

Summaries of Lakes Management Work Group Meetings

Appendix A of the

**Final Report of the Indiana Lakes
management Work Group**

Summaries of Lakes Management Work Group Meetings
Appendix A of the
Final Report of the Indiana Lakes Management Work Group

This appendix contains meeting summaries and attachments of the 24 meetings of the Indiana Lakes Management Work Group. Over the course of these meetings, the Work Group developed recommendations that are contained in the Final Report. However, the recommendation numbers found throughout Appendix A do not correspond to the numbers of the recommendations in the Final Report (after recommendations were finalized, they were re-ordered by topic, and re-numbered).

The Reference Key (page i) is provided for use when cross-referencing between Appendix A and the final recommendations. “Old numbers” are used in Appendix A, and “new numbers” are used in the final report’s section of final approved recommendations.

Table of Contents

Reference Key to Re-numbered Final Approved Recommendations	i
November 13, 1997	1
December 18, 1997	6
January 9, 1998	10
February 6, 1998	15
March 26, 1998	22
April 16, 1998	37
May 14, 1998	42
June 11, 1998	47
July 16, 1998	63
August 20, 1998	80
September 21, 1998	94
October 26, 1998	110

December 2, 1998	119
January 25, 1999	130
February 22, 1999	143
March 24, 1999	156
April 21, 1999	168
May 19, 1999	176
June 14 and 15, 1999	190
July 28, 1999	222
August 18, 1999	234
September 28, 1999	245
October 26, 1999	258
November 18, 1999	270

Reference Key
to Re-numbered Final Approved Recommendations
Grouped by Topic

New No.	Title	Old No.
Lake Health		
1	Non-point Source Pollution Control	20
2	Development of Lake Eutrophication Standards	21
3	Motorboat Watercraft Impacts on Lake Ecology	26
4	Land Application of Sludge	43
Human Health		
5	Bacterial Contamination at Public Bathing Beaches	24
6	Trace Pesticide Concentrations in Drinking Water Sources	27
7	Algal Toxins	30
8	Pathogen Contamination from Confined Feeding Operations	36
9	Health & Environment Risks Due to Pastured Livestock	35
10	Chemical Contamination of Fish in Indiana Lakes	39
11	Wastewater Treatment Plants Discharges Into Indiana Lakes	40
12	Threats from Petroleum Compounds and Other Volatile Organic Chemicals	42
Septic/Sewer Systems		
13	Septic Condition Added to Real Estate Disclosure Process	8
14	Separation of Combined Sewer Systems	19
15	On-Site Septic Systems	23
Erosion/Sedimentation		
16	Enforcement of Erosion Control at Developing Sites	3
17	Increased Sedimentation Associated with Legal Drains	31
18	Removal of Accumulated Sediments from Lakes and Inlets	53
Permitting/Enforcement		
19	Improving the Coordination of All Water Resource Permitting Activities	4
20	Increased Enforcement of Lakes-related Laws	12
21	Regulation of Temporary and Permanent Structures on Public Freshwater Lakes	49
22	Statutory Authority Pertaining to Lakes	51
Boating		
23	Revised Boating Regulations	11
24	Increased Public Access to Lakes	13
25	Increased Boater Education	14
26	Regulating Boating Activities on Public Freshwater Lakes	15
27	Regulation of Personal Watercraft	17
28	Restroom Facilities at Public Access Sites	47

New No.	Title	Old No.
Planning/Management		
29	Watershed Planning and Management	18
30	Assessment of Economic and Ecological Value of Indiana Lakes	22
31	Land Use Planning in Lake Regions	25
32	Continuation of the Indiana Lakes Management Work Group (ILMWG)	44
33	Consolidation of Lake Management Functions in State Agency	45
34	Expansion and Use of Lake and River Enhancement Funds	52
 Wetlands		
35	Land Acquisition for Lake Conservation	9
36	Expansion of Wetland Reserve Program	10
37	Wetlands Protection	38
 Flooding/Drainage		
38	Stormwater Runoff from Developed Real Property	7
39	Flooding and Drainage	48
 Fish/Fishing		
40	Fish Community Considerations	46
41	Regulation of Fishing Tournaments on IDNR Reservoirs	50
 Nuisance Species		
42	Use of Hunting and Trapping for Management of Nuisance Wildlife	16
43	Control of Non-native, Invasive Aquatic Plants	29
44	Threats from Exotic Aquatic Nuisance Species	32
45	Control of Nuisance Geese	37
 Information/Education		
46	Fertilizer and Pesticide Management Brochure	5
47	Consolidation of Lake Information	33
48	Education on Lake Property Management for Owners & Realtors	34

LAKES MANAGEMENT WORK GROUP

Indiana Government Center South

November 13, 1997

Meeting Minutes

Members Present

Sen. Robert Meeks

Sen. Katie Wolf

Rep. Dennis Kruse

Rep. Claire Leuck

Lisa E. Barnese-Walz

Stephen E. Cox

Robert L. Eddleman

Mark GiaQuinta

Charles E. Gill

David L. Herbst

William Jones

Jeffrey Krevda

Robert Madden

Thomas McComish

Dale Pershing

Donald E. Seal

Garry Tom, Sr.

Robert M. White

JoEileen Winski

Gwen M. White

Jed Pearson

Ralph Taylor

Jan Henley

Members Absent

Anne Spacie

Holly Ann LaSalle

Richard H. Kitchell

The meeting was called to order at 10:00AM by the Chairman, Senator Robert Meeks. He welcomed everyone and explained his interest and involvement. He represents a district with many lakes and receives numerous calls from constituents regarding lake-related problems. He became well acquainted with Dave Herbst, who was a Deputy Director at the Department of Natural Resources, often coordinating with him to address lake issues. They organized public meetings in Angola at Tri State University in August and October 1996 to discuss lake concerns. More than 300 people attended each of the meetings, identified a long list of concerns regarding lakes, and prioritized them. Sen. Meeks then chose to sponsor legislation to create a 26-member lakes work group; the legislation was enacted.

Sen. Meeks stated that because of its large size, the Work Group would have to stay focused to reach conclusion within two-year period. Open debate will be permitted, with all conversation directed to the group as a whole, rather than as private discussions among adjacent members. Non-members will also be allowed to participate in discussion; DNR will facilitate meetings.

Sen. Meeks asked members to introduce themselves and briefly state their affiliation and reason for involvement.

Jed Pearson - IDEM District Fisheries Biologist - Fishing/boating aspects

Jan Henley - IDEM Office of Water Management - Water Quality Aspects

JoEileen Winski - Michigan City - Environmental Quality for children

Bob White - Indiana Farm Bureau - Agricultural relationship to lakes

Garry Tom - Indiana Association of SWCDs - Lake problems

Dale Pershing - Indianapolis Water Company - Reservoirs
Ralph Taylor - IDNR Law Enforcement - Works with 315 lakes
Tom McComish - Ball State University - Conservation/use of lakes
Bob Eddleman - USDA NRCS - Soil, water, air, plants, animals
Rep. Claire Leuck - Lakes Shafer/Freeman, Monticello
Bob Madden - Lake Lemon C.D. - Address southern lake issues
Lisa Barnese - Corps of Engineers - Future reservoir integrity
Rep. Dennis Kruse - Responsible multi-purpose use of lakes
Gwen White - IDNR Lake & River Enhancement
Steve Cox - BASS Federation - Environmental protection, user conflicts
Mark GiaQuinta - Fort Wayne - Proactive attention to lake development
Dave Herbst - Rochester - Give something back for enjoyment of lakes
Bill Jones - Indiana University - Personal interest and expertise
Jeff Krevda - Marion - Help DNR work with lake associations
Don Seal - Noblesville Parks Department - Morse Reservoir

Sen. Meeks asked audience members if they wished to introduce themselves and comment on their interest in the Work Group's activities.

Mike Clapp - Steuben County - Boats, effect of agriculture and sewage
Miriam Dant - Baker & Daniels - interest in legal aspects of lake issues
Greta Hawvermale - Keramida Environmental, Inc. - Emerging issue
Loei Kaplan - IDNR Deputy Director - Welcome to members
Harry Nikides - IDNR Division of Soil Conservation - Welcome
Christa Jones - Indiana Association of SWCDs - Protect water resources
Mike Neyer - IDNR Division of Water - Programs for water resources

Jim Ray of IDNR Lake & River Enhancement provided an overview of meetings held in August and October of 1996 at which the public provided guidance to Sen. Meeks, IDNR, and IDEM regarding lake issues.

Eric Myers of IDNR facilitated discussion of the members' expectations for the Work Group. Ideas presented included:

Meeks - Use process similar to development of Drainage Handbook
Pearson - Identify issues to be addressed, review them, develop solutions
Henley - Need public participation; meetings all around state
Winski - Craft legislation if necessary
Tom - Avoid "finger pointing"; identify top priority items
Pershing- Facilitate local watershed groups; assist local efforts
Taylor - Assure that Work Group is functional; produce results
McComish - Adequate funding must be assured for solutions
Eddleman - Problems must be clearly defined
Leuck - T by 2000 program as potential solution; simplify permitting
Wolf - Establish policies for communities to follow; coordinate programs
Barnese - Involve all facets of public and consider their concerns

Kruse - Overall goal is clean water for all to use and enjoy
Madden - Most problems known, no money to fix; guidebook needed
G. White - Evaluate cost of inappropriate actions; consider environmental limitations
Cox - Increase fees; develop guidebook; regulations in lieu of legislation
GiaQuinta - Economics of lake decline; involve local officials in decisions
Kruse - Model zoning plan for lake areas
Herbst - "Funneling" is big concern, many additional boats; tiered lots
GiaQuinta - Evaluate easements around lakes; involve local planners
Wolf - LARE funds and \$5 DNR fee disproportionately appropriated
Cox - Notify local officials if Work Group meets in their area
Meeks - Have Legislative Service Agency invite local zoning officials
Gill - Funding; know where problems are
Herbst - Raise public awareness of existence/importance of lakes; establish unit in state government to address all lake issues
Jones - Develop statewide policies re lakes, like Wisconsin; organize and clarify issues; series of strategic issue papers; policy needs implementation, educate public on solutions; facilitate proper actions by local government
Krevda - Goals must coincide with funding availability; must be feasible and prioritized; acquire engineering expertise to implement solutions
Meeks - Plan of action necessary for legislative funding; new tax base not feasible
Taylor - Bass committee will communicate its findings to Work Group
Barnese - Need universal definition of "water quality"
GiaQuinta - "Lake quality" more than just "water quality," e.g., boat noise
Kruse - Must address boating issues
Meeks - Difficult to measure and enforce some boating issues
Cox - Use Angola meeting results to guide Work Group; address "quality of life" as well as "water quality"
GiaQuinta - Don't subdivide problems to point of paralysis; safety of lake users as important as lake quality
McComish - Existing safety regulations may be adequate but for lack of enforcement
Taylor - District has 17 Conservation Officers for 313 lakes
Pershing - Need implementable goals; evaluate existing programs for additional or continued funding
Meeks - Need presentations to Work Group about current lake programs; Legislature responsive to recommendations from study committees
B. White - Develop workbook of available programs for lake groups; explain to local leaders that proactivity can save their resources
Madden - Need means to identify who does what in state government
Herbst - Product of Work Group might be hybrid of public policy recommendations and technical information
Eddleman - Must be able to sell the product; clearly define problems, causes, solutions for ease of public understanding; document progress

Seal - Mind boggling number of issues; what will cost be if problems not addressed?

B. White - Maximize use of existing agency resources

Wolf - Lake associations must have plan; implement in phases

White - Must separate listed Work Group “products” from “issues”

Eddleman - Work Group will need to receive compilation of background information

Krevda - Implement/propose projects/solutions; seek opportunities to use existing laws/regulations for short-term accomplishments

Taylor - Work Group legislation specifies only “public freshwater lakes” issues; how closely must Work Group adhere to that charge?

Meeks - Work Group can address issues as long as they have an effect on/are associated with public freshwater lakes

Herbst - DNR/DEM and private organizations stated in October 1996 Angola meeting how they were addressing many of the issues

Myers - Is there need to separate listed issues and products; group and prioritize them?

GiaQuinta - Can Work Group break down into subgroups?

Meeks - Subgroups are possible option

Eric Myers facilitated a discussion regarding logistical aspects of the Work Group’s activities.

Meeks - Senator Garton indicated that there may be reasons why the Work Group cannot meet in January, February, and March 1997 during the General Assembly

GiaQuinta - Could subcommittees meet during those months?

Meeks - If they met, they’d not be able to receive per diem.

Ray - Legislators are paid through LSA, but citizen members will be paid through DNR

Cox - Meetings could perhaps be held; just legislators would not be eligible to be paid

Jones - Suggest meeting at least monthly, possibly finish early

Meeks - Work Group might meet monthly; subgroups could possibly meet at other times

Wolf - Legislature won’t have meetings on Fridays; could use those days

Kruse - Subcommittees could meet in mornings with Work Group in afternoons of same days, or vice versa.

Jones - Subcommittees may have work that doesn’t fit that schedule

Cox - Subcommittees should establish their own schedules

Meeks - Meeting schedule should be call of Chairman; may run out of money, so must be careful not to have too many meetings

B. White - Offer opportunity for subcommittees to meet in afternoons, but get permission of Chairman for other meetings

Cox - If first two meetings are only monthly, won’t accomplish much until February or March. Could information-sharing meetings be more often than once/month?

Meeks - The next meeting will be on Wednesday December 17 from 10:00 AM until 12:30 PM in the Indiana Government Center South. Information that Work Groups members need to review should be mailed out one week prior to meetings. Jim Ray will be IDNR contact for meeting information; 317/233-3871. As they become available, several information items will be distributed to Work Group members:

Description of existing programs, i.e., DNR, DEM, federal, local and who to contact for information

List of Work Group members

Recommendations of bass committee

IDEM lake water quality update

Information about lake management from other states

T by 2000 report and Drainage Handbook

Experiences of individual lake associations

Addition of "new" issues not addressed at Tri State meetings

Meeks - Subcommittee reports should be provided in writing to Jim Ray, then to LSA to pass on to the Work Group Chairman prior to submittal to the Group

Kaplan - DNR will prepare meeting minutes; LSA will be responsible for all mailings to Work Group members

Pearson - Should meeting summaries be sent to the public?

Eddleman - Easier to send out news release

Herbst - DNR could generate news release and next meeting date

Cox - Send information to organizations, such as lake associations, rather than individuals

Kaplan - Public notices generated by LSA for Internet would serve needs

Meeks - Work Group will operate on a consensus basis, generally. Option always available for minority report if disagreement. Chairman may call for actual vote, if deemed necessary for specific purpose.

Senator Meeks made closing remarks regarding the complexity of the many issues. He expressed desire for the Work Group to be productive. Not feasible to address all issues, so must establish priorities in order to have accomplishments that Group can be proud of. Develop products that can take Indiana into the 21st century with solutions to lake problems. The meeting was adjourned at approximately 12:45 PM.

LAKES MANAGEMENT WORK GROUP

Indiana Government Center South
Conference Room B
December 18, 1997

Meeting Minutes

Members Present

Sen. Robert Meeks
Sen. Katie Wolf
Rep. Dennis Kruse
Rep. Claire Leuck
Lisa E. Barnese-Walz
Stephen E. Cox
Robert L. Eddleman
Mark GiaQuinta

Charles E. Gill
Robert J. Henley
David L. Herbst
William W. Jones
Richard H. Kitchell
Jeffrey Krevda
Holly Ann LaSalle
Thomas McComish

Jed Pearson
Dale M. Pershing
Anne Spacie
Ralph Taylor
Gwen M. White
Robert M. White
JoEileen Winski

Members Absent

Robert Madden

Donald E. Seal

Garry Tom, Sr.

The meeting was called to order at 10:10 AM by Chairman Meeks. He read from the statute which created the Work Group, reiterating the group's responsibility, and encouraged everyone to stay focused on that charge.

Sen. Meeks asked all of the members to introduce themselves.

Eric Myers of IDNR reviewed the minutes from the November 13 meeting, and they were then formally accepted by a vote of the members.

Jan Henley of IDEM introduced Carol Newhouse of his staff who presented a historical overview of IDEM's lake-related activities. Newhouse explained that IDEM (and its precursor, the State Board of Health) have studied the state's lakes since the 1970s. As federal EPA §314 and §319 funds have been available, they have been used for different activities including diagnostic/feasibility studies of nine lakes (~\$500,000). IDEM's "Clean Lakes" program allows for monitoring and assessment of many lakes each year by volunteer monitors and Indiana University. Data summaries are prepared on a four-year cycle, with additional information provided in §305(b) reports every two years. There have been some years when federal monies have not been available to fund the Clean Lakes program. IDEM is striving to develop a system for electronic compilation of all the available lake data so that it can be more readily retrieved and utilized. There was discussion about the need for resources to establish a database. Bill Jones pointed out that all of the data collected by IU since 1988 are available in a database, and that he would like to make it available over the Internet. He added that from a scientific perspective the data are too limited to reliably be used to determine trends in water quality changes for specific lakes. Sen. Meeks asked what would be necessary to obtain data sufficient to answer common questions about the condition of lakes. Newhouse responded that agencies are working toward

that goal, but do not presently have adequate resources to do so. Holly LaSalle pointed out that volunteers at some lakes, such as Lake Tippecanoe, have been collecting rather extensive data that could be made available to the agencies to assist in establishing relative lake quality. Bill Jones noted that it can be difficult to describe the condition of a lake because of different individuals' perception of "water quality", which is a subjective term. Someone could consider the "quality" of a lake to be poor, for instance, because of their perception that it contained too many "weeds" which, in fact, could be ecologically beneficial plants.

Sen. Meeks asked audience members if they would like to introduce themselves. Those present were: Jim Gerbracht of IDNR Division of Parks & Reservoirs, Andy Kennedy of Sagamore Consulting, Mike Neyer of IDNR Division of Water, Harry Nikides and Jim Ray of IDNR Division of Soil Conservation, Bill James of IDNR Division of Fish & Wildlife, Lori Kaplan of IDNR, and Kathryn Clendenin of IDEM Office of Water Management.

Bob Eddleman of USDA Natural Resources Conservation Service mentioned the need for a coordinated interagency effort to compile natural resource data and create a comprehensive statewide geographic information system (GIS). This would involve the establishment of principles for consistent data acquisition. He then spoke about his agency's three areas of involvement with lakes. First is the assessment of resources, including the National Cooperative Soil Survey which explains the qualities of various soils and provides maps delineating their locations. USDA has acquired funds to produce digitized base maps using orthophotography. NRCS also conducts a natural resources inventory (NRI) every five years which is accurate at the eight-digit hydrologic unit level. The second area of involvement is providing technical assistance to landusers, which results in reduced erosion, sedimentation and improved water quality. The third area is providing financial assistance, in conjunction with the Farm Service Agency, to help farmers apply needed resource management systems. Some of the programs are the Conservation Reserve Program (CRP), the Environmental Quality Incentive Program (EQIP), the Wetland Reserve Program (WRP), and the Wildlife Habitat Improvement Program (WHIP). Senator Wolf asked if there are coordinated policy recommendations that arise from NRCS's activities. Mr. Eddleman replied that the agency did not emphasize such recommendations in its work but, rather, dealt with resource issues primarily through provision of individualized technical assistance. He mentioned that NRCS works in a "partnership" with soil and water conservation districts and other entities. The partnership has developed a strategic plan; copies will be made available to the Work Group members. Steve Cox asked if lakes will still be at risk from the effects of soil erosion, even if "T by 2000" goals are attained, since "T" still assumes an allowable level of erosion will occur. Mr. Eddleman explained that "T" is simply a gauge of soil productivity and is not an effective representation of environmental impacts. There is presently no formula used by NRCS that reflects the relationship of "T" to water quality.

Jed Pearson summarized the activities of the eleven-member Natural Lakes Tournament Fishing Advisory Committee which discussed biological and social concerns related to tournaments. The committee submitted its final report to IDNR on December 4, 1997 and it was formally accepted by Gary Doxtater, Director of the Division of Fish and Wildlife. Some of the twelve issues addressed by the committee were tournament scheduling/coordination, tournament fishing at Corps of Engineers reservoirs, lack of courtesy on the part of lake users, pre-spawn fishing, and a

bass size limit. Mr. Pearson asked if the Work Group wished to formally consider the findings of the tournament fishing committee. He also suggested that the process used by the committee might be a useful model for the Work Group in its endeavors. Sen. Meeks asked if the report contained recommendations for statutory or rule changes. It does contain a proposal for changes to bass size and bag limits. Mr. GiaQuinta asked if the issues addressed by the committee were social “nuisances” as opposed to “lake quality” topics. Mr. Pearson pointed out that many lakes have boating concerns, such as the number of boats, that would not be ameliorated by limitations on fishing tournaments. Mr. GiaQuinta indicated that he believed that tournament fishing issues should not be addressed again by the Work Group if problems specific to tournament fishing are already adequately addressed by actions resulting from the committee report. Steve Cox noted that there are many lake users who are frustrated by boating congestion. Some have focused on tournament fishermen as contributors to the problem, and regulation of tournaments is viewed as a simple remedy since they could be more readily controlled than the general boating public. He also acknowledged that there may be more tournaments than some lakes can comfortably support, since the number of tournaments has increased significantly in the past several years. There are now 30-40 organizations that sponsor tournaments, many as money-making ventures. Lt. Taylor stated that he monitored the three tournament fishing committee meetings and was impressed with the honesty and sincerity of the participants. Mr. GiaQuinta was reassured to hear that IDNR is taking measures to ensure that tournament fishing does not harm lake fisheries. He noted that, in effect, adjacent states may actually improve the “quality” of their lakes by having closed fishing seasons, while increasing pressure on Indiana lakes, because avid out-of-state fishermen are “forced” to use Indiana lakes during the periods of closure. The group agreed that the broader issue of boating congestion and recreational overuse will remain a topic for future discussion.

Eric Myers next asked everyone to review the summary of the 1996 Angola meetings to determine whether the information could be useful to the Work Group. There was general agreement that the Angola information was a good representation of most lake issues, and would therefore be a useful basis for the Work Group’s deliberations. The Angola issues had been organized in sixteen categories which the Work Group thought should be grouped into a smaller number of broad titles. Gwen White pointed out that some of the sixteen headings were “problems” while others were “solutions”. There was considerable discussion about methods for logical categorization. Lt. Taylor suggested grouping the topics on the basis of the statutes under which they could be addressed, such as the Public Freshwater Lake Law or the Fish and Wildlife Code. Several other members supported his idea. Mr. Cox noted that all solutions to lake-related problems may not require statutory changes, so it might be inappropriate to consider all of the issues in the context of the laws. Mr. GiaQuinta offered that there may be too much significance attached to using existing laws as the backdrop for discussions; he would not want the Work Group to develop a negative reputation for creating a lot of laws. Following additional discussion, the Work Group agreed to adopt Bill Jones’s suggestion for the creation of five broad categories: Water Chemistry, Watershed, Recreation, Shorelands, and Biology. The group also agreed that those categories would be the basis for sub-group discussions. The members were asked to identify two of the sub-groups in which they would like to participate. Their selections were:

Water Chemistry

Lisa Barnese-Walz

Jan Henley

Holly LaSalle

Bill Jones

Watershed

Rep. Claire Leuck

Mark GiaQuinta

JoEileen Winski

Bob White

Charles Gill

Recreation

Jed Pearson

JoEileen Winski

Mark GiaQuinta

Steve Cox

Shorelands

Ralph Taylor

Bob White

Richard Kitchell

Bill Jones

Biology

Tom
McComish
Dale
Pershing
Anne
Spacie
Gwen
White

Rep.
Dennis
Kruse
Jeff
Krevda
Jan
Henley
Bob
Eddleman
Anne
Spacie

Jeff
Krevda
Ralph
Taylor
Richard
Kitchell

Mark
GiaQuinta
Dave
Herbst
Steve
Cox
Gwen
White

Jed Pearson

Dave Herbst

Gwen White

Charles Gill

Steve Cox

Lisa
Barnese-
Walz
Holly
LaSalle
Bob
Eddlema
n
Anne
Spacie

The next meeting date was set for January 9, 1998. Participants and the general public will be notified of the specific time and location as soon as a room can be reserved.

The meeting was adjourned at approximately 12:45 PM.

LAKES MANAGEMENT WORK GROUP

Indiana State Museum

Auditorium

January 9, 1998

Meeting Minutes

Members Present

Sen. Robert Meeks

Sen. Katie Wolf

Rep. Dennis Kruse

Lisa E. Barnese-Walz

Stephen E. Cox

Robert L. Eddleman

Charles E. Gill

Robert J. Henley

David L. Herbst

William W. Jones

Richard H. Kitchell

Jeffrey Krevda

Holly Ann LaSalle

Robert Madden

Thomas McComish

Jed Pearson

Dale M. Pershing

Donald E. Seal

Anne Spacie

Ralph Taylor

Garry Tom, Sr.

Gwen M. White

Robert M. White

Members Absent

Rep. Claire Leuck

Mark GiaQuinta

JoEileen Winski

The meeting was called to order at 10:03 AM by Chairman Meeks. He reminded the members of the public comments from meetings held in Angola, and their charge, as stipulated in the law which established the Work Group.

The Work Group and audience members introduced themselves. Those in the audience were Harry Nikides, Mike Massonne, and Jim Ray of the IDNR Division of Soil Conservation; Lori Kaplan, IDNR Deputy Director; Mike Neyer of IDNR Division of Water; Carol Newhouse of IDEM; Ayesah Patterson of Ice, Miller, Donadio and Ryan; and Andrew Kennedy of Sagamore Consulting.

Sen. Meeks asked for review of the previous meeting's minutes. Jed Pearson asked that the draft be amended to state that copies of the Natural Lakes Tournament Fishing Advisory Committee were distributed to Work Group members. With that addition, the December 18, 1997 meeting minutes were approved.

Sen. Meeks reiterated that the Legislative Services Agency determined that there is no legal provision for the establishment of formal subcommittees. If the Work Group should choose to have subcommittees, the small group members would not be eligible for *per diem* salary or travel expenses if the subcommittees met independently, and they would have to conduct publicly advertised meetings. LSA would not be able to provide staff services to independent subcommittees. Additionally, LSA cannot provide assistance to the Work Group while the General Assembly is in session, other than to process *per diem* and travel claims.

Sen. Meeks asked Harry Nikides to provide a description of IDNR's *T by 2000* strategy and its *Lake and River Enhancement* component. Nikides explained the genesis of *T by 2000*,

beginning with the Governor's Soil Resources Study Commission's 1985 report. That report led to legislation in 1986 which provided funding for a new IDNR Division of Soil Conservation in 1987, along with educational specialists affiliated with Purdue University, and an agricultural cost-share program for critical erosion control. Nikides described the five components of *T by 2000*, which are 1) urban erosion control technical assistance; 2) agricultural educational assistance; 3) Lake & River Enhancement; 4) agricultural erosion control cost-sharing; and 5) agricultural erosion control technical assistance. He explained that LARE grant funds can be used by recipients for different types of evaluatory studies, engineering feasibility studies, design of structural lake protection devices, construction of the devices, implementation of conservation practices, and monitoring. He also indicated that the Riverwatch volunteer stream monitoring program is now a part of LARE.

Sen. Wolf asked if attaining "T" by the year 2000 is a realistic goal. Nikides replied that although IDNR's Division of Soil Conservation, the USDA Natural Resources Conservation Service, and the 92 soil and water conservation districts have jointly made substantial progress toward that goal, the full financial and human resources anticipated by the Governor's Soil Resources Study Commission have never been made available to address the erosion problems. Nikides reminded the Work Group that the study commission's desire was for "T" to be attained by the year 2000, and that all necessary efforts would be continued beyond 2000 to sustain that acceptable level of erosion. He added that while "T" indicates an acceptable erosion level for crop productivity, it may not be sufficient to attain water quality goals. He indicated that NRCS, which is an important partner in the Indiana soil and water conservation effort, is suffering from reducing budgets that are affecting staffing levels.

Sen. Meeks stated that the Work Group had heard presentations from various agencies involved in lake management activities, explaining their activities, thereby providing the members with an overview of the current situation. Personnel from the agencies would be available, upon request, to clarify their roles or respond to members' questions.

Sen. Meeks next introduced Mike Massonne to facilitate discussion begun at the previous meeting about establishment of sub-work groups which could focus on specific issues. Mr. Cox mentioned that it would be beneficial to plan for longer meetings, to allow more time for discussion. Sen. Meeks indicated that the members could have longer meetings, if desired.

There was additional discussion about the various logistical aspects of the members meeting in sub-work groups, and the benefits of doing so. Lt. Taylor suggested that someone should chair each sub-work group and be responsible for conveying its findings to the entire Work Group. Mr. Jones indicated that most productivity would arise from small groups or individuals working at locations where needed information and resources would be most accessible. Mr. Eddleman offered the idea that the sub-work groups would be responsible primarily for gathering information which could then be presented to the entire Work Group for consideration and decision-making. Each sub-work group should be permitted to ask the others for information or to carry out appropriate tasks. Rep. Kruse thought that it would be productive for members to be assigned to a specific sub-work group, but be afforded the opportunity to participate in others as well.

Dr. McComish suggested that the best way to obtain assistance from outside the membership would be for sub-work groups to meet at locations that would offer convenient access. Sen. Meeks stated that sub-work groups would probably not all require the same amount of time to carry out their tasks. Much of what they could do would be to obtain information for a comprehensive “catalog”. Mr. Pershing indicated that some issues will overlap from one sub-work group to another, so it will be important for the groups to be aware of what the others are doing.

Mr. Massonne asked the Work Group to consider the functionality of sub-work groups and the potential significance of intellectual/technical diversity among the members. Mr. Cox thought that the sub-work groups should review the report of the Angola proceedings and select topics appropriate for evaluation. The entire Work Group could decide which subgroup should evaluate overlapping topics. The sub-work groups could prioritize their issues, identify underlying problems, determine what is currently being done to address problems, and offer recommendations to the Work Group as a whole. Dr. Barnese-Walz suggested that the sub-work groups could develop physical lists of available data/information, identify potential sources of information, and determine whether trends are indicated.

Lt. Taylor stated that there should be opportunities for public input; issues should be defined, they should be discussed from different points of view so that the members might anticipate how recommendations would be received and which aspects should be considered; duplicative efforts should be stimulated in sub-work groups to review topics from as many different points of view as possible. Mr. Eddleman suggested that the best way to determine how the sub-work groups might function would be for them to simply begin meeting. Mr. Herbst stated that several sub-work groups might need to discuss the same issues in order to get different perspectives.

Dr. Spacie recommended that the sub-work groups identify information gaps for issues (vs. topics about which sufficient information exists). Mr. Herbst indicated that the sub-work groups should develop recommendations for appropriate actions. Mr. Eddleman stated that innovative solutions should be identified that already exist. The group should think about things that other organizations may already be doing that are relevant. Sen. Meeks reminded the members that it would probably not be possible to solve all lake-related problems.

Mr. Madden asked how the whole Work Group would interact with the sub-work groups. Sen. Meeks stated that sub-work groups would meet on the same day as the whole group, but that he envisioned the sub-work group meetings using the preponderance of the meeting time. Mr. Madden suggested that the Work Group could meet as a whole for a short time in the morning, all sub-work groups could then meet at the same time for perhaps two hours in the morning, lunch could be catered in to save time, and meetings could continue until 3 or 4 o’clock. Dr. McComish offered that it would be a mistake to limit the number of sub-work groups. Mr. Cox recommended that the Work Group meet as a whole initially on each meeting day, prior to breaking into sub-work groups, to allow for public interaction and to be apprised of each subgroup’s activities. Sen. Meeks believes that there should be some meetings in various parts of the state, perhaps in the north, south, northwest, and southeast.

It was agreed that the members would select a sub-work group with which to meet, and that discussions within the subgroups would hopefully lead to ideas about the most effective way to conduct future meetings. The titles of the five sub-work group topics identified at the previous meeting were offered for consideration; they were: 1) Water Chemistry, 2) Shorelands, 3) Biology, 4) Watershed, and 5) Recreation. After additional discussion the members decided that because of overlapping issues, they would combine the first three topics into one sub-work group. The members who chose to participate in that subgroup were: Barnese-Walz, McComish, Henley, Pershing, LaSalle, Spacie, Jones, G. White, Herbst, and Kitchell. The members who chose the Watershed subgroup were: Kruse, Krevda, B. White, Eddleman, Gill, and Tom. The members who chose the Recreation subgroup were: Pearson, Taylor, Cox, Seal, Madden, and Meeks. Each sub-work group was asked to consider the issues presented at the Angola meetings, to attempt to prioritize them, to identify “stakeholders” and resources affected by the issues, and to identify resources needed to address the issues.

Recreation Sub-Work Group

Lt. Ralph Taylor was selected as the chairperson for the group. Issues tentatively identified as being relevant to the group’s discussion were:

1. Boating Impacts
 - Overcrowding
 - Boat Operation (safety, types of craft, noise, speed, etc.)
 - Public Access

2. Fishing/Hunting Impacts
 - Rules and Regulations (seasons, fees, limits)
 - Tournaments
 - Public Access

3. Funding Impacts
 - Distribution of Boat Excise Tax
 - Lake & River Enhancement Fees
 - Review Funding Sources/Allocations of Funds for Law Enforcement
 - Identify Additional Sources of Funding for Recreation

Additional issues that were mentioned but not specifically discussed were aquatic weed management, water level management, and enforcement. The group began a discussion of priorities but did not have sufficient time to formalize them. The members also attempted to list stakeholders. Some that were mentioned were lake users, lakeshore property owners, and businesses. Lt. Taylor opined that “everybody” was a stakeholder in one way or another.

Biology/Chemistry/Shorelands Sub-Work Group

[Discussion notes are attached.]

Watershed Sub-Work Group

[Discussion notes are attached.]

Following discussions in sub-work groups, the entire Work Group met together again as a whole. Mr. Massonne asked if the members were satisfied with the breakout arrangement and if it appeared to be a viable way to proceed. There seemed to be consensus that working in smaller groups would be productive. Lt. Taylor indicated that his group seemed to have developed a basis for better understanding the complex, intertwined issues that would need to be addressed. It was decided that someone should be designated to record notes during each subgroup's meeting and provide them to IDNR for compilation and dissemination to all Work Group members.

It was agreed that the next meeting would be on February 6, 1998 from 10:00 AM until 3:00 or 4:00 PM in Indianapolis. Participants and the general public would be notified of the exact location. One of the topics of discussion would be conducting some meetings at locations other than Indianapolis in order to allow for additional public participation.

The meeting was adjourned at approximately 12:45 PM.

[Attachments (3 pages) to 1-9-98 Meeting Summary not available in electronic version. Request hard copy from the Indiana Department of Natural Resources Division of Soil Conservation (317-233-3870).]

INDIANA LAKES MANAGEMENT WORK GROUP

Indiana Government Center South

February 6, 1998

Meeting Minutes

Members Present

Rep. Dennis Kruse
Robert L. Eddleman
Charles E. Gill
Robert J. Henley

David L. Herbst
Jeffrey Krevda
Holly Ann LaSalle
Robert Madden

Jed Pearson
Dale M. Pershing
Gwen M. White
JoEileen Winski

Members Absent

Sen. Robert Meeks
Sen. Katie Wolf
Rep. Claire Leuck
Lisa E. Barnese-Walz
Stephen E. Cox

Mark GiaQuinta
William W. Jones
Richard H. Kitchell
Thomas McComish
Donald E. Seal

Anne Spacie
Lt. Ralph Taylor
Garry Tom, Sr.
Robert M. White

The meeting was called to order at 10:10 AM by Representative Kruse. The minutes from the January 9, 1998 meeting were reviewed and approved as written.

Jan Henley of IDEM distributed copies of a one-page summary sheet he had prepared to clarify and organize the many issues discussed in the 1996 Angola lakes meetings. He expressed hope that the summary might be useful to the Work Group members.

Dave Herbst distributed copies of an Angola meeting summary that had previously been prepared by IDNR. It listed the priority ranked issues identified by each of the ten breakout groups. He indicated that the Work Group might find it useful as a reference.

Holly LaSalle displayed a copy of *The Indiana Water Resource – Availability, Uses, and Needs*, which is the 1980 report from the Governor's Water Resource Study Commission. She indicated that the report, although several years old, is still a valuable source of information. Copies of the report are available through IDNR.

Individual contributions from McComish, Jones, LaSalle, and Herbst regarding the Biology/Chemistry/Shorelands subgroups were distributed to all members.

Eric Myers led a discussion regarding public participation in the Work Group meetings. There was general agreement that field meetings should be divided into segments that would allow for public input, plus portions during which there would be discussion only among official Work Group members. Pershing mentioned that there should be a mechanism for advance public notification of field meetings so that interested citizens would be able to plan to attend. Eddleman suggested the possibility of a designated period for public comment at the beginning of field meetings, then perhaps near the close of the meetings as well. Winski suggested the possibility of having a sign-in process for those who wish to speak, and limiting each person to a

reasonable period of time. It was agreed that once the total amount of speaking time is determined, it could be divided equally among those who wish to speak. Organized groups of people could be asked to select a spokesperson. As the Work Group divides into its smaller subgroups at field meetings, each of the subgroups will decide whether to accept commentary from nonmembers.

Mr. Eddleman stated that individuals attending field meetings may wish to inquire about issues not governed by P.L. 239-1997 (the law which established the Work Group). That law states that the Work Group's activities are to be directed to issues associated with lakes meeting the definition of "public freshwater lakes". Discussion ensued regarding that definition and its consistency with the intent of the legislation. It was agreed that IDNR staff would speak with Sen. Meeks and clarify the extent of the Work Group's authority.

The members divided into their subgroups for separate discussions until 2:30 PM. [Notes from the subgroup meetings are attached.]

The entire Work Group reconvened and discussed its progress. Rep. Kruse mentioned that there was not yet a good vision of the outcome of the Work Group's proceedings, whether there might be a report or some other type of published document. He thought that it could possibly be a condensed report with recommendations for specific actions. Pershing stated that it is beneficial for everyone to receive copies of the subgroups' minutes, and that they should ideally be incorporated into the official minutes of the entire group. He also complimented the subgroup members for completing work assignments after the previous meeting and making their results available to other members. Winski thought that the amount of time allotted for the meeting was appropriate. Herbst indicated that cooperation among members was good. Members pondered why so many absent members had been unable to attend the meeting. There was some discussion about the lack of a timetable, and Eddleman suggested that future meeting dates should be selected as soon as possible. Kruse noted that there had been some misunderstandings related to per diem payment and travel reimbursement. LaSalle mentioned that the Indiana Lakes Management Society (ILMS) will be co-hosting the annual Lakes Management Conference in LaPorte at the Ramada Inn on April 17th and 18th. She asked if the Work Group might wish to schedule a meeting in conjunction with that conference. There was agreement for LaSalle to secure meeting accommodations in LaPorte for the afternoon and evening of April 16th.

