

NATURAL RESOURCES COMMISSION
Minutes - September 17 and 18, 1998

MEMBERS PRESENT

Michael J. Kiley, Chair
Jack Arnett, Vice Chair
Larry Macklin, Secretary
Damian Schmelz
Jane Ann Stautz
Joseph Siener
Jerry Miller
John Goss

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Jennifer Kane
Sylvia Wilcox

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Lori Kaplan	Executive Office
Jack Costello	Executive Office
Angie James	Executive Office
Brent Shike	Executive Office
Jerry Pagac	State Parks and Reservoirs
John Bacone	Nature Preserves
Rich Dunbar	Nature Preserves
Tom Post	Nature Preserves
Wayne Faatz	Fish and Wildlife
Laurie Rounds	Water
Steve Davis	Water
Jim Hebenstreit	Water
MaryAnn Habeeb	Staff Counsel
Gene Davis	Law Enforcement

GUESTS

Hon. Scott King	Sam Senn
Charlotte Read	Charles Greskovich
Joseph Novosel, Sr.	

MONTHLY REPORTS

Michael J. Kiley, Chair, called to order the regular monthly meeting of the natural resources commission at 7:00 p.m., CDT (7:00 p.m., EST), on September 17, 1998 in the Hammond Harbor Pavilion, Hammond. With the presence of eight members, the chair observed a quorum.

Jerry Miller moved to approve the minutes of August 26, 1998 meeting with amendments. Included in the amendments were deletion of the word "New" in references to Harmonie State Historic Site, correction of an opening reference to the "Bureau of Lands and Cultural Resources" to instead reference the "Bureau of Mine Reclamation," correction of a grammatical error substituting "was" for "were," and acknowledgment that the "Report of Hearing Officer" in the matter of Petition for Rate Increase by Pleasure Craft Marina, Inc. (98-089P) should reference the petition from Pleasure Craft rather than the petition from Lake Monroe Sail Club. The motion with amendments was seconded by Damian Schmelz. Upon a voice vote, the motion carried.

Larry Macklin provided the Director's report. He said there was "a lot of activity spent this spring and summer" on the growth of White River State Park. He said the IMAX Theater is within the park. Macklin said the substitution of architectural firms for the new state museum building was "very smooth." The new architectural firm is "back in budget in concept and design." He said a fund-raising campaign was becoming more intensive across Indiana. Macklin said the new museum will be incorporated within White River State Park.

Macklin said there were two meetings with WIPB (public television broadcast from Ball State University) to develop a natural resources program for television. He said "we will be back on the air with a first class, first rate program."

Macklin announced the appropriations budget for the U.S. Army is out of committee and would fund 2,000 additional acres for Charlestown State Park. He said Burnell Fischer and Bill Stuart will travel to Washington to speak to the Senate Agricultural Committee on forestry concerns and other issues regarding the state park.

Macklin said 24 new conservation officers have successfully completed "weeks of rigorous training, ten of which came from the Governor's Law Enforcement Initiative." He described the new recruits as a "good quality bunch of folks."

Macklin said Curt Wiley, Department of Transportation, John Goss, Department of Commerce, and a representative from Indiana Department of Environmental Management will meet monthly to discuss overlapping issues. A primary goal of these meetings is how to "support one another."

Macklin said the Natural Resources Foundation credit card is "off and running," and responses have "far exceeded expectations." He said it is estimated \$250,000 will go to the foundation, annually, as a result of this initiative.

Jerry Miller, Chair of the Advisory Council for the Bureau of Lands and Cultural Resources, said his council did not meet in September. A meeting is scheduled to be held in two or three weeks.

Jack Costello, Deputy Director of the Bureau of Lands and Cultural Resources, announced to the Commission that "we are in the middle of Archaeology Week (September 14 to 20)". He said "we were lucky enough to get successful bids for construction on the rest of the Garrison at Fort Harrison State Park." It is a "beautiful place, and in need of a good restaurant." Costello said income generated by the state park increased 3 % from last year.

Joseph Siener, Chair of the Advisory Council for the Bureau for Water and Resource Regulation, said his council did not meet in September. The council is next scheduled to meet at the Jasper-Pulaski Fish and Wildlife Area.

Lori Kaplan, Deputy Director of the Bureau of Water and Resource Regulation, said staff have been meeting with Ball State University representatives to develop the natural resources program referenced by Macklin. The program will be broadcast from numerous PBS stations. She also announced an upcoming, day-long meeting between IDEM and DNR to "ascertain where we can work together a little more."

Kaplan said the Waterway Permit Coordination Workgroup, inspired by the Blue Ribbon Advisory Panel and the Lake Michigan Marina Development Commission, met last month with representatives from the Detroit and Louisville District offices of the US Army Corps of Engineers,. She said the both districts and the workgroup expressed a "willingness and a great desire" to come up with a joint application process. Kaplan said DNR would take charge of getting the joint application to the other agencies. "I'm looking forward to getting that going."

