

**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: 23-SP-040**

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

A. Findings:

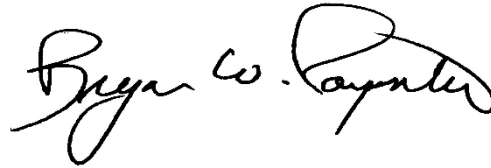
1. The scope of the informal review accorded by the Natural Resources Commission (the “Commission”) in Information Bulletin #20 (Fifth Amendment) (“IB #20”) is addressed to petitions for rate increase or rate establishment at marinas and related facilities on properties owned or leased by the Department of Natural Resources (“Department”).
2. Although the Department may appropriately exercise whatever rights provided in a ground lease with respect to marina facilities, as well as any other rights provided by law or in 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 Corps may either accept or reject the recommendation.
3. The Hearing Officer is required to make a written report to the Commission for requests for rate increases. The report must include written findings with respect to the requested rate increase and a proposal to the Commission for recommendations to the Corps in determining the rate request for Two Herons Marina, LLC (“Two Herons”).
4. In its Petition, Two Herons requested rate a rate establishment for transient dockage in the amount of \$50.00/night for boats under 28’ in length and \$75.00/night for boats over 28’ in length, and rate increases from 0% to 12.5%, with an average increase around 6%. While some of the requested increases are substantial, they remain below market rates for comparable marinas.
5. In determining whether to recommend that 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. The preponderance of information in the record indicates that the rate increases

proposed by Two Herons effective in 2025 will bring Two Herons's slip rates in line with rates charged by comparable marinas with similarly sized slips.

6. A Hearing Officer's or the Commission's recommendation for rate increase by the 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. Further, the Commission exercises its authority to recommend approval of the rate increases as requested by Two Herons.
8. The requested rate establishment and rate increases are within the industry range and supportable. The rates approved by 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.

B. Proposed Recommendation:

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



Bryan Poynter, Chair
Natural Resources Commission

Dated: July 16, 2024

Commission Slip Rate Recommendation

COMPREHENSIVE RATE LIST		
TWO HERONS MARINA SLIP SIZE & DESCRIPTION	CURRENT RATE	COMMISSION RATE RECOMMENDATION for IMPLEMENTATION JANUARY 1, 2025
16' - 24', uncovered	\$1,400.00	\$1,525.00
12' x 20', uncovered	\$1,600.00	\$1,725.00
12' x 24', uncovered	\$1,950.00	\$2,000.00
12' x 26', uncovered	\$2,200.00	\$2,350.00
12' x 30', uncovered w/ water & electric	\$2,100.00	\$2,350.00
14' x 30', uncovered w/ water & electric	\$2,800.00	\$3,000.00
32'end, uncovered	\$2,200.00	\$2,300.00
34'end, uncovered	\$3,000.00	\$3,100.00
17' x 32', uncovered	\$3,200.00	\$3,500.00
12' x 28', covered	\$3,100.00	\$3,300.00
13' x 28', covered	\$3,200.00	\$3,300.00
14' x 28', covered	\$3,300.00	\$3,500.00
12' x 30', covered	\$3,400.00	\$3,600.00
13' x 36', covered	\$3,500.00	\$3,800.00
14' x 30', covered	\$3,600.00	\$3,800.00
14' x 36', covered	\$4,500.00	\$4,800.00
16' x 36', covered	\$5,000.00	\$5,000.00
17' x 40', covered	\$4,900.00	\$5,300.00
17' x 48', covered	\$5,900.00	\$6,350.00
PWC	\$575.00	\$600.00
Footage more than 5' past end of dock	\$80.00	\$90.00
Transient Dockage		
Boats under 28'		\$50.00/night
Boats over 28'		\$75.00/night



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT
600 DR. MARTIN LUTHER KING JR PL
LOUISVILLE, KY 40202

August 21, 2024

SUBJECT: Lease No. DACW27-1-68-2174, Monroe Lake, Indiana

Division of State Parks
Indiana Department of Natural Resources
Attention: Brandt Baughman
402 W Washington Street, W298
Indianapolis, IN 46204
BBaughman@dnr.IN.gov
TManuel@dnr.IN.gov

Dear Mr. Baughman:

We have received and considered the Natural Resources Commission's findings and recommendations for slip rentals at **Two Herons Marina, LLC** submitted by your office dated July 29, 2024. The proposed rate increases are acceptable.

If you have any questions regarding this letter, you may contact Mrs. Stephanie Fugate at 502-315-7011 or Stephanie.N.Fugate@usace.army.mil.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer D. Rahn".

Jennifer D. Rahn
Chief, Civil Management and Disposal
Real Estate Contracting Officer
Louisville District

CF
CELRL-OP-TO
CELRL-OPW
CELRL-OPW-M