

NATURAL RESOURCES COMMISSION
Meeting Minutes May 12, 2016

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Cameron Clark, Secretary
Carol Comer
Laura Hilden
Jake Oakman
Donald Ruch
Patrick Early
R.T. Green

NATURAL RESOURCES COMMISSION STAFF PRESENT

Sandra Jensen
Dawn Wilson
Jennifer Kane
Scott Allen

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

John Davis	Executive Office
Chris Smith	Executive Office
Shelley Reeves	Executive Office
Sam Hyer	Executive Office
Phil Bloom	Communications
Cheryl Hampton	Land Acquisition
Dan Bortner	State Parks and Reservoirs
Terry Coleman	State Parks and Reservoirs
Greg Murphy	State Parks and Reservoirs
John Bacone	Nature Preserve
Mark Reiter	Fish and Wildlife
Tom Lahay	Outdoor Recreation
Jude Hays	Outdoor Recreation
Dale Brier	Outdoor Recreation
Carman Jackson	Outdoor Recreation
John Seifert	Division of Forestry
Herschel McDivitt	Oil and Gas
Jim AmRhein	Oil and Gas
Beth Hernly	Oil and Gas

Brian Royer	Oil and Gas
Mona Nemecek	Oil and Gas
Kevin York	Oil and Gas
Damian Schmelz	Oil and Gas
Ian Doss	Oil and Gas
Glenn Bohlen	Oil and Gas
Mary Estrada	Oil and Gas

GUESTS PRESENT

Mike Pittman	Dale Sides
Cliff Chapman	Tim Maloney
Robert Sterge	David Hutchinson

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 7:01 p.m., EDT, on May 12, 2016, at Clifty Falls State Park, Clifty Inn Overlook Room, 2221 Clifty Drive, Madison, Indiana. With the presence of nine members, the Chair observed a quorum.

The Chair welcomed everyone to Clifty Falls State Park. “It’s great to be back here.” He thanked Department of Natural Resources staff for leading tours “of some very unique projects here in southern Indiana.”

The Chair asked for a motion for the approval of the Commission’s March 15, 2016 minutes.

Jake Oakman moved to approve the minutes of the meeting held on March 15, 2016, as presented. Vice Chair Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

**REPORTS OF THE DNR DIRECTOR, DEPUTIES DIRECTOR, AND THE
CHAIR OF THE ADVISORY COUNCIL**

Director Cameron Clark provided his report. The Director stated that since the last Commission meeting the legislative bills that he had previously discussed passed both houses. Senate Bill 109 (P.L.89-2016) gave some legitimacy to high-fenced hunting and also fixed the statute that provides the Department’s regulatory authority over wild animals. “By combining the two, [the Legislature] kind of put us in a position where it looked like we were supporting high-fenced hunting. As we all know, [the Department] was in a nine-year lawsuit over the matter. So, we did take some grief over that.”

The Director reported that House Bill 1231 (P.L. 110-2016) amended the statute governing the use of high-powered rifles during the deer season. He noted the statute legalized essentially two certain calibers although the statute lists five calibers, “which has created a lot of confusion amongst deer hunters and rifle owners.” The Director said the Department has clarified the new statute by drafting a list of cartridges that will be considered legal to use during deer season.

The Chair inquired as to how the Department would notify the public regarding what calibers could be used. He also asked whether the 2016-2017 *Hunting & Trapping Guide* would include the new statutory amendment. Phil Bloom, Director of the Department Division of Communication answered in the affirmative.

The Director explained that conservation officers would also carry a fact sheet to help them and the public to understand which calibers are permitted.

The Director indicated that House Bill 1247, which provides that the Department may apply for a three-way permit for the sale and use of alcoholic beverages within a state park, was combined with two other alcohol related bills. HEA 1386 (P.L.214-2016) was passed and becomes effective July 1. He said there will probably be eight or nine properties to apply for the three-way permit. The Alcohol Tobacco Commission’s (ATC) permitting process has not yet been determined. He said that the Department’s internal process will include vetting each property with input from the Division of Law Enforcement. The Director said that when the Department has made an initial determination as to the appropriate location on a property where alcoholic beverages could be sold “what we describe as a ‘floor plan’ will be...presented to the Commission for approval.” He said once the Commission has approved the “floor plan” the Department will seek a permit for that property.