Kiley asked about the usage of the Division of Water's Internet permit application. Kaplan said the number of users "is not as great as we had hoped, but use is increasing". Jim Hebenstreit, Assistant Director of Division of Water, said particularly the number of consultants utilizing the Internet is increasing. "They are becoming more comfortable" with the process. "Mom and Pop operations are probably not as likely to use it yet."

Charlotte Read, Save the Dunes Council, said the Heritage Trust "has done a good job." Speaking as an individual, she urged the NRC to adopt a resolution seeking the appropriation of additional funds for the Trust. She said the Hoosier Trust and the DNR have a "wonderful partnership." Read asked the NRC to come back to Michigan City next summer.

Sam Senn, Environmental Consultant to the City and Mayor of Hammond, welcomed the NRC to the City of Hammond. He said the City of Hammond is "embarking" on a project to convert a slag dump into a golf course. The site is located at Calumet and 129th Street. He said Hammond is working with IDEM, and the course should be open in two years.

The project converts a "brownfield into a green space" which produces employment and improves the quality of life.

Robert Nelson, Harbormaster for the Hammond Marina, welcomed the commission to the Hammond Pavilion. He said the marina's mission is to "provide recreational access to those who come from land or sea." The Hammond Marina has handicap accessible fishing ramps, along with a handicap sailing program "the only one of its kind in Northwest Indiana." The Harbormaster said the pavilion is open all day and can be rented for meetings. It also offers showers and laundry service for boaters, as well as a deli. Nelson said it was a surprising statistic to many that "2,000 to 3,000 people visit the marina weekly who have nothing to do with boats."

Kiley thanked Nelson for the use of the "wonderful" pavilion. He also thanked Nelson for the tour of the facilities.

BUREAU OF LANDS AND CULTURAL RESOURCES PERSONNEL INTERVIEWS

There were no personnel interviews for September.

PERMANENT APPOINTMENTS

There were no permanent positions appointed for September.

Report on Indiana's Nature Preserve System: Protecting our Natural Heritage.

John Bacone, Director of Division of Nature Preserves, presented this item. He gave a slide presentation of (1) the history of land use in Indiana which has reduced natural areas to small remnants, (2) necessary programs to keep natural areas in good condition, and (3) a survey of Nature Preserves to show the variety of natural communities and their biota throughout the state. He said the DNR Division of Nature Preserves pursues a mission to identify, protect, and manage natural areas to maintain viable examples of Indiana's natural communities for the benefit of future generations. At its conclusion, Kiley congratulated Bacone and his staff on their efforts and said the presentation was "really excellent."

Status Report on the Purple Loosestrife Biological Control Program.

Rich Dunbar, Ecologist for Division of Nature Preserves, presented this item. He gave a slide presentation illustrating the effects of the release of beetles within stands of purple loosestrife. Several slides illustrated Canadian success with biological controls for purple loosestrife. Dunbar said Indiana has released beetles within many areas invaded by loosestrife, some of the northern areas being Lake Wawasee, Gibson Woods, the Bongi site, and the Indiana Dunes National Lakeshore.

Dunbar said the beetles are reproducing and becoming established within these areas. He explained that there are three different kinds of beetles that attack specific portions of the exotic plants (flower head, stem, and roots). Indiana is currently controlling about 10% of the existing purple loosestrife; however, in the next 20 years, over 90% eradication is projected. Dunbar said there is an ongoing national and international effort to control purple loosestrife. All DNR land-holding divisions, along with lake associations, land trusts, and other organizations, "have pitched in to combat this invasion of an exotic species."

BUREAU OF WATER AND RESOURCE REGULATION

REPORT ON THE NATURAL RESOURCE DAMAGE ASSESSMENT: A NORTHWEST INDIANA SUCCESS STORY.

Lori Kaplan provided a brief overview of the Natural Resource Damage Assessment process. Kaplan, who serves as a Co-Trustee for the NRDA process in Indiana, said Mary Ann Habeeb, Laurie Rounds, Wayne Faatz, and others were instrumental among DNR employees in making NRD assessments valuable tools for protecting and restoring rare ecological communities. No where in Indiana were the challenges so great, or efforts to date so rewarding, as in Northwest Indiana. She said Habeeb would lead a discussion of this success story during the field trip set for the following day.

LEGAL PROCEEDINGS NRC DIVISION OF HEARINGS

Consideration of Report of Public Hearing and Recommendation of Hearing Officer for Final Adoption of Rule Amendments to the Personal Flotation Device ("Life Preserver") Standards for Lake Michigan and the Ohio River; Administrative Cause Number 98-052L; LSA #98-84F.

