

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

**IN THE MATTER OF:**

**DILCHER-TURNER CANYON FOREST )  
NATURE PRESERVE: )  
AMENDMENTS TO ARTICLES OF DEDICATION, ) Administrative Cause  
MASTER PLAN ) Number 20-NP-048**

**REPORT OF HEARING OFFICER  
WITH RECOMMENDATIONS TO NATURAL RESOURCES COMMISSION**

**1. Introduction, Authority and Appointment of Hearing Officer**

The Dilcher-Turner Canyon Forest Nature Preserve (D-TCFNP) was originally dedicated by the Natural Resources Commission (Commission) in May of 2020. After the dedication, the Sycamore Land Trust and owner of the D-TCFNP requested an amendment to the dedication to change the name of the preserve to Canyon Forest Nature Preserve (CFNP). Ron Hellmich (Hellmich), Director of the Department of Natural Resources (Department), Division of Nature Preserves, requested assistance in preparing for and conducting a public hearing associated with a proposed amendment to the articles of dedication.

The Natural Resources Commission (Commission) adopted a nonrule policy document, Information Bulletin #72, "Nature Preserve Articles of Dedication Amendments", published in the Indiana Register at <http://iac.iga.in.gov/iac//20140129-IR-312140022NRA.xml.pdf> (IB #72). IB #72, at Section 3(A) states:

(A) If the director of the department's division of nature preserves determines articles of dedication should be amended for a nature preserve, under the Nature Preserves Chapter, the division director shall use this information bulletin for guidance. Without further action by the Commission, the division director may elect to seek assistance from the commission's division of hearings in the conduct of or preparation for the hearing process.

...

(C) The division director may conduct the public hearing or may appoint another person to conduct the public hearing....

*IB at p. 1.*

Upon Hellmich's request, on December 4, 2020, Sandra Jensen, Director of the Commission's Division of Hearings, appointed Dawn Wilson as a hearing officer to provide assistance to the Department.

## **2. Amendment to Articles of Dedication Notice through Publication**

As applicable to the D-TCFNP, the Nature Preserves Chapter provides standards for amendments to articles of dedication in IC 14-31-1-13 as follows:

With the approval of the governor and upon the terms and conditions that the department determines, the department may, after the giving of notice and the holding of a public hearing under section 16 of this chapter, enter into amendments of articles of dedication upon a finding by the commission that the amendments will not permit:

- (1) an impairment;
- (2) a disturbance;
- (3) a use; or
- (4) a development;

of the area inconsistent with the purposes of this chapter. However, if the fee simple interest in an area is not held by the state under this chapter, an amendment may not be made without the written consent of the owner of the other interests in the area.

*IC 14-31-1-13.*

The notice and hearing requirements of IC 14-31-1-16 are set forth in subsection (b) and subsection (c) of the section, as follows:

...

(b) The notice must be published at least one (1) time in a newspaper printed in the English language with a general circulation in each county in which the nature preserve is located. The notice must do the following:

- (1) Set forth the substance of the proposed action.
- (2) Describe, with or without legal description, the nature preserve affected.
- (3) Specify a place and time not less than thirty (30) days after the publication for a public hearing before the commission on the proposed action.

(c) All persons desiring to be heard shall be given a reasonable opportunity to be heard before action by the commission on the proposal.

*IC 14-31-1-16.*

The Division of Hearings caused notice of a public hearing, scheduled to be conducted on January 20, 2021, to be published on December 8, 2020, in the Greene County Daily World, to consider the amendment of the articles of dedication for the D-TCFNP. Due to an unanticipated closure of the public hearing location on the public hearing date, the Division of Hearings caused an additional notice of a public hearing to be published on February 12, 2021, in the Greene County Daily World. The additional notice scheduled the public hearing for March 17, 2021, to consider the amendment of the articles of dedication for the D-TCFNP pursuant to IC 14-31-1-13. Contact information for Wilson was provided in the notice through the inclusion of Wilson's email address and her Division of Hearings' mailing address in Indianapolis.

### **3. Public Hearing and Comment**

The public hearing was conducted as scheduled on March 17, 2021, at the Indiana State Library in Indianapolis, Indiana. On behalf of the Department, Hellmich appeared. No other member of the public was in attendance.

The comment period ended on March 17, 2021. During the comment period, the hearing officer received one comment regarding the proposed amendment. The Sycamore Land Trust, and owner of the D-TCFNP, submitted the following comment for consideration:



## SYCAMORE LAND TRUST

*Preserving land, restoring habitat, and connecting people to nature in southern Indiana since 1990.*

P.O. Box 7801, Bloomington, IN 47407

812-336-5382 | [info@sycamorelandtrust.org](mailto:info@sycamorelandtrust.org) | [www.sycamorelandtrust.org](http://www.sycamorelandtrust.org)

December 8, 2020

Indiana Natural Resources Commission

Sent via email to Hearing Officer Dawn Wilson at [dwilson@nrc.in.gov](mailto:dwilson@nrc.in.gov)

RE: NRC Case Number: 20-NP-048

Dear Commission Members:

I am writing on behalf of Sycamore Land Trust to comment in favor of the proposed amendment to the Articles of Dedication for the Dilcher-Turner Canyon Forest Nature Preserve, which changes the preserve's name to the Canyon Forest Nature Preserve.

Sycamore initiated this name change after being informed by the Miami Tribe of Oklahoma earlier this year and shortly after the preserve's dedication that one of the land donors, the late Rudi Turner, had knowingly and illegally collected an extensive amount of Native artifacts from US government property at Hoosier National Forest and Lake Monroe. A federal investigation by HNF archaeologists took place from 2017-18, shortly before Mr. Turner's death. Sycamore was previously unaware of the investigation, since it did not involve Sycamore's land and was not publicized. The Miami Tribe requested that we remove Mr. Turner's name from the preserve, noting that the preserve is part of ancestral Miami land.

While removing a donor's name from a nature preserve is a very serious step, theft of Native artifacts from public land is a violation of the law and many of Sycamore's core values. It represents a lack of respect for Indigenous peoples, protected public land, and the principles of Leave No Trace. The decision to rename the preserve was taken very seriously, after careful consideration by Sycamore's board of directors as well as discussions with the other land donors, David and Kathy Dilcher. The Dilchers had no knowledge of the artifact thefts, and are supportive of the name change.

Thank you for your time and assistance in addressing this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lawrence", is placed above the printed name.

John Lawrence  
Executive Director



**4. Recommendation**

All persons have been provided a reasonable opportunity to be heard. Nothing in the proposed amendments would be inconsistent with the purposes of the Nature Preserves Chapter.

The hearing officer recommends the Natural Resources Commission approve the proposed amendments to alter the title of the nature preserve in Greene County originally dedicated as the “Dilcher-Turner Canyon Forest Nature Preserve”, to the “Canyon Forest Nature Preserve”, as proposed by the Department’s Division of Nature Preserves, along with consistent amendment to the Master Plan for the preserve.

The hearing officer further recommends the Commission find the amendments, as proposed within the “Amended Articles of Dedication for the Canyon Forest Nature Preserve” and the “Master Plan for Canyon Forest Nature Preserve” will not permit:

- (1) An impairment.
- (2) A disturbance;
- (3) A use; or
- (4) A development.

Of the area that is inconsistent with the purposes of the Nature Preserves Chapter.



Dated: April 12, 2021

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Dawn Wilson  
Hearing Officer  
Natural Resources Commission