The Chair asked whether the Department’s internal process was still being formed.

The Director explained that the Department’s internal process is set; however, the ATC continues to draft its permitting process. He noted that the ATC will notify the Department at the end of the month regarding the final permitting process. He also noted that the Department will meet with the ATC to discuss the details of alcohol sales on Department properties.

John Davis, Deputy Director for the Bureau of Lands and Cultural Resources, provided his report. He explained that the Commission adopted 312 IAC 9.5 to govern the in-lieu fee mitigation. The program provides an option for permittees to pay a fee to mitigate for adverse impacts to fish, wildlife and botanical resources associated with construction in a floodway, a public freshwater lake, or a navigable waterway. Davis said the permits issued may include the option for persons to purchase wetland mitigation credits. He noted that a presentation was made to the Advisory Council at its January 12, 2016 meeting. Davis said that the DNR expects to have a proposed fee range to present for the Commission’s consideration at its next meeting.

Davis explained that the Indiana Stream and Wetland Mitigation Program is a federal program. The fees will potentially be \$35,000 to \$80,000 per wetland credit and a fee per linear foot of stream. Davis noted that the fee instrument is currently being reviewed by the U. S. Army Corps of Engineers.

Davis said that the Lieber Memorial was dedicated in April and the Raccoon Bicycle Trail in Raccoon State Recreation Area in Parke County was dedicated on May 6, 2016. The Raccoon Bicycle Trail provides a safe route connecting the beach, campground, and trails. He said on May 19, 2016 the dedication of Meltzer Woods, an old growth forest in Shelby County, will also take place. The International Bow Hunting Championships will be held at Lake Monroe from June 10 through June 12. The Capital Camp Out at Fort Harrison State Park will be held on on June 23, 2016.

Chris Smith, Deputy Director of the Bureau of Water Resource and Regulation, reported that the Division of Water is reviewing the City of Waukesha's request for diverting water from the Great Lakes Basin as governed by the Great Lakes-St. Lawrence River Basin Water Resources Compact. Smith said, "We met on Monday and Tuesday to hopefully review for a final time the document of findings. And hopefully we will have a vote on that next week".

Smith reported that the Division of Reclamation has been working with the local fire department in Princeton Indiana to address a methane leak, which could possibly be connected to an old abandoned coal mine that closed in the 1920s. He explained that the investigation will determine if there is a connection between the methane leak and the abandoned mine. If a connection is found, then the Abandoned Mine Lands Program will direct the mitigation.

Smith noted that the treatment for gypsy moth treatment (Slow the Spread Program) was postponed due to fog, which prevented aircraft from taking off. He explained that the "Slow the Spread Program" was established for the purpose of aiding in the implementation of the U.S.D.A. National Project "Slow the Spread of the Gypsy Moth."

Smith reported that Marion County was the last county to receive the updated Flood Insurance Program from the Federal Emergency Management Agency (FEMA). He noted that there was an issue with some language contained in the Marion County Ordinance. Smith said the City-County Council of Marion County and Indianapolis adopted the corrections and FEMA accepted those corrections. The Flood Insurance Program can now be reinstated.

Patrick Early, Chair of the Advisory Council, reported that the Advisory Council has not met since January 16, 2016.

CHAIR AND VICE CHAIR

Updates on Commission and the AOPA Committee

No report was provided.

DNR, EXECUTIVE OFFICE

Consideration and identification of any topic appropriate for referral to the Advisory Council

No items were identified for referral to the Advisory Council.

Information Item: Legislative Update

The Chair recognized Sam Hyer, Legislative Director, who reported that the Legislature's Summer Study Committee is discussing long term funding solutions for the newly created Benjamin Harrison Trust.

