

NATURAL RESOURCES COMMISSION

Meeting Minutes, July 21, 2026

MEMBERS PRESENT

Kevin Mahan, Chair (virtual participant)
Heather Setser, Vice Chair
Alan Morrison, Secretary
Noelle Szydlyk
Teresa Giller
Jeff Stallman
John Wright
Clint Woods
Mike Simpson
Chad Miller

*Tom Kelley was not present.

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Chris Smith	Executive Office	Jason Parks	Legal
Greg Sorrels	Executive Office	Jennifer Ware	Water
Ryan Mueller	Executive Office	David Knipe	Water
Lisa Anderson	Legal	Bella Foster	Water
Brittney Long	Legal	Kristi Johnson	Water
Rebecca McClain	Legal	Ronald Hellmich	Fish, Wildlife, Nature
Brandt Baughman	State Parks		Preserves

GUESTS PRESENT

Ryan Elward
Mike Baur
Carl Wodrich

Alan Morrison¹, secretary, called to order the regular meeting of the Natural Resources Commission (commission) at 10:00 a.m., ET, on July 21, 2026, at Fort Benjamin Harrison State Park, The Garrison, 6002 N. Post Road, Indianapolis. The Secretary noted that roll call voting will be used as Kevin Mahan joined online. With the presence of ten (10) members, the Secretary observed a quorum.

The Secretary noted that there are several new members and asked everyone for a brief introduction. Introductions are summarized as follows:

¹ Alan Morrison, secretary, opened the meeting as the former Chair and Vice Chair resigned between the March 24, 2026, meeting and the July 21, 2026, meeting.

Mike Simpson, citizen member, stated that he is from Valparaiso, Indiana and is the owner of M.E. Simpson Co., Inc. which is a service company for water and wastewater utilities across the United States.

Chad Miller, citizen member, stated that he is from Brazil, Indiana and that he is an avid hunter and fisherman. He stated that he is happy to be on the commission.

Heather Setser, citizen member, stated that she is from the Patoka Lake area of Southern Indiana. She stated that her father worked for the DNR for forty-three (43) years. Setser owns the Patoka Lake Marina, Patoka Lake Winery, and the Old Homestead Hotel.

Chris Smith, deputy director for the department, briefly explained that there are three (3) deputy directors at the department who sit as advisory members to the commission. Smith clarified that they are non-voting members. Further, Smith stated that the deputy directors are able to advise the commission members on any questions or concerns they might have regarding the department or topics that arise at commission meetings, and that the contact information for the deputy directors would be sent out to all members following the meeting. Smith thanked everyone for being at the meeting.

Ryan Mueller, deputy director for the department, stated that he will give an overview of the regulatory bureau later in the meeting and thanked everyone for being in attendance.

Alan Morrison, director for the department and secretary for the commission, stated that until a new chair is elected, that he will be acting as chair.

Lisa Anderson, staff attorney for the department, stated that she is responsible for setting the commission's agenda and providing various administrative support to the commission.

Brittney Long, deputy general counsel for the department, stated that she is the deputy general counsel responsible for rulemaking and that she assists Lisa Anderson with her administrative support for the commission.

Greg Sorrels, deputy director and CFO of the department, thanked everyone for coming to the meeting.

John Wright, citizen member, stated that he is from Terre Haute, Indiana and that he has been a member of the commission for several years.

Jeff Stallman, delegate representing Indiana Academy of Sciences, stated that he is originally from the Northwest but has been in Indianapolis, Indiana for six (6) years. Stallman stated that he has a background in mycology and conservation biology.

Clint Woods, commissioner of the Indiana Department of Environmental Management, stated that he is glad to be in attendance.

Teresa Giller, senior attorney at the Indiana Department of Transportation, stated that she is a proxy for Lyndsay Quist and was filling in for Laura Hilden. Giller stated she is an avid park user.

Noelle Szydlyk, Indiana Destination Development Corporation and proxy for Amy Howell, stated that she has been working with the department and the outdoor recreation area for quite some time.

Kevin Mahan, citizen member, stated that he was born and raised in Indiana and had the opportunity to serve in many different capacities including being a former sheriff and serving as a state representative of House District 31 for nearly a decade. Mahan stated that he is looking forward to meeting everyone and working together.

The Secretary thanked everyone for their introductions.

APPROVAL OF MINUTES

The Secretary stated that the minutes from March 24, 2026, were sent out and asked for any potential corrections. There were no corrections to be made.

The Secretary then asked for a motion to approve the March 24 meeting minutes as distributed.

Mike Simpson moved to approve the minutes.

The Secretary asked for a second motion.

John Wright seconded the motion.

The Secretary stated the commission will now to a roll call vote to approve the minutes as distributed.

Lisa Anderson called roll and the results were as follows:

Kevin Mahan: aye
Heather Setser: aye
Alan Morrison: aye
Clint Woods: aye
Noelle Szydlyk: aye
Teresa Giller: aye
Jeff Stallman: aye
John Wright: aye
Mike Simpson: aye
Chad Miller: aye

Lisa Anderson stated that roll is complete, there were ten (10) ayes and zero (0) nos.

The Secretary then stated that the motion to approve the minutes as distributed carried. Next order of business was the election of officers.

ELECTION OF OFFICERS

The Secretary stated he will now conduct the election of officers for the term of July 21, 2026, to June 30, 2029. The Secretary asked if there are any nominations for the office of chair.

John Wright nominated Kevin Mahan for chair.

