

BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA

IN THE MATTER OF:)
)
PETITION FOR RATE INCREASE) ADMINISTRATIVE CAUSE
BY TWO HERONS MARINA, LLC) NUMBER: 23-SP-040

REPORT OF HEARING OFFICER WITH PROPOSED FINDINGS
AND RECOMMENDATIONS TO THE U.S. ARMY CORPS OF ENGINEERS BY THE
NATURAL RESOURCES COMMISSION

1. **Petitions for Rate Establishment and Rate Increase by Two Herons Marina:**

On November 29, 2023, Thomas Greemann submitted a request for the establishment of temporary rates for transient dockage. Two Herons requests approval of rate of rates of \$50.00 per night for boats under 28’ and \$75.00 per night for boats over 28 feet for overnight dockage at Two Herons. The slips would only be provided if space is available at Two Herons. Electricity would be provided for the slips only if slips with electric are available. The request for temporary rates for overnight dockage is attached hereto as **Exhibit A.**

On December 4, 2023, Thomas Greemann submitted a request for a rate increase to the Department of Natural Resources (Department) and to the Natural Resources Commission on behalf of Two Herons Marina. Two Herons seeks an average rate increase of 6%. The last rate adjustment for Two Herons was effective in the 2023 season.

Greemann sites a 25% increase in the cost of insurance and higher than expected increase in labor and material costs. In addition, Two Herons has made improvements such as installing heating and air conditions in the showers, a backup generator to insure that the bathrooms, pump out, gas pumps and marina store will continue to operate in the event of a power outage. Greemann also points out that the marina continues to improve its high speed internet coverage for all docks, strives to have security cameras on all docks, has resealed and striped the parking lot for more efficient parking, and has added fourpole mounted dark sky – friendly street lights and two flood lights in the parking area.

Greemann's request for Rate Increases is attached hereto as **Exhibit B**.

2. Scope of Review

Requests for rate establishment or increase are evaluated by the Commission following the procedures outlined in Information Bulletin #20 (Fifth Amendment) (IB #20), as posted in the *Indiana Register* at [20170524-IR-312170263NRA](#) on May 24, 2017.

Two Herons timely submitted its Petition before January 1 of 2024 for proposed rates to be implemented in 2025 as required in IB #20,

3. Hearing Officer Assignment and Notification to Renters

Pursuant to Section 3 of IB #20, Elizabeth Gamboa was assigned as the hearing officer on February 12, 2024 due to the resignation of the prior hearing officer, Billie Franklin.

Greemann was notified of the change in hearing officers.

IB #20 requires the lessee to provide written notice to each slip renter as follows:

B. By March 1, the lessee shall provide written notice, by personal delivery, U.S. first class mail, or by electronic mail, to each slip renter or buoy renter that the lessee is requesting a rate establishment or increase associated with slips or other mooring facilities, including buoys and docking stations. The notice shall include the proposed rates and advise the renter that a rate hearing will be scheduled only upon submission of requests for rate hearing by ten percent (10%) of the renters within fifteen (15) days ... The lessee shall also provide the renter with the hearing officer's electronic mail address. Not later than March 15, the lessee shall provide the Hearings Division with a copy of the notice and a listing that includes the names of persons notified and the method of service under this paragraph....

C. By March 1, the lessee shall post written notice in a conspicuous location at the lessee's business office of a request for rate establishment or increase associated with accommodations, lodging, and houseboats, including floating cabins. The notice shall include the proposed rates and advise the public that a rate hearing will be scheduled only upon submission of twenty-five (25) individual requests for rate hearing to the hearing officer by personal delivery, U.S. first class mail sent to the address of the Hearings Division as provided in section 2(A)(ii) of this bulletin, or by electronic mail sent to the hearing officer not later than March 15. The lessee shall also provide the public with the hearing officer's electronic mail address.

In 2023, all marina operators were informed that HEA 1623-2023 could require that marina rates be established in administrative rule. Legislation was introduced in

the 2024 General Assembly that would exempt the marinas from the requirements of HEA 1623-2023. By email dated February 12, 2024, the operators were informed of the 2024 legislative proposal and were granted an extension of time in which to complete the notification requirements pending the outcome of the 2024 legislation. Two Herons was notified on March 11, 2024 that marina rates had been exempted from the requirements of HEA 1623-2023 and that the ratemaking process would continue pursuant to IB #20. Greeman was given until April 1 to provide the required notice to renters and until April 15, 2024 to provide the Commission with verification.

Greemann provided an affidavit confirming that all slip renters were notified of Two Herons' proposed fees on February 29, 2024. The notice identified the deadline for submitting comments or requesting a public hearing along with the mailing address and email address for submitting comments or requests.

