

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 MINUTES¹

Meeting Date: October 20, 2008
Meeting Time: 10:00 A.M.
Meeting Place: Ft. Harrison State Park, The Garrison
Meeting City: Lawrence, Indiana
Meeting Number: 3

Members Present: Sen. Ryan Mishler, Chairperson; Sen. Greg Walker; Sen. James Lewis; Rep. Robert Bischoff; Rep. Robert Cherry.

Members Absent: Sen. Richard Young; Rep. Paul Robertson; Rep. Dan Leonard.

Senator Mishler (Chairperson) called the meeting of the Natural Resources Study Committee (Committee) to order at 10:35 a.m. The Committee was welcomed to Ft. Harrison State Park by Chris Smith.

A letter from Larry Owen highlighting his testimony to the Committee on September 29, 2008, concerning forestry management issues was distributed to Committee members. (Exhibit #1)

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.

Invasive Species Council:

The Chairperson asked **Steven Wenning**, Attorney for the Committee, to explain the proposed bill draft (PD 3388) to create the Invasive Species Council (Council). (Exhibit #2) After Mr. Wenning's summarization of the contents of the draft, the Committee discussed the merits of including a sunset provision and requiring the Council to provide periodic reports to the Committee. The Committee asked for public comments on the draft.

John Baugh, Director, Agricultural Services and Regulations, Purdue University

Mr. Baugh stated that having a report from the council every two years and a sunset date would provide the Committee with the information they might need to decide whether the Council is working or if changes in the Council's structure are needed.

John Davis, Deputy Director, Department of Natural Resources (DNR)

Mr. Davis stated that DNR agrees with the general tenets of the draft. A reporting requirement will give the Committee an opportunity to see how the Council is functioning and if it is still needed. If regular reporting is added, there is not a need to add a sunset provision. However, if the Committee wanted to add a sunset clause he would recommend that it not take effect for six years.

Ellen Jaquart, Invasive Species Task Force/The Nature Conservancy

Ms. Jaquart testified that a reporting requirement is important because the Committee needs to be informed of the Council's actions. There are many new invasive species threats that may be rapidly coming into the state in the next few years. The Committee should be able to determine if the Council needs to continue to function based on the reports the Committee receives. The Invasive Species Task Force report recommended a Council with 21 members, the draft contains an eleven member Council. There are many states that have created invasive species councils, none of these state councils have less than 13 members. The draft, as presented, allows flexibility in appointing certain members of the Council.

John Miller, Invasive Species Task Force/Oak Heritage Conservancy

Mr. Miller stated that the problem of invasive species in Indiana will be a problem that gets worse over time. He did not believe that a sunset provision was needed but was not worried about the Council justifying its existence to the Committee.

The Committee discussed changes to PD 3388 and voted to require the Council report to the Committee every two years, include a provision to have the Council sunset after six years, and add to the organizations that may be represented on the Council members who represent the aquaculture industry and members concerned with local parks and recreation.

PD 3388, as amended, was adopted by consent of all the five members present.

Definition of "Pest or Pathogen"; Boundaries of an Infested Area:

Mr. Wenning reviewed two other proposed bill drafts for the Committee. (Exhibit #3) The first draft amends IC 14-24-4-2, and would allow the Director of DNR to prescribe the boundaries of an area where a pest or pathogen is located and to declare the area to be an infested area. The second draft amends IC 14-8-2-203, and would amend the definition of "pest or pathogen" to include certain flora, fauna, or diseases that may be an environmental hazard.

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

Mr. Marshall explained that the existing law ties a declared infested area to township boundaries. Many people do not know where the township boundary lines are located. The change to the statute would allow flexibility to set the boundaries at known landmarks (e.g. rivers, major roads) and set a boundary area that is appropriate to the threat of the infestation. Mr. Marshall stated that the definition of "pest or pathogen" needs to be changed to include invasive species that do fit the existing definition. An example is the Hydrilla that was found in an Indiana lake. It is not injurious to nursery stock, agricultural crops, other vegetation or bees, but it could cause a major disruption to the aquatic life in the lake.

In response to questions by the Committee, **Ellen Jaquart** stated that the term "environmental hazard" is used in the Indiana Administrative Code.

The Committee discussed the two proposed drafts. The Committee moved to combine both drafts into one bill and to remove the phrase "environmental hazard" and insert the phrase "natural resources".

The Committee adopted the proposed draft, as amended, by a vote of 5-0.

Chris Smith, Legislative Liaison, DNR

Mr. Smith discussed some legislative proposals that DNR may be suggesting in the next legislative session. The following proposals were included:

- Allow DNR to set deer reduction hunts and nuisance goose hunts by administrative rule. (Currently, DNR must adopt emergency rules.)
- Establish a constant age for youth hunting and fishing exemptions.
- Establish a youth trapping license.
- Amend IC 14-22-13-6 to allow DNR to enter a reciprocal agreement with Kentucky concerning fishing on the Ohio River. (Currently, the law requires DNR to follow Kentucky's fishing laws.)
- Increase the amount DNR can pay landowners for habitat restoration. The amount needs to be increased to compete with the current higher prices of farm land.

Final Report:

The Committee reviewed the final report. After discussion, the Committee moved to accept the proposed findings and recommendations contained in the report and to amend the

report to reflect the testimony and actions of the final meeting.

The final report, as amended, was adopted by a vote of 5-0.

Doug Wickersham, Property Manager, Ft. Harrison State Park, DNR

Mr. Wickersham presented information concerning Ft. Harrison State Park (Park), including the following:

- The Park was established in 1996 after Ft. Harrison was disbanded by the Army. The Nature History Center has exhibits concerning Ft. Harrison's history as a citizen's military training camp, CCC headquarters, and a World War II prisoner of war camp.
- The Park is located inside a metropolitan area, contains 1700 acres, and includes walking and jogging trails, picnic sites, a sledding hill, fishing access, and horseback riding.
- There are four miles of bicycle trails. DNR is working to connect the Park's trails with Indianapolis' Greenway Trail system.
- The Park closes at dusk each day. DNR is exploring the possibility of adding overnight camping facilities.

John Davis, Deputy Director, DNR

Mr. Davis noted that all of the property that is part of the Park was given to the state, except for the golf course. After the state purchased the golf course, Pete Dye redesigned the course at no charge to the state.

Elizabeth Wills, Resident, Kokomo

Ms. Wills thanked the Committee for their work, especially for their recommendations to fight invasive species.

The Chairperson adjourned the meeting at about 11:45 a.m.