

NATURAL RESOURCES COMMISSION
Meeting Minutes, July 16, 2024

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Dan Bortner, Secretary
Brian Rockensuess
Laura Hilden
Noelle Szydlyk
Marc Milne
Phil French
Patrick Early
Bart Herriman
Tom Kelley
John Wright

NATURAL RESOURCES COMMISSION STAFF PRESENT

Elizabeth Gamboa	Scott Allen
Aaron Bonar	Chloe Perkins

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Ryan Mueller	Executive Office	Nate Engbrecht	Fish and Wildlife
David Bausman	Executive Office	Trevor Laureys	Fish and Wildlife
Kirsten Haney	Executive Office	Angie Haywood	Fish and Wildlife
Steve Hunter	Executive Office	Holly Lawson	Communications
Terry Coleman	State Parks	Whitney Wampler	Legal
Brandt Baughman	State Parks	Ronald Hellmich	Nature Preserves
Terry Hyndman	Law Enforcement	Kristi Johnson	Water
Amanda Wuestefeld	Fish and Wildlife	Ken Smith	Water
Brad Feaster	Fish and Wildlife	Jennifer Ware	Water
Linnea Petercheff	Fish and Wildlife	Celena Langlois	Water

GUESTS PRESENT

Parvonay Stover	Tom Greemann
Colby Barkes	Phoebe Greenman

Jane Ann Stautz, Acting Chair, called to order the regular meeting of the Natural Resources Commission at 6:00 p.m., ET, on July 16, 2024, at Clifty Falls State Park, Clifty Inn, 1650 Clifty Hollow Road, Madison, Indiana. With the presence of eleven members, the Chair observed a quorum.

APPROVAL OF MINUTES

The Chair asked for a motion to approve the Commission's April 23, 2024, meeting minutes.

John Wright moved to approve the minutes as submitted. Brian Rockensuess 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 the following report:

In 2020, Governor Holcomb directed the Department to plant one million trees in five years. Under the One Million Tree Initiative, native trees were planted in state forests, state parks, nature preserves, and fish and wildlife areas across the state. The last tree was planted on the Statehouse lawn on April 26, 2024. Private partners included Cliff Bar Baking Company, Duke Energy, Hardwood Forestry Fund, Huston Solar, and the White Oak Institute. In addition, Bowles Mattress Sleep in Style mattress retail sales support the Indiana Natural Resource Foundation's Indiana Tree Project. This partnership resulted in funding to help plant 1000 trees

On April 30, 2024, the Governor, with members from the Department, Town of Merrillville, and the Lake County Parks Department celebrated the official opening of the C&O Trail. This trail marks the 100th mile of trail built under the Next Level Trails program. The Next Level Trails program is the largest infusion of trail funding in the state's history. This nationally recognized program incentivized collaborate efforts to accelerate trail connections . The Next Level Trails program has awarded \$180 million of funding to 89 trail projects in the state. 34 of those projects are completed, contributing 100 miles of trails since the program began. Several projects are under construction with more projects scheduled to break ground later in the year.

Groundwork has begun for the lodge at Potato Creek State Park. The site is being prepared by work crews, including moving the Whispering Winds Shelter away from where the new lodge will be.

The Department received \$100 million to address deferred maintenance. The renovation of Spring Mill Inn at Spring Mill State Park is progressing with the hope of serving Thanksgiving dinner there. The Fort Harrison State Park Inn has begun a roofing project. The Garrison is closed for some needed updates and renovations, including renovations to the restrooms.

March marked the one-year anniversary since the tornado at McCormick's Creek State Park (McCormick's Creek). In the past year a timber salvage operation took place at McCormick's Creek campground and over 11,000 logs were removed. The Department is also working through the contracting process for the additional debris removal at the campground. Repairs have been completed on the family cabins and those are back in service. Work is underway to repair and upgrade the Friendly Shelter to make it ADA accessible. Saw crews from multiple Department properties and Team Rubicon have amazingly cleared seven miles of trail on the McCormick's Creek property so it was ready for the 2024 recreation season. Work on trail structures continues. The Department has engaged Schmidt and Associates to redesign the campground to modern standards. McCormick's Creek was Indiana's first state park and campground. The park and the trails are open but the campground remains closed.

