

NATURAL RESOURCES COMMISSION

Meeting Minutes, July 15, 2025

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Alan Morrison, Secretary
Clint Woods
Deborah Law
Noelle Szydlyk,
Marc Milne
Phil French
Patrick J. Early
Bart Herriman
Tom Kelley
John Wright

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Chris Smith	Executive Office	Rebecca McClain	Legal
Ryan Mueller	Executive Office	Ihor Boyko	Legal
Greg Sorrels	Executive Office	Matthew Rea	Legal
Madalynn Conner	Executive Office	Precious Johnson	Legal
Will Haines	Executive Office	Ron Hellmich	Fish and Wildlife and Nature Preserves
Steve Hunter	Law Enforcement	Linnea Petercheff	Fish and Wildlife and Nature Preserves
Holly Lawson	Communications	Mark Becker	Land Acquisition
Stephanie Flittner	Legal	Steve Weinzapfel	Reclamation
Whitney Wampler	Legal	Terry Coleman	State Parks
Joe Basile	Legal	Brandt Baughman	State Parks

GUESTS PRESENT

Whitney Boyce	Janet Strole Cianteo	Michael Kelley
Scott Nogle	Rosemarie Scott	Clayton Baumgarth
Devon Ridgeway	Tom Greenman	Phoebe Greenman
Kent Reineking	Paula Reineking	Ben Reineking

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission (Commission) at 5:07 p.m., ET, on July 15, 2025, at Spring Mill State Park, Spring Mill Inn, Lakeview Room, 3333 IN-60 East, Mitchell. With the presence of eleven members, the Chair observed a quorum. Bryan Poynter, Chair, made comments regarding Tom Kelley's late arrival. Bryan Poynter, Chair also commented on the renovations to the Spring Mill Inn and encouraged attendees to enjoy the Spring Mill Inn and Spring Mill State Park.

APPROVAL OF MINUTES

The Chair asked for a motion to approve the Commission's May 20, 2025, meeting minutes.

Bart Herriman moved to approve the minutes as submitted, Phil French seconded the motion. Upon a voice vote, the motion was carried.

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:

Director Morrison began his report by explaining that he started the morning at Spring Mill State Park at about 10:00 a.m., ET. He discussed the beauty of the park, the Gus Grissom Museum, the campground, and the mill wheel, which was rehabilitated. The Inn renovation is beautiful, and the food for lunch was great.

Director Morrison then discussed personnel issues of the Department. Greg Sorrels, who was serving as the interim CFO and deputy director of the administration bureau has now accepted the permanent position. Sorrels has been with the DNR for a long time. Director Morrison stated that Sorrels's hard work and dedication are second to none and that the Department is excited to have him in the position permanently. Interviews for the State Parks Director have been taking place. This position is one of the most forward-facing positions in the agency and Director Morrison hopes to finish interviews shortly and have someone in the position.

Tom Kelley arrives. Chairman Bryan Poynter and Director Morrison welcome Tom Kelley.

Director Morrison stated that he is a big believer that you can't manage something if you can't see it. He stated that he has been traveling throughout the state, has been to several types of properties across the state, and attended a K9 graduation. Director Morrison explained that the Indiana Golf Association set up their new state headquarters at Fort Benjamin Harrison State Park. Additionally, Director Morrison explained that the golf course is new, and you would never know you are so close to downtown Indianapolis.

Director Morrison gave an update on the conservation officer youth camp for fifth and sixth grade boys and girls. Youth attendees learn hunter and tree stand safety, how to handle a firearm and shoot a firearm, shooting bows and arrows and crossbows, and water safety. Youth attendees get outside and enjoy natural resources, and some of the youth attendees become conservation officers.

Director Morrison discussed that the Department is getting ready for 2026 Legislative session. He stated he is working on priorities for the Department and that Chief of Staff, Maddy Conner, and Legislative Director, Will Haines, are speaking with divisions for wish list of priorities. The goal is to streamline processes and be efficient as best we can.

