

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

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Authority: IC 2-5-5-1

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

Meeting Date: September 29 & 30, 2008  
Meeting Time: 1:00 P.M. & 10:00 A.M.  
Meeting Place: Brown County State Park, Abe  
Martin Lodge  
Meeting City: Nashville, Indiana  
Meeting Number: 2

**Members Present:** Sen. Ryan Mishler, Chairperson; Sen. Greg Walker; Sen. James Lewis; Sen. Richard Young; Rep. Robert Bischoff; Rep. Robert Cherry; Rep. Paul Robertson (9/29) Rep. Dan Leonard.

**Members Absent:** Rep. Paul Robertson (9/30).

Senator Mishler (Chairperson) called the meeting of the Natural Resources Study Committee (Committee) to order at 1:20 p.m. After introductory remarks, the Chairperson called upon Doug Baird and Jim Eagleman to speak on Brown County State Park.

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

### **Brown County State Park:**

**Doug Baird**, Park Manager, Brown County State Park, Department of Natural Resources (DNR)

**Jim Eagelman**, Naturalist Brown County State Park, DNR

Mr. Baird and Mr. Eagelman presented information concerning Brown County State Park (Brown County) to the Committee, including the following:

- Brown County is the largest park in the state, containing 15,696 acres, and the busiest park, with about 1.3 million visitors each year.
- 2007 annual revenue for Brown County was \$1,658,526. The current annual operating budget is \$1,552,704.
- Brown County contains a mix of deciduous trees. However, Brown County does not contain any old growth trees because the area was heavily farmed before the site became a park in 1929.
- The park contains over 20 miles of paved roads, 70 miles of bridle trails, 10 miles of mountain bike trails, and 18 miles of hiking trails.
- Amenities at Brown County include the nature center, many scenic overlooks, picnic areas, the Ogle Hollow Nature Preserve, the saddle barn, and a variety of plants and wildlife.
- The park includes a variety of accommodations, including year-round camp grounds, a horsemen's campground, sleeping and family cabins, and the Abe Martin Lodge. An indoor water park has recently been added to the lodge.
- Brown County has been very successful because of the partnership it has had with various volunteer groups.

### **Forestry Conservation:**

**Representative Clyde Kersey**, Indiana House District 43

Rep. Kersey discussed with the Committee how he had become informed on the issues of forest management practices and forestry conservation. He filed House Resolution 36-2008 in response to the need to have these issues discussed.

**Larry Owen**, Consulting Forester, Forest Management Services, Inc.

Mr. Owen distributed handouts that provided information about his professional experience, the influence of forests on ground water infiltration, and the duties of DNR concerning forestry. (Exhibits # 1, 2 & 3) Mr. Owen indicated that his comments were directed toward private forest lands. Every year there are more demands on the natural resources of the state. As more land is being used for housing, less land is available for forests. Indiana is heading in the same direction that has led to fragmentation of land use in Japan. The state needs to stabilize its use of resources. About 20% of the state is currently forested. There are many benefits to having a viable forestry industry, including the economic value of the timber industry; positive impact on the environment and animals; and opportunities for hunting and hiking. Forests sequester carbon dioxide to improve the air quality. Forests also absorb water three times more efficiently than tillable ground. However, an owner can make more money selling forested land to a subdivision developer than waiting to harvest the timber. Mr. Owen discussed changes that he would like to see made to DNR's forestry duties under IC 14-23-1-1, which included changes to

the following subdivisions:

- Subdivision (6) - add the clear authority to purchase conservation easements for forest land.
- Subdivision (8) - provide more funds and emphasis by DNR to provide more forest management of state forests and forests owned by state institutions.
- Subdivision (9) - add the control of invasive species to the list of potential uses of penal labor.
- Subdivision (12) - allow the use of private foresters to provide land management services to private forest owners and provide the landowners with a tax credit to help offset the cost of these services.

He stated that current harvesting practices have been taking the best trees and leaving the rest. The result of this practice has been a good volume of trees but a declining quality.

Mr. Owen then addressed water quality issues. Silt in rivers is not considered a pollutant. There is not a standard to determine proper silt levels in streams. Trees provide stabilization to the soil, which reduces the amount of silt flowing in the streams. Roots hold the soil, which reduces erosion. Trees also reduce soil compaction, which allows better rain water absorption.