The Secretary asked if Kevin consented to the nomination, which he did. The Secretary then asked if there were any further nominations, which there were not. The Secretary asked if there was a second motion.

Heather Setser seconded.

The Secretary then stated the commission will do a roll call vote to approve Kevin Mahan as chair.

Lisa Anderson called roll and the results were as follows:

Kevin Mahan: aye
Heather Setser: aye
Alan Morrison: aye
Clint Woods: aye
Noelle Szydlyk: aye
Teresa Giller: aye
Jeff Stallman: aye
John Wright: aye
Mike Simpson: aye
Chad Miller: aye

Lisa Anderson stated that roll is complete, there were ten (10) ayes and zero (0) nos.

The Secretary stated that the motion carried. The Secretary then asked if there were any nominations for the office of vice chair.

John Wright nominated Heather Setser for vice chair.

The Secretary asked if Heather consented to the nomination, which she did. The Secretary then asked if there were any further nominations which there were not. The Secretary asked if there was a second motion.

Mike Simpson seconded.

The Secretary then stated the commission will do a roll call vote to approve Heather Setser as vice chair.

Lisa Anderson called roll and the results were as follows:

Kevin Mahan: aye
Heather Setser: aye
Alan Morrison: aye
Clint Woods: aye
Noelle Szydlyk: aye
Teresa Giller: aye
Jeff Stallman: aye
John Wright: aye
Mike Simpson: aye
Chad Miller: aye

Lisa Anderson stated that roll is complete, there were ten (10) ayes and zero (0) nos.

The Secretary then stated that the motion carried and congratulated Kevin and Heather on their appointments. The Secretary then yielded the meeting to the new chair, Kevin Mahan. The Secretary concluded by saying the next order of business is officer reports.

The Chair thanked the Secretary and shared a few of his introductory thoughts, which are summarized as follows:

Mahan thanked Governor Braun for his appointment. Mahan then thanked his fellow commissioners for the opportunity to serve as chair. Mahan stated that he looks forward to the future.

Mahan acknowledged that he attended the meeting virtually and stated that is not his preference but due to a prior commitment he must be in southern Indiana for the day. Mahan looks forward to attending the upcoming meetings in person. Mahan then thanked Stephanie Flittner and the legal team from the department for the time spent onboarding new commission members.

Mahan then stated that during his time with the General Assembly he chaired the House Government Regulatory Reform Committee which was an experience that taught him to chair a public meeting and work through difficult policy questions. Mahan stated that the commission has its own laws, practices, and history and that he intends to ask questions and listen carefully to learn the work at hand.

Mahan acknowledged the recent changes to the commission and recognized the recently departed members who served, some for decades, on the commission. Mahan thanked them for their years of dedicated service to Indiana's natural resources and to the commission itself.

Mahan addressed Governor Braun's commitment to conservation and stewardship. Mahan noted that the Braun Administration has acquired over one hundred twenty (120) acres to expand Yellowwood State Forest. Additionally, the State bought more than one thousand four hundred (1,400) acres of forest land at the Salamonie State Park as well as the Frances Slocum State Forest. Mahan also noted that, with the help of the Lilly Endowment, the department was able to add forty-five (45) new all-terrain track chairs for use at every state park and state park inn for visitors with mobility disabilities to use at no charge. The Governor has also tasked the department with the creation of a statewide inventory and planning framework for Indiana's water resources, focusing on sustainability and public access.

Mahan further clarified that Indiana Law does give the commission the responsibility for the adoption of final rules going through the permanent rulemaking process, program fee approvals, nature preserve dedication, and conservancy district matters. Mahan stated that things may be different than they have been in the past, but that the role of the commission is not ceremonial and he will not treat it as such. Mahan stated that he places a very high value on public notice and public comment and they are not just boxes to check.

Mahan has asked Alan Morrison, director of the department, to give a standing update on the rulemaking docket and what permanent, interim, and provisional rules are moving through the process for the department. The goal of this is to increase transparency. Mahan then stated that it is his goal to communicate early, avoid surprises, and conduct commission business in compliance with Indiana's open door laws. Mahan intends to be cooperative with the department, the director of the department, his fellow commissioners, and the public. Mahan stated the commission will make decisions based on the law and the record, he then highlighted the values he hopes move forward and stated that our communities deserve a commission that people can trust.

Mahan concluded by thanking the department and the other commissioners. He then said the next order of business was reports from the director and deputy directors.

REPORTS OF THE DNR DIRECTOR, DEPUTY DIRECTORS, AND THE CHAIR OF THE ADVISORY COUNCIL

Alan Morrison, Director of the Department of Natural Resources (department), provided his report, which is summarized as follows:

Morrison thanked the Chair and greeted everyone. There have been many department successes since the last meeting and said that the department is now in its busy season. Morrison noted that the department had record numbers during the spring season for turkey hunting and that the department had the second most birds taken in a season.

Law enforcement has been very busy and Morrison noted that their day-to-day effort deserves recognition and that they have been doing an excellent job.

The department's administrative team also deserves recognition as July 1 was the start of the new budget year. Morrison noted that the individuals in finance, purchasing, fleet management, facilities management, and engineering have been working very hard to close out the previous budget year and that everyone has done excellent work. Morrison noted that they are the backbone of the department and that the rest of us could not do our work without them.