DNR, DIVISION OF NATURE PRESERVES

Consideration of the dedication of the Meltzer Woods Nature Preserve in Shelby County

John Bacone, Division of Nature Preserves, presented this item. He noted that the proposed Meltzer Woods Nature Preserve is located in the east central portion of Shelby County. The 61 acre property includes 48 acres old growth forest. There are two types of forest growth due to the differences in elevation. The National Park Service has designated this site as a National Natural Landmark that is thought to be the last unprotected old growth forest in the state. Central Indiana Land Trust, Inc. (CILTI) owns and manages the site. Bacone said the Meltzer family has owned and protected this forest for over 150 years with no cutting of live trees. Bacone recommended the Meltzer Woods be dedicated as a nature preserve.

Ruch asked, "Is this a typical plat woods that you would think of?" Bacone responded that the forested acreage is typical for central Indiana, but an atypical plat as compared to the rest of the state.

Ruch then asked, "Is the elevation the only difference between the dryer verses the wetter woods?" Bacone explained that the wetter forest is dominated by beech and Shumard oak and the drier forest is dominated by beech and maple. Bacone said he believes the tree mix is attributable to the difference in elevation.

Ruch asked whether a study has been conducted to establish that the forest is an old-growth forest. Bacone replied, "Father Damian and Oliver Lindsey did a study ... and we have a history from the family, which is very helpful."

Ruch commented that he thought the Department recently made a decision not to name a preserve after individuals. He asked, "Why is this called Meltzer Woods?" Bacone replied that

he was not aware of any policy and could not speak to why some properties might be named after certain individuals and other properties were not. He explained that this proposed dedication was named Meltzer Woods, because the property has been in the Meltzer family for 150 years.

The Chair introduced Cliff Chapman, the Executive Director of the CILTI. Chapman explained that as part of the purchase agreement the name of the nature preserve would be Metzler Woods. He noted that the family desired that Phil Meltzer's wishes be honored. The acquisition funding came through the cooperative effort of the Meltzer family, CILTI, the Indiana Heritage Trust, and the Bicentennial Nature Trust.

Vice Chair Jane Ann Stautz moved to approve the dedication of the Meltzer Woods Nature Preserve. Jake Oakman seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF OUTDOOR RECREATION

Consideration of fee proposal for Redbird and Interlake State Recreation Areas

Dale Brier, Division of Outdoor Recreation, presented this item. Brier explained that the Division of Outdoor Recreation is seeking a fee change for the Redbird and Interlake State Recreation Areas (SRA). Both SRAs are primarily used for motorized activities. He noted that one of the fee changes is to officially recognize most of the state recreational fees such as mountain biking, boat launch, and horseback riding fees. Brier explained that currently available to users of the SRAs is a \$75 trail discount card. He said the Division is requesting to change the trail discount card to an annual pass similar to a state park pass with a proposed fee range from \$75 to \$150. Brier explained that the fee range would allow for the Division to adjust the fees as needed.

Brier explained that the Division is also requesting the establishment of an out-of-state riding fee of \$20 with a fee range from \$20 to \$50. He explained that P.L. 111-2016 (HB 1246, Sec. 14) allows the Commission to set a fee for a nonresident using a vehicle not registered in Indiana. The out-of-state annual tag will allow nonresidents to use the trails in the SRAs. He noted that nonresidents previously had to register their motorized vehicles with the Indiana Bureau of Motor Vehicles (BMV) prior to using Indiana's SRA trails. "We had to turn away out-of-state visitors to our properties because of this difficulty." Brier noted that the current daily riding fee is \$10, which will not be changed at this time, but Brier acknowledged the Department is proposing the establishment of a daily tag fee range from \$10 to \$30 to allow for future flexibility in pricing.

John Davis clarified that the previous statute was written such that the Department had to direct nonresidents whose vehicles were not registered in the nonresident's state or country, to the BMV Department to register their vehicles. "That didn't work." Davis explained that with P.L. 111-2016, the Department can now sell a nonresident trail tag at the SRA gates.