In June there was an official groundbreaking for the new Indiana Golf headquarters at The Garrison at Fort Harrison State Park. This partnership will help The Fort Golf Course to be known as the home of Indiana golf.

The busy Fourth of July and Memorial Day weekends at Department properties have passed and the properties continue to see high levels of attendance as Labor Day approaches.

Ryan Mueller provided the report for the Land Management Bureau, as follows:

The Department, with Pheasants Forever and Quail Forever, dedicated 173 acres to expand the Willow Slough Fish and Wildlife Area, bringing the property to more than ten thousand acres of important habitat in northern Indiana. The parcel is Pheasants Forever and Quail Forever's first Build a Wildlife Area program purchase in Indiana. The dedication was timed to celebrate Willow Slough Fish and Wildlife Area's 75th anniversary and the completion of the renovation project at J.C. Murphey Lake.

The Division of Fish and Wildlife is looking for volunteers to help at the fishing pond at the Indiana State Fair, which runs August 2 to August 18, 2024. The fishing pond is an immersive experience that is free for kids ages five to seventeen. Volunteers help register participants, bait hooks, remove fish, prepare fishing equipment, and guide families around the pond.

Ryan Mueller, Deputy Director of the Regulatory Bureau, provided his report as follows:

The Division of Reclamation continues to oversee the plugging of orphaned and abandoned oil and gas wells statewide. As of July 9, 2024, 318 wells have been plugged at a cost of \$19.5 million. The program goal is to plug 350 wells, but it is likely that nearly 370 wells will be plugged by the end of the project. A second grant of \$14 million has been made available by the U.S. Department of the Interior to help monitor and mitigate methane emissions from leaking wells.

The Director of the Division of Land Acquisition Tom Laycock has announced his retirement, with his last day being in August. Mark Becker has been selected as the Division Director and is currently working with Laycock to ensure a smooth transition. The Department wishes Tom Laycock the best in his retirement.

Kirsten Haney, Deputy Director of the Bureau of Administration, provided her report as follows:

The Division of Communications has been working hard on the Department's new accessibility webpage which allows guests with different interests and abilities to experience all the Department has to offer. To access the website, go to: www.in.gov/dnr/places-to-go/accessibility/ and select the activity of interest. Once on the website there are maps, pictures, and details about some of the destinations that feature accommodations for hunting and fishing, trail chairs, wheel-chair accessible trails, paved trails, beach mats, and more. While the list is expansive, it is not a comprehensive list of accessible activities. If there is a property that appeals to a guest's interests, it is recommended to call the property office for more information.

With the close of fiscal year (FY) 2024, the Department saw a total growth of seven percent in recreational revenue from FY2023. The Department will continue monitoring FY2025 recreational revenue and compare it to FY2024 data.

The Division of Fish and Wildlife license sales are stable from last year, which was up more than five percent over 2022, keeping revenue strong. The Division is slightly behind on sales from this time last year, likely due to timing. As fall moves closer, sales are expected to remain strong, if not slightly ahead of last year.

As of April 15, 2024, the Department had 1,286 regular positions filled of the 1,399 fulltime positions available. The Department is in the process of filling 61 of the 113 vacancies. The result is an adjusted vacancy rate of 4.72 percent. The Department's staffing level goal was to fill 1,350 intermittent positions. This goal was exceeded by the hiring of 1,391 seasonal staff at properties statewide.

The Department is continuing to build the 2026 to 2027 fiscal year agency budget which is due to the State Budget Agency on August 26, 2024.

Patrick Early, Chair of the Advisory Council, provided his report:

The Advisory Council (AC) met on June 12, 2024. Terry Coleman of the State Parks Division made a presentation on subletting recreational vehicles (RVs) at the state park campgrounds. The Department will be looking more into subletting or sharing RVs to work towards a solution.

The deer biologist reported that Chronic Wasting Disease (CWD) has been detected in the deer herd population and informed the AC on the Department's response to CWD.

The AC approved a water withdraw contract with the City of Brookville for water supply from Brookville Lake.