It was agreed that the next meeting would be on March 26th from 10:00 AM until 3:00 PM in Indianapolis.

Pershing summarized the Biology/Chemistry/Shorelands subgroup's discussion. The group is striving to clearly define what problems exist so that specific solutions can be identified at subsequent meetings.

Pearson explained the Recreation subgroup's discussion as an analysis of previously listed "issues" which are now being refined into a list of seven problem statements. Then, as with the previous subgroup, efforts will be undertaken to identify solutions for the problems.

Eddleman indicated that the Watershed subgroup is struggling to clarify what “lakes” are to be addressed, and whether that should include water bodies other than natural lakes. He pointed out that there are many reservoirs, as well as “low head” dams on streams around the state, for instance, that create impoundments having some of the features of lakes.

The meeting was adjourned by Rep. Kruse at 2:47 PM.

Recreation Subgroup Meeting Notes

A considerable amount of discussion focused on clearly separating problems from solutions. For example, it was agreed that lack of funding or alternative allocation of funds should be considered potential solutions to the problems listed in problem statements. In general, the subgroup thought that potential solutions for all subgroups might best be lumped into four categories:

1. Rule or statute changes
2. Education emphasis
3. Funding
4. Agency directives

It was suggested that the problem statements be reviewed at the next meeting and a final strategy on how best to approach the problems be developed and adopted at that time.

Biology/Chemistry/Shorelands Subgroup Notes

The members discussed their individual written assessments of the best approach to be taken to resolve lake-related issues [Individuals’ notes are attached]. They then discussed the preferred format for a Work Group report, deciding that it should be based on the formulation of problem statements. The group developed the following problem statements:

1. Water quality of lakes is adversely affected by accelerated eutrophication, which is caused by:
 - a) Increased nutrient loading and biochemical oxygen demand (BOD) from the following:
 - 1) Livestock (small farms)
 - 2) Confined feeding operations
 - 3) Septic systems
 - 4) Lawn fertilizer
 - 5) Lawn waste and leaves
 - 6) Field tiles
 - 7) Agricultural runoff
 - 8) Golf courses
 - 9) Aerial deposition
 - 10) Construction site/soil disturbance
 - 11) Wetland dredging
 - 12) Boat toilet dumping
 - 13) Food waste (individual/commercial)
 - 14) Food processing/meat packing discharges

- b) Increased sedimentation from:
 - 1) Farm fields (tillage)
 - 2) Construction development (particularly on steep slopes)
 - 3) Road construction
 - 4) Ditch construction/maintenance
 - 5) Shoreline erosion
 - 6) Loss of riparian vegetation
 - 7) Channel construction/maintenance
 - 8) Aerial deposition
 - 9) Engineering design of dams (reservoirs, sediment traps, constructed wetlands)
 - 10) Flood control design/engineering
 - 11) Streambank erosion
 - c) Nutrient recycling from:
 - 1) Aquatic plant control (decay/loss of uptake)
 - 2) Boating – propwash
 - 3) Wave action
 - i) Boats
 - ii) Natural
 - iii) Seawalls
 - 4) Dredging
 - 5) Exotic species (zebra mussels/carp)
 - 6) Shoreline construction
 - d) Tracking and databases
 - e) Standards of measurement
 - f) Water withdrawal
2. Water quality of lakes is affected by chemical pollutants. Causes include:
- a) Pesticides
 - 1) Aerial deposition
 - 2) Agriculture
 - 3) Residential
 - 4) Plant control chemicals
 - b) Oils
 - c) Road de-icing compounds
 - d) Heavy metals
 - e) Windblown dust (aerial deposition)
 - f) PCBs (organic)
 - g) Industrial effluent
 - h) Landfill leachate
 - i) Dumping in lakes
 - j) Littering
3. Human health around lakes is affected by pathogenic pollutants. Causes are:
- a) Tracking regulatory responsibility
 - b) Septic systems and septic waste haulers
 - c) Livestock operations – Small and CFOs
 - d) Nuisance wildlife
 - 1) Beaver (giardia)

- 2) Waterfowl (coliforms, swimmer's itch)
 - 3) Deer
 - e) Landfill leachate
 - f) Wastewater treatment plants
 - 1) Seasonal disinfection
 - 2) Municipal permits
 - 3) Industrial permits
 - 4) Package plants
 - g) Land application of sludge (human, livestock)
4. Water quality of lakes is adversely affected by riparian (on-shore) degradation. Causes are:
- a) Shoreline erosion from:
 - 1) Boating
 - 2) Natural wind/wave action
 - 3) Protective structures (seawalls)
 - 4) Loss or removal of vegetation (in-lake and onshore)
 - b) Construction
 - 1) Onshore disturbance
 - 2) Shoreline alteration (too many seawalls)
 - c) Crowding
 - 1) Zoning (lot size, etc.)
 - 2) Variances
 - 3) Greenspace
5. Water quality of lakes is adversely affected by littoral zone degradation. Causes are:
- a) Boating – Prop cutting/wash
 - 1) Wave action – floating vegetation mats
 - 2) Scarring
 - 3) Resuspension/turbidity
 - b) Algal blooms (nutrient competition)
 - c) Water clarity (sediment turbidity)
 - d) Exotic plants (milfoil, purple loosestrife)
 - e) Plant removal (mechanical/chemical control)
 - f) Dredging
 - g) Sedimentation/delta formation
 - h) Loss of spawning habitat
 - 1) Sedimentation
 - 2) Recreation
 - 3) Beach creation
 - 4) Plant removal
 - i) Legal lake level (control)
 - 1) Drawdowns
6. Lake water quality is adversely affected by nuisance biota. Causes are:
- a) Undesirable algae
 - 1) Drinking water impacts

- 2) Other impacts
 - b) Zebra mussels
 - c) Exotic plants
 - d) Illegal stocking/release of biota
 - e) Spiny flea
 - f) Geese
 - g) Stocked trout
 - h) Inappropriate control measures
 - i) Carp/triploid grass carp
7. Water quality of lakes is adversely affected by lack of federal and state funding. Causes are:
- a) Lake & River Enhancement
 - 1) Release of full funding
 - 2) Increase LARE boat fee
 - b) Grants
 - 1) Sewer systems/septic
 - i) Sewer user fee
 - ii) Revolving fund
 - iii) Federal funds
 - 2) Projects
 - c) Education
 - d) County property taxes
 - 1) Lake representation in government
 - e) Enforcement
 - f) State employee salaries/turnover
 - 1) Attracting/retaining most qualified
8. Water quality of lakes is adversely affected by educational needs.

Pearson met with the subgroup to discuss the need for all subgroups to eventually agree upon a standardized format for presenting problem statements, subsequent solutions, etc.

The subgroup decided that at the next meeting it would:

1. Identify solutions and tag problems
2. Define/describe problems in statement form
3. Overlap with other subgroups?
4. Identify individual areas of expertise/resources.

Watershed Subgroup Notes

The subgroup initially discussed which water bodies in the state should properly be included in the Work Group's deliberations. That determination was thought to be important in deciding what aspects of "watersheds" would warrant detailed discussion. The law establishing the Work Group states that the group's activities "shall be directed to problems and issues associated with lakes that meet the definition of public freshwater lake". That definition is unclear, however. The subgroup identified some criteria that it thought appropriate for lakes that warranted Work Group consideration. Those were:

1. Public access
2. Public water supply
3. Manmade or natural
4. Exclude low-head impoundments on streams

There was discussion about specifically identifying problems:

Who, what, when, how?

Public input

 Lake property owners

 From previous meetings (Angola)

 Some ongoing

 Public officials

 Water quality information

 From task force partners

 As developed

 Soil & water conservation districts

 Information gathered from “locally led” conservation meetings

Watershed problems

Soil erosion

Stormwater runoff

Nutrients

Construction development

Uncontrolled flooding

Dams (replacement – solution)

Faulty septic systems

Inadequate sewer systems

The subgroup members agreed to continue the discussion regarding problem identification at the next meeting.

[Attachments (14 pages) to the 2-6-98 Meeting Summary not available in electronic version.
Request hard copy from the Indiana Department of Natural Resources Division of Soil
Conservation (317-233-3870).]

INDIANA LAKES MANAGEMENT WORK GROUP

Indiana Government Center South

March 26, 1998

Meeting Minutes

Members Present

Sen. Robert Meeks
Rep. Dennis Kruse
Jed Pearson
Stephen E. Cox
Lisa E. Barnese-Walz

Robert J. Henley
Anne Spacie
Gwen White
Jeffrey Krevda
Richard H. Kitchell

Dale M. Pershing
Lt. Ralph Taylor
Robert Madden
David L. Herbst

Members Absent

Sen. Katie Wolf
Rep. Claire Leuck
William W. Jones
Robert L. Eddleman

Garry Tom, Sr.
Holly Ann LaSalle
Robert White
Charles E. Gill

Tom McComish
JoEileen Winski
Donald E. Seal
Mark GiaQuinta

Participants

Phil Seng
Lori F. Kaplan

Eric Gonzalez
James K. Ray

Michael Neyer

The meeting was called to order at 10:15 AM by Senator Meeks.

Upon suggestion from the work group members, Ray agreed to have the agenda available to members at least one week prior to future meetings. Discussion ensued regarding the possibility of reimbursement for overnight travel to LaPorte. Senator Meeks and IDNR staff agreed to check with LSA to make this determination.

Lt. Taylor opened a discussion regarding payment of registration for the Indiana Lake Management Conference. Full registration includes a membership in the Indiana Lake Management Society (ILMS). Lt. Taylor raised a concern regarding appearance of bias if all work group members are also members of a single lake organization. White agreed to raise these concerns with ILMS conference coordinator.

[In later discussion with conference coordinator, Lynn Hartman, the ILMS executive committee agreed that: (1) members of the Work Group do not have to pay the registration fee, but are respectfully requested to pay for any meals that are provided to them, including Friday night dinner, \$25, or Saturday lunch, \$10; and (2) would not automatically become members and must make an individual request if they wish to be members.]

Senator Meeks provided clarification on the extent of waterbodies to be addressed by the work group. All lakes across the state can be included with the exception of Lake Michigan and any pools on the Ohio River.

The minutes from the February 6, 1998, meeting were reviewed and accepted with the following changes:

Pg. 2: change Holiday Inn to Ramada Inn - "LaSalle mentioned that the Indiana Lakes Management Society (ILMS) will be co-hosting the annual Lakes Management Conference in LaPorte at the Ramada Inn on April 17th and 18th."

Pg. 3: Strike the following sentence - "Herbst cited the examples of Milldam Lake, an impoundment created on Fawn River by the dam at Orland in Steuben County."

Eric Gonzalez, IDEM, described the State Revolving Loan Fund. The fund was capitalized by the federal government in the early 1990s for wastewater treatment. Drinking water and nonpoint source pollution control were added later. Funding has been used for rehabilitation of treatment facilities and combined sewer overflow systems. The loans are issued for a 20 year term with interest rate based on median household income (e.g., median income of \$24,000 yields a rate of 2.9%). The state provides a 20% match and bonds are issued through the state bond bank. Approximately \$61 million is currently in reserve. The program is characterized by no waiting list, no minimum or maximum amounts, no local match, and typical loan amount of \$1-2 million. The problem must be documented (e.g., failing septic systems). Pine Lake and Lake George are examples of communities that have used funds. Applications are received and processed at any time. Over 99 projects are currently under review or funded. Loan rates are lower than any other source. Application approval has been streamlined to as little as a few months. The program is pursuing increased marketing through outreach to organizations and at meetings. Applications are sent to every town, county, or city and to the consulting community each year. Lake associations would have to establish a regional water district or conservancy district to be eligible for funding. Information on the program will be available at the LaPorte meeting in April.

Senator Meeks mentioned an article in "Environmental News" about the recent ruling regarding Army Corps of Engineers jurisdiction over wetlands. Lt. Taylor had information about the criminal case regarding navigable "waters of the U.S." in which two of the judges stated that a subsurface connection to navigable waters would also qualify. Meeks added that the Natural Resources Study Committee has discussed conflicts regarding effects of surface water alterations on adjoining landowners. He also had copies of a letter from Tom Patterson, Dallas Lake Association, for the watershed and other subgroups to consider.

Jed Pearson suggested that a portion of the work group report describe the various programmatic definitions for "public lake" or "public freshwater lake" and define or list lakes under these categories. Copies of a 1988 Administrative Advisory Letter from the Office of the Attorney General to James Ridenour, then director of DNR, were distributed regarding the definition of "public freshwater lake" for DNR permitting purposes. Lt. Taylor identified three kinds of lakes: "public freshwater," "public" such as Lake Shafer, and "conservancy district" lakes. Discussion regarding classification of individual lakes followed until Senator Meeks asked that the shorelines subgroup research the issue.

Dale Pershing asked what the work group would present at the LaPorte meeting on April 16. Each subgroup will give a short report on progress to date.

[SUBGROUP BREAKOUT TIME]

Phil Seng, D.J. Case & Associates, introduced himself as one of the facilitators under contract to the IDNR for managing the work group process. They will guide the group through a process to determine goals, objectives, and timelines as soon as they begin working with the group.

Subgroup leaders presented a brief synopsis of their progress. Jeff Krevda represented the two individuals present by showing the list of watershed problems under consideration. Dale Pershing suggested that it would be useful at future meetings to take time for subgroups to discuss overlapping issues. Lt. Taylor described how the Recreational Use subgroup is trying to eliminate bias from their problem and solution statements and discussed how to determine if problems are real and can be documented. The subgroup is currently only looking at recreational issues related to fisheries, not biological communities. Dale Pershing described the 4-step format that the Biology, Chemistry, and Shorelands subgroup is using to outline six major problem categories.

Volunteers for the panel on Saturday afternoon at the Lakes Management Conference in LaPorte were: Dave Herbst, Lt. Taylor, and Dale Pershing.

The next meeting will be held on April 16, 1998, with subgroups meeting from 2-5pm and a public comment period from 7-9pm, at the LaPorte County Complex, Room 2, 809 State Street, LaPorte, Indiana. The public is welcome to attend the afternoon session and participate in the evening question and answer session. The meeting provides the work group with an opportunity to report to the public on achievements from the first five meetings. Senator Meeks strongly encouraged all members of the work group to attend.

The meeting was adjourned by Senator Meeks at 3:15 PM.

Recreation Subgroup Notes

The Recreation Subgroup continued its discussion from the previous meeting regarding its intended focus. The initial problem statements were established at the previous meeting by Jed Pearson and Robert Madden.

During the previous meeting Pearson and Madden were the only members of this subgroup who were in attendance. They formulated their perception of an overall goal in that meeting and explained their thoughts to the members who were now in attendance. They established a list of seven problems related to this group's specific assignment by condensing the previous issues brought forth from the public meetings at Tri-State University in Angola last year. They also established four areas that should be explored for solutions to the problems that will be the responsibility of this subgroup to carry forth to the main body of the Lakes Management Work Group.

The group agreed with Pearson and Madden's assessment of "issues" from the previous meeting. Dialog for the remainder of this session centered around condensing the list of seven problem statements that were developed by Pearson and Madden.

Facilitator Phil Seng from DJ Case & Associates came to this subgroup meeting and indicated that his firm would likely be able to do a better job of coordinating their assignment if a priority listing was established. Although the group finds it difficult to establish any one problem as being larger or more important than another at this early stage of the process, the group did reach a consensus as to priority, subject to change, dependent on upcoming public testimony.

The combined Goal/Mission/Problem Statements for this subgroup are as follows:

Is the recreational use and enjoyment of Indiana lakes too adversely affected by:

1. Improper and/or unsafe boating;
2. Overcrowded boating;
3. Failure of recreational users to comply with the law;
4. Inappropriate state or local laws or rules;
5. Suitable public access;
6. Plant control / fish & wildlife populations;
7. Water level conflicts.

The areas that need to be looked at for solutions to problems are:

Rule & State Changes
Educational Emphasis / Campaigns
Funding
Agency Directives.

Biology/Chemistry/Shorelands Subgroup Notes

The BCS subgroup continued to outline lake problems and related solutions by developing a format for organizing the information. The subgroup worked together on an example from each of the seven major problem areas and each person took a subject area to continue outlining resources for problem identification and proposed solutions.

The subgroup briefly discussed a preliminary list of objectives, including:

- a) identify gaps in resources that address a particular problem;
- b) identify agencies with existing programs and communicate that information to lake residents;
- c) determine the relative importance of problems regarding number of lakes affected, severity of impairment, etc;
- d) identify needs for enhanced funding, education, or technical assistance; and
- e) listing contacts for implementing solutions in an accessible format for lake residents.

Phil Seng, DJ Case & Associates, indicated that the facilitators would lead the larger group in further discussion of group and subgroup objectives at future meetings.

The group decided that funding, legislation, technical assistance, and education were resources to use for problem identification and solution implementation and did not represent separate problem categories.

During discussion of the entire work group, the BCS subgroup agreed to research existing definitions of “public lake” as used in various government programs and statutes. Further discussion is necessary to determine areas of overlap with other subgroups. The Recreation subgroup indicated that they were not planning to study fishery populations. The Watershed Subgroup discussed permitting issues within lakes.

The six major categories divided for review by the following group members:

- a) Eutrophication
 - 1) from nutrient inputs – Anne Spacie
 - 2) from sedimentation – Lisa Barnese-Walz
- c) Chemical pollutants – Dale Pershing
- d) Pathogenic pollutants – Jan Henley
- e) Riparian (on-shore/shoreline) degradation – Gwen White
- f) Littoral zone (shallow water) degradation – Dave Herbst
- g) Nuisance biota – Richard Kitchell

The format used for examining problems and solutions is:

- a) Impact on the lake
- b) Problem causes or contributors
- c) Resources to identify and quantify the problem
- d) Resources to implement solutions

An example from each major category follows (items requiring further study are noted with an asterisk*):

-
- a) Impact on the lake: **Eutrophication from nutrient inputs**
 - b) Problem causes or contributors: **Faulty septic systems**
 - c) Resources to identify and quantify the problem
 - 1) county health department
 - 2) IDEM 305(b) reports
 - 3) IDEM Clean Lakes Volunteer Monitoring*
 - 4) consulting firm / private investigations
 - e) Resources to implement solutions

- 1) more intensive investigation by county health departments
 - 2) organization of regional water district or conservancy district
 - 3) IDEM State Revolving Loan Fund (SRF)
 - 4) centralized wastewater collection and treatment
-

a) Impact on the lake: **Pathogens**

List: Fecal coliforms, Streptococcus, Staphylococcus, Pseudomonas, Cryptosporidium, Giardia

b) Problem causes or contributors: **Livestock operations (small and large)**

c) Resources to identify and quantify the problem

- 1) IDEM permit list for confined feeding operations (CFOs)
- 2) County health departments test results
- 3) County extension agents, NRCS for number and size of farming operations

d) Resources to implement solutions

1) Solutions include managing movement of waste to water through:

- i) location of operation
- ii) spreading of manure
- iii) waste treatment
- iv) feed content (phosphorus)

5) LARE projects to cost-share management practices

6) Cost share funds from the Division of Soil Conservation

7) NRCS design specifications

8) conditions on IDEM CFO permit

9) ACP program cost-share

10) demonstration projects funded by other agencies (i.e., GLNPO)

11) research (i.e., Purdue)

12) consulting firms design and construction of treatment wetlands

a) Impact on the lake: **Chemical pollutants**

1) drinking water

2) primary or secondary contact (e.g., swimming, boating, fishing)

3) biology of lake

d) Problem causes or contributors: **Pesticides**

1) agricultural pesticides (e.g., Atrazine)

2) aquatic plant control chemicals

c) Resources to identify and quantify the problem

1) manager's office at an ACOE reservoir for inflow testing

2) public water supply company (utility) for testing of intake, finish water, and select lake/stream sites

3) fish advisory from Indiana State Department of Health (ISDH), IDEM or IDNR for contaminants in the food chain

4) county health departments

- 5) 305(b) reports from IDEM for information on a limited number of water bodies
- 6) NPDES permits from IDEM for information on exceedances
- 7) designated uses list from IDEM
- h) Resources to implement solutions
 - 1) Turn-in-a-Polluter (T.I.P.) from IDNR Conservation Officer for reporting of chemical spills;
 - 2) Office of Emergency Response from IDEM for large or hazardous chemical spills;
 - 3) S.W.C.D. and County Extension for technical assist on agricultural practices
 - 4) various funding sources (e.g. 319, LARE, NRCS) for installing best management practices for control of nonpoint source pollution

-
- a) Impact on the lake: **Riparian degradation**
 - b) Problem causes or contributors: **Shoreline erosion**
 - 1) boating
 - 2) wave action
 - 3) amplified by bulkhead seawalls
 - 4) amplified by lack of littoral and shoreline vegetation
 - e) Resources to identify and quantify the problem
 - 1) document by visual inspection by lake residents*
 - 2) wetland lake maps from IDNR-Division of Fish & Wildlife*
 - 3) Lake Volunteer Monitoring program could include shoreline review*
 - 4) diagnostic studies by LARE (IDNR) and Indiana Clean Lakes Program (IDEM)*
 - 5) aerial photographs for historical change from
 - i) SWCD/NRCS offices
 - ii) state archives
 - iii) ACOE
 - 4) indication of wetland and lake shoreline location on original land surveys
 - 5) National Wetland Inventory (NWI) maps from US Fish & Wildlife Service
 - 6) permit files for individual shoreline alterations from ACOE, IDEM, IDNR
 - g) Resources to implement solutions
 - 1) funding for study and stabilization of shorelines from LARE (IDNR) or Watershed Management Section (IDEM)
 - 2) lake shoreline buffer zone ordinances (examples from Wisconsin DNR)*
 - 3) greenspace acquisition to protect shoreline habitat*
 - 4) improved property owner riparian management practices*
 - 5) conservation easements along shorelines (similar to stream buffers)*
 - 6) improved seawall construction practices
 - i) permit conditions from IDNR, IDEM, ACOE
 - ii) administrative rules on shoreline alteration at IDNR*
 - iii) education for riparian owners*

-
- a) Impact on the lake: **Littoral zone degradation**

- b) Problem causes or contributors: **Watercraft in shallow water**
 - 1) wave generation
 - 2) lake bed scarring and plant loss
 - 3) turbidity / resuspension
 - d) Resources to identify and quantify the problem
 - 1) observations by lake residents
 - 2) aerial photographs to document historical change in plant distribution
 - 3) plant control permits on file at IDNR Division of Fish & Wildlife
 - 4) literature search
 - 5) lake morphometry maps to determine shallow areas
 - f) Resources to implement solutions
 - 1) boater education*
 - 2) enforcement of the 200 ft “no-wake” zone (IDNR Law Enforcement)
 - 3) enforcement of herbicide application restrictions (IDNR Fish & Wildlife)
 - 4) limitation on ingress and egress channels for shoreline access*
 - 5) clarification of authority to zone in lakes*
 - 6) lake association participation in management of public and private lakes*
-

- a) Impact on the lake: **Nuisance biota**
- b) Problem causes or contributors: **Geese**
- c) Resources to identify and quantify the problem
 - 1) District Wildlife Biologist, IDNR, for numbers and management strategies
 - 2) animal control businesses for numbers and management strategies
- c) Resources to implement solutions
 - 1) relaxation of waterfowl rules for controlling geese (e.g., extending hunting season or bag limit) from US Fish & Wildlife Service
 - 2) planting tall grass or shrubs along the shoreline to discourage goose use
 - 3) animal control companies for removal or nest disruption
 - 4) design and landscaping of stormwater detention ponds and borrow pits to discourage geese

Watershed Subgroup Notes

The subgroup continued to identify and outline problems related to lake watersheds, as follows:

- Should Indiana pursue assumption of Section 404 permit authority from the Army Corps of Engineers (ACOE) and US EPA?
- Conflicting interests between upstream and downstream land users.
- People do not understand hydraulic power of water.
- Sources of sediment:
 - 1) cropland
 - 2) development
 - 3) organic materials
- Many studies of lakes are expensive and inadequate.

- Problems related to obtaining necessary approvals for projects (e.g. dredging) because of multiple jurisdictions.
- Questions related to propriety of permitting limitations.
- Is it possible that many problems can be addressed by regulations already in existence?
- Is there too much regulation, as stated by many citizens?
- Some 20-30 year old in-lake channels have survived, only to be impacted in last 5 years by jet skis.
- How many stream-related projects are done without permits?
- Court ruling against ACOE may have implications for watershed management.
- Lack of coordination within large watersheds—one county may do work for drainage and adjacent counties do not coordinate.
- Create watershed “management boards” (districts)?
 - 1) closer to local interests
 - 2) improve communications with state agencies
- There are many programs in existence that could help resolve problems, but they are not well publicized / marketed to potential users.

Indiana Lakes Management Work Group

April 16, 1998

2:00 - 5:00 PM

LaPorte County Complex, Room 2

MEETING SUMMARY

rev. 8/18/98

Members Present

Sen. Robert Meeks	Stephen Cox	Richard Kitchell	Dale Pershing	Jan Henley
Sen. Katie Wolf	Robert Eddleman	Jeffrey Krevda	Donald Seal	Jed Pearson
Rep. Dennis Kruse	Mark GiaQuinta	Robert Madden	Anne Spacie	Lt. Ralph Taylor
Rep. Claire Leuck	David Herbst	Thomas McComish	JoEileen Winski	Gwen White

Members Absent

Lisa Barnese-Walz	William Jones	Garry Tom, Sr.
Charles Gill	Holly LaSalle	Robert White

Other Participants

Lori Kaplan	Jim Ray	Ed Braun	Stu Shipman	Gary Hudson
-------------	---------	----------	-------------	-------------

Facilitators

Phil Seng	Dave Case	Rebecca Fitzmaurice
-----------	-----------	---------------------

Introductions/New Meeting Facilitators

Senator Meeks called the sixth meeting of the Indiana Lakes Management Work Group to order and then asked that participants introduce themselves. After introductions, Lt. Taylor reported that Conservation Officer Kelly was seriously injured in a river rescue training exercise earlier in the day. Senator Meeks offered the group's prayers for Officer Kelly and his family.

Jim Ray introduced Phil Seng, Dave Case, and Rebecca Fitzmaurice of D.J. Case & Associates (DJCA), who will be facilitating the remainder of this project. The DNR has contracted with DJCA to organize meetings, send out meeting announcements, prepare materials and reports, etc.

Phil Seng said that the staff at DJCA was very pleased to be involved in this important work. He introduced Dave Case and Rebecca Fitzmaurice, and provided background on DJCA and some of the similar projects they've completed. Phil, Dave, and Rebecca all have masters degrees in wildlife biology, so they understand the biological concepts involved, and their experience in other similar projects around the country makes them especially well-suited to facilitate this process. They facilitated wetlands conservation efforts in North Dakota, where water rights issues are extremely divisive. They worked with numerous state and federal agencies and Native American communities on Arctic nesting goose conservation issues in Alaska. They worked with state, federal, and private industry groups in Michigan to broaden and enhance conservation

of the endangered Kirtland's warbler, while simultaneously increasing economic development in the area. In Indiana, DJCA has developed the promotion plan for Indiana's environmental license plate, written the *Indiana Wildlife Viewing Guide*, and facilitated the Indiana Wetlands Conservation Plan, which is very similar to the lakes management project.

DJCA is based in Mishawaka, in St. Joe County. Phil will be serving as Project Manager for DJCA on this project, but he stressed that DJCA uses a team approach on all projects, so Work Group members can always speak with any DJCA staff about any aspect of this project.

Phil said he was at the March Work Group meeting as an observer, and it was obvious to him that the Work Group had made a lot of progress. He regretted that DJCA had not been on board from the very start of the project, and asked the Work Group to bear with DJCA as they worked to catch up. He stressed that DJCA would not in any way ask the Work Group to "start the process over," but cautioned that things may have to slow down just a little at the outset so everyone could merge together before heading out onto the "fast lane."

Agenda

Phil reviewed the meeting's agenda, and pointed out that the Work Group probably would not have time to break into small groups during this meeting. He asked for comments or questions about the agenda. Senator Meeks said he'd like to increase the time allowed for discussing the content and structure of the evening public input meeting. This item was moved up on the agenda to allow more time. There were no other changes.

Working Toward Goals and Objectives

Dave Case said DJCA's role is to facilitate the process in order to accomplish the group's goals most efficiently. In order to identify goals and objectives of the overall work group, he asked everyone to write down items by which they would measure the success of this Work Group at the end of the project. The following items were drafted on wall charts:

Measure of success

1. Lakes getting better instead of worse
3. A comprehensive and coordinated effort
4. More resources available to IDNR to manage lakes
5. Identification of the problems we can solve while considering all aspects
6. Identification of the long-term consequences if we don't address the problems
7. Identification of solutions for the problems
8. A document, road map, or plan of action – funding, etc., needed
9. Identification of the problems – produce a report on the problems and their solutions
10. Making recommendations for improvements
11. Making progress with funding
12. Concentrating on the problems we can address
13. A plan understood and supported by government leaders and the public

Indiana Lakes Management Work Group Meeting Summary
April 16, 1998

14. Soil erosion – address the root of the problem (Shafer & Freeman Lakes)
15. Funding sources
16. A useful resource document for citizens and visitors to use to help have clean lakes and water
17. A resource document – for example, what to do if you want to install a seawall
18. Constituents who feel good about Indiana’s lakes
19. A plan that is workable – statewide
20. Federal funding
21. Describing/documenting the extent of the problem
22. Balancing the interests of all users
23. A definition of lakes/inventory
24. Addressing the flood problem
25. Better understanding between agencies and the general public
26. Funding for useful projects – money well spent
27. A system to facilitate coordination among existing programs
28. Reviewing the current Lake Preservation Act
29. Improved water quality of all lake waters
30. A document that describes what happened and why it happened (be careful of assumptions)
31. Being “visionary”
32. Whether or not the public asks for the same process re rivers and streams
33. Addressing the issues raised at the 8-20-96 meeting by legislative, rulemaking, and funding means
34. Specific allotment for funding dollars
35. Agency mandates to solve problems – better direction
36. Compiling existing data into one place--making it more accessible to the public (who will update?)
37. Documenting the successes of existing programs
38. The consolidation (into one unit) of resources that involve lakes
39. Better management of Indiana lakes
40. Increased interest in safeguarding lakes for future generations
41. Improved recreational opportunities for all residents
42. Guidance to lake users for weighing risks and benefits
43. Specific recommendations for educational needs

Dave said this information was very helpful in bringing the facilitators up to speed. DJCA will develop these items into a draft mission/vision statement, which will be sent to the group for review before the next meeting.

Process

Phil reviewed the language of the legislation that created the Work Group, and asked for clarification on several points:

1. How will public input be handled at the monthly Work Group meetings?

Senator Meeks said that public input is critical to the success of this project. He said there should be time at every Work Group meeting for public input; however, when the Work Group breaks into subgroups, the amount of public input allowed during the subgroup work sessions will be up the chair of each subgroup.

2. The legislation calls for the Work Group to address problems “Associated with lakes that meet the definition of public freshwater lake set forth in IC 14-26-2-3.” Are other lakes excluded, or how broadly are lakes defined for purposes of this project?

Senator Meeks proposed, and the Work Group agreed, that the spirit of the law is to include all Indiana lakes except Lake Michigan. The Work Group recognized that there are several different definitions of lakes in Indiana law, and that is problematic when dealing with lake issues. Lori Kaplan said that the DNR staff would gather the existing definitions of lakes for distribution to the Work Group before the next meeting.

Subgroup Updates

Bob Eddleman reported on the Watershed Subgroup. Their plan is as follows:

- 1 Define the watersheds of Indiana.
- 2 Define problems in lakes that result from the watersheds.
- 3 Define problems in watersheds that result from the lakes.
- 4 Define the tools available to address these concerns.
- 5 Develop cost estimates to solve the problems.
- 6 Define how the solutions will be implemented.

Dale Pershing reported on the Biology/Chemistry/Shorelands Subgroup. He listed the six major concerns of this subgroup: 1) eutrophication, 2) chemical pollutants, 3) pathogenic pollutants, 4) riparian degradation, 5) littoral zone degradation, and 6) nuisance biota. The format the subgroup will use to examine the problems and solutions is:

- 1 Impact on the lake.
- 2 Problem causes or contributors.
- 3 Resources to identify and quantify the problem.
- 4 Resources to implement solutions.

Lt. Ralph Taylor reported on the Recreation Subgroup. This subgroup has identified the following basic areas that need attention:

- 1 Improper and/or unsafe boating.
- 2 Overcrowded boating.
- 3 Failure of recreational users to comply with the law.
- 4 Inappropriate state or local laws or rules.
- 5 Suitable public access.

- 6 Plant control/fish and wildlife populations.
- 7 Water level conflicts.

Format and Content of the Final Product/DJCA's Role

Phil asked what the group envisioned as the final product of this project (report, guidebook, resource guide, directory, etc.). The group agreed that it could end up with a final report or document that people could really use. A document that could answer common questions and put people in contact with the resources they needed to address their problems. The document could include contact information and descriptions of various lakes programs, and possibly a decision tree that guides users to the right people who can help them. Dale Pershing suggested we establish benchmarks and gaps in existing information that will help guide us toward a final product. Phil said that one of DJCA's jobs will be to compile this type of information—at the Work Group's direction—into one place.

Dave Case asked the subgroups what (if anything) DJCA could do for them to increase their efficiency and/or effectiveness. Dale Pershing said that they could use a template for addressing lake problems, so that all subgroups would handle things in a similar, comparable way. Bob Eddleman asked what DJCA's role would be in developing the final product. Phil said DJCA would do whatever the group needs to meet their charges, including research, writing, editing, facilitation, information distribution—whatever the group decides it needs. The only thing DJCA's contract excludes would be the costs of producing, duplicating, and distributing the final resource document. Jim Ray said that there is separate funding for production of the final document.

Format for Evening Meeting—Public Input

The Work Group discussed the format for the public input session to be held from 7-9 p.m. It was agreed that the Work Group members would sit across the head table facing the audience. A microphone and podium were placed in the center of the audience for use by people who had comments. People would be asked to sign in as they entered and would be allowed to speak in the order they signed in.

Next Steps/Future Meetings

Lori Kaplan will gather lakes definitions and statutes as well as samples of interim reports that have been developed for other projects and will forward these to DJCA. DJCA will distribute these to the Work Group either before or at the next meeting. DJCA will send the following to Work Group members before the next meeting:

- Meeting summary, including wall chart transcriptions
- Draft Work Group Vision/Mission Statement
- Indiana Wetlands Conservation Plan* booklet

Updated Work Group mailing list
Draft outline of interim report

The next meeting is scheduled for May 14 in Indianapolis, at the Indiana Government Center South, Training Center, Room 1. It is scheduled for 10:00 a.m. until 3:00 p.m. At that meeting, the group will work on the draft vision/mission statement, and will develop goals and objectives for each subgroup.

Future meetings were scheduled as follows:

<u>Date</u>	<u>Location</u>
June 11	Pokagon
July 16	Monticello
August 20	Bloomington

Miscellaneous

Senator Meeks told everyone who was staying overnight to keep receipts for their hotel rooms. He and Representative Leuck are trying to get approval for reimbursement of such expenses. He will let everyone know the results of these efforts.

DJCA thanked Jim Ray of the DNR for all his help in bringing DJCA up to speed on this project.

Senator Meeks asked for a motion to adopt the March meeting minutes, and they were approved without change.

Senator Meeks adjourned the meeting.

Indiana Lakes Management Work Group Public Input Meeting

April 16, 1998

7:00 - 9:00 PM

LaPorte County Complex, Room 2

MEETING SUMMARY

Members Present

Sen. Robert Meeks	Stephen Cox	Richard Kitchell	Dale Pershing	Jan Henley
Sen. Katie Wolf	Robert Eddleman	Jeffrey Krevda	Donald Seal	Jed Pearson
Rep. Dennis Kruse	Mark GiaQuinta	Robert Madden	Anne Spacie	Lt. Ralph Taylor
Rep. Claire Leuck	David Herbst	Thomas McComish	JoEileen Winski	Gwen White

Members Absent

Lisa Barnese-Walz	William Jones	Garry Tom, Sr.
Charles Gill	Holly LaSalle	Robert White

Welcome/Background/Introductions

Senator Robert Meeks welcomed everyone to this public input meeting of the Indiana Lakes Management Work Group. He assured those present that everyone would have an opportunity to speak. Senator Meeks described how and why this Work Group was formed. Living in northeastern Indiana, where approximately 350 of the state's 500 or so lakes are located, the Senator was receiving many phone calls from constituents regarding a plethora of lake problems. He spoke with former DNR deputy director Dave Herbst, and they organized two public meetings concerning lakes in August and October, 1996. Based on this input, he decided to introduce legislation to form a Work Group that would address these lakes problems. The legislation was passed in 1997, and the Work Group has held six meetings to date. The members represent natural resource agencies, lake organizations, academia, and Indiana's congressional districts. Senator Meeks praised the Work Group members for their commitment to the task and asked those members present to introduce themselves.

Subgroup Reports

Senator Meeks reported that the Work Group had subdivided into three subgroups to better address the many issues that came up in the 1996 public meetings. He asked representatives from each subgroup to report on work to date.

Bob Eddleman reported on the Watershed Subgroup. Their plan is as follows:

- 1 Define the watersheds of Indiana.

- 2 Define problems in lakes that result from the watersheds.
- 3 Define problems in watersheds that result from the lakes.
- 4 Define tools available to address these concerns
- 5 Define costs.
- 6 Define implementations.

Dale Pershing reported on the Biology/Chemistry/Shorelands Subgroup. He listed the six major concerns of this subgroup: 1) eutrophication, 2) chemical pollutants, 3) pathogenic pollutants, 4) riparian degradation, 5) littoral zone degradation, and 6) nuisance biota. The format the subgroup will use to examine the problems and solutions is:

- 1 Impact on the lake
- 2 Problem causes or contributors
- 3 Resources to identify and quantify the problem
- 4 Resources to implement solutions

Lt. Ralph Taylor reported on the Recreation Subgroup. This subgroup has identified the following basic areas that need attention:

- 1 Improper and/or unsafe boating.
- 2 Overcrowded boating.
- 3 Failure of recreational users to comply with the law.
- 4 Inappropriate state or local laws or rules.
- 5 Suitable public access.
- 6 Plant control/fish and wildlife populations.
- 7 Water level conflicts.