Cameron Clark moved to approve the fee proposals for Redbird and Interlake State Recreation Areas as presented. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

Information Item: Introduction of property managers at Redbird and Interlake State Recreation Areas

Dale Brier also presented this item. He explained that the Redbird and Interlake State Recreation Areas have grown, which allowed the Division of Outdoor Recreation to hire assistant property managers. Brier then introduced the new assistant property managers as follows:

Jude Hays, Assistant Property Manager of Interlake State Recreation Area, previously served in the United State Marine Corps. He began working for the Department part-time in 2012. He was promoted to Assistant Property Manager in November 2015.

Tom Lahay, has been the Assistant Property Manager of Redbird State Recreation Area since December 2015. Lahay served as an Indiana Conservation Officer for over 30 years. He retired, but returned to the Department in his current capacity as Assistant Property Manager.

Brier also introduced Carman Jackson, the Division's State and Community Outdoor Recreation Planner. Jackson oversees both State Recreation Areas as a Property Manager and the Motorized Program Coordinator.

DNR, DIVISION OF FORESTRY

Information Item: Introduction of new property managers with the DNR, Division of Forestry

John Seifert, Division of Forestry, introduced the following new property managers:

Rachael Stouder, Assistant Property Manager at Starve Hollow State Recreation Area, was recently employed as a Grounds Foreman at Chain O' Lakes State Park. She worked independently and oversaw a Department of Corrections work crew. Stouder also had responsibilities regarding property security, housekeeping and the boat rental concession. She also previously worked at Tri-County Fish and Wildlife Area as laborer on various property projects.

Riley Bock, Assistant Property Manager at Deam Lake State Recreation Area, previously worked seasonally at Monroe Reservoir on the wildlife crew on various wildlife related projects as well as grounds and facility maintenance. Bock also worked at McCormick's Creek State Park as a volunteer Naturalist Aide and seasonal crew member for Monroe County Parks and Recreation.

DNR, DIVISION OF OIL AND GAS

Consideration of preliminary adoption of 312 IAC 29, a recodification of rules governing oil and gas well activities controlled by IC 14-37, and the repeal of 312 IAC 16; Administrative Cause No. 15-073G

Herschel McDivitt, Director of the Division of Oil and Gas, presented this item. McDivitt introduced the following Division staff: Glen Bohlen, Inspector; Ian Doss, Inspector; Kevin York, Assistant Director of Inspections, and Damian Schmelz, Inspector; Jim AmRhein, Assistant Division Director; Brian Royer, Field Specialist; Mona Nemecek, Assistant Director for Underground Injection and Technical Services; Beth Hernly, Petroleum Geologist; and Mary Estrada, Assistant Director of Orphaned and Abandoned Wells.

McDivitt said that proposed is the preliminary adoption of a new article, 312 IAC 29, a recodification of rules governing oil and gas well activities controlled by IC 14-37, and the repeal of 312 IAC 16. He noted that some of the proposed rule amendments originate from language covered by nonrule policy documents and previous temporary rules (also referred to as emergency rules). McDivitt explained that a significant factor influencing the need to amend the rule was a 2004-2005 by the State Review of Oil and Natural Gas Environmental Regulations (STRONGER), which is a non for profit organization. The STRONGER organization was established with cooperation from the Interstate Oil and Gas Compact Commission, and the U.S. Environmental Protection Agency (EPA). STRONGER and the EPA jointly published a study of the state regulation of oil gas production waste. STRONGER and the EPA group (Group) conducted a Review to evaluate the states oil and gas programs. McDivitt noted that the Review found that there were inconsistencies of oil and gas waste management across all states. McDivitt said the EPA determined that efforts were needed in some states to bring waste management up to an acceptable level. McDivitt explained that the Review was voluntarily so that states could evaluate that state's oil and gas program in order to identify strengths and weaknesses of their programs. He noted that Indiana's program received an overall complimentary report, but there were some areas identified where additional regulations were needed.

McDivitt said that some of the proposed amendments are a result of the Review, and other amendments are attributed to the advancement of technology, such as horizontal oil drilling and hydraulic fracturing. He noted that with the proposed new article, the Division hopes to establish clear guidelines and regulations. He also noted that the rules governing the exploration of oil and gas have not been reviewed comprehensively in the last 25 years.

