

INDIANA LAKES MANAGEMENT WORK GROUP

Natural Resource Education Center

Ft. Harrison State Park, 5753 Glenn Road, Indianapolis

August 6, 2009

NOTES

Present

Members:

Senator Marlin Stutzman, District 13
Representative Nancy Dembowski, District 17
Representative Richard Dodge, District 51
Bob Meeks, retired State Senator, CD3
Dave Tyler, Lake Tippecanoe & ILMS
Jeff Krevda, Dredging Technologies contractor
Pete Hippensteel, Steuben County Lakes Council
Larry Coplen, member at large
Bob Myers, CD2
Lee Bridges, IDEM
Felix Hensley, DNR Division of Law Enforcement
Jed Pearson, DNR Division of Fish & Wildlife

Guests and staff:

Richard Miller, Sierra Club, retired professor Butler University
Chris Smith, DNR legislative liaison
Nathan Long, Aquatic Control and ILMS
Matt Pearson, Indiana State Chemist's Office
Angela Sturdevant, IDNR LARE
Gwen White, IDNR LARE, recorder

Actions

Next Meetings

- **Recreation & Structures Subgroup** meeting, Wednesday, **September 23**, 10am – 3pm, at the Natural Resources Education Center, Ft Harrison State Park with Bob Meeks as acting chair.
- **Indiana Lake Management Work Group** meeting, Wednesday, **October 21**, 10am-3pm, at the Natural Resources Education Center, Ft Harrison State Park.

Other actions

- Representative Dodge will contact the Governor's office regarding vacancies on the Work Group (CD4, CD6, CD8, At-Large). Members are encouraged to provide names of suggested members to Representative Dodge (h51@in.gov).
- Suggest any changes to the wording of the enabling legislation for the Work Group to Representative Dodge.

- The Work Group requests that DNR provide 2-3 suggestions of properties that could be named as a memorial for retired Lt. Ralph Taylor, taking into account the location of his primary residence and areas of responsibility in the state.
- Staff will send out the list of current ILMWG members and a map of the congressional districts (*see addendum to the notes below*).
- IDNR Division of Water staff will provide information on time limits for environmental review for lake construction permits.
- Recreation Subgroup will address pier and easement issues.
- DNR staff will bring a copy of the group pier regulations to the Recreation Subgroup meeting in September.
- LARE staff will report on disposition of state budget appropriations for Lake Manitou and use of all LARE funds for the past biennium.
 - Funds appropriated by the legislature in the FY08-10 state budget for Lake Manitou have not been used to date. In 2007, a total of just over \$350,000 in LARE funds were spent from the Fish & Wildlife Fund for the first year of treatment and monitoring. In 2008, treatment and monitoring cost \$316,000 with most of the funding from the Division of Forestry and \$67,500 from LARE (costs were lower due to lack of rainfall and reduction in herbicide to minimize impacts to nontarget native plants). In 2009, the LARE program allocated \$425,000 for herbicide treatment and monitoring.
 - Each year, all available LARE funds collected through watercraft fees and unspent in previous projects are awarded as grants in March (invasive plant control and dredging) and July (traditional lake and watershed projects), along with paying administrative costs for the program. Annual listings of LARE awards since the year 2000 are posted to the IDNR website at: <http://www.in.gov/dnr/fishwild/3304.htm>.

Notes

1. **Biology/chemistry/watershed sub-group meeting** (chaired by Jed Pearson for Bill Jones)
 - a. The group met in the morning to consider potential topics for 2009-2010 (detailed notes from subgroup meeting are provided separately).
 - b. Looked at 26 topics with handout containing descriptions of topics. Basically clean slate now that dredging was completed.
 - c. Identified four highest priority issue areas:
 - i. # 4 Palustrine wetlands – cattail marshes adjacent to lakes; funding and regulations for protection.
 - ii. # 8 SWCD effectiveness – group has focused narrowly in lakes, need to look at watershed issues.
 - iii. # 14 & # 15 Aquatic nuisance species and toxic algae – new Invasive Species Task Force formulated and identify other needs.
 - iv. # 16-#18 Educational topics – inform public with more materials to understand issues.