4. Public Hearing and Comments

Pursuant to IB #20, section 3, a public hearing is scheduled on proposed rate increased only upon submission of requests for a rate hearing by ten percent of the renters within fifteen days of the notice sent to renters. The Commission did not receive any requests for a rate hearing and none was held.

5. Comparable Analysis and Department Recommendation

Upon receipt of a ratemaking request from a marina, the Department's Division of State Parks is responsible for analyzing the rates of comparable marinas. *IB#20, Sec.3(E)*. In the request for temporary rates for transient dockage, Greemann provided rates from Fourwinds Resort & Marina, Kent's Harbor Marina, Patoka Lake Marina and Hoosier Hills Marina as comparable. Greeman provided rates from the following marinas as comparable to Two Herons: Fourwinds Resort & Marina (Monroe Reservoir); Morse Marina; Geist Marina; Patoka Lake Marina; Hoosier Hills Marina; and Kents Harbor Marina.

On June 24, 2024, Brandt Baughman, Deputy Director Department of Natural Resources Division of State Parks, provided a report of the Division's evaluation of Two Herons's petition. The Department's report is attached hereto as *Exhibit C*. As indicated in the Department's report, the Division of State Parks

determined the request for temporary rates for transient dockage and the increase in rates by Two Herons “to be reasonable and justified based on comparable marina rates.” Baughman recommended the rate request proceed forward with approval.

6. Hearing Officer Analysis

Each of the marinas identified by Greeman as comparable marinas are located within 400 miles of Two Herons and therefore qualify as comparable marinas under IB #20, Section 2(B).

Where, as here, a request seeks rate increases of over two percent (2%) for which no public hearing is required, the hearing officer, in consultation with the Department, will prepare a written report to the Commission, which includes written findings and a proposal to the Commission for recommendations to the U.S. Army Corps of Engineers. *IB #20, Section 3(H)*.

After taking all of the information into account, the Hearing Office recommends all of the transient dockage rate and the rate increases requested by Greemann on behalf of Two Herons Marina be approved. After the Hearing Officer presents findings and recommendations to the Commission, the Commission may recommend approval or disapproval of the requested rate or recommend a rate in an amount less than the rate requested by the lessee. The Commission’s “recommendation for favorable consideration of a rate establishment or increase shall not be withheld unless, in the opinion of the Commission, the rates proposed exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area.” *IB #20, Section 5*.

With the foregoing analysis, the Hearing Officer presents **Exhibit D**, as the proposed findings and recommendations of the Commission to the U.S. Army Corps of Engineers.



Elizabeth Gamboa
Hearing Officer

Two Herons Marina, LLC

P. O. 606

Seymour, IN 47274

November 29, 2023

Billie Franklin

NRC, Hearing Division

Indiana Government Center North

100 North Senate Avenue, Room N103

Indianapolis, In 46204

CC:

Tessa Manuel

RE: Proposed 2024 temporary rates for transient dockage

Dear Sirs;

Enclosed please find a rate schedule for transient dockage.

We at Two Herons get a lot of requests for overnight dockage from boaters visiting Indiana and the Bloomington area. Therefore we want to ask for a rate establishment for transient boats on a per night basis. We propose to charge \$50 per night for boats under 28' and \$75 per night for boats over 28'. These slips would be provide only if the space was available. Electric would be provided only if slips with electric are available.

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Respectfully submitted,

Thomas Greemann, member

Two Herons Marina, LLC

812-525-8335

Proposed Temporary Rates

Per night 24 hours

28' side tie uncovered no electric	\$50.00
29' to 40' side tie no electric	\$75.00

Comparable rates

Four Winds	
As available water and electric variable	\$75.00
Kent's Harbor	
Up to 28'	\$47.90
Over 28'	\$58.00
Patoka Lake Marina	\$50.00
Hoosier Hills Marina	
No electric	\$27.00
With electric	\$40.00

EXHIBIT B

Two Herons Marina, LLC

P. O. Box 606

Seymour, In 47274

December 4, 2023

Billie Franklin

NRC, Hearings Division

Indiana Government Center North

100 North Senate Avenue, Room N103

Indianapolis, In 46204

CC:

Tessa Manuel

RE: Proposed 2025 Marina Rates increase request

Dear Sirs;

Enclosed please find a rate schedule request for the dockage year 2025.

The proposed rate increase ranges from 0% to 12.5% with the average being around 6%.

Our last request was approved in 2022 and went into effect in 2023.

Justification:

Marina costs have continued to increase since our last rate increase. The cost of insurance has increased by 25% per year and the cost of labor and material, has been higher than we anticipated.

