

**NATURAL RESOURCES COMMISSION**  
Meeting Minutes, November 21, 2023

**MEMBERS PRESENT**

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

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Elizabeth Gamboa	Scott Allen
Aaron Bonar	Billie Franklin

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

Chris Smith	Executive Office	Brad Feaster	Fish and Wildlife
Kirsten Haney	Executive Office	Matt Horsley	Fish and Wildlife
Steve Hunter	Law Enforcement	Terry Coleman	State Parks
Jennifer Ware	Water	Brandt Baughman	State Parks
Amanda Wuestefeld	Fish and Wildlife	Dale Brier	State Parks
Linnea Petercheff	Fish and Wildlife	Ron Hellmich	Nature Preserves

**GUESTS PRESENT**

Jason Kuchmay	May Hawthorne	Tim Shier
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Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 9:58 a.m., ET, on November 21, 2023, at Fort Harrison State Park, the Garrison, 6002 North Post Road, Blue Heron Ballroom, Indianapolis. 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 September 19, 2023, meeting minutes.

Bart Herriman moved to approve the minutes as submitted. David Holt 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:

Caitlin Smith, the Legislative Director for the Department has accepted a new position. The Department is interviewing candidates for this position. Bortner recognized Smith for her service to the Department and to the people of the state.

The Department continues to move forward with the Governor's Next Level Trail program, completing twenty-eight projects with 87.8 miles of new trails. Thirteen projects with 37.2 miles of trails are either in the bidding process or under construction. The Department received 47 applications requesting a total of \$92 million for round four funding, of which \$30 million is available. Round four project recommendations were forwarded to the Office of the Governor and project funding will tentatively be announced in December 2023.

Progress on the Monon South Trail continues. When complete, this trail will be the state's longest continuous trail at 62 miles long. Radius Indiana is working to design and build approximately twenty miles of the Monon South Trail. The City of New Albany is working to design the Floyd County section of the Monon South Trail with construction to take place in 2025.

The Governor's Next Level Conservation Trust (NLCT) initiative is the largest single infusion of state dollars into conservation in the state's history. The NLCT helps the Department and its partners protect more land in Indiana. Four projects have been closed with twelve more in the process.

The Governor helped the Department celebrate the addition of 158 acres of upland prairie and wetland at the Mallard Roost Wetland Conservation Area in Noble County. This project received funding from the NLCT.

The Governor's initiative to plant one million trees in five years is progressing with 972,905 new trees planted and another 200,000 trees to be planted in spring 2024.

On October 20, 2023, the new lodge at Potato Creek State Park broke ground. The project is in the design stage. This will be the first new lodge since 1939 when the lodge at Spring Mill State Park was built.

The Department is preparing for the 2024 legislative session and ready to face upcoming challenges. Holiday Gift Packs and 2024 entrance passes are available for purchase.

Chris Smith, Deputy Director of the Land Management Bureau, provided his report as follows:

Currently, seventeen Division of State Parks properties have deer management hunts underway. Fort Harrison State Park held deer management hunts on November 13 and 14 and will have additional hunts on November 27 and 28. Firearms hunting season began November 18. Division of Law Enforcement Officers were out checking licenses, locating lost hunters, and responding to hunting related accidents. Hunters falling from tree stands continues to be the most common deer hunting accident. Smith reminded hunters to wear safety harnesses.

On November 20, 2023, the Department partnered with First Lady Janet Holcomb, Gleaners Food Bank, and Hoosiers Feeding the Hungry to remind hunters how they can help hungry Hoosiers. Through the updated Hunt for Hunger website, donated deer are turned into healthy venison and distributed throughout the state by food banks. The meat from one deer can provide 200 meals. More than fifty processors across the state are prepared to accept donated deer to be processed and delivered to food banks. Participating locations can be found at [on.IN.gov/huntforhunger](https://on.IN.gov/huntforhunger).

In October, the Department dedicated Indiana's 300th nature preserve, the Toothwort Woods Nature Preserve, located on the banks of the Muscatatuck River within the Crosley Fish and Wildlife Area. Since 1969, the Division of Nature Preserves has been instrumental in protecting the most special places in Indiana and the Department looks forward to continuing that mission.