Trees take years to reach maturity. Tree farmers only get paid when they sell their trees. The public receives a benefit to the quality of the environment by having tree farmers plant and maintain trees. Historically the mentality of Americans is that forests are an impediment to progress. Traditionally the government has established policies that allow people to live in the country at below the cost of the services provided to them (e.g. subsidized rural electricity; paved roads). He would like policies changed so that people who live in the country pay the actual cost for the services they receive. This would provide an incentive for people to live closer to towns.

Mr. Owen presented the following ideas for improving forests in the state:

- Improve and provide more education to forest owners. Presently, information is being provided by Purdue University, the U.S. Forest Service, and forest stewardship committees. More funding is needed to reach out to forest owners.
- Standardize the way in which woodlands are classified. Each county has its own system and criteria to classify forest lands. These different criteria make it difficult to locate the forest owners in order to offer assistance.
- Establish minimum forestry management educational requirements for timber buyers.
- Increase the amount of training for field employees in DNR's Division of Forestry. Budget reductions have reduced the amount spent on training.
- Increase the promotion of the Classified Forest Program. The Classified Forest program has been a successful program in Indiana. If DNR hired private foresters to implement the inspection functions, state foresters would be able to spend more time promoting and administering the program.
- Provide financial incentives for forest owners who follow certain forestry management practices.
- License private foresters. There are about 25-30 private foresters in the state, but the ideal number would be about 50. Most foresters who graduate from Purdue University go to jobs in other states.
- Because of the benefits that forests provide to the state, do not tax the sale of timber from lands that meet certain forestry management practices.
- Fund forestry programs through either a .002 cent tax for each gallon of water

used or a higher tax on forestry products (e.g. paper towels, wood, etc.).

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

- There are many new trees being planted in Indiana. Many of them are under a U.S. Department of Agriculture program to reduce erosion along rivers. These trees are not timber quality trees.
- It takes about 35 years for a tree to mature enough to be harvested.
- A forest bank program allows timber owners to get up front or yearly payments for their timber crop. The bank makes the early payments in exchange for the proceeds from the future timber harvest.
- Prices for construction grade timber fell three years ago with the decline in the housing industry. Quality timber always retains a good price.
- Placing a tax on water would be easy in areas that provide water service. Areas served by wells would probably have to have a flat fee assessed.
- There are about 20 full-time private forest consultants in the state, another five to ten are part-time. About 15 are members of a forestry association. Some states have programs to license or certify foresters.

**Lynn Dennis, Director, Government and Community Relations, The Nature Conservancy**

Ms. Dennis provided the Committee with further information about forest bank programs. Conservation groups sometimes use land banks to help preserve the diversity of trees and to maintain forested areas. If a timber owner wanted to participate in a forest bank agreement with the Nature Conservancy, an assessment of the current value of the timber would be taken. A yearly payout would be made to help the landowner manage their lands. When the trees are ready for harvest, the landowner would get a royalty fee and the Nature Conservancy would retain the rest of the money from the harvest. Conservation easements involve paying the owner a fee to conserve certain features or portions of the land. The terms of the easement would determine what types of development could take place on the property. The smaller the parcel of land, the less likely it is that the land will be managed correctly. Also, development opens areas in forest land and makes the sites more susceptible to invasive species.

**Bill Cary, Landowner**

Mr. Cary provided the Committee with the following information:

- To assure proper regeneration of forest land, a minimum of 1-2 acres must be cleared.
- Loggers are avoiding harvesting timber on smaller parcels of land.
- In order for the state to have successful invasive species control, private landowners will have to actively participate.
- It is expensive to clear property of invasive species. In addition to the cost of the initial clearing, the land must be spot treated for the next several years.
- Any new proposals concerning forestry management must bring together all the interested parties, including landowners, loggers, and foresters.

**Liz Jackson, Executive Director, Indiana Forestry and Woodland Owners Association**

Ms. Jackson stated that the Indiana Forestry and Woodland Owners Association supports

efforts to keep land in Indiana forested.