Director Morrison explained the current financial circumstances of the state, and the Department as an agency of the state. Everyone has seen a budget cut. That means we must look at how to run the agency

differently due to receiving less money. Decreases in funding have not realized a decrease in services. The McCormick's Creek capital funding to repair the camp after the severe storms in 2023 has been pulled. We have plans for the rebuild, but the rebuild is on hold until funding is available. Director Morrison provided reassurances that the state of the Department is good. We felt the brunt of weather events over the last couple of years, and there was major damage from storms as well as a decrease in attendance at the beginning of the season due to all the rain. Director Morrison thanked the Commission for being there and appreciates the time and care for the state's natural resources.

Chairman Bryan Poynter asks for Colonel Steve Hunter to talk about the Karl E. Kelley Memorial Youth Camp, and Sergeant Kelley's legacy.

Colonel Hunter explained that Sergeant Kelley was a District 6 conservation officer with more than thirty years of law enforcement experience. He was performing a training exercise at Williams Dam when he tried to help fellow law enforcement officers who got stuck at the dam and were in danger. Sergeant Kelley got caught in the boil and was killed. He died in 1998.

Director Morrison invited Brandt Baughman with the Department to discuss the Spring Mill Inn renovation. Baughman stated that he grew up just next to Spring Mill State Park. His grandfather was CCC and dug out the initial Inn foundation. The Inn had not been renovated since it was built in the 1930s. This is the Department's newest Inn. The Inn had to be torn down to the studs, and the building was gutted. None of the pipes or electrical had been pulled out. Everything is new. Baughman explained that the renovation maintained the lodge feel but modernized and provided better infrastructure. Baughman made special notice of the bird glass, the removal of the pool, and installation of a splash pad.

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

Smith explains that he also grew up close to the park. Brandt Baughman hired him as a summer employee. Director Morrison and Baughman covered the Inn renovation. Smith adds that the Department took the opportunity to do necessary ADA updates to the Inn. Previously, if you couldn't use the stairs, you were required to enter through the dining room. The lobby was reconfigured, and the Department is extremely pleased with outcome.

Smith explained that the Department is halfway through recreation season. The 4th of July weekend was hopping. There was a wet start to the season, and the Department is a little behind where we want to be. Smith explained that the Department is taking the opportunity to celebrate 100-year anniversaries at Pokagon and the Dunes. Smith explained that Brown County horse camp was hit by a tornado and caused damage. A portion of the camp has been reopened. Department employees are working to get trees cut down and to get the campground up and running.

Customers may apply for reserve hunts on certain division of fish and wildlife and nature preserve properties. These areas include fish and wildlife areas, the private lands program, youth deer season, and others. This is the first season for new license system, so customers should give themselves extra time to become familiar with the system.

Additionally, Smith made an announcement that recreators need to wear life jackets.

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

Mueller explained that the division of reclamation is wrapping up a 2 1/2-year effort to plug orphaned and abandoned oil and gas wells. The division plugged 411 wells with approximately \$24 million from a federal grant. The goal was 350 wells. The division is looking to receive an additional \$14 million in federal funding to remediate leaking wells and plug additional wells. These numbers include approximately 1/3 of Indiana's orphaned and abandoned wells.

Additionally, Mueller explained that Governor Braun's executive order mandated a water inventory management plan and online water data hub.

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

Sorrels stated he is excited about his permanent position as deputy director of the administration order and CFO for the Department. He stated he has enjoyed the job and is thankful for the confidence and trust he has been given. Sorrels stated he is pleased to say the Department is doing well. The state has a surplus, and the Department has a strategic plan, and we are awaiting final approvals to proceed with that plan. The Department is starting to work with divisions to hit spending targets so the Department can come in financially as required next June.

Regarding staffing, Sorrels explained that there are 162 full-time vacancies, and the Department needs to maintain 150 vacancies to hit our budget goal.

Patrick Early, Chair of the Advisory Council, provided his report which stated that the Advisory Council has not met since the last meeting, so there is nothing to report.

Chairman Bryan Poynter explained that he will be moving the final agenda item up to after the division of fish and wildlife and nature preserves agenda items, regarding the final adoption of the rules for carbon sequestration projects, so that those who came to testify are not required to stay for the remainder of the meeting. Chairman Poynter awarded Tom Kelley the recognition of furthest traveler and he specifically thanked Deborah Law for her attendance.