Morrison announced that the department has hired a new communications director and a new legislative director. He further noted that Holly Lawson, previous communications director, will be leaving the department to take a job with the private sector. Morrison thanked Lawson for her hard work over the past fifteen (15) years and noted her professionalism and the outstanding level of work she has put in. The new communications director will start in a few weeks. The new legislative director will also start at the beginning of August. Morrison noted that the new legislative director will have to jump right in and the department is currently putting together its legislative agenda for the upcoming session. Morrison stated that the push for this session began last session. Further, Morrison stated that the department will work with the public, with advocacy groups, and with the department's divisions to make the experience for people who interact with the department better. Morrison stated it is the department's goal to be more efficient and to deliver better government to stakeholders. Morrison stated the department is also working on our capital requests, as there is a lot the department could request from maintenance to renovations to new facilities or trail systems. Morrison noted that public safety will be one of the primary focuses during the upcoming legislative session.

Another tornado hit Morgan-Monroe State Forest on June 17, 2026. Morrison noted that he visited the property after the tornado with Darren Bridges, property manager at Morgan-Monroe State Forest, to survey the damage from this powerful storm. Morrison noted that he is grateful the state forest took the brunt of the tornado damage versus having the tornado damage life or property. The facilities were not damaged as badly as they could have been. The department has a plan for crews to start on either end of the damage to salvage and harvest as much as possible, which should take around two (2) years.

August 7 to the 23 will be the Indiana State Fair. The department will have its building up and Morrison encouraged everyone to come out to see all that the department has to offer. Morrison is looking forward to seeing the tortoises and noted that there will be lettuce available to feed the tortoises. The fishing pond will be open as well.

Morrison again thanked everyone for their work and effort and yielded back to the Chair.

Chris Smith, Deputy Director of the Lands and Cultural Resources Bureau, provided his report, which is summarized as follows:

Smith thanked the Chair and stated that it is standard practice for each of the deputy directors to give an update at commission meetings. Smith provided an overview of the organization chart for the department. The landholding bureau is broken into five (5) divisions. First, the Division of Land Acquisition is a real estate division, they assist with purchases, leases, surpluses, easements, and boundary disputes. They also have oversight of the President Benjamin Harrison Conservation Trust which is a program that helps acquire public lands throughout the state. Second, the Division of Communications assists the department with media inquiries, social media, web development, and marketing. Communications also works with the Destination Development Corporation and produces Outdoor Indiana magazine. At the meeting, the communications division was helping coordinate the webcast. Smith again noted that the department is sad to see Holly Lawson go, but that he is excited for her next steps. Third, the Division of Forestry manages thirteen (13) state forest properties and the Knobstone Trail property. They also coordinate fire management for state properties and operate two (2) tree seedling nurseries which produce around two million (2,000,000) tree seedlings annually. Smith noted the division's role in cleaning up tornado damage. Fourth, the Division of Fish, Wildlife, and Nature Preserves manages and protects three hundred (300) plus private and public nature preserve properties across the state, twenty-four (24) fish and wildlife areas, they operate a private lands program to help private property owners reach their goals, and they operate seven (7) fish hatcheries which produce around twenty-five million (25,000,000) fish annually. Fifth and finally, the Division of State Parks manages thirty-six (36) park properties, including eight (8) reservoir properties, and two (2) off-road vehicle properties. Smith noted that water has been very high this year, therefore the reservoirs are very high, and beach visitation is down because of the high water. Within State Parks, the department has the community grants and trails section which provides assistance with recreational development and trail development. Lastly within State Parks, the department has seven (7) inns and lodges. The department is currently building an eighth inn at Potato Creek. The landholding bureau has about eight hundred (800) employees and covers nearly five hundred thousand (500,000) acres across the state.

Smith then moved on to provide an update for the landholding bureau.

In cooperation with the Destination Development Corporation, the department is releasing the DNR rewards program which will allow visitors to earn points through stays, visits, and activities. The points can be redeemed for gift cards. Smith noted the department has already had its first gift card recipient. The rewards program is accessible through the DNR App.

Reserve hunt applications are currently open for dove, teal, and early goose. Additionally, applications for opportunities for both squirrel and youth deer via the Indiana Private Lands Access Program can be submitted through July 29, 2026. This application can be submitted through the license system on the department's website.

Applications are also open for grants for urban forestry projects throughout Indiana. These grants fund projects like tree plantings, tree inventories and management plans, urban tree canopy assessments, and storm response planning. Applications and available

materials are located on the department's forestry website. The application period closes on September 11, 2026, and announcements of recipients will be made in October.

Early in July, the department worked with Governor Braun and the first lady to dedicate a new playground at Fort Harrison State Park. The playground was made possible by the Lilly Endowment grant. As part of the Lilly Endowment grant, there will be forty-three (43) accessible playgrounds throughout the Indiana park system with the final playground improvements being made this fall.

The department has celebrated several trail openings. The Clifty Connector Trail in Madison opened last month and it connects Clifty Falls State Park to Madison, Indiana. The Dirk Studebaker Trail in Otterbein is named after a long-time hunter education coordinator and long-timer Division of Law Enforcement employee Dirk Studebaker, Smith noted that several law enforcement division members attended the dedication.

Smith thanked everyone and yielded back to the Chair.

Ryan Mueller, Deputy Director of the Resource Management Bureau, provided his report, which is summarized as follows:

Mueller greeted the members and welcomed the new members to the commission. Mueller began by doing an overview of the regulatory bureau which also contains five (5) divisions. Mueller noted that the regulatory bureau contains about one hundred sixty-five (165) staff members.

