

**NATURAL RESOURCES COMMISSION**  
Minutes - January 19, 1999

**MEMBERS PRESENT**

Michael J. Kiley, Chair  
Jack Arnett, Vice Chair  
Larry Macklin, Secretary  
Damian Schmelz  
Steve Cecil  
Terri Moore  
Joseph Siener  
Rick Cockrum  
David Hensel  
Jerry Miller  
John Goss

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Stephen Lucas  
Jennifer Kane

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

Lori Kaplan	Executive Office
Jack Costello	Executive Office
Paul Ehret	Executive Office
Angie James	Executive Office
Carrie Doehrmann	Executive Office
Brent Shike	Executive Office
Greg Ellis	Staff Counsel
Scott McDaniel	Law Enforcement
Jerry Jackson	Law Enforcement
Gary Miller	Parks and Reservoirs
Jerry Pagac	Parks and Reservoirs
Jeff Tenuth	Museum and Historic Sites
Rachel Perry	Museum and Historic Sites
Mike Pittman	Public Information and Education

**GUESTS**

John Clerkin

## MONTHLY REPORTS

Michael J. Kiley, Chair, called to order the regular monthly meeting of the natural resources commission at 10:03 a.m. (EST), on January 19, 1999 in the Indiana State Conference Center South, Rooms 4 and 5, Indianapolis. With the presence eleven members, the chair observed a quorum.

Jerry Miller moved to approve the minutes of December 22, 1998 meeting. The motion was seconded by Jack Arnett. Upon a voice vote, the motion carried.

Larry Macklin provided the Director's report. Macklin said that "the Museum Trustees were meeting with the Foundation" this afternoon. He invited the commission members to the "long-awaited unveiling of the new Indiana Museum design" to be held at the IMAX Theater.

Macklin said the legislative session began. "Our concentration this year is on the budget. Our budget now is at a base stage." He said DNR is tracking 40 to 50 pieces of legislation and will keep the Commission "informed and up to date." Macklin also informed the members that the February agenda would be light, with the possibility there will be no meeting in February.

Macklin welcomed Mike Pittman, Division of Public Information and Education. He informed the members that Pittman had available for purchase the 1999 annual state park passes.

Jerry Miller, Chair of the Advisory Council for the Bureau of Lands and Cultural Resources, said his council did not meet in January.

Jack Costello, Deputy Director of the Bureau of Lands and Cultural Resources, said construction is going well at Clifty Inn and the Garrison.

Joseph Siener, Chair of the Advisory Council for the Bureau for Water and Resource Regulation, said his council did not meet in January.

Lori Kaplan, Deputy Director of the Bureau of Water and Resource Regulation, distributed copies of the 1999 Indiana Fishing Guide, and she noted the guide was available on the DNR homepage at <http://www.state.in.us/dnr/fishwild/fishing/fishguide.htm> . Kaplan announced the Indiana Greenway Conference was scheduled for February 21 through February 23, with early registration by February 8. She said the conference will be held at the Embassy Suites Hotel in downtown Indianapolis.

Kaplan said the "last river otter release is approaching rapidly." She said the otter collection is still on-going in Louisiana. The tentative release date is February 1, with the public invited. She said further information about the release is on the Division of Fish and Wildlife homepage.

Paul Ehret, Deputy Director of the Bureau of Mine and Reclamation, said that two public hearings to consider the proposed coal combustion waste rules are scheduled for February 23 at the Jasper Holiday Inn and March 4 in the Indiana Government Center South Conference Center. He said a "Beneficial Use" nonrule policy memorandum is being developed for NRC consideration in March. He explained the memorandum would provide guidance to coal operators on the beneficial usage of coal combustion waste.

Chairman Kiley asked whether Indiana was using coal combustion waste for beneficial purposes. Ehret said coal combustion waste is used in road beds, foundations, brick and dry wall manufacturing, and structural fills. Commission member Steve Cecil said the Indiana Department of Transportation is seeking to use coal combustion waste in its construction activities, but a major problem is that CCW is not often in close proximity to the sites where it might be used. Transportation becomes a significant cost factor, often making the incorporation of coal combustion waste economically unfeasible.