Results of the Afternoon Session

Dave Case explained that he, Phil Seng, and Rebecca Fitzmaurice, of D.J. Case & Associates (DJCA), were contracted to facilitate the Lakes Management Work Group, and that anyone can contact them or any member of the Work Group with lake questions or concerns. DJCA's contact information was available on a flip chart. Dave said that in the afternoon meeting, the Work Group had discussed the overall goal of the project, some potential objectives and actions, and some criteria we can use as measures of success for the project. The group also discussed the definition of lakes, and scheduled tentative dates and locations for future meetings.

Public Input Session

Senator Meeks asked that individuals speak from the podium and state their names and affiliations before sharing concerns and questions.

Arnold and Mary Patten (Barbee Chain of Lakes) asked how any of the current laws (let alone any new ones) can be enforced, given that there are so many laws and so few officers. Senator Meeks responded that at the 1996 meeting in Angola, it was determined that we don't need any more laws, but that we need to enforce what we have and possibly revise some of them to improve things. He stated that the Work Group is not reinventing the wheel. Representative Kruse said that the Work Group wants to develop a resource book of useful information that is readily available to those who need it.

Mr. Earl Riggs (Indiana Lakes Management Society and Lake Task Force for Lake Monroe) said that the Work Group is headed in the right direction but is simply identifying problems. He said a management committee should be established that will determine how to implement the solutions. Tom McComish responded that finding solutions is a big part of what the Work Group will do; the group will make recommendations and will keep in mind the vision of improved lakes. We won't be able to accomplish everything by 1999, but will need cooperation of everyone if we are to get the support and funding needed for real progress. Mr. Riggs said Lake Monroe has 3 major counties and more than 30 jurisdictional bodies that have interests; they need a coordinated effort to implement the solutions. Bob Madden said the Work Group will be looking at ways to streamline the process. David Herbst responded that the Work Group may recommend the consolidation of agencies for lakes management, and Senator Meeks said that the group is indeed willing to look at this issue. Mr. Riggs said we should look at the literature and see what has worked in other states.

Mr. David Culp (Lake Wawasee) said he appreciated the opportunity to voice his concerns. He had four points to help the efficiency of lake ecology, recreation, and law enforcement: 1) In various places, Indiana law speaks of impacts "200 feet from the shoreline." We need to protect wetlands, not just shoreline. Protection should be expanded to include 200 feet from wetland edge. 2) Why are bass fishing contests prohibited in reservoirs? Reservoirs are almost equal in total acreage to lakes, and we could double the availability of these contests. Indiana taxpayers are being denied usage. 3) Suggested that lakes larger than 300 acres have a home rule, where they can adopt usage rules for themselves with veto power held in the DNR. The DNR cannot manage all Indiana lakes from Indianapolis. Some lakes have too many boats; Lake Wawasee has 5,500 resident boats (Eisenhower invaded France with an armada of 5,200 boats!). Each lake should be able to manage itself. 4) Who enforces the laws on a given lake, and how many people are allocated to each area?

Steve Cox responded to the 2nd issue saying that the rules on reservoirs should be reviewed. Lt. Ralph Taylor said one of the differences between reservoirs and lakes is ownership. Jed Pearson

said the DNR Division of Reservoirs has looked into it and is continuing to work on it at this time. It may require more public input to get it changed. Hopefully, resolution will come soon. He said the Work Group will further explore this issue.

Lt. Taylor responded to the 4th issue saying that nothing in the law says certain people enforce lake laws—it is up to law enforcement in general. Enforcement of lake laws is a primary concern of conservation officers, but county sheriffs, state police, and other officers may patrol lakes as well. Dale Pershing said this Work Group can make recommendations regarding law enforcement, and that the public can give input through D.J. Case & Associates.

Mark GiaQuinta said he represents Mr. Culp's district on the Work Group. He said he appreciated Mr. Culp's candor and eloquence, and would welcome the chance to talk more with Mr. Culp about these issues.

rev. 8/18/98

Mr. Karl Bauer (Valparaiso Lakes Area Conservancy District) said they have failing septic systems, and the lake is the primary source of drinking water. The problem is finding funding to repair or replace the septic systems. Jan Henley responded that this is a large problem in Indiana. Most homeowners on lakes have septic systems, and centralizing the sewer system will be costly. He said the days of grants for this work are gone, but the state revolving fund (SRF) is available to provide low-interest loans. He said his office has more information on the SRF for anyone who is interested. Jim Ray had information on SRF on hand, and gave it to Mr. Bauer. Senator Meeks said another option is reverse mortgages, wherein a line of credit is obtained from a bank. The public has not been informed well enough regarding property value, septic systems, etc.

Ms. Marge Graf (Fish Lake resident) stated that the Conservancy Act should be reviewed, as it is not democratic. In a community of 1,000 people or fewer, only 300 people rule. These 300 can use everyone else's tax dollars, but the others have no rights. Lori Kaplan responded that this Act is administered by the Division of Water, and that they have staff who aid the conservancy districts. Bob Madden said looking into this Act may not be in the realm of this Work Group. Ms. Graf ended with a request that the Work Group look into this problem.

Mr. Bob Myers (Wawasee Area Conservancy Foundation) said they have conducted a biomonitoring study and put in filter strips with funding from the state. He does water monitoring for IU, and in 1991 the water clarity was 10 to 12 feet; in 1997 it was only 5 feet. They have a data bank on water quality information. Zebra mussels are a concern. They need a lot more information on lakes across the state, but he stressed that you can get a lot done when people work together in a cooperative manner.

Ms. Mary Patten (Barbee Chain of Lakes) said the meeting in Angola was excellent and attendance was great. She is disappointed in tonight's attendance; there should be more advertisement. Senator Meeks responded that the news release was distributed to every media outlet in northern Indiana, and that he has no control over whether or not the media use it. Representative Leuck said it was aired on several radio and television stations in the northwest Indiana area.

Mr. Joe Roach (Shafer and Freeman Lakes) encouraged the Work Group to break the mold; to discover and create new paradigms; to use a whole watershed approach. He suggested taking drainage out of the hands of drainage commissions and considering a team approach or other options that might reduce the lag time of the permitting process. Lori Kaplan responded that the DNR sends the permit applications out to all reviewing agencies at the same time. Some delays occur because the applicants have not given all the necessary information. People can now apply over the Internet, and the application cannot be sent until all the information has been filled out.

Lt. Taylor asked people to remember that just because the Work Group has formed 3 specific subgroups, this does not mean that other issues won't be discussed and addressed. There are many issues that are addressed within each subgroup.

Senator Meeks thanked everyone for coming and for their valuable input into this important project. The meeting was adjourned at 9:00 p.m.

Indiana Lakes Management Work Group

May 14, 1998

10:00 AM - 3:00 PM

Indiana Government Center South, Training Center, Room 1

MEETING SUMMARY

Members Present

Rep. Dennis Kruse	Mark GiaQuinta	William Jones	Thomas McComish	Gwen White
Rep. Claire Leuck	Charles Gill	Jeffrey Krevda	Jed Pearson	JoEileen Winski
Lisa Barnese-Walz	Jan Henley	Holly LaSalle	Dale Pershing	
Stephen Cox	David Herbst	Robert Madden	Lt. Ralph Taylor	

Members Absent

Sen. Robert Meeks	Robert Eddleman	Donald Seal	Garry Tom, Sr.
Sen. Katie Wolf	Richard Kitchell	Anne Spacie	Robert White

Other Participants

Lori Kaplan	Jim Ray	Jim Gerbracht
-------------	---------	---------------

Facilitators

Phil Seng	Dave Case	Rebecca Fitzmaurice
-----------	-----------	---------------------

Introductions/Changes to Meeting Summary

Representative Kruse said that Senator Meeks could not attend today's meeting because his wife had just become ill. Senator Meeks asked that Representative Kruse chair the meeting.

Representative Kruse called the seventh meeting of the Indiana Lakes Management Work Group to order and then asked participants to introduce themselves. After introductions, Representative Kruse asked if there were any changes to the April 16 Meeting Summary. Rebecca Fitzmaurice reported the following changes to the Summary:

Page 7, paragraph 1	“meetings . . . in August <u>and October</u> , 1996.”
Page 10, paragraph 2	Spelling correction: “Karl Bauer”
Page 10, paragraph 2	“Valparaiso <u>Lakes Area</u> Conservancy District”
Page 10, paragraph 4	“ <u>Wawasee Area</u> Conservancy Foundation”

Representative Leuck reported the correct spelling of “Shafer” Lake on page 2, number 13 and on page 10, paragraph 6.

Public Input

Representative Kruse asked if there was any public input at this time. Phil Seng reported that David Culp and Bob Myers had phoned him to say they appreciated the meeting announcement they received in the mail, but that they could not attend. Nancy O'Brien also phoned Phil to say she was very disappointed that she had received the meeting announcement on Monday (5-11), which was not nearly enough time for her to make arrangements to attend the meeting. She also expressed disappointment that her county (Porter) had "no representative" on the Work Group. Phil said he assured her that Porter County and every other Indiana county was represented on the Work Group by the members who represented the 10 Congressional Districts. Phil told her he would be sure to have her representative (Richard Kitchell) contact her so she could discuss the issues and concerns she has over lakes in her area. Phil also gave her the meeting dates for the three summer meetings.

Dave Herbst reported that he had received a letter from Paul Hollabaugh, Secretary and Conservation Director of the Indiana Bass Chapter Federation. Mr. Hollabaugh's letter asks that the opening of the eight reservoirs currently closed to summer bass tournaments be considered, and also suggests a plan by which to accomplish this. Attached to the letter were four pages, "Title 310 Department of Natural Resources Digest."

It was clarified that all Indiana reservoirs are open for tournaments except during three months of summer, and that Monroe Reservoir is the exception—it is open during summer for bass tournaments. Jim Gerbracht said the major concern with opening the other reservoirs during summer is that the parking facilities at the boat ramps are already full, and bass tournaments would displace the everyday, individual users. Steve Cox said that there is already more demand for space than there is space, so people are going to be displaced no matter what. He would like to see the displacement done in a more fair manner. He suggested the boats involved in a given tournament be counted and divided up among the various ramps at the reservoirs. Jeff Krevda asked if tournaments could be held during the week. Steve responded that seniors' tournaments are held then, but for the younger groups it wouldn't be practical. These people are not professional anglers; they have regular jobs, so attendance would drop significantly if the tournaments were held during the week. A drop in attendance would decrease the funds brought in by tournament sponsors.

It was decided that the subgroup on recreation would look into this issue and make recommendations to the whole group. This will be an agenda item at a future meeting after the subcommittee has discussed it. Tom McComish stated that the quality of outing for all should be considered, not simply numbers of users. It was suggested the group try to resolve the issue by August or September so it might be implemented next summer. Lt. Taylor said, and everyone agreed, that the Work Group needs to look at things wisely, not quickly.

Draft Vision/Mission Statement

Dave Case said the draft vision/mission statement is a compilation of what the work group has developed thus far and what was discussed at the last meeting. He asked if there were any comments on the various sections. The following changes were discussed:

Precious Resources—It was suggested that the following items be added to the list of benefits that lakes provide: industrial/business, education, aesthetics, and increased property values. DJCA will rewrite it to include these points.

Mission Statement—the last bullet item should be changed to “Improved recreational opportunities for all lake users.”

Guiding Principles—This section was re-worked extensively at the meeting, and it was decided the work group would continue to make revisions after DJCA provides them with a revised draft. Dave said the items are not listed in priority order. Items in the final list will be bulleted, not numbered, but numbers are being used now for ease of discussion. A revised draft of the Mission Statement is attached and will be reviewed and edited further at the June 11 meeting.

Outcomes—The group decided to eliminate the second paragraph and include the idea of creating a useful resource document as a guiding principle.

Questions for the Development of Action Plans

Dave distributed a handout of ten questions for the work group to consider in order to develop a workable action plan. Questions 1-3 and their corresponding discussions are summarized below. After some lively conversation concerning questions 4-10, Lt. Taylor suggested (and everyone agreed) that the discussion should be tabled until Senator Meeks was present, as he may have strong convictions about the answers.

1. How was it decided which subgroups would tackle the various issues?
Work group members selected the subgroups they wished to serve on, and the subgroups selected the issues they felt pertained to their group.
2. Are all issues from Angola meetings accounted for?
Not necessarily. Some of the items brought forward at Angola were actions, not issues, and others were consolidated. However, the work group has not yet specifically ensured that every valid issue raised at the Angola meetings is being addressed by one or more subgroups. DJCA will try to do this by the next meeting.
3. Are there any additional issues that need to be added?

Someone suggested that, after assembling the final list of issues to be addressed, the next step will be to develop a prioritization of the issues and an accounting of how the list of issues and the prioritization were selected.

Public Input Process

Phil asked how the public input process should be handled—if we want to accept public input at each meeting, will public testimony be held during the evening, as at LaPorte? The group discussed the difficulty of evening meetings because of the large travel time involved for many of the members. (DJCA will find out from Senator Meeks concerning whether lodging costs incurred by members for this project could be billed to the state.) However, daytime meetings do not allow input from working people. It was suggested that for the “field” meetings held this summer, there should be time in the evening to take public input, and that at a minimum, members who live in the area of the meeting should stay for the evening session to hear public comments. All members should stay if lodging expenses will be covered. Also, news releases that go out concerning the meetings should emphasize that the public can submit written comments, which will be considered equal to comments made in person.

Interim Report

Phil distributed copies of the Draft Interim Report that is due July 1, 1998. He said the format was based on the interim report from the Drainage Handbook project. He asked that work group members review the report and come to the next meeting prepared to discuss it in detail. In particular, he asked members to review the Work Group Membership Roster, and to come to the June 11 meeting prepared to discuss the content of the “Findings and Recommendations” section.

Next Steps/Future Meetings

DJCA will send a meeting summary, draft meeting agenda, meeting announcement, and RSVP form to work group members before the June 11 meeting. DJCA will also send the meeting summary and meeting announcement to the Project Reviewers and will work with DNR to distribute a news release. DJCA will also revise the vision/mission statement, review the issues brought up at the Angola meeting to ensure that all are covered in one or more subgroups, and develop a sample action plan for the group to review at the June 11 meeting.

The next meeting is scheduled for June 11 at Potawatomi Inn in Pokagon State Park, near Angola. The working meeting is scheduled for 10:00 a.m. until 3:00 p.m., with an evening public input session from 6:00 until 8:00 p.m. At the working meeting, the group will continue to work on the draft vision/mission statement, will continue to discuss the development of action plans, and will finalize the format and content of the Interim Report.

Indiana Lakes Management Work Group Meeting Summary
May 14, 1998

Future meetings dates are scheduled as follows:

<u>Date</u>	<u>Location</u>
July 16	Monticello
August 20	Bloomington

Representative Kruse thanked everyone for attending this meeting, and asked for a show of hands of who would be able to attend the June 11 meeting. Nearly everyone said they would attend. The meeting was adjourned at 3:00 p.m.

Indiana Lakes Management Work Group Meeting Summary
May 14, 1998

[Attachment (1 page) to 5-14-98 Meeting Summary not available in electronic version. Request hard copy from the Indiana Department of Natural Resources Division of Soil Conservation (317-233-3870).]

Indiana Lakes Management Work Group

June 11, 1998

10:00 AM - 3:00 PM

Potawatomi Inn, Pokagon State Park

MEETING SUMMARY

Members Present

Sen. Robert Meeks	Mark GiaQuinta	Jeffrey Krevda	Jed Pearson	Gwen White
Rep. Dennis Kruse	Jan Henley	Holly LaSalle	Dale Pershing	
Stephen Cox	David Herbst	Robert Madden	Donald Seal	
Robert Eddleman	William Jones	Thomas McComish	Lt. Ralph Taylor	

Members Absent

Sen. Katie Wolf	Lisa Barnese-Walz	Richard Kitchell	Garry Tom, Sr.	JoEileen Winski
Rep. Claire Leuck	Charles Gill	Anne Spacie	Robert White	

Other Participants

Lori Kaplan	Jim Ray	Jim Gerbracht	Dennis White
-------------	---------	---------------	--------------

Facilitators

Dave Case	Rebecca Fitzmaurice
-----------	---------------------

Introductions/Changes to Meeting Summary

Senator Meeks called the eighth meeting of the Indiana Lakes Management Work Group to order and then asked participants to introduce themselves. After introductions, Senator Meeks said this would be the last meeting he would chair, as Representative Leuck would become Chair as of July 1, 1998. Senator Meeks said he would take over again for the last few meetings of the project. [The legislation requires that a member of the House of Representatives chair the Work Group beginning July 1, 1998 and ending July 1, 1999.] Senator Meeks read the charge of the Work Group, and stated that the group will be taking comments from the public today as well as tonight at the Public Input Session.

Public Input

Senator Meeks asked that the public attendees introduce themselves and state their comments at this time only if they could not attend this evening's session. He asked that they please be brief or hold their comments until tonight if they could attend then. Public attendees and their concerns follow.

Russ and Bonnie Roebel (Fish Lake)—B&B Sanitation has illegally plugged into their sewage system.

Lyn Hartman (DNR Soil Conservation)

Jim Ray (DNR Soil Conservation)

Lori Kaplan (DNR Executive Office)

Louis Lash (Noble Co.)—Regulations and Land Use

Jim Gerbracht (DNR State Parks and Reservoirs)

Dennis White (Property Manager, Salamonie Reservoir)

Kathy Kurtz (Lake George)—They recently completed a sewer project and could not have done it without the DNR's assistance. Of the 33 agencies they worked with, they were most pleased with the DNR, which never failed to respond to their contacts. They hope DNR salaries are increased.

Pete Hippensteel (Lake James)

Corky Van (Lake James)

Dick and Margaret Smith (Silver Lake)—Wastewater; lack of results at IDEM's wastewater treatment plants; need for controls on septic systems.

Velda Dose (Big Otter Lake; Lakes Advisory Board, Steuben Co.)

Steve Fribley (Crooked Lake)

Mike Grimshaw (Indiana Wildlife Federation; Indiana Izaak Walton League)

Don Smith (Indiana Sportsman's Roundtable)

Carol Anderson (Wall Lake Association Board)—Wastewater and septic systems.

Rob Hudman (Wall Lake)

Senator Meeks asked that the Biology, Chemistry, and Shorelands Subgroup consider a couple of issues that came up—funneling and the sanitation company's illegal use of septic systems. He thanked the public for their input and said there would be additional time for comments at the evening Public Input Session.

Senator Meeks asked if there were any changes to the May 14 Meeting Summary. There were no changes, and the Summary was approved.

Draft Vision/Mission Statement

Dave Case said DJCA revised the draft vision/mission statement based on the discussion at the last meeting, and he asked if there were any additional changes. No changes were suggested. DJCA will include the final Vision/Mission Statement in the next mailing to the Work Group.

Questions for the Development of Action Plans

The group discussed the questions concerning action plans that were not covered at the last meeting. Questions 4-10 and their corresponding discussions are summarized below.

4. What process will subgroups use to address problems and make recommendations?

Dave Case said this would be covered later with a handout DJCA prepared.

5. How will subgroups report info to whole group? Template?

Dave Case said this would be covered later with a handout DJCA prepared.

6. What if several subgroups have conflicting recommendations?

It was agreed that either a member from each subgroup be appointed to attend a conference committee or that all members of both subgroups meet to discuss the issue. Senator Meeks said the format for making decisions can be majority rules.

At this point, Louis Lash, a member of the public, asked why there are no farmers represented on the Work Group. Senator Meeks said that number 9 of the Senate Enrolled Act No. 75 states that one representative of an agricultural organization is to be appointed by the governor to serve on the Work Group. He said there are actually several members who represent farming interests—Gary Tom, Soil and Water Conservation Districts (farmer/teacher); Bob White, Farm Bureau; and Representative Claire Leuck is also a farmer. Mr. Lash said he was still concerned that none of these members were present at this meeting today.

7. How will the whole group decide what to recommend?

Senator Meeks said the majority rules and that there is always the option of filing minority reports. Bill Jones said he is concerned that minority reports will dilute the work of the two years. Lt. Taylor pointed out that the first meeting minutes state that the “Work Group will operate on a consensus basis, generally,” and that the bill’s language is that the Work Group is to “develop proposed solutions.” Senator Meeks said he is open to what the group wants, but that consensus is difficult to achieve with 26 people; we might be mandated to abide by General Assembly methods anyway, and we shouldn’t waste time discussing what might not happen. Gwen White said she thinks the group can come to consensus. Tom McComish said he thinks we have an adequate procedure for making recommendations. The group agreed to work by consensus, employing ‘majority rule’ when needed. Senator Meeks said that if all 26 members do not agree, the majority will rule. Dave Case asked what the protocol would be in the case of a tie. Senator Meeks said no ties will be allowed.

8. What is the timeframe for recommendations? Should Work Group hold all recommendations until final report (12-99)? Should WG release recommendations as they are developed?

In general, the group will hold recommendations until they are presented in the final report. However, recommendations can be presented to the appropriate parties in the interim. Senator Meeks said recommendations must come from a subgroup and the subgroup chairs decide on the subgroup’s process.

9. Should the Work Group focus on working through all issues as quickly as possible, or focus on prioritizing issues and spending more time on the issues of highest priority?

The subgroups will decide how to handle this. Senator Meeks said he favors that fewer issues be resolved more fully.

10. Should the Work Group limit the number of recommendations in the final report? (The effectiveness of individual recommendations may be "diluted" if the list is very long.)

This will be determined as the group works through the issues.

Subgroup Turnover

Dave Case asked how the group will deal with the challenge of turnover in the subgroups. He said two of the subgroups have only a few members, which means we may have entirely different sets of members present in the subgroup from meeting to meeting. This can decrease efficiency, continuity, and productivity of the subgroups. Senator Meeks said the meeting summaries need to make it clear when there will be a 'determination for recommendation,' so everyone will be present to cast his/her vote. He said the subgroups could also meet on the second day of the meeting. Tom McComish said we need to maintain critical mass in the subgroups. Senator Meeks noted that some members have not attended very many meetings. He will write a letter to all Work Group members stressing the importance of their attending the meetings, and making it clear that if their attendance is low, they will need to be replaced. Because Bob White (Farm Bureau) has changed jobs and moved out of state, Senator Meeks recommended that the new Work Group Chair send a letter through the DNR to the Governor, asking for a reappointment for Bob White. Jan Henley said that Bob White's replacement at the Farm Bureau is Brian Daggy, and Jan recommended that Brian replace Bob on the Work Group as well. Others present who know Brian agreed with Jan's recommendation.

Proposed Process/Action Plans/Subgroup Issues

Dave Case distributed and briefly reviewed a handout describing a proposed process for both the subgroups and the Work Group to use in developing recommendations [questions 4 and 5, p. 2]. Senator Meeks said the subgroups can decide how detailed their recommendations to the full group will be. Dave then distributed two sample action plans from completed reports of projects similar to this one. These samples might help in defining more clearly what kind of recommendations will be made in the final report. In order to ensure the Work Group is covering all issues brought forth at the Angola meetings, DJCA developed a list of all issues and the subgroup(s) that had agreed to address those issues. This handout was distributed and subgroups clarified which issues they were or were not planning to address. It was also suggested that the mailing list indicate which subgroup members belong to (first choice).

Interaction with the Public

Because all agenda items had been addressed before the scheduled time of adjournment, Senator Meeks asked Dave Case to explain to the public why we are having these ‘nuts & bolts’ discussions, and how the subgroups are designed. Then subgroup chairs (Bob Eddleman, Dale Pershing, and Lt. Taylor) briefly reported on the work of the subgroups thus far. Senator Meeks asked if anyone had any questions. Funneling and septic problems were mentioned, and Senator Meeks said the Biology/Chemistry/Shorelands Subgroup will be handling these issues.

Subgroup Work Sessions

The Work Group members divided into their subgroups to progress with the work at hand.
[Subgroup Reports are attached.]

Subgroup Reps Report to the Work Group

The Work Group reconvened and subgroup reps gave reports on their work sessions. Following is the discussion that ensued from these reports.

Watershed Subgroup–Bob Eddleman

Bob explained the model the group developed for examining problems and reporting to the Work Group. He said they need more time to work as a subgroup, and that they discussed the possibility of staying overnight after meetings with evening public input sessions and working as a subgroup the next day.

Biology/Chemistry/Shorelands Subgroup–Dale Pershing

Dale said some of the subgroup members had completed reviews of certain issues, and that DJCA would be able to distribute these to subgroup members. The group scheduled certain items it will work on at the July and the August meetings. He said the subgroup needs more time to work on issues. The group also discussed the possibility of sharing information electronically; if someone could bring a laptop computer, and everyone else brings their own disk, items could be exchanged quickly and easily.

Recreation Subgroup–Lt. Ralph Taylor

Lt. Taylor said the Recreation Subgroup had been asked by the Work Group at the May 14 meeting to review the reservoir and tournament fishing issue. He said the subgroup had developed the following recommendation, which he read:

Paragraph 1: “The Recreation Subgroup feels that DNR should re-evaluate its closure policy on their managed reservoirs in regards to tournament fishing. We ask that they keep this subgroup informed of their movements in this area. We ask that they more strongly consider the public trust doctrine in their considerations.”

Paragraph 2: “The Subgroup feels that DNR properties should not manage their lakes substantially differently than our other public waters. The Recreation Subgroup will revisit this issue at a later date after the July meeting at the earliest.”

After asking to hear the recommendation again, Tom McComish said the statement should be more neutral. Gwen White said that this is a dangerous statement because natural lakes should not be managed the same as reservoirs—that the two are biologically different. Steve Cox said that this is a sociological issue; we aren’t saying the resource should be managed the same, but that the *use* of the resource should be managed the same. Lori Kaplan said that tournaments are not the only activity permitted.

At 2:50 p.m., Dave Case interrupted discussion so the group could decide how to proceed, as the meeting was only scheduled until 3 p.m. Dave offered several possibilities: to end on schedule and postpone this discussion until the next meeting, when Work Group members who could not be present today would have a chance to review the recommendation and give input; to end on schedule but hammer out a decision in the next ten minutes; or to agree to remain and continue discussion until some appointed time. It was decided the group would continue working on the recommendation in an attempt to compromise, reach a decision, and end on schedule.

Work Group Makes Recommendation

Tom McComish said that being forced to agree on a recommendation this quickly is unfair. Mark GiaQuinta recommended a change in wording from the negative to the positive, but the group did not accept this wording either. Holly LaSalle made a motion that the group strike the second paragraph and continue discussing the first paragraph. This motion was passed. Regarding the first paragraph, Tom McComish suggested “reevaluate” be replaced with “examine” in order to neutralize the statement, but some Work Group members said they did not want a neutral statement. Senator Meeks made a motion to submit the first paragraph as a recommendation to the DNR, and the motion was passed. Senator Meeks said the recommendation should be clearly reflected in the Meeting Summary, and he asked that DJCA draft a letter to be sent from Senator Meeks to DNR Director Larry Macklin, making him aware of the Work Group’s recommendation.

The following recommendation was approved by the Work Group and will be submitted to IDNR Director Larry Macklin:

“The Recreation Subgroup feels that DNR should re-evaluate its closure policy on their managed reservoirs in regards to tournament fishing. We ask that they keep this subgroup informed of their movements in this area. We ask that they more strongly consider the public trust doctrine in their considerations.”

Interim Report

Indiana Lakes Management Work Group Meeting Summary
June 11, 1998

Dave Case said the Draft Interim Report is due July 1, 1998, and anyone who has changes or edits needs to get them to DJCA within one week.

Next Steps/Future Meetings

The next meeting is scheduled for July 16 at the Pine View Resort in Monticello. The full group will meet from 10 to 11 a.m. and will then break into subgroups. The full group will reconvene, at a time to be determined by the group on July 16. There will be an evening public input session from 6 to 8 p.m., which will have the same format as tonight's session. Senator Meeks said Representative Kruse will not be able to attend the July 16 meeting. During the full group meeting on July 16, Jim Ray will update everyone on the LARE Program, and Carol Newhouse will present information on the 1998 Lake Update for the 305(b) Report.

DJCA will send the following to Work Group members before the July 16 meeting:

June 11 meeting summary	July 16 meeting announcement
Final Vision/Mission Statement	July 16 meeting agenda
Work Group & Reviewer mailing lists	RSVP form
House Bill 1336	IDEM Report

DJCA will also send the June 11 meeting summary and July 16 meeting announcement to the Project Reviewers and will work with DNR to distribute a news release. The August 20 meeting is scheduled to be held in Bloomington. Senator Meeks thanked everyone for attending this meeting, and the meeting was adjourned at 3:30 p.m.

WATERSHED SUBGROUP REPORT

Chair: Bob Eddleman

Current areas being considered by the subcommittee:

- Water Quality
- Education, Research and Monitoring
- Shoreline Erosion, Shoreline Alteration, Permitting
- Agency Cooperation, Responsibility, Watershed Management
- Wetlands
- Soil Erosion, Nutrients, Stormwater Runoff
- Septic Systems and Sewers
- Development
- Flooding and Drainage

The subcommittee developed a basic model for studying identified problems and reporting to the overall committee.

Watershed Problem → Source → Result → Goal → Solution → Method → Cost

Example:

Erosion	Construction Sites	Turbidity ___?___	Erosion Practices	Ordinances ___?___
---------	--------------------	-------------------	-------------------	--------------------

The Committee then began to work with identifying specific problems for future action. The major problem headings are listed below in CAPS.

NUTRIENTS

- Livestock Wastes
- Fertilizers
- As affected by erosion
- Septic Systems
- Sewers
- Landscape/Terrain Management
 - Leaves/vegetation
 - Recycling of dead aquatic plants
- Excess Nutrients (beyond need)

Nutrient traps
Carbon sinks

STORMWATER RUNOFF

Parking Lots
Chemical Contamination
Gas & Oil
Retention Ponds - Work Right
Older Farm ponds have filled in
 Lost water retention ability
Commercial, Industrial, Residential Development
Combined Sewers
Land Use Changes
Brownfield sites

FLOODING

Drainage Board Policies and Practices
Maintenance of Drains
Lake Levels/Control Structures
“Bottlenecks” in Drainage ways
Property owner capability to do drainage maintenance
 Regulations/Permitting
Wetlands - Water retention
Consideration for large storm event effects/capacities
Constructed wetlands/Detention Basins
Dam Maintenance/Rehabilitation
Sediment Trapping/Detention Capability of farm ponds not acknowledged by gov’t.
 maintenance programs - no funds.

ENFORCEMENT

Identification of appropriate agencies/authorities to address specific issues
 Who do you call?
 1 800 number for citizens and other use

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Co-chairs: Bill Jones and Dale Pershing

Recorder: Gwen White

The two co-chairs discussed whether or not to maintain the co-chair setup. They decided this would work well, as both Bill and Dale expect they won't necessarily be able to attend every meeting. Because neither Bill nor Dale would be attending the evening public input session, it was decided Jan Henley would give the subgroup update to the public.

The group discussed whether Work Group members unable to attend a particular meeting could have proxy representatives attend for them, and whether members could deliver their votes ahead of time if they would not be able to attend a meeting where a vote would take place. It was thought that a proxy could attend, take notes, and give input, but could not vote. The group wanted to get clarification on this during the full group session.

The group referred to the notes from the last subgroup meeting (3-26-98) to determine next steps. Lisa Barnese-Walz, Jan Henley, and Richard Kitchell had completed their "assignments" from the last subgroup meeting to review certain categories, and Dale said he would contact Anne Spacie to see if she would be able to complete hers before the next meeting. The three completed reviews were given to Rebecca, who said DJCA would distribute them to the subgroup members along with the meeting summary (a couple of weeks before the next meeting).

The eighth item below was added to the list of seven categories from previous meetings.

- 1) Eutrophication from nutrient inputs–Anne Spacie
- 2) Eutrophication from sedimentation–Lisa Barnese-Walz
- 3) Chemical pollutants–Dale Pershing
- 4) Pathogenic pollutants–Jan Henley
- 5) Riparian (on-shore/shoreline) degradation–Gwen White
- 6) Littoral zone (shallow water) degradation–Dave Herbst
- 7) Nuisance biota–Richard Kitchell
- 8) Fish communities–Tom McComish

Subgroup members had determined at previous meetings to use the following format for examining problems and solutions.

- 1) Impact on the lake
- 2) Problem causes or contributors

- 3) Resources to identify and quantify the problem
- 4) Resources to implement solutions

Subgroup members then addressed the issues that had been raised by the public at the full group meeting earlier in the day. Funneling will be dealt with within the Riparian Degradation category (#5), and septic problems will be dealt with within both the Eutrophication from Nutrient Inputs category (#1) and the Pathogenic Pollutants category (#4).

Members raised the following additional issues and determined which category they belonged in: toxic blue-green algae (#7), atrazine, paper sludge, and atmospheric sources of various items that will be specified later (#3).

Dale suggested subgroup members share information, reviews, etc. with other subgroups that might be able to use it. Maybe the final report could have an index of references that the subgroups used in their determinations.

The group decided to schedule work topics for the next couple of meetings:

- | | | |
|-------------------|----|---|
| July 16 meeting | #2 | Eutrophication from Sedimentation |
| | #6 | Littoral Zone (Shallow Water) Degradation |
| August 20 meeting | #3 | Chemical Pollutants |
| | #4 | Pathogenic Pollutants |

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

The Recreation Subgroup spent its available time discussing the mandate imposed from the May 14 meeting in Indianapolis. The issue revolved around the policy/rule of the Indiana DNR Division of State Parks, which prohibits competitive fishing on the public water portions of most of its reservoir properties during the months of June, July, and August (Memorial Day to Labor Day). The Work Group had asked the Recreation Subgroup to review the issue initially and report back to the main body at the June meeting.

There was considerable discussion amongst the voting members of the subgroup and testimony was requested from two (2) administrative employees of the DNR division that was under review as to this specific issue. Comments were also solicited from members of the public who were monitoring the subgroup meeting.

The subgroup members felt that a definitive decision was not appropriate at this time, but that further information needed to be obtained before making a specific recommendation or final decision. The DNR employees who spoke indicated that DNR was currently reviewing its rules regarding tournament fishing and felt the issue may well be resolved in-house. The majority of the subgroup members felt the prohibition was not in compliance with the philosophies dictated by law as it relates to the regulation of "public waters." The subgroup also reviewed some of the problematic differences between "public freshwater lakes," "public waters," and "land owned, leased, or operated by the Department of Natural Resources."

The subgroup decided that it would recommend to the Work Group that a letter be sent to DNR requesting that the DNR review its rules as they relate to the "public waters" portion of its properties, and requesting that the DNR report its progress to the Recreation Subgroup at the August 20 meeting.

Suggested language was drafted by the subgroup to be carried forth to the main body. Lt. Ralph Taylor would present the subgroup report to the Work Group.

Indiana Lakes Management Work Group Public input meeting

June 11, 1998

6:00 - 8:00 PM

Potawatomi Inn, Pokagon State Park

MEETING SUMMARY

Members Present

Sen. Robert Meeks	Mark GiaQuinta	William Jones	Lt. Ralph Taylor
Rep. Dennis Kruse	Jan Henley	Jeffrey Krevda	Gwen White
Stephen Cox	David Herbst	Jed Pearson	

Members Absent

Sen. Katie Wolf	Robert Eddleman	Holly LaSalle	Dale Pershing	Garry Tom, Sr.
Rep. Claire Leuck	Charles Gill	Robert Madden	Donald Seal	Robert White
Lisa Barnese-Walz	Richard Kitchell	Thomas McComish	Anne Spacie	JoEileen Winski

Welcome/Introductions

Senator Robert Meeks welcomed everyone to this public input meeting of the Indiana Lakes Management Work Group. He introduced himself and asked that those Work Group members present introduce themselves. Senator Meeks then assured the public attendees that everyone would have an opportunity to speak, and he described how and why this Work Group was formed.

Work Group and Subgroup Updates

Dave Case gave a brief update on the Work Group's progress, and subgroup representatives then gave updates on the progress of the subgroups (these were similar reports as those given at the April 16 Public Input Session). Representatives were Jeff Krevda, Watershed Subgroup; Jan Henley, Biology, Chemistry, and Shorelands Subgroup; and Lt. Ralph Taylor, Recreation Subgroup.

Dave Case described what the Work Group accomplished today in the full group meeting. He said the Work Group has been discussing the process it will use for developing recommendations and for making decisions and coming to agreement on what the final recommendations will be. He said it's a real challenge for 26 strong-willed people who have diverse interests in lakes to

draft recommendations they can all live with. Having a solid working process is important because it clarifies the methods that everyone will use.

Public Input Session

Senator Meeks asked that individuals state their names and affiliations before sharing concerns and questions.

Corky Van (Lake James) said funneling is a problem. Groups are putting in docks and taking water away from others. Either funneling should be prohibited or those doing it should be taxed. Senator Meeks said one or two of the subgroups will be dealing with this issue, and this summer the NRC will be looking into funneling also.

Lewis Lash (Noble Co.) said he is concerned with land use management in watersheds. He also wants farmers to be represented on the Work Group. Senator Meeks assured him that the Work Group does have members who represent farmers and that he couldn't do anything about the fact that none of them happened to be able to attend this particular meeting; not everyone will be able to attend every meeting.

Kathy Kurtz said she was at the Angola meeting in August, 1996, and she wanted to know if the DNR salary issue was still being addressed by this group. Senator Meeks replied that the salary issue is not a part of this group's charge, and that it needs to come from the DNR itself. Representative Kruse asked if she would testify before the House Ways and Means Committee. Ms. Kurtz said yes. She also stated her concern that the interest rates for the State Revolving Fund (SRF) money have been raised from 2 % to 3.9%, and that this deters people from using it. She also mentioned that money seems to go between states. Jan Henley said the SRF now includes water systems as well as wastewater systems. He said the rates are fixed by formula and it is tied to federal dollars; it is based somewhat on population, so that Michigan gets more money than Indiana because it has a larger population. He said Indiana's money doesn't go to other states.

Albert Matzat said he represents the Fur Takers of America.

Steve Fribley (Crooked Lake) said he has concerns with high speed limits that are inappropriate in small lakes and in lakes with certain configurations. He also said we need bass tournament boat limits, better regulations, and permits for tracking the number of boats out there. Lt. Taylor responded that the Recreation Subgroup will be dealing with the tournament bass fishing issue and with the issue of speed limits.

Dick Smith said he's concerned with wastewater treatment plants and septic systems that are polluting the lakes. He mentioned House Bill No. 1336, introduced by Representative Kruse, that requires septic systems within 100 feet of a lake to be inspected every two years. He thinks the distance of 100 feet should be increased to 200 feet. Kathy Kurtz (Lake George) said they had inspections done on Lake George, and 200 of the drains were not going into the septic systems. Louis Lash said he knows of a Dayton company that makes a great septic system for \$1,500 or \$2,000. If anyone is interested, contact Mr. Lash.