First, the Division of Entomology and Plant Pathology is made up of fifteen (15) people who inspect nurseries and dealers across Indiana to prevent the spread of invasive pests and plants. Mueller noted the spotted lantern fly, which is an invasive insect that is very damaging to hardwood products. During the winter months, department staff scraped over forty-five thousand (45,000) spotted lantern fly egg masses. Because each egg mass contains between forty (40) and fifty (50) eggs, nearly two million (2,000,000) insects were destroyed.

Second, the Division of Historic Preservation and Archaeology is the division that administers the federal historic preservation fund grant program. The department received the notice of funding opportunity for that grant cycle and will be announcing that grant soon. The division also manages a database of cultural resources and provides a lot of education and outreach such as archaeology month and historic preservation month.

Third, the Division of Management Information Systems, which is similar to the department's administrative division as they serve the entire department. They manage hardware and software applications, develop databases, and help support data and products developed by our divisions.

Fourth, the Division of Reclamation, which includes the oil and gas program, regulates surface mining activities that are active as well as helping to reclaim previously mined

lands that were abandoned. Mueller highlighted the work that is turning abandoned mine lands into beneficial use properties and noted that several fish and wildlife areas were once old coal mines. The division also reviews oil and gas well permit applications, administers the pipeline and hazardous material safety administration program. Through federal funding, the oil and gas program plugged over four hundred fifty (450) abandoned and leaking wells throughout the state. This cost around twenty-five million dollars (\$25,000,000) and had a very large, positive environmental impact. There are between seven hundred (700) and eight hundred (800) additional wells that have been identified to qualify for this program. Lastly, the division reviews and issues carbon sequestration project permits.

Fifth and finally, the Division of Water provides several services, data, information, and assistance to Hoosiers. The division provides mapping of floodplains to assist communities with floodplain management requirements within their local ordinances, assesses water use and availability, inspects regulated dams, oversees water well drilling licensing, and provides education and outreach.

Mueller noted that on April 21, 2025, Governor Braun signed Executive Order 25-63 which directs the department to complete a statewide water inventory and management plan. This inventory and plan builds on regional studies conducted by the Indiana Finance Authority and will include development of a statewide planning framework, recommendations for expanding Indiana's water monitoring networks, and development of an online water data platform. Water use, availability, and future demand studies are underway across the state, the deadline for completion of these studies is August 31, 2026. Input sessions were held across the state and allowed all water use sectors to voice their input. The final report will be presented to the Governor and Indiana General Assembly by December 31, 2026.

Mueller thanked everyone and yielded back to the Chair.

Greg Sorrels, Deputy Director of the Administration Bureau, provided his report, which is summarized as follows:

Sorrels thanked the Chair and members of the commission and welcomed new members to the commission. The Administration Bureau is the support services wing of the department. The administrative services team is made up of purchasing, accounting, payroll, and fleet. Financial programs maintains the operating, capital, and preventative maintenance budgets along with state and federal grants and the asset management and receiving. The division also has safety and training, strategic project management, engineering and project management, and human resources. The department is kicking off a construction services section.

The department has gone through a series of sixteen (16) audits from State Board of Accounts and the Comptroller's Office.

For staffing, the department currently has sixty-two (62) vacancies out of roughly one thousand three hundred (1,300). The department's intermittent staffing has remained consistent with past years with about one thousand (1,000) staff members.

For capital projects at the August Budget Committee meeting, there will be: (1) a water slide at O'Bannon Woods, (2) a water slide at Shakamak, (3) an assistant manager's residence at Lieber, and (4) six (6) telecommunications projects.

Sorrels stated that the department is in the midst of budget season. The department's process takes approximately six (6) months to complete as the department looks at every building and every structure to determine what needs to be repaired. Sorrels noted that the department is committed to first fixing what we have. The due date is August 14, 2026, for both the capital and operating budgets.

Sorrels thanked the commission and yielded to the Chair.

The Chair interjected briefly to show appreciation for all of the hard work from department staff members. He thanked all those assisting with all of the projects mentioned and thanked those with boots on the ground in response to tornado damage. The Chair asked those representing the department to pass along his appreciation.

The Chair gave the report for the Natural Resources Advisory Council by stating that the Natural Resources Advisory Council has not met and therefore there is no update.

The Chair then noted a change from the agenda that Alan Morrison will be giving the rulemaking update instead of Brittney Long.

Alan Morrison provided the rulemaking update, which is summarized as follows:

The regular rulemaking process is governed by IC 4-22-2. Morrison noted the general requirements of the process and highlighted that the department has an extra step in the process to get final approval from the commission prior to submission to the Legislative Services Agency. According to 312 IAC 2-2-4, the Secretary of the commission may preliminarily adopt rules.

The department currently has two (2) rules going through the regular rulemaking process. LSA #26-98 is the permanent rule regarding bobcat hunting and an increase to the statewide season quota. This rule was preliminarily adopted on March 30, 2026. The first public comment period was held from April 15, 2026, until May 19, 2026, and the first public hearing took place May 19, 2026. The second public comment period will be held from July 22, 2026, until August 27, 2026, and the second public hearing will take place August 27, 2026, in the Roosevelt Room at the Fort Harrison Inn from 2:00 – 4:00 pm. LSA #26-99 is the permanent rule which makes several changes to the fish and wildlife rules including various hunting equipment changes, hunting season date changes, and changes to endangered and threatened species lists. This rule was preliminarily adopted

on March 31, 2026. The first public comment period was held from April 15, 2026, until May 19, 2026, and the first public hearing took place May 19, 2026. The second public comment period has been running since June 24, 2026, and will end on July 30, 2026. The second public hearing will take place on July 30, 2026, in the Roosevelt Room at the Fort Harrison Inn from 2:00 – 4:00 pm. Morrison noted that following the second public comment period, the department will either (1) resubmit the package to the Office of Management and Budget and State Budget Agency with edits or (2) will prepare the package to submit to the commission for final adoption. Once final adoption from the commission is received, then the rule is submitted to the Legislative Services Agency, then to the AG's office and lastly to the Governor for final approval.

