it’s outdoor recreation”. Eggen has received questions from conservation officers, landowners, and concerned neighbors about excavation activities in the small streams. Concerns have also been received from absentee landowners where streams have been stripped of creek rock “so there are trespass issues involved.”

Eggen explained the rule proposal contains a general license without notice (312 IAC 10-5-9), which would be available to landowners or persons with written permission from landowners, to remove creek rock from a waterway. “A couple scoops for your driveway or something for your horse barn, or bedding material” would qualify for the general license without notice. He said that ten cubic yards of creek rock may be removed in any given calendar year under the section, which is generally the size of one gravel truckload.

“Most of the guys that I talked to or heard from said that they take at least two tractor scoops every year—a tractor scoop is about one and half yards.” He indicated that this practice has been ongoing since the 1800s. “Whenever you needed something, you went and got it.”

Eggen said 312 IAC 10-5-10 would govern creek rock removal under a general license with notice. Land ownership or written permission from the landowner also applies under this section. “The amount of disturbance is a little more.” The Department reviews the written notice and either allows the activity with conditions or indicates to the person that the planned activity would not qualify for a general permit, and a full permit review process would be required. He noted that 100 cubic yards of creek rock may be removed over two consecutive years under this section, which is generally the size of one gravel truckload. He added that “100 cubic yards” was inserted in the proposed rule for “a place holder. I don’t know if 100 cubic yards is right or not. I’ve asked, and people said maybe 50. That’s ten truckloads.... If you narrow that down that could be a quite a length of stream.” Eggen said this section would also cover recreational dredging.

Eggen said the creek removal complaints received are caused by “bigger operators that come in for a couple of days and take out a whole bunch of rock, and then they are gone. By the time we get someone down there, everything is gone.” He said he visited a site after a major creek rock excavation, and there were “dead crayfish and dead fish miles down the stream. Because there is so much sediment, it depletes oxygen.” Eggen noted that fish habitat is lost with repeated excavation of in-stream material by removing the “holes in the streams where small mouth bass live.” Eggen indicated that these larger impact situations would not fall under a general license, and they would need to go through the full permit process. “A crusher wouldn’t be approved in a creek anyways.” He noted that the photographs provided to the Advisory Council members originated from complaints received by the Department, and they are “at the worst end of what we are talking about.” He said the photographs are from the last two years and are of locations in southeast Indiana, south of Brookville Reservoir.

Cockrum said, “It’s almost a double whammy for the small mouth reproduction. You are harvesting gravel that they spawn in, and the sedimentation buries the remaining gravel that they would spawn in.” Eggen agreed. “It’s really hitting it hard.” When the rule was drafted, “we are talking about letting people use equipment that can go in and scoop the gravel up.... You want equipment that has minimal material fallback...so there is less disturbance.”

Eggen explained that for recreational dredging persons are using a trash pump, or something that can vacuum “water and hard material into a two or three inch hose.” Material is removed from the stream and runs over a sluice, catching the heaviest material such as gold, platinum, or diamonds, and it eventually runs back into the creek. “Depending on how big of equipment they are doing this with, it might be relatively minor. But if you are doing this with a bigger machine for a long period of time, you are still putting a lot of sediment down the stream.” He noted that based on other state

regulations, a suction dredge size limit of not more than 15 horsepower, with an intake of not more than three inches in diameter, could be used in recreational dredging.

Eggen said the rule draft was “not perfect but tries to include those minor activities that are not going to be that detrimental” to the resource. He pointed out that gold is the heaviest mineral and located at the bottom of the stream. In recreational gold panning, a dredge is used to vacuum “the biggest hole they can, as far into the bed they can, in the bedrock. It’s not as big an issue if it’s on a stream where no one is walking, but if you did this on streams where there is a fishery and people are wading in a stream, you don’t want to step into a six-foot hole with a pair of waders on. These holes are in rock and they will stay awhile until they get filled in by the next heavy rain.” He indicated that the recreational dredging operations do not typically re-fill the hole.

Cockrum said, “I think you touched on what I had a question about. How do you define ‘recreational’? If you are sucking up a six-foot hole, it’s little bit more than recreation. You are mining gold in a waterway.”

Donald Van Meter added, “You’d be surprised how many people are doing that. I don’t know about Indiana, but around the country they are doing that, indeed, for recreation. I’m amazed that they do that.” Eggen reflected that this activity is also occurring in Indiana.

