

**INDIANA LAKES MANAGEMENT WORK GROUP**  
**Biology/Chemistry/Watersheds Subgroup**

**Natural Resource Education Center**

Ft. Harrison State Park, 5753 Glenn Road, Indianapolis

September 28, 2009

**MEETING NOTES**

**Members Present**

Bill Jones, IU-SPEA, chair  
Jed Pearson, DNR Fisheries  
Jeff Krevda, Dredging Technologies  
Darci Zolman, Kosciusko Co. SWCD  
Lee Bridges, IDEM  
Pete Hippensteel, SCLC

**Others Present**

Kent Tracey, DNR LARE  
Greg Biberdorf, DNR LARE  
Angela Sturdevant, DNR LARE, recorder

*Action Items are in red:*

**1. Introductions and purpose of meeting (Bill Jones)**

- a. Flesh out topics for discussion. Bill would like to have a committee member take the lead on each issue:
  - i. Palustrine wetlands
  - ii. SWCD effectiveness
  - iii. Invasive Species
  - iv. Lake education
- b. Pearson – the list of topics from 8/4/09 has a description of each topic. Should we start by making sure the descriptions more clear? Is there a priority order? Jones – don't necessarily want to prioritize them, can go over each one and proceed from there.

**2. Palustrine wetlands (issue #4)**

- a. I.e. "cattail wetlands" – areas that still have natural character. Problem of identifying where the shoreline is, are the regulations adequate
- b. Regulations aren't sufficient to prevent small fill
- c. Tracey - If shoreline is in front of wetland, then that takes DNR out of the picture. Pearson – Even if there is a legal lake level set, it may be hard to tell where that is on the ground. Jones – If there's no legal lake level, what do they use? Pearson – Average normal lake level. It's not an issue that's necessarily more important on lakes that don't have legal lake level.
- d. Krevda – when property changes ownership, new owners may want to revert property that had not been maintained and natural vegetation had grown up to "usable lakefront property." Compared to large developers that want to come in and develop actual wetlands. Jones – the individual property owners' concerns might be more of trying to keep up with their neighbors. "Neatness" is their biggest concern. Need education on value of natural vegetation.

- e. Regulations – For seawalls, DNR has authority 10 feet back from shoreline to prevent retaining walls. Pearson – people can walk out to the edge of a cattail wetland and place a rock seawall and create lawn behind it.
- f. Extent of palustrine wetlands in Indiana – use NWI maps, anything labeled with a “P” is palustrine. Bridges – IDEM Wetlands group is working on updating maps, use aerials first, then ground truth.
- g. Current DNR regulations reference wetlands landward of the shoreline
- h. Bridges – invite someone from Wetlands section to Oct. meeting to clarify regulations, 0.1 acre rule.
- i. 0.1 acre rule – are cumulative effects taken into account? Adjacent landowners can each remove 0.1 acre of wetland vegetation. Can one landowner remove 0.1 acre one year, then another 0.1 acre the next?
- j. Jones – what about sedimentation, creating new wetland areas. Pearson – would be permissible to remove vegetation if landowner can prove that this is not a historic wetland.
- k. Krevda – migratory sediment – moves with wind, currents, seawalls, accumulate in N/NE side of lake. Pearson – that would be under DNR authority if they want to dredge it. Krevda – but with cattail wetlands and people want to develop it, people ask him to come in and dredge channels through it. It’s apples and oranges. Need to protect these areas that haven’t ever been developed. Pearson – it’s only an issue when people aren’t actually changing the location or depth of the shoreline – the current regulations cover that.
- l. Need stricter guidelines protecting that from the beginning. Control development.
- m. Jones – have so little undeveloped land left. Bigger problem with already developed land with wetlands in front of land, where they want to remove wetlands.
- n. Already have DNR shoreline classifications.
- o. Pearson - People want view of lake, which is fine, but should be narrowed to keyhole approach rather than removing all vegetation on shoreline.
- p. Jones – public freshwater lakes – have laws protecting public interest. Where does the public interest supersede right of private individuals?
- q. Approaches to saving these areas: regulations, cost-share, education.
  - i. Work with realtors to get info to new lakefront property owners.
  - ii. Workshop at Skinner Lake in August to educate landowners on shoreline classification
  - iii. Tax incentives to register areas (similar to Classified Wildlands program)
  - iv. Assessed valuation – based on length of seawall, area of lake that’s “developed” for lake access. Natural shorelines (with limited access to lake) are assessed at a reduced rate. Educate people about this economic incentive. May vary on a lake-by-lake, or county-by-county basis. Similar to Filter Strip program (filter strip areas assessed at \$1/acre). Hippensteel – will follow up on assessed valuations to verify this and get more information. Tracey – assessment is done based on info sent in, based on lake access/lake use, seawalls & manicured lawn will be assessed at higher rate than lot with natural shoreline vegetation because people would be willing to pay more for that. Hippensteel – another variable is that they use comparable sales when assessing property.