Velda Dose (Big Otter Lake) said she is concerned about funneling and congestion on Big Otter and Little Otter Lakes. Mark GiaQuinta responded that this problem is in its infancy and that one reason for the problem is a presumption in the law that favors open access to easements.

Angie O'Neill (Clear Lake) said her concern is public education of people living on or using lakes who have a 'suburban' attitude. Regarding water testing on Clear Lake, they have a mandatory dye test done every two years. People whose water has problems are turned in to the board of health, and they are generally happy to know about the problem and to get it taken care of.

Paul Hollabaugh (Indiana BASS Federation) wanted to address what Mr. Fribley had said regarding bass tournaments. Mr. Hollabaugh explained how the BASS Federation has made considerable efforts to reduce the impact of bass tournaments on other lake users. These efforts include shuttling anglers from another parking location so they don't fill the entire parking lot, and requiring the boats to idle out of the dock area.

Tom Alberts was interested to know how much longer until the Work Group will have some results. Senator Meeks responded that a preliminary report is due July 1, and that the Work Group will be very deliberative in dealing with all the lakes issues, so as to produce better results.

Bill Schlatter (President, Lake George Cottage Owners Assoc.) said he represents 540 property owners and he is concerned about water, air, and noise pollution. Lt. Taylor responded that the DNR has looked into the noise issue; all they need is a complaint from the public and they will handle the problem.

Margaret Smith (Chair, Water Quality Commission of Silver Lake) asked if T by 2000 is still in effect and what the public access requirements are. Jim Ray (IDNR Soil Conservation) responded that the public access requirements for the Lake and River Enhancement program (LARE) are not as strict as those of the Division of Fish and Wildlife, which require a public access site. The LARE requirements are that the public is not denied access—that they can gain

access, even if it is at a privately owned site. Ms. Smith said she is also concerned with wastewater issues.

Bill Thompson (Lake James Assoc.) said we need legislation to control motor noise; there is currently no effective law. He also said the state should fund lake patrols. Senator Meeks responded that there is a bill which is now law that addresses the funding of lake patrols. He said the problem is that there is currently no money available. Mr. Thompson said there is very poor turnout here tonight. He said he wanted the Work Group to know that there is much more interest in lakes issues than what is represented here. Senator Meeks said a news release went out June 4 to the entire northern part of Indiana. He said he can only distribute the news release to the media; he cannot ensure that they distribute the information to the public. Several Work Group members said they had expected more people to show up at tonight's public input session, but that they understood that there is more interest than the actual turnout indicates. Dave Herbst said the reason there was such high attendance at the Angola meetings was that the DNR had sent individual invitations to approximately 1200 people for each of those meetings.

Bill Mattingly (Snow Lake) said that geese are a big problem for lakes.

Senator Meeks reminded everyone that there is one and a half years left in the project. He said Representative Leuck will be chairing the meetings until the last couple of months, when he will take over again. He thanked everyone for coming. The meeting was adjourned at 7:30 p.m.

Indiana Lakes Management Work Group

July 16, 1998
10:00 AM - 3:30 PM
Pine View Resort

MEETING SUMMARY

Members Present

Rep. Claire Leuck	Mark GiaQuinta	Jeffrey Krevda	Jed Pearson	Lt. Ralph Taylor
Sen. Robert Meeks	Charles Gill	Holly LaSalle	Dale Pershing	Lisa Barnese-Walz
Sen. Katie Wolf	Jan Henley	Robert Madden	Donald Seal	Gwen White
Stephen Cox	David Herbst	Thomas McComish	Anne Spacie	JoEileen Winski
Robert Eddleman	Richard Kitchell			

Members Absent

Rep. Dennis Kruse	William Jones	Garry Tom, Sr.	Robert White
-------------------	---------------	----------------	--------------

Other Participants

Jim Ray, Project Coordinator

Facilitators

Phil Seng	Dave Case	Rebecca Fitzmaurice
-----------	-----------	---------------------

Welcome/Dinner and Boat Ride Announcement

Representative Leuck called the ninth meeting of the Indiana Lakes Management Work Group to order and welcomed everyone to the area. Because Senator Wolf is from Monticello, Representative Leuck asked her to give some opening comments. Senator Wolf welcomed everyone to the area. She said the lakes here are the main source of revenue and they provide lots of tourism dollars for the state. The local people are very proud of these lakes and want to keep them in good condition. Senator Wolf announced that the Work Group was invited to take a dinner cruise on the *Shafer Queen* later in the day. Dinner and the boat ride were arranged and provided by the Shafer and Freeman Lakes Environmental Conservation Corporation (SFLECC).

Introductions/June 11 Meeting Summary

Representative Leuck asked that Work Group members introduce themselves, after which public attendees introduced themselves. Public attendees follow.

Lyn Hartman (DNR Soil Conservation)

Jim Ray (DNR Soil Conservation)

Carol Newhouse (IDEM Office of Water Management)

Indiana Lakes Management Work Group Meeting Summary
July 16, 1998

Toby Adams (DNR Div. of Water, Lakes Section)
George Menze (DNR Div. of Water, Lakes Section)
David Schwanke (DNR Conservation Officer)
R. Joe Roach (SFLECC)
Steve Parker (NUTEC Supply)
Connie Buskin (Monticello Chamber of Commerce)
Glenna Shelby (SDS Group; SFLECC)
Doug Simmons (SDS Group; SFLECC)
David Smith (Gannett News Service)
Frances Head (President, Silver Lake Association)
Amy Flesch and Dave Foley (TV 18 News, Lafayette)

Representative Leuck thanked Wayne and Mary Lou Bonnell for letting the Work Group hold its meeting at their facility. She then asked if there were any changes to the June 11 Meeting Summary. Lt. Taylor asked Gwen White if her statement on page 5 (fifth full paragraph, third to last sentence) was accurate. Gwen said she thought it was, but that the sentence could be construed in different ways. The Work Group agreed to delete the last three sentences of the fifth full paragraph, and the Summary was approved with this change.

Miscellaneous

Phil Seng said that because the times for the latter half of the day meeting were left open, the group now needed to decide when it would reconvene. The schedule was set, with the meeting adjourning at 3:30 p.m. Phil distributed two letters DJCA had received as written public input, and proposed that whenever DJCA receives such input, they will determine whether or not the issue(s) have been captured in one of the subgroups. If the issue(s) are not being addressed, DJCA will assign them to the appropriate subgroup. Phil also said that Dave Herbst would provide proposed alternative language for the first paragraph of the Mission/Vision statement for the Work Group to consider. This will be presented to the group at a future meeting. Dave Case then gave an overview of the Lakes Project for the public attendees.

Jan Henley asked the status of the representative for agricultural interests. Jim Ray said nothing had been heard from the Governor's office, but that Brian Daggy (Indiana Farm Bureau) has been recommended to replace Bob White and he plans to attend the meeting later today.

Senator Meeks said he hoped no one was offended by the letter he sent to Work Group members regarding meeting attendance. He said he needed to convey the importance of each member's attending the meetings. Jim Ray said Gary Tom had called to explain that although he is interested in the Lakes Project, he has not been able to make several meetings because of other commitments.

Presentation on IDEM's 305(b) Report

Jan Henley introduced Carol Newhouse, IDEM's Clean Lakes Coordinator. Carol described the process that IDEM uses for monitoring lakes and reporting results to the U.S. EPA to comply with Section 305(b) of the Clean Water Act. She also distributed a fact sheet that had additional information about this process and some of the results (see attachments). The Work Group had a lengthy discussion and many questions about how this information was used and how it could help improve the quality of lakes in the future. Carol pointed out that this methodology is intended to give lake quality trends over time and to meet federal regulations, but it probably won't provide much help to managers at the local level trying to determine specific problems and solutions. However, she will look at the records from the lakes that had poor scores to see what may be causing it. Dave Herbst suggested she also look at isolated lakes with no inlets versus those with inlets. Tom McComish said this monitoring has definite limitations, mostly caused by limited funding, which is something this group should address. He said rooted vegetation is also important. Phil Seng said the purpose of this presentation is to help the Work Group be aware of what is currently being done by the agency, and therefore to be aware of what the methodology is and is not capable of doing as we consider problems and solutions for the future. Lisa Barnese-Walz said the Corps of Engineers also does extensive lakes sampling on a number of Indiana lakes (reservoirs), as well as water quality modeling. She will distribute this information to the Work Group. Carol said several agencies are working to put all their lakes data on coordinated electronic databases, but they are not ready yet. Steve Cox said that such a database would fit into our idea of a clearinghouse so all the information is in one place. Everyone agreed on the importance of learning what every agency is doing so we don't try to "re-invent the wheel." Tom McComish said this group could focus on finding solutions for the lakes' water quality problems indicated by IDEM data.

Presentation on Lake and River Enhancement Funding Status

Jim Ray (Chief of the DNR's Division of Soil Conservation's Lake and River Enhancement Program) distributed two handouts (see attachments) and briefly described the Lake and River Enhancement (LARE) Program, which was created by legislation in 1987 and put under the DNR's guidance. A committee developed guidelines and DNR assigned the program to the Division of Soil Conservation. The State Soil Conservation Board establishes official policy for the program. A portion of the Division of Soil Conservation's operational budget (from the cigarette tax) had been used to fund the program, but in 1990 a \$5 boat fee was created statutorily to fund it. To eliminate commingling of boat fees and cigarette tax monies in the same account, a separate dedicated fund was established in 1993 for boat fee monies. The 1993-95 state budget bill, which established DNR funding, capped the amount of LARE expenditures at \$830,000 per year. All subsequent biennial budgets have maintained that cap, even though the boat fee generates approximately \$1 million per year. The boat fee statute does allow for augmentation, which requires that the \$830,000 has been spent by the end of the fiscal year, and

that more funds are needed to pay program expenses. The Division has received augmentations twice. Senator Meeks asked why the LARE budget is limited to \$830,000. Dave Herbst said the budget bill was passed during a recession and a budget crunch, but that for some reason, the program is still operating under that same limitation. Bob Eddleman said the same thing has happened with federal abandoned mine land reclamation; billions have been collected, yet only millions have been appropriated. Holly LaSalle asked Ray if DNR could have funded all the LARE project requests if the department had access to the unallocated money, and Ray said yes (they had \$2.1 million in requests this year). Senator Meeks asked if we could shift from performing diagnostic testing to fixing problems. Ray said the Soil Conservation Board decides where the money is spent, and current policy allows for several types of expenditures, including studies, design of remedial measures, and their construction. Senator Meeks proposed that the Work Group send a letter to the Governor recommending the cap be eliminated. He said this letter should be copied to the State Budget Director and the Soil Conservation Board. Holly LaSalle suggested that the letter recommend the funds be made available this year. She also said that lake associations have been aware of this problem for some time, and that the Governor will be receiving letters from them.

Subgroup Work Sessions

The Work Group members divided into their subgroups to continue working on issues. (See attached Subgroup Reports.)

Work Group Reconvenes/Future Meetings

The Work Group reconvened and discussed future meetings. Lyn Hartman explained the arrangements Bill Jones had made for the August meeting in Bloomington. The day meeting will be held in the SPEA (School of Public and Environmental Affairs) building on the IU campus, and the evening public input session will be held in the Monroe County Public Library Auditorium. Mark GiaQuinta asked the group if they would be interested in having someone from IU make a presentation on the economics of lakes at the August meeting. Gwen White suggested this be a lunch presentation—in order to benefit from the information and still have maximum time for subgroup work. Mark will contact possible speakers, and DJCA will look into having lunch catered. The Work Group will meet at 10 a.m., breaking into subgroups shortly thereafter. The group will reconvene probably around 11:30 for the lunch presentation, after which subgroup work will continue until the whole group reconvenes for subgroup reports (time to be determined). An evening Public Input Session will be held from 6 to 8 p.m. Bob Madden said DJCA should get media contacts from him. More details (including parking and hotel info) will be sent to all Work Group members.

Future meetings were scheduled as follows:

August 20	Bloomington	10 a.m. to 3 p.m. and 6 to 8 p.m.
September 21	Indianapolis	9 a.m. to 3 p.m.

Indiana Lakes Management Work Group Meeting Summary
July 16, 1998

October 26	Indianapolis	9 a.m. to 3 p.m.
December 2	Indianapolis	9 a.m. to 3 p.m.

Subgroup Reports

Recreation Subgroup–Donald Seal

Don said the group reviewed the May 7, 1998 letter from David Culp concerning the distance of boat traffic from shoreline and wetlands. It was decided Lt. Taylor would take the next steps on this issue and report back to the subgroup. The group also discussed the issue of bass fishing over beds, which was brought up in a letter submitted to Senator Meeks. Discussion of these issues will be continued at the August meeting.

Watershed Subgroup–Bob Eddleman

Bob said the subgroup looked at the major issues from the Angola list and determined that there were five major problems at the watershed scale. He said the subgroup had developed a model for studying these problems and identifying solutions. To run a problem through the model, the group must decide whether the final document will be a general report or a detailed report. If it will be general, the last step would just characterize the extent of the problem; if it will be detailed, we will need specialists to do a whole lot of work on each individual topic. Dale Pershing (Co-Chair, Biology/Chemistry/Shorelands Subgroup) said these two subgroups probably have several issues/problems that overlap, and he proposed that they get together in August to compare/discuss this overlap.

Biology/Chemistry/Shorelands Subgroup–Dale Pershing

Dale said the group has selected several issues to focus on, and each issue has been assigned to a subgroup member. Today Lisa Barnese-Walz led discussion on eutrophication from sedimentation. At the next meeting, Dave Herbst will lead discussion on littoral zone degradation. The model they have used involves 1) identifying impacts on the lake; 2) problem causes; 3) resources to identify and quantify the problem; and 4) resources to implement solutions. It was agreed that each person will update his/her assignment and provide copies for the subgroup members. DJCA agreed to bring a laptop computer to the August meeting, so members could share information electronically [members are responsible to bring their own disks]. Dale also said the group has started two ‘running’ lists: “Potential Recommendations”–so the group can keep track of ideas for recommendation and have them all in one place; and an “Index of Information”–so the group has a list of resources to go to when needed.

Bob Eddleman suggested that the Work Group start working on an outline of the final document, so the Work Group can start discussing and deciding what this document will look like. Senator Meeks agreed this would be a good thing to do.

Next Steps/Closing Comments

DJCA will draft a letter to the Governor for Representative Leuck's signature, recommending that he remove the cap on LARE Program funding and allow the full apportionment to be used as was the intent of the original legislation.

DJCA will send the following to Work Group members before the August 20 meeting:

- July 16 meeting summary
- August 20 meeting announcement
- August 20 meeting agenda
- RSVP form

DJCA will also send the July 16 meeting summary and August 20 meeting announcement to the Project Reviewers and will work with DNR to distribute a news release.

Representative Leuck said today's meeting was very productive. She thanked everyone for coming and invited the group to meet at the Shafer Queen for a cruise of the lake. The meeting was adjourned at 3:30 p.m.

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

Lt. Taylor opened the work session. The Recreation Subgroup has many issues to cover over the next few meetings and Lt. Taylor emphasized the need to at the least to review all of the issues, even if specific recommendations are not made. To that end he handed out a worksheet (see handout/see worksheet) for Subgroup members to use. Lt. Taylor reviewed the worksheet and encouraged members to use it as they feel necessary to organize their thoughts and pass along information to other members.

The group reviewed the June 25, 1998 letter from Senator Meeks to DNR Director Macklin transmitting the recommendation developed at the June Work Group meeting concerning bass-fishing tournaments on reservoirs. The facilitators will distribute a copy of this letter to all Work Group members.

Steve Cox pointed out the need to list "Work Group" instead of "Subgroup" in recommendations that come from the whole group.

The Subgroup then reviewed a May 7, 1998 letter from David Culp concerning "keeping boat traffic at least 200 feet from the shoreline and/or wetlands." The Subgroup discussed current Indiana boating laws to see if it would be allowable under current law. It was felt that such actions would have to be done by rule through the DNR Commission. As a next step, Lt. Taylor will review authority under IC14.15.3.18 with an administrative law judge as to the DNR's ability to zone public freshwater lakes. He will report his findings back to the Subgroup.

The Subgroup then discussed the issue of bass-fishing over beds as brought up in a June 22, 1998 letter from Darlene Hane. The issue is many-faceted and includes the impact of bass fishing tournaments in general and out-of-state anglers/tournaments, especially when their seasons are closed. Subgroup members will continue to gather information on the bass-fishing, tournament, and bed-fishing issues. These will be discussed at the August meeting.

WATERSHED SUBGROUP REPORT

Chair: Bob Eddleman

Bob Eddleman reviewed the model that the Subgroup had developed for studying identified lake problems. He wrote this model on a flip chart for discussion.

Watershed Problem → Source → Result → Goal → Solution → Method → Cost

For instance, if shoreline erosion is the watershed problem, the source could be construction sites, and one result would be increased water turbidity. A goal could be cleaner water, one solution would be erosion control practices, a method might be local ordinances or BMPs, and the costs would have to be determined by technical experts.

The Subgroup discussed the purpose of the group. Are we trying to identify the extent of each problem, or solutions to all problems, or costs of solutions, etc.? What is the focus? Every lake will be different, so this becomes very difficult. During discussion, several key points came up:

1. For many of the problems and issues being discussed, the Work Group itself will not have the expertise or authority to get very detailed—will require outside input/assistance
2. Getting the information to the public is a critical step that must be addressed – recommendations that are brought forward must have I&E components
3. Solutions to problems must come from the local level

After discussion, the Subgroup decided to look at the issues at a very broad level and then step them down as far as is appropriate. As a first step, the Subgroup took the list of issues from Angola and separated the problems from the other issues, so the problems could be run through the above model to determine sources, results, goals, solutions, methods, and costs. The problems from the Angola list were then prioritized as follows:

- | | | |
|------------------|------------------------|----------------------|
| 3. Water Quality | 3. Flooding | 5. Shoreline erosion |
| 4. Sedimentation | 4. Wetland degradation | |

The Subgroup's task now is to run each of these watershed problems through the model and develop Work Group recommendations as indicated by the model.

The Subgroup started to run Water Quality through the model, and came up with the following sources of water quality problems:

- | | |
|-----------------|---|
| 1. nutrients | 4. chemicals (herbicides/pesticides) |
| 2. soil erosion | 5. inconsistent/contradictory development (e.g., zoning a trailer park on a lake shoreline) |
| 3. storm water | |

At this point, time ran out. Phil will work with Bob to develop worksheets that contain a flow chart for the above model. The Subgroup can use these worksheets to run watershed problems

Indiana Lakes Management Work Group Meeting Summary
July 16, 1998

through the model more efficiently. The Sugbroup agreed to spend the bulk of the next meeting running problems through the model.

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Co-chairs: Bill Jones and Dale Pershing

Dale asked if the issues that had been brought up through the public input process and assigned to this subgroup were being addressed, and whether the group needs to take any action on the specific cases that were mentioned. The issues were funneling and septic systems, both of which are already being covered by this subgroup. Jan Henley said both of the specific cases of septic system abuses that were brought up by the public were being addressed by the proper authorities.

Dale suggested the group keep two running lists: 1) Potential Recommendations—so they are all in one place and can be referred to easily, and 2) Index of Information—so the group has a list of resources to go to when needed. Rebecca agreed to draft these lists and keep them updated. The possible recommendations that were discussed are included on the attached list.

Lisa Barnese-Walz led discussion on Eutrophication from Sedimentation, as she had completed the initial review of this issue. The group provided some additions to the review, and it was decided that each “reviewer” would keep track of all changes and would provide copies of the revised review to subgroup members at the next meeting.

Richard Kitchell said Nancy O’Brian had given him a packet of information that showed how the state and federal agencies pass problems around. The packet was filled with letters to the agencies regarding lakes problems, and letters from the agencies, excusing themselves from the issue and pointing toward other agencies that should be contacted. Richard said the rubber seems to meet the road with county and city ordinances. The group discussed how state and county governments differ, and the importance of informing local governments of lakes issues.

Time did not allow discussion of the second issue planned for today’s meeting, but this one and the others below will be discussed at the August 20 meeting, as appropriate.

Littoral Zone (Shallow Water) Degradation—Dave Herbst
Chemical Pollutants—Dale Pershing
Pathogenic Pollutants—Jan Henley

Potential Recommendations

Biology/Chemistry/Shorelands Subgroup

July 16, 1998

1. That data collected by volunteers are made available.
2. That an index of all data involving lakes is developed.
3. That resources are increased within IDEM and Soil Conservation to follow up and inspect projects that receive permits.
4. That guidelines are developed by the state for the counties to use (e.g. erosion control, weed control).
5. That case studies be included in the final report—both good and bad examples of specific situations, especially those that involve local control.

Index of Information

Biology/Chemistry/Shorelands Subgroup
July 16, 1998

1. Drainage Handbook.
2. Case studies.
3. Wisconsin shoreline ordinances.

Indiana Lakes Management Work Group Meeting Summary
July 16, 1998

[Attachments (11 pages) to the 7-16-98 Meeting Summary not available in electronic version.
Request hard copy from the Indiana Department of Natural Resources Division of Soil
Conservation (317-233-3870).]

Indiana Lakes Management Work Group Public input meeting

July 16, 1998
6:00 - 8:00 PM
Pine View Resort

MEETING SUMMARY

Members Present

Rep. Claire Leuck	Lisa Barnese-Walz	Robert Eddleman	Richard Kitchell	Donald Seal
Sen. Katie Wolf	Stephen Cox	Mark GiaQuinta	Holly LaSalle	Gwen White
Sen. Robert Meeks	Brian Daggy	Jan Henley	Dale Pershing	

Members Absent

Rep. Dennis Kruse	William Jones	Thomas McComish	Lt. Ralph Taylor	JoEileen Winski
Charles Gill	Jeffrey Krevda	Jed Pearson	Garry Tom, Sr.	
David Herbst	Robert Madden	Anne Spacie	Robert White	

Welcome/Introductions

Representative Leuck welcomed everyone to this Public Input Session of the Indiana Lakes Management Work Group. She introduced Brian Daggy, who has been recommended as the replacement for Bob White, the former representative of agricultural interests on the Work Group. Brian said he is with the Indiana Farm Bureau and he owns a small farm in Boone County.

Representative Leuck said that because this meeting is being held in Senator Wolf's home territory, she (Senator Wolf) would be chairing this meeting. Senator Wolf gave a brief overview of the project, and asked those Work Group members present to introduce themselves. Senator Wolf then asked Senator Meeks to describe how and why this Work Group was formed.

Subgroup Updates

Senator Wolf asked subgroup representatives to give updates on the progress of the subgroups (these were similar reports as those given earlier in the day). Representatives were Bob Eddleman, Watershed Subgroup; Dale Pershing, Biology, Chemistry, and Shorelands Subgroup; and Don Seal, Recreation Subgroup.

Public Input Session

Connie Brisbin (Monticello Chamber of Commerce) thanked Senator Wolf and Representative Leuck for their work on these issues. She said the Chamber is concerned with the publicity on the *E. coli* levels in the lake. She said 22 of the 26 tests were above the accepted levels, and that testing for *E. coli* has been conducted for the past five years, and it has gotten worse. She wanted to know what they should be doing about this. Senator Wolf said there are a lot of agencies that are looking into this, such as the county health department, State Department of Health, DNR, and IDEM. Jan Henley emphasized that it is the responsibility of the county health department to protect the health of the people. Senator Meeks related his experience with the farming community in LaGrange County in similar situations. He suggested involving the local farming community. Richard Kitchell suggested speaking with others who have dealt with similar problems in the Chicago/Indiana Dunes area to see what they recommend. Senator Wolf asked Jan Henley if he would call the local county board of health and offer the state's assistance in this matter. Jan said he would make the call.

Roger Kottowski (Commonwealth Engineers) said the Northern Laughery Creek Steering Committee prepared a watershed management plan involving Versailles Lake (Laughery Creek Plan), wherein they had 50 to 60 percent participation of farmers. He recommended the Work Group get a copy of this plan. He said the DNR's Indiana Drainage Handbook is a good tool, but the counties aren't using their drainage boards effectively. He'd like to see a similar handbook developed for best management practices, etc. for lake associations. He suggested the Work Group could help provide funding for demonstration projects of various fabrics used for streambank stabilization. There are many of them on the market and some don't perform as advertised. Someone asked Roger's opinion of the *E. coli* situation. He responded that the 10.2 inches of rain that fell in June may have inflated the numbers. The number of samples taken (26) seemed small to him, and he offered that filter strips may be beneficial in alleviating the problem.

Tom Wagner (NRCS) said he works regularly at the local level on all of the major issues being addressed by this Work Group, and he has gotten a good response from the agricultural community.

Barbara Hoover (property owner, Lake Freeman) stated that people and organizations have been putting money into cleaning up the lakes, but why aren't we working to prevent erosion? She said there are no ordinances that address existing erosion problems, only ordinances to prevent new problems. Senator Wolf asked Dennis Forberg (Shafer and Freeman Lakes Environmental Conservation Corporation) to respond to this concern. Dennis said he will only be able to help Barbara if her property is on their rolls, and he will check on this. The corporation is planning to dredge the lake and is putting in silt traps.

Paul DeMarco (Wawasee Property Owners Association) asked Dale Pershing if the Biology/Chemistry/Shorelands Subgroup has looked into ‘cultural eutrophication,’ because their group is concerned about human waste dumped from large boats. A study involving anonymous surveys of boaters was conducted. The results did not indicate that there is as much of a problem with this issue as they had thought, but more data would be helpful. Dale said the subgroup had not looked specifically at human waste from boats. Jan Henley said that IDEM has a program for installing pump-out facilities on large lakes, but that people have to use them for them to be effective. Paul said fishing tournaments resulted in a lot of waste in the lakes, and reservoirs allowing more tournaments would reduce a lot of their problems. He also said they want better enforcement. Mark GiaQuinta asked Paul if the Association would support restricting the hours of use for personal watercraft. Paul said they would consider it, and that they would look at any recommendations that were reasonable. Steve Cox said the DNR has means to enforce noise violations, and that the Work Group has discussed trying to get more funding for enforcement. Senator Meeks recalled that public attendees of the Angola meetings said the laws are sufficient; what is needed is more enforcement.

Bob Myers (Wawasee Area Conservancy Foundation) commended Jed Pearson and the DNR for the study they did on bass. He said tournament fishing is more a social issue than a biological one. They want the reservoirs open to tournaments so impacts are lessened on the natural lakes. He said angler etiquette is better now than it was 10 years ago. He agrees with Gwen White that biologically, reservoirs and natural lakes should be managed differently. Wetlands are critical to the health of lakes—for water quality and for fish structure. We need to protect wetlands by decreasing the impacts of boat abuse. He said we need enforcement; Lake Wawasee has a volunteer lake patrol, but it’s not enough. Their Foundation wants a mechanism by which they can hire security personnel—maybe the Work Group could help with this. Bob said the Foundation has met with other groups regarding water quality, and they are getting a lot done, including notch dams, filter strips, etc. He also mentioned an article in *USA Today* on personal watercraft restrictions—banned on Lake Tahoe, hourly restrictions in Minnesota.

Tom and Marge Diener (Diener Seed, Inc.) said they are farmers, and that Diener Ditch was one of the ditches with high levels of *E. coli*. They are already using sediment traps, no-till planting, and filter strips. He said many farmers in the area have gone to no-till farming. The farmers are willing to cooperate, but they need help.

Patty Herrington (Columbus, OH) said she has been coming here during summer since she was 7 years old. She said the lake has been here for about 66 years, and people haven’t made use of silt traps or put sewer systems in. She said we will end up losing the lake unless people start doing the things that need to be done. It may cost a lot of money, but that’s what is needed.

Charlene Herrington (Lake Breeze Property Owners Assoc.) said local people appreciate what the Work Group is doing, and that we need to all come together like this to solve problems. Senator Meeks said the Work Group will get a copy of the Versailles Lake model and this area could possibly use it.

Jim Brechman (Lake Freeman) said he has a big silt problem on his property. He doesn't blame the farmers, but the channel is filling in and it's due to agriculture. He said he has also lost two trees and wonders if it is due to chemicals from the farms. His taxes have been raised 200% but he can't use his Shorestation because the water is so shallow. He reiterated that he doesn't blame farmers, but something needs to be done. Senator Meeks suggested he get a DNR permit to clear the channel, or look into the Lake and River Enhancement program. Jim said he can't deal with the drainage board because they are only available during the day, when he is working.

Lloyd Clerget (Secretary, Twin Lakes Sewer District) said he understands Mr. Diener's frustration, but he thinks people need to keep things in perspective. The lake was created in 1914 and 84 years of damage are not going to be fixed overnight. Hogan's ditch is the biggest source of silt in Lake Shafer—it drains 65,000 acres of farmland. They've had big rains this year which have caused flooding problems. Everyone needs to work together to fix the problem, and it won't happen overnight.

Senator Wolf introduced Dr. Hibner, the White County Health Officer, who she had asked to come give an update on the *E. coli* situation. Dr. Hibner said there is a major *E. coli* problem within Lake Shafer, and that it does pose a risk to public health. The commercial community is in turmoil now, and next Monday there will be a public meeting with the Board of Health. The main problem is with animal contamination, although as commercial development increases, human contamination is becoming more of a problem. The present plan is to place "Swim at Your Own Risk" signs around Lake Shafer to warn people. DNA testing is being done as we speak, and he anticipates that these tests will reveal that the major contamination is by animal wastes. He said this represents a "potential health disaster" and "an immediate crisis."

Ed Grist (Monticello Chamber of Commerce) said Connie Brisbin covered all the concerns of the Chamber.

Colleen McLaughlin (Monticello area realtor) said she is concerned about the *E. coli*; these lakes are very important to our livelihood. Mark GiaQuinta offered that those who are concerned meet with their local authorities immediately to discuss the situation and what can be done.

Senator Wolf thanked everyone for coming and giving public testimony. She then turned the meeting back over to Representative Leuck. Representative Leuck said the Work Group had a

Indiana Lakes Management Work Group Meeting Summary
July 16, 1998

really good meeting, and she thanked everyone for coming. The meeting was adjourned at 8:00 p.m.

Indiana Lakes Management Work Group

August 20, 1998

9:00 AM - 3:00 PM

Indiana University School of Environmental and Public Affairs Building

MEETING SUMMARY

rev. 1/19/99

Members Present - 16

Sen. Robert Meeks	Jan Henley	Jeffrey Krevda	Lt. Ralph Taylor
Rep. Dennis Kruse	David Herbst	Robert Madden	Garry Tom, Sr.
Robert Eddleman	William Jones	Jed Pearson	Lisa Barnese-Walz
Charles Gill	Richard Kitchell	Dale Pershing	Gwen White

Members Absent - 11

Rep. Claire Leuck	Brian Daggy	Thomas McComish	Robert White
Sen. Katie Wolf	Mark GiaQuinta	Donald Seal	JoEileen Winski
Stephen Cox	Holly LaSalle	Anne Spacie	

Facilitators

Phil Seng	Dave Case
-----------	-----------

Welcome

Senator Meeks welcomed everyone to the 10th meeting of the Lakes Management Work Group. Representative Leuck could not attend because of a schedule conflict, so Senator Meeks agreed to chair the meeting in her absence.

Introductions/July 16 Meeting Summary

Senator Meeks asked the Work Group to introduce themselves, after which public attendees introduced themselves. Public attendees follow.

Lori Kaplan, DNR Deputy Director
Jim Ray, DNR Soil Conservation
Sue Gerlach, DNR Soil Conservation
Bill Hayden, Environmental interests
Jill Hoffmann, Lake Lemon Conservancy District
Jim Gerbracht, DNR Parks and Reservoirs
Steve Andrews, DNR
Steve Glasgow, City of Bloomington Utilities
Lyn Hartman, DNR Soil Conservation
Brian Schoening, DNR
Jacqui Bauer

Fred Dunn

After introduction, Work Group members split up into their respective subgroups and began working on issues.

Lunch Session - Work Group Reconvenes

At the July meeting in Monticello, Mark GiaQuinta offered to try to coordinate a speaker from Indiana University to make a presentation to the Work Group on the economic aspects of lakes and lake issues. However, neither Mark nor a speaker attended the August meeting. Instead, Gwen White agreed to make a presentation on the new rules concerning lakes that the DNR is currently addressing.

The DNR is considering changes to the rules pertaining to public freshwater lakes. In doing so, the DNR was required by law to have one public hearing on potential changes. Considering the interest in this issue, however, the DNR held four hearings. Following are some of the proposed changes that affect lakes and lake landowners.

For temporary piers, you don't currently need a permit unless certain criteria are met. In the proposed change, if there is a dispute concerning piers, parties can go right to mediation instead of having to go through litigation first, as it was before. Litigation would be the last step.

Under proposed new regulations, the DNR cannot issue permits for actions that cause "significant environmental harm" to a lake. District fisheries biologists map the lakes—about 80 lakes have been mapped to date. As lakes are mapped, the shoreline will be placed into 3 categories:

1. Significant wetlands - areas with 2,500 or more square feet of wetland vegetation. In areas with this designation, very limited shoreline alteration will be permitted. This category gets the highest degree of protection.
2. Area of special concern - areas with 100 or more square feet of wetland vegetation and some existing development present. Any existing bulkhead seawalls are at least 250 feet apart.
3. Developed areas - areas with less than 100 square feet of wetland vegetation, and where existing bulkhead seawalls are less than 250 feet apart.

Chart of Materials Allowed for Construction

Category

Seawall

Beach

Indiana Lakes Management Work Group Meeting Summary
August 20, 1998

1. Significant wetland	Bioengineered materials or plants	No beach allowed
2. Area of special concern	Bioengineered material or natural stone	Pea gravel only 25'x25' limit
3. Developed Area	Concrete; stone; steel sheet pile; bioengineered material,	Pea gravel - up to half of frontage beach

Subgroup Work Sessions

After lunch, the Work Group members returned to their subgroups to continue working on issues. (See attached Subgroup Reports.)

Work Group Reconvenes/Future Meetings

Dave reminded the group that meetings have been set for September, October, and December:

September 21	Indianapolis	9 a.m. to 3 p.m.
October 26	Indianapolis	9 a.m. to 3 p.m.
December 2	Indianapolis	9 a.m. to 3 p.m.

Next Steps/Closing Comments

DJCA will send the following to Work Group members before the September 21 meeting:

- August 20 meeting summary
- September 21 meeting announcement
- September 21 meeting agenda
- RSVP form

DJCA will also send the August 20 meeting summary and September 21 meeting announcement to the Project Reviewers and will work with Representative Leuck to distribute a news release.

Senator Meeks thanked everyone for coming and making the commitment to the Work Group's goal of helping to solve the problems that face Indiana's lakes. The meeting was adjourned at 3:00 p.m.

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

Lt. Taylor called the meeting to order.

Jim Gerbracht from the DNR Division of Parks and Reservoirs was present to provide an update on tournament fishing on reservoirs. Jim said DNR Reservoirs staff held a meeting and decided to review their policy regarding summer tournaments on 8 of 9 reservoir properties (tournaments are already allowed on Monroe Reservoir).

Some of the issues/concerns that need to be addressed include:

1. Individual use vs. group use (10% of fishing public participates in tournaments)
2. Need to look at the whole tournament issue, not just on the reservoirs
3. Concern about simply moving a problem from one location to another

They are in the information gathering mode right now. They are conducting a survey of all ramps at all reservoir properties to determine the extent of use. Jim distributed a copy of the survey form they are using (attached). Surveys are due from property managers on Sept. 18. Use/fullness will be just one of the factors they consider in relation to this issue.

Lt. Taylor thanked Jim for the report. He asked Jim if it would be possible to get another update at the October 26 meeting of the Work Group. Jim said he would be there.

Discussion followed about why tournaments are regulated on reservoirs but not on public freshwater lakes. Lt. Taylor feels tournaments may need to be regulated by the DNR on public freshwater lakes. However, the work group should only recommend that DNR regulate them, not make specific recommendations on how to do it.

After additional discussion, the recreation subgroup asked the DNR (through Lori Kaplan) to submit a report to the recreation subgroup by Nov. 1, 1998 regarding the DNR's scope of authority to regulate fishing tournaments on public freshwater lakes.

Lt. Taylor brought up an item from the last subgroup meeting. Lt. Taylor talked with ALJ Steve Lucas concerning zoning of wetlands on lakes. Steve said the DNR does not have authority to regulate the 200 foot zone adjacent to wetlands on public fresh water lakes under the boating

code. Lt. Taylor will check with Dale Pershing to see how the biology/chemistry/shorelands subgroup is addressing the issue of boating impacts on wetlands.

Lt. Taylor asked for other issues. Jed Pearson brought up the issue of lake access. After considerable discussion, the subgroup formulated the following recommendation:

“Recognizing that all freshwater lakes belong to the citizens of Indiana, we encourage the DNR to continue to search for public access to these waters.”

The subgroup discussed issues to consider at future meetings:

- A. nuisance geese/wildlife – bring a local expert in to give update on issue.
- B. weed control (expansion of LARE funds) – how it affects boating/Jim Ray

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Co-chairs: Bill Jones and Dale Pershing

Because it was working on very similar issues, members of the Watershed Subgroup joined the Biology/Chemistry/Shorelands Subgroup during this meeting.

The subgroup spent most of the time on the issue of degradation of the littoral (shallow water) area. Dave Herbst distributed a 2-sided handout that addresses the issue (attached). Several items were added to the following cumulative list of potential recommendations and/or concepts from which recommendations will be generated (list was started on July 16, 1998).

1. That data collected by volunteers are made available.
2. That an index of all data involving lakes is developed.
3. That resources are increased within IDEM and Division of Water, and Soil Conservation to follow up and inspect projects that receive permits.
4. That guidelines are developed by the state for the counties to use (e.g. erosion control, weed control).
5. That case studies be included in the final report—both good and bad examples of specific situations, especially those that involve local control.
6. Funding for lake assessments
7. More state funding for state land treatment programs (Full funding for T by 2000)
8. Permitting process
9. Regulatory aspect for T by 2000 (similar to Rule 5)
10. Assessment and potential update of the current Lake Preservation Act
11. Staffing problems in the agencies—achieve full staffing. General Assembly provides \$ but positions are frozen and eventually lost). Converting permanent positions to temp positions (or contractors) to make it look like govt is shrinking.

Several resources were also added to the following “Index of Information Sources” that the subgroup is recording as it addresses issues.

1. Indiana Drainage Handbook.

2. Case studies.
3. Wisconsin shoreline ordinances.
4. Lisa Barnese-Walz will provide a document from the Corps of Engineers
5. Aquatic Plant Management, Carol Lembi, Purdue University

Handouts were also distributed on the issues of pathogenic pollutants and chemical pollutants (see attached), and these issues will be taken up at the next meeting.

