

**ADVISORY COUNCIL**  
January 14, 2020 Meeting Minutes

**ADVISORY COUNCIL MEMBERS PRESENT**

Patrick Early, Chair  
Bill Freeman, Vice Chair  
R. Ross Williams  
Tim Karns

**NRC, DIVISION OF HEARINGS STAFF PRESENT**

Sandra Jensen

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

Cameron Clark	Executive Office
Chris Smith	Executive Office
John Davis	Executive Office
Col. Steve Hunter	Law Enforcement

**GUESTS PRESENT**

None

**Call to Order**

Patrick Early, Chair, called to order the regular meeting of the Advisory Council at 10:10 a.m. ET on January 14, 2020 at the Fort Harrison State Park Inn, 5830 North Post Road, Indianapolis, Indiana. With the presence of four members, the Chair observed a quorum.

**Election of Officers (Chair and Vice Chair)**

Tim Karns moved to slate the officers now standing for the 2020 term, Patrick Early, as Chair, and Bill Freeman, as Vice Chair. Ross Williams seconded the motion. Upon a voice vote, the motion was unanimously carried.

**Reports of Deputies Director**

John Davis, Deputy Director for the Bureau of Lands and Cultural Resources, provided his report. Davis provided an update regarding the Fish and Wildlife rules that were considered by the Council at its last meeting. He noted that amendments that would have eliminated the Roe Harvester license were pulled out. Davis explained that the Department chose to remove the piece that would have eliminated the Roe Harvester license because it would have eliminated two-license holders roe harvest business. Davis noted the issue may be brought back to the Council for further consideration in the future. Davis offered that the proposed rule amendment

to allow the use of air rifles remains in the rule proposal despite concerns about the manufacturer not being required to pay the Pittman-Robertson tax.

Davis continued by explaining that the recreation aspect of the Department's mission is carried out by five landholding divisions, which include the Division of Fish and Wildlife, the Division of Forestry, the Division of State Parks and Reservoirs, the Division of Nature Preserves and the Division of Outdoor Recreation. Davis explained that each of these Divisions have unique missions, purposes and funding streams and together provide a diverse array of recreational opportunities. Davis offered the members a handout providing an overview of the five Divisions.

Davis noted that the most recent rains have not created significant flooding so far. He observed that the largest concern presently involves erosion of the access road to the campground at Harmony State Park.

Davis noted that the Next Level Trails program awarded grants totaling \$28 million during the first round and the second round grants should be announced within the next few months. It is expected that the details for third round will be announced this spring.

Bill Freeman asked whether any of the grants were for motocross trails.

Davis responded in the negative. Davis added that some of the grants were for mountain bike trails, horse trails, and multi-use trails.

Freeman inquired whether the Department's Law Enforcement Division was required to patrol the trails.

Davis explained that the grant recipients are required to coordinate with local authorities to provide patrol and security for the trails.

Colonel Steve Hunter, Division of Law Enforcement, agreed, stating that Conservation Officers offer patrol and security on DNR property trails.

The Chair inquired whether motorized bikes such as a 500 watt motor or less electric bicycle would be permitted on the Department's trails.

Davis responded in the negative, noting that this is probably an issue that the Department will have to address in the future.

Cameron Clark, Department Director, added that the grants are awarded on the basis of the applications received and he observed that mountain bike trails have not been included in the applications received. Clark advised that only one application has been for a natural surface trail and noted that application was approved for a grant.

Clark interjected that the Council will likely have two matters to consider in the future. The first of these matters involves a citizen petition for rule change to allow a smaller shot size to be used

for turkey hunting. Clark observed that the citizen petition was previously rejected by the Natural Resources Commission on the Department's recommendation, but additional information received by the Department has caused it to reconvene the reviewing committee to reconsider the matter. The second item also involves a citizen petition for rule change that Clark expects to be filed calling for an amendment to the definition of "muzzleloader". Clark explained the newly designed muzzleloader, a FireStick muzzleloader, uses a breach loaded powder charge with a muzzle-loaded projectile. The design of this muzzleloader enhances safety but does not meet the current definition of "muzzleloader".

The Chair observed that sometimes people do not like change but offered the opinion that if a new item is safe and effective change should be "embraced" in order to provide opportunity.

The Chair asked for a response to the criticism that the Department has cut "old growth forest" areas.

Davis explained that Jack Seifert, Director of the Division of Forestry, has had productive discussions with Jeff Stant of the Indiana Forest Alliance (IFA). Davis noted that in public forums, the IFA discusses the cutting of old growth forests but in discussions with the Department, the IFA refers to it as "potential old growth forests". Davis observed that to the extent the Department possesses old growth forests they have been protected as nature preserves.

Clark agreed and advised that IFA wants the Department to do no cutting in order to allow the creation of old growth forest areas.

Bill Freeman inquired about IFA's latest effort to limit logging in the Hoosier National Forest. Freeman stated IFA says the logging would cause erosion of silt and pesticides into Monroe Lake.

Clark noted that the federal process for logging in a national forest is a thorough and transparent process.

Chris Smith offered that the Department is preparing a marketing campaign to explain its forest management strategy. Smith further stated this campaign could help explain what they do and how they are doing this.

