

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



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

**October, 2008**

# INDIANA LEGISLATIVE COUNCIL

## 2008

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# NATURAL RESOURCES STUDY COMMITTEE

## Membership Roster

### Senators

Ryan Mishler, Chairperson  
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### Representatives

Robert Bischoff  
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Dan Leonard  
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### Staff

Steve Wenning  
Attorney for the Committee

Bernadette Bartlett  
Fiscal Analyst for the Committee

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.in.gov/legislative/>.

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

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

- Conduct a continuing study of the laws relating to the Department of Natural Resources to the end that legislation may be proposed to better serve the citizens of Indiana. The Committee is to consult with representatives of the Department of Natural Resources and citizens of Indiana for the purpose of proposing legislation to accomplish the following:
  - (a) repeal of outmoded or unnecessary laws;
  - (b) consolidation and restatement of existing laws;
  - (c) improved coordination of state laws with federal laws; and
  - (d) addition or amendment of laws that will further the purpose for which the Department of Natural Resources was created.  
(IC 2-5-5-3)
  
- Advise and assist the Department of Natural Resources in programming its activities and in developing a long-range plan for land acquisition, capital improvement, and development of facilities. (IC 2-5-5-3)
  
- Oversee the Water Resource Management Program under IC 14-25-7. (IC 14-25-7-16)

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

- The Knobstone Trail (Senate Concurrent Resolution 3-2008).
- Forestry conservation (House Resolution 36-2008).
- Hunting on rivers in densely populated areas (House Bill 1194-2008).

## **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 three times during the 2008 interim. Meetings were held as follows:

1. August 25 and 26, 2008, at Indiana Dunes State Park, Chesterton, Indiana.
2. September 29 and 30, 2008, Brown County State Park, Nashville, Indiana.

3. October 20, 2008, Fort Harrison State Park, Lawrence, Indiana.

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

The Committee heard testimony from Department of Natural Resources (DNR) professionals, members of the General Assembly, representatives of various associations, private citizens, and other interested parties. An overview of the testimony is presented below.

##### **Recent Natural Resources Legislation and Rules:**

Ryan Hoff (Legislative Director, DNR) provided an update on the laws and rules that have been enacted or adopted since 2007, including the following:

- Apprentice hunting licenses (HEA 1046).
- The Great Lakes Compact (SEA 45).
- Public freshwater lakes (SEA 41).
- Construction in floodways and the Flood Control Revolving Fund (SEA 104).
- Banning the use of phosphorus in household dishwashing detergents (HEA 1120).
- Various hunting issues, donations to the state's Feeding the State's Hungry program, duplicate licenses, and issues concerning museums and historic sites (HEA 1121).
- Establishment of the Courthouse Preservation Advisory Commission (SEA 176).
- Various rules that include the requirement to euthanize live trapped coyotes, authorization to allow deer hunts on state nature preserves, declaring Hydrilla to be a pest or pathogen, and defining the word "marina".

##### **Lake Management Work Group:**

Rep. Nancy Dembowski presented the Lake Management Work Group's interim report to the Committee. 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 enacted.

##### **Hunting on Rivers in Densely Populated Areas:**

Dwight Davis (President, St. Joseph River Home Owners Association) spoke regarding the concerns about guns being discharged in densely populated areas along the St. Joseph River. He provided examples of individuals and property that have been shot in the past. He stated that there are many areas to hunt waterfowl along the river even if hunting is prohibited along the

high population areas.

Tim Brassell (St. Joseph River Home Owners Association), Marilyn Cage (Legislative Assistant for Rep. Craig Fry), and Michelle Lewis (Property Owner) all stressed that the issue was not anti-hunting, but rather a safety issue for the residents.

Michael Crider (Director, Division of Law Enforcement, DNR) stated that the problems along this section of the St. Joseph River are a complex local issue. The homes are in an unincorporated area along a navigable waterway. Hunters are encouraged to hunt responsibly and conservation officers are encouraged to pay attention to their enforcement area.

Goose and duck hunters (Todd Bajdek, Chris McDonald, Bill Hain, and Brian Hominiah) addressed the Committee, making the following points, the issues along the St. Joseph River are not a statewide problem, the St. Joseph River is a good place to hunt, many other hunting areas are already taken, hunters act responsibly, and shooting at a home is already illegal.

