

Members

Sen. Ryan Mishler, Chairperson
Sen. Greg Walker
Sen. James Lewis
Sen. Richard Young
Rep. Robert Bischoff
Rep. Paul Robertson
Rep. Robert Cherry
Rep. Dan Leonard



NATURAL RESOURCES STUDY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Steven R. Wenning, Attorney for the Committee
Bernadette Bartlett, Fiscal Analyst for the Committee

Authority: IC 2-5-5-1

MEETING MINUTES¹

Meeting Date: August 25 & 26, 2008
Meeting Time: 1:00 P.M. & 9:00 A.M.
Meeting Place: Indiana Dunes State Park, Nature Center, 1600 N. 25 E.
Meeting City: Chesterton, Indiana
Meeting Number: 1

Members Present: Sen. Ryan Mishler, Chairperson; Sen. James Lewis; Sen. Richard Young; Rep. Robert Bischoff; Rep. Robert Cherry; Rep. Dan Leonard.

Members Absent: Sen. Greg Walker; Rep. Paul Robertson.

Sen. Mishler (Chairperson) called the meeting to order at 1:05 p.m. After members of the Committee introduced themselves, the Chairperson briefly discussed some of the topics to be examined by the Committee and then called the first witness to testify concerning the Indiana Dunes State Park.

¹ 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.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Indiana Dunes State Park:

Brandt Baughman, Park Manager, Indiana Dunes State Park

Mr. Baughman stated that Indiana Dunes State Park has several unique features not found in other Indiana state parks, including the following:

- A complete ban on alcoholic beverages.
- Trash cans for visitors (other state parks have adopted a policy requiring visitors to carry out their own trash).
- A very high percent of out of state visitors.
- Access via a mass transit rail line.
- Lifeguards on duty on the beach.

The park has traditionally been overused in the past. Over the last several years the park has reduced the number of parking spaces and camp sites. During this same period revenues have increased about 4% per year. The park has recently restored a stream and created a new gate house. Future plans for the park include a new hike/bike trail, new interpretive displays, and a new picnic area.

In response to questions by Committee members, Mr. Baughman stated the following:

- That the early return of Indiana children to school affects both the number of visitors to the park and the park's ability to staff necessary positions (e.g. lifeguards).
- Since the number of campsites has been reduced the summer occupancy rate has been nearly 100%.

Recent Natural Resources Legislation and Rules:

Ryan Hoff, Legislative Director, Department of Natural Resources (DNR)

Mr. Hoff updated the Committee on the following laws and rules that have been enacted or adopted since 2007:

- HEA 1046: Establishes an apprentice hunting license that allows an individual to hunt when accompanied by a hunter who is at least 18 years of age. Provides that an apprentice hunter is not required to take the hunter education course and may not obtain more than three apprentice licenses in the individual's lifetime.
- SEA 45: Great Lakes Compact (Note: The compact has been approved by all the Great Lakes states and is awaiting approval from Congress.)
- SEA 41: Defines "acquiescence" and "lake" for purposes of certain lake preservation laws. Establishes evidence that indicates the acquiescence of a riparian owner to allow the public use of a lake. Requires DNR to prepare a list of public freshwater lakes. Allows the owners of a lake to petition to have the lake declared a public freshwater lake.
- SEA 104: Requires certain information be given to DNR before a person may reconstruct a home that is located in a floodway and has been

substantially damaged. Requires the lowest level of the home to be at least two feet above the 100 year flood elevation. Changes the administrative procedures concerning the Flood Control Revolving Fund.

- HEA 1120: Bans the use of phosphorus in household dishwashing detergents after June 30, 2010.
- HEA 1121: Changes the membership of the board of trustees for the Division of State Museums and Historic Sites. Removes the Hungarian partridge from the list of game birds that may be hunted after obtaining a game bird habitat restoration stamp. Allows rifles to be used with certain yearly deer hunting licenses. Removes the condition that a fall turkey hunting season must be established before a license to take an extra turkey is issued. Allows DNR to issue a duplicate license to any person who has lost a license. Provides that DNR may contract with the Indiana Museum Foundation or a similar organization interested in promoting the Indiana State Museum for administration of the State Museum, the Museum Development Fund, and the historic sites. Creates the sportsmen's benevolence account to be used to encourage citizen participation in feeding the state's hungry through donations of lawfully hunted wild game.
- SEA 176: Establishes the Courthouse Preservation Advisory Commission to provide assistance for courthouse related projects.
- Rule: Requires euthanizing live trapped coyotes.
- Rule: Authorizes the director of the Division of Nature Preserves to allow deer hunts in state nature preserves.
- Rule: Declares Hydrilla a pest or pathogen.
- Rule: Defines "marina".