2. **Welcome to Work Group meeting** (Rep. Dick Dodge)
 - a. **New Chair for Work Group** (July 2009 – June 2010)
 - i. Meeting chaired by Representative Dick Dodge. All have copies of the statute establishing the work group. Statute allows 4 meetings for coming year through June 30, 2010. This is first meeting of the year. Chair rotates between Senate and House. Senator Stutzman chaired last year. Will be a House position this year. Have not decided who will chair this year. Will find out who is appointed for next meeting.
 - ii. Have set up the meeting. Notify Gwen White for the per diem forms for regular members of the Work Group.
 - iii. Recognized Ralph Taylor's passing since last meeting as a big loss to the committee, as he was one of the original members of the group. Senator Meeks also was an original member. Jim Ray has since retired.
 - b. **Self-introduction of members and guests** (see list above)
 - c. **Governor appointments needed for vacant positions** (CD4, CD6, CD8, At-Large)
3. **Midwest Glacial Lakes Fish Habitat Partnership report** (Gwen White)
 - a. **Strategic Planning meeting, June 20**
 - i. White: The Saturday morning workshop will provide input on the priorities for strategic planning at the state and regional level for the Midwest Glacial Lakes Fish Habitat Partnership (MGLP). Over 30 participants represented various lake-related interests. Several of the ILMWG participated. A report summarizing the meeting will be prepared and sent to work group members. Lists of threats and actions were prioritized and discussed in the meeting using Turning Point voting technology. These lists also will be sent to all LARE contacts as an online survey for further input. This is the beginning of a process to continue getting feedback from the public on priorities for Indiana and the Midwest.
 - b. **Lakescaping Workshop, August 1**
 - i. Sturdevant: Used Turning Point technology to get input on the Lakescaping work book and Indiana-specific addendum. Will be organizing more workshops.
 - ii. Pearson: LARE is planning on developing a cost-share program but no details have been set yet.
 - c. **Discussion of topics pertaining to Work Group**
 - i. Pearson: Recommendations from the strategic planning session will be useful in determining what the Biology Subgroup will address.
 - ii. Krevda: On the meeting in June, these different items that are prioritized, some were fairly significant in regard to the percentage. Some may have been 75% percent of the vote. Would be helpful to have the breakdown. This was somewhat similar to the meeting in Angola that

created this group. May be a guideline to review. Can look at these situations regarding what people are interested in.

- iii. White: Will be developing a report on the workshop and sending out the list of issues for online voting of the entire LARE subgroup.
- iv. Dodge: This provides a comprehensive list of issues for someone to work on.

4. Issues and subgroup organization for 2009-2010

a. Biology/chemistry/watershed issues (Bill Jones sub-group; report by Jed Pearson)

- i. Looked at 26 topics with handout containing descriptions of topics. Basically clean slate now that dredging was completed.
- ii. Identified four highest priority issues.
 - 1. # 4 Palustrine wetlands – cattail marshes near lakes; funding and regulations for protection.
 - 2. # 8 SWCD effectiveness – group has focused narrowly in lakes, need to look at watershed issues.
 - 3. # 14 & # 15 Aquatic nuisance species and toxic algae – new Invasive Species Task Force formulated and identify other needs.
 - 4. # 16-#18 Educational topics – inform public with more materials to understand issues.
- iii. Coplen: Great to have support for funding from legislators.
- iv. Dembowski: Weed control funding does not seem to be as available. If you don't want to pay the taxes, will not get services.
- v. Coplen: People on lakes paying sizable taxes.
- vi. Meeks: \$15 LARE fees with \$5 to lakes, \$5 to wetlands, and \$5 for law enforcement. Generates \$1.2 million per year. So there is money for weed control administered through LARE. Used to be concerned that funds go to wetlands upstream to protect the lakes, which is important. To address constituents, they want to see where money is going.
- vii. Coplen: They are paying state and county taxes and want to know where money is going.
- viii. Meeks: Sheriff's patrol is paid for through that money.
- ix. Pearson: LARE funds are not being used for toxic algae.
- x. Meeks: what is the status of Lake Manitou.
- xi. Sturdevant: has been treated for three years and seems to be under control. They are monitoring closely to make sure there is none coming up.
- xii. Meeks: Have they exhausted the money.
- xiii. Hippensteel: Understand that money was never available to be spent. Had to use some of the LARE funds because of unavailability of funding.
- xiv. Meeks: When the legislature speaks, can expect the administration to listen.
- xv. White: Can check on disposition of funds.
- xvi. Coplen: Important to educate associations so they know what is available.
- xvii. Meeks: Funds are there for the project. Important to know who the contact is now for the LARE program.