### **Kankakee River Basin:**

Dan Gums (Property Owner) spoke about the problems facing property owners in the Kankakee River watershed because of insufficient funding for the Kankakee River Basin Commission.

Representatives from DNR (Ryan Hoff, Ron McAhrn, and John Davis) stated that DNR has been meeting with farmers, farm bureaus, and surveyors to discuss how to remove obstructions in the Kankakee River Basin. DNR, the U. S. Army Corps of Engineers, and the Indiana Department of Environmental Management have overlapping jurisdiction of the Kankakee and Yellow Rivers. The federal government has some matching funds available for the watershed.

### **Invasive Species:**

Phil Marshall (Chairperson, Invasive Species Task Force/Director, Division of Entomology and Plant Pathology, DNR) summarized the work of the Invasive Species Task Force (Task Force). He stated that 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) stated that 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. There is no agency charged with gathering and maintaining data on invasive species. The state needs to have an up to date and complete database. 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, and to develop and maintain a unified data management system for Indiana.

Ellen Jacquart (Member, Invasive Species Task Force/The Nature Conservancy) highlighted the recommendations contained in the Task Force's report. The recommendations included the following:

- Establish an invasive species council that would have certain coordination, development, and communication duties and responsibilities with other governmental agencies and private entities. The council would not have any regulatory authority.
- Create an executive director of the invasive species council at Purdue University to coordinate the council's duties and actions.
- Establish a \$2 million emergency invasive species fund to provide rapid eradication efforts and to match available federal funds.
- Create a terrestrial invasive species coordinator position within DNR.
- Establish an invasive plant management matching grant fund with a \$1 million annual appropriation to control invasive species on private lands.
- 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) 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. 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.

Michael Ryan (Northwest Indiana Steelheaders) 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.
- The federal government has not acted upon setting ballast water standards for the Great Lakes. Michigan has ballast water standards. Indiana's waters should not become ballast water dumping grounds.

Representatives from the Save the Dunes Council (Tom Anderson, Charlotte Read, and Susan MiHalo) provided the following information:

- 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.
- A program has been developed that works 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.
- An invasive plant in Michigan is crowding out native species and turning the dunes into a monoculture.
- The state's noxious weed list is old and relates to agriculture protection but not the state's environment. The list needs to be updated.

Vince Griffith (Vice President, Governmental Affairs, Indiana Chamber of Commerce) said that Indiana should wait for the federal government to address the issue of ballast water in the Great Lakes. He stated that ballast water discharge is a federal issue.

John Baugh (Director, Agricultural Services and Regulations, Purdue University) and Elizabeth Wills (Resident, Kokomo) voiced support the recommendations to fight invasive species.

### **Forestry Conservation:**

Representative Clyde Kersey (Indiana House District 43) spoke about the benefits that forests provide, the demands on the forests in the state, and the need to explore means to conserve forest resources.

Larry Owen (Consulting Forester, Forest Management Services, Inc.) stated that as more land is being used for housing, less land is available for forests. 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. 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 lower quality trees. 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. The public receives a benefit to the quality of the environment by having tree farmers plant and maintain trees. The government has traditionally established policies that allow people to live in the country at below the cost of the services provided to them. He would like policies changed so that people who live in the country pay the actual cost for the services they receive. 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.
- Standardize the way in which woodlands are classified. Each county has its own system and criteria to classify forest lands.
- Establish minimum forestry management educational requirements for timber buyers.
- Increase the amount of training for field employees in DNR's Division of Forestry.
- Increase the promotion of the Classified Forest Program.
- Provide financial incentives for forest owners who follow certain forestry management practices.
- License private foresters.
- 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.

Lynn Dennis (Director, Government and Community Relations, The Nature Conservancy) 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. Conservation easements involve paying the owner a fee to conserve certain features or portions of the land. 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) stated that 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. 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 or invasive species control must bring together all the interested parties, including landowners, loggers, and foresters.

Liz Jackson (Executive Director, Indiana Forestry and Woodland Owners Association) stated that the Indiana Forestry and Woodland Owners Association supports efforts to keep land in Indiana

forested.