CHAIR AND VICE CHAIR

Information: Consideration of the remaining 2025 meeting dates:

The remaining 2025 Commission meeting dates are September 16 and November 18. All meetings, except the July 2025 meeting, are scheduled to be held at Fort Harrison State Park, The Garrison. The July 15 meeting was held at Spring Mill State Park, Spring Mill Inn.

Chairman Poynter addresses that the meeting will be Marc Milne's last meeting, and thanks him for his service. Marc Milne identifies Jeff Stallman as his replacement on the Commission for the next meeting.

Updates on Commission and AOPA Committee:

Jane Ann Stautz, explained that the Division of Hearings was transferred to OALP, those matters that were started or in-progress prior to the transition are still in transition, and the AOPA Committee is waiting to hear whether they will need to meet regarding those matters.

Chairman Poynter explained that the AOPA Committee is a permanent committee for the Commission. He thanks those who serve on the AOPA Committee. He reiterates that the Division of Hearings was absorbed to OALP and that those responsibilities not assigned to OALP are now the responsibility of DNR Legal.

Chairman Poynter took a moment to explain that the Commission takes public comment and input seriously. He explained that there were some questions regarding when the agenda and meeting information were posted. Chairman Poynter explained that he went back to be sure, and the agendas were posted correctly. Chairman Poynter explained that the Commission looks forward to a civil discussion.

DNR, DIVISION OF FISH AND WILDLIFE AND NATURE PRESERVES

Consideration of the addition to the Brock-Sampson Nature Preserve in Floyd County. (Ron Hellmich, Division of Fish and Wildlife, and Nature Preserves).

Ron Hellmich, Director Office of Public Lands for the division of fish and wildlife and nature preserves, requests a 46.3-acre addition to the Brock-Sampson Nature Preserve, a 586-acre nature preserve in Floyd County, approximately 7 miles southwest of New Albany. The nature preserve protects Southern Indiana knobs and forested habitat. The topography of the nature preserve contains heavily dissected slopes, ravine forests, and bedrock outcrops which are unusual in the region. There are upland forests with Virginia pine and chestnut oak. The southeast crown snake, eastern box turtle, northern cricket frog are all present as well as certain species of butterflies. The nature preserve is owned and tracked by Department. The division of fish and wildlife and nature preserves recommends the dedication of the additional acreage to the Brock-Sampson Nature Preserve.

Director Morrison asks a question regarding the number of acres being added to the nature preserve.

Hellmich replied that the request is for an addition of 46.3 acres to the current 586 acres.

Director Morrison moved to approve the addition to the Nature Preserve, Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of the addition to the Dr. Sherman A. Minton, Jr. Nature Preserve in Floyd County. (Ron Hellmich, Division of Fish and Wildlife, and Nature Preserves).

Ron Hellmich, Director of Office of Public Lands for the division of fish and wildlife and nature preserves, requests the addition of 107.3 acres to the Dr. Sherman A. Minton, Jr. Nature Preserve. The nature preserve is just north of the Brock-Sampson Nature Preserve. The request would expand protection of the previously dedicated 1,301-acre nature preserve. There is knob hills landscape, steep forested hills, and ravine. The area contains bobcats, gray bats, and warblers. There are several

threatened plants found here. The nature preserve is named for Dr. Sherman A. Minton, a medical doctor who grew up in New Albany and was an authority and expert who authored Reptiles and Amphibians of Indiana. The division of fish and wildlife and nature preserves recommends the dedication of the additional acreage to the Sherman A. Minton, Jr. Nature Preserve.

Jane Ann Stautz moved to approve the addition to the Nature Preserve, Marc Milne seconded the motion. Upon a voice vote, the motion carried.

Consideration of the request to amend INFORMATION BULLETIN #2, the Roster of Indiana Animals, Insects, and Plants that are Extirpated, Endangered, Threatened, or Rare (also described as Special Concern) to the Natural Resources Commission. (Linnea Petercheff and Ron Hellmich, Division of Fish and Wildlife, and Nature Preserves).