**John Davis, Deputy Director, DNR**

Mr. Davis provided the following information in response to questions by the Committee:

- DNR currently uses prison labor for its forestry programs (e.g. the nursery program, land management in state parks, etc.). However, several issues would have to be worked out with the Department of Correction before prison labor could be used on private lands.
- Many state universities (e.g. Purdue and Indiana University) manage their own lands. The Family and Social Services Administration has been selling or transferring the forested lands it owns. There are about 150,000 acres of state forests and about 600,000 acres in the Classified Forest Program. The number of acres in the Classified Forest Program increased by 40,000 acres last year.
- There are certain eco-service opportunities that a land owner can take advantage of to generate additional revenue (e.g. water quality benefits, carbon credits, leased hunting rights, Classified Forest Program, etc.).
- The Division of Forestry has an annual budget of \$11 million. \$4-5 million comes from a forestry mil tax. The tax will not be collected in 2009. At that time, the Division will have to seek a line item appropriation to make up the revenue shortfall.

**Use of Spotlights:**

**Rep. Robert Bischoff** read an e-mail he received from one of Rep. Dembowski's constituents who lives in the country and is awakened continuously during hunting season by hunters whose spotlights illuminate her house at night. He asked DNR if there was anything that could be done to address this problem.

**Michael Crider, Director, Division of Law Enforcement, DNR**

Mr. Crider stated that there is a law that prohibits the use of a spotlight while hunting. The law does not address situations where a person is using a spotlight but is not hunting. There are hand held spotlights that are being advertised that have 25 million candles of brightness. Legislation has been introduced in the past to address the use of spotlights during certain evening hours of the hunting season. Feedback from the public was very strong against such restrictions. There are many people who are not hunters who enjoy looking at wildlife at night. DNR frequently receives calls on this issue.

**Chris Smith, Director, Legislative Relations**

Mr. Smith stated that the prohibitions on the use of a spotlight are listed in the Indiana Hunting Guide. DNR could include courtesy rules concerning the use of a spotlight in the next edition of the hunting guide.

The Committee recessed until 10:00 a.m. on September 30, 2008.

The Chairperson reconvened the meeting. He announced that Senator Marvin Riegsecker had passed away and asked the Committee to keep Norma Riegsecker and the rest the Riegsecker family in their thoughts and prayers.

### **Knobstone Trail:**

#### **Suzanne Mittenthal, Executive Director, Hoosier Hikers Council**

Ms. Mittenthal began by explaining some of the benefits that trails provide (e.g. improved health, recreation opportunities). She distributed a packet of handouts concerning the Knobstone Trail and the Hoosier Hikers Council (HHC). (Exhibit # 4) Fourteen years ago, 25 people met to discuss how to improve trails in the state. The HHC was created to build trails throughout Indiana. Since that time, HHC has provided \$1.3 million in value for trails to the state. This contribution has included acquiring land and easements and providing labor and materials. In 2006, HHC received the Brown County State Park Partnership Award. All HHC goals identified at its founding have been met, except for the completion of the Knobstone Trail. The Knobstone Trail extends from the Ohio River to within 20 miles of Indianapolis. The idea for the trail was conceived by various groups in the 1960's and 1970's. Several groups started to work on this trail (e.g. Boy Scouts). Currently, about two-thirds of the 140 mile trail has been completed. The northern part of the trail (known as the Tecumseh Trail) and southern part are intact, but the middle section that will connect the two parts needs to be finished. Once the trail is connected, the Knobstone Trail will become a nationally recognized trail because of its length and the terrain. Ms. Mittenthal stated that completion of the Knobstone Trail will directly support Governor Daniels' recently completed comprehensive trail plan. HHC has a dedicated group of volunteers with the ability to secure grants for trail projects. As time passes, lots are being sold into smaller parcels, which makes it more difficult to buy land or secure easements. In 1996, a draft Knobstone Trail expansion plan was prepared by DNR's Division of Outdoor Recreation. The current trail plan is a variation of this 1996 plan. A key component of the plan requires the DNR to select a volunteer oversight group and make the completion of the Knobstone Trail a priority.