- v. Pearson - Benefit to property owner could vary if using assessed value, whereas a registration program would give a set benefit. Tracey – or could base registration program as a % of assessed value, so it could drop as assessed value drops.
- vi. Krevda – this is something that could be very workable. Taxes have gone up significantly in recent years, so offering a tax incentive to protect or even restore (remove failing seawalls) could be very effective. Economics is what people really care about.
- vii. Jones – need a solution that provides continuity as land changes hands. Economic incentives may do this. Assessments are done at county level. Classified Filter Strip Act was done statewide, took authority away from county assessors. Can we do this for shoreline classifications? Pearson – similar to issue #9 (Destruction of lakes shorelines via seawalls and development) – do we need to combine these issues? Problem with blending issues – easier to tackle if we narrow our focus. Jones – need to know roadblocks to this. Who carried forth Filter Strip Act and how did they grease the wheels? Farm Bureau helped lobby for it – win/win for farmers and water quality.
- viii. Other similar programs – Classified Wetlands. All state programs, no federal.
- ix. Tie in to the fact that lakefront property value goes down as water quality goes down. Protecting natural shorelines could improve water quality. Prof at Trine was working on this, but he’s left Trine so that work is no longer underway. Hippensteel – lawn P fertilizer ban – State Chemist’s has asked them to provide info linking water quality to property value. Jones – has citations to MN studies.
- x. The big challenge is education to get people to care. Only thing people care about is economics. People vote down sewer systems because they don’t want to pay the hook-up fee.
  - 1. Hippensteel – education does work. Steuben Co did educational process using dye testing to show failing septic systems and straight pipes to lakes. 20+ years later, most of those lakes are now on septic systems.

**xi. TASKS:**

- 1. Bridges: NWI status, rules and regulations in Indiana
- 2. Hippensteel: Steuben Co assessment status and process
- 3. Jones: Classified Filter Strip Act info

**3. SWCD Effectiveness (issue #8)**

- a. Issue with Soil Conservation leaving DNR, has left a gap with focus on watershed issues.
- b. Originally when LMWG was formed, there was a third subgroup for watershed issues. Decided to stick with 2 subgroups at last meeting, but need to include this topic to make sure we address watershed issues since they’re so closely linked.