Linnea Petercheff, Assistant Director of F&W Licenses and Permits for the division of fish and wildlife and nature preserves. The following changes to Information Bulletin #2 are requested: remove ospreys from species of concern. Ospreys are still protected under federal law. The reintroduction efforts met conservation goals, and the population has expanded to past historic breeding range. Ospreys continue to expand throughout the state. The division recommends removing ospreys from the list.

Petercheff also requested the addition of the slender glass lizard special concern list. Slender glass lizards are only being seen in a few tracts of land, and the division believes an entire population has been extricated. There has been loss of preferred grassland habitat, and there are only 2 known populations in the state. Petercheff also requested the addition of the butterfly mussel, which appears only in large rivers around the state. Changes are also requested to the lists of birds, reptiles, fish, and mollusks based on scientific research and data.

Ron Hellmich, Director Office of Public Lands for the division of fish and wildlife and nature preserves, discusses the changes to the plant and insect species. He explains that the insect changes were all name changes. For the plant species, 11 name changes of species, 15 rank changes, 1 species removed, 7 species added, including 5 species of mosses.

Marc Milne asked why 1 species was removed.

Hellmich answered that it was determined to not be the species. It was a different species.

Director Morrison added that just last week he had the opportunity to visit Hoosier Prairie Nature Preserve in Lake County. He stated that it is amazing property. There were a lot of invasive species that were removed by the Department. Staff went in and scraped in top layer of invasives and got down to the sandy soil native to that area. This is an unbelievable prairie. Director Morrison explained how knowledgeable staff are regarding the species of plants. Director Morrison compliments the work of Hellmich, and his team. Director Morrison explains that this type of work is one of the great things about the Department.

John Wright moved to approve the requested information bulletin changes, Alan Morrison seconded the motion. Upon a voice vote, the motion carried.

Chairman Poynter moved last agenda item up. He explained that the Commission takes public input very seriously. If there are questions electronically, the Commission will monitor that. At final adoption, we known people come from different places and have different interests. There have been copious amounts of background material, conversations, comments via email and mail, and comment periods that went longer than required. Chairman Poynter explained that there are speakers, but he does not want to put them in any order. He asks if everyone is an individual citizen and if they represent an organization. Chairman Poynter gave each speaker 3 minutes. He asked that they be respectful of the time limit and to keep comments from being redundant. Chairman Poynter expressed his appreciation for the individuals who chose to attend and discuss the important issue.

DNR, DIVISION OF RECLAMATION

Consideration of Hearing Officer report on rule processing, public hearing, and hearing officer analyses with recommendation regarding final action to add 312 IAC 30 governing Underground Storage of Carbon Dioxide Administrative Cause No. 23-OG-027.

Whitney Wampler, Assistant General Counsel for the Administration Bureau, presented. She explained that, due to the passage of HEA 1466-2-25, Wampler replaced Aaron Bonar as hearing officer on the rulemaking request. Preliminary adoption occurred in March. The first comment period was published on April 9, and the comment period ran for 50 days. The requirement is 30 days. The first public hearing was held in Randolph County. There is no requirement to hold hearings in certain locations. The notice of the second comment period was published on June 11 and lasted for 30 days as required. The hearing was held at The Fort Harrison Inn, in Marion County. All comments received between 2 comment periods were counted toward comment periods. This accounted for a total of 32 extra days of comments counted. There were 2 comments received during the first comment period which warranted changes to the substance of the drafted rules. Wampler explains that the first comment was from INDOT, and the change clarifies their policies regarding property disposition. The second comment was from the Indiana Manufacturers Association and the changes made provided clarification of certain policies. Wampler recommended the Commission consider the proposed rules for final adoption.

Whitney Boyce, citizen representing herself. Boyce explained that she lives in area impacted by the Wabash Valley pilot project. She states that she will be civil, but her comments will be harsh and pointed. Boyce says politeness hasn't done residents of the area any good. Boyce says she is a simple farm girl and doesn't know anything about carbon sequestration projects. She states she knows the meeting of the Commission is unlawful because the agenda was not posted 48 hours prior and the press release did not meet the requirements of the Indiana Code. The hearing video was not posted from the public hearing last Friday and the response to comments from second hearing has not been received. Boyce says specific comments were not addressed in the first summary of comments. The Department is refusing to perform its duties to close regulatory gaps and close processes. Legislators, legal advisors, and citizen legal advisors agree. Boyce specifically has issues with integration. She asks how the Department will calculate 60% (Wabash Valley pilot project) or 70% (other projects) of the pore space requirements. Everything in the rules relies on a company's word. Boyce asks why the Department doesn't want to clarify integration procedures. She states the Department is misrepresenting and manipulating the Indiana Code requirements to justify dereliction of duty due to preemption. Boyce says this is a lie. Specifically, Boyce discusses rulemaking provisions under IC 13, and claims those provisions apply to rulemaking of the Department. Boyce states the Department is putting the interests