- xviii. White: Jim Ray's position has not been filled, but his phone and inquiries roll over to my phone. We are sharing his responsibilities among the 5 remaining LARE staff.
- xix. Dodge: Was any of this discussed in the Steuben County meeting, which county association has about 2,000 members.
- xx. Hippensteel: Mostly discussed lawn phosphate fertilizer exemption to enact an ordinance to reduce phosphate fertilizer. This was the first time that the state chemist has been asked for an exemption. This is not for agricultural fertilizer but for lawn fertilizer.
- xxi. Meeks: Nancy, you carried the bill?
- xxii. Dembowski: that was not for lawn fertilizer, but to reduce phosphorus in detergents.
- xxiii. Hippensteel: Limited resources this year.
- xxiv. Meeks: there was a half million dollars of appropriation. Wish I had know that was not allocated. May be kind of late now.
- xxv. White: can check on it and will let the Work Group know.
- xxvi. Meeks: Would like an accounting of the \$1.2 million for lake enhancement and for the watersheds. Need to know how much is needed and to make sure it is being spent wisely. If the sheriff's departments are not using the grant money, maybe they could slide some over to use for weed control. Are they using it all, Felix?
- xxvii. Hensley: To 2008, there were 8 counties participating. Last year they got \$30,000 each.
- xxviii. Meeks: If they take \$250,000, where does the rest go?
- xxix. Hensley: Eighty percent goes to DLE with the 20% to patrols.
- xxx. Meyers: Only have 3 lakes in Elkhart County, but DNR has positive. Simonton, Heaton and Hunter Lakes.
- xxxi. Pearson: Indiana Lake shared with Michigan.
- xxxii. White: \$7 million in requests for the program; used about \$480,000 for administrative costs (salaries, benefits, services) leaving about \$1.5 million to address the requests. All funds are allocated every year.
- xxxiii. Pearson:
- xxxiv. Hensley: Lake, Steuben, Kosciusko, Parke, White, Carroll, Daviess participate in the program. Marshall and LaPorte County have participated but dropped out.
- xxxv. Meeks: The payment of \$20 an hour seems like a lot of money. Would do it for less than that.
- xxxvi. Dembowksi: Not that other counties don't want to participate, but funding for 8 or could there be openings for additional counties?
- xxxvii. Hensley: Have received some calls for counties along Ohio River, but only the lake counties.
- xxxviii. Stutzman: LaGrange doesn't participate?
- xxxix. Hensley: No, they have not requested funds.
- xl. Meeks: Good Samaritan immunity wrote into law?
- xli. Hensley: Don't think so.
- xlii. Meeks: They have to be trained and they have authority to make arrests.

- xliii. Hensley: That is correct, it is in the contract.
 - 1. *Action*: LARE staff will report on disposition of appropriations for Lake Manitou and LARE funds for the past biennium.
- xliv. Dodge: Need to identify chair for the Recreation Subgroup.

b. **In-lake structures/watercraft/density/government coordination issues** (Ralph Taylor sub-group) – identification of new chair

- i. Dodge: How were the individuals assigned to the subgroups?
- ii. Hippensteel: No assignment of individuals to subgroups.
- iii. Meeks: Whoever wanted to go on the subgroups.
- iv. Pearson: Were originally three groups: Biology/Chemistry/Watersheds; Recreation/Structures/Shorelines; and Watersheds. Need to determine whether subgroups will exist, what topics they will focus on.
- v. Dembowski: Seems important with a lot of the complaints on those issues.
- vi. Dodge: How to proceed to select the new chair of that subgroup.
- vii. Meeks: Does Bill Jones want to do that?
- viii. Pearson: He is willing to chair the Biology Subgroup.
- ix. Meyers: Think Bob Meeks should chair that subgroup.
- x. Meeks: Ralph Taylor knew more about those issues than anyone. Representative Dodge also participated. Asked whether anyone picked up cases of materials from Ralph Taylor's home. The only way that will work is to put someone from law enforcement. Ralph's knowledge was unparalleled and he had a masterful way of putting all that together.
- xi. Tyler: Do we have a record of the larger membership and which associated themselves?
- xii. White: Varied from meeting to meeting.
- xiii. Meeks: Some migrated to the same committee every time. Bob Madden, Larry Coplen.
- xiv. Coplen: Think it is impossible to fill Ralph's shoes but we have to do the best we can. Whoever is willing to step forward, the pay is great.
- xv. Pearson: Would we want to set a meeting at Columbia City with whoever is interested in the subgroup.
- xvi. Meeks: Have some people from Southern Indiana, like Bob Madden who has to come from Lake Lemon. Could do that here.
- xvii. Pearson: Or at Mounds State Park. The main group won't meet until November. The subgroup could meet later this month or September.
- xviii. Meeks: Some definite issues to pursue.
- xix. Dodge: Will get with Cheryl to pick up materials from Ralph Taylor.
- xx. Hippensteel: Recommend to follow up on Jed's suggestion to set a date in early or middle of September. Send out an invitation to all members and meet to identify and start addressing issues. Had some suggestions from the Biology Subgroup on issues to address.
- xxi. Dembowski: What is meant by need to coordinate for implementation?
- xxii. Pearson: Better coordination for local and state organizations to implement the ILMWG recommendations.