We have also increased services to the patrons since our last rate increase. We have installed heating and air conditioning in the showers. We have installed a backup generator to insure that the bathrooms, pump out, gas pumps and the store will all keep working in the event of a power outage. The generator will also keep the ice eaters working if a winter storm causes a power outage. Two Herons Marina has

continued to provide and improve high speed internet for all of the docks. We also are striving to have security camera coverage on all docks. Two Herons Marina has resealed and striped the parking lots for more efficient parking and has added fourpole mounted dark sky friendly street lights and two flood lights for our patrons and staffs safety in the parking area.

We think that the survey attached indicates that our proposed rates for similar sized slips are as much as 31% less than the nearest competitor Four Winds Marina with whom we share access to lake Monroe. Even though we do not have all the amenities of Four Winds Marina a **30%** difference seems a little high and we would like to slowly bring the difference to around 20%.

Two Herons Marina has **287** floating rental slips (**29** of these slips can be made available for handicapped accessible use), And 19 jet ski ports, and a pump out dock and a 10 slip rental boat dock, a 30 foot by 40 foot floating store and restaurant, and a floating shower and bathroom building for a total of **6** toilets at dock level.(**4** toilets in the shower building and **2** handicapped accessible restrooms next to the store). There is parking for approximately 250 cars only a short distance from the marina entrance ramp. All of the facilities are convenient for the renters and patrons. We are providing the pump out facility free to anyone on the lake. We are providing free WHI service to all docks and to patrons in the store. We are an **Indiana Clean Marina** and have designated a dog walking park. All toilets and boat pump out are pumped to an above ground tank and hauled away.

This marina has historically been 100% rented with a waitlist. There is very little turnover from one year to the next. Currently we are fully rented with **300** renters and have a waitlist {developed from inquiries received in the last year) of **100+** potential future slip renters.

Respectfully submitted,

Thomas Greemann, member

Two Herons Marina, LLC

P.O. Box606

Seymour, Indiana 47274

Physical address

5505 State road 446

Bloomington In 47401

tgreemann@hotmail.com 812-525-8335

Dockage Rate Proposal

Uncovered slips:

16' to 24' side tie, no elect or water	\$1,525
12xZO	\$1,725
12' x 24	\$2,000
12x26	\$2,350
12'x 30' w/ water and electric	\$2,350
14' x 30' w/ water and electric	\$3,000
32' end w/water and electric	\$2,800
34' end w/ water and electric	\$3,100
17' x 32' w/ water and electric	\$3,500

Covered slips w/ water and electric:

12' x 28'	\$3,300
13' x 28'	\$3,400
14' x 28'	\$3,500
12' x 30'	\$3,600
13' x 36'	\$3,800
14' x 30'	\$3,800
14' x 36'	\$4,800
16' x 36'	\$5,000
17' x 40'	\$5,300
17' x 48'	\$6,350

Transient slips per night: (New establishment)

Up to 28'	\$SO
29' to 40'	\$75
Personal water craft: slip annual	\$750
Footage more than 5' past the end of dock.	\$90

Marina Survey and Rate Increase Proposal

Comparable marinas:

All rates are for annual rents.

We chose to compare Two Herons Marina to 6 marinas that were located in the State of Indiana and within 130miles by road.

1: Four Winds Resort and Marina

This is our closest comparable located only 6 miles away by water on Monroe Lake. It has more amenities than Two Herons, Including a hotel with pool. But it is approaching 1,000 slips and many people complain about the long walks to their slips from their cars. The restaurant and bar are not open as much as patrons may desire. The size of the marina may encourage people to get in there cars and drive to the showers and restaurant. Two Herons has a floating coffee shop and store at lake level and also floating restrooms and showers attached to the docks. Proposed Two Herons rents are proposed to be around 70% of Four Winds 2024 rents and we think we need to work to get the rents to around 80% to 85% of Four Winds.

See comparison chart next page:

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Marina Name:		Two Herons Marina, at cutright SRA						Four Winds Marina Lakeside		
Location:		Bloomington, IN						Bloomington, IN		
W	L									
slip rates year of		2023		Proposed		2025		2024		
		\$foot		\$foot		\$sq ft		\$foot		\$sq Ft
uncovered no elect or water										
Side	to	20	\$1,400	\$70	\$1,525	\$ 76.25				
	10	20						\$1,778	\$88.90	\$8.89
	12	20	\$1,600	\$80	\$1,725	\$ 86.25	\$ 7.19			
	12	24	\$1,950	\$81	\$2,000	\$ 83.33	\$ 6.94			
	12	26	\$2,200	\$85	\$2,300	\$ 88.46	\$ 7.37			
uncovered water and electric										
	12	24						\$2,944	\$123	\$ 10.22
	12	26						\$3,008	\$116	\$ 9.64
	13	28						\$3,427	\$122.39	\$ 9.41
	12	30	2100	\$ 70.00	2350	\$ 78.33	\$ 6.53			\$ -
\	14	30	2800	\$ 93.33	3000	\$ 100.00	\$ 7.14			\$ -
	13	32						\$3,916	\$122.38	\$ 9.41
	17	32	\$3,200	\$100.00	3,500	\$ 109.38	\$8.33			\$ -
	17	36						\$4,750	\$132	\$ 7.76
end	15	32	2200	\$69	2300	\$ 71.88	\$ 4.23			\$ -
END	15	34	3000	\$88	3200	\$ 88.89	\$ 5.23		\$0	\$ -
covered water and elect										
	12	20								\$ -
	12	24								\$ -
	12	28	\$3,100	\$111	\$3,300	\$ 117.86	\$ 9.82			\$ -
	13	28	\$3,200	\$114	\$3,400	\$ 121.43	\$ 9.34			\$ -
	14	28	\$3,300	\$118	\$3,500	\$ 125.00	\$ 10.42			\$ -
	12	30	\$3,400	\$113	\$3,600	\$ 120.00	\$ 9.89	\$5,342	\$178	\$ 14.84
	14	30	\$3,600	\$120	\$3,800	\$ 126.67	\$ 9.69			\$ -
			\$3,500	\$97	\$3,800	\$ 105.56	10.5556	\$6,609	\$184	\$ 14.12
	13	36	\$4,500	\$125	\$4,600	\$ 127.78	\$ 10.95			\$ -
	14	36	\$5,000	\$138.89	\$5,000	\$ 138.89	\$ 10.68			\$ -
	16	36						\$7,703	\$183	\$ 13.10
	14	42								\$ -
	16	40	\$4,900	\$123	\$5,300	\$ 132.50	\$ 9.01			\$ -
	17	40						\$8,749	\$182	\$ 11.39
	16	48	\$5,900	\$123	\$6,325	\$ 131.77	\$ 9.30			\$ -
	17	48						\$9,536	\$177	\$ 11.04
	16	54								
Transient slips				Personal						575
Up to 28'				water						
29'to40'				craft						

\$

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\$ 50.00

\$ 75.00

\$600

\$749

FOOTAGE MORETHAN 5 FEET PASTTHE END OF THE DOCK

\$90.00

AGENDA ITEM #13

2: Morse Marina

Located near Indianapolis 96 road *miles* from Two Herons Marina this is used to Judge what smaller slips are renting for in the area. Proposed rents for Two Herons range from 67%to 75% of Morse Marina.

Marina Name:		Two Herons Marina, at cutright SRMorse Marina						
Location:		Bloomington, IN			Indianapolis, IN			
W	L							
slip rates year of		2023		Proposed	2025	2023		
			\$foot		\$foot		\$ foot	
uncovered no elect orwater								
Side	to	20	\$1,400	\$70	\$1,525	\$ 76.25		
	10	20					\$2,360	\$118 \$ 11.80
	12	20	\$1,600	\$80	\$1,725	\$ 86.25		
	12	24	\$1,950	\$81	\$2,000	\$ 83.33		
	12	26	\$2,200	\$85	\$2,300	\$ 88.46		
uncovered water and electric								
	12	24					\$2,500	\$104.17 \$8.68
	12	26						\$ -
	13	28						\$ -
	12	30	2100	\$ 70.00	2350	\$ 78.33		\$ -
	14	30	2800	\$ 93.33	3000	\$ 100.00		\$ -
	13	32						\$ -
	17	32	\$3,200	\$100.00	3,500	\$ 109.38		\$ -
	17	36						\$ -
end	15	32	2200	\$6.9	2300	\$ 71.88		\$ -
END	15	34	3000	\$88	3200	\$ 88.89		\$ -
covered water and elect								
	12	20					\$3,455	\$172.75 \$ 14.40
	12	24					\$3,600	\$103.33 \$12.50
	12	28	\$3,100	\$111	\$3,300	\$ 117.86		
	13	28	\$3,200	\$114	\$3,400	\$ 121.43		
	14	28	\$3,300	\$118	\$3,500	\$ 125.00		
	12	30	\$3,400	\$113	\$3,600	\$ 120.00		
	14	30	\$3,600	\$120	\$3,800	\$ 126.67		
	13	36	\$3,500	\$97	\$3,800	\$ 105.56		
	14	36	\$4,500	\$125	\$4,600	\$ 127.78		
	16	36	\$5,000	\$138.89	\$5,000	\$ 138.89		\$0
	14	42						
	16	40						
	17	40	\$4,900	\$123	\$5,300	\$ 132.50		
	16	48						
	-17	48	\$5,900	\$123	\$6,325	\$ 131.77		
	16	54						
Transient slips								
Upto	28'				\$ 50.00		\$ 75.00	
29'	to40'				\$ 75.00			
Personal water craft								
			\$575		\$600		\$ 1,120	
FOOTAGE MORE THAN 5 FEET PAST THE END OF THE DOCK								