of Wabash Valley over citizens. Boyce requests that the Commission vote no and hold themselves and the Department accountable. She asks that the Commission protect the communities. Boyce states that she begs the Commission to vote for safety measures because her children will be put at risk.

Mike Kelley, citizen representing himself. Kelley states the rules do not do what they claim they do. They do not protect the environment or the people. Kelley says the rules do not address specific issues regarding pressurized supercritical carbon. Specifically, putting super critical carbon in the ground. Supercritical carbon is hazardous and deadly. Carbon by itself is not dangerous to the environment; however, super critical carbon is dangerous to the environment. There was a well leak and a pipeline rupture. There is no safety included in rules. There is nothing to protect water, people, or the environment in the rules. Kelley asks where are the regulations on projects to protect aquifers? What will the Department do if it leaks into aquifer? Kelley's answer, nothing. Kelley says there is nothing you can do to stop the carbon from moving. Kelley says if you can't do something if it goes wrong, you must make rules to protect if the carbon moves. Kelley states this is a pilot. Kelley closes by stating that the Department is supposed to protect water, people, and the environment. Kelley asks the Department to do its job.

Scott Noggle, citizen representing himself. Noggle begins by asking if the Commission members were at the hearing last Friday. He states he sees a lot of faces that weren't there. He asks if Commission members attended remotely. If they read notes about the concerns expressed during the hearing? He asks how Commission members can get a handle on what was said in 4 days? Noggle states he doesn't believe the Commission members can do that. Noggle accuses the Commission of not looking at concerns or trying to ask questions. He states that he does not believe that Commission members are educated or qualified to vote on the subject.

Chairman Poynter responded by taking note of Noggle's accusation that the Commission members are not educated or qualified to vote on the rules.

Noggle states the Department is required to do its job and protect our land, water, and wildlife. He states commenters are not asking for anything special. He knows Wabash Valley Resources is sitting there with pretty pictures and fancy models. He states that he bets that is the same line they used in Decatur, IL. Noggle asks the Commission members to look at facts. He demands that the Commission look at Decatur. Noggle states Decatur had leaks and contamination, and people died. That should matter. Noggle asks the Commission to look at facts, not models. He assumes the proper tests have not been performed. Noggle says he bets the people who issued permits in Decatur could do this again they would do something different. He asks if the Commission wants to be responsible for another Decatur, IL? Requests better oversight and rules and regulations. Demands to Stop this and don't let it go any further. Make them prove they know what they are doing. Get facts, not hocus pocus numbers.

Rosemarie Scott, citizen representing herself. Scott makes a statement that she is glad Chairman Poynter pronounced her name correctly. She states they got on a first name basis quickly.

Chairman Poynter asks if Scott would prefer, he call her Ms. Scott?

Scott says he does not have to call her Ms. Scott. She states that she and her fellow commenters came all this way, because when something is in your backyard, it brings things to focus. Although it is not