Indiana Lakes Management Work Group Meeting Summary
August 20, 1998

[Attachments (7 pages) to the 8-20-98 Meeting Summary not available in electronic version.
Request hard copy from the Indiana Department of Natural Resources Division of Soil
Conservation (317-233-3870).]

Indiana Lakes Management Work Group Public input meeting

August 20, 1998

6:00 - 8:00 PM

Monroe County Public Library

MEETING SUMMARY

Members Present

Sen. Robert Meeks	Jan Henley	Jeffrey Krevda	Lt. Ralph Taylor
Rep. Dennis Kruse	David Herbst	Robert Madden	Garry Tom, Sr.
Robert Eddleman	William Jones	Charles Gill	Richard Kitchell
Dale Pershing	Gwen White		

Members Absent

Rep. Claire Leuck	Brian Daggy	Thomas McComish	Robert White	
Sen. Katie Wolf	Mark GiaQuinta	Donald Seal	JoEileen Winski	
Stephen Cox	Holly LaSalle	Anne Spacie	Jed Pearson	Lisa Barnese-Walz

Other participants

Linda Baden	Kevin Montague	Earl Riggs	Mac Moulden	Jill Hofmann
Sue Gerlach	Richard A. Martin	Bill Hayden	Larry D. Polley	Mike Axsom
Iris Kiesling				

Welcome/Introductions

Senator Meeks welcomed everyone and thanked the public for coming. He also thanked the people of Bloomington for welcoming the Work Group to their community. He gave participants an update of how the Work Group came about.

Subgroup Updates

Senator Meeks asked subgroup representatives to give updates on the progress of the subgroups (these were similar reports as those given earlier in the day). Representatives were Bob Eddleman, Watershed Subgroup; Dale Pershing, Biology, Chemistry, and Shorelands Subgroup; and Lt. Taylor, Recreation Subgroup.

Watershed Subgroup - Bob Eddleman

This subgroup is concerned with those things that come off of the land and go into the lakes. From the list of issues that was developed by the public at the Angola meetings, this subgroup has selected five major issues that need to be explored (in ranked order):

1. Water quality
2. Sedimentation
3. Flooding
4. Wetland Degradation
5. Shoreline erosion

There are many components of each of these topics that need to be looked at. What is the extent of these problems, and what needs to be done to overcome the problems? The subgroup will run each issue through a model that will help determine what is the source, what is the result, what are the goals for solving the problem, what will it take to meet the goal, what are the best methods for achieving them, and what are the costs of doing it.

Recreation Subgroup – Lt. Taylor

The combined Goal/Mission/Problem statements for this subgroup are as follows:

Primary goal - eliminate bias as we review the problems to determine if they are real or perceived. If a problem is real, establish documentation and utilize the documentation in the development of solutions. The major issues the subgroup will address include:

1. Improper and/or unsafe boating
2. Overcrowded boating (Fishing tournaments, personal watercraft, motor boat conflicts, etc)
3. Compliance of recreational users with existing laws
4. Inappropriate state or local laws or rules (better coordination?)
5. Suitable public access
6. Plant Control/F & W populations - control of nuisance animals (geese, beaver, etc.) in relation to impacts on recreational opportunities
7. Water level conflicts

The areas that need to be looked at for solutions to problems are:

Rule & Statute Changes
Educational Emphasis/Campaigns
Funding
Agency Directives

Biology/Chemistry/Shorelands Subgroup - Dale Pershing

Like the other subgroups, this subgroup is looking at problems (impacts), causes and contributions of problems, resources to identify and quantify the problems, and resources to solve the problems. The major issues they are looking at include:

1. Eutrophication from nutrients and sediments
2. Pathogenic pollutants
3. Chemical pollutants
4. Shoreline degradation
5. Littoral zone degradation - shallow water

6. Nuisance biota (plant and animal species)

As they discuss and address each issue, they are keeping a running list of possible recommendations. They are also developing a list of resources and references that can be helpful to lake users.

Public Input Session

Senator Meeks explained that the DNR has hired a facilitator to record input and keep the Work Group meetings on task. Dave Case and Phil Seng from D.J. Case & Associates are the facilitators for this project. Dave called the first person to give testimony.

Linda Baden - Friends of Yellowwood Lake in Brown County. Yellowwood is one of the most pristine lakes left in the state, and as such, should be preserved as a baseline of information. Yellowwood State Forest, which makes up most of the watershed, is logged. How will the work you're doing address this kind of impact on water quality? In a forested watershed?

Bob Eddleman said that the watershed subgroup will be addressing all impacts on water quality—agricultural and forestry. Gwen White added that the DNR Division of Forestry recently published a handbook of best management practices (BMPs). Linda said that the most recent logging contract on Yellowwood required the use of BMPs, so that is encouraging, but they are still concerned with compliance. Jan Henley said that IDEM had a 319 grant project in Brown and Monroe Counties that was participated in by the USFS, state forest division, and planners in Monroe County. They were looking at forest management practices and they evaluated different logging operators and their practices. They also looked at reforestation practices. They have results of the study and are pleased to share that with the public. Linda said that they are also interested in forming a conservancy district to pursue the idea of getting a no-cut zone in the watershed above the lake. How is this done? Bob Madden responded that conservancy districts are an arm of state government that are established by the local circuit court. He offered to put Linda in contact with the person in state government who can get her a copy of the Conservancy Act. Establishing a CD is a time-consuming operation. It took 4 years to get the Lake Lemon CD established. Linda said that more than 95% of the land in the watershed is state-owned. Would a CD help? Bob Eddleman urged them to work with the local Soil and Water Conservation District to get these practices done. The SWCDs work closely with state and federal agencies. There is a district office in Nashville and a multi-county service office in Bloomington. It's a good place to start.

Earl Riggs - Indiana Lakes management Society

Formerly with the Monroe County Lakes Task Force. There is a need for establishing some overall jurisdictional group over Lake Monroe. There are over 30 jurisdictional agencies governing various aspects, and they rarely if ever meet. The COE has jurisdiction over the lake level (goes from 538 - 556 feet above sea level). The DNR Division of Parks and Reservoirs controls the recreation on the lake. They are extremely understaffed. We need more patrols. DNR officers do respond to calls, but they have a very large area to cover. There is no restriction on the boat population which is huge. There has to be a limit at some point. The lake

varies from 11,000 to 18,000 acres in size. There are only 3 boat dumping stations, and it is not enough. The lake is vital for economic reasons. 1.5 million visitors a year. 11 water companies take water from the lake. Beaches have been closed on occasion due to E. coli counts. What can we do to help control boats—especially the waste management aspect. Lt. Taylor said that several years ago the Division of Law Enforcement put the scuba team down at the marinas to do dye tests on boats to test their sewage management systems. They could resume that type of testing. Lt. Taylor will take that issue forward. Riggs suggested requiring marinas to require some testing as part of the lease agreement with the state. Lt. Taylor will bring that issue forward in the Work Group and in Law Enforcement. Earl also asked what could be done to get all the jurisdictional agencies together to talk? Dave Herbst said this situation reminded him of the drainage problem that we had in the state several years ago. The key is to have a neutral facilitator to run the process. Bill Jones added that it is hard to convince a landowner in the far reaches of the watershed that what he is doing is having an impact on the lake. And he may not care. It is a big education problem. We need more cooperation among the jurisdictions to facilitate this cooperation.

Mac Moulden

Mac has lived on Griffey Lake most of his life. It is a small lake (about 1,200 acres). It is adjacent to Indiana University, a coal storage ash pile, a new golf course, and an old shooting range. The university seems oblivious to these concerns. New homes are being built in the watershed on old septic systems that will fail in 5-7 years, and pesticides/fertilizers from the golf course that run over the shooting range may cause the lead in the ground to leech into the water. What is going to happen to the lake in the future? Bill Jones had some information on several of these points. The coal storage ash pile is an industrial urban contaminant. There are BMPs involved to reduce the impacts, and the university has been using them. He has classes that go out twice a year to measure the settling ponds and they have been working fine for the past few years. He and his students are now beginning to do aquatic life studies on Jordan and Griffey Creeks above and below the ash ponds to further analyze the impacts. The university is looking at these things, and it is important that citizens continue to keep an eye on this. As far as the shooting range goes, it is unclear at this time whether they will disturb the soil there. EPA regulations will have jurisdiction in this area, not the university. Bill said that certain local laws (Such as Bloomington city water quality ordinances) do not apply to the university. Is this also the case with state laws? Are state universities exempt from them? Lori Kaplan said that she was not aware of any state laws or regulations that state universities and agencies would not be required to follow. Other Work Group members concurred. Dale Pershing said that a properly managed golf course probably will not cause increased lead mobility in the soil, as long as the chemicals' label directions are followed. He added that more information is probably needed. Jan Henley said that the Office of Water or the Office of Solid and Hazardous Waste could do an inspection and the university would have to comply with the findings. He could take this concern back to the appropriate people.

Richard Martin

Welcome to Bloomington. This meeting will be viewed by many, many people on the public TV channel that is taping it. About five years ago, this meeting would have been packed. At that time, they were doing land use planning for Lakes Monroe, Griffey, and Lemon. Land use regulations went into effect which limited the kinds of uses that could be done in watershed areas. The county has taken a private property owner to court for cutting trees in an undesignated area. They are serious about enforcement. However, the violator is not a local resident and does not know anything about local land use regulations. It is very difficult to get this information to nonresidents. Local government has some capacity to manage local land use through zoning ordinances, land use regulations, etc., but they can only regulate privately held land and city and county land. In their case, about half of their land is state or federal land. It is very difficult to get all those groups together. They have tried, but have had limited success. They are going to try again through a 319 grant and the Coordinated Resource Management (CRM) process. He is not very optimistic, though, because CRM needs to have the same people involved in the process throughout its duration, and in the political arena, there is high turnover. The same is true of state government agencies. When people turn over, it is difficult to bring new people up to speed. The goal of reaching consensus takes a very long time. It will require some kind of institutionalization to get it done. The Mississippi River flooded several years ago. Because of this, the level of Lake Monroe has been up for several years. The COE is holding more water than before. This is probably because we are not doing a very good job of holding water in other watersheds, so Lake Monroe is having to hold more to "make up for" other watersheds that are not doing their fair share. Recreational users are impacted because beaches are flooded, etc. Finally, he is constantly amazed at the size of the boats he sees on Lake Monroe. At some point, we will have to address the size of boats and the speeds they can run. Wave action is exacerbating shoreline erosion. DNR regulates the number of docks that can be on the lake, but we must come to grips with this issue. Thank you to the Work Group for coming to Bloomington. Senator Meeks gave the mailing address for D.J. Case & Associates as potential meeting facilitators. Bob Eddleman said that Coordinated Resource Management is a great process. He said that Richard should be complimented for pursuing this route. If it is done properly, it cannot fail. It is critical that everyone be committed to success. People must talk about needs, not positions. These are not the same, and too often we take up positions without really considering needs. When all participants consider needs instead of positions, win-win solutions are possible. Lt. Taylor said that there is a history in DNR on the speed issue. 4-5 years ago they did a study on speed, and concluded that a 50 mph speed limit would be about right. However, they didn't have enough data to support it, so it failed in the House. The Work Group will continue to discuss the speed issue. The size issue is a tough one. The size of boats (width) has continued to increase over the past decade. This has impacts on shoreline erosion, but we don't have good data. Personal watercraft issue is very volatile. It has been raised at every public meeting.

Bill Hayden - Sierra Club Uplands Group, Izaak Walton League, and Save the Dunes Council
Bill thanked the Lakes Work Group for the serious approach they brought to their work today. He hopes there is the will to implement Work Group recommendations by the administration and the General Assembly. Glad to see that watershed management is an implicit assumption in Work Group conversations. Since the passage of the Clean Water Act, Indiana has made great

progress in the cleanup of industrial pollutions. Now the biggest problem is nonpoint source pollution. Now the state must address nonpoint sources with same vigor as they did with point sources. Reservoirs should be provided all the same protections as other public freshwater lakes in the state. Use of voluntary measures can be made more effective, but only with an increased educational program by an increased number of professional, nontemporary employees to work with landowners on sustained basis. Governor O'Bannon has followed the Bayh Administration in playing smoke and mirrors games with personnel. Positions were frozen under Bayh and eliminated under O'Bannon. IDEM's nonpoint section has gone from 10 positions to five, even though it is solely funded by EPA grants. IDNR's T by 2000 fund was never fully funded. It should be. Perhaps a small tax on fertilizers, pesticides, and land application of waste. These are what cause the problems, maybe they should be taxed. There must be better state management of septic systems, livestock, confined feeding operations, especially near lakes and streams. Need better funding and support for buffer zones, etc. There are limits to the extent that voluntary measures can solve the problems. Enforcement must be there to reach the people who can't be reached by education or incentives. We can no longer tolerate deliberate draining of sewage lagoons into our water bodies. These violations should be treated as criminal felonies instead of civil penalties. These are no longer sufficient. We need an enabling act for multi-jurisdictional entities to form watershed commissions to focus protection/restoration efforts. Thank you for coming tonight, good luck in your endeavors.

Larry Polly - Chairman, Lake Lemon Conservancy District

Bob Madden is our Manager. The Conservancy Act is difficult to understand. How to get it clarified? Is this done through legal channels? Political channels? DNR? Lt. Taylor - Upon instruction of the Natural Resources Commission, The Advisory Council for the Bureau of Water and Mineral Resources reviewed the act very thoroughly and issued a final report.

Iris Kiesling - Monroe County Commissioner

Very pleased that the current Board President has taken the initiative to work cooperatively with other jurisdictions on lake issues. The greatest confrontations they have had in this area have always had to do with water. She thanked the Work Group for coming to Monroe County.

Senator Meeks asked for final comments from the Work Group.

Garry Tom represents Soil and Water Conservation Districts. Local districts deal with most of the problems that have been discussed today. He recommended that anyone with a lake-related problem should meet with the local SWCD. They can be of great help with these issues.

Other Comments should be sent to

D.J. Case & Associates
607 Lincolnway West
Mishawaka, IN 46544
Phone: 574-258-0100
Fax: 574-258-0189

Indiana Lakes Management Work Group Meeting Summary
August 20, 1998

e-mail: djcase@csi.com

Senator Meeks thanked everyone for coming and giving public testimony. The next meeting is September 21 in Indianapolis. The meeting was adjourned at 8:00 p.m.

Indiana Lakes Management Work Group

September 21, 1998

9:00 AM - 3:00 PM

Indiana Government Center South Conference Center, Room A

MEETING SUMMARY

no rev.

Members Present

Sen. Robert Meeks	Sen. Katie Wolf	Rep. Claire Leuck	Rep. Dennis Kruse
Thomas McComish	Jan Henley	Jeffrey Krevda	Lt. Ralph Taylor
Stephen Cox	David Herbst	Robert Madden	Garry Tom, Sr.
William Jones	Jed Pearson	Charles Gill	Dale Pershing
Gwen White	Donald Seal	Brian Daggy	Holly LaSalle

Members Absent

Robert Eddleman	Mark GiaQuinta	JoEileen Winski	Lisa Barnese-Walz
Anne Spacie	Richard Kitchell		

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions

Representative Leuck welcomed everyone to the 11th meeting of the Lakes Management Work Group. She asked the Work Group to introduce themselves, after which public attendees introduced themselves. Public attendees follow.

Jim Ray, DNR Soil Conservation
Melody Hartman, DNR Fish and Wildlife
Mike Goldman, Writer, Wawassee area
Lyn Hartman, DNR Soil Conservation

Rep. Leuck asked if the Work Group would consider making the starting time of meetings 10:00 a.m. instead of 9 a.m. It becomes difficult for people in the northwest part of the state to make 9 a.m. meetings after the time change in the fall. Lt. Taylor felt that would be okay as long as the next few meetings are primarily directed at subgroup work. The Work Group agreed that the September meeting will run from 10 a.m. to 3 p.m.

Phil distributed the August meeting minutes for review. He apologized for the fact that they were not mailed to Work Group members prior to the meeting, as is normally done. A computer error delayed their completion. Phil suggested that the Work Group review the August summary after the meeting, so as not to waste meeting time reading. Both the August and September meeting summaries will be changed/accepted at the October 26 meeting.

New Lakes Rules

Phil said that the proposed Lakes rules that Gwen White reported on at the August meeting have been published. October 1 is the deadline for public comments.

Senator Meeks received a call from a constituent who said he was told he needed a permit for his dock, even though he had never needed one before. Is this something from the proposed new public freshwater lakes rules? Lt. Taylor said that as far as he knew, there were no new regulations or permits regarding piers and docks. For temporary piers, you don't currently need a permit unless certain criteria are met. In the proposed change to the rules, if there is a dispute concerning piers, parties can go right to mediation instead of having to go through litigation first, as it was before. Litigation would be the last step.

Senator Meeks also had a concern about an issue that came up at the hearing in Syracuse. One of the criteria for designation of a shoreline as an "area of special concern" refers to "significant scenic or natural features observable from the lake that are exceptional or rarely found on lakes in the state." He said this criterion appears to be vague and suggested that the DNR discuss ways to clarify the definition. Gwen White responded that Lori Kaplan held a meeting with DNR staff after the hearing to discuss this issue and will make recommendations to the administrative law judge.

Gwen White distributed copies of the proposed new rules to the Work Group. They are also posted on the DNR website under the Division of Hearings.

Senator Meeks distributed a few copies of a bookmark from DNR Soil Conservation. It contained addresses and phone numbers of the DNR Divisions. This is helpful to people seeking information about lakes and other natural resource issues.

Public Comments

Phil asked public participants if they had any comments for the Work Group. There were none. Phil then gave comments he had received over the phone from Bob Myers of the Wawassee Area Conservancy Foundation.

- Bob said he had asked the Recreation Subcommittee to find out the legal definition of the shoreline in the case of wetlands along shore. For example, if significant and valuable wetlands extend beyond the actual shoreline, does the 200-foot limit still apply?
Lt. Taylor said that the legal definition of the shoreline was clear, and that the presence of wetlands did not alter it. Protection of such wetlands may require changes to Title 14 (may require legislation). This issue is being considered by the Biology/Chemistry/Shorelands Subgroup and the Recreation Subgroup.

- The Wawasee Area Conservancy Foundation is considering putting out “educational buoys” that say Fish Nursery, etc. to protect these wetlands. A local conservation officer in the area said he won’t enforce it. Is that the official position of the Division of Law enforcement?
Lt. Taylor said that conservation officers can only enforce existing laws, and educational buoys are not covered.
- They’d like to see the same rules applied to reservoirs as are applied to natural lakes.
- More enforcement of existing laws instead of new laws.
- People with big sleeper boats are anchoring within 200 feet of shore on Wawasee and spending the entire weekend without moving the boat. Is this legal?
Lt. Taylor said that it depends on individual circumstances, but in general, if the people stayed in possession of the boat for the weekend, they would not be breaking the law. “Mooring” their boat (i.e., taking up residence) would be illegal. Individual circumstances would have to be considered. This issue will be addressed in the Recreation Subgroup.

Phil distributed a letter from David Culp concerning the fishing study done by DNR (Jed Pearson). Jed said that copies of the report that David was referring to are available if anyone is interested.

LARE Program Update

Representative Leuck reported that the Budget Agency finally responded to the letter she sent to the governor concerning LARE program monies that had been held back. It appears they are willing to work on a solution to the problem. She asked Jim Ray if he would review the letter and work with her to forge a solution. Jim reported that there is at least 1.6 million dollars of unspent funds (it may be more than that, but the final figures have not yet been released from the Bureau of Motor Vehicles).

Jed Pearson said the Recreation Subgroup had asked Jim to report on the status of the LARE Program. Jim made the following report.

The “Lake Enhancement Program” was created in 1987 and later changed to “Lake and River Enhancement Program” (LARE). Jim handed out a copy of “Revised Policies for T by 2000 Program.” The revisions were made in 1990. The program was assigned to Division of Soil Conservation. Initially, there was no money associated with the program, so the state Soil Conservation Board established this set of policies and determined that a portion of the Division’s budget (10%) would be allocated to lake enhancement. It amounts to about \$300k per year. The Board decided that the money would be used for broad issues (research,

watershed management, etc.) rather than specific issues on individual lakes (weed control, dredging, etc.).

Senator Meeks said he felt that part of the funds should be spent on individual lake issues such as weed control, and not only on diagnostic testing and other such things. Every boat owner pays a \$5 fee that goes into the LARE fund, and these owners deserve to see their money spent on individual lake issues. There should also be direct benefit to boaters who pay it.

Steve Cox said he has defended the \$5 fee and the LARE program all over the state. At first, people were really angry about it. Now everyone just pays it—they're resigned to it. But boaters see absolutely nothing from this money. They can't see the results of sediment traps, etc. They don't deal with soil and water conservation people. They want to see tangible results. They want to see weed control and dredging.

Dave Herbst said that a lake is a reflection of its watershed, and things done in the watershed do help the lake. He opposed the idea of spending LARE money on weed control.

Bill Jones said it would be exceedingly nearsighted to spend the money on symptoms—like weeds in the lake—instead of spending it at the watershed level. Weed control makes people feel good, but it won't help the lake nearly as much as watershed problem control.

Tom McComish said that the program was designed to look at long term solutions to lake problems. We must be careful at getting caught up on short term solutions like weed control that mean little if anything for the long term. Perhaps the fee should be raised so more efforts could be accomplished.

Steve Cox said he supports working on long-term solutions, but the problem is that in the meantime, the lake is not useable because it is filling in. Raising the fee is fine, but only if some of it is earmarked for correcting current problems like weeds.

Senator Wolf said that the *E. coli* testing that was done on Lake Freeman was done right after a rain and at the base of the watershed. Right after that, the county council and other partners investigated the potential of studying the entire watershed. Purdue projected that it would be extremely expensive to correct watershed problems. They are looking into it, but in the meantime, they have put in three sediment traps in Lake Shafer and they are starting to dredge. There are many \$300k homes on Lake Shafer and Lake Freeman. The new sewage system they have in place has caused many new homes to be built.

Holly LaSalle - Lake Tippecanoe has gone from 9 feet to 2 feet deep. They dredged it before but won't do it again until they get the watershed problems fixed. It doesn't make sense to keep treating symptoms. What she dislikes is the slow nature of the process. It takes a long time to get the necessary permits, etc. for installing a sediment trap.

Garry Tom said that although the T by 2000 program is not perfect, things have been a lot worse. The program has made great gains in the past 20 years. The money has been well spent.

Dave Case asked the Work Group what it wanted to do with this issue. We don't have time allocated to debate the entire issue right now.

Bill Jones said that the Watersheds and Biology/Chemistry/Shorelands Committees should address it and make recommendations.

Steve Cox said it should be the entire Work Group, because the Recreation Subgroup represents the boaters who pay the money.

Jed Pearson said the real question is whether the LARE money should be used for more than just preventive measures.

Tom McComish said the Work Group should look at the possibility of expanding the funding for the program and possibly directing the program to provide funding for treating symptoms (weed control, etc.) after the watershed problems are fixed.

Bob Madden said it was critical that before we go trying to get additional money for the LARE program, we need to ensure that we spend the money we've already got (i.e., the \$1.6 million). The Work Group must not drop the ball on this issue.

Dave Case said that at the December meeting we may go through various issues as a full group, but probably shouldn't deviate from the subgroup process in the short term. The issue was tabled.

Nuisance Canada Geese Issue Update

Melody Hartman, DNR waterfowl biologist, said that the Recreation Subgroup invited her to the meeting to discuss the nuisance goose issue.

The Canada goose population in Indiana is about 80,000 birds, plus or minus 20,000. This is an acceptable level and it has remained nearly constant for 3 years. However, more than 1 population of Canada geese migrate through the state, and one of the migratory populations is

not doing very well. Snow geese have expanded exponentially, and they stage in Canada geese nesting areas, which affects Canada geese breeding efforts for the migratory populations. Harvest bag limits have been reduced for Canada geese in general because of these migratory populations that are in trouble.

There are a few crop depredation problems due to geese in Indiana, but most problems come in urban and suburban areas, and these are entirely different from rural problems in the ways that they can be handled.

Currently, about 50% of the entire goose harvest is in the first 15 days of the season. The DNR has been trapping and relocating geese since 1985, but in general, this does not solve the problem. They usually go right back to where they were captured. Division policy is to try to solve the problems first by hunting, but this won't work in urban areas. There are additional constraints on harvest methods because geese are migratory birds. The DNR can give permits to shake eggs and destroy nests if necessary, but the Division tries nonlethal methods first. On lakes, people like to plant grass right up to shoreline—red carpet treatment for geese. They need a better program to educate the public about how to control goose populations via habitat controls. Having higher grass or wildflowers in the lawn helps discourage them. They like to land in the water and swim up onto the shore. Shrubs along shore also help.

Some states are killing geese and taking them to meat lockers to help feed the poor. Geese are very prolific. In the division, we need improved record keeping. They have to provide records of how the problem is doing over time. Otherwise they may not get the depredation permits in the future.

The comment period was recently closed on a proposed federal permit process that would provide more flexibility for goose control at the state level. It would allow states to use more lethal control programs.

They are currently looking at having a late goose season that would last for 15 days, sometime between January 1 and February 15. However, by that time of year, about 75% of the geese in the state are migrant birds, so it probably won't happen. They are also looking at specific areas where they might be able to have late seasons to address specific local populations. They cannot offer a hunt after February 15 according to Migratory Bird Treaty Act.

These birds provide significant nutrients into the lakes. Socially acceptable levels differ across the state. There are temporary chemical solutions for keeping geese away, but they are relatively expensive and don't last very long. Poisoning is illegal, but some are doing it.

Gary Tom asked if DNR had received any complaints about geese in feed lots or pastures? Do they spread diseases? It is a big concern for cattlemen. Melody said that the Purdue vet school says that goose diseases are species-specific and should not impact cattle or people (except for

histoplasmosis). Gary said there was still the concern that the geese could spread bovine diseases from pasture to pasture by picking up manure on their feet.

Lt. Taylor asked whether the subgroup should address this issue or leave it up to the DNR. Melody said they are eager for input. The current standard is to maintain the population at about 80,000 birds, but to try to address local problems. Melody will be happy to take recommendations from the Lakes Work Group back to the appropriate sources in DNR.

Subgroup Work Sessions

Work Group members split up into their respective subgroups and began working on issues. (See attached Subgroup Reports.)

Work Group Reconvenes/Future Meetings

Subgroup chairs gave brief reports on the issues covered in their meetings (see Subgroup reports).

Dave reminded the group that meetings have been set for October and December:

October 26	Indianapolis	10 a.m. to 3 p.m.
December 2	Indianapolis	[times to be set at October meeting]

Next Steps/Closing Comments

DJCA will send the following to Work Group members before the October 26 meeting:

- September 21 meeting summary
- October 26 meeting announcement
- October 26 meeting agenda
- RSVP form

DJCA will also send the September 21 meeting summary and October 26 meeting announcement to the Project Reviewers and will work with Representative Leuck to distribute a news release.

Representative Leuck thanked everyone for coming, especially the subgroup chairs. The meeting was adjourned at 3:00 p.m.

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Co-chairs: Bill Jones and Dale Pershing

The Subgroup discussed littoral zone degradation, fish communities, Jan Henley's list of pathogenic concerns, and Dale Pershing's table of chemical pollutant concerns.

Littoral Zone Degradation

- Depth-based speed limits? (Bill Jones will check w/Wisconsin)
- Review current laws/rules re: enforcement within the 200' zone
- Compile information and develop recommendations at a future meeting

Fish Communities

- Tom McComish will meet with Lt. Taylor to avoid overlap of subgroup efforts.

Pathogens

- Septic Systems
 - S Economics often prevent sewerage
 - S County Health Departments don't inspect septic systems
 - S Wells on small lake lots can be close to septic
 - S Bacteria & nutrients go hand in hand
 - S New sewers lead to development:
 - Environmental problems magnified
 - S State Revolving Fund is a potential funding source for sewer systems, but may be too costly to be attractive to many individuals
 - S Even if existing septic systems are ineffective, in some cases it may be cost-prohibitive to connect to distant sewer
 - S Monroe County may have the most stringent septic requirements in the state to protect local lakes [Bill Jones will summarize these]
 - S People don't use composting toilets, etc., because they require maintenance and no one enforces regulations for inadequate septic systems.
 - S Sewerage can lead to "funneling"-type development; there is a need for zoning ordinances to prevent incorporation of lake area as town can provide direct local control
 - S Identify a lake of 100+ acres to use as a model of proper development
 - Saugany Lake (? – even though private)
 - S Are there still efforts to create new developments on excavated channels?

- S Difficult to scientifically document septic problems on lakes – hard to grasp that there is a problem if there is no visible evidence
- S If there's a need for sewerage and a county won't force the issue, there needs to be a method for the state to intervene.
- S Sewer systems can have problems, too; e.g., combined sewer overflows, pump failures.
 - May require upgrades, expansion.
- S Use 303 (d) list/total maximum daily loads to protect affected lakes.
- S IDEM inspects every "major" STP (> 1 million gallons per day) at least once/year; minors only every 3-4 years
 - Staffing resource needs?
 - S Operator assistance program?
- S Confined animal feeding operations (CAFOs)
 - Existing runoff problems at numerous lakes
 - Potential problems from "mega" operations
 - Can be a problem for subsurface water
 - Some small operations allow livestock in lakes
 - Cryptosporidium concern on lakes with water supply intake.
 - Drainage statutes allow County surveyor/drainage board to exclude livestock from regulated drains if there are erosion problems.

** Resource list:

- S IC citation re: confined feeding; IC 13-18-10
- S Contact conservation officer re: fish kill, etc.

- Nuisance Wildlife
 - S May transport cryptosporidium, giardia, other protozoans
 - Geese, deer
 - S USDA is additional resource for identifying problems
 - S Professional trappers are additional resource for solutions

- Landfills
 - S Need to capture leachate and treat
 - S ★Reference "Source Water Assessments"
 - S ★Develop list of lakes that are or could be water supplies

Chemical Pollutant Concerns

- Mercury
 - S Atmospheric deposition
 - Power plants

- Incinerators
- Batteries
- Flourescent lights

- Polychlorinated biphenyls (PCBs)
 - S ★Reference document: Fish Consumption Advisory
 - S ★1997 Weed Control Guidelines for Indiana (Purdue Dept. of Botany/Plant Pathology)

- Pesticides
 - S Atrazine: drinking water concern
 - Use activated carbon to remove

- Petroleum Compounds
 - S Point & nonpoint sources
 - S Indianapolis Water Co. doesn't see notable levels in its water supplies unless spill
 - S Are recreational boat engines a concern?

- Treated Lumber

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

Lt. Taylor called the meeting to order and asked members to review the minutes from the last meeting. There were no changes.

Nuisance Canada Geese

Melody Hartmann, the waterfowl biologist for the Indiana DNR Division of Fish and Wildlife was in attendance to get feedback on the nuisance waterfowl issue to take back to the Nuisance Waterfowl Committee within the Department.

The subgroup talked at length about various aspects of the nuisance Canada goose issue:

- S At what level to address the problem
- S Criteria for defining the “problem”
- S How widely known the problem is or is not
- S The MN experience – City Council must pass a resolution

The subgroup then drafted a recommendation to carry forward to the full Lakes Management Workgroup.

“The recreation subgroup recognizes that excessive concentrations of Canada geese negatively impact (s) the water quality of Indiana’s public freshwater lakes. The subgroup looks to the IDNR for possible solutions and recommendations to address this problem. The subgroup would support the expansion of hunting opportunity.”

The subgroup then discussed the issue of people living on boats/houseboats on lakes. The subgroup recognized the potential for problems in the future, but that the issue is not a critical one right now. The subgroup will keep it on its list of issues.

Jed Pearson will get a copy of the tournament fishing report to DJCA to distribute.

Waste Dumping on Lake Monroe

In response to discussion at the Bloomington public meeting concerning dumping of boat waste on Lake Monroe Reservoir, Lt. Taylor contacted Lt. Koontz to assess the problem and do a random sample. Lt. Koontz reported that there are roughly 1,500 boats on the lake with potential tanks. Roughly 1,000 have been confirmed as having holding tanks. District #6 officers tested 90 boats two Saturdays ago and 3 boats were found to have systems that could have potentially dumped if they chose to do so, which represents slightly less than 4%.

Aircraft Landing

The Subgroup discussed the issue of aircraft landing on public freshwater lakes. Lt. Taylor had researched the issue and found:

- S The Feds do not have regulations prohibiting aircraft landings on lakes.
- S The Indiana Department of Transportation, Aeronautics Branch regulates seaplane bases in Indiana and airport licenses are required for such locations.
- S Seaplane airport licenses are available for ‘public’ as well as “private” airports.
- S Indiana has 4 public seaplane bases listed, all are on reservoirs.
- S There are no public or private locations licensed on public freshwater lakes.
- S Ultra-light aircraft are not regulated by the state or the feds.
- S Sen. Meeks will ask LSA to research the laws related to the issue.

Lake and River Enhancement Funds

The subgroup will ask Jim Ray to send a detailed letter concerning expenditure of LARE funds. There was discussion about LARE relationship to T by 2000 program. Points discussed included:

- S The need to address both short- and long-term issues.
- S Tying short-term things (dredging) as incentives to do the long-term things in the watershed.
- S Looking at things in this subgroup from a recreation standpoint.

No position was developed on the issue.

Subgroup meeting adjourned.

WATERSHED SUBGROUP REPORT

Chair: Jeff Krevda (for Bob Eddleman)

The group first discussed the LARE funding issue. All agreed the money should go toward watershed conservation issues, not symptoms like weed control. All also agreed that the first step is to access the money that has been collected but not spent.

At a previous meeting, the Subgroup prioritized the five major issues from the Angola meetings as follows:

1. Water Quality
2. Sedimentation
3. Flooding
4. Wetland degradation
5. Shoreline erosion

A model was also developed for addressing these issues and working toward solutions.

Watershed Problem → Source → Result → Goal → Solution → Method → Cost

At this meeting, the Subgroup began working the issue of sedimentation through the model.

Problem: Sedimentation

Sources of the problem:

1. Ag runoff
 2. Urban runoff (stormwater)
 3. Highway ditch banks
 4. Construction/Development
 5. Livestock operations
 6. Drainage practices
 7. Forestry practices
 8. Industry (e.g., peat excavation; landfills)
-
1. Ag Runoff results in:
 - A. Loss of nutrients and topsoil
 - B. Increased turbidity
 - C. Increased drainage problems
 - D. Creates gullies
 - E. Increased algae/plant growth throughout watershed
 - F. Cost to remove sediment (including water treatment)

2. Urban Runoff has same list of sources as Ag runoff plus:
 - G. Faster runoff
 - H. Contaminants/salts (heavier materials)

3. Highway Ditch banks result in:
 - A. Sediment in lakes/channels

4. Construction/Development results in:
 - A. Sediment in waterways/lakes
 - B. Increased speed of runoff (causes destruction - wetlands/soil, etc.)
 - C. Trapping of water (can't run off fast enough)
 - D. Sewage/drainage system overload
 - E. Wetland loss (destruction/development/drainage of)
 1. Mitigation in off-target areas

5. Livestock operations result in:
 - A. Manure in waterways (high bacteria, nutrients)
 - B. Physical disturbance of stream banks (livestock)
 - S Increased turbidity
 - S Increased nutrients
 - S Increased bacteria
 - C. Artificial wetland treatment system overload due to heavy rain/speed of runoff
 - D. High concentrations of livestock
(have regulations kept up with problems of increased volume and conc. of waste?)

6. Drainage practices result in:
 - A. Improper ditch maintenance causes sedimentation/erosion
 - B. Improper obstructions in ditches (divert flow into bank)

7. Forestry practices result in:
 - A. Destruction of understory; temp. logging roads – cause erosion
 - B. Disruption of topsoil

8. Industry results in:
 - A. Landfill runoff (pollution)
 - B. Peat farms
 - C. Coal mines
 - D. Brownfields (abandoned industries)

Solutions to:

1. Ag runoff

- A. Filter strips
 - B. Conservation tillage
 - C. Silt fencing
 - D. No fall tillage
 - E. Educational workshops
 - F. Incentive programs
 - G. Farm ponds in waterway (retention pond, nutrient trap)
 - H. Government programs (CRP, etc.)
 - I. Windbreaks
 - J. Subsidies for sediment removal
 - K. Terracing and wascobs
2. Urban runoff
- A. No road salt (sand) (or alternatives)
 - B. Retention basins
 - C. Silt fencing
 - D. Fewer lawn chemicals (golf courses, lawns)
 - E. Stormwater plans and enforcement
 - F. Urban development upward instead of outward
 - G. Parking garages
 - H. Buffer areas

At the next meeting, the Subgroup will continue identifying solutions to the sources of sedimentation, starting with highway ditch banks and working on down the list. After identifying potential solutions, they will begin looking at specific methods for implementing the solutions.

Indiana Lakes Management Work Group

October 26, 1998

10:00 AM - 3:00 PM

Indiana Government Center South Conference Center, Room A

MEETING SUMMARY

no revisions

Members Present

Sen. Robert Meeks	Rep. Claire Leuck	Rep. Dennis Kruse	Robert Eddleman
Thomas McComish	Jan Henley	Jeffrey Krevda	Lt. Ralph Taylor
David Herbst	Robert Madden	Richard Kitchell	
William Jones	Jed Pearson	Charles Gill	
Lisa Barnese-Walz	JoEileen Winski	Dale Pershing	

Members Absent

Sen. Katie Wolf	Mark GiaQuinta	Garry Tom, Sr.	Donald Seal	Gwen White
Anne Spacie	Stephen Cox	Brian Daggy	Holly LaSalle	

Facilitators

Phil Seng	Dave Case	Rebecca Fitzmaurice
-----------	-----------	---------------------

Introductions/Agenda

Representative Leuck welcomed everyone to the 12th meeting of the Lakes Management Work Group. She asked the Work Group to introduce themselves, after which public attendees introduced themselves. Public attendees follow.

Jim Ray, DNR Soil Conservation
Lori Kaplan, DNR Executive Office
Jim Gerbracht, DNR State Parks and Reservoirs
Mike Goldman, Writer, Wawasee area
Dave Littenauer, President, Lake Wawasee Property Owners Association

Dave Case said there was one addition to the meeting's agenda. Rep. Leuck would be distributing a letter that she received regarding the LARE funding issue.

Dave said that the group should begin discussing what process it wants to use in order to complete its charge by December 1999. There are only eight or nine meetings left for the group to develop its final products. Lt. Taylor said he would like for the three subgroup chairs and the project facilitators to meet today to begin discussing common issues. It was decided that after subgroups had a chance to meet, the chairs and facilitators would meet over lunch.