Commission member Rick Cockrum asked about the status of financial responsibility for any clean-up problems associated with the disposal of coal combustion waste after mine closure, as well as about monitoring and groundwater standards. Ehret said Representative Russell Stilwell is sponsoring a bill in the Indiana General Assembly concerning financial responsibility after mine closure. Ehret then deferred to the IDEM representative on the Commission, David Hensel, to report on the status of groundwater rules being adopted by the Water Pollution Control Board. Hensel said the groundwater rules are "on track and are intended to be in place" before the SMCRA coal combustion waste rules are considered for final adoption.

Ehret reported the Bond Pool Committee met in Jasonville and is in "good shape." He said the committee is exploring ways to make the bond pool more attractive and cost-efficient for participants. Ehret invited the commission to the Division of Reclamation's Annual Meeting scheduled for February 25 and 26 at the Holiday Inn on the south side of Jasper.

## **BUREAU OF LANDS AND CULTURAL RESOURCES PERSONNEL INTERVIEWS**

### **Consideration of Personnel Interviews for Assistant Curator ("Assistant Property Manager") Lanier State Historic Site**

Terri Moore provided the report of the personnel committee. She said the committee "as always had two extremely qualified individuals" for the position. She said the applicants' dedication and capabilities are "greatly appreciated." The committee determined to recommend Jane Campbell for the position of Assistant Curator ("Assistant Property Manager") at Lanier State Historic Site.

Jack Arnett moved to select Jane Campbell as Assistant Curator ("Assistant Property Manager") at Lanier State Historic Site. The motion was seconded by Steve Cecil. Upon a voice vote, the motion carried.

**Consideration to adjust greens fees at The Fort Golf Course, Benjamin Harrison State Park**

Gary Miller, Division of State Parks and Reservoirs, presented this item. Miller said the "rounds of golf projections of 32,000 have basically been met." He said the extraordinary 1998 June rains adversely affected playing opportunities, so that about 30,000 rounds were actually played.

He said the bond issuance documents anticipated increases in greens fees on an annual or semi-annual basis to maintain a strong financial position. Miller said the course needed to maintain a revenue stream capable of making the bond payments. Miller proposed the following green fees increase for 1999:

**Fees for 1997 and 1998 seasons                      Proposed for 1999 season**

**Green fees**

18 holes	\$39.00	\$43.00
9 Holes	\$22.00	\$23.00
Twilight	\$25.00	\$28.00

Miller said the division was not proposing to increase the 1999 cart fees; however, tee times have been changed from ten minutes to every nine minutes. Miller recommended adoption of the increase in greens fees for the 1999 season.

Rick Cockrum moved to approve the greens fees increase for the Fort Golf Course 1999 season. The motion was seconded by Jerry Miller. Upon a voice vote, the motion carried. Informational Item: A report on the 1998 state park whitetail deer reduction effort.

Jerry Pagac, Director of the Division of State Parks and Reservoirs, reported this item. He said a controlled deer herd reduction was held at ten state parks this fall, with first-time herd reductions at Chain O'Lakes, Clifty Falls, and Indiana Dunes State Parks. He provided daily harvest data for each state park. He said the hunter success rates ("hunter effort") was a more significant indicator, in that, the density of hunters at each reduction site is the same.