- xxiii. Dembowski: Have you been happy with it so far.
- xxiv. Pearson: Think this has been one of the most effective groups. This list came from several past issues. Not sure that item prompted a lot of discussion. The ones more related to Recreation Subgroup were on proliferation of piers and shore stations (# 11), seasonal removal (# 12), and aerators and fountains (# 13). Some of these issues aren't specific just to the Biology Subgroup.

- 1. *Action:* Set a Recreation & Structures Subgroup for Wednesday, September 23, 10am – 3pm, with Bob Meeks as acting chair.

5. Preparation of legislation for 2010 session and update on regulations

a. Re-establish Work Group for July 2010 – June 2012

- i. Meeks: This committee expires next June, so this requires legislation to extend the work group.
- ii. Dodge: Will need to file legislation to extend the group to continue. Legislators will see that this gets.
- iii. Dembowski: Are there any changes that need to be made?
- iv. Meeks: No, but there were some appointments that were made that never showed up. Kept track when chair of those who attended. Some legislators and others never came. The NRCS and ACOE members did not attend after a few sessions.
- v. Pearson: Missing a coordinator from DNR with Jim Ray's retirement. Gwen takes notes. May need to be someone else to help.
- vi. Meeks: When sent the list to the Governor, told him
- vii. Hippensteel: Who needs to contact the Governor to find out if the positions will be filled.
- viii. Meeks: Someone needs to contact their office.
- ix. Dembowski: this would be the time to do that, early in the meetings. Can point out to the Governor those who have not attended.
- x. Hippensteel: Maybe the ACOE position should be replaced by someone else if they do not attend.
- xi. Dembowski: Who would you suggest?
- xii. Tyler: Could be another At Large.
- xiii. Hippensteel: Uneven distribution across state. Another At Large position would be
- xiv. Coplen: Darci Zolman has been attending for the SWCDs.
- xv. Pearson: Could be really helpful, along with Shannon Zezula.
- xvi. Meeks: Senator Weatherwax's office had some ideas.
- xvii. Hippensteel: If you eliminate a position like the ACOE, another At Large position would be able to provide input from places like Whitley County that has a good number of lakes. Those areas are where there are a good number of people.
- xviii. Meeks: Can't eliminate the Corps of Engineers. Manmade ditches are exempt from the 401/404 process. At a meeting, the guy from the ACOE in Cincinnati said all waters belong to the United States. He said there are no

guidelines and he determines those. They have to be represented for some uniformity.

- xix. Dodge: Understand there is federal legislation that will allow IDEM to have complete control over all waters?
- xx. Krevda: Legislation would take the word “navigable” out to encompass all waters.
- xxi. Tyler: Would mean a bucket of water in the back yard was federally controlled.
- xxii. Meeks: Particularly related to wetlands.
- xxiii. Hippensteel: Can’t recall the exact counties that fall into these districts. At a loss of identifying someone without knowing where the congressional districts are.
- xxiv. Meerks: District 4 is probably Ft Wayne and Allen County.
- xxv. Some discussion about where the districts are located. Information is on the internet.

- 1. *Action:* Representative Dodge will contact the Governor’s office. Members are encouraged to provide names of suggested members to Representative Dodge.
- 2. *Action:* Suggest any changes to the wording of the enabling legislation for the Work Group.
- 3. *Action:* Staff will send out the list of current ILMWG members and a map of the congressional districts.

b. Reviewed outcomes from previous year

i. HB 1381 Extend 2-year limit on lake construction permits

- 1. Dodge: HB 1381 passed to allow extension of the 2-year limit for lake construction permits without the property owner re-applying. Also allowed riparian property owners to settle disputes that had previously been adjudicated by the administrative law judges. Signed and has become law. Helped to speed up settlement of disputes.
- 2. Smith: Currently working on administrative rule to extend the permits beyond the 2-year period. Several things can slow down construction, such as weather preventing them from getting work done. Then, they had to pay application fee again. Getting hit twice for no fault of their own. Have been dealing with pier issues in areas from both Representatives Dembowski and Dodge.

ii. HB 1119 Public Trust Doctrine (PTD)

- 1. Dodge: Did not get heard.
- 2. Meeks: The DNR had a problem with that.
- 3. Pearson: Talked about that in the subgroup this morning. The essence of the PTD is already in statute, may not be clear or formally recognized. The bigger problem was department was not adequately documenting how they used PTD in permit reviews.