Lake Management Work Group:

Rep. Nancy Dembowski, House District 17

Rep. Dembowski stated that, beginning in 2007, she was Chairperson of the Lake Management Work Group. She distributed a copy of the Work Group's Interim Report to the Committee members. (Exhibit #1) The Work Group recommended five pieces of legislation during the 2008 legislative session. SEA 41 (public freshwater lakes), SEA 88 (changes to the Lake Management Work Group), and HEA 1120 (prohibitions of phosphorus in home dishwashing machine detergents) were all enacted.

In response to Committee questions, Rep. Dembowski said that the legislation concerning phosphorus (HEA 1120) did not address lawn fertilizers.

Hunting in Densely Populated Areas:

Dwight Davis, President, St. Joseph River Home Owners Association (SJRHOA)

Mr. Davis began his remarks by stating that the SJRHOA is not anti-hunting or anti-gun.

Many members of the association are gun owners and hunters. SJRHOA is concerned about discharging guns in populated areas. Along the St. Joseph River homes and individuals have been hit by shot, shot has been embedded in lawn furniture and boats, and windows have been broken. Mr. Davis explained how a 12 gauge shot gun could shoot No. 2 shot a distance of between 990 - 1500 feet. He calculated the distance from his house to the opposite shore to be about 880 feet. There are miles of low population density areas along the St. Joseph River. If the high density areas are removed from hunting there are still many places along the river to hunt. Mr. Davis stated that based on his recent communications with DNR concerning shots at homes and individuals that incident reports along the river may not be making it from the district office to Indianapolis. He concluded by stating that the only agency with authority in this matter (i.e. DNR) has not been helpful. He requested that the General Assembly provide a solution for the home owners along the river. Mr. Davis distributed a copy of his remarks, photographs, and information concerning the range of shotgun ammunition to the Committee. (Exhibits #2, 3, and 4)

In response to questions by the Committee, Mr. Davis stated that the SJRHOA is not within the city limits, so city ordinances concerning the discharge of a firearm do not apply.

Tim Brassell, St. Joseph Home Owners Association

Mr. Brassell stated that he is a home owner along the St. Joseph River and a longtime hunter. The following are some of the basic rules of hunting he was taught:

- Do not shoot ducks in the water, only in the air. Do not shoot at tame ducks.
- Do not shoot within 100 feet of a house or before sunrise.
- A hunter's intentions by themselves do not make hunting safe.

This Labor Day is going to be very busy on the St. Joseph River with skiers, boaters, cookouts, and goose hunting. Although the area around the SJRHOA is not incorporated, it is a residential neighborhood.

Michael Crider, Director, Division of Law Enforcement, DNR

Mr. Crider made the following points while addressing the Committee:

- There is an early season for Canadian geese this year because the birds are overpopulated in the state. The exact state hunting dates are set after the federal government announces the dates that may be included in the hunting season.
- DNR encourages conservation officers to pay attention to their enforcement area and report what is happening in the area.
- Hunters are encouraged to hunt responsibly.
- The problems along this section of the St. Joseph River are a complex local issue. The homes are on a navigable waterway in an unincorporated area.
- Geist Reservoir is a unique situation. Since the entire reservoir is owned by the water company, the company was able to prohibit fowl hunting.

Marilyn Cage, Legislative Assistant for Rep. Craig Fry

Ms. Cage stated that the legislation that Rep. Craig Fry proposed is a safety issue. A

county commissioner has already been shot. It is only a matter of time before someone is seriously injured. In the cities of Elkhart and Mishawaka the discharge of a firearm is already prohibited. The area that has been discussed is the 2-3 mile stretch of river between the two cities.

Several duck and geese hunters added the following comments:

- Todd Bajdek:** The cities do not want to annex the homes along the river.
- Chris McDonald:** Mr. McDonald was the hunter who was across from Mr. Davis' home. He does not shot over homes and shooting at homes is already illegal. Also, the shot he uses does not carry across the river.
- Bill Hain:** The issues along this stretch of the St. Joseph River are not a statewide problem but can be dealt with by local government. If there are problems, the property owners can call the police.
- Brian Hominiah:** The St. Joseph River is a great place to teach kids to hunt. It is hard to find good areas to hunt that are not already taken.