The Chair asked, “Is there a lot of gold and platinum in the streambed?” Eggen answered, “You’d be surprised. All our gold comes from glacial material brought down from Canada. There have been commercial gold mining operations in Indiana. They’ve gone broke eventually, but they did collect gold.”

Van Meter asked, “Do you know if we have in Indiana property that’s been purchased by gold association membership which is open to all members to go and pan for gold?” Eggen indicated that he was not aware of such associations, but he noted that there are “a lot” of gold panning websites that provide stream locations in Indiana. Davis said the Department purchased a forest legacy in northern Brown County, which has a 1,000-acre easement across the forest owned by “Hills of Gold. They run a kind of place where you can go for a weekend, pay a fee, and get a pan.”

Eggen said that the activity of recreational dredging was included in the rule draft for discussion purposes, “but is running a dredge that is continuously pumping this material through there is that worse than a guy going in with a scoop?” He indicated that the recreational demand for this activity is “growing”. Van Meter offered that recreational dredging should be included in the proposal in “some manner.”

The Chair asked from where the suction pump requirements originated. Eggen explained that Alaska and California have regulations with higher horsepower and sizes, but other states in the Midwest, have sizes comparable to what are in the proposed rule.

Travis commented regarding recreational dredging (312 IAC 10-2-33.6), that if “small” and “minimal” are not defined “it’s really, really hard on the enforcement end if you don’t further define.” Travis also suggested that for the purposes of the Advisory Council whether “anything that is automated dredging, because of the massive environmental impact of a sluicer constantly putting sediment into the creek, that maybe we talk about something that should come out from under the general permitting [without notice] ... just so the state kind of knows what people are doing out there. I don’t mean to sound ‘big brotherish’, but if you are talking about automated equipment that constantly puts sediment into a creek and you are talking about six to eight-foot holes in creeks, that starts getting into an area where, to me, a person is significantly changing the environmental character of that waterway”. Eggen noted that a previous draft of the proposal listed automated dredging under the general license without notice, but the current draft lists these automated activities to be governed by a general license with notice under 312 IAC 10-5-10.

Travis commented regarding trespass issues of absentee landowners, “I would always remind people that ‘trespass’ in Indiana is not defined the way a lot of people think it is. You walking across my open pasture and swimming in my pond is not a trespass unless I have told you that you are not allowed to be there, or unless I have it posted. I know you know that, but with regard to how this group of rules would apply it is always a concern to me that people think that trespass is just—I can have you arrested for trespass the second I find you in my creek, and that is not true.” Eggen responded that the requirement to have written permission from the landowner was intended to address this point. “A CO can ask for that.” Travis said that not having a landowner’s written authorization could result in the violation of the proposed rule, but it would not result in a violation of Indiana’s trespass statute.

McAhron said that IDEM was provided a copy of the draft rule. “Some of these issues cross their interest very much.” IDEM noted a concern regarding the 100 cubic yards limitation. He said IDEM has a list of streams that are considered impaired from a water quality standpoint, and “I feel like we need to do more with [IDEM] on a lot of our programs and certainly this, to me, was one of them.” McAhron said IDEM’s impaired stream list is broken down into 1,800 stream segments and over half of the streams listed are impaired due to *E. coli* levels, approximately 400 are impaired as to biological community, and three for siltation. “What I would like to do is to feather that into [the rule draft] to where [DNR] would review the list, but we struggled with how to get that incorporated”.

Travis asked, “What if it was an area that was going to be in one of the impaired streams that it would extend the time period for the approval, and also not come under the general licensing without notice?”

John Davis observed Indiana has some rivers that have significant mussel populations that would be particularly susceptible to sediment. “I wonder if there might be some streams that aren’t on the impaired list but might be very close to the Tippecanoe River mussel bed known to have federally endangered species.”

McAhron explained that the Department would, in the ten-day review period, review the various stream lists. He noted that IDEM's list of impaired streams changes every two years. "It's hard to let people know what we are talking about. So what we landed on is give us ten days. We've got the databases, and we can run them pretty quickly, but I think we do have to have a kill switch that lets the thing go a little further for more review."

Travis noted that IDEM's list or other lists could be incorporated by reference. Lucas explained that cross references in rules can "only cross reference to another Indiana rule or to an Indiana statute. If IDEM has a list and they change it every two years you can have the rule reference the list as it exists in 2008, but if it changes in 2010 then you have to amend the rule."