4. Meeks: Saw Rob Carter and asked him about it. He said he didn't have a problem.
5. Pearson: Think it got the attention of the department. There will be some documentation of how the department reviewed permits using PTD.
6. Meeks: As long as we accomplished what the legislation wanted to do, then the goals have been met.
7. Hensley: PTD is part of every review. We just haven't done a good job of documenting it and will certainly do better to include that in the documentation of every decision.
8. Meeks: Did that because of piers that boxed in the lake and violated the public trust to be able to use that portion of the water. Could run those things out and close off the lake.
9. Pearson: When officers find those now, they are telling them those are illegal.
10. Meeks: How did they get those in the first place? They were permitted?
11. Pearson: No, they were not permitted. IC 14-26-2-5 embodies the concept of the public trust doctrine. So it's already in statute but hasn't been documented in review.
12. Smith: Discussed in house and have a new form. Where we documented PTD was when there was a conflict, but not documented where the permit was allowed. Have new forms where the reviewer shows a history of reviewing specifically for the PTD.
13. Dodge: Recently acquired lake front property. Going through process of trying to apply for a lake enhancement permit online. It is not easy.
14. Meeks: It is impossible.
15. Dodge: Worked on that several days and still have not gotten through, keeps kicking me out, have called down to the department. Will not allow me to continue application without including application and have not been able to get that. When we call, all we get is an automated answer to leave a message. The agency staff said to disregard a question, but when that is not filled in, it kicks you out of the system. Would like to start the project yet this year, but not sure if I can get the application done. Extremely frustrating.
16. Meeks: That's why you put your seawall three feet back.
17. Dodge: The application says if you file electronically, you can save 3-4 weeks in process, but can't get the application done.
18. Meeks: I tried to fix my shoreline. What a nightmare. Met with staff. Form was difficult to use. Ought to make it simple. Had to get GPS, photographs, and inform neighbors. Just trying to keep land from washing away. Biodegradable materials cost \$18,000 for 200 feet. Could have used concrete, but didn't. Trying to make that form work is a nightmare.
19. Pearson: Want to make that another topic on the list?

20. Dodge: It is certainly not an easy process if you don't know anyone in the system.

iii. Temporary structures and property title transfer

1. Meeks: Suggest forgetting that bill. It will not be heard in the Senate.
2. Dodge: On hold at this point, as everyone agrees, due to some objections from legislators.

iv. Dredging nonrule policy update (NRC Information Bulletin # 60)

1. Krevda: Subgroup put the information together with Jed, Steve Tennant and others from DNR (field agents from LARE). Starting place as a work in progress. As we go along, will look at issues of concerns.
2. Dodge: Updating existing bulletin.
3. Pearson: just formalizes review process.
4. White: Has been formally approved.
5. Meeks: Who has the authority over dredging.
6. Pearson: Several divisions.
7. Meeks: Understand there has been a rift between divisions. Ought to be some definition of who is the lead with accountability.
8. Pearson: Lead is director of DNR, deputies John Davis and Ron McAhron take into account positions of divisions, ultimately the commission.
9. Meeks: What if one wants to hold it up.
10. Pearson: Coordination takes place internally then funneled up.
11. Meeks: Who do I go to for review if there is a rift.
12. Smith: Permits can be reviewed by the Natural Resources Commission if there is a concern. They are the final authority with input from the Advisory Council.
13. Coplen: Is part of the question that the permit is not achieved because it is held up?
14. Smith: There is a time frame with environmental review from fish and wildlife and technical review, each reviewing their own specific interests. They have keys to look at regarding environmental or technical impact. Permit can be denied. It doesn't just sit. There is a time frame for either issuing or denying a permit.
15. Meeks: Does that go to IDEM?
16. Smith: Projects can go to IDEM.
17. Meeks: IDEM looks at water quality.
18. Smith: Can be projects going to DNR, IDEM and ACOE.
19. Meeks: Are there time frames on all of that?
20. Pearson: Have guidelines with big improvements on consistency of review within the last 10 years or so.
21. Meeks: Not trying to be a devil's advocate, but saw those problems as legislator.

22. Krevda: A lot of the issues were on lake bed dredging where people had a lot of organic material and permits were denied based on encroaching on lake bed. Think we are going the right direction. Not resolved entirely.

a. *Action:* IDNR Division of Water staff will provide information on time limits for environmental review for lake construction permits.