Michelle Lewis, a property owner, stated that the problems that they are facing are not about one hunter, one incident, or about one day, but the issue is about safety.

A letter from Ducks Unlimited was distributed to Committee members. (Exhibit #5)

Kankakee River Basin:

Dan Gums, Property Owner

Mr. Gums spoke about the problems facing property owners in the Kankakee River watershed because of insufficient funding to the Kankakee River Basin Commission (KRBC). The Kankakee River watershed contains both the Kankakee River, which is 90 miles long, and the Yellow River, which is 60 miles long. The watershed area contains 1.9 million acres. Flooding along these rivers has caused damage to water treatment plants, roads, and farm land. Log jams have been left in the river, leading to further erosion. A log jam can cost up to \$80,000 to remove but the KRBC's budget for 2008 was \$75,000. Mr. Gums distributed a handout that contains a map of the Kankakee River watershed. (Exhibit # 6)

Representatives of DNR added the following information concerning the Kankakee River Basin:

- Ryan Hoff:** DNR has been meeting with farmers, farm bureaus, and surveyors to discuss how to remove obstructions in the area.
- Ron McAhron:** DNR, the Army Corps of Engineers, and the Indiana Department of Environmental Management have overlapping jurisdiction of the Kankakee and Yellow Rivers.
- John Davis:** The federal government has some matching funds available for the watershed. Illinois has done more to improve their portion of the watershed than Indiana.

The Committee recessed until 9:00 a.m. on September 26, 2008.

Invasive Species:

Phil Marshall, Director, Division of Entomology and Plant Pathology, DNR

Mr. Marshall stated that he was the Chairperson of the Invasive Species Task Force (Task Force). A copy of the Task Force's final report was distributed to Committee members. (Exhibit # 7) Mr. Marshall reviewed the history of the Task Force and the public and private entities that participated in the work of the Task Force. The Task Force reviewed the laws concerning invasive species and the governmental entities that have jurisdiction over some aspect of invasive species. There are six different state and local government agencies that have authority over some facet of controlling invasive flora or fauna in the state. Communication between jurisdictional agencies and with affected parties is limited, which decreases the effectiveness and timeliness of efforts to manage invasive species in Indiana.

John Miller, Member, Invasive Species Task Force, Oak Heritage Conservancy

Mr. Miller stated that the Task Force heard much evidence concerning the management of invasive species. The solutions proposed in the report are well thought out. The best way to control an invasive species is to prevent it from entering the state. The second best way is to detect the species early and eradicate it. Eradication works only if the invasive species is identified quickly. However, to effectively identify new invasive species efforts need to be made to search for the invasive species before they have spread. Money is best spent on early control efforts. The state also needs to have an up to date and complete database. Currently, there is no agency charged with gathering and maintaining data on invasive species. The Task Force recommended that an invasive species council be established to improve communication and coordination between different public agencies and private landowners and organizations. The Task Force should also develop and maintain a unified data management system for Indiana.

Ellen Jacquart, Member, Invasive Species Task Force, The Nature Conservancy

Ms. Jacquart highlighted the recommendations contained in the Task Force's report. The recommendations included the following:

- Establish an invasive species council that would have the following duties and responsibilities:
 - Improve coordination and communication between affected governmental agencies, landowners, and private organizations.
 - Develop and share information to target the management of invasive species in a cost-effective manner.
 - Coordinate with other Midwest state governments, as well as regional and federal agencies and other relevant organizations, on common invasive species issues to increase consistency and effectiveness of invasive species programs.
 - Work with public agencies and private organizations to coordinate a comprehensive education and outreach effort to share new information and best practices.
 - Improve the consistency and efficiency of the state agencies' invasive

species policies and procedures.

However, the council would not have any regulatory authority.

- Create an executive director of the invasive species council at Purdue University. The executive director would coordinate all aspects of the council's duties and actions.
- Establish an emergency invasive species fund to provide rapid eradication efforts and to match available federal funds. It is recommended that \$2 million be appropriated for the fund.
- Create a terrestrial invasive species coordinator position within DNR. This position would be a complementary position to the aquatic invasive species coordinator created within the Division of Fish and Wildlife three years ago.
- Establish an invasive plant management grant fund to control invasive species on private lands. The fund should contain an annual appropriation of \$1 million that would be allocated on a match basis to cooperative groups of land owners.
- Clarify the spatial scale allowed for quarantine areas under IC 14-24-4-2.
- Clarify the authority of the Division of Entomology and Plant Pathology to include pests and pathogens that impact the environment.
- Establish civil penalty authority for DNR when invasive species rules are violated.