- c. ISDA has Div of Soil Conservation – has been strictly focused on agricultural issues. New ISDA Director and new Director of Division of Soil Conservation may bring about some positive changes.
- d. NRCS has ongoing discussion.
- e. When Soil Cons was in DNR, DNR staff carried out many of the technical assistance duties for SWCDs. Now some SWCDs don't have technical staff, so they're struggling.
- f. Rule 5: MOU between SWCD and IDEM. IDEM does enforcement, SWCDs provide technical assistance (reviewing plans), but only if they have technical staff.
- g. LARE coordination – Watershed Land Treatment program – have ongoing projects with SWCDs that have technical staff, don't have projects with districts that don't have technical help. Prior to 2005, LARE had 24 ongoing WLT projects. Currently have 18 ongoing projects. Haven't dropped that many projects.
- h. Problem is lack of technical assistance in SWCDs since conversion to ISDA.
  - i. Pre-2005 (DNR Div of Soil Cons)
    - 1. 8 – Rule 5 inspectors
    - 2. 6 – watershed specialists (LARE)
    - 3. 46 –resource specialists
    - 4. support staff, Coastal Program, Project WET, and LARE central staff
    - 5. 80 – total staff in Div of Soil Cons
  - ii. Post-2005 (shift to ISDA)
    - 1. 4 – Rule 5 inspectors (IDEM)
    - 2. 6 – LARE staff (with two vacancies) (DNR)
    - 3. ISDA staff includes 4 District Support Staff, 26 Resource Specialists, and support and administrative staff so the total is now about 40 positions.
- i. The mechanism to bring tech assistance to SWCDs has changed because they operate as 92 individual entities. DNR used to provide continuity from county to county, have lost that.
- j. Potential solutions:
  - i. Permanent funding source for SWCDs (Clean Water Indiana)
  - ii. Change organizational structure – may currently be in the works behind the scenes with new director. Discussions on how to work more closely with districts get technical help back into local offices.
  - iii. Where does LMWG fit in? Support for CWI funding.
  - iv. Is it a question of reduced funding? Cigarette tax money used to fund LARE staff now is all in ISDA. Less money available for on-the-ground watershed work for LARE.
  - v. Help districts get the technical assistance that they need to do watershed work. Soil and Water Conservation work should encompass more than just agricultural issues, it's the entire watershed. LMWG should support Div of Soil Cons and districts getting back to doing watershed work (LARE WLT, voluntary practices, Rule 5 enforcement).
- k. Hippensteel served on state Soil Conservation Board for years. In his view it was a political decision to establish an Indiana Dept of Agriculture. Realized they needed staff and funding, so the DSC was transferred to ISDA along with its funding. Total

cost of funding needed wasn't taken into account, so staff was reduced by large proportion. ISDA was focused on agricultural issues, less focus on watershed issues. Tracey – at the time, Indiana was one of 4 states that didn't have a Dept of Agriculture, so there was a lot of pressure to create one.

- l. Hippensteel – new funding avenue for ISDA is CWI, hasn't been a consistent source of funding because they have to lobby for it again during each legislative session. T by 2000 was a consistent funding source.

m. **TASKS:**

- i. LARE staff: Write up new description of problem.
- ii. Jones: Request an ISDA representative to attend the next LMWG subgroup meeting – ask them to give an overview of how ISDA is approaching watershed issues that affect lakes (contact info from Biberdorf).
- iii. Hippensteel: Propose adding a representative from ISDA Div of Soil Cons to LMWG. Ask ISDA first if they would consider becoming a member.
- iv. Create a recommendation to present to the full group at a future meeting. Draft a letter of support to Jared Chew or higher.
  1. Legislative change for CWI funding
  2. LMWG support for policy changes within ISDA
- v. Krevda: Talk with Sen. Stutzman to discuss the issue, get a feel from him from his connections to the agricultural industry.

4. Hippensteel – currently 4 vacancies on work group. Hippensteel is working on recommendations to forward to Rep. Dodge. CD-4, 6, and 8 and one at-large. Requests recommendations of potential new members from members within one week. Jones – we need more people with background in biology, watershed issues.
  - a. Krevda – recommends Dick Kemper (Kosciusko Co Surveyor). Zolman will contact Kemper to see if he's interested and will request a short bio from him.
  - b. Jones – IU, Purdue, Ball State, Indiana State, Earlham, Taylor reps? Jarka Popovikova at Ball State. Jim Gammon (former LMWG member). Paul Rothrock (Taylor biology prof). New biology prof at Vincennes. Cary Troy and Tomas Hook (Purdue, more science-focused, less applied). Lenore Tedesco (may live in CD-4?).