CHAIR AND VICE CHAIR

Information: Consideration of 2024 meeting dates:

The remaining 2024 Commission meeting dates are September 17 at the Fort Harrison Inn, and November 19 at The Garrison at Fort Harrison State Park.

Updates on Commission and AOPA Committee

Acting Chair, Jane Ann Stautz, Vice Chair of the Commission and Chair of the AOPA Committee, reported that the AOPA Committee met on April 29, 2024, and May 17, 2024. Another meeting is being scheduled.

Elizabeth Gamboa, Director of the Natural Resources Commission Hearings Division, noted the hiring of Chloe Perkins as the new Paralegal for the Division of Hearings.

DNR, EXECUTIVE OFFICE

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

None

DNR, DIVISION OF NATURE PRESERVES

Consideration of the dedication of the Eagle Lake Nature Preserve in Noble County

Ron Hellmich, Division of Nature Preserves, presented this item and reported as follows:

The proposed nature preserve is in the Northern Lakes Natural Region and contains marl flat, fen, sedge meadow and woodland natural communities. The extensive, high-quality marl beach prairie found onsite is a rare community type in Indiana. The proposed nature preserve includes most of the Eagle Lake shoreline and an island in the lake. The nature preserve is owned by the Department under the management of the Division of Fish and Wildlife. The Division of Nature Preserves recommends dedication of the site as a State Nature Preserve.

Dan Bortner moved to approve the dedication of the Eagle Lake Nature Preserve in Noble County. Bart Herriman seconded the motion. Upon a voice vote, the motion carried.

Consideration of the dedication of the Granville Sand Barrens Roy Whistler Addition Nature Preserve in Tippecanoe County

Hellmich presented this item and reported as follows:

This proposed Nature Preserve is in Tippecanoe County within the Central Till Plain Natural Region and contains sand barrens and mesic floodplain forest. The proposed addition adds 37.34 acres to the existing 40-acre nature preserve that was dedicated in 2003.

The sandy soils on the property protect a very rare community type that was laid down at the end of the glaciers during the Maumee Torrent. The site is home to state endangered golden asters, ornate box turtles, and the threatened fringed puccoon and forked blue curls, as well as a host of other interesting species like six-lined racerunners, sand milkweed, and royal catchfly.

The property is owned by NICHES Land Trust, Inc. the Division of Nature Preserves recommends dedication of the site as a State Nature Preserve.

John Wright moved to approve the dedication of the Granville Sand Barrens Roy Whistler Addition Nature Preserve in Tippecanoe County. Phil French seconded the motion. Upon a voice vote, the motion carried.

Consideration of the dedication of the Wea Creek Gravel Hill Prairie Nature Preserve in Tippecanoe County

Hellmich presented this item and reported as follows:

The proposed Nature Preserve is located in Tippecanoe County within the Central Till Plain Natural Region and protects gravel slope barrens that have formed from hillside topography and gravelly substrate. There is a prairie plant community that includes several species uncommon to Indiana. The proposed site protects several plant populations. The nature preserve is owned by the Department under management by the Division of Nature Preserves. The Division of Nature Preserves recommends dedication of the site as a State Nature Preserve.

Tom Kelley moved to approve the dedication of the Wea Creek Gravel Hill Prairie Nature Preserve in Tippecanoe County. Marc Milne seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF WATER

Consideration of the Contract between the State of Indiana and the City of Brookville for Water Supply from Brookville Lake; Administrative Cause No. 24-WA-005

Celena Langlois, Division of Water, presented this item as follows:

A sale of water contract on a unit pricing basis is authorized under IC 14-25-2 and provides compensation to the state for the sale of water from a state-owned or partially state-owned reservoirs at the rate of not less than thirty-three dollars per one million gallons (MG) of water.

Brook Hill Golf Club Inc. previously held a water supply contract that expires in 2025. The original owner sold the golf club to the City of Brookville in 2021. The City requested a similar ten-year water supply contract with an annual minimum of 25 MG per year. On average, the contract brings in \$285 per year with a maximum rate of \$815.

Two public meetings were held, one in Franklin County and the other in Union County. Two people attended the public meeting, one was a member of the City of Brookville, and the other was a radio host.