The interim rulemaking process is governed by IC 4-22-2-37.2. Morrison noted the general requirements of the interim rulemaking process.

The department currently has two (2) rules going through the interim rulemaking process. Morrison stated that the department is utilizing the interim rulemaking process in order to have the rules in place prior to the 2026-2027 hunting seasons. LSA #26-202 is the interim rule which makes changes to antlerless bag limits and what hunting equipment will be permitted. The comment period for this rule has been open since July 1, 2026, and will be open until July 31, 2026. LSA #26-260 is the interim rule which sets the season dates, bag limits, and zones for hunting waterfowl and other migratory birds. The comment period for this rule will be from July 22, 2026, to August 21, 2026. After the comment period for an interim rule is over, DNR legal will compile and address all of the comments that were received and prepare the Interim Final Rule for submission to LSA.

The provisional rulemaking process is governed by IC 4-22-2-37.1. Morrison noted the general requirements of the interim rulemaking process. A provisional rule was recently accepted by LSA regarding antlerless bag limits and the closure of a deer reduction zone for the upcoming deer hunting season due to last year's EHD outbreak.

Rule readoptions are governed by IC 4-22-2.6. In Indiana, every rule must be readopted every five (5) years to ensure each rule is still necessary, relevant, and written for ease of understanding. This year, the department has eight (8) sections of the administrative code which will be readopted prior to January 1, 2027.

Lastly, Morrison noted the department has a few upcoming rule packages including: (1) additional rules regulating carbon sequestration, (2) a fisheries package, and (3) an entomology and plant pathology package.

Morrison yielded to the Chair.

The Chair interjected by saying that he is looking forward to learning more about the rulemaking process. The Chair noted that transparency and openness are very important to him when it comes to the rulemaking process. The Chair voiced his understanding regarding public participation in the rulemaking process. The Chair noted that there is at least one (1) comment period where the public can make meaningful impact then asked for clarification on this process.

Morrison clarified that for regular rulemaking, there is at minimum one (1) public comment period and one (1) public hearing, if any substantive comments are made, there will be a second public comment period and public hearing. Morrison clarified that process is for regular rulemaking.

The Chair asked for additional questions.

Jeff Stallman asked for clarification on “substantive comments” and what that entails.

Lisa Anderson responded by clarifying that the department uses a broad definition of “substantive” to mean any comment which disapproves of the rules or makes a request to change the rules in any way. Anderson stated that most comments beyond “I approve of these rules” would be considered substantive.

The Chair thanked Stallman for the question and thanked Morrison for the report.

CHAIR AND VICE CHAIR

Information: Consideration of 2026 meeting dates:

The upcoming 2026 commission meeting dates are September 15 and November 17. All meetings are scheduled to be held at Fort Harrison State Park, The Garrison.

The 2027 commission meeting dates are: January 19, March 16, May 18, July 20, September 21, and November 16. All meetings are scheduled to be held at Fort Harrison State Park, The Garrison.

AOPA Committee Update:

The Chair stated that the AOPA Committee has not met therefore has no update.

DNR, LEGAL DIVISION

Consideration of the Removal of McColley Lake from Public Freshwater Lake Listing.

The Chair called Rebecca McClain to present.

Rebecca McClain, Assistant General Counsel- Regulatory Bureau, presented the Removal of McColley Lake from the Public Freshwater Lake Listing for consideration of petition and a summary of her report follows:

McClain stated that she represents several divisions of the department for administrative and enforcement matters, primarily through litigation defending permits and licenses and issuing violations. McClain noted that she also assists the Attorney General's office.

McClain briefly mentioned that another attorney will be joining the department's legal team at the beginning of August.

First, McClain noted that there was a petition to remove McColley Lake from the Public Freshwater Lake Listing. The Public Freshwater Lake Listing is a non-rule policy document which lists all of the public freshwater lakes in the state of Indiana. Most of the work on the listing was done in the early 2000s with coordination between the Divisions of Law Enforcement, Water, and Fish, Wildlife, and Nature Preserves. To determine whether a lake belongs on this list, the divisions consider acquiescence, which is the public's ability to access the lake, and licensing and enforcement that has taken place on the lake.

McColley Lake did not have a lot of records showing acquiescence or licensing and enforcement. Per their statutory right, the private property owners that surround the lake petitioned to remove the lake from the listing. When the cases to hear public freshwater lake delistings moved to the Office of Administrative Law Proceedings, this case was referred to an Administrative Law Judge. However, because the Public Freshwater Lake Listing is contained in a non-rule policy, any removal needs to be approved by the commission.

McClain noted that the department does not advocate on behalf of the petitioners, however, she noted that it is her duty to present the petitioners request to the commission. McClain noted she provided the joint status report and the updated information bulletin reflecting the removal of McColley Lake to commission members for their review.

McClain noted that agenda item #4 is simply a request to the commission to amend Information Bulletin #61 to remove McColley Lake. This amendment would be the eleventh amendment to Information Bulletin #6.