Pagac said there was local opposition to the deer reduction hunt at Indiana Dunes State Park. He said there is a widespread deer problem along the Lake Michigan shoreline in Porter County. Impacted by the problem were some municipalities, Indiana Dunes State Park, and Indiana Dunes National Lakeshore. The problem for state and local property managers is aggravated because the federal government requires lengthy studies before

any action can be recommended on federal property, and the Indiana Dunes National Lakeshore has not yet concluded studies focused upon the impact of excessive deer populations. Pagac said DNR had "good science on our side to proceed with the hunt on state property." Pagac said there was unanimous agreement within local environmental groups. He said Friends of Wildlife and Nature (FAWN) was "very effective," however, in lobbying its anti-hunting case to the local media. Pagac was asked whether archery hunts would be considered for state parks other than Clifty Falls State Park. He explained the archery hunt at Clifty Falls was recommended because the hunt was within city limits, and there was a perceived need to minimize the noise that a hunt might produce. Pagac said that DNR was not seeking to provide recreation for the public. He explained that to "get the job done" and reduce deer impacts to the environment, the use of firearms is generally the most efficient means. The circumstance present at Clifty Falls State Park was really unique. Kiley asked whether crossbows were allowed at the state parks. Pagac said crossbows were not typically permitted, but on an individual basis, crossbows might be lawfully used by a physically impaired person.

Pagac said deer population levels were down in Brown County, Tippecanoe, and McCormick's Creek State Parks. He cautioned, however, that it was "just a matter of time before we will have to come back" to manage deer-control hunts at these sites.

## **LEGAL PROCEEDINGS NRC DIVISION OF HEARINGS**

### **Consideration of Report of Public Hearing, and Recommendation of Hearing Officer for Final Adoption of Amendments to 312 IAC 24-10-2-10 Approving the "Collection Management Strategy" as the Guidance for Museum Collection Priorities; Administrative Cause Number 97-066M; LSA #98-198(F)**

Steve Lucas, hearing officer, introduced this item. He said the proposal would amend 312 IAC 24-10-2-10 to replace ISM Collects with the Collection Management Strategy as the base document for determining what items should be sought and retained in the state museums collections. He said the proposal had drawn no public controversy.

Jeff Tenuth, Division of Museum and Historic Sites, described the purposes of the Collection Management Strategy. He said it outlined an acquisition policy, deaccession (decertification and disposal) policy, access policy, reproduction schedule, and loan policy. The Collection Management Strategy was, in fact, currently in use by professional employees within the division. When ISM Collects was viable, it was primarily utilized as an outreach pamphlet for distribution to the public and was no longer used even for that purpose. He urged final adoption of the proposed amendments.

Jerry Miller moved to give final adoption to the amendments to 312 IAC 24-2-10 governing museum collection priorities. The motion was seconded by Terri Moore. Upon a voice vote, the motion carried.

**Consideration of Report of Public Hearing, Analysis, and Recommendation of Hearing Office for Final Adoption of Rule Amendments to 310 IAC 12 Regarding Surface and Underground Mining Permits, Bonds, and Administrative Requirements Relative to Citizen Inspections and Public Notification; Administrative Cause Number 98-138R; LSA #98-174(F).**

Jennifer Kane, hearing officer, presented this item. She said the proposed language allows informal conferences to be set in the locality of the mine site. Kane said further language is added to allow interested persons to receive notification of collateral bond actions.

She said that following issuance of her initial report, additional legal analysis supported changes to proposed language. Kane then circulated an amended report. She recommended reference to the "Freedom of Information Act" within 310 IAC 12-6-2(e)(2) be stricken. Kane explained that DNR authority to maintain confidentiality is governed by state law at IC 5-14-3, while the Freedom of Information Act governs only "federal agencies." Since the DNR is a state agency rather than a federal agency, the Freedom of Information Act does not apply to the DNR. She said the reference to "other federal or state law" within language given preliminary adoption was vague and without a direct citation to law, and she also recommended this language be stricken. Kane said other proposed amendments were technical in nature to make the rule language consistent with federal SMCRA. With these adjustments, she recommended the amendments be given final adoption.

Damien Schmelz moved to give final adoption to the amendments to 310 IAC 12 as outlined in the hearing officer's amended report. The motion was seconded by Jack Arnett. Upon a voice vote, the motion carried.

**ADJOURNMENT**

At approximately 11:50 a.m., EST, the meeting adjourned.