Chris Smith, Deputy Director for the Bureau of Water Resource and Regulation, provided his report. Smith advised that Tara Wolfe, who served as the Department's Communications Director, took a position in the private sector near the end of 2019. He offered that the new director has been selected and is tentatively planned to start on January 27, 2020.

Smith noted that the Historic Preservation Review Board is scheduled to meet on January 15, 2020 to consider nominations to the National Register of Historic Places. The Board will also consider plans to renovate the Indiana State Fairground's swine barn and award Historic Preservation Fund grants.

Smith explained that the Division of Entomology and Plant Pathology was busy in 2019 responding to ornamental plants shipped into the state that were carrying diseases. One involved a fungus known as Sudden Oak Death found in rhododendrons and the second was Boxwood Blight. On both occasions the nursery stock was shipped to big box stores and the Division's staff of 12 were required to inspect the nursery stock of every Walmart, Rural King, and Lowe's store in Indiana and properly destroy all infected stock. Smith offered that these efforts are very time consuming and labor intensive.

Karns asked who ultimately pays for the costs associated with these situations.

Smith explained that the nursery shipping the plants is ultimately responsible. However, Smith offered that once the disease is identified and traced back to the supplier in order to determine the location to which the plants were shipped, many of the plants have been sold.

Smith advised that Wabash Valley Resources, LLC. (WVR) is currently drilling a test well associated with a carbon sequestration pilot project authorized by the legislature. Smith offered that WVR, which plans to store 1.2 tons of carbon dioxide annually in a well approximately 8,000 feet deep is expected to initiate the permitting process in the next couple of months. Smith explained that WVR is a producer of ammonia, the manufacture of which generates large amounts of carbon dioxide. He continued that carbon sequestration provides a means to eliminate the emission of carbon dioxide into the atmosphere for which WVR will receive federal grants.

Freeman asked whether the carbon dioxide, once stored underground, degrades or goes away.

Smith stated, "No, it stays there forever." He further explains the layer that they are putting it in is.

Freeman observed the potential for "unintended consequences". Smith replied that any liabilities would need to be figured out in the future.

Smith also noted that the Division of Oil and Gas's orphan well program may experience a slow-down in the plugging of orphan wells because there are a limited number of companies available to plug oil and gas wells and Ohio has extended a \$25 million orphan well plugging contract that will likely have those companies busy for some time.

Smith announced that for the sixth time in seven years the Division of Reclamation's Abandoned Mine Land program was recognized by the Office of Surface Mining for a project involving the removal of a one-quarter mile long highwall along State Road 159 and Narrow Lake in Sullivan County. The project was completed with cooperation from the Division of Fish and Wildlife and the Division of Forestry and resulted in a nice asset for the Division of Forestry that includes a restocked lake, new camper cabins and more than a mile of trail.

With respect to the Division of Water, Smith offered that a joint permitting process is being considered to address the Department's Floodway permitting cooperatively with the wetland's permitting required by the Indiana Department of Environmental Management. Smith also

observed that erosion along Lake Michigan continues to be a concern for which a solution is being explored. Homeowners and the beachfront are experiencing losses and potential losses and even a railroad is presently threatened as a result of the erosion.

Smith also noted that the Collamer Dam, a low head dam on the Eel River in Whitley County, is being removed. He offered that Indianapolis Power and Light is also considering a project to remove a low head dam on the White River.

The Chair inquired about progress of the Pavilion renovation at Indiana Dunes State Park.

Clark advised that the work is ongoing and the developer believes the project is on track for opening by Memorial Day as is required by the contract.

Clark also explained that the Department expects to have two bills before the legislature. Clark described the Department bill as benign and stated that the second bill was drafted to address the Lake Michigan Shoreline following the Indiana Supreme Court's decision in the *Gunderson* case.

The Chair provided Colonel Steve Hunter, Division of Law Enforcement, an opportunity to provide an update.

Hunter advised that the Division of Law Enforcement has ten officers, just out of the academy, who will be working in east central Indiana, particularly in Monroe and Owen Counties. Hunter said the Division has new portable radios funded with grant money and the computer systems in the officers' vehicles were upgraded.

The Chair asked how many Conservation Officers are in the Division.

Hunter replied that there are currently 188 officers in the Division and the administrative duties have shifted so that the sergeants are returning to field supervisor responsibilities instead of administrative duties.

The Chair asked if it was hard to recruit.

Hunter explained recruiting is not hard but meeting the Division's needs are more difficult. He advised that with 300 applicants in the last process, only 15 made it through all the phases of review and. There are applicants who drop out of the process or are disqualified for various reasons. He noted that the Division works with Vincennes University to help applicants do a prequalification course to educate and assist the applicants.

### **Approval of minutes of meetings held on June 25, 2019**

The Chair requested a motion for the approval of the Council's June 25, 2019 meeting minutes. Tim Karns moved to approve the minutes, as presented. Ross Williams seconded motion. Upon a voice vote, the motion unanimously carried.

**Adjournment**

The meeting adjourned at 11:14 a.m., ET.

DRAFT