The Chair asked if there were any questions for McClain. There were none. The Chair then asked if there were any comments or questions from the public.

Ryan Elward, property owner at McColley Lake, came forward to speak. Elward stated that he would like to see McColley Lake removed from the Public Freshwater Lake Listing to prevent people from trespassing on his property. He stated the farmer and the other lake owner are of the same mindset that McColley Lake should be removed.

The Chair asked if there were any questions. The Chair then asked if there is any public lake access beyond what is accessed through private property.

Elward stated there is no public access to McColley Lake.

The Chair thanked Elward and asked for additional questions or testimony. The Chair asked if there was a motion to remove McColley Lake from the Public Freshwater Lake Listing contained in Information Bulletin #61.

Alan Morrison moved to remove McColley Lake from the Public Freshwater Lake Listing. The Chair then asked for a second. John Wright seconded the motion.

The Chair then asked for a roll call vote remove McColley Lake from the Public Freshwater Lake Listing.

Lisa Anderson called roll and the results were as follows:

Kevin Mahan: aye
Heather Setser: aye
Alan Morrison: aye
Clint Woods: aye
Noelle Szydlyk: aye
Teresa Giller: aye
Jeff Stallman: aye
John Wright: aye
Mike Simpson: aye
Chad Miller: aye

Lisa Anderson stated that roll is complete, there were ten (10) ayes and zero (0) nos.

The Chair then stated that the motion carried. The next order of business is agenda item #4, consideration of the Amendment of Information Bulletin #61 to remove McColley Lake from the Public Freshwater Lake Listing.

Consideration of the Amendment of Information Bulletin #61 to Remove McColley Lake from the Public Freshwater Lake Listing.

The Chair asked for clarification between this agenda item and the previous agenda item #3.

Lisa Anderson stated that the previous agenda item was to vote on whether McColley Lake should be removed from the Public Freshwater Lake Listing. Agenda Item #4 was to vote on whether Information Bulletin #61 should be amended to reflect McColley Lake being removed from the Public Freshwater Lake Listing.

The Chair asked if the commission needed further presentation on agenda item #4. Anderson said no further presentation was necessary. The Chair asked if there were any further comments from the public on agenda item #4. There were not.

The Chair asked for a motion to amend Information Bulletin #61. Heather Setser moved. The Chair asked for a second. Alan Morrison seconded.

The Chair asked for a roll call vote.

Lisa Anderson called roll and the results were as follows:

Kevin Mahan: aye
Heather Setser: aye
Alan Morrison: aye
Clint Woods: aye
Noelle Szydlyk: aye
Teresa Giller: aye
Jeff Stallman: aye
John Wright: aye
Mike Simpson: aye
Chad Miller: aye

Lisa Anderson stated that roll is complete, there were ten (10) ayes and zero (0) nos.

The Chair then stated that the motion carried. He thanked Rebecca McClain. The Chair stated that the next order of business is agenda item #5, consideration of the Petition for the Establishment of the Webster and Backwater Lakes Dams Conservancy District Cause No. 43C01-2512-MI-000162.

DNR, DIVISION OF WATER

The Chair called Kristi Johnson to present regarding agenda item #5.

Kristi Johnson, hearing officer for the petition, presented the Establishment of the Webster and Backwater Lakes Dams Conservancy District Cause No. 43C01-2512-MI-000162 for consideration of petition and a summary of her report follows:

A conservancy district is a special purpose unit of local government that manages water resources within a defined geographic area that is governed by a board of residents in the district. The districts are created to address specific water related issues such as flooding, drainage, water supply, sewage services, recreation, and operation and maintenance of water structures.

The Petition for the establishment of Webster and Backwater Lakes Dams Conservancy District was filed on December 15, 2025, in the Kosciusko Circuit Court. By a court order dated March 10, 2025, the petition was referred to the department's Division of Water for review. The commission will make the determination to the court as to whether the proposed district meets the requirements for the establishment of a conservancy district under IC 14-33. Johnson stated that if approved by the commission, the hearing officer report will be filed with the Kosciusko Circuit Court with its recommendation.

The department must determine if the conservancy district appears to be necessary, holds promise of economic and engineering feasibility, offers benefits in excess of costs and damages, serves the public health immediately or prospectively, proposes to cover and serve a proper area, and could be compatible with other water management or water supply projects. The requirement to serve the public health immediately or prospectively only applies to conservancy districts that want to do drinking water or sewage, this proposed conservancy district does not want to do drinking water or sewage so the requirement does not apply.

The hearing for this petition was held May 6, 2026, at the North Webster Community Center Community Hall. Notices of the public meeting were published in the Times Union, a newspaper of general circulation in Kosciusko County. Everyone has a chance to comment during the first hearing, so a second public hearing was not necessary. Additional public comments were emailed or mailed to the department's Division of Water.

The petition stated the boundaries would include all developed waterfront residential areas on and near Webster and Backwater Lake and a special benefit area that encompasses the business district within the Town of North Webster. The proposed district is comprised of one thousand four hundred thirty-three (1,433) free holders and one thousand two hundred fifty-three (1,253) parcels. The petition asked the conservancy district be established for the purposes of (1) flood prevention and control, and (2) improving drainage. Their exhibits and testimony further specified the reasons for establishment of the district were that the current dam and dyke system needs maintenance, oversight, repair, or replacement. Establishment of the conservancy district would provide for oversight of the status of the dam and dyke system.

