

Members

Sen. Harold Wheeler, Chairperson  
Sen. Becky Skillman  
Sen. Allie Craycraft  
Sen. James Lewis  
Rep. Markt Lytle  
Rep. Dale Sturtz  
Rep. Richard Mangus  
Rep. Phyllis Pond



## NATURAL RESOURCES STUDY COMMITTEE

LSA Staff:

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Bernadette Bartlett, Fiscal Analyst for the Committee

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### MEETING MINUTES<sup>1</sup>

**Meeting Date:** September 14 & 15, 2000  
**Meeting Time:** 1:00 P.M.  
**Meeting Place:** Spring Mill State Park, Conference Room  
**Meeting City:** Mitchell, Indiana  
**Meeting Number:** 3

**Members Present:** Sen. Harold Wheeler, Chairperson; Sen. Becky Skillman; Sen. Allie Craycraft; Sen. James Lewis (Sept. 14); Rep. Markt Lytle; Rep. Dale Sturtz; Rep. Richard Mangus; Rep. Phyllis Pond.

**Members Absent:** Sen. James Lewis (Sept. 15).

Senator Wheeler (Chairperson) called the meeting of the Natural Resources Study Committee (Committee) to order at 1:10 p.m. After introducing the Committee members testimony was received by the Committee.

TOPIC: HISTORIC BRIDGES

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

**John Molitor, Historic Landmarks Foundation of Indiana**

Mr. Molitor stated that last year a Bill (HB 1974-2000) to help save historic bridges was supported by the Committee. Currently, it is easier for counties to destroy historic bridges rather than try to save them. HB 1974-2000 would have provided a subsidy for certain historic bridges with a cost to the state of only about \$40,000 to 50,000 annually.

**James L. Cooper, DePauw University**

Mr. Cooper has authored two books on bridges in Indiana. In 1987 Indiana had 1,800 iron bridges - today 65% of those bridges no longer exist. There are only 118 iron bridges from the 19th century left in Indiana. Sen. Richard Lugar has noted that nationally iron bridges are more endangered than covered bridges. Many of these bridges were designed and constructed by Hoosier craftsmen who demonstrated ingenuity in overcoming obstacles found in nature.

**Mike Magner, County Engineer, Jennings County**

Mr. Magner explained that Jennings County has 128 bridges. Of those bridges, 68 are one lane and 28 are posted with a weight capacity at less than 15 tons. This means those 28 bridges cannot be used by fire trucks and school buses. Jennings County has reached the limit they are allowed to raise in taxes for bridges under state law (i.e. limits on the cumulative bridge fund subject to the whole county tax cap). However, there is not enough money available to the county to replace and maintain existing bridges. The county also faces secondary costs when equipment like school buses must travel longer distances each day to go around bridges that cannot support their weight.

In response to Committee questions, it was stated that the Indiana Department of Transportation does not have a plan to preserve historic bridges and is removing all historic bridges from the state highways, except for a few over major waterways.

**John Carr, Division of Historic Preservation and Archaeology, Department of Natural Resources (DNR)**

Mr. Carr distributed information concerning historic bridges in Indiana and Indiana's historic bridge inventory project. (Exhibit #1). Mr. Carr explained that the Federal Highway Administration (FHA) is the authority that determines if a bridge can be classified as historic. County bridges that seek federal funding must apply to the FHA and undergo a "Section 106 review". The state acts as an advisor to the FHA but it is the FHA that makes the final decision on whether or not a bridge is historic. The review process takes time which is seen by the counties as a bureaucratic burden to receiving funds to repair these historic bridges.

The Committee moved to reintroduce the language in HB 1974-2000 as a Committee recommended bill. The motion was adopted in a roll-call vote 5-0.

TOPIC: SURVEY OF HISTORIC CEMETERIES

**John Molitor, Historic Landmarks Foundation of Indiana**

Mr. Molitor explained a couple changes he would like to see concerning recording historic cemeteries. First, he would like prospective real estate purchasers to be notified that a cemetery is located on the land. Second, Mr. Molitor would like DNR to record all current historic cemetery information in the county recorder's office, and not wait to record the information until the deed for the property is transferred.

**John Smith, Director, Division of Historic Preservation and Archaeology, DNR**

Mr. Smith indicated that DNR has been making many presentations across the state concerning the project to register historic cemeteries since HEA 1184-2000 became law. DNR will be hiring a full-time coordinator to work on registering historic cemeteries. DNR has been working with many different historical and genealogical groups to help with the registry. When the project is complete there will be cemetery registries in every county. When all the various cemeteries are included (e.g. family cemeteries, prehistoric burial grounds) the total number of cemeteries in the registry could approach 200,000.

