

**ANNUAL REPORT  
OF THE  
NATURAL RESOURCES STUDY  
COMMITTEE**



**Indiana Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana 46204**

**November, 2001**

**INDIANA LEGISLATIVE COUNCIL**  
2001

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# NATURAL RESOURCES STUDY COMMITTEE

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### Staff

Jeanette Adams  
Attorney for the Commission

Bernadette Bartlett  
Fiscal Analyst for the Commission

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

## **I. STATUTORY AND LEGISLATIVE COUNCIL DIRECTIVES**

The Indiana General Assembly enacted legislation directing the Committee to do the following:

1. Conduct a continuing study of the laws relating to the Department of Natural Resources (DNR) to the end that legislation may be proposed to better serve the citizens of Indiana. The Committee is to consult with representatives of the DNR and citizens of Indiana for the purposes of proposing legislation to accomplish repeal of outmoded and unnecessary laws, consolidate and restate existing laws, improve coordination of state and federal laws, and add or amend laws to further the purpose for which the DNR was created. This statute does not require a report to the Legislative Council. (IC 2-5-5-3)
2. Advise and assist the DNR in programming its activities and developing a long range plan for land acquisition, capital improvement, and development of facilities. This statute does not require a report to the Legislative Council. (IC 2-5-5-3)
3. Oversee the DNR Water Resource Management Program under IC 14-25-7 and the [water resources] needs of the people of the state. This statute does require a report of findings and recommendations on the water resources topic to the Legislative Council. (IC 14-25-7-16)

The Legislative Council assigned the following additional responsibilities to the Committee:

1. Study the feasibility of establishing the Indiana Forestry Advisory Council. (HR85-2001/Lytle)
2. Study the permit process for maintenance of drainage ditches. (HCR64-2001/Grubb)

## **II. INTRODUCTION AND REASONS FOR STUDY**

The Natural Resources Study Committee met to carry out its statutory responsibilities under IC 2-5-5-3 and IC 14-25-7-16 and to consider the topics assigned by the Legislative Council.

## **III. SUMMARY OF WORK PROGRAM**

The Committee met four times during the 2001 interim. Meetings were held as follows:

1. August 29 at Fort Harrison State Park in Indianapolis
2. September 13 and 14 at New Harmony

3. October 9 and 10 at Pokagon State Park in Angola

4. October 23 and 24 at McCormick's Creek State Park in Spencer

During Committee meetings, numerous topics for study in addition to the three topics assigned by the Legislative Council or by statute were offered. Although this report focuses only on those three topics for which a report is required, it is of interest that the Committee heard testimony on more than twenty different topics in this interim period and considered numerous bill drafts for recommendation to the General Assembly on a variety of topics that are not the subject of this report.

#### **IV. SUMMARY OF TESTIMONY**

The Committee heard testimony from members of the General Assembly, DNR professionals, representatives of various associations, other interested parties, and private citizens. A summary of the testimony on those three topics that are the subject of this report is provided below.

##### **The DNR Water Resource Management Program and Water Resources Needs.**

Jim Hebenstreit, Assistant Director, Division of Water, Department of Natural Resources, gave the Committee a report on the Water Resource Management Program (IC 14-25-7).

In 1984, the Natural Resources Commission approved a plan to assess water resource availability within the State of Indiana. The state was divided into twelve water basin study areas. Five basins have been completely studied since 1984. (A sample report of the Maumee River Basin study was distributed to Committee members.) The Division of Water's studies have taken longer to complete than was expected. Reasons for the delayed reports have included staff turn-over and the great amount of detail that has been included in the past reports. The Division hopes to complete one new study per year by reducing the amount of information that will be included in the future reports.

Mr. Hebenstreit distributed copies of "Trends in Indiana's Water Use 1986-1996" which summarizes an inventory of the state's significant water withdrawal facilities (i.e facilities capable of pumping 100,000 gallons or more per day). There is mixed indication of a need for a permit system for significant water withdrawal facilities. The cumulative number of complaints that have been received by DNR concerning high use wells affecting other water wells has been about 300. DNR has placed about 300,000 well log records on a data base that is available on DNR's website.