The Division of Water recommended the establishment of the Webster and Backwater Lakes Dams Conservancy District. It was the division's opinion that the petition and supporting exhibits met the criteria required for establishment. The division recommends requesting the court that the purpose of operation, maintenance, and improvement of work of improvement for water-based recreation or other work of improvement be added as a purpose as outlined in the first petition submitted to the court on December 15, 2025.

Johnson clarified that the purpose used in this petition is a relatively common purpose used for conservancy districts that want to do dam maintenance. Johnson stated they had no issues with adding that back as a purpose.

The Chair asked if there were any questions. The Chair then asked for clarification on the department's role in the creation of conservancy districts. He asked if the role is to be a friend of the courts. The Chair outlined the process saying there was a petition from members of the public in the area of the proposed conservancy district, the threshold for establishing a conservancy district was met, the petition went to the court, the court asks for the department's opinion, the department then presents their findings and opinion to the commission, the commission adopts or does not adopt the findings of the department, and if they do adopt then the department shares

the findings and opinion with the court. Johnson stated that is correct and clarified that the court will make the final ruling on whether the conservancy district should be established.

The Chair asked for other questions. There were none.

Mike Baur, member of the public, requested to speak on agenda item #5. Baur's comment is summarized as follows:

Mike Baur stated that he lives on Lake Webster and he thanked the commission for allowing him to speak.

Baur clarified that he understands the department provides an advisory role to the court system but that he believed it is a foregone conclusion. Baur believes the court will approve or disapprove the district strictly based on the recommendation made by the department.

Baur believes there is a question with regards to department guidelines about whether they should recommend or shouldn't recommend the creation of all of these new property tax districts. Baur thought it would be good to set up a commission or a blue ribbon commission within the department, and possibly with public members, to evaluate under what circumstances we should recommend to create these conservancy districts.

Baur asked whether the commission should possibly consider sunseting some of the existing conservancy districts.

Baur represents the Webster Dam Association, a private 501(c)(3) organization, that is dedicated to raising money to repair the dam. The association already has one hundred twenty thousand dollars (\$120,000) committed. The association has communicated with hydraulic engineers about what engineering needs the dam has. Baur also looks forward to communicating with Dave Knipe about whether a ten million dollar (\$10,000,000) concrete spillway for the Webster dam is a good solution or not.

Baur stated that Webster Lake does not have a lot of flooding issues, but the lakes downstream do. Baur noted lakes downstream include Tippecanoe Lake and the Barbee Chain of Lakes. Building the concrete spillway would allow water to leave Webster very quickly but may create a problem of flooding the downstream lakes. The Webster Dam Association thinks that is not a very good solution due to the cost and the flooding possibility downstream.

Another suggestion was to use Backwater Lake as a temporary storage facility for floods. Baur clarified that the Webster Lake dam is not going to fail during a three (3) year drought. He stated that it is going to fail when the lake gets a fifteen (15) year rain and a wall of water hits the dam. He believes using Backwater Lake to hold the water temporarily and release it slowly would make Webster Lake one of the safest dams in the state.

Baur then gave historical context stating that thirty (30) years ago very few small-town libraries in Indiana had dedicated library property tax districts. Recently there has been an explosion of library property tax districts. Thirty (30) years ago very few volunteer fire departments had dedicated property tax districts, today the number is skyrocketing. Baur then guessed that thirty (30) years ago the department had very few conservation tax districts, today the number is growing. Baur highlighted that if six hundred (600) people gathered and collected signatures they could form a conservation tax district.

Baur posed the question “Does a red state like Indiana want to follow the property tax lead of blue states like Illinois and create hundred more of these new property tax districts? Alternatively, should we follow the other red states like Tennessee, Florida, and Texas that are eliminating these new taxes and spending districts?” Baur asked if the department should have a policy to eliminate these tax districts over the upcoming years. Also, he asked if the commission should have a moratorium on creating any new districts. And he asked if the commission should support the transformation of private nonprofits into government tax districts. Baur asked several more questions posed toward the department regarding property tax districts.

Baur stated that the Webster Dam Association contends that the hydraulic engineering rationale for storing floodwater upstream from Webster Lake instead of building a massive concrete spillway is impeccable. Baur stated that it is the association’s belief that it would be better to store water upstream than build the proposed ten million dollar (\$10,000,000) spillway.

Baur contends that approving this conservancy district would mean that almost any conservation district will be approved by the commission. Baur believes this is bad public policy.

Baur discussed funding for these projects and highlighted that they can be funded in three (3) ways: (1) for-profit enterprises have funded by user fees and government vouchers, (2) charitable groups are funded by fees, private donations, government vouchers, and grants, and (3) tax supported government enterprises. Baur believes private for-profit enterprises are the best option.

The Chair stopped Baur to mention that a lot of his testimony seems to come from the written material Baur handed to all of the commission members. The Chair asked if Baur would briefly summarize and close out his points.

Baur reiterated his view that property tax districts are not the best plan moving forward. He again stated that engineers and the association agree that using Backwater Lake to store water would be a better solution than creating the spillway. He again stated that this could be paid for with private donations and non-profits. Lastly, he again stated that the commission should be sunseting conservancy districts which are no longer necessary. He mentioned the state of Indiana should want less government and that we should not make more property taxes, we should instead use non-profit or for-profits.