AGENDA ITEM #13

3: Geist Marina

Located near Indianapolis approximately 100 road miles from Two Herons Marina. This is a good comparison for small to medium slips. Proposed rents for Two Herons are 56% to 75% of Geist.

Marina Name:		Two Herons Marina, at cutright SR Geist Marina							
Location:		Bloomington, IN				Indianapolis, In			
W	L								
slip rates year		2023	Proposed		2025	2023			
			\$foot		\$foot		\$foot	\$ sqft	
uncovered no elect or water									
Side	to	20	\$1,400	\$70	\$1,525	\$ 76.25			
	10	20					\$2,710	\$135.50	\$13.55
	12	20	\$1,600	\$80	\$1,725	\$ 86.25			
	12	24	\$1,950	\$81	\$2,000	\$ 83.33			
	12	26	\$2,200	\$85	\$2,300	\$ 88.46			
uncovered water and electric									
	12	24					\$2,880	\$120.00	\$ 10.00
	12	26							\$ -
	13	28							\$ -
	12	30	2100	\$ 70.00	2350	\$ 78.33			\$ -
\	14	30	2800	\$ 93.33	3000	\$ 100.00			\$ -
	13	32							\$ -
	17	32	\$3,200	\$100.00	3,500	\$ 109.38			\$ -
	17	36							\$ -
end	15	32	2200	\$69	2300	\$ 71.88			\$ -
END	15	34	3000	\$88	3200	\$ 88.89			\$ -
covered water and elect									
	12	20					\$3,690	\$185	\$ 15.38
	12	24					\$3,690	\$154	\$ 12.81
	12	28	\$3,100	\$111	\$3,300	\$ 117.86			
	13	28	\$3,200	\$114	\$3,400	\$ 121.43			
	14	28	\$3,300	\$118	\$3,500	\$ 125.00			
	12	30	\$3,400	\$113	\$3,600	\$ 120.00			
	14	30	\$3,600	\$120	\$3,800	\$ 126.67			
	13	36	\$3,500	\$97	\$3,800	\$ 105.56			
	14	36	\$4,500	\$125	\$4,600	\$ 127.78			
	16	36	\$5,000	\$138.89	\$5,000	\$ 138.89			
	14	42							
	16	40							
	17	40	\$4,900	\$123	\$5,300	\$ 132.50			
	16	48							
	17	48	\$5,900	\$123	\$6,325	\$ 131.77			
	16	54							
Transient slips									
Upto28'				\$ 50.00					
29'to40'				\$ 75.00					
Personal water craft									
		\$575		\$600		\$1,260			
FOOTAGE MORE THAN 5 FEET PAST THE END OF THE DOCK									

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4: Patoka Lake Marina

Located in Sothern Indiana Approximately 73 miles from Two Herons Marina. This comparable marina is very similar in amenities. The parking and access is better at Two Herons. Two Herons is at an advantage as it is located nearer to population centers.

Marina Name:		Two Herons Marina, atcutrightSRPatokaLake Marina							
Location:		Bloomington, IN							
W	L								
slip rates year d		2023	Proposed		2025				
			\$foot		\$ foot	2023	\$foot	\$SqFt	
uncovered no elect orwater									
Side	to	20	\$1,400	\$70	\$1,525	\$ 76.25			
	10	20							
	12	20	\$1,600	\$80	\$1,725	\$ 86.25	\$1,300	\$65	\$ 5.42
	12	24	\$1,950	\$81	\$2,000	\$ 83.33			
	12	26	\$2,200	\$85	\$2,300	\$ 88.46			
uncovered water and electric									
	12	24					\$1,600	\$66.67	\$ 556
	12	26							
	13	28							
	12	30	2100	\$ 70.00	2350	\$ 78.33			
\	14	30	2800	\$ 93.33	3000	\$ 100.00			
	13	32							
	17	32	\$3,200	\$100.00	3,500	\$ 109.38			
	17	36					\$2,900	\$80.56	\$4.74
end	15	32	2200	\$69	2300	\$ 71.88			
END	15	34	3000	\$88	3200	\$ 88.89			
covered water andelect									
	12	20							
	12	24					\$2,600	\$108	\$ 9.03
	12	28	\$3,100	\$111	\$3,300	\$ 117.86	\$ 2,800		
	13	28	\$3,200	\$114	\$3,400	\$ 121.43			
	14	28	\$3,300	\$118	\$3,500	\$ 125.00			
	12	30	\$3,400	\$113	\$3,600	\$ 120.00			
	14	30	\$3,600	\$120	\$3,800	\$ 126.67			
	13	36	\$3,500	\$97	\$3,800	\$ 105.56			
	14	36	\$4,500	\$125	\$4,600	\$ 127.78			
	16	36	\$5,000	\$138.89	\$5,000	\$ 138.89			
	14	42							
	16	40					\$4,715	\$117.88	\$ 7.37
	17	40	\$4,900	\$123	\$5,300	\$ 132.50			
	16	48							
	17	48	\$5,900	\$123	\$6,325	\$ 131.77			
	16	54							
Transient slips									
Upto 28'					\$ 50.00		\$ 50.00		
29'to40'					\$ 75.00				
Personal water craft									
			\$575		\$600				
FOOTAGE MORE THAN5 FEET PASTTHE END OFTHE DOCK								111	