Brookville Lake is a United States Army Corp of Engineers with partial state funding. The Department has access to 98,300 acre-feet of the reservoir with a firm yield of 82 MG/day. Brookville withdraws 35 MG annually, or less than 1% of the firm yield.

The ten-year contract and maximum annual water withdraw of 25 MG per year will allow the City of Brookville to continue to irrigate the Brook Hill Golf Course. The Division of Water recommends approval of Water Supply Contract BL 23-001.

Herriman asked if the rate is not less than thirty-three dollars (\$33) per one MG of water, what is the maximum amount under the statute. Langlois responded that the statute does not set a maximum amount.. The Department can set the amount of one MG of water as high as the Department wants. Mueller added the water is a raw resource that has not been treated and is available at a reasonable price. The price of raw water varies across the country. .

Pat Early moved to accept the Report and approve the Contract between the State of Indiana and the City of Brookville for Water Supply from Brookville Lake. Phil French seconded the motion. Upon a voice vote, the motion carried.

Request for preliminary adoption to amend 312 IAC 5-9-2 to include a zone where motorized watercraft operation is prohibited on Geist Reservoir; to add 312 IAC 5-12-5 to prohibit watercraft operation at a speed greater than idle speed on a public water when operating the watercraft at a distance of not more than 200 feet from dredging equipment, and that doing so is a Class C Infraction; to amend 312 IAC 10-5-9 regarding obtaining a permit exemption to remove creek rock from a non-navigable waterway without notice to the Department; to repeal 10-5-10; to add 312 IAC 10-5-12 regarding obtaining a permit exemption to remove a tree from a floodway and 312 IAC 10-5-13 regarding obtaining a permit exemption with notice to the department for streambank protection in a floodway. Admin Cause no. 24-WA-011

Jennifer Ware, Division of Water, presented this item as follows:

The City of Fishers filed a Petition with the Commission to amend 312 IAC 5-9-2 to establish a zone where motorized watercraft operation is prohibited to provide a safe environment and protect the Geist Waterfront Park and Beach. The Department determined there is a need for boating restrictions in the Geist Waterfront Park and Beach cove. The Department recommends the restriction applies only to motorized craft. Further, there is a need to regulate and provide safe recreational activities within the closure area which must be balanced with public accessibility and safe navigation in the boating channel. The Department recommends the closure to motorized craft start on Memorial Day and end on October 1 of the same year.

The Town of Cedar Lake is undergoing a dredging operation on Cedar Lake. The dredged material is being pumped through a pipe that floats on the water or is submerged just below the water surface, to an off-site area. It is anticipated the project will continue to June 2025. The emergency rule governing safe operation of watercraft around dredging equipment in the area has expired. A permanent rule is needed to ensure safe operation of watercraft around dredging equipment on all public waters. Adding 312 IAC 5-12-5 will restrict watercraft operation within 200 feet of dredging equipment on all public waters.

312 IAC 10-5-10 would be repealed due to the amendment of 312 IAC 10-5-9. The amendment of 312 IAC 10-5-9 provides that no notice to the Department is required when removing creek rock from a non-navigable waterway. 312 IAC 10-5-12 will be added regarding permit exemptions to remove trees from a floodway and 312 IAC 10-5-13 will be added regarding permit exemptions with notice to the Department for streambank protection in a floodway. The adoption and changes to 312 IAC 10-5 will simplify the process for the public by allowing them to conduct minimal projects on their property in a floodway without going through a permitting process. The changes are required from recently enacted legislation.

The Chair noted a letter from Indiana Farm Bureau in support of rule changes.

Brian Rockensuess moved to approve preliminary adoption to amend 312 IAC 5-9-2 and 312 IAC 10-5-9, to add 312 IAC 5-12-5, 312 IAC 10-5-12, and 312 IAC 10-5-13, and to repeal 312 IAC 10-5-10. John Wright seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF FISH AND WILDLIFE

Report to the Natural Resources Commission on Citizen Petition to Allow a 4-Prong Square Pattern Gig for Frogs. Administrative Cause No. 24-FW-022

Linnea Petercheff, Division of Fish and Wildlife, presented this item as follows:

The Commission received a Citizen Petition to allow frogs to be taken with a four-prong gig or spear. Indiana currently allows frogs to be taken from the wild with a gig or spear with a head not more than three inches and a single row of tines, as well as the use of

other equipment. A four-prong gig may help retrieve the frog and fewer frogs would be injured and escape.