The Division of Forestry hosted its annual open house series at the end of October. The events are opportunities for Hoosiers to receive current information on the forest system and learn about projects occurring in the coming year.

The Division of Forestry started the application process for an available \$1.8 million in funding for urban forestry projects in the state. Projects that can be funded through this grant include tree planting, tree inventories with management plans, urban tree canopy assessments, storm response planning, and public local urban forestry programs. Funds are awarded on a reimbursable basis and no fund-matching is required. Grant awards are available for a minimum of \$50,000 and a maximum of \$250,000. The applications are due December 22, 2023.

Registration is open for the second Happy Little 5K, which is a partnership between the Department, the Natural Resources Foundation, and Bob Ross Inc. The virtual 5K can be completed anytime between Earth Day, April 22, and Arbor Day, April 26, 2024. All race proceeds will support tree planting and other healthy-forest initiatives in Indiana. In 2023, the virtual race raised more than \$16,000. For more information and to sign up for the event, visit [runsignup.com/happylittletrees](https://runsignup.com/happylittletrees).

Kirsten Haney provided the report for the Deputy Director of the Regulatory Bureau, as follows:

The Division of Entomology and Plant Pathology found spotted lanternfly in four new areas including Elkhart, Mishawaka, Chesterton, and Fort Wayne. All newly infested areas were found near freight train lines. It is likely the trains are bringing the pest from infested areas across the eastern United States. Regionally, the spotted lantern fly has been found in Illinois, Kentucky, and Tennessee. Education, outreach, monitoring, and treatment efforts will continue regarding spotted lantern fly in 2024.

The Division of Reclamation continues to provide funding and oversight to plug orphaned and abandoned oil and gas wells statewide. This is the initial phase of funding authorized by the Federal Infrastructure Act, which rewarded participating states \$25 million each. As of October 31, 2023, 193 wells have been plugged at a cost of \$12.6 million. The initial goal of the program was to plug approximately 350 wells and the current results suggest that goal will be met or exceeded.

Congratulations to Al Schumacher, Jeff Motz, Tim Marcum, and Raymond Kester of the Department's Management Information Systems Division for being awarded a 2023 Governor's Public Service Achievement Award. The team was honored by Governor Holcomb for multiple projects that saved the state millions of dollars in taxpayer funds. The projects included a connectivity viewer to help view and analyze the Department's communications infrastructure, partnering with the Division of Fish and Wildlife and Indiana Private Land Access (IPLA) program to help register hunters for opportunities to hunt on qualified properties throughout the state, building a zero-cost solution to enable the Department and the public to view oil and gas wells, and creating a GIS viewer for the Department's Division of Law Enforcement. The Governor's Public Service Achievement Awards were established in 2005 by Governor Mitch Daniels. The prestigious awards celebrate the dedication and innovation of State of Indiana employees and teams who have made a significant and positive impact on their agency's finances, operations, or the communities they serve.

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

The State Budget Committee approved funding for several Department projects. The funding includes \$30 million for round four of the Next Level Trails program, \$1.3 million for a new database for the Division of Water, and \$1.4 million for electrical upgrades at 106 campsites at Clifty Falls State Park. The Department also presented all required information for compliance with Senate Enrolled Act 1623 rules.

The Department's partnership with the Indiana Department of Administration remains strong and continues to make progress in completing projects. The renovation at the Spring Mill Inn has progressed and is projected to be complete by fall of 2024.

As of November 15, 2023, the Department had 1,259 regular positions filled and is in the process of filling 49 regular positions.

The Department is in the beginning process of building the fiscal year 2026 to 2027 budget. The Department anticipates the official budget instructions to come out in May 2024 so the internal preparations will begin soon.

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

The last meeting was held on August 8, 2023, to vet some of the anticipated rule changes for the Division of Fish and Wildlife. Changes to the deer hunting license rule were proposed to simplify the deer-hunting license system to avoid confusion. The proposal clarifies the license a hunter would need to purchase. There was not much public comment on this change.

The meeting included a discussion on minnow seining that stemmed from a Citizen Petition regarding seining on Sugar Creek. The current rules appear to be adequate, and the creel surveys appear to not be impacted by people allegedly seining for game fish.