McDivitt stated that 312 IAC 29 is organized in a manner that facilitates the regulated community and the general public. "We feel that it's important to have comprehensive, up-to-date regulations for future growth in the development of oil and gas resources in that they bring a level of certainty into our program." He stated that the oil and gas

companies are attracted to states that have up-to-date rules and regulations that reflect certainty in the industry.

McDivitt said that the oil and gas operators in Indiana are a diverse group. Indiana operators range from operators with a small business of one or two wells to larger corporations, such as CountryMark Energy Resources, LLC, which is the state's largest operator with over 600 wells. He explained that over the past two years the Division spent time with a cross section group of operators to ensure that the proposed rule language was "a good fit for the industry as a whole." McDivitt noted that the Division sought input from other divisions within the Department and other state agencies, such as the Indiana Department of Environmental Management (IDEM).

McDivitt said the proposed new article was drafted within the footprint of Governor Pence's moratorium on rule making under Executive Order 13-03. "We know that these rules will have an impact on nearly every operator in the state of Indiana." He noted that some operators will need to make some upgrades to their facilities in order to be in compliance with the proposed rules. "All operators will be affected in some way." McDivitt recognized that the proposal includes additional regulatory requirements applicable to higher volume hydraulic fracturing operations. He said the larger oil and gas well operators are more capitalized and are located in multiple seams and should understand the importance of ensuring that their operations are conducted in an appropriate manner.

McDivitt said, "I believe when these rules become effective, it behooves us to adopt a very balanced approach when implementing these, especially with operators that may have less resources than others." He said the Division will be focusing on providing technical guidance in the development of best management practices and other means to assist the operators in achieving compliance. He noted the importance of developing internal and external metrics to gauge operator compliance and to evaluate the need for improvements to better focus the resources. "We must be firm where we need to be; flexible where we can, but fair in everything that we do."

He commented that most people agree that Indiana's resources need protection, such as ground and surface water. "We need to be firm in those areas and there is no compromising" but noted that there could be some flexibility if there are other ways in achieving the Division's goals.

Carol Comer, IDEM Commissioner, stated that IDEM has some concerns regarding the level of protection provided by the proposed rule with respect to drilling and fluid management in karst areas. She noted that IDEM would not oppose the preliminary adoption of 312 IAC 29, but encouraged the Division to continue its communication with industry and IDEM.

McDivitt agreed and responded, "We're looking for ways we can make these rules better and we look forward to that."

The Chair asked, “Where do we stack up with our neighboring states in the Midwest with these rules?”

McDivitt responded that the Division spent time talking with operators in other states. He also noted that the Division reviewed other states’ regulations. He noted that in some states’ regulations were compatible and others had regulations that were not a good fit for Indiana. He also noted that some states’ regulations are more stringent. McDivitt indicated he was confident that if the proposed rules were in effect and the EPA conducted another review Indiana would do much better and expressed that the proposed rules, as presented, are comparative with surrounding states.

The Chair stated that the Division anticipates additional amendments to the proposed rule package as the adoption process moves forward. He then asked for clarification in regards to the processing of any additional amendments.

McDivitt deferred to Sandra Jensen, Director of the Commission’s Division of Hearings.

Jensen explained that the Division of Hearing will continue to make technical changes to the rule proposal, such as correcting citations. She noted that the public comment period will open following the publication of the Notice of Intent in the *Indiana Register*. Comments will be considered, and amendments, including those based on a written comment, could be incorporated prior to publishing of the proposed rule by the Legislative Services Agency (LSA). Jensen stated that if there was a significant change to the rule proposal, the Division would return to the Commission to provide an update and seek preliminary adoption associated with that significant revision. Jensen also observed that alteration or refinement of the rule language becomes significantly more difficult after the rule language has been submitted to LSA for publication.

McDivitt added that there four rule sections have been reserved for future rule adoptions. The reserved rule sections relate to underground natural gas storage and underground petroleum storage. He explained that there have been issues in other states with regard to storage failure leading to a focus on permitting and mechanical integrity standards for underground gas storage facilities. McDivitt said the Division has drafted preliminary provisions to address those issues, but those provisions are not ready for preliminary adoption. McDivitt said the American Petroleum Institute (API) is establishes technical guidance and standards for recommended practices for underground gas storage operations, which are embraced by the regulated industry. McDivitt stated API is in the process of updating its guidance and the Division intends to review API’s updated recommendations and review other states’ programs before adopting any rules governing underground gas storage.