Indiana currently has a frog gigging season from June 15 through April 30 for green frogs and bullfrogs can be taken, with a daily bag limit 25 and total possession limit to 50 frogs. Kentucky, Ohio, Michigan, and Illinois all allow gigs to be used to take frogs without specifying their size or number of tines.

The Department recommends a gig that can be used that has four prongs, regardless of whether the tines are in a single row or square.

Milne asked when and how the current rule language for the gig tine size became a rule. Engbrecht replied the Department did some research on when the current frog gigging requirements were developed, and the language has been in place since the early 1990's.

Phil French moved to approve the Report on Citizen Petition Citizens Petition to Allow a 4-Prong Square Pattern Gig for Frogs. Tom Kelley seconded the motion. Upon a voice vote, the motion carried.

NRC, DIVISION OF HEARINGS

Consideration of Hearing Officer Report on rule processing, public hearing, and hearing officer analysis with recommendation regarding final action to add proposed rule 312 IAC 1.5-1 through 312 IAC 1.5-3 regarding 1) the applicability of fees, fines, civil penalties, financial benefit limitations, or another payment amount set by an agency that otherwise qualifies as a rule to the Department of Natural Resources (Department); 2) the fees, fines, civil penalties, financial benefit limitations, or another payment amount set by an agency that otherwise qualifies as a rule charged by multiple divisions of the department; and 3) the fees, fines, civil penalties, financial benefit limitations, or another payment amount set by an agency that otherwise qualifies as rule charged by the division of entomology and plant pathology. Administrative Cause No. 23-AD-025

Elizabeth Gamboa, Hearing Officer, presented this item and reported as follows:

312 IAC 1.5-1 through 312 IAC 1.5-3 address Department fees, fines, civil penalties, financial benefit limitations, or another payment amount set by an agency that otherwise qualifies as a rule charged by multiple divisions of the Department and the Division of Entomology and Plant Pathology.

Because of House Enrolled Act (HEA)1623-2023. the Department fees, fines, and civil penalties would need to be placed into a rule before being charged by the Department.

Preliminary adoption of the rule was granted on April 23, 2024. Public comments were requested from May 15, 2024, through June 25, 2024. A public hearing was held on June 25, 2024. No comments were received. All rule making requirements under IC 4-22 have

been met. The Hearing Officer recommended final adoption to add 312 IAC 1.5-1 through 312 IAC 1.5-3.

Milne asked about the fee time period and said there seemed to language that might suggest someone could pay a one-time fee. Gamboa said the rules are a culmination of what the Department is already charging so if there was a timeline it was incorporated into the rule, and it would depend on the specific fee.

Milne noted 312 IAC 1.5-3-2 where in Section 2(a) it states a fee for each year and in Section 2(b) there is no timeframe mentioned suggesting there is a one-time payment Wampler answered that if a timeline was not provided there may not have been one and may have been an extension of the rule. Wampler noted because of HEA 1623 there were a lot of changes the Department worked on to get into compliance and there will be changes in future rule packages if there is a fee that needs to be charge different.

Gamboa stated there was discussion, but one challenge was the fines, fees, and civil penalties needed to be adopted into rule immediately and the Department was not able to make changes from the current practice.

Milne also noted an issue with 312 IAC 1.5-3-4.

The Chair noted that the Department would follow up to see if changes are needed in the future.

Pat Early moved to give final action to add 312 IAC 1.5-1 through 312 IAC 1.5-3. John Wright seconded the motion. Upon a voice vote, the motion carried.

Consideration of Hearing Officer Report on rule processing, public hearing, and hearing officer analysis with recommendation regarding final action to add proposed rule 312 IAC 1.5-4 regarding the fees, fines, civil penalties, financial benefit limitations, and another payment amount set by an agency that otherwise qualifies as a rule charged by the divisions of fish and wildlife and nature preserves. Administrative Cause No. 24-AD-044

Gamboa, Hearing Officer, also presented this item and reported as follows:

The proposed 312 IAC 1.5-4 focuses on fees, fines, and civil penalties for the Division of Fish and Wildlife and the Division of Nature Preserves.