Proposed changes to the catfish rules were also discussed. Indiana cat fishers are concerned about commercial fishermen taking the larger catfish from the Ohio River and Wabash River and selling those fish to out-of-state pay lakes. When waters shared with other states are involved, the rules need to be coordinated with those other states. The Department biologists do not think there has been damage to the catfish population. Fishermen are saying there are not as many big catfish in Indiana as there have been in the past. It seems the group would like to see all commercial catfishing in Indiana ended. There were some proposed size limit changes to protect the larger fish.

The goal for the Advisory Council and the Department is to review items and address any issues before those items go to the Commission for preliminary adoption.

The Chair asked if the Advisory Council needs more members. Early said there are currently four members. Because the Advisory Council should have seven members, all four of the members must be at the meeting for the Council to have a quorum present, which makes it difficult to conduct business. Smith said the Department is working to get additional members appointed.

French said he has received comments regarding difficulty buying licenses on-line. He would like the Department to review how other states are doing their on-line licensing to see if improvements could be made in Indiana.

Wuestefeld answered that the Department is going through an RFP process for the licensing system. A bidder has been selected and they are working on the contract to fix the website issues.

Smith noted the vendor the Department is working with also works with sixteen other states. The Department anticipates a well-thought-out solution to the website issues. The Department will not be able to change the IN.GOV piece of the on-line experience; however, the Department

will pass the information regarding the website problems to the Indiana Office of Technology (IOT) and IN.GOV.

Bortner agreed the process of getting a hunting license online should be easier, not harder.

Rockensuess said IOT knows the website has been an issue and is working with IN.GOV to resolve the issue.

Herriman commented on the proposed minnow seining rules in the Advisory Council report. Herriman said the Division of Fish and Wildlife has been working diligently and has participated in discussions with various groups regarding this issue.

The Chair recognized the ongoing discussions and thanked Amanda Wuestefeld, Division of Fish and Wildlife staff, and Bart Herriman for their participation in the process.

The Chair introduced Tom Kelley, new citizen member, to the Commission.

Kelley is from Fort Wayne, Indiana and works in the automotive business. Kelley noted his experience in hunting from a young age and his love for the outdoors. He stated he was part of a group in northeast Indiana that helped raise money for the Department with a mission to help preserve property for people to enjoy. Kelley is concerned that property will get sold to private purchasers and will stop being accessible to the public. He noted that an article said another state's deer hunting licenses are declining because the next generation is not being exposed to the outdoors. Kelley's passion is getting people exposed to the outdoors and getting them to fish, hunt, canoe, camp, walk, bike, enjoy the water, birds, or whatever they want to do to give them a better perspective.

The Chair thanked the Commission and Department staff for their hard work.

The Chair recognized the retirement of Deb Treesh, founder and former Executive Director of Hoosiers Feeding the Hungry and noted the accomplishments she achieved through the program. Suzie Jordan, the new Executive Director of Hoosiers Feeding the Hungry, will lead the program to the next level.

The Chair encouraged the Commission members to purchase an Indiana State Park Pass or one of the Holiday Gift Packs for 2024.

The Chair recognized Terry Coleman, Division of State Parks, to talk about the 2024 solar eclipse.

Coleman said the Department has learned a lot in the last two years through conversations with other states that have had total-eclipse events. One of the problems was increased drive times. For example, what was normally a three-hour drive would take a traveler ten hours. A lot of effort is going into the planning of the events surrounding the total solar eclipse, which will only last four minutes and eight seconds. Coleman noted the Division of Law Enforcement has met with almost every local,

county, and state law enforcement agency in preparation. The Department continues to prepare and is excited for the total solar eclipse on April 8, 2024.

The Chair noted the solar eclipse will be an economic boost for the state because hotels, campsites, and venues will be at capacity. The Chair asked what the Indiana Destination Development Corporation (IDDC) is doing in preparation for the solar eclipse.

Holt stated the IDDC is marketing the solar eclipse and has merchandise available for purchase at [visitindiana.com](http://visitindiana.com). Digital newsletters and social media information about the eclipse are available. After the eclipse, the IDDC will be analyzing the data to measure the economic impact.

