

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF:)
)
PETITION FOR RATE INCREASE) **ADMINISTRATIVE CAUSE**
BY FOURWINDS RESORT AND MARINA) **NUMBER: 20-SP-055**

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

A. 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 rate increase or rate 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 rate 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 seeking rate increase of two percent (2%) or less for which no public hearing is required, the Hearing Officer, in consultation with the Department, is authorized to act as the delegate of the Commission.
4. Fourwinds, in its Petition, requests slip rate increases from 1.97% to 1.99% with an average of 1.98%.
5. In determining whether to recommend a rate increase be granted the Department is to analyze similar facilities and compare rates with those sought by the Petitioner. The consideration of rates charged by comparable marinas is fundamental to determining the propriety of proposed rate increases to marina slips and mooring buoys. The preponderance of information in the record indicates that the increased slip rates proposed by Fourwinds will remain consistent with the slip rates charged by comparable marinas for similarly sized slips.

- 6 A Hearing Officer's or the Commission's recommendation for rate increase shall not be withheld unless the rates 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 requested rate increases, are within the industry range and supportable. The rates approved by the Hearing Officer on behalf of the Commission are set forth in the attached table, which includes all rates previously established as well as the rates recommended for approval through this action. Rates established through previous Commission recommendations are so noted.

B. Recommendation

The Natural Resources Commission recommends to the U.S. Army Corps of Engineers the rates as set forth in the attached table be approved for existing facilities at Fourwinds Resort & Marina.

Approved Date: 5/18/2021



Billie J. Franklin, Hearing Officer
Division of Hearings, Natural Resources Commission

Commission Slip Rate Recommendation

COMPREHENSIVE RATE LIST			
FOURWINDS RESORT & MARINA SLIP SIZE & DESCRIPTION		CURRENT RATE	COMMISSION RATE RECOMMENDATION For IMPLEMENTATION JANUARY 1, 2022
Dock			
D	36 x 13 / covered	\$5357.00	\$5,463.00
	36 x 15 / open	\$3513.00	\$3,583.00
	36 x 17 / open	\$3,850.00	\$3,926.00
	36 x 18 / open	\$4,078.00	\$4,159.00
	50 x 18 / open	\$4,800.00	\$4,895.00
E	20 x 10 / open	\$1,442.00	\$1,470.00
	30 x 12 / covered	\$4,329.00	\$4,415.00
F	24 x 12 / open	\$2,387.00	\$2,434.00
	26 x 12 / open	\$2,438.00	\$2,486.00
	28 x 13 / open	\$2,786.00	\$2,841.00
	32 x 13 / open	\$3,173.00	\$3,236.00
	36 x 13 / covered	\$5,357.00	\$5,463.00
G	42 x 15 / open	\$4,024.00	\$4,104.00
	42 x 18 / open	\$4,104.00	\$4,185.00
	46 x 15 / open	\$4,024.00	\$4,104.00
	46 x 18 / open	\$4,576.00	\$4,667.00
	48 x 16 / covered	\$7,090.00	\$7,231.00
H	42 x 14 / covered	\$6,242.00	\$6,366.00
	54 x 16 / covered	\$7,729.00	\$7,883.00
I	30 x 12 / covered	\$4,329.00	\$4,415.00
	42 x 14 / open	\$4,656.00	\$4,748.00
J	26 x 12 / open	\$2,438.00	\$2,486.00
	26 x 12 / covered	obsolete	*converted to a wavebreak
K	46 x 18 / open	\$4,576.00	\$4,667.00
	50 x 18 / open	\$4,800.00	\$4,895.00
	46 x 20 / open	\$4,800.00	\$4,895.00
	50 x 20 / open	\$5,150.00	\$5,252.00
	60 x 20 / open	\$6,304.00	\$6,429.00
	76 x 20 / open	\$8,222.00	\$8,386.00

P1	72 x 20 / covered	\$10,663.00	\$10,875.00
P1	90 x 22 / covered	\$13,066.00	\$13,326.00
P2	36 x 13 / covered	\$5,357.00	\$5,463.00
P3	30 x 12 / covered	\$4,329.00	\$4,415.00
P4	30 x 12 / covered	\$4,329.00	\$4,415.00
P5	24 x 10 / covered	\$3,277.00	\$3,342.00
P6	24 x 10 / covered	\$3,277.00	\$3,342.00
EZ-Port	22 / open	\$725.00	\$725.00

* Per email dated 1/4/2021 from Brent Pearson this has been converted to a wavebreak



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

May 28, 2021

Real Estate Division
Civil & Support Branch

Natural Resources Commission
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 (Department of the Army Lease DACW27-1-68-2174, Monroe Lake Project, Indiana) that you signed on May 18, 2021. We approve of the rate increase.

If you have any questions regarding this letter you may contact Kim Jones via email at Kimberly.S.Jones@usace.army.mil or by phone at (502) 315-6988.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Meyer", with a horizontal line extending to the right.

Jason E. Meyer
Chief, Civil and Support Branch