Preliminary adoption of the rule was granted on April 23, 2024, public comments were requested from May 15, 2024, through June 25, 2024, and a public hearing was held on June 25, 2024. No comments were received. All rule making requirements under IC 4-22 were met and the Hearing Officer recommended final adoption to add 312 IAC 1.5-4.

Marc Milne moved to give final action to add 312 IAC 1.5-4. Tom Kelley seconded the motion. Upon a voice vote, the motion carried.

Consideration of Hearing Officer Report on rule processing, public hearing, and hearing officer analysis with recommendation regarding final action to add proposed rule 312 IAC 1.5-1-5 through 312 IAC 1.5-1-10 regarding the fees, fines, civil penalties, financial benefit limitations and another payment amount set by an agency that otherwise qualifies as a rule charged by the divisions of 1) forestry; 2) historic preservation and archeology; 3) land acquisition; 4) reclamation; 5) state parks and 6: water for the department natural resources; and to repeal 312 IAC 17-1-11; 312 IAC 25-5-8; 312 IAC 25-7-15; 312 IAC 29-12-2; and 312 IAC 29-12-4. Administrative Cause No. 24-AD-045

Gamboa, Hearing Officer, noted the wrong rule package was added to the agenda and has not changed since the preliminary adoption. Gamboa presented this item and reported as follows:

The proposed rules 312 IAC 1.5-5 through 312 IAC 1.5-10 focus on fees, fines, and civil penalties for the Division of Forestry, Division of Historic Preservation and Archaeology, Division of Land Acquisition, Division of Reclamation, Division of State Parks, and the Division of Water. The proposed rule also repeals 312 IAC 17-1-11, 312 IAC 25-5-8, 312 IAC 25-7-15, 312 IAC 29-12-2, and 312 IAC 29-12-4 because those fees are now incorporated in the proposed rule package.

Preliminary adoption of the rule was granted on April 23, 2024, public comments were requested from May 15, 2024, through June 25, 2024, and a public hearing was held on June 25, 2024. No comments were received. All rule making requirements under IC 4-22 were met and the Hearing Officer recommends final adoption to add 312 IAC 1.5-5 through 312 IAC 1.5-10 and the repeal of the aforementioned provisions.

Brian Rockensuess moved to give final action to add 312 IAC 1.5-1-5 through 312 IAC 1.5-1-10 and repeal 312 IAC 17-1-11, 312 IAC 25-5-8, 312 IAC 25-7-15, 312 IAC 29-12-2, and 312 IAC 29-12-4. Pat Early seconded the motion. Upon a voice vote, the motion carried.

Consideration of Hearing Officer report, including findings and propose to the Natural Resources Commission as to recommendations to the U.S. Army Corps of Engineers regarding Two Herons Marina ratemaking petition. Administrative Cause No. 23-SP-040

Gamboa, Hearing Officer, also presented this item and reported as follows:

On November 29, 2023, Thomas Greemann on behalf of Two Herons Marina (Two Herons) submitted a petition for the establishment of temporary rates for transient dockage. Two Herons notified the slip renters as required by Information Bulletin #20 (IB #20). No comments or requests for a hearing were received. The request was reviewed by Division of State Parks and found to be reasonable and justified based on rates from comparable marinas.

The Hearing Officer recommends the transient dockage rate, and the rate increases requested for Two Herons Marina be approved. The last rate increase was approved in 2022 for the 2023 season. The current average increase is approximately six percent.

Tom Kelley moved to approve the Hearing Officer’s findings and recommendation to the U.S. Army Corps of Engineers, in the matter of rate making Petition for Two Herons Marina. John Wright seconded the motion. Upon a voice vote, the motion carried.

Consideration of Hearing Officer report, including findings and propose to the Natural Resources Commission as to recommendations to the U.S. Army Corps of Engineers regarding Hoosier Hills Marina ratemaking petition Administrative No. 23-SP-043

Gamboa, Hearing Officer, also presented this item and as follows:

On December 17, 2023, Victor Polen submitted a petition for a rate increase on behalf of Hoosier Hills Marina (Hoosier Hills) to be implemented in 2025. Hoosier Hills notified the slip renters as required by Information Bulletin #20 (IB #20). No comments or requests for a hearing were received. The request was reviewed by Division of State Parks and found to be reasonable and justified, based on rates from comparable marinas.