possible to know what it feels like unless it is happening to you, Scott asks the Commission to try to understand. Scott says to picture the pipeline in front of the Commission members' house, next to their schools. She says to imagine bus drivers saying they hope there isn't a leak that day, and that the plume doesn't go further than they think and the carbon affects local hospitals. Any company will say carbon sequestration projects are safe. Asks if the Commission remembers the \$10 o-ring or the Exxon Valdesse? Scott states that we know the word disaster, and the Commission should focus on that. Scott states the Department is supposed to be our protection. It's encumbered upon the Commission to make these concessions and think about worst case scenarios. Scott talks about all the presenters discussing mollusks, birds, insects, plants, and invasives. She asks how this would be put on the backburner. How would this not be one of the most important things? People's livelihoods are in danger. Scott says this is farmland. Real estate agents say it will be hard to sell properties with pipelines in the yard. People won't move to the areas where these projects are located. Scott acknowledges the gentleman discussing orphaned and abandoned wells earlier in the meeting. She asks what happens in the future when these dumps need taken care of? If we are lucky to escape a disaster or leak, she assumes that it is on the taxpayers. Who supplies the money to adapt school building to escape? Scott states she hopes the Commission is paying attention. Are schools going to get money for this? Fire department won't be able to help because the engine won't turn over. Understanding this gas, and how it sits, is tantamount to why we are upset. Scott states she would like to take more time to discuss her frustrations with eminent domain. Farmers and landowners can't say no. Scott does not support that.

Chairman Poynter checks to see if anyone else is there to speak but hasn't yet filled out a card prior to moving on to the final commenter. No one else speaks up regarding commenting on the proposed permanent rules.

Janet Strole Cianteo, citizen representing herself. Strole Cianteo states she is from Terre Haute, in Vigo County. She owns her family farm, which has been in her family since 1834. She and her sister inherited the family farm. Strole Cianteo states the community means a great deal to her. There are so many ifs and concerns and fears. Strole Cianteo states the Department has been about protection and education. Strole Cianteo states we must know an emergency response plan in the event of a catastrophic rupture. That needs to be shared with the public. She asks how will emergency responders be there to handle the emergency? This will be an area difficult to get to. Emergency responders won't be able to run vehicles unless they are electric. Strole Cianteo asks if hospitals are prepared? How much is the state aware of these underserved, rural communities. Strole Cianteo states her area depends on volunteer fire department. If you understand how small the volunteer fire departments are and how much the departments are prepared to do, you know how important it is to have that in place. Strole Cianteo claims not enough is given for us to trust and to know our lives matter. She states that members of her community don't feel important or that their concerns are taken seriously. Strole Cianteo states there is more to all of this. This is a new science. She thanks the Commission for their time and for letting her speak.

Chairman Poynter specifically addressed the comments made by Mr. Noggle and the request that the Commission do their job. Chairman Poynter explains the Commission is doing its job. He explains that the rulemaking was given to the Commission by the legislature. The Commission is doing what the legislature asked them to do, and they are trying to do this as best they can. Chairman Poynter explained that the EPA has jurisdiction, and the state has jurisdiction over some stuff. He reiterates that the Commission is doing its job. He explains that the best efforts have gone into the drafted rules to come to

where we are today. He explains to those who testified, and everyone present, that the Commission doesn't need to talk about their competency or whether they zoomed in to the public hearing. There have been copious background materials provided to the Commission and detailed public records. This goes back almost 2 decades when there were public hearings. Chairman Poynter explains he is sure those who testified are aware of that as well. He states that the Commission catalogued a lot of public comments. He explains that he can sense passion and knows it's important. He thanks everyone for coming. Chairman Poynter asks if there are any additional questions or comments.

Jane Ann Stautz seeks clarification regarding the safety considerations. She says that she knows a lot of thoughts and work has gone into the rules, so maybe just clarification on the safety piece.

Wampler explains that IC 14-39 contains 2 chapters. Chapter 1 deals with pipelines and chapter 2 deals with carbon sequestration projects in general. Safety is regulated by the EPA Class VI program under the Safe Drinking Water Act, which handles issuance of Class VI permits. Indiana does not currently have primacy. Emergency and remedial response included under the Class VI permit requirements, and Indiana would have to apply for primacy. Federal preemption and supremacy clauses are in issue here. Unless IN applies for primacy, the EPA controls the permit requirements and PHMSA handles and oversees pipeline safety. They are adopting new rules. This is still agency that handles pipeline safety and has since 2005. Preemption and supremacy clauses are at issue. If the Department obtains primacy, which we do have for Class II wells, there will be a need to update the Indiana Code and the Indiana Administrative Code to accommodate safety items because those would be regulated by the Department. If we obtain primacy, that is a different conversation. Currently, Indiana does not have primacy. The current statute and rules were both drafted at a time when we were not obtaining primacy.