John Davis (Deputy Director, DNR) stated that DNR currently uses prison labor for its forestry programs. There are special issues that must be resolved before prison labor could be used on private lands. Many state universities 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 last year. There are certain eco-service opportunities that a land owner can take advantage of to generate additional revenue. The Division of Forestry has an annual budget of \$11 million. \$4-5 million comes from a statewide property tax. The tax will not be collected after 2008. At that time, the Division will have to seek a line item appropriation to make up the revenue shortfall.

### **The Knobstone Trail:**

Suzanne Mittenthal (Executive Director, Hoosier Hikers Council) explained some of the benefits that trails provide. She explained the history and accomplishments of the HHC. The HHC has provided \$1.3 million in value for trails to the state, which has included acquiring land and easements and providing labor and materials. 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. Currently, about two-thirds of the 140 mile trail has been completed. The northern part of the trail (known as the Tecumseh Trail) and the 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. 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. The current trail plan is a variation of the 1996 plan trail prepared by the Division of Outdoor Recreation. 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.

John Davis (Deputy Director, DNR) stated that 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. 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:**

Representatives from the Hoosier Mountain Bike Association (Jonathan Juillerat and Jeff Fetterer) stated that the Hoosier Mountain Bike Association (HMBA) has a goal to provide good mountain bike facilities in Indiana. A recent poll calculated that there are an estimated 50 million mountain bikers in the United States. 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. Counties that host mountain bike events bring money to their communities. Adventure biking tours are a fast growing area. 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) 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 Before the Committee:**

### **State Parks:**

*Indiana Dunes State Park:* Brandt Baughman, (Park Manager, Indiana Dunes State Park, DNR) discussed several unique features of Indiana Dunes State Park not found in other Indiana state parks. 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.

*Brown County State Park:* Doug Baird (Park Manager, Brown County State Park, DNR) and Jim Eagleman, (Naturalist, Brown County State Park, DNR) discussed the history and characteristics of Brown County State Park. Brown County State Park is the largest park in the state, containing 15,696 acres, and the busiest park, with about 1.3 million visitors each year. The park has been very successful because of the partnership it has had with various volunteer groups.

*Ft. Harrison State Park:* Doug Wickersham (Property Manager, Ft. Harrison State Park, DNR) discussed the history and features of Ft. Harrison State Park. Ft. Harrison State Park was established in 1996 after the Ft. Harrison military base was disbanded. The Nature History Center has exhibits concerning Ft. Harrison's military and nonmilitary history. The Ft. Harrison State Park is a day use park located inside a metropolitan area

containing 1700 acres.

### **Handguns in State Parks:**

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) responded that the handgun 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.

### **Use of Spotlights During Hunting Season:**

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Rep. Robert Bischoff presented an issue faced by a constituent 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.

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Michael Crider (Director, Division of Law Enforcement, DNR) 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. 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.

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Chris Smith (Legislative Liaison, DNR) 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.

### **DNR Legislative Proposals:**

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Chris Smith (Legislative Liaison, DNR) outlined several legislative proposals that DNR may be suggesting in the next legislative session, including the following:

- Allow DNR to set deer reduction hunts and nuisance goose hunts by administrative rule.
- Establish a consistent age for all youth hunting and fishing exemptions.
- Establish a youth trapping license.
- Allow DNR to enter a reciprocal agreement with Kentucky concerning fishing

on the Ohio River.

- Increase the amount DNR can pay landowners for habitat restoration.

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

The Committee made the following findings of fact and recommendations:

### **Invasive Species:**

#### Findings:

Indiana is a hub of transportation and commerce in the United States. Invasive species enter into Indiana through both transportation and commerce. The rate of invasive species entering into the state is increasing. Public and private lands are affected by the spread of invasive species in Indiana. In recent years, Indiana has seen its natural lakes affected by invasive plants threatening the native flora and fauna and affecting recreational opportunities. Indiana forests are being exposed to an exotic insect that places all species of ash trees in Indiana in imminent danger. Property owners all over Indiana, including agricultural landowners, are suffering the effect of invasive plants and the subsequent need to eradicate these invasive species. There are several different state and local governmental agencies that have some jurisdiction over invasive species. There is a need to improve communication and coordination among different public agencies and private landowners and organizations concerning invasive species.