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5: Hoosier Hills Marina

Located in Southern Indiana about 94 miles from Two Herons Marina. Similar amenities as Two Herons but is at a disadvantage on proximity to population centers.

Marina Name:			Two Herons Marina, at cutrightSR		Hoosier Hills Marina			
Location:	Bloomington, IN				Celestine, IN			
W L					doublewell		14x30	
slip rates/year c	2023		Proposed		2025			
	\$ foot		\$foot		2023		\$ foot \$sq ft	
uncovered no elect on water								
Side to	20	\$1,400	\$70	\$1,525	\$ 76.25			
	10	20						
	12	20	\$1,600	\$80	\$1,725	\$ 86.25		
	12	24	\$1,950	\$81	\$2,000	\$ 83.33		
	12	26	\$2,200	\$85	\$2,300	\$ 88.46		
uncovered water and electric								
	12	24						
	12	26						
	13	28						
	12	30	2100	\$ 70.00	2350	\$ 78.33		
	14	30	2800	\$ 93.33	3000	\$ 100.00		
	13	32						
	17	32	\$3,200	\$100.00	3,500	\$ 109.38		
	17	36						
end	15	32	2200	\$69	2300	\$ 71.88		
END	15	34	3000	\$88	3200	\$ 88.89		
covered water and elect								
	12	20					\$0	\$0.00
	12	24					\$ 2,529	\$ 105 8.78
	12	28	\$3,100	\$111	\$3,300	\$ 117.86		
	13	28	\$3,200	\$114	\$3,400	\$ 121.43		
	14	28	\$3,300	\$118	\$3,500	\$ 125.00		
	12	30	\$3,400	\$113	\$3,600	\$ 120.00	\$3,100	\$103.33 \$8.61
	14	30	\$3,600	\$120	\$3,800	\$ 126.67	\$3,180	\$106 \$7.57
	13	36	\$3,500	\$97	\$3,800	\$ 105.56		0
	14	36	\$4,500	\$125	\$4,600	\$ 127.78	\$3,710	\$103.06 \$7.36
	16	36	\$5,000	\$138.89	\$5,000	\$ 138.89		
	14	42						
	16	40						
	17	40	\$4,900	\$123	\$5,300	\$ 132.50		
	16	48						
	17	48	\$5,900	\$123	\$6,325	\$ 131.77		
	16	54						
Transient slips								
Upto28'				\$ 50.00		\$ 27.00		
29'to40'				\$ 75.00		\$ 40.00		
Personal water craft								
			\$575	\$600		300		
FOOTAGE MORE THAN 5 FEET PASTTHEEND OF THE DOCK							\$75	

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6: Kents Harbor Marina

Located around 128 road miles from Two Herons Marina. This marina has superior amenities with a pool and golf course. All of Kent's Harbor are double well (two per slip). Two Herons is proposing rents at 92% to 94% of Kent's Harbor

