

**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: 19-154P**

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

A. Proposed 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 fee increase or fee establishment at marinas and related facilities on properties owned or leased by the Department of Natural Resources (the “*Department*”).
2. Although the Department may appropriately exercise whatever rights are provided in a ground lease with respect to marina facilities, as well as any other rights provided by law or equity, the scope of review provided in *IB #20* is limited to the subject of the petition for fee increase. The Commission ultimately recommends action on the petition to the U. S. Army Corps of Engineers (“*Corps*”), and the Corps may either accept or reject the recommendation.
3. For requests for fee increase, the Hearing Officer shall make a written report to the Commission. The report shall include written findings with respect to the requested fee increase and a proposal to the Commission for recommendations to the Corps in determining Two Herons Marina, LLC’s (“Two Herons”) request.
4. Two Herons, in its Petition, requests slip fee increases from 1% to 29%. It is noted that the increases are substantial; however the fees currently in place are well below market rate.
5. In determining whether to recommend a fee increase be granted, the Department is to analyze similar facilities and compare fees with those sought by the Petitioner. The consideration of fees charged by comparable marinas is fundamental to determining the propriety of Two Heron’s proposed fee increases to marina slips and mooring buoys. The preponderance of information in the record indicates that the increased slip fees proposed by Two Herons for effectiveness in 2021 will bring Two Heron’s slip fees into consistency with the fees charged by comparable marinas for similarly sized slips.

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

B. Proposed Recommendation

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

Dated: 7/21/20



Bryan Poynter, Chair
Natural Resources Commission

Commission Slip Fee Recommendation

TWO HERONS MARINA SLIP SIZE & DESCRIPTION	2021 Proposed Rates
16' - 24', uncovered	\$1,375.00
12' x 20', uncovered	\$1,550.00
12' x 24', uncovered	\$1,750.00
12' x 26', uncovered	\$2,000.00
17' x 32', uncovered	\$2,800.00
12' x 28', covered	\$3,000.00
13' x 28', covered	\$3,100.00
12' x 30', covered	\$3,300.00
17' x 40', covered	\$4,550.00
17' x 48', covered	\$5,300.00
PWC	\$550.00



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059

August 26, 2020

Real Estate Division
Civil & Support Branch

Indiana Department of Natural Resources
Attn: Bryan Poynter, Chair
402 West Washington Street, Room W298
Indianapolis, Indiana 46204

Dear Mr. Poynter:

We have received and considered the Natural Resources Commission's findings and recommendations for slip rentals at Fourwinds Resort and Marina, Lake Monroe Sailing Association and Two Herons (formerly Lake Monroe Marina), (Department of the Army Lease DACW27-1-68-2174, Monroe Lake Project, Indiana) that your office sent on July 22, 2020. We approve of the rate increase.

If you have any questions regarding this letter you may contact Audrey Steier via email at Audrey.L.Steier@usace.army.mil or by phone at (502) 315-6970.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason E. Meyer", written over a light gray rectangular background.

Jason E. Meyer
Chief, Civil and Support Branch