#### Recommendations:

The Committee adopted, by the consent of five members, proposed legislation (PD 3388, as amended) to establish an invasive species council.

The Committee adopted, by a 5-0 vote, proposed legislation to:

- (1) amend IC 14-24-4-2, to allow 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; and
- (2) amend IC 14-8-2-203, to modify the definition of "pest or pathogen" to include certain flora, fauna, or diseases that may be injurious to natural resources.

## **Hunting on Rivers in Densely Populated Areas:**

### Findings:

The Committee finds that the issues along the St. Joseph River are not a statewide problem. Any solution to the problems along this section of the St. Joseph River must take into account the safety of the residents and rights of the water fowl hunters.

### Recommendations:

The Committee recommends that DNR propose an administrative rule that would increase the safety of residents along the densely populated areas of the St. Joseph River while not prohibiting water fowl hunting.

## **Knobstone Trail:**

### Findings:

The current Knobstone Trail in Clark, Scott and Washington Counties is 58 miles long and would be the south end of the trail. To the north is the Tecumseh Trail, consisting of 32 miles in Monroe and Brown county. Both the Tecumseh Trail and the Knobstone Trail are on DNR managed property and are open at this time. The Tecumseh Trail stops at the northern border of the Hoosier National Forest (HNF). The HNF will allow the use of its trails, which would be about 20 miles and would get the trail entirely through their property. The total length of the proposed expanded trail would be 140 miles and it would merge two of the longest hiking trails in the state. About 40 miles of trail would be needed, mostly in Jackson County, to connect the existing trails. Much of the land that needs to be acquired is already wooded. The completed trail would be a tourism draw for Indiana and would be a trail of regional importance.

### Recommendations:

With the importance of healthy living, exercise, and preserving the outdoors, the Committee encourages DNR to work on the connection of these trails as opportunities and resources allow.

**Final Report:**

The Committee moved that the draft of the final report be adopted with the inclusion of the work of the Committee during its final meeting.

The Committee voted to adopt the final report with a vote of 5-0.

WITNESS LIST

Tom Anderson	Save the Dunes Council
Doug Baird	Brown County State Park, DNR
Todd Bajdek	Hunter
John Baugh	Agricultural Services and Regulations, Purdue University
Brandt Baughman	Indiana Dunes State Park, DNR
Marilyn Cage	Indiana House of Representatives
Rob Carter	Executive Office, DNR
Bill Cary	Landowner
Michael Crider	Division of Law Enforcement, DNR
Dwight Davis	St. Joseph River Home Owners Association
John Davis	Executive Office, DNR
Rep. Nancy Dembowski	Indiana House District 17
Lynn Dennis	The Nature Conservancy
Jim Eagleman	Brown County State Park, DNR
Jeff Fetterer	Hoosier Mountain Bike Association
Vince Griffith	Governmental Affairs, Indiana Chamber of Commerce
Dan Gums	Property Owner
Bill Hain	Hunter
Ryan Hoff	Legislative Relations, DNR
Brian Hominiah	Hunter
Liz Jackson	Indiana Forestry and Woodland Owners Association
Ellen Jacquart	Invasive Species Task Force/The Nature Conservancy
Jonathan Jullierat	Hoosier Mountain Bike Association
Rep. Clyde Kersey	Indiana House District 43
Michelle Lewis	Property Owner
Dr. David Lodge	Invasive Species Task Force/University of Notre Dame, Center for Aquatic Conservation
Phil Marshall	Invasive Species Task Force/Entomology and Plant Pathology, DNR
Ron McAhron	Executive Office, DNR
Chris McDonald	Hunter
Susan MiHalo	Save the Dunes Council
John Miller	Invasive Species Task Force/Oak Heritage Conservancy
Suzanne Mittenthal	Hoosier Hikers Council
Larry Owen	Forest Management Services, Inc.
Charlotte Read	Save the Dunes Council
Michael Ryan	Northwest Indiana Steelheaders
Chris Smith	Legislative Liaison, DNR
Doug Wickersham	Ft. Harrison State Park, DNR
Elizabeth Wills	Resident, Kokomo