In response to questions from the Committee concerning water wells at the U.S. Army ammunition plant in Charleston, Indiana, Larry Macklin, Director of DNR, stated that though the actual production of the

seven wells is not known yet, it is estimated that each well is capable of producing 10 million gallons of water per day. DNR has not developed a plan to distribute the water from these wells. Mr. Macklin stated that he does not want to see DNR become a water utility business, but he does want this resource to kept available for use by Indiana residents.

### **Feasibility of Establishing the Indiana Forestry Advisory Council (FAC).**

Bob Burke, Tree Farmer, Martinsville, who has been in the forestry industry for forty years, supports the establishment of a forestry advisory council (FAC) in Indiana. Other states have had successes as a result of their establishment of a FAC. Not all states have had to pass legislation to establish a FAC. For example, the Wisconsin FAC was established by executive order. The purpose of a FAC is to help the timber industry, not to operate DNR. Other commissions have been established in Indiana that in part deal with issues that may affect forestry, but these commissions have too many issues to deal with to direct their focus on private timber industry issues. He would like to see SB 154-2001 reintroduced with minor changes.

Pete Hanebutt, Indiana Farm Bureau, stated that the Indiana Farm Bureau represents woodland owners and that the Bureau supports the formation of a FAC.

John Seifert, President, Indiana Forestry and Woodland Owners Association, stated that this Association believes that creating a FAC is a very important issue to the forestry industry. Initiatives need to be developed to maintain the timber base in Indiana for future foresters. A FAC would be able to address timber issues that are outside the scope of DNR (e.g. sales tax changes) and elevate forestry issues that are a concern of DNR.

John Davis, Deputy Director, Department of Natural Resources, stated that DNR does not support the formation of a FAC because DNR already has two advisory committees that study forestry issues. Also, creating a FAC would move DNR further from the discussions of forestry issues in which DNR has an interest.

### **The Permit Process for Maintenance of Drainage Ditches.**

Representative Dale Grubb, who had recommended this study topic to the Legislative Council, communicated to the Committee through the Committee staff that the issue was resolved administratively to his satisfaction and that there is no longer a need for legislation. He advised the Committee that further study on this topic is not needed at this time.

## **V. COMMITTEE FINDINGS AND RECOMMENDATIONS**

### **The DNR Water Resource Management Program and Water Resources Needs.**

The Committee made no specific findings or recommendations on the subject of the DNR Water Resource Management Program and water resources needs. The role of the Committee on this issue is to provide program oversight which the Committee accomplished by hearing a report from the DNR Division of Waters and questioning DNR on matters relating to water resources.

### **Feasibility of Establishing the Indiana Forestry Advisory Council (FAC).**

The Committee heard testimony and discussed PD 3199-2002 which establishes the Indiana Forestry Advisory Council to provide recommendations to improve forestry practices and programs in Indiana. The Committee did not act on this proposal and will leave a decision to introduce this legislation to the option of individual members of the General Assembly.

### **The Permit Process for Maintenance of Drainage Ditches.**

The Committee voted by unanimous consent to accept Representative Grubb's recommendation to not conduct a study of the permit process for maintenance of drainage ditches. (Representative Grubb had recommended this study topic to the Legislative Council, but later advised the Committee that the issue was resolved administratively with no need for further study or legislation.)

## WITNESS LIST

The Committee heard from the following individuals on the three topics that are the subject of this report. The Committee heard from numerous other persons on the many additional topics considered this interim.

Bob Burke, Tree Farmer, Martinsville

John Davis, Deputy Director, Indiana Department of Natural Resources

Representative Dale Grubb (communicating to the Committee through the Committee staff)

Pete Hanebutt, Indiana Farm Bureau

Jim Hebenstreit, Assistant Director, Division of Water, Indiana Department of Natural Resources

Larry Macklin, Director, Indiana Department of Natural Resources

John Seifert, President, Indiana Forestry and Woodland Owners Association