v. **Other regulatory issues from subgroup discussions**

1. Hippensteel: Clarification on emergency rules that were approved by ILMWG and NRC related to group piers, are those being applied as a useful document.
2. Hensley: Think it is a useful tool with applications already submitted.
3. Hippensteel: Are these for new group piers or modification?
4. Hensley: Modified piers would have to go through that process.
5. Coplen: Modification means configuration of pier being different?
6. Hensley: If they change the foot print of the pier.
7. Coplen: But no one has history without a photograph.
8. Hippensteel: Now responsibility of applicant to prove that this was the foot print before. Not the onus of DNR but of the applicant.
9. Hensley: To be a lawful nonconforming structure, they have to submit documentation by 2010. Officers spent last summer on patrol documenting piers. Have that in a database. Will get district offices trained on how to use the Unity database and will send letters to owners. If a person does not want to do that with a group pier, they can apply for a permit but it must conform to new administrative rule guidelines.
10. Meeks: What's the hammer when the department is changing the rules?
11. Hensley: They have to demonstrate that pier existed in the time when it was lawful.
12. Pearson: Only if they change the pier. If they leave it as it is, they do not need a permit.
13. Coplen: That's where education comes in. Most do not know. Another issue in building a new home on lake front property. There was a 5 foot easement, spelling out number of people off site who can use this. The pier that have is very conservative in the number with only 2-3 boats where it could have been 2-3 times that. The two neighbors on each side happen to be related. They decided to eliminate that pier. The department has had to deal with this in court action. A lot of unnecessary expense was brought to bear and these neighbors encouraged this. The neighbors made a point to put their pier first, right against the 5-foot area. These poor people only had a foot on either side. Can't believe the head aches the DNR has had to go through on this.

14. Hippensteel: Made an effort to look at group pier first. Need to look at individual lake resident's rights too with similar criteria. The two neighbors can have a tremendous effect on the one. Need to look at guidelines for individual piers. Spent quite a bit of time last couple of weeks on Lake James. Have 2,000 boats parked with number of piers going up by about 10 percent. Same number of boats, more piers. Each pier is getting bigger, particularly the patios at the end, one of which is 20 feet by 30 feet.
15. Meeks: There's the Public Trust Doctrine.
16. Hippensteel: Single pier with couple boats grown to 30 feet. No building on pier, but benches with storage units.
17. Pearson: Talking about two separate things. Steve Lucas told us riparian rights was big issues. Larry talking about who has a right to a pier, which is not necessarily a DNR issue. Should the group look at who should have a pier and how they should be built?
18. Hippensteel: This is the constant challenge locally. The plan commission or the BZA has jurisdiction up to the water edge. But what they do on landward side has tremendous impact on the person having a pier. They say they already checked with DNR or talked to DNR and zoning told them they could have a lot with riparian rights. The two are linked with entirely jurisdictions that have to be coordinate. The issue will fester forever unless we get some communication between these two groups.
19. Pearson: Starts with who has a right to a pier. Landowners who control easement may affect the pier. The department will require some proof that those who claim they can put out a pier have a right to it.
20. Meeks: Refresh my memory on Syracuse Lake with street deadending into lake. That went to court.
21. Pearson: Big interest from DNR standpoint was that the pier didn't have a big impact.
22. Meeks: People thought they had access at end of street, as part of public property.
23. Coplen: Believe the initial court action proved they had utilized a pier for many years. Neighbors couldn't eliminate the pier, but could make sure it was nonoperable.
24. Hippensteel: Goes to question of how much shoreline you need for the pier. With a narrow property line, they could have a pier, but not a boat lift.
25. Coplen: Aware of many issues with old easements that were granted. Congestion is creating phenomenal head ache. Question is whether there is a feasible way this group can help.
26. Hippensteel: Should be a prime issue for Structures Subgroup to attack.
27. Meeks: For funneling.
28. Hippensteel: That is associated. Have to make progress in trying to minimize contentious nature of what is going on.

29. Dodge: Is the situation illegal that Larry describes?
30. Pearson: Those kinds of cases are going on all the time with questions of how much space you can use.
31. Stutzman: With boat lifts and piers.
32. Dodge: Could keep a lot of people busy.
33. Hensley: Incredible amount of time spent.
34. Dodge: Do you cite someone?
35. Hensley: Officer goes out and reports, normally with a Notice of Violation from Division of Water, then goes to division of Hearings as a dispute. The administrative law judge tries to resolve it. If boats go over property line, they will typically lose as encroaching on neighbors property.
36. Dodge: How is decision by Judge Lucas enforced?
37. Hensley: We hope they comply. If they don't they go to court.
38. Smith: HB 1381 allows enforcement of judgement in civil court.
39. Coplen: in this case, both property owners have 60-70 feet of frontage, so they have room but they do not want people coming down on easement.
40. Pearson: The judge could rule to balance the interests where those neighbors could put their piers.
41. Hensley: Steve Lucas prepared a nonrule policy regarding those judgments, showing different configurations of shoreline property as the guidelines of decisions. Go to NRC website and nonrule policy on riparian zones.
42. Stutzman: Does that affect how far out the pier goes?
43. Hensley: That is governed by the general license. A shorter pier must conform to guidelines of administrative rule to not require a permit.
44. Meeks: Can the 10 foot owners go out 150 feet to 6 feet of depth, forcing landowners on either side to go out.
45. Coplen: Property has since changed hands and have no problem with the current pier. People owning 50 foot next to them don't care because they can share with the people on the easement. Their concern is if they don't put a pier out, the DNR will never allow a pier.
46. Pearson: They would be allowed, if they meet the guidelines.
47. Hensley: Think there is a mechanism in cases where the configuration of the lake does not allow neighbors to have their own piers, so the DNR can allow one pier, but it has to be shared.
48. Hippensteel: Where there are restrictions on 5 or more people on a group pier, may want to have several on a group pier rather than multiple owners having their own pier. May be more appropriate just for 2-3 owners. Could be another modification.
49. Meeks: When does it become a marina?
50. Hensley: Depends on what other services they provide.
51. Pearson: No doubt piers will be a big topic for the Recreation Subgroup.