Stautz asked for clarification regarding 312 IAC 29-12, which governs the annual well fee and bonding. “Any change in that and is that sufficient in today’s economy? Is it comparable to our peer neighboring states, as well?”

McDivitt replied that proposed 312 IAC 29-12 is similar to the existing rules in 312 IAC 16 governing the same subject matter. He explained that the well fee provisions and bonding are all established by statute. He noted that there have not been any statutory amendments for a number of years.” McDivitt said the “system is working well up to this point.” He noted that Illinois’s regulations are similar to the existing rules and those in the proposed rule package. “Instead of increasing the bonds, which is very exorbitant for the industry, every operator is assessed an annual fee, based on the number of wells that the operators have. That fee is submitted to the Division of Oil and Gas and put in a dedicated fund to be used to cover costs of plugging wells and clean up. The amount that is in the fund is adequate to take care of those issues that are of a high priority.”

The Chair recognized Tim Maloney with the Hoosier Environmental Council (HEC).

Maloney commended the Division of Oil and Gas for its work on the proposed rules and its openness to input in developing the best rule. He noted that overall the proposed rules are an improvement from Indiana’s current regulatory structure. “We particularly appreciate the new provisions that add additional protections against the environmental impacts of oil and gas extraction and hydraulic fracturing.” Maloney said HEC has a concern regarding the regulation of oil and fluid storage tank batteries located close to local roads. He noted, however, the new rules seem to address the issue by providing a storm water discharge in the secondary containment area. Maloney provided a photograph to Commission members, which shows a secondary containment unit berm that is not vegetated, which subject the berm to erosion and deterioration over time. Maloney recommended additional language to require measures to prevent erosion of these berms.

Maloney said that HEC would continue to review the proposed rule language regarding setbacks and the location of wells and waste facilities. Maloney said HEC would echo Comer’s concern regarding the lack of protective standards for fluid management units located in karst areas. Maloney also noted that HEC is concerned regarding potential effects on drinking water from oil and gas extraction. He stated that other groups and scientists have raised the issue of induced seismicity, which may be caused by underground injection of fluids. Maloney concluded and stated that HEC believes the proposed rules are an enhancement of Indiana’s oil and gas oversight.

The Chair recognized Robert Sterge, an operator with Tri-State Gas.

Sterge indicated that as an operator he did not agree with the additional requirements imposed for the purpose of preventing a breach of the secondary containment. Sterge said his comments focus on the proposed requirements to line the pits. He stated that Tri-State Gas has pits that were installed in the 1950s and there have been no instances of contamination to the water supply. Sterge said, “The construction of the older pits includes a permanent clay barrier underneath the pits” adding “There is no need to line the pits since the clay barrier seems to be effective.” Sterge also noted that the Department has not presented evidence of any contamination resulting with the permanent clay barrier. Sterge offered that the addition of liners will be a huge financial

burden noting that lining the pits could cost hundreds of thousands of dollars for an operator with 80 to 90 wells.

McDivitt commented the proposed pit lining would address those operators with poor housekeeping practices regarding their containment pits. He said that the existing rules do not provide specific guidance on what fluids are allowed to be inside the containment area and the proposed rules will address that. McDivitt said the proposed rules are intended to discourage the practice of poor containment area maintenance. “Part of the new plan is to allow operators to install drains in their secondary containment tanks to drain non-contaminated storm water fluids. The operator will need to submit a plan; the inspector will go out to inspect it; and then the Division will issue an authorization to construct the drain and discharge.”

Jensen explained that the public comment period would open following the approval of preliminary adoption of 312 IAC 29 and the posting of the Notice of Intent in the *Indiana Register*. She explained that public comments may be submitted through the Commission’s rulemaking docket at <http://www.in.gov/nrc/2377.htm> or by regular mail.