The Chair asked if there were any questions for Baur, there were not. The Chair then thanked Baur for giving his comment. The Chair stated that he is very grateful for any public comments but clarified the department's role as a friend of the court and here it is their responsibility to give a recommendation to the court. The Chair noted that he read the report and again noted that this is a high hazard dam. The Chair then asked the department's legal team if it is their view that the department has completed its responsibility to provide their report and recommendation to the commission for its approval prior to the department passing the recommendation to the court.

Lisa Anderson said yes, they have. The Chair asked if there were any additional questions for Baur, there were not. Baur asked to make one additional comment.

Baur asked how many conservancy districts will be approved, whether that be 100%, 50%, 10%. Baur made his final comments and recommended the commission come up with a plan.

The Chair asked Lisa Anderson if anyone else from the public would like to make a comment, Anderson said no.

Mike Simpson stated that he appreciates Baur's comments, but Simpson stated the law is clear that it is up to the courts to make the final determination whether a conservancy district should be established or not. Simpson stated that he does not see how the commission can circumvent the law here to make the decision for the court. Simpson moved we approve the departments findings and pass them along to the court to make a final decision.

Mike Simpson moved. The Chair asked for a second. Alan Morrison seconded.

Chris Smith then clarified that the commission's role is either adopting or choosing to not adopt the report as presented by the department. The role is not approving or choosing to not approve the conservancy district.

The Chair then clarified that we have a motion. Lisa Anderson stated that Mike Simpson moved, Alan Morrison seconded. The Chair asked for a roll call vote to adopt the report as presented by the department's Division of Water.

Lisa Anderson called roll and the results were as follows:

- Kevin Mahan: aye
- Heather Setser: aye
- Alan Morrison: aye
- Clint Woods: aye
- Noelle Szydlyk: aye
- Teresa Giller: aye
- Jeff Stallman: aye
- John Wright: aye
- Mike Simpson: aye
- Chad Miller: aye

Lisa Anderson stated that roll is complete, there were ten (10) ayes and zero (0) nos.

The Chair then stated that the motion carried. The next order of business is agenda item #6 the Consideration of the Dedication of the Virginia Willow Sinkhole Swamp Nature Preserve in Harrison County.

DNR, DIVISION OF FISH, WILDLIFE, and NATURE PRESERVES

The Chair invited Ron Hellmich to present regarding agenda item #6.

Consideration of the dedication of the Virginia Willow Sinkhole Swamp Nature Preserve in Harrison County.

Ron Hellmich, assistant director of the Division of Fish, Wildlife, and Nature Preserves, presented Virginia Willow Sinkhole Swamp Nature Preserve for consideration of dedication and a summary of his report follows:

The proposed dedication consists of one hundred fifty-three and twelve hundredths (153.12) acres within the Mitchell Karst Plain Section of the Highland Rim Natural Region. Virginia Willow Sinkhole Swamp is a variant of a forested swamp. This community type is limited to southern Indiana due to the tree species living in permanent or semi-permanent water bodies. This results in a unique landscape due to the flooded areas located in depressions formed when underground chambers dissolved in a karst plateau, which provides habitat to southern swamp species.

The Eastern portion of this property contains the State Endangered Virginia willow, giant sedge, short-bristled horned beaksedge, and Walter's marsh St. John's-wort can also be found within the preserve.

This site has been a dedication target for many years, and the acquisition was made possible with assistance from the Sam Shine Foundation. It is owned by the department's Division of Fish, Wildlife, and Nature Preserves.

The Division of Fish, Wildlife, and Nature Preserves recommends dedication of this site as a State Nature Preserve.

The Chair thanked Hellmich and asked if there were any questions. Chris Smith asked Hellmich to say a bit about what a nature preserve is.

Hellmich stated that Indiana passed the Indiana Nature Preserve Act in 1967. It was designed to protect the best remaining natural areas in the state. These areas have a unique habitat and/ or species composition. By dedicating an area as a nature preserve, it places the highest protection that the state offers for land. The land is protected forever. Hellmich stated that the department works with several various organizations to dedicate these nature preserves including the Sam Shine Foundation, the Indiana Land Trust, local community park districts, universities, and colleges.

The Chair thanked Hellmich and asked if there was a motion to accept the consideration of the dedication of the Virginia Willow Sinkhole Swamp Nature Preserve as presented.

Alan Morrison moved to accept the consideration of the dedication as presented. John Wright seconded the motion.

The Chair then asked for a roll call vote to approve the dedication.

Lisa Anderson called roll and the results were as follows:

Kevin Mahan: aye
Heather Setser: aye
Alan Morrison: aye
Clint Woods: aye
Noelle Szydlyk: aye
Teresa Giller: aye
Jeff Stallman: aye
John Wright: aye
Mike Simpson: aye
Chad Miller: aye

Lisa Anderson stated that roll is complete, there were ten (10) ayes and zero (0) nos.

The Chair then stated that the motion carried.

As there were no outstanding agenda items, the Chair asked for a motion to adjourn the meeting. Alan Morrison moved, Heather Setser seconded.

The Chair then asked for a roll call vote to adjourn the meeting.

Lisa Anderson called roll and the results were as follows:

Kevin Mahan: aye
Heather Setser: aye
Alan Morrison: aye
Clint Woods: aye
Noelle Szydlyk: aye
Teresa Giller: aye
Jeff Stallman: aye
John Wright: aye
Mike Simpson: aye
Chad Miller: aye

Lisa Anderson stated that roll is complete, there were ten (10) ayes and zero (0) nos.

The Chair then stated that the motion carried.

The meeting was adjourned at 11:37 a.m., ET.