- a. *Action:* Recreation Subgroup to address pier and easement issues.
- b. *Action:* DNR staff will bring a copy of the group pier regulations to the Subgroup meeting in September.

6. Opportunity for public comment

- a. No comments from those attending.
- b. Hippensteel: Ask a question of the State Chemist Office representative regarding the current status.
- c. Pierson: Meeting on August 13 in the chemist office.
- d. Pearson: Rather than go for a statewide ban at this time, will see how things turn out with the Steuben County situation.
- e. Dodge: Know there are some strong feelings on the subject.

7. Reconvene entire work group

- a. Summarize discussions
 - i. Dodge: Have had a lot of issues and a lot of work ahead to continue to discuss. Hope to come up with some solutions and resolve issues. Did not realize how much was involved and difficulty of making changes.
 - ii. Meeks: Those who just joined should read the book of recommendations. There were 48 and a lot have already become law. Took two years to put that together. Shows what we have done.
 - iii. Pearson: Ron McAhron said they are making progress on list of public freshwater lakes.
 - iv. Copen: Suggest for Bob's benefit on subgroup the possibility of using a co-chair so if anything happens to one person, the other is well-versed. Might also benefit the work load on the chair's shoulders. If there is someone else willing to help out with this responsibility.
 - v. Meeks: A good chair can delegate responsibility.
 - vi. Dodge: The time and dedication from Ralph Taylor should be recognized in some way, something that could be done as a group.
 - vii. Pearson: Think it is a great idea in terms of something small or more permanent. Have public property, such as public access sites, that are named after individuals.
 - viii. Dodge: Assume DNR has ways of recognizing.
 - ix. Pearson: Have Denniston Conservation Area named after officer killed in plane crash.
 - x. Dodge: How to do this?
 - xi. Dembowski: could we make a recommendation?
 - xii. Hensley: The NRC has ultimate authority.
 - xiii. Pearson: Could get an access site and name it after Ralph. That kind of thing makes a difference and is out there for the public to see.
 - xiv. Meeks: Ought to be something meaningful at one of the lakes, preferably in Steuben County.
 - xv. Pearson: Could name an existing access site that Ralph had a special relationship to.

- xvi. Meeks: How about Clear Lake where there is funneling.
- xvii. Dodge: Boat launch is next to controversial site.
- xviii. Meyers: Need something with an eddy because he always stirred things up.
- xix. Pearson: Perhaps something at Pokagon.

- **Motion:** The Work Group requests that DNR provide 2-3 suggestions of properties that could be named as a memorial for retired Lt. Ralph Taylor, taking into account the location of his primary residence and areas of responsibility in the state (Tyler moved, Coplen second; motion passed unanimously).