The Chair recognized Colonel Steve Hunter, Division of Law Enforcement, to talk about the start of deer firearms hunting season.

Hunter said there were a couple of tree stand accidents resulting in injury. He said there was a lot of firearms hunting on November 11<sup>th</sup> because of confusion with the start of firearms season. The firearms season starts the Saturday after Veterans' Day; however, because Veterans' Day was on Saturday, hunters were confused as to the start day of the season.

Jane Ann Stautz recognized the 40 years of service of John Bacone. She said Bacone received the Sagamore of the Wabash award for his efforts and leadership in the Division of Nature Preserves during the dedication of the 300<sup>th</sup> nature preserve.

## CHAIR AND VICE CHAIR

### **Information: Consideration of 2024 meeting dates:**

The Chair noted the 2024 Commission meeting dates are January 16, March 19, May 21, July 16, September 17, and November 19. All meetings are scheduled to be held at the Fort Harrison State Park, the Garrison, but the locations are subject to change.

### **Updates on Commission and AOPA Committee**

Jane Ann Stautz, Vice Chair of the Commission and Chair of the AOPA Committee, reported:

There was an AOPA Committee meeting on November 14, 2023. Three matters were considered. One matter that has received publicity is the dam removal at issue in *City of New Albany v. Ecosystems Connections Institute LLC. & Department of Natural Resources*, which was affirmed. There were also two riparian rights cases before the AOPA Committee.

Because of recent legislation, the AOPA Committee will not be hearing riparian matters as those will be heard in the circuit court with jurisdiction. The next AOPA Committee meeting will be in January 2024 before the Commission meeting.

**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 Big Walnut Atkinson Woods Nature Preserve in Putnam County**

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

The proposed nature preserve would be 126 acres extending protection along Big Walnut Creek. The Atkinson tract contains small seep communities and helps protect one of the ephemeral streams that feeds Big Walnut Creek. The tract is defined by upland and lowland woods of exceptional quality. Large mature white oaks inhabit the top of the west facing bluffs above the floodplain next to Big Walnut Creek. Also present are shooting star flower and wild ginger. A steep, high-quality, north-facing slope protects an extensive population of the state-threatened *Viburnum molle* and is ideal for the hemlock and Canada yew restoration.

The proposed nature preserve is owned by the Department and the Division of Nature Preserves recommends dedication of the site as a State Nature Preserve.

David Holt moved to approve the dedication of the Big Walnut Atkinson Woods Nature Preserve in Putnam County. Brian Rockensuess seconded the motion. Upon a voice vote, the motion carried.

**Consideration of the Dedication of the Hoot Woods Nature Preserves in Owen County**

Hellmich presented this agenda item as follows:

The proposed nature preserve is an 80.53-acre tract that contains an old-growth beech-maple forest listed in Alton Lindsey's book "Natural Areas in Indiana and Their Preservation." The property was owned by the Hoot family who emigrated from Germany in 1860 and was designated as a National natural Landmark in 1973.

Currently, the property is owned and managed by Sycamore Land Trust. The Division of Nature Preserves recommends the dedication of the site as a State Nature Preserve.



David Holt moved to approve the dedication of the Hoot Woods Nature Preserves in Owen County. Phil French seconded the motion. Upon a voice vote, the motion carried.

### **DNR, DIVISION OF FISH AND WILDLIFE**

#### **Consideration of Approval of Amendments to Information Bulletin 61, Listing of Public Freshwater Lakes; Administrative Cause No. 23-WA-028**

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

The Department recommends amendments to the Listing of Public Freshwater Lakes including removal of Wible Lake from the list after a request was received. After additional research was done it was determined Wible Lake does not meet the definition of “public freshwater lake” in IC 14-26-2-3.

There was a request to amend Barton Lake and Hog Lake in Steuben County because they are listed as the same lake based on location information. The proposed change will correct Barton Lake’s description and remove Hog Lake, renaming it to Lake Michiana.

The Chair recognized Jason Kuchmay. Kuchmay represents Todd Taylor Real Estate, who has a Petition pending before the Commission’s Division of Hearings to remove Wible Lake from the Listing of Public Freshwater Lakes. There is an agreement pending with the Department but the decision to remove the lake from the list must come from the Commission. Kuchmay is requesting Wible Lake be removed from the Listing of Public Freshwater Lakes.