**5. Invasive Species & Toxic Algae (issue #14 & 15)**

- a. DNR has ANS plan & Doug Keller. Does he need more help?
- b. GLRI funding will include \$1 million for AIS issues in Indiana, if it passes.
- c. Other AIS issues that Doug's working on? Other than plants? Fish, diseases, zebra mussels. DNR Fisheries has other funding to address this.
  - i. Asian carp – in big rivers. Major lakes are protected by large dams. Main issue is movement.
- d. Pearson – anyone recall why this was a major issue to focus on? Bill recently passed to form Invasive Species Advisory Group. **LARE staff to confirm that the bill passed and what it covered.** More focused on agricultural invasive species, or aquatics too?
  - i. Hippensteel – funding for hydrilla was a concern, since it took funding away from LARE. Biberdorf – a portion of hydrilla funding came out of Forestry CR&R funds.

- ii. Hippensteel – **need for additional emergency funds for rapid response to treat new invasive species.** GLRI funds could cover this. Also need emergency funds for toxic algae blooms.
- e. GLRI funds would provide opportunity to fund AIS control on DNR lands, since LARE policy currently doesn't allow spending LARE funds on DNR land.
- f. Focus on need for emergency fund?
- g. Toxic algae blooms – state has no policy for monitoring, response, notification, and tracking.
  - i. At minimum, toxic algae task force should be reinstated.
  - ii. Board of Animal Health should meet to formulate state-wide response
  - iii. IDEM is showing more interest since problems have accelerated in Geist, Morse, and Eagle Creek Reservoirs. Is it IDEM's responsibility or Dept of Health? Bridges – will probably be working on coming up with ways to monitor HAB in the future, but funding will have to be diverted from other programs. If it's not tied to a permitting requirement, it's less important.
  - iv. Jones can't monitor BG algae through Clean Lakes Program, because 319 funding can't be used for that.
  - v. It's a policy issue, not a funding issue. Need an agency to take the responsibility for a leadership role in addressing this.
  - vi. Ideally need a roundtable discussion with Board of Health, IDEM, Board of Veterinary Health to discuss the issues.
  - vii. Biberdorf – algae bloom on Salamonie Reservoir this summer. ACOE came in, was very concerned, and did lots of testing. Initial concern was E. coli contamination from CAFO upstream. E. coli numbers came back fairly low, still waiting for results on microcystin, algae counts.
  - viii. Jones – Clean Lakes sampling found algae bloom in small lake in southern Indiana this summer. Sent samples to Dr. Lenore Tedesco at IUPUI, found highest concentration of microcystin in state. No policy in place for response, notification.
  - ix. Jones – monitored algae on Lake Lemon one summer on weekly basis, funded by Conservancy District. Found high numbers of potentially toxin-producing algae. Sent out notifications to residents, raised concerns, hurt business. Conservancy District decided not to continue after the first year.
  - x. Pearson – are there statutes in place that need to be revised to clarify responsibility? Bridges – fish consumption advisories aren't required. They're recommendations, not bans.
  - xi. Need state-wide guidance on recommended response to toxic algae blooms.
  - xii. **Invite Dept of Health, IDEM, Board of Animal Health reps to attend future subgroup meeting to update us on status of approach to HAB.**
  - xiii. Need for continued, public discussions on how to address toxic algae blooms.
- h. TASKS:
  - i. Rapid response fund for AIS
    - 1. Krevda – when LARE funding was diverted to fund treatment of hydrilla, many lakes that were in LARE AVM program lost funding and lost any headway they had made in multi-year treatment programs.

That may not actually be the case, but that's the perception. Use this as justification for establishing rapid response fund?

2. LARE staff: prepare brief paragraph on recent rapid response (e.g. parrot feather, starry stonewort), costs, consequences for regular AVM program (diverted funds). To provide background info for justifying rapid response fund.
3. Pearson – rapid response fund needs to identify whether it's a plant, fish, or animal first. Rapid response for plants may be easier to address, could use LARE funds. Jones – will be harder if you add algae to the mix.
  - ii. Toxic blue green algae – recognize as a nuisance species