Marina Name:		Two Herons Marina, at cutright SRKents Harbor Marina							
Location:		Bloomington, IN							
W	L							double well	slips
slip rates year of		2023		Proposed		2025			
			\$foot		\$foot		2024	\$foot	\$ sqft
uncovered no elect orwater									
Side	to	20	\$1,400	\$70	\$1,525	\$ 76.25			
	10	20							
	12	20	\$1,600	\$80	\$1,725	\$ 86.25	\$1,870	\$93.50	\$ 7.79
	12	24	\$1,950	\$81	\$2,000	\$ 83.33	\$2,045		
	12	26	\$2,200	\$85	\$2,300	\$ 88.46			
uncovered water and electric									
	12	24					\$2,650	\$110.42	\$ 9.20
	12	26					\$2,715	\$104.42	\$ 8.70
	13	28					\$3,060	\$109.29	\$ 8.41
	12	30	2100	\$ 70.00	2350	\$ 78.33			
\	14	30	2800	\$ 93.33	3000	\$ 100.00	\$3,390		
	13	32							
	17	32	\$3,200	\$100.00	3,500	\$ 109.38			
	17	36					\$4,145.00	\$115.14	\$ 6.77
end	15	32	2200	\$69	2300	\$ 71.88			
END	15	34	3000	\$88	3200	\$ 88.89			
covered water and elect									
	12	20							
	12	24							
	12	26	\$3,100	\$111	\$3,300	\$ 117.86			
	13	28	\$3,200	\$114	\$3,400	\$ 121.43			
	14	28	\$3,300	\$118	\$3,500	\$ 125.00			
	12	30	\$3,400	\$113	\$3,600	\$ 120.00			
	14	30	\$3,600	\$120	\$3,800	\$ 126.67			
	13	36	\$3,500	\$97	\$3,800	\$ 105.56			
	14	36	\$4,500	\$125	\$4,600	\$ 127.78			
	16	36	\$5,000	\$138.89	\$5,000	\$ 138.89			
	14	42							
	16	42							
	17	42	\$4,900	\$123	\$5,300	\$ 132.50			
	16	42							
	17	42	\$5,900	\$123	\$6,325	\$ 131.77			
	16	54							
Transient slips									
Upto28'				\$ 50.00		\$ 47.50			
29'to40'				\$ 75.00		\$ 58.00			
Personal water craft									
		\$575		\$600					
FOOTAGE MORETHAN 5 FEET PAST THE END OFTHE DOCK							91.5		

Percentage Increase Calculator

TWO HERONS MARINA SLIP SIZE & DESCRIPTION	2023 Rates	2025 Proposed Rates	% Increased
16' - 24', uncovered side fingers	\$1,400.00	\$1,525.00	8.93%
12' x 20', uncovered	\$1,600.00	\$1,725.00	7.81%
12' x 24', uncovered	\$1,950.00	\$2,000.00	2.56%
12' x 26', uncovered	\$2,200.00	\$2,350.00	6.82%
12 x 30 uncovered w/water & Electric	\$2,100.00	\$2,350.00	11.90%
14 x 30 uncovered W/ water & electric	\$2,800.00	\$3,000.00	7.14%
32' end w/water and elect	\$2,200.00	\$2,300.00	4.55%
34' End uncovered W/water& electric	\$3,000.00	\$3,100.00	3.33%
17' x 32', uncovered	\$3,200.00	\$3,500.00	9.38%
12' x 28', covered	\$3,100.00	\$3,300.00	6.45%
13' x 28', covered	\$3,200.00	\$3,400.00	6.25%
14' x 28' covered	\$3,300.00	\$3,500.00	7.09%
12' x 30', covered	\$3,400.00	\$3,600.00	5.88%
13' x 36', covered	\$3,500.00	\$3,800.00	7.99%
14 x 30 covered	\$3,600.00	\$3,800.00	5.28%
14 x 36 covered	\$4,500.00	\$4,800.00	6.67%
16 x 36 covered	\$5,000.00	\$5,000.00	0.00%
17' x 40', covered	\$4,900.00	\$5,300.00	8.16%
17' x 48', covered	\$5,900.00	\$6,350.00	7.63%
Transient slip up to 28'	\$50.00	\$50.00	0
Transient slip 29' to 40'	\$75.00	\$75.00	0
PWC	\$575.00	\$600.00	4.35%
footage more than 5' past the end of dock	\$80.00	\$90.00	12.50%
Average increase			6%



Indiana Department
of Natural Resources

Eric Holcomb, Governor
Daniel W. Bortner, Director

June 24, 2024

Elizabeth Gamboa
Indiana Natural Resources Commission
Division of Hearings
100 North Senate Avenue, Room NI03
Indianapolis, IN 46204

RE: Two Herons Marina, LLC
Rate Increase Request
Administrative Cause No. 23-SP-040

Dear Ms. Gamboa,

The Division of State Parks acknowledges receipt of the petition submitted by Two Herons Marina, LLC, requesting slip rate increases along with an established rate request.

After careful review, the Division finds these requests to be reasonable and justified based on comparable marina rates.

The Division recommends the rate request petition proceed forward with approval.

If you have questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandt Baughman".