Whitney Boyce asks if she is allowed to ask a question. She wanted to make committee aware that other states have safety.

Chairman Poynter asks Wampler if she has anything else to add.

Wampler explains that, unless there are additional questions, she does not.

Patrick Early asks about the working group that put this together. He explains that they spent close to a year putting the rules together. Early asks if Wampler can give some background on who participated and what their qualifications were?

Wampler explains that the Department requested feedback and input from INDOT, farm bureau, the IURC, and possible projects at the time regarding the drafted rules. There were only so many projects that had submitted Class VI applications at the time the rules were drafted, and at present. Some members may submit and some may not. The items that were discussed during the meetings were the items the Department is permitted to regulate under the Indiana Code at this time. Wampler explains the makeup of the working group included state agencies, farm bureau, and certain members of potential projects, some had submitted Class VI permit applications, and some had not.

Chairman Poynter explains that these are all good questions. He thanks everyone for coming together, and thanks the Department for putting the presentation together. He says he is assuming that there is no one here to speak in support.

Marc Milne moved to approve the final rule for final adoption, Patrick Early seconded the motion. Upon a voice vote, the motion carried.

Chairman Poynter thanked everyone for coming. He states he is sure this issue will require more down the road. He says the Commission appreciates it.

DNR, DIVISION OF STATE PARKS

Consideration of Hearing Officer report, including findings and propose to the Natural Resources Commission as to recommendations to the U.S. Army Corps of Engineers regarding Two Herons Marina ratemaking petition. Administrative Cause No. 24-SP-026.

Whitney Wampler, Assistant General Counsel for the Administration Bureau, presented. Regarding Fourwinds Marina. In its Petition, Fourwinds requested rate increases of five percent (5%). The Department determined the petition also includes the establishment of minimum and maximum rates. The minimum/maximum slip rates are based on an individual slip holder's choice of payment structure and billing when leasing a slip. While the petitioner seeks a five percent (5%) rate increase as stated in the petition, this percentage shall apply only to the minimum slip rate payable in full per annum. Maximum rates for same slip will carry an additional estimated three percent (3%) or five percent (5%) rate increase, respectively, when paid in four (4) quarterly payments or twelve (12) monthly payments by individual slip holder. While the requested increases are substantial, they remain below market rates for comparable marinas. The rates proposed do not exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area. The requested rate increases are within the industry range and supportable. Wampler recommended the rate increase be approved.

Marc Milne asks if that was Fourwinds, or Two Herons?

Wampler apologized for the misunderstanding and presented the request for Two Herons, in its Petition, requests slip rate increases from 3.03% to 11.48%, with an average increase of 7.3%. Also included in his petition is a request for a rate establishment for four (4) new dock sizes. It is noted that due to major storm damage on June 25, 2024, Two Herons built/repared several slips and removed one (1). The rates proposed do not exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area. The requested rate increases and establishments are within the industry range and supportable. Wampler recommended the rate increase be approved.

Chairman Poynter states that Wampler presented Agenda Item #6 and Agenda Item #7. Chairman Poynter requests that we start with Agenda Item #6.

Phil French moved to approve the petition, Marc Milne seconded the motion. Upon a voice vote, the motion carried.

Consideration of Hearing Officer report, including findings and propose to the Natural Resources Commission as to recommendations to the U.S. Army Corps of Engineers regarding Fourwinds ratemaking petition. Administrative Cause No. 24-SP-027.

Chairman Poynter states that Wampler does not have to re-present Agenda Item #7. He asks for a motion.

John Wright moved to approve the petition, Marc Milne seconded the motion. Upon a voice vote, the motion carried.

Chairman Poynter explains that these are not the most exciting thing the commission does.

Jane Ann Stautz asks, just to clarify, that there was input from current slip holders, whether there was opposition, and whether there were any major complaints.

Wampler explains that, to hold a hearing, 10% of the current slip owners/renters have to oppose the rate increase. The most opposition received on any petition was 5 separate individuals. This is not anywhere near 10%. Another request received 2 opposition comments. They only stated they opposed the increase; no additional comments were included.