Meeting Summaries

Dave asked if there were any changes to the August or September meeting summaries. The following changes will be made to the August 20 Meeting Summary:

- | | |
|----------------------------|---|
| Page 2, paragraph 2 | “The DNR . . . to the rules pertaining to public freshwater lakes.” |
| Page 5, B/C/S Report | “3. That . . . within IDEM, Divisions of Water and Soil Conservation . . .” |
| Page 6, number 4 | Name/spelling correction: “Lisa Barnese-Walz” |
| Page 7, Other Participants | Spelling correction: “Mac Moulden” |
| Page 10, paragraph 2 | Spelling correction: “Mac Moulden” |

Lisa Barnese-Walz commented on Richard Martin’s comments in the August Summary (page 11, first paragraph). Mr. Martin had said:

“The COE is holding more water than before. This is probably because we are not doing a very good job of holding water in other watersheds, so Lake Monroe is having to hold more to “make up for” other watersheds that are not doing their fair share.”

Lisa said she had checked into this and that the COE is not holding any more water than is usual.

Senator Meeks asked if there had been any changes to his concerns stated in the September Summary on page 2, paragraph 3. Jim Ray said he would look into this further.

Miscellaneous/Handouts

Jim Ray distributed a draft document, “Managing Aquatic Plants in Indiana Lakes.” He said the document is intended to give the lay person a better understanding of lake plants. If anyone has comments on this draft version, please get them to Jim. Dale Pershing said he would like to include this document in the Biology Subgroup’s Index of Information.

Jim Ray distributed the handout, “Estimated Cost of Aquatic Plant Control in Northern Indiana Lakes,” which was prepared by Gwen White, using records of permits that had been granted for weed control. Senator Meeks asked why milfoil has become such a problem recently, and how it can be eliminated permanently. Jed Pearson said that because of the mild winter last year, milfoil has become more of a problem. It can still grow in moderately cold temperatures if it has enough sunlight. Bill Jones added that milfoil grows well in shallow, soft sediments that wash in due to erosion. Because it is an exotic, it is particularly well suited to spreading. Apparently most states are in the same situation as Indiana, but Bill said Seattle has a very aggressive program against milfoil. Tom McComish said that some of the species of milfoil have seeds that can remain viable in the soil for up to 20 years. Jim Ray said the herbicide Sonar is the most effective, but it is very costly. Lt. Taylor referred to Table 4 in the handout prepared by Gwen, noting that the figures given show the cost of Sonar treatment to be \$1,278 per gallon.

Jed Pearson mentioned a report, "Aquatic Plant Control in Indiana Public Freshwater Lakes." If anyone is interested in a copy, contact DJCA.

Jan Henley distributed the "1998 Indiana Fish Consumption Advisory" from the Indiana State Department of Health. He said mercury and PCBs affect 30 lakes in Indiana.

Tom McComish recommended that everyone read the report that had been distributed, "Coming to Grips with Growth."

Public Comments

Dave asked public participants if they had any comments for the Work Group. There were none. Bill Jones said he received a call from Kathy Kurtz of Lake George. She said they had had a great experience with state revolving funds and would be willing to share their experience with other lakes that might be interested.

Phil Seng then distributed business cards from Melody Hartman, DNR waterfowl biologist, who gave a presentation on nuisance geese at the September meeting. Anyone with a problem with nuisance geese should contact Melody as a place to start.

LARE Funding Issue

Representative Leuck distributed a letter she received from Lori Kaplan detailing the recommended changes to the LARE fund that will make the funds available for expenditure. She also distributed a copy of the existing statutory language with the proposed change in bold type (paragraph d). Jim Ray explained the budgetary process and the key points of the suggested changes to the statutory language:

- paragraph a: add "as a dedicated fund" for clarification
- paragraph d: that given in bold is acceptable; possibly also add "continuously appropriated"
- paragraph f: can be removed, as it becomes redundant with the above-mentioned changes

Rep. Leuck said the last paragraph of the letter she received addresses the possibility of earmarking investment interest for the LARE fund. She asked the Work Group if this is something they wanted to do. After some discussion, it was decided that the language needs to stipulate that the investments be relatively liquid and short-term so the money is available to be used. Tom McComish moved that the proposed language (addition to paragraph d; removal of paragraph f; addition of investment language) be drafted into a bill. This motion was approved and Rep. Leuck will bring a bill draft to the December meeting.

Subgroup Work Sessions

Work Group members split up into their respective subgroups and began working on issues. (See attached Subgroup Reports.)

Work Group Reconvenes/Future Meetings

The Work Group scheduled the following meetings and determined the meeting time for the December meeting:

December 2	Indianapolis	10 a.m. to 3 p.m.
January 25	Indianapolis	[times to be determined]
February 22	Indianapolis	[times to be determined]

Subgroup chairs gave brief reports on the issues covered in their meetings (see Subgroup reports).

Next Steps/Closing Comments

Dave Case said DJCA would bring options for various formats for the final report, so the Work Group can begin thinking about steps that need to be taken by both the subgroups and the full group to complete a final document by the end of next year.

DJCA will send the following to Work Group members before the December 2 meeting:

- October 26 meeting summary
- December 2 meeting announcement
- December 2 meeting agenda
- RSVP form

DJCA will also send the October 26 meeting summary and December 2 meeting announcement to the Project Reviewers and will work with Representative Leuck to distribute a news release.

Representative Leuck thanked everyone for coming and adjourned the meeting at 3:00 p.m.

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Co-chairs: Bill Jones and Dale Pershing

Dale said that Gwen had been scheduled to present her topic at this meeting, but was not able to attend. He apologized for not making other arrangements, but there should be additional items that can be covered now. Dale summarized that the following topics have yet to be presented:

- Eutrophication from nutrient inputs–Anne Spacie
- Riparian (on-shore/shoreline) degradation–Gwen White
- Nuisance biota–Richard Kitchell (topic was begun, but not completed yet)
- Fish communities–Tom McComish

Dave Herbst said he had updated his report on the littoral zone and he distributed copies. Bill Jones said everyone who had an assigned topic should try to update it after the group's discussion of that topic. The group agreed that at the next subgroup meeting they would try to cover Gwen's and Anne's topics and finish with Richard's topic. Bill said he would try to contact Anne to see if she could get copies of her materials to subgroup members for review before the December meeting, and to see if she will be able to attend that meeting. Tom McComish said he would also have his topic ready for discussion soon.

Bill suggested each person assigned a topic begin gathering facts and references to back up the information given. This may be needed for the final document, and if so, we will need the time to gather these things. This began a discussion of how to use the available time and what the next steps are for developing the final document. It was suggested this be discussed after the subgroup chairs meet at lunch today, as they may have more information then.

The group discussed the timeline for completing its work, but found it to be difficult without knowing the format of the final document. Everyone agreed time is running short and there is a lot of work ahead. Subgroup members estimated that subgroup work may be completed by January or February. However, there were concerns that other subgroups may be a lot farther along because they don't have as many people involved or as many complex issues to deal with. This would be something Bill and Dale might discuss at the lunch meeting with the facilitators and other subgroup chairs today.

Dale suggested that the full group may want to keep a running list of items already accomplished–this can be used in the final report.

After lunch, Dale and Bill reported on their lunch meeting with subgroup chairs and facilitators. There were basically two agendas for wanting to meet: so that subgroups are aware of what the others are doing and work is not duplicated, etc., and so that a process for completing the final report can be developed for use by all subgroups. Apparently the other subgroups are also feeling

behind schedule, and will try to pick up the pace. The December meeting will include time for discussion with the full group on a process/format for the final report. The facilitators and chairs will be meeting again for lunch at the December meeting. Dale and Bill suggested this subgroup proceed with the topic presentations as scheduled until more is decided in the full group about the final document.

Jan Henley had checked into the laws on livestock access to water bodies. He said farmers are not technically restricted from allowing their livestock access to lakes and streams, but they are deterred from doing so.

Tom McComish had compiled information on fish and fishing from previous meetings and public input. He had asked Lt. Taylor to look over the information and respond based on the Recreation Subgroup's viewpoint. Tom noted that some of Lt. Taylor's responses indicated there may be some opposing views between the two subgroups on this issue. The group briefly discussed how to deal with the situation, and a member of the public sitting in gave his input. Mike Goldman said that each subgroup represents many Hoosier citizens, and it is important for the subgroups to deal with the issues that come before them, and not drop the ball because others may see things from another perspective. He encouraged the subgroup to continue addressing these issues from the particular perspective of the subgroup members.

In light of Bill Hayden's presence (representing various environmental groups) at the August meeting, Dale asked if the group had considered non-fish species. Everyone seemed to think this would be adequately covered by the littoral zone topic. And since this hasn't been a hot topic with the public, it probably isn't a high priority. However, Lisa said she would try to find out more about this issue.

The group reviewed the Index of Information and added a few items. Bill would send several additional items to DJCA to be added to this Index. The group also reviewed the list of Potential Recommendations and decided to deal with this in more depth at a later time. For now, it was suggested that as people update their topic reports, they look over these recommendations to see if anything should be added or clarified.

The subgroup meeting was adjourned.

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

Lt. Taylor called the Recreation Subgroup to order.

Aircraft Landing

Senator Meeks reported on the research LSA conducted on the issue of aircraft landing on public freshwater lakes. The research confirmed the information Lt. Taylor reported at the September 20, 1998 subgroup meeting.

The subgroup discussed the issue and the implications of increased use of lakes by aircraft. Lt. Taylor sees increased use of lakes by ultralight planes as a serious possibility and problem. Currently, ultralight aircraft are not regulated by the FAA or any state agency.

Senator Meeks will send a letter to Curt Wiley at the DOT's Division of Aeronautics asking someone from their office to attend the December 2 subgroup meeting to discuss the issue and provide recommendations on enforcement.

Fishing Tournaments on Reservoirs

Jim Gerbracht from the IDNR Division of State Parks and Reservoirs attended the meeting to report on the boat ramp survey that reservoir managers conducted. Jim had just received the information and had not had a chance to compile a report. He indicated that with a few exceptions, most ramps are very near capacity during weekends in the summer. Thus, allowing increased use via large tournaments will require that the parking issue be addressed. Jim will compile a report and get a copy to the subgroup.

The subgroup then discussed various aspects of the fishing tournament issue. It's a complex issue that really boils down to the fact that lakes are overcrowded.

Lt. Taylor distributed the following handouts to subgroup participants (attached):

1. A memo from Lt. Taylor to Dr. McComish concerning issues that may be discussed in both the Recreation and Biology/Chemistry/Shorelands subgroups.
2. A draft report from Jed Pearson entitled "Fishing Tournaments, Closed Seasons and Out-of-State Anglers, Finding and Recommendations"
3. A letter sent to Steve Lucas from Gary Hudson concerning the proposed rule changes.

After brief discussion of the handouts, the meeting was adjourned.

WATERSHED SUBGROUP REPORT

Chair: Bob Eddleman

At a previous meeting, the Subgroup prioritized the five major issues from the Angola meetings (Water Quality, Flooding, Shoreline erosion, Sedimentation, and Wetland degradation) and developed a model for addressing these issues and working toward solutions.

Watershed Problem → Source → Result → Goal → Solution → Method → Cost

At the September meeting, causes of sedimentation were identified, and the Subgroup spent this meeting identifying solutions to address the specific causes, and methods for achieving those solutions.

Solutions to Highway ditch banks:

4. Silt fence
5. Sod/seeding
6. Rip-rap
7. Ditch linings (concrete slabs)
8. Matting

Solutions to Construction/Development:

1. Retention ponds/sediment basins
2. Local zoning changes
3. Support Rule 5 IDEM (state)
4. Enlarging/expanding sewage systems
5. Separation of stormwater from sewage
6. Mitigate wetland loss/impact
7. Erosion control measures (see highway ditch banks)

Solutions to Livestock Operations:

1. Keeping manure out of waterways
2. Keeping livestock out of waterways
3. Filter strips
4. Support confined feeding rules (IDEM)

Solutions to Drainage Practices:

1. Bank/berm stabilization after ditch cleaning
2. Filter strips
3. Addressing obstructions in ditches

Solutions to Forestry Practices:

1. Control deer population
2. Prevent erosion on logging roads
3. Educate forest owners/harvesters
4. Conduct managed harvests
5. Create new woodlands

Solutions to Industry:

1. Clean up closed (shut-down) landfills
2. Proper closure for non-operating landfills
3. Clean up brownfields
4. Reclaim abandoned mine sites
5. Control point-source pollution
6. Control nonpoint source pollution

The next step in the model was to identify methods for achieving the solutions identified in the previous step.

Methods to achieve solutions regarding Agricultural Runoff:

1. Expand incentive-based erosion control practices by implementing "Clean Water Indiana" program (CWI)
2. Support federal incentive programs
3. Engage/further educate local government and drainage boards
"Road School" for County Drainage Boards (CWI)
Video series on prevention of erosion "
4. Support research to answer questions (Why aren't farmers using no-till for corn?) (CWI)
5. Government provide silt fencing
6. Create wetlands (CWI)
7. On-farm sediment traps/basins
8. Plant trees/windbreaks (CWI)

Methods to achieve solutions regarding Urban Runoff:

1. Parking lot filters
2. Expand CWI to expand urban applications
3. Add funding for DNR/SWCD stormwater specialists (increase from 6 to 12 positions)
4. Educate homeowners/golf courses regarding fertilizers/pesticides (CWI)
5. Reeducate developers/homeowners about ecologically friendly development techniques

Indiana Lakes Management Work Group Meeting Summary
October 26, 1998

[Attachments (10 pages) to the 10-26-98 Meeting Summary not available in electronic version.
Request hard copy from the Indiana Department of Natural Resources Division of Soil
Conservation (317-233-3870).]

Indiana Lakes Management Work Group

December 2, 1998

10:00 AM

Indiana Government Center South Conference Center, Room C

MEETING SUMMARY

rev. 1/27/99

Members Present

Sen. Robert Meeks	Sen. Katie Wolf	Rep. Claire Leuck	Rep. Dennis Kruse
Stephen Cox	Robert Eddleman	Jan Henley	Holly LaSalle
Lt. Ralph Taylor	Robert Madden	Garry Tom, Sr.	Donald Seal
William Jones	Jed Pearson	Dale Pershing	Gwen White

Members Absent

Thomas McComish	Mark GiaQuinta	David Herbst	Charles Gill	Jeffrey Krevda
Lisa Barnese-Walz	JoEileen Winski	Anne Spacie	Brian Daggy	Richard Kitchell

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Representative Leuck welcomed everyone to the 13th meeting of the Lakes Management Work Group. She asked the Work Group to introduce themselves, after which public attendees introduced themselves. Public attendees follow.

Jim Ray, DNR Soil Conservation

Lori Kaplan, DNR Executive Office

Michael Goldman, Writer, Wawasee area

Dick Mercier, Indiana Sportsmen's Roundtable, Inc.

Dan Pardue, Indiana Bass Federation

Ron Breymer, SDS Group and Schafer Freeman Lakes ECC

Bill Hayden, Sierra Club, Izaak Walton League & Save the Dunes Council

Dave asked if there were any changes to the October meeting summaries. There were none.

Senator Meeks said that Jeff Krevda had just called him to say that he would not be able to attend today's meeting, but wanted to pass along a concern he had about the process. Jeff said that the state government had initiated a task force on tax reform that didn't reach any conclusion, and he was very concerned that the same thing would happen to the Lakes Work Group. Senator Meeks added that he is very concerned about the same thing. At the end of the 2 years of work, we HAVE to have something substantive to show for our efforts.

Clean Water Indiana Initiative

Garry Tom, Sr., and Christa Martin Jones made a presentation about the proposed Clean Water Indiana (CWI) initiative. Garry began by giving some background on Indiana's soil and water conservation districts. There are 92 SWCDs in Indiana—one in each county. They are charged with conserving the state's natural resources by working in partnership with federal, state, and local agencies, non-governmental organizations, and private landowners. They are the focal point of locally-based and locally-led conservation measures in the state. SWCDs are funded by the state, but Indiana ranks last among Midwestern states in the amount of funding received from the General Assembly. Each SWCD gets only about \$13,000 per year. In spite of this minimal funding, SWCDs are doing tremendous work. For every \$1 of state money spent, SWCDs save the state about \$5 through conservation measures. They do a lot of conservation measures—management practices on the ground. They also do a lot of education work.

The proposed Clean Water Indiana initiative will enable SWCDs to greatly expand and enhance their work. CWI is basically an extension and enhancement of the DNR's current T by 2000 program. It addresses many of the issues and concerns brought forward by citizens at the public meetings that have been held for the Lakes Management Work Group.

The CWI is currently a proposal before the General Assembly. It will need passage in the GA before it can take effect. There is a large group of stakeholders that support CWI (see list). All of the stakeholders were involved in the process of developing the program language. The total proposed package is \$20 million. A resolution was passed by the Water Resources Study Committee endorsing CWI.

Christa asked if it would be appropriate for the Lakes Work Group to endorse the CWI. They could use this endorsement to help gain passage of the bill in the General Assembly. After some discussion about this, the issue was given to the Watersheds Subgroup for a recommendation.

LARE Fund

Senator Meeks said it appears LARE funds are going to the SWCDs, which was not the original intent of the law. He asked Jim Ray if this was the case. Jim said it was felt that many lake problems were caused by nutrient loading, and so a better bang for the LARE buck was achieved by giving the money to watershed management. The money could be spent on direct control measures such as dredging, weed control, etc., but the amount of funding would not nearly meet the demand.

There was more discussion on this issue—similar to the discussion at previous Work Group meetings. It was finally agreed that several of the subgroups were dealing with the issue, and it should be resolved through the subgroup process.

Representative Leuck distributed a copy of the draft LARE legislation, and asked for comments. Specifically, she asked whether item “f” should be struck from the bill. After brief discussion, it was agreed that item “f” was redundant and should be struck. Rep. Leuck said she will make that change and submit the bill to LSA for introduction.

Public Comment Period

Dan Pardue, president of the 3,400-member IN BASS Federation—He spent time in tournament advisory committee during the summer, and the final recommendation of the committee was to open reservoirs for bass tournaments, but it has not been done. Can the Work Group help? The issue was referred to the Recreation Subgroup.

Schedule for Completion

Dave distributed a handout that contained a proposed calendar of remaining Work Group meetings and schedule of completion for the Work Group process. After briefly describing the schedule, he asked for comments.

Senator Meeks said that if any of the recommendations that come forward require legislation, it needs to be completed by the end of November 1999. Dave said that is possible under this schedule.

Steve Cox requested a final, short meeting after the final report is in near-final form. Holly LaSalle agreed, and thought we might want to have meetings in July and August, because that is prime lake season.

Dale Pershing said that we will have to cut off public input at some point. Representative Kruse agreed. We’ve given people ample opportunity to comment. Now it’s time for us to do our work. Lt. Taylor said we’ve met the statute, so we don’t need to send it out for public review again. Garry Tom added that we won’t have time to formally get public input again. Senator Wolf felt that public input at the end would be a waste of time.

Dave said that we can always change this proposed meeting schedule as we proceed, but how does it look as a place to start? Lt. Taylor clarified that we can meet more than this if we want. Dave said yes, with the caveat that there is a finite budget in the facilitation contract, and D.J. Case & Associates will work at the Work Group’s pleasure until the budget is gone. This proposed schedule is D.J. Case & Associates’ proposal to use the existing budget most efficiently.

Steve Cox thought it looked like a good plan for now. He clarified that the public could attend the final meeting to comment if they want to. Phil Seng added that the draft recommendations

(and anything else the Work Group develops) will be submitted to the Project Reviewers as it is developed, so people will still have opportunity to have input into the entire process.

The process for bringing recommendations to the full group was discussed briefly. Dave said it was important that everyone has a chance to review recommendations prior to discussion and action by the full group. Dave suggested that all recommendations be sent out to the full group by mail prior to discussion at the following full group meeting. Dave, Phil, and Jim Ray will develop a process to be used for reviewing recommendations at the January meeting.

Final Work Group Report

Dave and Phil distributed a draft outline of the final report, along with a sample format for the recommendations. Subgroups should try to make their recommendations follow this general format so all recommendations will be in similar form.

Senator Meeks asked if preparation of the final report included the “handbook” that we’ve been discussing. Dave answered that it depends on what the Work Group wants the “handbook” to be. If it is a collation of existing materials and information only, assembled without comment or elaboration, then D.J. Case & Associates may be able to do that under the existing contract and within the existing schedule. However, if it involves identifying holes in the existing body of knowledge and filling them, it will be beyond the scope of this effort.

Senator Meeks restated that we need to have everything in one place (a unified permit application process). Lori Kaplan said there is an inter-agency committee addressing this right now, and she agreed that it needs to be gathered in one place.

Lt. Taylor agreed there is a significant need for this type of document, and it should include more than just regulations. But should this group develop it? He did not believe we will have the time to do it. Senator Meeks said the Lakes group should develop it or recommend that someone else do it.

Bob Eddleman said there should be a manual, but what will be in it? If it’s like the drainage handbook, it’s beyond the technical expertise of this group, so maybe it should be done by an interagency task force (DNR-DEM), etc.

Bob Madden said he felt that the Work Group had already agreed that we would produce a guide or brochure or something. What we need to decide now is who is going to do it.

Holly said that if the Work Group recommendations are like these sample recommendations, the process will fail, because these samples don’t address the problems people brought forward in

Angola. Dave said that the sample recommendations were fictitious. DJCA just made them up to show what an actual recommendation might look like. He agreed that, for this process to be successful, the recommendations should be as specific as possible.

Bill Jones said that these recommendations will be a policy document – not a “how-to” document. The recommendations should address the question: “How can we affect state laws and regulations to solve lake problems?” That’s policy. Straying from policy stuff will take more time–time we don’t have.

Senator Meeks strongly agreed. People already know what the problems are. They want to know the solutions.

Dave said that both policy recommendations and “how-to” handbook information are important, but they are definitely different things. The Work Group needs to decide whether to spend time on solutions (policy) or on pulling together a handbook. Steve Cox asked Dave what DJCA could do in regard to producing a “handbook.”

Dave said that the “handbook” was not part of the Work Group legislation and was not part of DJCA’s contract for this project; however, he reiterated that DJCA will spend its time wherever the Work Group wants, but that the budget is not unlimited, and so the more work DJCA does on the “handbook,” the less time will be available for meeting facilitation.

Senator Meeks asked if Jim Ray could provide an accounting of the project budget to date.

Senator Meeks asked if DJCA could go back and make sure that the subgroups are addressing the prioritized issues from Angola. Dave answered that all subgroups have been working from the Angola lists from the beginning.

Miscellaneous

Lt. Taylor mentioned that he had distributed a handout on the seaplane issue.

Jan Henley – IDEM has a contact phone # for all IDEM regulations. Operators also tell callers who else they need to call when dealing with an issue that involves multiple agencies.

Subgroup Work Sessions

Work Group members split up into their respective subgroups and began working on issues. (See attached Subgroup Reports.)

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Co-chairs: Bill Jones and Dale Pershing

Bill Jones explained that he had shared publications with Lt. Taylor about issues that crossed over between subgroups. Bill then distributed a handout that summarizes the eight categories of subgroup issues (attached). Jim Ray distributed the updated “Potential Recommendations,” “Index of Information,” and lists of tasks accomplished by the entire Work Group (3-page handout; attached).

The subgroup then discussed the “Clean Water Indiana” initiative, and agreed to support the initiative.

Bill said he had sent an inquiry to other states asking about the following:

1. Their regulations to protect ecological aspects of lakes from boats.
2. Their regulations to use public monies for aquatic “weeds.”

Bill hopes to have responses to these questions by the next meeting. These could be helpful in developing recommendations.

Gwen White distributed her draft problem identification assignment on “riparian (on-shore) degradation” (attached).

It was mentioned that Dave Culp discovered that Oklahoma has a regulatory mechanism for limiting boats on lakes based on “saturation” levels.

At the January meeting, the subgroup will begin prioritizing issues from each person’s categories and begin to develop recommendations. The group will also consider the development of a standardized “briefing sheet” to support recommendations.

The subgroup meeting was adjourned.

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

Lt. Taylor called the Recreation Subgroup to order.

Aircraft Landing

Lt. Taylor passed out copies of recent correspondence relating to the Sea Plane issue (attached).

Senator Meeks and Lt. Taylor briefed the subgroup on recent information they had gathered on the issue. Lori Kaplan discussed the DNR authorities relating to Lakes and Sea Planes.

Maria Muia, from IN DOT's Aeronautics Section attended part of the meeting and briefed the subgroup on DOT's regulatory authorities, licensing procedures, and enforcement measures.

After careful review, it was the consensus of the subgroup that there was a good process in place to address the issue of Sea Plane use of public freshwater lakes and there was no need for a recommendation from the subgroup or the full Lakes Management Work Group.

Fishing Tournaments on Reservoirs

Lt. Taylor distributed a memo to the subgroup from Jim Gerbracht (DNR Division of State Parks and Reservoirs) concerning summer tournaments on reservoir properties (attached).

Lori Kaplan reported back to the subgroup that the Lake Preservation Act can be interpreted as being broad enough to allow the DNR to regulate fishing tournaments on Indiana's fresh water lakes. There was discussion amongst the group that because the statute does not specifically confer upon DNR the ability to regulate fishing tournaments, that such efforts could be defeated by opponents. Kaplan allowed as this is a possibility.

The subgroup agreed that recommendations should be made by the subgroup to address the tournament fishing issue. Specific recommendations will be formulated and reviewed at the January 25 meeting.

Lt. Taylor encouraged subgroup members to come to the next meeting prepared to cover many critical issues. He will be distributing information for member review prior to the next subgroup meeting.

Lt. Taylor adjourned the meeting.

WATERSHED SUBGROUP REPORT

Chair: Bob Eddleman

Garry Tom asked if the subgroup could approve a recommendation from the Work Group to support the CWI. If we don't get a formal recommendation today, it won't be available until after the January meeting. Phil answered that the subgroup can draft recommendation language, but that the full group will need to have a chance to vote on it before it can be formally used. Phil recommended that the subgroup draft a recommendation, and that DJCA send it out in a mailing, with a self-addressed voting card for Work Group members to send in, saying if they approve of the recommendation. Garry agreed to send DJCA more brochures on the CWI, and DJCA would send them out with the recommendation mailing.

The Subgroup drafted the following recommendation:

The Indiana Lakes Management Work Group supports the Clean Water Indiana Program as outlined by the Indiana Association of Soil and Water Conservation Districts and its coalition partners, and encourages its passage by the Indiana General Assembly in the 1998-99 session.

The Subgroup further agreed to put a time limit on the voting response. Something like: "If we don't hear from you by DATE, we will assume you approve of this recommendation as it appears here."

At previous meetings, the subgroup had developed a model for addressing the 5 major problems brought forward at the Angola meetings. Phil Seng distributed a compilation of the work the Watershed Subgroup had completed on running the 5 major issues through the model (see attached handout entitled "Watershed Subgroup Model").

After brief discussion, subgroup members agreed that the model was too detailed. It was obvious that the subgroup would not get to address all of the issues at that level of detail in the time we had left for the project. Bob Eddleman proposed to reduce the model to the following structure:

Problem → Solution → Method

The Subgroup spent the remainder of the meeting running Problems from the Angola meeting through this new, reduced model.

(More)

Indiana Lakes Management Work Group Meeting Summary
 December 2, 1998

<u>Problem</u>	<u>Solution</u>	<u>Method</u>
Water Quality	Erosion Control	Funding SWCDs and appropriate agencies
	Nutrient Mgmt.	Better land use planning (zoning), Erosion control ordinances
	Pesticide Mgmt.	Promote soil testing to prevent over-fertilization
Water Quality (continued)	Sewage systems & Septic inspections	Create conservancy districts for sewers (legislation) County health depts. and IN Dept. of Health
	Enforcement	Inspect septic systems
	Alternatives to salt for ice control	??
Sedimentation	Erosion control/ prevention	Support Clean Water Indiana Local erosion control ordinances Land use planning (zoning) Better enforcement of rule 5
Flooding	Repair weak dams	Increased appropriations to DNR
	Enforce IN Floodways Act	DNR process
	Floodplain mgmt.-remove houses from frequently flooded areas	Local zoning enforcement Allocating \$ to do this work (FEMA, SEMA, ect.)
	Retention ponds Wetland restoration/ preservation	Local stormsewer ordinances Encourage funding for restorations (Heritage Trust) WRP, FWS, etc. Property tax replacement
Wetland loss/ degradation	NPS control Sediment control Nutrient mgmt.	Clean Water Indiana

Indiana Lakes Management Work Group Meeting Summary
 December 2, 1998

	Development Control of dredging & filling	Better wetland rules for IDEM Financial incentives to conserve wetlands Include wetlands preservation in WRP program (not just restoration)
<u>Problem</u>	<u>Solution</u>	<u>Method</u>
Shore Erosion	Boat speed limits	Better enforcement of existing rules
	Natural shoreline protection	Enforce new DNR lakes rules (Bio. Eng. products)
	Encourage wetland/ vegetation growth	Financial incentives to conserve wetlands
	Encourage buffer strips	Clean Water Indiana
	Preserve natural areas around lakes	Better land use planning

At the January meeting, the Subgroup will re-address these issues and begin drafting actual recommendations.

Indiana Lakes Management Work Group Meeting Summary
December 2, 1998

[Attachments (25 pages) to the 12-2-98 Meeting Summary not available in electronic version.
Request hard copy from the Indiana Department of Natural Resources Division of Soil
Conservation (317-233-3870).]

Indiana Lakes Management Work Group

January 25, 1999

10 AM - 3 PM

Indiana Government Center South Conference Center, Room C

MEETING SUMMARY

Members Present

Sen. Robert Meeks	Rep. Dennis Kruse	Thomas McComish	Jan Henley	Holly LaSalle
Lt. Ralph Taylor	Robert Madden	Garry Tom, Sr.	Donald Seal	Jeffrey Krevda
William Jones	Jed Pearson	Dale Pershing	Gwen White	Lisa Barnese-Walz
Brian Daggy	Charles Gill			

Members Absent

Stephen Cox	Mark GiaQuinta	David Herbst	Sen. Katie Wolf	Rep. Claire Leuck
JoEileen Winski	Anne Spacie	Richard Kitchell	Robert Eddleman	

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Senator Meeks welcomed everyone to the 14th meeting of the Lakes Management Work Group. Public attendees follow.

Jim Ray, DNR Soil Conservation
Lori Kaplan, DNR Executive Office
Harry Nikides, DNR Soil Conservation
Michael Goldman, Writer, Wawasee area
Lyn Hartman, DNR Soil Conservation

Senator Meeks received a letter from three lakes associations. He passed the letter along to DJCA who assigned it to the Biology/Chemistry/Shorelands Subgroup. DJCA will distribute the letter to all Work Group members in the next mailing.

The General Assembly was in session during this meeting (and will be through April 30, 1999), and Senator Meeks had three legislative hearings he had to attend. He mentioned that he and Dave Case had met the week before to discuss strategy for completion of the Work Group process. He said that at times there may have been confusion as to who was responsible for “chairing” and/or facilitating the meeting. He made it clear that in the future, neither he nor Representative Leuck will chair the meetings. Instead, D.J. Case & Associates will handle all facilitation. This will allow the legislators to have content input in the process, and will keep the process as efficient as possible. He mentioned that Wednesdays are the best days for him for

future Lakes Work Group meetings. He then turned the meeting over to DJCA and departed for his hearings.

Meeting Summary Edit

Dave asked if there were any changes to the December meeting summaries. Garry Tom had one change on page 2. Halfway down in the first paragraph is the sentence, "Each SWCD gets only about \$10,000 per year." This should be corrected to ". . . about \$13,000 per year."

Project Timeline

Phil distributed a handout (attached) that contained a revised project timeline for completion of the Work Group process and a proposed process for bringing recommendations from the subgroups to the full Work Group. Dave described the revised timeline. As discussed at the December meeting, we are aiming to be finished by November 1999.

Tom McComish asked if we could add meetings in July and August, if needed. He stressed that it is more important to go slowly and get it right than it is to rush through it. Dave agreed, but said that we want to try to hurry now and get everything completed according to this schedule; we can always drop back if needed. Also, budget is another concern. Additional funds will have to be sought if more meetings are added to this schedule.

Future meetings were scheduled from 10 a.m. to 3 p.m. on the following dates:

- Monday, February 22
- Wednesday, March 24
- Wednesday, April 21
- Wednesday, May 19
- Wednesday, June 23

Recommendation Process

Dave then described the proposed process for bringing recommendations to the Work Group. No exceptions will be made to this process unless everyone agrees to it. If any member cannot attend a meeting, it is their responsibility to get comments (in writing or e-mail) to D.J. Case & Associates before the meeting.

Subgroups should rank the recommendations they plan to bring to the full Work Group. Recommendations will be brought forward one at a time to the Work Group from each subgroup chair, alternating between subgroups. Each recommendation will be read and members will be given a chance to ask clarifying questions about content or meaning (this is NOT the time for expressing opinions about the recommendation). After everyone is clear about meaning, the

floor will be open for discussion. The goal is to achieve consensus on recommendations. The Work Group has no authority, so consensus is critical to add weight to the recommendations. If consensus is not reached, the recommendation will be assigned back to a subgroup or to an ad-hoc committee for further work. It will be brought back to the full group at a later time. If consensus still cannot be reached by the full group, discussion will be tabled until a later meeting IF time allows. (It is not likely that we will have time to come back to such issues).

Dave stressed that it was time for everyone to really focus on and speed up the process. He asked members to refrain from offering their opinions on issues unless they have something to add to the discussion. If everyone offers redundant comments on every issue, we will not have time to address all the issues. Also, all subgroup members should have completed their discussion about their recommendations before bringing the recommendations to the full Work Group. That is, subgroup members should not need to ask questions or have much discussion about their own recommendations at the full Work Group meeting.

Tom McComish asked if Work Group members could submit written comments on proposed recommendations to DJCA and have them distributed before the following meeting. This would make the meeting time more efficient. Dave said that DJCA and DNR will do everything they can to distribute any written comments they receive, but given the short timeframe between meetings, the window for getting comments distributed is very narrow. Dave encouraged Work Group members to communicate among themselves via phone, fax, and e-mail between meetings.

Clean Water Indiana Initiative

Phil Seng mentioned that Garry Tom and Christa Martin Jones had attended the December meeting and made a presentation on the Clean Water Indiana Initiative (CWI). They had asked for a recommendation from the Work Group endorsing the CWI. This issue was assigned to the Watersheds Subgroup, which drafted the following recommendation for consideration by the full Work Group:

“The Indiana Lakes Management Work Group supports the Clean Water Indiana Program as outlined by the Indiana Association of Soil and Water Conservation Districts and its coalition partners, and encourages its passage by the Indiana General Assembly in the 1998-99 session.”

Dave reminded everyone that this draft recommendation and informational materials on CWI had been sent to all members with the December meeting summary. He then asked if there were any questions or clarifications needed.

Bill Jones asked what the current status of CWI was in the General Assembly. Gary said that it had been introduced in the Senate (Senate Bill 625). The House Bill may be introduced today.

There were no other questions and the Work Group approved this recommendation with no changes.

Project Budget

Jim Ray said that at the last Work Group meeting, Senator Meeks had asked for a status report on the project budget. Jim distributed copies of this report. The total budget for the project was \$90,000, which came from internal funds. Of the \$90,000, \$80,600 was allotted for the facilitation contract with DJCA. Therefore, there is roughly \$10,000 remaining that is available for “other” work as needed. In addition, Senator Meeks had inferred that he might pursue additional funding for a “Handbook” if that was necessary.

Public Comment Period

There was no public comment.

Subgroup Work Sessions

Work Group members split up into their respective subgroups and began working on issues. (See attached Subgroup Reports.)

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Co-chairs: Bill Jones and Dale Pershing

The Shorelands Subgroup has spent many meetings identifying topics of concern and then categorizing these topics into eight broad issue areas. We are now formulating draft recommendations within each of these issue areas. At the January 25 meeting, we discussed several of the recommendations. Our intent is to more fully develop and discuss via e-mail our recommendations during the period between meetings. By the conclusion of the February meeting, we hope to have final recommendations agreed upon.

Listed below is the current status of draft recommendations, capably summarized by Gwen White.

Summary of Recommendations from the Biology/Chemistry/Shorelands Subgroup DRAFT - January 25, 1999

Issue 1: Excess Nutrient Inputs

- A. Water quality standards for lakes: Develop a set of water quality standards for Indiana public lakes, using at least a minimal set of parameters that are known to represent eutrophic conditions as defined by the Carlson Trophic State Index (total phosphorus, chlorophyll-a, and water clarity). The development of TMDLs for lakes would also include these parameters. Lakes not meeting the standards would have a grace period of up to 10 years to meet standards. State lake and watershed management funds would be preferentially allocated to those lakes that do not meet standards. Permits issued for housing developments, industrial discharges or land use changes would be tied to lake water quality standards.
- B. Interagency publicly accessible lake water quality database: Develop an Internet accessible database of lake water quality information, as provided by state agencies and other reputable studies.
- C. Enforcement and strengthening of existing septic waste regulations: Clarify and strengthen governing authority to improve enforcement and compliance for construction and maintenance of on-site septic waste disposal systems through the county boards of health. State standards should be perceived as a minimum with counties strengthening standards as appropriate around public lakes. Compliance issues would include identifying and remedying failing systems, eliminating aging systems, and increasing setbacks from water bodies.
- D. Upgrading septic disposal systems: Install centralized public wastewater collection and treatment systems to eliminate the need for individual systems by forming conservancy or

regional sewage districts. Lower costs associated with public systems for property owners by using the State Revolving Loan Fund Program administered by IDEM for construction of water and wastewater facilities.

- E. Improve urban and agricultural land use practices: Provide incentives and technical assistance for protection of lake water quality by improving land use practices in urban and rural areas. These practices would include planting filter strips, no till cropping, installation of silt fences and construction of detention ponds at developing sites. Support existing programs that encourage these practices with continued funding, including the Clean Water Indiana program (formerly T x 2000), Lake and River Enhancement program, USDA Watershed Protection Programs (EQIP, CREP), and Indiana Water Pollution Control Board's Rule 5 [Title 327:Article 15].

Issue 2: Excess Sediment Inputs

- A. County ditch construction and maintenance: Review the Indiana County Drainage Code for changes that would improve protection of lake water quality where they receive waters from regulated drains. Provide incentives for installation or recognition of riparian buffers, wetland filters, bank stabilization, and restoration of meanders by county drainage boards where feasible. Encourage use of the guidelines in the drainage handbook developed by the State of Indiana in 1997.
- B. Protect and restore areas from damage due to sedimentation: To be developed.