## 6. Education

- a. Relates to #18 and 19, but more
- b. Status of Indiana Lakes' website: IOT manages the site. DNR will not be managing the website, but LARE staff can submit tickets to request changes by IOT.
- c. Pearson – don't see the need for the Indiana Lakes website. Why not just use the LARE and ILMS websites?
- d. Jones – it's more aggravating to find outdated info online than to not find any info at all. Since the website hasn't been updated in 3+ years, why not just get rid of it? Can we post the brochure from the Skinner Lake workshop on a website? Yes, can get it on the LARE website.
- e. Biberdorf – also have online calendar of public meetings on DFW website.
- f. Zolman – would be nice to something standardized from north to south, as far as outreach messages. Difficult to make sure they're all getting out the same message. Tracey – reservoirs in southern Indiana have completely different management issues, but that might be an educational issue in itself.
- g. Pearson – we're not lacking information, is the problem an inability to get the information to where it needs to be? To get it to the right people in such a way that they'll change their behavior?
- h. Jones – problem of too many websites, too much information, people don't know who or where to go for information. Indiana Lakes' website was designed to solve this.
- i. Need Indiana Lakes FAQ page on DNR website – fishing, swimming, shoreline classifications, and piers.
- j. Hippensteel – goes back to Meeks' argument that a need exists for one central agency within DNR to be lead agency to address lake issues. As far as education, need a lead coordinator.
- k. Pearson – is website the only issue? No, but it's one avenue for getting educational messages out.
- l. Jones – reread #18 & 19, since it expands on the issues. Need to spend more time on this.
- m. Hippensteel – Structures subgroup discussed how to educate the new lake owners. Booklets from realtors, booklets when register boat. It's something the whole work group needs to address.
- n. Pearson – education topic is linked to enforcement.

## 7. Nutrient Criteria for lakes, streams, estuaries

- a. Jones has been part of advisory group for lakes
- b. Have nutrient criteria that EPA is close to approving. Jones met recently with Jody Arthur and Shivi S.
- c. Criteria: causative (P, N) and response (Secchi disk, chlorophyll) criteria. For lakes, reservoirs, and coal mine ponds.
- d. Lakes will be classified as “attaining”, “non-attaining”, or in between.
- e. How do we monitor for this and how many measurements are enough to say you’re exceeding standards? When do you take measurements? How do you respond if a lake is exceeding standards (cost-share, 319 funding)?
- f. 303d list identifies lakes that are impaired for aquatic life use or recreational use. Hard to identify lakes to put on list without criteria.
- g. LMWG needs to be informed, needs to be partner in promoting this. EPA is requiring this to be implemented.
- h. Not sure what the consequences would be for a lake that’s classified as “non-attaining”. Withhold funding, or provide more funding? May use as basis for TMDLs.
- i. Preliminary rules haven’t even been adopted yet.
- j. **Have someone from IDEM come to LMWG meeting to make presentation on the process later this year. Eventually may help to have LMWG support and definitely want feedback and comments.**
- k. EPA’s trying to standardize things because each state does its lake assessments differently. EPA came out with set of nutrient criteria in 2002. Great Lakes states said criteria were unreasonable. EPA gave states the option to develop state-specific criteria. Indiana’s been working on it for 4 or 5 years, now have criteria that seem to make statistical sense for Indiana.
- l. Will go through rule-making process in Indiana, through Water Pollution Control Board. Still working out monitoring program before ready to go through rule-making.
- m. Hippensteel – went to meeting in Detroit this summer. They’re taking different approach, looking at what agricultural practices are needed to improve water quality to meet standards. Back to importance of watershed issues and having ISDA on board. Linkage to compliance issues. Will have impact on SWCDs’ work.
- n. Tracey – are criteria trying to identify sources? Jones – no. His fear is that criteria will pass, but will have no way to implement them. Hippensteel – Farm Bill has come out with smorgasbord of activities farmers can do to address water quality issues, may use same approach for implementing nutrient criteria?

## 8. Other Issues

- a. Krevda – need participation from executive branch (Governors office) on work group. Topic for discussion at next full group meeting: should we have a member from the Governor’s office? Or just a liaison from Governor’s office who should be on LMWG mailing list?
  - i. **Hippensteel would be willing to talk to Rep. Dodge to get his viewpoint on this.**

ii. Krevda will talk to Stutzman.

Meeting adjourned at 3:00pm.

Rev. 10/7/09, aks