In response to questions by the Committee, the following information was provided:

- A recent outdoor recreation survey reported that Hoosiers' favorite outdoor activity was hiking.
- Last year, Indiana Heritage Trust funds, along with funds raised from other sources by the Division of Outdoor Recreation and the Division of Forestry, purchased a 100 acre site to be part of the trail.

#### **John Davis, Deputy Director, DNR**

Mr. Davis made the following points to the Committee:

- DNR supports the completion of the Knobstone Trail.
- A trail will be completed through the Hoosier State Forest once it is known where the Knobstone Trail, coming up from the south, will intersect with the forest. Currently, the northern part of the trail extends into Brown County State Park.
- DNR does not transfer its acquisition authority or acquisition funds to any private entity.
- The cost of managing lands is related to the length of the perimeter. Long thin properties typically cost more to manage per acre than squarer parcels.
- The Knobstone Trail is the only DNR property that allows non-campsite camping

and campfires. Because DNR has certain minimum distances that a camper must be away from the trail, the properties acquired must have a certain minimum width.

### **Mountain Biking:**

#### **Jonathan Juillerat, Advocacy Director, Hoosier Mountain Bike Association**

Mr. Juillerat stated that the Hoosier Mountain Bike Association (HMBA) has a goal to provide good mountain bike facilities in Indiana. He distributed a packet of handouts that included articles on mountain biking in Indiana and a fact sheet on the economic benefits of mountain bike trails. (Exhibit # 5) A recent poll calculated that there are about 29 million golfers in the United States, but there are an estimated 50 million mountain bikers. Most mountain bikers do not fit the hard core image found in Mountain Dew commercials. Many mountain bikers are families and individuals who are biking for the personal health benefits. Biking is a major activity for children. The HMBA helps with many biking clinics for women and children. Mountain bikers cumulatively spend \$26 billion each year on mountain biking, this figure includes equipment sales. Counties that host mountain bike events bring money to their communities. Many mountain bikers will drive four hours to ride on a good trail. The average length of stay on a mountain biking trip is 4.6 days. During this time, the bikers lodge locally and purchase food at local restaurants and grocery stores. Adventure biking tours are a fast growing area. Indiana's surrounding states (except for Michigan) have weak mountain bike trail systems. The mountain bike trails in Brown County State Park are considered world class. Other trails are being planned in other state parks (e.g. Potato Creek, Ft. Harrison, Versailles, and O'Bannon). They have an active group of volunteers, have been receiving grants, and have been working well with DNR. Their biggest problem is keeping up with demand.

#### **Rob Carter, Director, DNR**

Mr. Carter stated that both the HHC and HMBA have been doing a great job creating and maintaining trails. DNR has a good working relationship with these groups. DNR tries to support their efforts and then get out of the way so they can do what they do best.

### **Other Business and Committee Discussion:**

**John Davis** stated that DNR will have some clean-up legislation this year on a few smaller matters (e.g. youth trapping). They may not have their proposals complete by the time the Committee finishes their business, but they wanted the Committee to know there will be a bill this Session.

In response to a question from the Committee concerning conservation officers, representatives of DNR stated that Indiana has 214 conservation officers, of which about 140 are field officers.

The Committee discussed issues concerning hunting along rivers in densely populated areas. They discussed having DNR look into the possibility of adopting administrative rules that would reduce the problems along the St. Joseph River. The Committee did not support the idea of proposing legislation.

The Committee discussed the invasive species issue. Some of the ideas discussed

included the following:

- Create an invasive species council with fewer members than recommended in the report (e.g around eight members).
- House the council within Purdue University. Work with Purdue on the details.
- Put appropriation requests within the Budget Bill. In the DNR budget give the Director clear authority to use existing appropriations to respond emergency invasive species matters.
- Allow DNR to create a terrestrial invasive species coordinator administratively.

The Committee's discussion of forestry conservation issues did not produce any proposed recommendations.

The Committee discussed the Knobstone Trail and mountain bike trails. The Committee recognized the economic benefit these trails provide to the state. The Committee appreciated the dedicated work that has been done by the HHC and HMBA and encouraged DNR to continue to work with these groups to build and maintain trails in the state.

The Chairperson announced that the next meeting of the Committee would be at Ft. Harrison State Park. He adjourned the meeting at about 12:15 p.m.