Issue 3: Chemical Pollutants

- A. Limit transport and damage from pesticides: To be developed.
- B. Encourage source reduction and educate lake users on risks associated with mercury: To be developed.
- C. Educate lake users on risks associated with Polychlorinated Bi-Phenols (PCBs): To be developed.
- D. Reduce introduction of petroleum and volatile organic chemicals: To be developed.
- E. Reduce risks associated with algal toxins: To be developed.

Issue 4: Pathogens

- A. Improve tracking regulatory responsibility: To be developed.
- B. Reduce risk of damage from livestock operations, including land application of sludge: To be developed.
- C. Reduce risk of pathogens and nutrients from nuisance wildlife (waterfowl): To be developed.
- D. Reduce risk of damage from landfill leachate: To be developed.
- E. Improve monitoring and notification to protect public safety at swimming beaches and public lakes: To be developed.

- F. Support development of Indiana specific DNA testing for fecal coliform source identification:
To be developed.

Issue 5: Management of Riparian Lands and Shallow Water Zones

- A. Economic value of lake shorelines: Raise awareness of the effects of riparian management practices on lake ecology and economies. Systematically assess the economic and ecological value of Indiana's public freshwater lakes and publicly owned reservoirs and its relationship to lake water quality and recreational resources through a study funded by the DNR and contracted to a consultant. Efforts should begin in January 2000. Estimated cost would be \$20,000 to \$40,000 depending on the methods.
- B. Education of lake front property owners and realtors: Develop an educational effort regarding land and water management practices that are particular to lake front property owners (e.g., maintenance of septic systems and drainage, shoreline alterations, boating laws) for use by realtors and other lake-related businesses as well as residential owners. Efforts should begin in January 2000.
- C. Lake shoreline planning and zoning: Develop lake shoreline ordinances that include buffer zones for new construction, planning for conservation easements, and control of funneling to protect critical shoreline and lake habitat. County master plans should recognize and incorporate specific guidelines based on the ecological and economic significance of natural lakes. Building codes should provide standards for the protection of natural lakes to include: shoreline cutting, lot size, adequate sanitation, control of drainage and soil erosion during and after construction, pier size or number of slips, private access to public shoreline easements, review of variances in areas affecting lake ecology, use of natural colors and natural materials, and maintenance of the shoreline for wildlife habitat and protection of water quality. The State can provide examples of shoreline ordinances that have been tested in other states with glacial lakes and determine the feasibility of instituting ordinances at an appropriate governing level. Final recommendations on statute or rule changes should be provided to the state legislature and appropriate agencies by November of 2000.
- D. Authority of local entities to govern use of public lakes: State agencies should clarify or improve the authority of local entities to govern the use of lakes and riparian areas. An educational effort would provide more intensive guidance and technical assistance to local entities regarding lake management and regulation. Final recommendations on statute or rule changes should be provided to the state legislature and appropriate agencies by November of 2000.
- E. Improve compliance with shoreline alteration rules: Improve shoreline management practices by increasing understanding of and compliance with permit and other legal requirements. Agencies should track the number and extent of shoreline alterations on each public lake and improve public accessibility to this information. Shoreline inspections to identify violations should be conducted by state agencies or deputy organizations at least once during the

construction season at all public freshwater lakes. Efforts should begin in January 2000. Estimated cost to the agencies would be four (4) additional employees.

Issue 6: Littoral Zone (Shallow Water) Habitat Degradation

- A. Control boating to protect sensitive ecological areas: Control boat speed based on ecological impacts as well as safety concerns. Limitations on boat speed should be based on water depth and lake shape in addition to distance from shoreline and surface area of the lake. Boat speed limits should be changed from 10 mph to idle or no-wake. In addition to the 200-ft zone around public lake shorelines, the no-wake limit should be applied to all public lake waters less than 10 ft deep to minimize disturbance to sediments and aquatic plants. Motorboat activity should be prohibited within a 100-ft zone around offshore stands of native plants. In sensitive ecological areas, boating channels would be established and clearly marked for ingress and egress. The new rules should be accompanied by an educational campaign to inform boaters of the importance of rooted plant communities and boating limitations that would reduce damage to the communities. Final recommendations on statute or rule changes should be provided to the state legislature and appropriate agencies by November of 2000.
- B. Use of new technologies to enhance wetlands: Identify areas where significant emergent or underwater plant habitat exists or could be recovered. Use bioberms and other bioengineering technologies to protect and enhance shoreline and in-lake wetlands or ecologically significant submergent plant communities.
- C. Provide state funds for controlling invasive exotic plants according to approved management plans: State funds should be available to help communities control non-native, invasive rooted aquatic plants only in cases where the community has prepared a comprehensive aquatic plant management plan in accordance with guidelines established by the IDNR. Aquatic plant management plans are currently required in Wisconsin and the guidance established by that state could serve as a model for Indiana. Plans should consider all acceptable control techniques, including hand harvesting, bottom covers, mechanical harvesting, and herbicides.
- D. Strengthen aquatic plant control rules: Review and strengthen aquatic plant control rules by requiring an approved aquatic plant management plan prior to issuing a plant control permit for that lake. Eliminate the exemption for riparian owners who treat shorelines on public freshwater lakes. Final recommendations on statute or rule changes should be provided to the state legislature and appropriate agencies by November of 2000.

Issue 7: Exotic Aquatic Nuisance Species

- A. State management plan for controlling exotic aquatic species: Develop and implement a "Comprehensive State Management Plan for the Prevention and Control of Nonindigenous Aquatic Nuisance Species" by December 2000. The plan would provide eligibility to Indiana for funding control of ANS from the Great Lakes Commission. Seek additional sources of

funding for implementing the plan from state government and affected entities. Encourage lake and watershed associations to implement appropriate aspects of the plan at the local level. Development of the plan should be coordinated through a contract from IDNR to a consulting firm at a cost of about \$40,000.

- B. Develop protocols for determining risk of species introductions: Establish a process for systematic risk identification, assessment, and management to control established exotic aquatic nuisance species and determine validity of new species introductions, including fish stocking plans by local organizations. The process should include a tracking function for monitoring the establishment and spread of potential or realized ANS. The process should be responsible to the IDNR in consultation with applicable federal agencies. Efforts should begin in January 2000.
- C. Increase awareness of exotic aquatic species: Develop an educational campaign to raise awareness of the potential harm from exotic aquatic species, adapting materials developed by other state and federal agencies where applicable. Enlist volunteer organizations in recognizing and reporting occurrences of exotic species. Efforts should begin in January 2000.

Issue 8: Fish Community Considerations

- A. Succession of lake biological communities in association with lake eutrophication processes: To be developed.
- B. Replacement of pollution intolerant with tolerant species: To be developed.
- C. Protection from habitat alteration: To be developed.
- D. Control of introduced nuisance species: To be developed.
- E. Improved monitoring of lake biodiversity: To be developed.

Rev. 1/26/99, gmw

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

The following handouts were distributed and discussed:

- Memo from Lt. Taylor: Summary of Angola meeting issues assigned to this subgroup
“Public Freshwater Lake Closures and Restrictions” (August 1996)
- Tri-State Meeting Summary–Issues Affecting Recreation Subgroup (Topic Outline)

Subgroup members focused on developing draft recommendations on the following topics:

- Enforcement
- Boating Impacts
- Nuisance Wildlife
- Fishing, Hunting, and Bass Tournaments
- Aquatic Plants and Lake Maintenance

The group also discussed flooding and drainage, referring to the handout, “Public Freshwater Lake Closures and Restrictions” (August 1996).

It was decided that Lt. Taylor would develop draft recommendations to be distributed to Recreation Subgroup members before the February meeting. Subgroup members would review the recommendations, planning to finalize them at the February meeting. Recommendations would then be submitted to the full Work Group at the March meeting.

Subgroup members should also come to the February meeting with any additional draft recommendations they want to propose/discuss.

WATERSHED SUBGROUP REPORT

Chair: Jeff Krevda for Bob Eddleman

Attendees: Charles Gill, Garry Tom, Jeff Krevda, Brian Daggy

At the December meeting, the following model was used to address the five major issues that were raised by the public at the Angola meetings.

Problem → Solution → Method

All five problems were “run” through the model, and potential solutions and methods were brainstormed for all of them except:

<u>Problem</u>	<u>Solution</u>	<u>Method</u>
Water Quality	Alternatives to salt for ice control	??

The subgroup began by discussing this issue. What are alternatives to salt? Someone mentioned that sand could be used instead of salt. Jeff Krevda asked what other states are doing. No one had any information. Jeff will check with a contact he has in Michigan to see if there are viable alternatives. He will report back to the subgroup at the February meeting.

Phil said the next step was to go back over every solution and method generated at the last meeting, and try to develop specific recommendations that we can take to the Work Group.

Jeff said that the things we have listed are all well and good, but the biggest problem we face in Indiana is politics. There are too many agencies regulating in the watersheds, these agencies do not communicate well with one another, and the landowners and contractors are caught in the middle. He gave several examples, and other subgroup members agreed. Phil asked what we could do within the Work Group process to address this problem. Jeff said he was very concerned that we are having all these meetings, but that in the end we may not have anything to show for our efforts.

Phil said that the Work Group’s enabling legislation and the Work Group process itself were formed to shed light on problems like the ones Jeff had mentioned. It is true that the Work Group has no authority, and it is possible that in the end, nothing may be done with the recommendations that are brought forward. However, having the diverse and varied interests involved in the process, and using the consensus approach to recommendations will ensure that whatever recommendations do come forward will carry significant weight. It will then be up to the various constituencies to take these recommendations the next step (legislation, rule-making,

Indiana Lakes Management Work Group Meeting Summary
 January 25, 1999

political pressure, etc.), to achieve the changes that will solve the problems and/or make the situations better.

Jeff said he was thinking in terms of creating a separate agency to handle water quality regulations—similar to the ideas that Dave Herbst had expressed at one of the early Work Group meetings. Jeff will bring draft discussion points about this and other issues to the next meeting. The subgroup can use these points to try to develop specific recommendations.

The Subgroup then reviewed the Solutions and Methods from the December meeting and discussed potential recommendations for achieving them. The numbers in the table below refer to the methods listed in the 12-2-98 Watershed Subgroup report (in order).

<u>Method (from 12-2 Subgroup Report)</u>	<u>Recommendations (or next steps):</u>
1. Funding SWCDS and appropriate agencies	If passed, CWI will achieve this. No need to recommend anything else.
2. Better land use planning and erosion control ordinances	Provide state guidelines (not regulations) for county zoning boards. Who are the experts who could do this? See #7 below.
3. Promote soil testing to prevent over-fertilization. (Not just to agricultural interests – lake owners, golf courses, etc.)	Provide info on soil testing to lake associations, property owners, etc. Develop a brochure that explains it. (Might be a good use of LARE Funds - have DNR prepare it).
4. Create wastewater districts for sewage treatment.	A bill has been introduced on this issue in the General Assembly. DJCA will get a copy and distribute to subgroup for review and potential endorsement recommendation. Brian Daggy said the State Board of Health is currently reviewing their rules and regulations concerning this issue. DJCA will get more information for next meeting.
5. Inspect septic systems	
6. Alternatives to salt for ice control on roads.	Jeff Krevda will check with other states to see how they are addressing this issue. Brian Daggy has an article that describes a byproduct of ethanol production as an alternative. DJCA will follow up for next meeting.

Indiana Lakes Management Work Group Meeting Summary
 January 25, 1999

7. a) Support CWI b) Local erosion control ordinances c) Land use planning d) better enforcement of Rule 5 - IDEM is enforcement agency.	a) recommend passage of CWI (done) b thru d) Have reps from enforcement agencies (IDEM, DNR, others?) attend next meeting to give their perspective on the issue and how to fix it.
8. Repair weak dams	Tabled (need Rep. Kruse for more info)
9. Enforce IN Floodways Act	Tabled
10. Floodplain management - remove houses from frequently flooded areas.	Tabled
11. a) Local stormwater ordinances b) Encourage funding for wetland restorations	a) Bill in IN Senate (#83) right now (passed out of Natural Resources Committee) would require counties to have storm water policy for developed real property. DJCA will distribute bills to subgroup for consideration at next meeting. b) DJCA will draft a recommendation that the Work Group support funding for WRP and Heritage Trust programs

At this point, Brian Daggy and Garry Tom had to leave the meeting to attend hearings at the Statehouse. Before he left, Brian said that in number 12 (which had yet to be addressed), he would be in favor of “Better wetland rules for IDEM” (method 11b) if *better* means clearer, etc., but NOT if *better* means more, etc. Other subgroup members agreed.

Lt. Taylor brought a packet of information from the Recreation Subgroup. Phil agreed to forward this packet to Bob Eddleman, Watershed Subgroup chair.

Because the majority of the subgroup had to leave, the meeting was adjourned.

Indiana Lakes Management Work Group Meeting Summary
January 25, 1999

[Attachments (2 pages) to the 1-25-99 Meeting Summary not available in electronic version.
Request hard copy from the Indiana Department of Natural Resources Division of Soil
Conservation (317-233-3870).]

Indiana Lakes Management Work Group

February 22, 1999

10 AM - 3 PM

Indiana Government Center South Conference Center, Room 2

MEETING SUMMARY

Members Present

Sen. Robert Meeks	JoEileen Winski	Thomas McComish	Jan Henley	Holly LaSalle
Lt. Ralph Taylor	Robert Madden	Garry Tom, Sr.	Jeffrey Krevda	Robert Eddleman
Jed Pearson	Dale Pershing	Gwen White	Charles Gill	William Jones

Members Absent

Stephen Cox	Mark GiaQuinta	David Herbst	Sen. Katie Wolf
Lisa Barnese-Walz	Anne Spacie	Richard Kitchell	Donald Seal
Rep. Dennis Kruse	Brian Daggy	Rep. Claire Leuck	

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Senator Meeks welcomed everyone to the 15th meeting of the Lakes Management Work Group. Introductions were made and the agenda was reviewed.

Public attendees follow:

Jeff Boswell, Steuben County Health Department

Kathy Kurtz, Lake George

Jim Ray, DNR Soil Conservation

Meeting Summary Edit

There were no changes to the January meeting summary.

Public Comment Period

Kathy Kurtz (Lake George): State Revolving Fund could be improved. She has some ideas about this and will attend a subgroup meeting today if that is appropriate.

Jeff Krevda wanted input on the letter he sent to the full group. He thinks organization of the agencies is the problem. In the current system, the confusion is unbelievable. In many cases, agencies are working at cross purposes. The resource is in danger.

Bob Madden – Agrees with the letter. Dave Herbst brought this issue up a long time ago. However, reorganizations that result in loss of jobs are difficult. Making changes without job loss would be good. He would support what Jeff said in the letter and thinks we should do something.

Joie Winski – Agrees we should remove the politics from the system, but doesn't believe the new agency director should be an elected position, because the person may not be qualified for the job. The Work Group needs to specify that the Director should have certain credentials.

Garry Tom – Agrees with most of the letter, but not with creating a new agency. The resulting power struggle would be destructive. Maybe some combination of agencies is what is needed.

Bob Madden - This is a huge issue, and the Work Group's plate is already full. Thinks the Work Group should make a recommendation that a forum be developed to deal with this issue specifically.

Lt. Taylor - Appreciates what the letter is saying, but doesn't think politics is the root of the problem. Politics is the safety valve. It's similar to the legal system—it is a strength and a weakness. He thinks we're moving forward, and felt "reborn" at the last meeting. The issues are becoming much clearer now than before. DNR does not have the authority it needs to protect all the lakes. Jeff has articulated the group's frustration. But we've come a long way and we're making progress. Perhaps we need to get the various agencies to work more closely together. Perhaps we need to create another group to facilitate this. Overall, DNR has done a good job at managing the lakes. Finds it interesting that certain agencies have jurisdiction over the land, down to the water's edge, and other agencies have jurisdiction over the water, and most of the problems we've identified occur at the water's edge—where the water meets the land. Perhaps there is a connection here.

Dale Pershing – Dave Herbst had this same concern many meetings ago, so how should we address it?

Senator Meeks – He's been talking about this since the beginning. The people of Indiana expect us to reach some meaningful conclusions. There are so many entities involved, that a reorganization may create a fight among the agencies at the expense of the citizens. However, if that is the will of this Work Group, he will champion the issue in the next legislative session. At very least it will create dialog about the issue. Overall, he believes this committee can and will develop some good solutions. The question is how to keep it from sitting on a shelf.

Dave Case – This is a frustrating process because the issues are complex. You’re doing exactly what needs to happen. If it was easy, someone else would have done it already. Encouraged everyone not to get frustrated.

Tom McComish – Thinks the Groups will get some things done. Some subgroups are making incredible progress. Boiling this stuff down into “points” is very hard because the issues are so complex. He absolutely agrees with Bob Madden that this issue is huge and beyond the scope of this Work Group. Maybe we should recommend another Work Group to deal with it.

Senator Meeks – Can request a time extension for this Group if we need more time to deal with this issue. He has until April to request an extension. We need to decide at the March meeting.

Bob Eddleman – In many places, the permitting agencies should be involved in planning, and when plans are signed, appropriate permits should be granted.

Kathy Kurtz, Lake George – they dealt with 33 different agencies and units of government in order to get sewer system installed on their lake, and the DNR was the best of them all. Water quality should be DNR’s domain.

Subgroup Work Sessions

Work Group members split up into their respective subgroups and began working on issues. (See attached Subgroup Reports.)

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Co-chairs: Bill Jones and Dale Pershing

In attendance: D. Pershing, B. Jones, G. White, J. Winski, H. LaSalle, T. McComish, J. Henley, R. Kitchell, J. Ray, Kathy Kurtz, Jeff Boswell

LaSalle stated that some citizens have expressed interest in receiving feedback from LMWG to know what is occurring.

McComish doesn't believe that LMWG will be able to finalize all work by end of 1999. Consensus was reached (prior to arrival of Jones and Kitchell) to recommend to entire LMWG that Senator Meeks be asked to obtain Resolution from General Assembly to extend existence of LMWG.

Pershing began discussion of task at hand by suggesting that subgroup evaluate existing draft recommendations and prioritize them for submittal to entire LMWG.

Discussion began with Henley's topics. [See handouts] Issue #3 is "Chemical Pollutants". Henley stated that most are not a concern for recreational exposure, if not ingested, except for "Algal Toxins".

First category was "Pesticides". McComish thought that narrative should also address effects on aquatic organisms, not just humans. DDT & DDE, for example, can affect aquatic communities (e.g., mutagenesis). Need discussion about spill prevention/protection & storage facilities. LaSalle pointed out that the Kosciusko County Health Department is conducting a study of atrazine. Henley noted that IDEM is conducting large watershed-based surface water monitoring studies that include pesticides, but only on streams – not lakes.

Next category was "Mercury" and "PCBs". Henley said next State Fish Consumption Advisory will show even more lakes affected by mercury and PCBs than before. White suggested the need to express thoughts about sublethal effects of the compounds on aquatic biota.

"Petroleum Compounds" were discussed. Pershing indicated that he's not aware of documentation of any serious problems, aside from discrete spills. McComish thought that there should be reference to concerns about exhaust from 2-cycle watercraft engines. Kurtz described situation with Lake George in Steuben County involving persistent runoff from a truck stop, and expressed the need to deal, in general, with all runoff going into lakes. LaSalle stated that all of the LMWG recommendations should address the need for local government accountability in dealing with problems/issues, as well as state government.

Bill Jones distributed his draft explanation of the “Algal Toxins” issue. He described information that is available about the topic, primarily in Canada. There is a need to gather considerably more information. McComish stated that there is a distinct link between nutrient levels, the amount/types of algae present, and the presence of toxins. Jones thought it might be appropriate to recommend testing for toxins by public water utilities that utilize lakes/reservoirs.

Jones mentioned that he had spoken with Dave Herbst by telephone. Among other things, Herbst reiterated his interest in having the state consolidate personnel from different agencies to establish a distinct lake management unit within IDNR.

Henley presented his prepared statements regarding “Accelerated Eutrophication” and “Livestock Operations”. White, McComish, and LaSalle expressed strong desire to include more discussion about non-regulated livestock facilities, in addition to information already provided about “confined animal feeding operations (CAFOs)”. Pershing explained that public water supply utilities have concerns about potential contamination from livestock, particularly since events such as the cryptosporidium epidemic in Milwaukee.

Henley’s written discussion of “Land Application of Sludge” was generally accepted by the group. LaSalle pointed out that she was personally aware of a situation involving land-applied livestock waste that impacted Lake Tippecanoe.

“Septic Systems” was a challenging discussion item. LaSalle stated that the group should make strong recommendations that would lead to resolution of problems with lakeside septic systems. McComish wondered if the group should go so far as to propose that improperly functioning systems be eliminated somehow. Jones stated that the literature does not provide strong evidence that on-site disposal systems contribute high percentages of the nutrients entering lakes (except in some situations, such as Cedar Lake in Lake County, where disposal consisted of rusted out barrels discharging through pipes directly into the lake). Kurtz spoke about the historical situation at Lake George (Steuben County) where high levels of bacteria were detected around the lake and dye testing revealed large numbers of inadequately treated discharges from residences. Jones opined that any additional control over on-site disposal systems might be viewed as an infringement of personal property rights. One avenue to pursue, as in some other states, would be shoreland zoning regulations for on-site systems, to include consideration of criteria such as lot sizes, proximity to groundwater, and proximity to a lake. Jeff Boswell suggested consideration of expanding current state requirements to include periodic testing and/or certification of individual systems to guarantee adequate performance through permitting. Perhaps it could somehow be based on water quality standards. For lakeside home purchases, there is no statewide standard used by lenders to establish whether an on-site system’s performance is adequate to warrant mortgage loan approval. Kurtz suggested improvements to the State Revolving Loan program (SRF) to make it a palatable option for lake property owners who are considering installation of a sewer system. Jones wondered about seeking state funds to provide support to local health departments to conduct inspections. Pershing noted that septic

systems are obviously a high priority item for the subgroup to consider, but more time would be needed to fully evaluate the issue. Jones stated that eliminating malfunctioning systems (with sewers or by other means) is extremely important, but the subgroup has not yet identified feasible recommendations to accomplish that. McComish pointed out important philosophical note: Lakes are a public resource, and just because someone owns a piece of property on the shore they do not have the right to discharge waste that will damage the public's interest.

There was limited discussion about "Bacterial Contamination of Beaches". Henley pointed out that White County had conducted DNA testing to determine the sources of coliform bacteria in Lake Shafer. LaSalle wondered if there should be state-level authority to issue warnings about unacceptable levels of bacteria in lakes – not just at public beaches. Boswell pointed out that the State Department of Health no longer has the resources to issue warnings about beach closures; they rely upon local health departments to do so.

"Wastewater Treatment Plants Discharging into Lakes" is not thought to be a major issue, but there are some localized situations that may warrant attention.

Kitchell distributed [see handouts] copies of his draft papers on "Nuisance Biota" and they were discussed. He also distributed copies of "A Model Comprehensive State Management Plan for the Prevention and Control of Nonindigenous Aquatic Nuisance Species – Report to the Great Lakes States" prepared by the Great Lakes Commission. He recommended consideration of the document as a means of addressing nuisance biota.

The meeting concluded with the co-chairmen agreeing to solicit priority rankings of all the issues from subgroup members prior to the next meeting so that those issues and draft recommendations can be presented to the entire Work Group.

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

Absent: Stephen Cox, Donald Seal

Additional attendees: Phil Blum/Dave Case, facilitator

Lt. Ralph Taylor opened the meeting.

The following handouts were distributed and discussed:

Tri-State Meeting Summary—Issues Affecting Recreation Subgroup (Topic Outline as of 1-26-99)

The West Advisor: Selecting Among Different Sanitation Systems

The subgroup reviewed/discussed recommendations from the previous meeting and made minor changes. They identified priorities submitted to the facilitator for consideration at March 24 meeting. These have been renumbered and are attached.

They briefly discussed other issues—no decisions/recommendations were made:

- Two- or three-day summit meeting of the Lakes Management Work group
- Extension of project beyond December deadline
- Reorganization/new agency to handle lakes issues

The group discussed flooding and drainage—Jed Pearson will come to the next meeting with problem/issue statement and recommendation.

They discussed and drafted recommendations on:

1. Nuisance wildlife
2. Restroom facilities/sewage disposal on lakes
3. Personal watercraft

At the next meeting, the subgroup will discuss:

4. Fishing, hunting, and bass tournaments
5. Aquatic plants and lake maintenance

WATERSHED SUBGROUP REPORT

Chair: Bob Eddleman

Attendees: Bob Eddleman, Charles Gill, Jeff Krevda, Garry Tom, JoEileen Winski

Absent: Brian Daggy, Rep. Dennis Kruse

Subgroup meeting began with discussion of Jeff's letter to the Work Group.

Joie: Some changes are needed. For instance, local governments currently have no authority to close areas to swimming. They can close beaches, but not swimming. That authority lies with the state. There are very dangerous undertows in Lake Michigan, and local entities need to have authority to keep swimmers out of the water when conditions warrant.

Jeff: We're looking at it from the top down, but local people need more input into the process. We've got technology now to break watersheds down.

Joie: Thinks that we do have time to do something now. We don't need to wait or form another group to look at it. In the final report, we could recommend that certain agencies combine, etc., and work together. And it should be enforced by legislation.

Garry: We may not be able to identify the fine points, but we can recommend what we think is right. Dave Herbst has lot of good ideas about this topic. But there will be power struggles.

Jeff: The bottom line is funding and enforcement.

Bob: Jeff is right—something needs to be done, but what?

Phil: What can we now do to move this issue forward?

Joie: Maybe we should form a separate subgroup for this particular thing.

Bob: This is a very complex issue that will take some time to work through. Maybe this should be the last issue we deal with, after getting the other stuff done.

Jeff: There are a lot of examples of how inefficient the system is. County surveyors are only responsible for moving water, NOT for cleaning out inlets to lakes where the silt settles out. Their jurisdiction ends right before the ditches meet the lake inlets. Naturally, they don't want the responsibility for having to clean out the inlets. Surveyors need to be taken off the political hot seat and involved in the entire process (brought into the agency).

Joie: Better cooperation between agencies is also needed. Maybe have a new director or facilitator with staff who can coordinate among the various agencies that have a stake.

Jeff: We need to create “Watershed Conservation Units” around the major watersheds in the state. Make it such that drainage assessments pay for cleaning lake inlets, etc. That will make landowners want to do good soil conservation practices to keep their assessments low.

Charles: Stormwater Act gets at this. Wastewater Management District bill does too.

Bob: CWI has provisions that address some of these concerns, too, but it doesn't impact septic systems, repair of weak dams, etc.

Jeff: If this is beyond our ability to do, let's focus on the other stuff first. Maybe the other stuff will tie all this together.

Lunch

Overview of Rule 5

Guest speakers:

Randy Braun, IDNR Division of Soil Conservation, Stormwater and Sediment Control

Mike Thompson, IDEM Rule 5 Coordinator

Phil explained that at the last meeting, the subgroup talked a little about the pros and cons of Rule 5, but quickly realized that they needed more information before they could formulate any recommendations. We've asked Randy and Mike to give us an overview of Rule 5 implementation and then discuss what's working, what isn't, and what we might do about it.

Mike: Reviews permit applications, notifies applicants if the paperwork is acceptable or not. Sends warning letters for paperwork violations. He can send the case to the Compliance Section if people don't respond.

Randy: The DNR, through an MOU with IDEM, does a field evaluation (with local SWCD) for erosion and sediment control plans. They review plans and, if they find problems, they send the draft plans back until they comply with rules. After the plan is in place, they evaluate sites to see if the plan is being followed. If they find violations, they send an inspection report saying what the violations are and giving a due date for compliance. The time frame is up to the inspector (up to 2 weeks). If the problem is not corrected, it is referred to IDEM Compliance Section (via another warning letter). If it still isn't fixed, it goes to IDEM enforcement. They are working on streamlining the process right now.

DNR has 7 Field staff who work with about 8 SWCD employees. They need more staff.

Garry: Rule 5 has made a big impact on the ground. Things are a lot better because of it. They do local workshops on Rule 5 at his SWCD, which is always very well received.

Randy: They see a lot of conservation practices and technology adopted by the construction community. They are working on a program for training engineers.

Jeff: But we need enforcement! If not, contractors who don't include conservation strategies in proposals will underbid the others who want to do the right thing, and won't be penalized for it.

Randy agreed that this can be a problem and it is not right.

Bob: Can we develop a recommendation that addresses this?

Randy: It all goes back to staff – we can't inspect sites frequently enough because we don't have enough people. Also, if an inspector sees a violation, he cannot shut a site down. It has to go through the process. More staff in the field would show people that inspectors are "watching." This will increase compliance.

Bob/Garry: Also need better communication among local agencies ("locally led" process). (Some county governments don't know the SWCD exists.)

Randy: There is also a need for faster enforcement. Allow field staff to shut down sites. Some counties want this; others don't. (Don't want to be the "bad guy.") If you're going to shut sites down, you better have staff to back it up.

Mike: We also need more people in enforcement. There is a tremendous backlog.

The Subgroup thanked Randy and Mike for coming to the meeting. Phil then asked the Subgroup if they would like to create a recommendation concerning this issue.

The Indiana Lakes Management Work Group recommends that the Indiana General Assembly enact legislation to:

- 1) strengthen enforcement of Rule 5, including stop action capability at the local level;
- 2) increase funding to implement and enforce Rule 5 and provide education; and
- 3) encourage counties to adopt erosion and sediment control ordinances.

Bob will work with Randy Braun to draft an issue/problem statement.

The subgroup then went back to the 11 issues discussed at the January meeting and created formal recommendations for most of them.

Alternative to salt for treating road ice – Garry provided the subgroup an article on “Ice Ban” (a road salt alternative), but it is very expensive. The Group decided not to create a recommendation for this issue – not as important as other issues.

Better land use planning and erosion control ordinances. The Subgroup decided that this would be addressed by the above recommendation concerning Rule 5.

Promotion of soil testing to prevent over-fertilization. The subgroup specified that this was targeted mostly to non-agricultural applications, and made the following recommendation:

The Indiana Lakes Management Work Group recommends that the IDNR, with help of Purdue Extension, NRCS, IASWCD, and other experts as needed, develop and publish a brochure on fertilizer and pesticide management on non-agricultural areas (lawns, cemeteries, golf courses, parks, etc.) and distribute to local SWCDs and extension offices.

Garry will draft an issue/problem statement and get it to Phil.

Creation of wastewater districts for sewage treatment. The group reviewed copies of HB 1187, which addresses this issue. All agreed it was a tough issue. The law is probably needed, but Charles was worried that it would lead to a requirement for sewage treatment in all rural areas, which would not be good. The group decided to recommend passage of HB 1187. Bob will draft an issue/problem statement and get it to Phil.

Inspection of septic systems. The group acknowledged that this was a big problem, because some people sell homes without informing the new owners that there is a septic problem. Bob mentioned that there is a disclosure process that must be followed when selling real estate—that is, the seller must inform potential buyers of the condition of the property (any known problems, things that don’t work, etc.). The group drafted the following recommendation:

The Indiana Lakes Management Work Group recommends that septic system operating condition be added to the real estate disclosure process.

Bob will work with Bill Hostetler to draft an issue/problem statement.

Weak and/or failing dams. The group discussed a need for creating a state funding mechanism (like SRF) for repairing old, weak dams. Garry will talk to Dennis Kruse and draft a recommendation (if appropriate). Phil will distribute it to the group if Garry can talk to Dennis and submit it in time for the mailing.

Enforcement of the Indiana Floodways Act. The group discussed the fact that the existing process is inefficient because of the involvement of multiple agencies. Jeff pointed out that there have been occasions where a structure has been permitted when it was initially developed, but that subsequent requests to maintain the structure have been denied. The subgroup developed the following recommendation:

The Indiana Lakes Management Work Group recommends that the State of Indiana:

- 1) select one state agency to assume the responsibility for all permitting pursuant to the Indiana Floodways Act;
- 2) streamline the permitting process; and
- 3) remove the requirement for permits for maintenance of previously permitted structures.

Floodplain Management - remove houses from frequently flooded areas - This issue was originally raised by Representative Kruse, so the subgroup tabled it until he could be there to address it.

Local Stormwater Ordinances - Stormwater runoff from developed property creates pollution and flooding concerns in Indiana lakes. There is a need for consistent and implementable policy on stormwater management in Indiana. There is a bill in the Indiana Senate right now that addresses this concern. The group decided to recommend passage of SB 83.

Bob will get an issue statement to Phil.

Encourage funding for wetland restoration - Wetlands provide many functions and benefits for Indiana's lakes. At times, wetland regulations are controversial, but there are several existing programs that encourage wetland conservation that have been well accepted by Indiana residents; the Indiana Heritage Trust and the Wetland Reserve Program. The subgroup developed recommendations to support these programs. The IHT recommendation was drafted prior to this meeting and distributed to the subgroup. It was approved as written:

The Indiana Lakes Management Work Group requests that the Indiana General Assembly allocate a minimum of \$5 million per biennium to the Indiana Heritage Trust program.

Since NRCS is the agency that administers the WRP program, Bob agreed to work with his staff to draft a similar recommendation for WRP.

At this point, the subgroup had a brief discussion about meeting times. All present agreed with Bob's recommendation that we look at the possibility of holding a 2-3 day meeting instead of monthly meetings. We would get a lot more done. Phil said this issue would be presented to the full group at the March meeting.

The subgroup then came back to Jeff's issue (reorganization of regulatory agencies). Bob thought that after the Work Group had developed the major recommendations it was currently working on, it should come back to this issue and consider the government's capability to address the concerns. Garry felt that the group would need a time extension to address the issue fully. Phil said that the extension issue would be addressed at the March meeting, but he also pointed out that the project budget would have to be expanded if the extension of the project was to be facilitated. Jeff agreed to draft sample recommendations concerning this issue for the subgroup to consider at the March meeting.

Finally, the subgroup prioritized the recommendations for consideration by the Work Group:

1. Rule 5
2. Permitting Assumption
3. Brochure
4. Wastewater trtmt (HB 1187)
5. Stormwater drainage (SB 83)
6. Septic systems disclosure
7. IHT and WRP

Indiana Lakes Management Work Group

March 24, 1999

10 AM - 3 PM

Indiana Government Center South Teleconference Center (adjacent to Auditorium)

rev. 4/26/99

MEETING SUMMARY

Members Present

Rep. Claire Leuck	Lisa Barnese-Walz	Lt. Ralph Taylor	Robert Madden	Jeffrey Krevda
Jed Pearson	Dale Pershing	Gwen White	Charles Gill	William Jones
Jan Henley	Stephen Cox	Donald Seal	Robert Eddleman	

Members Absent

Sen. Robert Meeks	JoEileen Winski	Thomas McComish	Holly LaSalle
Mark GiaQuinta	David Herbst	Sen. Katie Wolf	Rep. Dennis Kruse
Anne Spacie	Richard Kitchell	Garry Tom, Sr.	Brian Daggy

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Representative Leuck welcomed everyone to the 16th meeting of the Lakes Management Work Group. Introductions were made and the agenda was reviewed.

Public attendees follow:

Mike Neyer, DNR Division of Water
Michael Goldman, writer
Phil Bloom, Fort Wayne Newspaper
Lori Kaplan, DNR Executive Office
Jim Ray, DNR Division of Soil Conservation
Paul DeMarco, Lake Wawasee

Meeting Summary Edit

There were no changes to the February meeting summary.

Project Extension

Dave Case said that at the last meeting, Senator Meeks offered to apply for an extension for this project if it was the will of the group. The question is, do we want an extension or not? Dave said that one option would be to request the extension, but plan on not using it. That way, we would have the option of going past 2000 if we needed to. Representative Leuck said that Senator Meeks needed to have input on this since it was his idea, but that the group needed to decide on it at this meeting.

Jan Henley said he did not want the group to apply for an extension, and that he had spoken to Dave Herbst recently, and Dave also opposed it. They both felt that it violated the trust of the General Assembly.

Steve Cox said he would rather have the option and not use it. He asked Rep. Leuck about the ramifications of getting an extension and not using it. She didn't like speaking for the entire General Assembly, but did not think it was necessarily a bad thing.

Bob Eddleman did not think the Work Group should apply for the extension. He felt that finishing on time was very important.

Don Seal agreed, and thought that if we get an extension, we will surely use it. People always seem to use up the time that is allowed.

Gwen White said that an extension would allow us to start an implementation phase or more thoroughly address the recommendations. We could still issue a report on time and then go even deeper with the extra time.

Dale Pershing said that in their discussions, the BCS Subgroup thought we should seek an extension, but he still feels we need to commit to meeting the target date.

Dave Case said that from a facilitator's standpoint, it makes sense to get the extension if there is no down side, but he strongly believes we should commit to finishing on time and only use the extension if we have to. He also reminded the group that there was no funding to pay for an extension. Current funds would only get us into the summer.

Bob Madden asked what the absolute deadline was for having the recommendations completed. Dave Case said October.

Lt. Taylor believes the debate process at the full group will greatly slow down the process. However, he is very uncomfortable asking the General Assembly for an extension when we're taking time off in the summer. There was a lot of agreement in the Work Group.

Steve Cox said that maybe the solution is to get more money into the budget to keep us going in the summer.

Representative Leuck asked where money came from.

Jim Ray answered that it was DNR funds. There is a possibility of getting more, but it's not his decision.

Jeff Krevda said that the group was assembled by the legislature, but never funded by them. It's doubtful the legislature will give money now.

Jan Henley made a motion to complete the project on our deadline. Bob Madden seconded the motion. There was no disagreement or other discussion. The Work Group agreed to pursue that option.

The Work Group thought it needed to meet monthly through October. How to pay for it?

Steve Cox thought we should try to get another \$30,000 from the legislature to cover summer meetings.

Rep. Leuck will try to find Senator Meeks and see if they can get it.

Lt. Taylor said it's not fair that the DNR bear the whole brunt of the cost. The legislature should kick in.

Steve Cox agreed. This project benefits many people, and should never have been paid for by DNR in the first place. He said that \$30,000 wouldn't even have to go to the Budget Committee. DJCA agreed to get cost figures to Jim Ray and Rep. Leuck, so they could seek funds.

Miscellaneous

Bob Eddleman asked about the possibility of having a 2-day meeting to get better efficiency?

The Work Group agreed that this would increase the amount of work that could be accomplished. After a brief discussion, a 2-day slot was selected for the June meeting.

The June Work Group meeting will be on June 14 - 15, 1999. The meeting will begin at 10 a.m. on the 14th, and will run until 2 p.m. on the 15th. Location is to be determined.