Brian Rockensuess moved to approve amendments to Information Bulletin 61, Listing of Public Freshwater Lakes. John Wright seconded the motion. Upon a voice vote, the motion carried.

#### **Consideration of Approval of Use of Funds from the Lifetime Hunting, Fishing and Trapping License Trust Fund for the Acquisition of Property Located at the Bodine State Fish Hatchery in St. Joseph County.**

Brad Feaster, Division of Fish and Wildlife, presented this item as follows, in summary:

The Department has an opportunity to purchase the land Bodine State Fish Hatchery is on. The Department currently leases this land from American Electric Power. The Bodine State Fish Hatchery is maxed out on space on the current 10.9 acres of land being leased. The owner is willing to sell the land plus an additional 5 acres for a total of 16 acres. This would allow room to expand the hatchery.

The Department is requesting up to \$200,000 dollars from the Lifetime Hunting, Fishing and Trapping License Trust Fund to make the purchase of the land; however, it may not need the full amount. It would be better to have the hatchery facility on property that the Department owns.

Holt stated he would assume the economics is better to own the land rather than lease it over time. Smith confirmed it is more economical to purchase the property. Smith noted that when the Department uses Lifetime Funds approval is needed from the Commission. The Department anticipates seeking approval of additional funds in the future.

Jane Ann Stautz moved to approve the use of Funds from the Lifetime Hunting, Fishing and Trapping License Trust Fund for the Acquisition of Property located at the Bodine State Fish Hatchery in St. Joseph County. Tom Kelley seconded the motion. Upon a voice vote, the motion carried.

### **NRC, DIVISION OF HEARINGS**

#### **Consideration of Approval of Amendments to Information Bulletin 55, Citizen Comments to Hearing Officers; Administrative Cause No. #23-AD-029**

Billie Franklin, Hearing Officer, presented this agenda item and reported as follows:

Because of recent legislative changes, the term “notice of intent” will be replaced with “notice of first comment period” as well as other changes as to how the Division of Hearings receives comments to conform with new legislation. There was some cleanup needed on Information Bulletin #55. The Hearing Office recommends the Commission approve the amendments to Information Bulletin #55.

Herriman asked if paragraph five should include an “or” to clarify that someone should file e-mail or by mail, but not both. Franklin said she would add the “or” back into the language and that it must have been inadvertently removed.

Bart Herriman moved to approve the amendments to Information Bulletin 55, Citizen Comments to Hearing Officers, as amended. 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 Analyses with Recommendation Regarding Final Action on Miscellaneous Amendments to 312 IAC 8; LSA #23-538(F); Administrative Cause No. 22-SP-014**

Aaron Bonar, Hearing Officer, presented the agenda item as follows:

The proposed amendments are due to changes in the law that will impact Department properties.

The proposed amendments to 312 IAC 8-2-3 remove the requirement that a person must hold a valid unlimited license to carry a firearm on Department property. The proposed amendment to 312 IAC 8-2-8 allows a person to operate a motorized cart on Department

property if the person is using the motorized cart in a campground and meets requirements in IC 14-19-1-2(a)), meets requirements in IC 14-19-1-2(b) or holds a driver's license and transporting another person as authorized. 312 IAC 8-2-8 allows for Class I electric bicycles to be operated on designated mountain bike trails on Department properties. 312 IAC 8-1.5-5.5 defines Class I motorized bicycle. 312 IAC 8-1.5-14 removes language concerning the definition of motorized cart.

The rule amendments were preliminarily adopted by the Commission at the May 2023 meeting. A virtual public hearing was held on September 25, 2023. No one from the public attended the meeting and no comments were received.

The proposed amendments are needed because of changes to Indiana law. The Hearing Officer recommends the Commission grant final adoption to the rule amendments.

John Wright moved to approve final action to approve miscellaneous amendments to 312 IAC 8. Tom Kelley seconded the motion. Upon a voice vote, the motion carried.

The meeting was adjourned at approximately 10:52 a.m., ET.