

**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: 22-SP-007

**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 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 for rate increase, the Hearing Officer shall make a written report to the Commission. The report shall include written findings with respect to the requested rate 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 rate increases from 1.82% to 14.29%. It is noted that the increases are substantial; however, the rates currently in place are well below market rate. Also included in his petition, is a request for a rate establishment for 7 new dock sizes.
5. In determining whether to recommend a rate increase and establishment 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 and establishments. The preponderance of information in the record indicates that the rate increases and establishments proposed by Two Herons for effectiveness in 2023 will bring Two

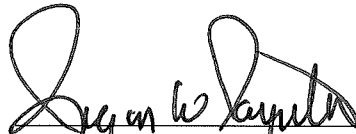
Heron's slip rates into consistency with the rates charged by comparable marinas for similarly sized slips.

6. A Hearing Officer's or the Commission's recommendation for rate increase or rate establishment 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 and rate establishments as requested by Two Herons.
8. The requested rate increases and establishments 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 the rates as set forth in the attached table be approved for existing facilities at Two Herons.

Dated: 7/11/2022



Bryan Poynter, Chair
Natural Resources Commission

Commission Slip Rate Recommendation

COMPREHENSIVE RATE LIST		
TWO HERONS MARINA SLIP SIZE & DESCRIPTION	CURRENT RATE	COMMISSION RATE RECOMMENDATION for IMPLEMENTATION JANUARY 1, 2023
16' - 24', uncovered	\$1,375.00	\$1,400.00
12' x 20', uncovered	\$1,550.00	\$1,600.00
12' x 24', uncovered	\$1,750.00	\$1,950.00
12' x 26', uncovered	\$2,000.00	\$2,200.00
12' x 30', uncovered w/ water & electric	Establishment	\$2,100.00
14' x 30', uncovered w/ water & electric	Establishment	\$2,800.00
32' end, uncovered	\$2,000.00	\$2,200.00
34' end, uncovered	Establishment	\$3,000.00
17' x 32', uncovered	\$2,800.00	\$3,200.00
12' x 28', covered	\$3,000.00	\$3,100.00
13' x 28', covered	\$3,100.00	\$3,200.00
14' x 28', covered	\$3,100.00	\$3,300.00
12' x 30', covered	\$3,300.00	\$3,400.00
12' x 30', covered	Establishment	\$3,400.00
13' x 36', covered	\$3,100.00	\$3,500.00
14' x 30', covered	Establishment	\$3,600.00
14' x 36', covered	Establishment	\$4,500.00
16' x 36', covered	Establishment	\$5,000.00
17' x 40', covered	\$4,550.00	\$4,900.00
17' x 48', covered	\$5,300.00	\$5,900.00
PWC	\$550.00	\$575.00
Footage more than 5' past the end of dock	\$70.00	\$80.00



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

July 27, 2022

Real Estate Division
Civil & Support Branch

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

Dear Mr. Baughman:

We have received and considered the Natural Resources Commission's findings and recommendations for slip rentals at **Fourwinds Resort and Marina** and **Two Herons Marina** (Department of the Army Lease DACW27-1-68-2174), Monroe Lake Project, Indiana) as well as at **Hoosier Hill Marina** (Department of the Army Lease DACW27-1-79-127), Patoka Lake Project, Indiana that your office sent on July 22, 2022. 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 "J. Meyer", is positioned above the typed name.

Jason E. Meyer
Chief, Civil and Support Branch