Travis said, "I'm almost wondering if the ten days is a bit short. That's what I'm curious about. I'm curious if ten days is really putting an onus on [DNR] staff." Eggen explained that both wetland exemption requests and log jam removal exemption requests have ten-day review periods, "but we don't do that in-depth review looking into IDEM's list. We just do our own checks internally." Travis reiterated that ten days "is not much time."

Cockrum said, "The other extreme would just be if it's an impaired stream then there is a ban on this activity."

Travis asked, "You can't incorporate by reference a list, but you can incorporate by reference the rule that makes the list?" Lucas said the rule that references IDEM's list can be incorporated. For IDEM's list to be a part of the rule "there is no way to go around having to change [the rule] as often as the list gets changed." Lucas explained that if IDEM's list was incorporated in its rule "rather than having this list that's outside [IDEM's] rule, then [DNR] could cite to the [IDEM's] rule. Every time [IDEM's] rule changed, [DNR's] citation would be okay."

Travis asked for clarification. "If [DNR] discovered that someone's wanting to dredge in an area that is an impaired stream, then [DNR] can use that as a reason to refuse the general license with notice and ask them to instead go through the permitting process." Eggen added, "Or we can impose additional conditions." Travis said, "I guess it's not the end of the world if the list isn't incorporated because that is one of the things [DNR] is going to check." Lucas said, "It's not the end of the world for that reason, and it's also not the end of the world, if you have a reference to an old list. It still counts."

Bill Freeman asked, "It would seem to me that if you are going to reject based on something, say the impaired stream list, and it's not written in [the rule] then why can't you reject it because I have blue eyes?" Davis explained that the reason for rejection would have to be specifically stated.

The Chair asked the Advisory Council whether it preferred to have DNR incorporate the suggestions made today, and "bring it back to before we send it on to the Commission?"

Or is there enough substance in what we've already seen, because this will work its way through some modifications as it goes through the process?"

Cockrum stated that he preferred to revisit the rule and "try to tighten it up." Travis commented, "I would almost feel remiss in our duties to pass on something without a little more review on our part."

The Chair asked whether DNR "had enough feedback" to make additional amendments to the rule proposal. Eggen said, "I think so." Eggen then invited the Advisory Council members to contact him directly with additional amendments. The Chair said, "If there are substantive changes that you've picked up through this, then I think it merits" further discussion, "but I just don't want to do this again."

Cockrum indicated that he would have other suggestions prior to the next meeting. Phil French added, "I think we need to tighten it up a little bit, and we have to define how many of these guys are there." Davis noted that the 100 cubic yards of creek rock is not a solid number. "Is that the number? Ten dump trucks are different than nine." Freeman said, "You have to be a little careful when you count dump trucks. About eight cubic yards is a single axle, twelve cubic yards is dual action, and 20 cubic yards is a tri-axle."

The Chair asked Advisory Council members to forward additional comments directly to Jon Eggen.

Donald Van Meter moved to table the proposed rule draft to allow for additional amendments. Rick Cockrum seconded the motion. Upon a voice vote, the motion carried.

Discussion of Pending Legislation Pertaining to the Lakes Preservation Act and Prioritization for Rule Writing (Including Consideration of Navigable Waters Rule Writing)

Ron McAhron also presented this item. He provided a brief overview of the current Legislative Session. Four bills were introduced (SB 39, SB40, SB41, and SB99) that emanated from the Lake Management Workgroup with "main concerns of the proliferation of piers and development on the public freshwater lakes." SB 41 and SB88 passed both houses. SB41, defines "lake", codifies "acquiescence", which is a precursor to becoming a freshwater lake, and charges the Department with compiling a list of public freshwater lakes. SB88 authorizes the Lake Management Workgroup for another two years. SB40 "gives the Public Trust Doctrine another jumpstart." McAhron said pier issues remain. "We continue to sit without a set of standards for group piers. The Commission in 2005 separated group piers out from the general license provisions." He announced that the Indiana General Assembly did pass the Great Lakes Compact, with the Governor expected to sign the legislation by the end of February.

Cockrum said the Advisory Council's subcommittee is "pretty far along on the 'marina' definition, but not on the 'group pier' definition." The Chair invited additional members to join subcommittee discussions.

Adjournment

At approximately 12:11 p.m., the meeting adjourned.

Future Meetings

April 9, 2008, June 11, 2008, August 13, 2008, October 15, 2008, and December 10, 2008 (Meetings to begin 10:30 a.m., ET (9:30 a.m., CT) at the Garrison, Ft. Harrison State Park).