The Hearing Officer recommends the rate increase requested for Hoosier Hills Marina are reasonable and justified. . The last increase was approved in 2023. The current average increase is approximately 2.41 percent.

Herriman noted on page three of the Hearing Officers Report it says, “Hidden Hills” and needs to be corrected to “Hoosier Hills.” Gamboa responded that the report would be corrected to reflect Hoosier Hills.

Marc Milne moved to approve the Hearing Officer’s findings and recommendation to the U.S. Army Corps of Engineers, in the matter of rate making Petition for Hoosier Hills Marina. Phil French seconded the motion. Upon a voice vote, the motion carried.

Consideration of the Hearing Officer Proposed Report of the Natural Resources Commission with Respect to the Establishment of the Lake of the Woods Conservancy District in Marshall County; Administrative Cause No. 23-051C

Gamboa, Hearing Officer, also presented this item and as follows:

The Petition for the Creation of the Lake of the Woods of Marshall County Conservancy District (LOTWCD) was filed on August 11, 2023, in the Marchall Circuit Court. By order dated November 29, 2023, the petition was referred to the Commission. The petition was processed in accordance with IB #36governing the procedural guidelines for the interpretation of the constancy distract.

The Hearing Officer requested comments from agencies that may have jurisdiction over the conservancy district and received responses from the Indiana Department of Environmental Management, the Indiana Utility Regulatory Commission, and the City of Plymouth. The Marshall County Drainage Board provided a comment at the public hearing held on March 12, 2024.

The first public hearing was held March 12, 2024. Due to the number of people desiring to comment, a second public hearing was held May 2, 2024. Both public meetings were held in the Marshall County Office Building in Plymouth. Comments were emailed to the Hearing Officer and a summary of comments received are in the Hearing Officer Report. Notices of the public meetings were published in the Pilot News, a newspaper of general circulation in Marshall County.

The Commission received a report from the Division of Water on June 11, 2024, The Division of Water recommended the establishment of LOTWCD if changes are made to the original petition filed in Marshall Circuit Court. The fifth purpose to “improve water quality” should be replaced with “developing forests, wildlife areas, parks, and recreational facilities if feasible in connection with beneficial water management.” The Conservancy Act does not list improving water quality as a reason for which a conservancy district may be formed. The Department’s suggestion makes the Petition compliant with the Conservancy Act. Further, a map should be created to clearly identify the boundaries of LOTWCD and to show the contiguous nature of the district. There were some parcels that were not included in the Petition indicating the included parcels were not contiguous. The Department also recommended that there should be a detailed District Plan developed and approved by the Department and that the tax rate should not be more than stated in letter submitted at the public hearing. The District Plan should clearly outline the boundaries to cover all parcels having lake frontage and associated channels. Finally, the Department recommended the Conservancy District consider expanding its boundaries in the future.

The Commission makes determinations and provides recommendations to the circuit court as to whether the proposed district meets the requirements for the establishment of conservancy district under IC 14-33. If approved by the Commission, the Hearing Officer Report will be filed with the Marshall Circuit Court. While the Petition filed by the proposed LOTWCD does not contain the expected the level of detail generally associated with such petitions, there was sufficient evidence presented at the public hearing to recommend the establishment of the proposed LOTWCD if the changes recommended by the Division of Water are made to the Petition.

Rockensuess said there appears to be duplicate entries on the freeholders list and asked if the LOTWCD met the threshold to establish a conservancy district. Gamboa said the determination of whether the LOTWCD meets the requirements to form a conservancy district is determined by the Marshall Circuit Court.

Brian Rockensuess moved to approve the Hearing Officer’s Report with respect to the Petition for the Establishment of the of the Lake of the Woods Conservancy District in Marshall County. Tom Kelley seconded the motion. Upon a voice vote, the motion carried.

The meeting was adjourned at approximately 7:08 p.m., ET.