Consideration of Hearing Officer report, including findings and propose to the Natural Resources Commission as to recommendations to the U.S. Army Corps of Engineers regarding Kent's Harbor ratemaking petition. Administrative Cause No. 24-SP-028.

Whitney Wampler, Assistant General Counsel for the Administration Bureau, presented. Regarding Kent's Harbor Marina's Petition, requests slip rate increases from 11.11% to 11.5%, with an average of 11.3% and lodging requests reflects -10.71% to 47.36%, with an average of 12.5%. No comments or requests for a public hearing were received. The rates proposed do not exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area. The requested rate increases are within the industry range and supportable. Wampler requests that the rate increase be approved.

Kent Reineking, owner of Kent's Harbor Marina states they were only requesting a lodging increase, not slip increases.

Marc Milne asks why this proposal doesn't have a comparison to other marinas in the area like the other proposals.

Chairman Poynter explained that the lack of comparison is likely because the request is for lodging.

Wampler explained that she only prepared 1 packet, Fourwinds. The other packets were prepared by the Division of Hearings prior to their dissolution. Wampler explained that her assumption was that all the necessary components were included.

Chairman Poynter explained that there aren't usually so many requests.

Jane Ann Stautz asks if a representative of a marina can give feedback.

Reineking states this is related to Sagamore Lodging Resort. Under Information Bulletin #20, which the marinas follow for ratemaking, slips take up all the comparable. You must send renters of slips notice of the requested change. For lodging, operators request change and then post in the location what changes will be. The Division of Hearings would look at that.

Bart Herriman moved to approve the petition, John Wright seconded the motion. Upon a voice vote, the motion carried.

Consideration of Hearing Officer report, including findings and propose to the Natural Resources Commission as to recommendations to the U.S. Army Corps of Engineers regarding Hoosier Hills ratemaking petition. Administrative Cause No. 24-SP-029.

Whitney Wampler, Assistant General Counsel for the Administration Bureau, presented. Regarding Hoosier Hills requested rate increases from 0% to 16.67%, with an average increase around 4.05%. While the requested increases are substantial, they remain below market rates for comparable marinas. The rates proposed do not exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area. The requested rate increase is within the industry range and supportable. Wampler requests approval of the ratemaking request. Wampler explained that Hoosier Hills held off requesting a rate increase due to HEA 1623-2023. The initial thought was that those would have to be put into rule and then it was determined they were not. That was excluded in 2024, so many marinas held off on submitting increases.

Marc Milne states that it seems like this is compared to Fourwinds. We just saw Fourwinds increasing again. This seems like an unending cycle of comparing and increasing.

Wampler explains that she doesn't understand the question.

Milne states that the marinas are comparing to old rates, so those are immediately out of date, and they will come back for another increase.

Wampler explains that the request is for a phase in of the increases.

Milne asks if Fourwinds would not be substantially higher?

Wampler responds that is her understanding.

Noelle Szydlyk asks if marinas can request increases every year? She states that it feels as though this is a recurring cycle of increases.

Chris Smith explained that this process is balanced. Smith explained that the increases are not dramatic, so marinas must come back more regularly. The Commission did this to themselves, because Information Bulletin #20 was passed by them. Smith addresses Milne's point. The marinas must consider the current rate. When marinas who compared each other are both attempting to change, the prior rate is no longer good. We know they are no longer good, but this is the process we are held to.

Milne asks if it would be compared to some major value?

Bart Harriman moved to approve the petition, Marc Milne seconded the motion. Upon a voice vote, the motion carried.

Consideration of Hearing Officer report, including findings and propose to the Natural Resources Commission as to recommendations to the U.S. Army Corps of Engineers regarding Lake Monroe Sailing Club ratemaking petition. Administrative Cause No. 24-SP-30.

Whitney Wampler, Assistant General Counsel for the Administration Bureau, presented. Regarding Lake Monroe Sailing Club petition requesting across board increases of approximately 10%. No requests for a public hearing were received. The rates proposed may not exceed the fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area. The requested rate increases are within the industry range and supportable. Wampler requests approval of the ratemaking petition.

Bart Harriman moved to approve the petition, Tom Kelley seconded the motion. Upon a voice vote, the motion carried.

The meeting was adjourned at approximately 6:48 p.m., ET.