Brandt Baughman, Deputy Director
Indiana Department of Natural Resources
Division of State Parks

cc: Tessa Manuel, Concessions & Contract Manager
Christie Sorrels, Business Services Manager
FILES - MARINA LEASE/NRC

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF:)
)
PETITION FOR RATE INCREASE) **ADMINISTRATIVE CAUSE**
BY TWO HERONS MARINA, LLC) **NUMBER: 23-SP-040**

**FINDINGS AND RECOMMENDATIONS TO THE U.S. ARMY CORPS OF
ENGINEERS BY THE NATURAL RESOURCES COMMISSION**

A. Findings:

1. The scope of the informal review accorded by the Natural Resources Commission (the “Commission”) in Information Bulletin #20 (Fifth Amendment) (“IB #20”) is addressed to petitions for rate increase or rate establishment at marinas and related facilities on properties owned or leased by the Department of Natural Resources (“Department”).
2. Although the Department may appropriately exercise whatever rights provided in a ground lease with respect to marina facilities, as well as any other rights provided by law or in equity, the scope of review provided in IB #20 is limited to the subject of the petition for rate increase. The Commission ultimately recommends action on the petition to the U.S. Army Corps of Engineers (“Corps”) and Corps may either accept or reject the recommendation.
3. The Hearing Officer is required to make a written report to the Commission for requests for rate increases. The report must include written findings with respect to the requested rate increase and a proposal to the Commission for recommendations to the Corps in determining the rate request for Two Herons Marina, LLC (“Two Herons”).
4. In its Petition, Two Herons requested rate a rate establishment for transient dockage in the amount of \$50.00/night for boats under 28’ in length and \$75.00/night for boats over 28’ in length, and rate increases from 0% to 12.5%, with an average increase around 6%. While some of the requested increases are substantial, they remain below market rates for comparable marinas.
5. In determining whether to recommend that a rate increase be granted, the Department is to analyze similar facilities and compare rates with those sought by the Petitioner. The consideration of rates charged by comparable marinas is fundamental to determining the propriety of proposed rate increases. The preponderance of information in the record indicates that the rate increases

AGENDA ITEM #13

proposed by Two Herons effective in 2025 will bring Two Herons’s slip rates in line with rates charged by comparable marinas with similarly sized slips.

6. A Hearing Officer’s or the Commission’s recommendation for rate increase by the shall not be withheld unless the rates proposed exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area.
7. Further, the Commission exercises its authority to recommend approval of the rate increases as requested by Two Herons.
8. The requested rate establishment and rate increases are within the industry range and supportable. The rates approved by the Commission are set forth in the attached table, which includes all rates previously established as well as the rates recommended for approval through this action.

B. Proposed Recommendation:

The Natural Resources Commission recommends to the U.S. Army Corps of Engineers that the rates as set forth in the attached table be approved for existing facilities at Two Herons Marina, LLC.

DATED: _____

Bryan Poynter, Chair
Natural Resources Commission

Commission Slip Rate Recommendation

COMPREHENSIVE RATE LIST		
TWO HERONS MARINA SLIP SIZE & DESCRIPTION	CURRENT RATE	COMMISSION RATE RECOMMENDATION for IMPLEMENTATION JANUARY 1, 2025
16' - 24', uncovered	\$1,400.00	\$1,525.00
12' x 20', uncovered	\$1,600.00	\$1,725.00
12' x 24', uncovered	\$1,950.00	\$2,000.00
12' x 26', uncovered	\$2,200.00	\$2,350.00
12' x 30', uncovered w/ water & electric	\$2,100.00	\$2,350.00
14' x 30', uncovered w/ water & electric	\$2,800.00	\$3,000.00
32'end, uncovered	\$2,200.00	\$2,300.00
34'end, uncovered	\$3,000.00	\$3,100.00
17' x 32', uncovered	\$3,200.00	\$3,500.00
12' x 28', covered	\$3,100.00	\$3,300.00
13' x 28', covered	\$3,200.00	\$3,300.00
14' x 28', covered	\$3,300.00	\$3,500.00
12' x 30', covered	\$3,400.00	\$3,600.00
13' x 36', covered	\$3,500.00	\$3,800.00
14' x 30', covered	\$3,600.00	\$3,800.00
14' x 36', covered	\$4,500.00	\$4,800.00
16' x 36', covered	\$5,000.00	\$5,000.00
17' x 40', covered	\$4,900.00	\$5,300.00
17' x 48', covered	\$5,900.00	\$6,350.00
PWC	\$575.00	\$600.00
Footage more than 5' past end of dock	\$80.00	\$90.00
Transient Dockage		
Boats under 28'		\$50.00/night
Boats over 28'		\$75.00/night