b. Consider future meetings and/or other actions

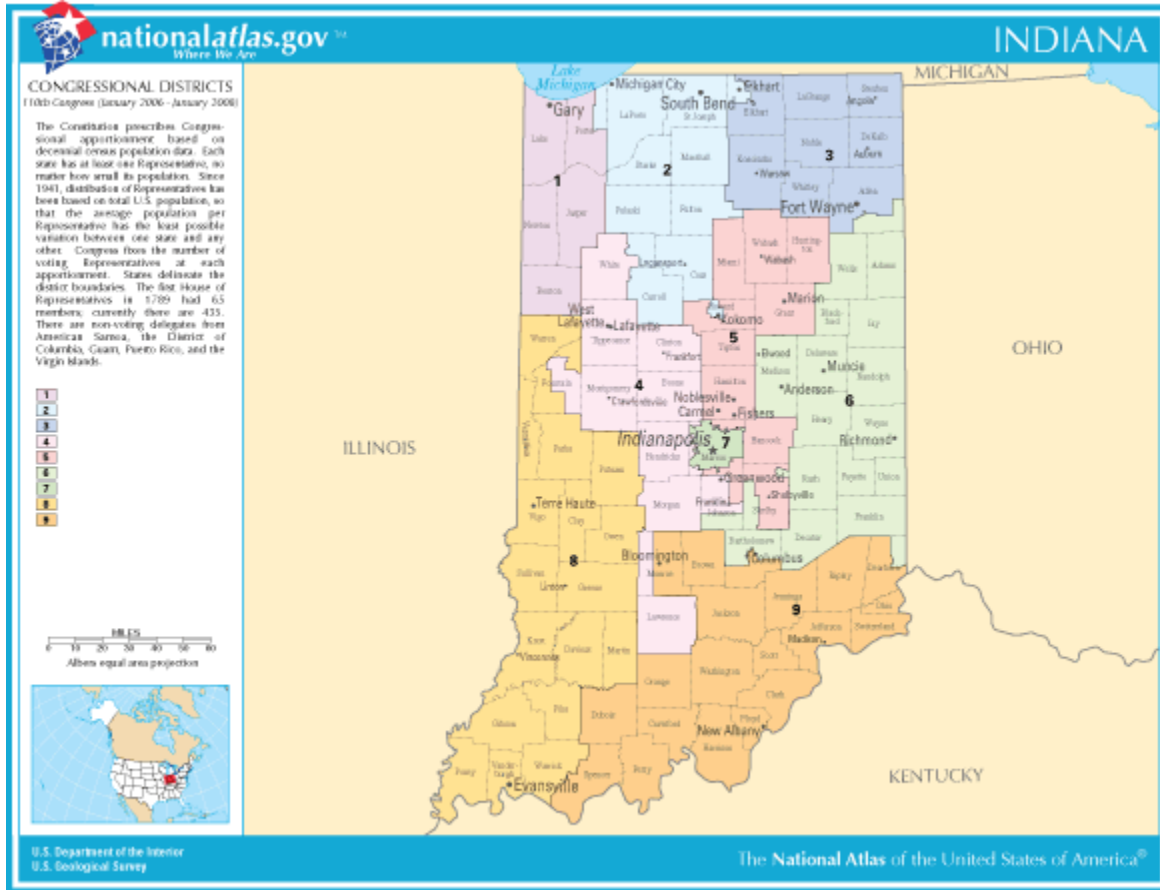
- i. Dodge: Meet in November.
- ii. Meeks: If there is legislation to be prepared, need to have that meeting before November. Filing deadline would be sometime in October.
- iii. White: The department has been contacted by lake residents who requested that the ILMWG meet up in that region at some point over the next year. The fall meeting may not be most appropriate, given that legislation will be prepared.
- iv. **Next meeting:** Wednesday, October 21, 10am – 3pm, at the NREC, Ft Harrison State Park.
- v. **Actions:** Staff will send the per diem forms out to regular members who requested them.

8. Adjourned at 3:49pm.

List of Indiana Lake Management Work Group Members as of July 2009

LMWG position	Name	Title & Affiliation
Legislator	Sen. Marlin Stutzman	Senate R
Legislator	Sen. Jim Arnold	Senate D
Legislator	Rep. Richard Dodge	House R
Legislator	Rep. Nancy Dembowski	House D
IDNR	Jed Pearson	Division of Fish & Wildlife
IDNR	James Hebenstreit	Division of Water
IDNR	Maj. Felix Hensley	Division of Law Enforcement
IDEM	C. Lee Bridges	Office of Water Quality
Indiana Lakes Management Society	David Tyler	ILMS
NRCS	Shannon Zezula	State Resource Conservationist
Soil & Water Conservation Districts	Darci Zolman	Kosciusko SWCD
CD1	Robert Gross	Pine Crest Marine
CD2	Robert Meyers	Simonton Lake
CD3	Robert Meeks	
CD4		
CD5	Jeffrey Krevda	Dredging Technologies
CD6		
CD7	Ryan Hoff	
CD8		
CD9	Robert Madden	Lake Lemon Conservancy District
CD-at large	Peter Hippensteel	Lake James
Army Corps of Engineers	Deborah Snyder	Indpls. Regulatory Office
Agriculture organization	Michael Baise	Director Of Ag Development, Indiana Farm Bureau
Environmental organization	William Jones	School of Public & Environmental Affairs, Indiana University
At-large	Lawrence Coplen	Coplen Construction, Inc.
At-large		

Indiana Congressional Districts



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