**Cheryl Ann Munson, Archaeologist, Indiana University**

Ms. Munson suggested a technical legislative change to the cemetery preservation legislation that passed in 2000 - penalties were passed for damaging cemeteries but no penalties were established for damaging burial grounds. Ms. Munson stated that some states have programs in place to help preserve burial sites. The federal government has a program for land conservation easements but this program is not used very much to protect burial sites. She would like to see a classified burial site program created that is operated in a similar way to Indiana's classified forest program.

TOPIC: PATOKA LAKE

**Senator Richard Young, District 47**

Senator Young provided background information on Patoka Lake and introduced Jerry Ihrig and Oswald Rohrbacker - members of the Patoka Lake Association. Sen. Young concluded that Patoka Lake is an Indiana asset that has not been used to its full potential.

**Jerry Ihrig, Patoka Lake Association Year-Around**

Mr. Ihrig estimated that fees and taxes from Patoka Lake annually generate \$1.5 million of state revenue. The Patoka Lake Association Year-Around (PLAY) publishes maps of the Patoka Lake area, sponsors two web sites, and works with local tourism boards. PLAY's goal is to annually attract two million visitors to Patoka Lake and its adjacent communities. PLAY would like for the state to improve signage on I-64 to help attract the attention of visitors in the area. There are six exits off of I-64 that lead to Patoka Lake - an informational sign at each intersection would help visitors find their way to the lake. PLAY would also like the legislature to create a Patoka Lake Recreational Development Commission.

Responding to questions by the Committee, Mr. Ihrig stated that Crawford County's two largest employers are the public school system and the Indiana Department of Transportation. Tourism could become a large employer in the area.

**Oswald Rohrbacker, Patoka Lake Association Year-Around**

Mr. Rohrbacker stated that he would like the state to provide money to erect two quality signs on the state right-of-way for Patoka Lake on I-64. Currently, there are only two small brown signs advertising Patoka Lake. The Indiana Department of Transportation has stated that these two signs are all that is needed. Mr. Rohrbacker showed the Committee pictures of the sign used at Paoli Peak which incorporates limestone in the sign. Two quality signs would help with the local efforts to increase tourism and within a year the state would recoup the money spent on the signs through additional tourism spending.

**Steve Bartell, Business owner**

Mr. Bartell owns three businesses in the Patoka Lake area. Many people believe that Patoka Lake is only used for flood control and do not realize that the lake can be used for recreational purposes. He would like DNR to create a magazine about Patoka Lake that would be distributed at out-of-state boat shows. The magazine should include a description of the lake, maps, coupons, and notes or articles by the governor and DNR.

**Bernie Fallon, Operator, Lick Fork Marina**

Ms. Fallon explained that all the property surrounding Patoka Lake is owned by the U.S. Army Corps of Engineers - there is no private property. The Corps states that Patoka Lake is one of the cleanest lakes in the lower 48 states. The Corps has also encouraged people to start new businesses to help with tourism, but the state needs to help advertise this attraction.

**John Davis, Deputy Director, DNR**

Mr. Davis stated that DNR wants to encourage the use of Patoka Lake. The lake is owned by the U.S. Army Corps of Engineers for flood control but is leased to the state for recreation. Patoka Lake is very clean because it was designed to minimize the inflow of sediments.

TOPIC: GOOSE HUNTING

**Richard Lambert, Hunter, Fredricksburg, Indiana**

Mr. Lambert discussed his concerns with the coordination of state and federal laws concerning goose hunting. A major problem arises from the interpretation of the prohibition of hunting geese flying to or from a feeding area. He suggested that legislation prohibiting feeding wild geese 15 days before goose hunting season through the end of the hunting season would address some of the hunters concerns. A hunter accused of hunting geese flying to or from a feeding area is not issued a fine but is required to go to court to adjudicate the issue. Mr. Lambert cited some examples of how wild geese are damaging property of farmers and other landowners.

**Kirstin Forby, Conservation Officer, DNR**

Officer Forby stated that conservation officers are bound to enforce the law concerning waterfowl regulations - he agreed that there is a problem with the regulations. Some

people intentionally feed geese to prevent hunting. A hunter cannot hunt in an area that has been baited for ten days - even if the hunter was not involved in baiting the area.

TOPIC: COUNTY OPTION FEES

**Travis Worl, Association of Indiana Counties**

Mr. Worl stated the basic concept of county option fees is to charge an additional fee to the admission rate at state parks and other state recreational areas and then distribute the money to the local counties to reimburse the costs that counties must pay to support the state parks (e.g. fire and emergency medical services, road repairs). Pokagon State Park has already had 76 emergency runs to the park in 2000. During the 2000 Session of the Indiana General Assembly two bills were introduced that would add a \$1 per vehicle county option fee. Though state park attendance would probably decline as a result of the added fees, it is estimated that normal attendance would resume by the third year.