Dr. David Lodge, Member, Invasive Species Task Force, University of Notre Dame, Center for Aquatic Conservation

Dr. Lodge stated that creating an invasive species task force would provide a forum to bring current research to various agencies, organizations, and land owners to help control invasive species. Invasive species have a direct economic impact on farming, forests, and fishing. Kudzu, a quick growing vine, is an example of an invasive plant that is in a few locations in Indiana. In addition to its ability to damage forests, it can also support the soybean rust disease, hurting a major agricultural industry in the state. Invasive species in the state can be controlled, and in some cases eliminated, if coordinated and sustained efforts are made. Early expenditures on invasive species are worth the investment. In the Great Lakes \$16 million is spent annually to control the sea lamprey. If this money was not spent, a much higher amount would be lost in commercial and recreational fishing income. A recent success story was the elimination of the Hydrillia plant from Lake Manitou before it could spread to other lakes in the state.

In response to questions, Dr. Lodge stated the following:

- Illinois currently has an invasive species council within the Illinois Department of Natural Resources. Most states have some program to provide grants to control invasive species.
- If an invasive species council was created in Indiana it would monitor invasive species in Lake Michigan.
- Invasive species that arrive through ballast water on the Great Lakes have been an enormous problem. Several states have enacted ballast water requirements for ships. Indiana has had proposed legislation that has not passed.

Michael Ryan, Northwest Indiana Steelheaders

Mr. Ryan made the following points:

- Eradication of an invasive species is the best solution but this only works if

the species is found and action is taken quickly. After an invasive species becomes established, management is the only option. Management of invasive species costs more over the long term. NIPSCO spends large amounts to keep their water pipes unclogged from zebra mussels.

- The federal government has not acted upon setting ballast water standards for the Great Lakes. Michigan has ballast water standards. He does not want Indiana's waters to become ballast water dumping grounds.

Tom Anderson, Executive Director, Save the Dunes Council

Mr. Anderson distributed information concerning invasive species and ballast tanks. (Exhibit # 8) He stated that invasive species have impacted the Indiana dunes. A project has been developed to raise beetles that eat purple loose strife in an effort to control the plant. There are resources that can be leveraged if the state provides the matching funds.

Charlotte Read, Save the Dunes Council

Ms. Read spoke about a program that has been effective to reduce the transportation of invasive water species from lake to lake. The program has been working with marinas to educate boat owners on the need to clean the hulls of their boats when a boat has been removed from a lake.

Susan MiHalo, Past President, Save the Dunes Council

Ms. MiHalo disseminated information on the Indiana Dunes and the Save the Dunes Council. (Exhibits # 9 and 10) She discussed an invasive plant in Michigan that is crowding out native species and turning the dunes into a monoculture. She also mentioned the state's noxious weed list. The list is old and relates to agriculture protection but not the state's environment. The list needs to be updated.

Vince Griffith, Vice President, Indiana Chamber of Commerce, Governmental Affairs

Mr. Griffith said that Indiana should wait for the federal government to address the issue of ballast water in the Great Lakes. He stated that this is a federal issue.

Committee Discussion:

The Committee members discussed the issues concerning hunting along highly populated areas of the St. Joseph River. The following points were discussed:

- The St. Joseph River is designated as a navigable waterway.
- Any solution must address safety and the need to reduce the number of migratory water fowl.

The Committee discussed whether any requests for appropriations for the invasive species recommendations should be in a separate bill or go directly into the budget bill. It was stated that eventually all budgetary matters needed to be in the budget bill.

Rep. Bischoff indicated that he would like to discuss the issue of the use of spot lights during hunting season at a future meeting.

Several members of the public expressed concern over DNR's policy to allow individuals with personal carry permits to carry handguns in state parks.

John Davis, Deputy Director, DNR

Mr. Davis responded to the concerns and questions about handguns. The new policy has been in effect for the past three seasons. The policy extends the same rights that a person with a personal carry permit has in other public areas. Before the policy was changed, guns were still allowed in the state parks but they had to be unloaded and in the trunk of the vehicle.

Mountain Biking:

Jeff Fetterer, Hoosier Mountain Bike Association

Mr. Fetterer encouraged the Committee members to visit the mountain bike trails in Brown County during their next meeting.

The Chairperson adjourned the meeting at about 11:30 a.m.