Steve Lucas, hearing officer, introduced this item. He said the purpose of the proposed amendments is to conform state rules to the U.S. Coast Guard regulations on waters of concurrent jurisdiction. The new standards would be somewhat more stringent than existing standards. They are, however, "unremarkable to boaters on Lake Michigan and the Ohio River because they are already required to meet the more stringent Coast Guard regulations." Lucas said the amendments would require at least one "wearable" personal flotation device for each person onboard. In addition, there must be at least one "throwable" personal flotation device onboard. As a practical matter, the amendments were also "well-suited to the rigors of the open waters of Lake Michigan" and the Ohio River.

Jane Ann Stautz moved to recommend final adoption of the amendments to the personal flotation device ("life preserver") standards for Lake Michigan and the Ohio River. The motion was seconded by Jerry Miller. Upon voice vote, the motion carried.

Consideration of the Report of Public Hearing and Recommendation of Hearing Officer for Final Adoption of Rule Amendment Proposing a "No-Boat" Zone Adjacent to Public Swimming Beaches of Pokagon State Park; Administrative Cause Number 97-239P; LSA #98-84F.

Sylvia Wilcox, Administrative Law Judge, introduced this item. She said the new rule would formalize an already existing "no-boat" zone adjacent to two public swimming areas in Lake James serving Pokagon State Park. Wilcox said, because of concerns for law enforcement and boating consistency, the determination was made to formally promulgate the zone under specific NRC rule-adoption authority pertaining to watercraft. Currently, "no-boat" zones at these sites are recognized as an extension of authority relating to the management of state parks, but there is at least an arguable legal position that public waters adjacent to state parks are outside those parks.

Damian Schmelz moved to recommend the final adoption of a rule section to establish a "no-boat" zones adjacent to the public swimming beaches of Pokagon State Park. The motion was seconded by Jerry Miller. Upon voice vote, the motion carried.

OTHER MATTERS

Consideration of the Interagency Task Force on E. coli: A Cooperative Effort of Federal, State, and Local Agencies Seeking to Identify the Causes and Solutions to Bacterial Contamination Along Lake Michigan beaches.

Michael Kiley announced this item deferred.

Informational Item by Scott King, Chairman of the Lake Michigan Marina Development Commission and Mayor of Gary: Successes of the LMMDC and Aspirations for Revitalizing Indiana's Lake Michigan shoreline.

The Hon. Scott King thanked the NRC for the invitation to speak. He said the LMMDC, a state agency consisting of six Lake Michigan shoreline community mayors and a representative from the DNR and the Department of Commerce, is "an interesting body to be a part of." King said the LMMDC views marina development as a "catalyst in the whole shoreline development scheme." We are now looking "beyond the goal of building marinas" to the long-term goal of a comprehensive regional and state shoreline management and development plan. Marinas are a springboard rather than a finish tape."

King said, at the risk of sounding parochial, he believes Lake Michigan is the "greatest natural resource in Indiana among many. This shoreline is a fantastic and varietal resource." King said he originally grew up in Chicago, but the "Lakefront here compared to Chicago's shoreline is really incomparable."

King said the city of Gary was historically built because of the resources. The placement of U.S. Steel was a "virtual coin toss between Waukegon and Gary." Gary was chosen because of access to transportation and water afforded by Lake Michigan, but also because of the rail and other transportation facilities landward along the south edge of the lake. Today, steel production from Gary and the surrounding communities is as substantial as ever, but the number of workers and the space required for equivalent production quantities are reduced. Greater emphasis needs to be placed on the unparalleled recreational opportunities afforded by the Lake Michigan shoreline.

King spoke briefly about Gary's own plans for a marina facility. He said the City of Gary is changing the previous administration's focus on the City's west side and instead directing attention to the east side.

"What we do in Gary impacts other communities. We share a vision with the other lakefront mayors." King said, "we must have a vehicle to work with the DNR that is empowered to help the local people to shape the future, and to find a way to work with agencies and the Legislature to continue to develop [the shoreline communities] to help the entire state."

Adjournment

At approximately 8:21 pm, CDT (8:21 pm, EST), the meeting adjourned.

FIELD TRIP

Also incorporated into the meeting were fieldtrips conducted on September 17 and September 18, 1998. Before the regular meeting, the NRC visited the "Migrant Bird Trap" immediately west of the Hammond Harbor Pavilion and the Hammond Marina Breakwater, adjacent and east of the pavilion. On the following morning, the commission toured Clark and Pine Nature Preserve I and Clark and Pine Nature Preserve II (also known as the "Bonji Property"). The NRC also was escorted to the shoreline of the Grand Calumet River, where there was a discussion of the settlement with USX for mitigation of natural resource damages, as well as to the "Gary Lagoons" near the Gary Airport. The commission concluded its tour at Gibson Woods Nature Preserve in Hammond.