**Brian O'Neill, County Commissioner, Monroe County**

Mr. O'Neill stated that millions of visitors visit state facilities in Monroe County. Revenues from tourism do not cover the county's costs for road maintenance and emergency services that are attributable to state facilities.

After a series of questions, Commission members suggested that Monroe County should enact the food and beverage tax to help raise money for the county.

**James Grady, County Commissioner, Brown County**

Mr. Grady stated that the local innkeeper's tax may only be used for tourism and the food and beverage tax is deposited in the county general fund. However, local residents already feel overly taxed. Half the people in the local jail in Brown County are not county residents. Mr. Grady supports the concept of the state making payments to counties to compensate for the property tax revenues that are lost because of the state lands (i.e. payment in lieu of taxes (PILOT)).

**Kathy Smith, County Auditor, Brown County**

Ms. Smith stated that she supports both county option fee and PILOT concepts. Brown County has a large amount of property that is not subject to property taxes. In addition to state property the county has many churches and church camps. She would like to see all state parks and church camps pay a county user fee.

**Cynthia Rose, Brown County**

Ms. Rose stated that Brown County has a low tax base and no industry in the area. Tourism is already taxed as high as the county is allowed to tax.

TOPIC: HISTORIC REHABILITATION INCOME TAX CREDIT

**John Molitor, Historic Landmarks Foundation of Indiana**

Mr. Molitor indicated that he was concerned about the length of the waiting list to receive the Historic Rehabilitation Income Tax Credit (HRI Tax Credit). Problems associated with a long waiting list include the loss of historic buildings and construction of new buildings on cheaper farm lands. He suggested that the HRI Tax Credit cap be raised from \$450,000 to \$1,000,000. Mr. Molitor would also like the law amended so historic residences could qualify for the HRI Tax Credit.

**Reid Williamson, Historic Landmarks Foundation of Indiana**

Mr. Williamson stated that he would like the cap completely removed from the HRI Tax Credit program. He also supported including residences that have been certified as historic homes, instead of the current "income producing property" criteria.

**John Smith, Director, Division of Historic Preservation and Archaeology, DNR**

Mr. Smith stated that many of the current historic buildings that would be eligible for the HRI Tax Credit are vacant or not fully used. Rehabilitation of these buildings would make them useful for business owners and cause the buildings to generate significant tax income.

Senator Wheeler recessed the meeting and resumed the meeting at 9:00 a.m. on the next morning.

**TOPIC: DNR LAND PURCHASE PROPOSALS**

**John Davis, Deputy Director, DNR**

Mr. Davis explained that the state owns more than 350,000 acres throughout Indiana. DNR also manages some of the federally owned properties in the state. He summarized and distributed information concerning the Heritage Trust program's land purchases since the program began. (Exhibit #2) DNR has entered into cooperative agreements with local fire departments to provide coverage to DNR properties. DNR does not pay the fire departments a per fire-run fee, but instead helps the local fire departments with the cost of their fire equipment. Also, if a child lives on state grounds (e.g. the child of a park ranger) and attends the local schools, DNR will pay the local school system an amount equal to the cost of education of other local school children.

Responding to Committee questions, Mr. Davis stated that DNR's policy under Director Macklin has been to notify local officials and legislators before any land is acquired by DNR. Mr. Davis also stated that using Heritage Trust money to purchase properties that are located within existing state properties actually reduces maintenance and personnel costs.

**TOPIC: SPRING MILL STATE PARK**

**Mark Young, Property Manager, Spring Mill State Park, DNR**

Mr. Young explained some of the projects that have been occurring at Spring Mill State Park (e.g. building a new play ground, repairing shake shingles and rot damage in the

village, etc.). The biggest need at the park is to dredge the lake. The park's lake was built by the Civilian Conservation Corps (CCC) in 1936. The original lake was 36 acres but because of sediment build up the lake is now just more than 20 acres. Not including the lodge and restaurant, the park has 15 full-time employees and 47 seasonal positions. It is becoming more difficult to hire seasonal help because the salaries and benefits the park can offer have not kept up with the wages that are offered in the area. Spring Mill State Park's village is a large tourist attraction. Last summer the campgrounds were full. 17 % of the visitors to the park are from out-of-state.

**Brian Ferguson, Inn Manager, Spring Mill State Park, DNR**

Mr. Ferguson stated that 80 employees are on staff to operate the restaurant and lodge. Many visitors see Spring Mill State Park as a combination of park-inn-resort. The rooms at the inn are being redecorated to meet the expectations of the visitors (e.g. larger beds, more smoke-free rooms, etc.). He echoed the problems expressed about hiring staff because the salaries are not competitive with the local area.

The meeting was adjourned at 10:30 a.m.