Patrick Early moved to approve for preliminary adoption the new rule, 312 IAC 29, the recodification of rules governing oil and gas well activities controlled by IC 14-37, and the repeal of 312 IAC 16, as presented. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION STATE PARKS AND RESERVOIRS

Consideration of amendment to nonrule policy document, Information Bulletin #25, which provides a uniform policy for the management of caves and karst resources located on Department of Natural Resources properties; Administrative Cause #16-044P

Ginger Murphy, Division of Parks and Recreation, presented this item. Murphy noted that the proposed amendment to the nonrule policy document, Information Bulletin #25, supports the reopening of certain caves and other karst resources to the general public on a limited basis. She noted that the Commission in 1999 approved the initial nonrule policy in order to support the Department’s efforts to protect bat populations living within the karst resources from the introduction of White Nose Syndrome (WNS).

Murphy explained that WNS was discovered in New York and this fungus spread west. In 2009, the caves on Department properties were closed in an attempt to slow the movement of WNS and to allow for additional research. “The cave closure was the right thing to do at the time. It gave the opportunity for a lot of research to take place,” Murphy said. She added that certain caves have been opened and decontamination procedures have been adopted as established by the U.S Fish and Wildlife Service.

Murphy said that Wolf Cave in McCormick's Creek State Park has been reopened. She noted that Spring Mill State Park and Cave River Valley Natural Area in partnership with the Indiana Karst Conservancy will register individuals to go into the caves outside of the bat hibernation period. Individuals visiting the caves are required to attend a decontamination training session and will be required to follow decontamination procedures when exiting the caves. Brough's Tunnel at Clifty Falls State Park was reopened in 2015 only during the months when bats are not hibernating. In 2016, Wyandotte Caves opened for public tours on a limited basis, with expansion expected in 2017. Additional caves and karst features on Department properties may be evaluated for reopening in the future. Murphy recommended approval of the proposed amendments to the nonrule policy document.

Davis added that the Department has a duty to continue to protect the habitat of Indiana's bats. He said that the Division of State Parks and Reservoirs is working with the Division of Fish and Wildlife as well as the U.S Fish and Wildlife Service in implementing habitat protection. The Division of Forestry is working with the U.S. Fish and Wildlife Service to write a habitat conservation plan for the Indiana bats.

Carol Comer moved to approve the amendment to the nonrule policy document, Information Bulletin #25, which provides a uniform policy for the management of caves and karst resources located on Department of Natural Resources properties, as presented. Jake Oakman seconded the motion. Upon a voice vote, the motion carried.

NRC DIVISION OF HEARINGS

Consideration of report of rule processing, public hearing, and hearing officer analysis with recommendation regarding final adoption of amendments to 312 IAC 4-5-2, which provides prerequisites for a conservation officer applicant; LSA Document #14-341(F); Administrative Cause No. 14-054D

Jennifer Kane, Natural Resources Commission, Division of Hearings, presented this item. She noted that for consideration for final adoption is the proposed amendment to 312 IAC 4-5-2, which would clarify that an individual's four years of full time active duty in the United States military service with Honorable Discharge satisfies as a prerequisite to the Indiana Conservation Officer Candidate Program. She noted that the Commission gave final adoption to the same rule amendment proposal at its January 2016 meeting. Kane explained that subsequent to the January meeting, the rule amendment package was forwarded to the Attorney General's Office for review as to legality. However, on February 29, 2016, the Attorney General's Office requested the Commission recall the rule due to noncompliance with the statutory requirement that the Notice of Public Hearing be posted to the Commission's online Rulemaking Docket.

Kane said that the proposed rule was recalled and an additional public hearing was held on April 4, 2016. She said no other comments regarding the rule proposal were received. "The analyses that were presented to [the Commission] in January is still relevant today."

Kane then recommended the Commission give final adoption to the proposed rule amendments as presented.

Jane Ann Stautz moved to give final adoption of amendments to 312 IAC 4-5-2, which clarified the prerequisites for a conservation officer applicant, as presented. Jake Oakman seconded the motion. Upon a voice vote, the motion carried.

Adjournment

The meeting adjourned at approximately 8:39 p.m., EDT.