Dave cautioned everyone that everything that is written down concerning this project (letters, e-mails, recommendations, etc.) is subject to distribution to the public through the Freedom of Information Act. Remember to keep that in mind and don't write anything down that you would not want to be seen in the media.

Recommendation Approval Process

Dave Case went through the Process Handout. He said that the process is very complex now that recommendations are coming forward. This handout is designed to keep everyone clear on the steps that recommendations must go through in order to be listed in the final document. He asked if there were any questions.

Lt. Taylor asked where do we account for minority opinions? Dave said that the hope would be that there would not be any. The real value of this group's recommendations will be in the ones that are driven by consensus. However, if there are recommendations that have only 1 or 2 people in opposition, it might make sense to list these in a separate section of the final report. Someone mentioned that, if that was the case, we should add this step as step 9 to the process handout.

Phil Seng reminded the Subgroups that, if they were going to make changes to a recommendation they had already submitted to DJCA, to be sure to contact DJCA to get the most recent version. This will ensure that everyone has the same version.

Dave Case said that DJCA will create a master list (table) of recommendations before the next meeting. This list will be an “at-a-glance” record of the status of all recommendations. He also reminded everyone that the numbers given to each recommendation do not indicate rank or priority. They simply provide a reference for discussion purposes. Once a recommendation has been assigned a number and been presented to the full Work Group, it will keep that number for the duration of the process.

Discussion of Recommendations (*Refers to draft recommendations mailed 3/5*)

Recommendation #3: Strengthened Enforcement of Rule 5

Submitted: 2-25-99

Discussion:

Gwen White thought the Issue/Problem statement should contain a definition of the term “stop action.”

Rep. Leuck agreed and also thought it should also contain a definition of the term “Rule 5.”

DJCA agreed to add a description of these terms to the Problem Statement.

The recommendation was approved.

Recommendation #11: Revised Boating Regulations

Submitted: 2-25-99

Discussion:

Jan Henley asked about including out-of-state people in item 11c. Lt. Taylor said it can’t be enforced for people from out-of-state. It’s not do-able unless Indiana gets reciprocal agreements with other states.

Bob Madden thought the text of 11b should be changed to read: “Require a *written* boat driver’s license test...” Lt. Taylor said the Subgroup did not want to be that specific – they felt that their charge was to recommend the change and then let the appropriate agency figure out how best to carry it out.

The recommendation was approved.

Recommendation #4: Selecting One Agency for Indiana Floodways Act Permitting

Submitted: 2-25-99

Discussion:

Lt. Taylor asked for clarification of item #4c.

Bob Eddleman said that there are situations where maintenance on dams or other structures that were previously permitted still have to be permitted. Don Seal added that personnel to do permitting is a major problem, and we need to address that.

Mike Neyer said that new permits are not required for minor maintenance. Major maintenance does require a permit, but minor stuff is handled through letter agreements.

Lt. Taylor said the wording may be too broad, which could lead to negative results.

Jeff Krevda said the Subgroup had talked about structures that are permitted with routine maintenance already in mind, such as sediment traps. There are situations where a properly permitted sediment trap still must apply for another permit just to clean out the trap. But, perhaps this situation has already been addressed by the agency.

Mike Neyer was confused by item #4 a. He said that DNR is already the only agency that regulates the Indiana Floodways Act.

Jeff Krevda/Bob Eddleman said that the intent was broader than just the Floodways Act. Bob recommended that this recommendation be referred back to the Subgroup for work.

Recommendation #4 was sent back to Watershed Subgroup

Recommendation #12: Increased Enforcement of Lakes-related Laws

Submitted: 2-25-99

Discussion:

Dale Pershing asked what is the current number of officers. Lt. Taylor answered 204 statewide. Currently, \$5 of boat registration fee goes to LE retirement (PERF), but money for enforcement comes from Federal Aid. (D-J Fund).

Jan Henley said the Subgroup should attach a dollar amount and number of officers requested.

Lt. Taylor said we can't put a number on it – this group doesn't have the expertise to do it, and it could hamper legislature's ability to find a funding source.

Jed Pearson thought the Work Group should not try to determine fiscal impact on every issue.

Jeff Krevda thought we need to provide a funding source or it will be a dead issue. Provide alternative sources and justification of those sources.

Paul Demarco (Lake Wawasee) supported the recommendation.

Claire Leuck said it always comes down to budget, and we would probably need a separate funding source.

Steve Cox thinks we can get by with part-timers for this specific need. There has been talk of a gas tax.

Lt. Taylor thought that maybe the Subgroup overstepped its bounds by naming a funding source. He recommended that the Subgroup take it back and rework 12 B.

Recommendation #12 was sent back to Recreation Subgroup to address specificity and funding sources.

Lunch

Public Comment Period

Paul Demarco, Lake Wawasee. Thanked Work Group for the opportunity to speak. He referred to the issue on page 14 of the B/C/S recommendations that were sent out on 3-5-99. Any decision that impacts Indiana lakes should involve a lot of public input, especially including lake associations. They are a great resource and can be a good ally. The public needs to understand the issues. The 10' rule would impact a lot of lakes. He gave us a list of questions to be addressed by the appropriate subgroups. DJCA will distribute this to the Work Group. Need to involve all Lake Associations. They will help however they can.

Dick Barnett, Big Barbee Lake. Deterioration he has seen on Big Barbee Lake is incredible. Lakes are overused. His lake is about 304 acres, and it can't stand the pressure. Skiing is going on 14 hours a day. He understands eutrophication, and we are speeding up the process by decades if not centuries. Need two things: (1) boating hours (for high-speed boats); and (2) high-water, no-wake restrictions. He understands that this Work Group is trying to do things by consensus, but warned that it might have negative results. Margaret Thatcher said: "Consensus is the negation of leadership." Don't let consensus process dull the need for doing the right thing.

Discussion of Recommendations (continued)

Recommendation #5: Fertilizer and Pesticide Management Brochure

Submitted: 2-25-99

Discussion:

Steve Cox thought the distribution should be expanded to other outlets. (Nurseries and plant stores.) Bob Eddleman said that SWCDs and extension office do distribute to these places. Jed Pearson said we should add the Indiana Office of State Chemists, because it is the lead agency for pesticides. DJCA will add this as a condition of approval.

Recommendation was approved.

Recommendation #13 Increased Public Access to Lakes

Submitted: 2-25-99

Discussion:

Jeff Krevda said that the lakes belong to all of us. We shouldn't cater to the property owners. Lisa Barnese-Walz said that we shouldn't cater to the recreationists either (boaters, etc.). Several members of the public just testified that they had too much use on their lakes. Do we want to provide more access? Won't that exacerbate the problems?

Steve Cox said that most lakes don't have access or problems. The lakes that have over-use problems already have sufficient access. This recommendation addresses those that don't.

Bill Jones supports public access. This recommendation would hopefully ease congestion on lakes that currently have too many people. He would like to see it worded even stronger.

Lt. Taylor said that this issue was brought forward a long time ago. The public is not overusing the lakes—it's the property owners. Steuben County has 101 public freshwater lakes and only 14 public access sites. Limited access forces everyone onto these 14 lakes. The property owners on the other lakes don't want people on "their" lakes.

Gwen White thought we should make the statement even stronger—this adds to credibility of other issues. It shows current property owners that it's not "their" lake.

Dale Pershing felt we should also add more explanation to the problem statement.

Lisa Barnese-Walz agreed that the issue statement should be expanded. She had totally missed the point of the current issue statement. Please clarify the issue of concern.

Steve Cox felt we should add "all" the citizens of Indiana to the recommendation.

Gwen White felt that the recommendation should make it the DNR's obligation to "*provide* public access" and not just "*search for* public access..."

Recommendation #13 was sent back to the Recreation Subgroup for more work.

Subgroup Work Sessions

Work Group members split up into their respective subgroups and began working on issues. (See attached Subgroup Reports.)

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Co-chairs: Bill Jones and Dale Pershing

In attendance: B. Jones, D. Pershing, L. Barnese-Walz, J. Henley, J. Ray, G. White

Absent: D. Herbst, R. Kitchell, H. LaSalle, T. McComish, Ann Spacie

All of the discussion at this subgroup meeting pertained to the draft recommendations that will be submitted to the full Work Group at the April meeting.

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

Attendees: Lt. Taylor, S. Cox, B. Madden, J. Pearson, D. Seal

Additional attendees: Dave Case, Phil Bloom

Lt. Ralph Taylor opened the meeting.

The meeting was spent:

1. Making changes to full group recommendations as suggested at the full group meeting.
2. Reviewing and editing previous subgroup recommendations and preparing them for submission to the full group.

Full Group Recommendation #11
was approved as written

Full Group Recommendation #12
changes were made—see revised Recommendation sent to the full group in this mailing.

Full Group Recommendation #13
changes were made—see revised Recommendation sent to the full group in this mailing.

Recreation Subgroup Recommendation #R1

Lt. Taylor talked at length with Steve Lucas, an administrative law judge with the DNR, and gave an update to the Subgroup. The recommendation was reviewed and edited and is ready for submission to the full group. (#15)

Recreation Subgroup Recommendation #R7

The recommendation was approved as written for submission to full group. (#16)

Recreation Subgroup Recommendation #R8

The recommendation was reviewed and edited and is ready for submission to the full group. (#17)

Recreation Subgroup Recommendation #R9

Indiana Lakes Management Work Group Meeting Summary
March 24, 1999

“Rule 4. Marinas” of the Indiana Administrative Code was distributed to Subgroup members. The recommendation was reviewed and edited. A draft will be distributed to subgroup members for consideration at the April meeting.

WATERSHED SUBGROUP REPORT

Phil handed out an e-mail he had received from Gwen White that suggested there may be overlap among some of the issues the Watershed Subgroup was addressing and the results of the Hoosier Farmland Preservation Task Force. Phil also handed out a sheet that listed the issues that the Subgroup still needed to address and make recommendations about, and copies of Jeff Krevda's recommendation. He asked the group what order they'd like to address these issues.

Jeff said that there was another issue we should add to the list: combined sewer systems that many communities have. Big rains make the system overflow. The group agreed to add it to the list of items that still needed attention.

The Subgroup agreed that Jeff's issue should be treated first—get it in front of the full group at the next meeting. The Subgroup made a few minor edits, and agreed that it would be the top priority issue to be given to the full group at the April meeting.

Next, the group addressed the Problem, solutions, and methods from the handout.

Problem: Wetland Loss & Degradation

The first 3 potential solutions (control of nonpoint source pollution, control of sedimentation, and management of nutrients) are all addressed by CWI. However, these could also benefit from increased funding for the federal EQIP program. Bob agreed to draft a recommendation.

Rec. # 7 Stormwater runoff from developed real property.

Jeff will add to existing Issue/Problem statement and get to Phil to distribute to the Work Group. DJCA will copy the draft bill to the Work Group.

New recommendation: Combined sewer systems

The subgroup created a draft recommendation: The Lakes Management Work Group recommends that the State of Indiana place priority on solving the combined sewer problem in Indiana.

Jeff will draft an issue/problem statement for distribution to the full group.

Control of dredge and fill. Better “defined” wetland rules for IDEM. The Subgroup did not feel this was appropriate any longer, so it was deleted.

Rec. #3 Strengthened Enforcement of Rule 5

Phil will add a brief definition of Rule 5 and “stop action capability” (Randy Braun can help if needed).

Rec. #4 One Agency for Indiana Floodways Act Permitting

This recommendation was given back to the subgroup for editing at the 3-24 meeting.

The Subgroup agreed to change wording of the Issue/Problem Statement to read: “The current process for obtaining permits is *confusing*.”

- 4a. Edit to read: “select one state agency to assume the responsibility for all permitting of activities related to water resources, and provide personnel with adequate compensation to carry out the permitting process.”
- 4b. Edit to read: “eliminate the duplicate and/or overlapping public notice requirements that currently exist, and simplify the process as appropriate.

Mike Neyer asked about the issue that had been brought up before concerning weak and failing dams. He said that the Division of Water is trying to set up a revolving fund that private owners could borrow against to repair dams. It would require a huge chunk of money to set up, and what to do if borrower defaults? So far, the idea has not made it out of the department.

Phil said that Rep. Kruse had brought this idea up at an earlier meeting, and the Subgroup had tabled it until he could participate again. Mike said that Rep. Kruse should discuss this issue with the Division of Water if he’s interested in following up. He should work through Bill Steward, the department’s legislative liaison.

Indiana Lakes Management Work Group

April 21, 1999

10 AM - 3 PM

Indiana Government Center South Teleconference Center (adjacent to Auditorium)

rev. 5/20/99

MEETING SUMMARY

Members Present

Dale Pershing	Gwen White	Charles Gill	Jan Henley	Stephen Cox
Thomas McComish	Holly LaSalle	Sen. Robert Meeks	Rep. Dennis Kruse	Brian Daggy
Lisa Barnese-Walz	Lt. Ralph Taylor	Robert Madden	Jeffrey Krevda	Jed Pearson

Members Absent

Robert Eddleman	JoEileen Winski	Mark GiaQuinta	David Herbst	Sen. Katie Wolf
Anne Spacie	Richard Kitchell	Garry Tom, Sr.	William Jones	Donald Seal
Rep. Claire Leuck				

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Dave welcomed everyone to the 17th meeting of the Lakes Management Work Group. Introductions were made and the agenda was reviewed. The group agreed to omit the Subgroup sessions this meeting, to allow more time to consider recommendations as a full group. The beginning of the May meeting will be considered a continuation of this full group session, and Subgroups will meet again in May.

Meeting Summary Edit for 3/19/99 minutes

On page 7 of the 3-24 meeting summary, Ann Spacie's name needs to be added to the list of absent BCS Subgroup members. On page 9, the federal EQIP program was misspelled. There were no other changes to the March meeting summary.

Miscellaneous

Phil gave several options for where to hold the June 14-15 meeting. The Work Group agreed that the meeting should be held at one of the facilities on Lake Wawasee. DJCA will work with Holly to make final arrangements and send the specifics in a future mailing. Phil reminded everyone that the meeting will begin at 10 a.m. on the 14th, and will run until 2 p.m. on the 15th.

Phil described the Summary Status Sheet. DJCA will send a revised copy of it and revised versions of all recommendations to WG members prior to each meeting. You can archive your old ones, recycle them, etc., but be sure to bring the most recent versions to each meeting. Dave

mentioned that people may want to put these into a binder with tabs for easy reference. Jan Henley recommended color coding the 3 recommendation packets.

Dave reiterated that for recommendations that are tentatively approved at a meeting, WG members who could not attend that meeting must contact DJCA with dissenting opinions one week prior to the following meeting. If no dissenting comments are heard, the recommendation is officially approved. Tom said he did not even receive his packet of recommendations one week prior to the meeting. The WG agreed to make the deadline for comments one working day prior to the following meeting. DJCA will distribute revised flow charts for the recommendation process in the next mailing.

Dave brought up the issue of how specific each recommendation should be. After discussion, the WG agreed that in general, the recommendations should be as specific as possible, but that they will have to be considered on a case-by-case basis.

Senator Meeks had to leave at 11:00, but he said he is trying to get additional funding from the General Assembly so the WG can meet through the summer. He was uncertain if he would be able to get the money, but he should know by the next meeting.

Discussion of Recommendations (*Refers to draft recommendations mailed 4/8*)

Recommendation #21: Development of Lake Eutrophication Standards

Submitted: 4/21/99 by BCS Subgroup

Discussion:

Jed asked who has authority to implement, evaluate, and enforce. It will be done similar to the current lake water quality standards.

Tom said there are limitations to the methods proposed—i.e., secchi disk for determining depth of visibility. If it is going to be a standard, we need to use precise methods to measure it.

Several people mentioned that these data would need to be collected more than once a year to be meaningful.

Gwen said that current quality standards are based on streams, not lakes, so we want to cover parameters that are appropriate for lakes.

Jed said it needs to be clear what the standards are and who enforces them.

Tom said this is probably the single most important recommendation that the WG will face, and we need to be sure that we do it right.

The BCS group agreed to take this recommendation back to the Subgroup and add specificity to the language concerning where this recommendation fits into current laws and regulations.

The recommendation was returned to Subgroup.

Recommendation # 18: Reorganization of state water quality agency and/or policies

Submitted: 4-21-99 by Watersheds Subgroup

Discussion:

Gwen thought that this issue was being accomplished by the Conservation Partnership and by the proposed Clean Water Indiana initiative. If there are specific portions of this recommendation that are not being met by these measures, we should list them here.

Jeff said that a big reason for listing the recommendation this way is to bring attention to the issue. Right now, the agencies responsible for clean water are spread way too thin and are expected to do an increasing work load with not enough money. We can't even get money to keep this WG working through the summer, and everything we're going to recommend is going to cost money.

Holly - this recommendation brings more authority and responsibility for clean watersheds to the county level.

Gwen - the Conservation Partnership and CWI establish more money for the 92 county SWCDs to do this kind of watershed work and they already have contacts with other agencies.

Jeff - in Indiana, most of our lakes are sediment traps in the watersheds. That's just the way they're set up, and some of them were designed that way. Many counties don't really care what happens in the watershed—their responsibility ends at the inlet to the lake. They need to be responsible for cleaning up the mess they create in the lakes, their drainage/zoning programs. If counties had to use assessment money to fix the problems they caused, there would be incentives for them to clean up the watersheds.

Brian - it is very difficult for an individual landowner to successfully negotiate the maze of agencies and regulations to take actions on their land. Lakes provide public benefits, and so private landowners shouldn't have to foot the entire bill to keep the lakes clean.

Lt. Taylor said that although all of us may agree to this concept, there is less than 0 percent chance politically of creating a new agency. But, helping existing agencies and organizations do a more efficient job, through reorganization, etc., would be feasible.

Rep. Kruse - we could recommend changing the way that assessments are made and the way the money is used.

Gwen - conservancy districts are set up on a watershed basis and they can have taxing authority.

Jeff does not care how the end goal is accomplished, but he feels that something needs to be done, and he thinks this recommendation could draw attention to the problem.

Bob Madden - this whole issue started with some ideas that Dave Herbst had, but now we've expanded it out to deal with counties and other agencies. Let's get back to the original idea, which was to make state agencies more efficient.

Dale - this is very similar to BCS recommendation #44. Let's have the Watersheds and BCS Subgroups meet together at the beginning of the next Subgroup session to discuss this issue and make recommendation(s).

The recommendation was returned to Subgroups (BCS & Watersheds) along with #44.

Recommendation # 12: Increased Enforcement of Lakes-related Laws

Submitted: 2/25/99 by Recreation Subgroup

Discussion:

Holly - Number 12b doesn't address funding C.O.s or sheriffs.

Lt. Taylor - yes, the statute is in place now, but has never been funded, and this recommendation earmarks money to do that.

WG agreed to change the wording of 12b to read: "Provide funding to be directed to the Law Enforcement Division of IDNR to be utilized on waterway enforcement."

The recommendation was tentatively approved.

Recommendation #22: Shoreline erosion and habitat alteration

Submitted: 4-21-99 by the BCS Subgroup

Discussion:

Jed asked for more explanation of 22b—what does it mean?

Gwen - it calls for a quantitative assessment of the monetary value, e.g., Lake A generates \$X for Y County every year.

Steve - 22a should be based on depth as well as distance from shore, because some shorelines are very deep just a few feet from shore, and the shore itself is a rock wall.

Lt. Taylor said that depth would be nearly impossible to enforce.

Jed - 22a overlaps with recommendation #26; we should move it there. Group agreed.

Tom - Begin 22b with: "Assess and periodically update..." All else the same.

After further discussion, the Recreation and BCS Subgroups agreed to take #s 22 and 26 back to the Subgroups for additional work

The recommendation was returned to Recreation and BCS Subgroups for more work.

Recommendation #44: Formation of Indiana Lake Council

Submitted: 4-21-99 by BCS Subgroup

Discussion:

This recommendation has not been formally approved by the BCS Subgroup, so it was returned to the Subgroup for further work and will be resubmitted later.

The recommendation was returned to Subgroups (BCS & Watersheds) along with #18.

Recommendation #15: Regulating activities on public freshwater lakes

Submitted: 4-21-99 by Recreation Subgroup

Discussion:

Gwen asked what waters this recommendation referred to.

Lt. Taylor said it refers to all public waters and navigable rivers and streams—wherever the boating code applies. He added that this is a *very* important recommendation.

The recommendation was tentatively approved.

Recommendation #4: Selecting One Agency for Indiana Floodways Act Permitting

Submitted: 2-25-99 by Watersheds Subgroup

Discussion:

Gwen said that when this recommendation was changed after the last meeting, the title was not changed to reflect the new content. The WG agreed to change the short title to: “Selecting one agency for coordination of all water resource permitting activities.”

Steve - need to change 4a to read: “...responsibility for coordinating all permit applications...”

Gwen - 4b should include application process, too.

Jan - 4b would be included in 4a given the new wording. Maybe elaborate on it in the issue stmt.

Steve - why not cite the appropriate codes so that everyone knows exactly which permitting processes we are talking about?

Gwen offered to make the wording changes and take this recommendation to Mike Neyer (Div. of Water) and make sure it meets the intent of what he described when he spoke at our last WG meeting. The WG agreed.

Recommendation #4 was returned to Subgroup (Gwen).

Recommendation #13: Increased public access to lakes

Submitted: 3-24 and resubmitted 4-21 by Recreation Subgroup

Discussion:

No questions or discussion.

The recommendation was tentatively approved.

Recommendation #s 23, 24, 25, and 30

Submitted: 4-21-99 by BCS Subgroup

Discussion:

Jan mentioned that these recommendations would impact various levels at IDEM, and he has submitted them to the appropriate places for comment but has yet to get a response. Therefore, these are not yet ready for consideration by the WG.

These recommendations were returned to BCS Subgroup.

Lunch

Public Comment Period

There were no members of the public present.

Recommendation # 27: Trace pesticide concentrations in drinking water

Submitted: 4-21-99 by BCS

Discussion:

Brian said the state chemists should be involved in this process since they're the ones who will have to implement it.

Lt. Taylor said that this will cover all the waters of the state (through indirect impacts). Is that the intent?

Dale answered that the initial intent was only for direct impacts, but Lt. Taylor makes a good point.

Jed said that some of this could be covered in #20.

Steve thought 27 could be added to 20 as item c.

Tom thought we should change 27 to focus only on drinking water, then put ecosystem effects into 20.

BCS and Watersheds Subgroups agreed to jointly address #s 20 and 27 at next Subgroup session.

The recommendation was returned to Subgroups (BCS and Watersheds).

Recommendation # 7: Stormwater runoff from developed real property

Submitted: 3-24-99 and resubmitted 4-21-99 by Watersheds Subgroup

Discussion:

Jan said that IDEM supports SB 83 in its current form.

Gwen said that the bill could change before passage into something we don't want to support.

Jeff - SB83 calls for planning, but part b of this recommendation supports implementation, too, and this is very important.

The group agreed to table this recommendation until the General Assembly is finished, so we can see what form the final bill takes.

The recommendation was tabled (returned to Subgroup with no changes).

Recommendation # 14: Increased boater education

Submitted: 2-25-99 by Recreation Subgroup

Discussion:

The original 14d earmarked a portion of the boat excise tax money to go to boater education. After considerable discussion, it was decided that this had a lot of political ramifications (money would have to be taken from cities and towns, which receive this money currently), so 14d was changed to read: "Provide additional funding to the Law Enforcement Division of IDNR to be utilized for..."

The recommendation was tentatively approved.

Recommendation #28: Motorboats damage important aquatic plant communities

Submitted: 4-21-99 by BCS Subgroup

Discussion:

Steve said that this recommendation essentially tells Indiana's 500,000 anglers that they can't fish in weedbeds.

Lt. Taylor asked for clarification of what a "stand" of vegetation was.

Jed said that this recommendation could work against itself, in that people might get rid of weedbeds altogether so as to not get in trouble for disturbing them.

Tom said that this recommendation was originally from Dave Herbst, and that we should probably table it until the next meeting when Dave will be back.

The recommendation was tabled (returned to Subgroup with no changes).

Recommendation #8: Septic condition added to real estate disclosure process

Submitted: 4-21-99 by Watersheds Subgroup

Discussion:

After discussion, the WG decided to expand this recommendation, giving it two parts:

"The Indiana Lakes Management Work Group recommends that:

- a. septic system design and operating condition be added to the real estate disclosure process; and
- b. septic system inspections be required prior to the transfer of property."

The recommendation was tentatively approved.

Final Comments

Indiana Lakes Management Work Group Meeting Summary
April 21, 1999

Phil reminded everyone that if Subgroups wanted any recommendations distributed to the WG for consideration before the next meeting, DJCA needed to have them by Wednesday, April 28, and that if any WG members disagreed with any of the recommendations tentatively approved today, they must contact DJCA by May 18.

Gwen said that the Recreation Subgroup had been indicating on their recommendation forms which agencies were affected by the proposed recommendations, and she thinks that is a good idea. She recommended that we do that for all recommendations.

Indiana Lakes Management Work Group

May 19, 1999

10 AM - 3 PM

Indiana Government Center South Conference Room 5

MEETING SUMMARY

Members Present

Dale Pershing	Gwen White	Charles Gill	Jan Henley	Stephen Cox
Thomas McComish	Holly LaSalle	Sen. Robert Meeks	Rep. Dennis Kruse	Brian Daggy
Richard Kitchell	Lt. Ralph Taylor	Robert Madden	Jeffrey Krevda	Jed Pearson
David Herbst	Bill Jones			

Members Absent

Robert Eddleman	JoEileen Winski	Mark GiaQuinta	Sen. Katie Wolf	Anne Spacie
Donald Seal	Rep. Claire Leuck	Lisa Barnese-Walz	Garry Tom, Sr.	

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Dave welcomed everyone to the 18th meeting of the Lakes Management Work Group. Introductions were made and the agenda was reviewed. The following members of the public were in attendance:

Jim Ray, DNR Division of Soil Conservation

Paul Ehret, Deputy Director, DNR

Mike Massone, DNR Division of Soil Conservation

Mike Goldman, writer

Alan Dunn, Indiana State Department of Health – guest speaker at Watersheds-B/C/S subgroup

Everett - Indiana Lakes Management Society

George Edwards - Board of Directors, Indiana Lakes Management Society

Pete Hippensteel, Professor of Biology, Tri-State University

Meeting Summary Edit

Dave asked for changes to the 4/21/99 minutes. On page 3, 7 lines from the bottom, it was unclear which Bob (Meeks or Madden) was speaking. Bob Madden said he was the one speaking. It was agreed that in future meeting summaries, first and last names would be used for

the “Bobs” (Meeks and Madden) and the “Daves” (Case and Herbst) for clarity. The summary was approved with this change.

Discussion of Recommendations

Recommendation #26: Motorboat Resuspend Sediments and Nutrients

Submitted: 4/21/99 by B/C/S Subgroup

Returned to Subgroup at 4/21/99 meeting for possible combination with #22.

Discussion:

#26 (a) is identical to 22 (a), so 22 (a) was deleted and the issue statement should be rewritten to reflect that.

Bob Madden - likes 26 (a), but he can't go along with (b) because Lake Lemon is only an average of 9 feet deep, and this would prevent power boating on his entire lake.

Dave Herbst - many lakes have the same problems.

Lt. Taylor - this would not be enforceable; it would force everyone to have sonar. Not practical.

We addressed this at last meeting. Recommendation #15 gives DNR authority to zone for particular circumstances to be protected on a case-by-case basis. This is doable.

Tom - the scientific basis for the whole problem is clearly stated here. Our charge is to evaluate the impacts of various uses on Indiana's waters, and then try to do something to protect them. He knows there are problems with enforcement and other things. Maybe 10 feet is too shallow.

Maybe 8 feet would be better. But at some point, we need to take a look at impacts and make the hard decisions. No one wants to say that there will be no more high-speed boating, but the problem is real and we shouldn't turn our back on it. We need to work through it.

Dave Herbst - the hard science is there to support what Tom is saying, but maybe the compromise is to protect unique areas and circumstances instead of making it across-the-board.

Jeff - most sedimentation is at inlet areas where the bottom is not stable. We need to identify these areas and protect them.

Sen. Meeks - I won't carry this legislation as it is—it will never pass.

Tom - maybe we need to provide more guidance to DNR about what we are saying. Are we saying we condone water skiing in 4 feet of water?

Sen. Meeks - I agree with your points, but we need to find a way to reach a compromise, because this recommendation will never pass as it is here.

Jed - can we make this recommendation more like #15, being a little more specific about where we institute these kinds of regulations?

Steve - many lakes would suffer from the straight 10-foot rule. Anglers will scream about it. He likes the idea of protecting specific areas, and it should be expanded from what it is now. You can't just eliminate half a lake because of sediments.

Bob Madden - we don't allow wakes within 200 feet of shore, and that's where most of this shallow water is. Most littoral zones are covered by 200-foot rule.

Gwen - we need to recognize that all the people interested in using lakes also have an interest in keeping the lake in good shape. People need to be aware of depth-based problems. The problem with zones is that there will have to be hundreds of designations—which is not practical.

Dave Herbst - DNR needs special authority to set times and zones of special protection in areas away from the legal shoreline.

Steve - you need to have a good education program. Most boaters don't know any of the science and they don't care about it. They just want to run their boats as fast as possible. We need a coordinated effort to educate them, even if you start with special zones only. If they don't know why it's being done, they won't support it.

Tom - the key is education, coupled with DNR's ability to do meaningful evaluations on waters that have significant problems. The reason we're here is because we have people who don't care about tearing up the lakes, but we need to be idealistic about saving the lakes.

Bill - the reason we took this up is that we always hear about turbidity from people, and motorboats in shallow water is a major cause. Until people realize this, nothing will be done and we will have citizen complaints. Are we here to protect the resource, or to protect their recreational rights? Maybe both. We do the same thing on the land all the time. Yes, it's hard to enforce, but so is the 200-foot from shoreline rule.

Richard - but the crux of the matter is: are we going to have a blanket rule or individual protected areas? Isn't that the case?

[Most people shook their heads yes.]

Bill - we have statewide rules all over the place. It's the same thing.

Richard - but we limit car speeds in construction zones—but only in the zone, not all over the highways.

Bill - In that analogy, we're saying here that a depth of less than 10 feet is construction area.

Jed - Bill, do you think that zoning couldn't do that? Does it have to be a blanket?

Bill - it could be done case by case, but the issue statement needs to stay the same. Who will take the lead? Where will the staff and money come from?

Steve - even today, lake property owners can go to DNR and request that certain areas be designated as no-wake zones. They are the ones who know the lakes.

Dave Case - it's obvious we won't approve this today. What is the next step?

Tom - B/C/S should take it back and rework it.

Dale - maybe someone from DNR could give us guidance on what else should be included to make it better.

Dave Herbst - Ralph, does DNR or the Commission have the authority to accept plans from local associations?

Lt. Taylor - yes, but they cannot implement them.

Steve - but if recommendation #15 passes, we've solved that problem.

Lt. Taylor - that's right. Rome wasn't built in a day. This will take time. Whatever DNR does must satisfy the public and the courts.

Holly - most local lake associations are volunteers that have no legal entity. How could they submit plans?

Dave Herbst - In Rochester, it was suggested that public meetings be held and a plan developed based on that input.

Holly - many people don't attend these meetings.

Steve - every individual can go through the rules process. It doesn't need to be a group.

Tom - the final say-so has to come from DNR. They are charged with the public trust. We need to ensure that DNR has the staff and money to make these decisions.

The recommendation was returned to the Subgroup.

Recommendation # 7 Stormwater Runoff from Developed from Real Property (SB 83)

Submitted: 3-24-99 meeting by Watersheds Subgroup

Revised by Subgroup and resubmitted for 4-21-99 meeting

Returned to Subgroup with no changes 4-21-99.

Discussion:

Phil said that SB 83 was passed by General Assembly. Does anyone have any problem with the language of the final bill?

Sen. Meeks - in this bill, development and implementation of plans is done at local level.

Gwen - But the local entities don't have to implement it?

Sen. Meeks - every county has to develop an overall plan, and the local entity decides how best to implement it.

Jeff - that's a big loophole. Many of them won't do it.

The subgroup will take it back and see if the final bill still fits the spirit of the recommendation.

The recommendation was returned to Watersheds.

Recommendation # 16: Use of hunting and trapping for management of nuisance wildlife

Submitted: 4/21/99 by Recreation Subgroup

Discussion:

Gwen - rec #37 from B/C/S speaks to a similar issue, but in relation to Canada geese. We may want to combine these two.

Jed - I have problems with the wording of #37.

Dave Case - for now, we will not combine them. Let's just discuss #16.

Dale - will the final report have a glossary? What exactly is meant by *nuisance wildlife*?

Dave Herbst - the term "excessive concentrations" tries to get at that issue.

Lt. Taylor - "nuisance wildlife" is purposefully very broad.

The recommendation was tentatively approved.

Recommendation #37: Control of nuisance geese

Submitted: 4-21-99

Discussion:

Sen. Meeks - is this recommendation to the DNR?

Bill Jones - it was a directive to the DNR. Rec. #16 is so broad it encompasses this with the exception of the preventative measures. Rewording #16 with preventative measures could eliminate the need for #37.

Sen. Meeks - if we're going to include preventative measures we, ought to list them specifically.

Dave Herbst - I don't like reducing the fee structure for hunters. It won't fly.

Steve - and the Feds would have a hand in that, too. They set the migratory bird season frameworks. I can't see combining this and #16. It is too specific. Geese were specifically mentioned in Angola, and we need to address them independently.

Tom - #16 does deal with nuisance wildlife in general, but #37 is specific. They should be separate, and the fee structure stuff should be taken out.

Lt. Taylor - in #37, let's strike the last 3 sentences (beginning with "Federal law") in the issue statement, and let's strike the last sentence of the recommendation section (beginning with "Explore").

Those changes were accepted, and **the Recommendation was sent back to the subgroup for more work on the action.**

Recommendation #29: Control of non-native, invasive aquatic plants

Submitted: 4-21-99 by the B/C/S Subgroup

Discussion:

Tom - what is the definition of "offshore" in 29 (a)?

Bill - things other than the terrestrial zone - not including shoreland vegetation - things below the waterline.

Steve - could you take out "in offshore areas"?

Bill - agrees.

Jed - maybe that was intended to indicate where the funds would come from.

Sen. Meeks - does DNR have guidelines for aquatic plant management?

Jed - no.

Sen. Meeks - can they provide that?

Gwen - there will be examples of this within other projects (LARE). There are also examples from other states.

Sen. Meeks - why not include some examples in this recommendation?

Bill - it's a good idea to include examples, but Indiana needs to craft one of its own. Wisconsin has one.

Steve - we don't want to give individual property owners the right to do anything. We need comprehensive guidelines to cover these things.

Tom - the orientation is for non-native plants. But if this works, many native plants will become very abundant in certain areas. We haven't addressed this possibility.

Rep. Kruse - reservoirs should be part of this, also.

Bill - agrees. It is intended to include public lakes and reservoirs. How to phrase it legally?

Lt. Taylor - just say "public lakes." Strike freshwater.

Steve - that still won't help reservoirs, because "communities" are what get the help here. We should create a separate section dealing with reservoirs.

Lt. Taylor - Tom started to focus on non-native plants, but some of the wording suggests that it is broader than that.

Discussion was tabled until the June meeting.

Public Comment Period

Everett Lianhart - Indiana Lake Management Society - Recommendation #44 talks about an Indiana Lake Council. What will its function be?

He was told that this recommendation was sent back to 2 subgroups for more work.

He said this should be ILMS' responsibility. He would like to work with the Work Group to merge together into this Indiana Lake Council.

Bill - it is not our idea to establish a separate entity. This Council would include representation from ILMS and other appropriate groups to carry on the work of the Work Group.

George Edwards - President, ILMS. The group now has more of a grass roots representation than it used to (it used to be dominated by academia). At their last meeting, they talked about

putting the good work the Lakes Work Group has done to use. You've done good work. Let's keep it going.

Pete Hippensteel, Professor of Biology, Tri-State University - wants to thank the Work Group for its effort and commitment to this project. I appreciate your progress. It must be a full partnership of the public, local governments, DNR, etc. It must have a watershed approach.

Financial Update

Jim Ray - the original bill that created this Work Group requested \$90,000 from the legislature, but it never came about. DNR came up with the money to fund the project. DNR contracted with DJCA to facilitate this process for \$80,000. As the process moved forward, it became apparent that the project would require more funds than we speculated we would need to complete, and that there would not be enough money to carry on the additional meetings this group has asked to hold. Therefore, DNR has allotted another \$30,000 from the Water Resources Development Fund, and will apply the remaining \$10,000 from the original amount that was held back at the outset. By doing this, we're on track to continue meeting as the group has requested. The contract amendment is in the process of being approved as we speak.

Sen. Meeks - he asked the budget agency to include \$39,000 to cover all additional costs. He was told that it had been worked out between the budget office and the DNR.

Gwen - where does the Water Resources Development Fund money come from?

Jim - it is money from permit fees administered by the Division of Water for shoreline alteration, stream activities, etc.

Rep. Kruse - does this give us enough money to get the final document that we want?

Jim - DJCA assures us it does.

Sen. Meeks - on another topic, we asked if all LARE money could be spent (instead of the cap on spending that had been in effect), and this was approved. A maximum of \$6 million LARE money can now be spent. The budget cap was raised to 3 million.

Public Input

Dave Case asked how we should handle the public inquiries we get concerning draft recommendations, and how should we compile the input that we get? We recommend that we send out anything that people request, but also that we encourage people to look only at the recommendations that have been considered by the full group. We will then duplicate and send to the whole group any written comments they send us.

Bill - will we have to go back and re-address approved recommendations?

Rep. Kruse - the first year was for getting public input, now we need to do our work. We can get them information, we should not go back to the things we've already done.

Steve - once we've passed it, that's it. Its final. The public can send comments, but we shouldn't open up old issues.

Holly - its hard enough for us to follow, let alone the public.

Bob Madden - its important that we show good faith for anyone who makes an effort to stay involved. Can we have a section in the final document that lists the public input?

Dave Case - we've already captured the input in the meeting summaries and in the interim report.

Sen. Meeks - we can't deny public involvement at any time.

Lt. Taylor - he has had more input in the last few weeks than ever before. He tells them to send comments in writing to DJCA. But he agrees that, after it is approved, it is final.

Dave- we may come back to approved recommendations if other recommendations that we consider have an effect on previous ones.

Gwen - we should remind the public that when we finish the recommendations, that is not the end of the process. That just begins the implementation process.

Dave - we will send people any information they request, and we will send any comments we receive to the full group.

Sen. Meeks - what do we do if we get thousands of requests for the report? How will we fulfill?

Tom - put the report online.

Everyone liked that idea.

Future Meetings

The following dates were set for future meetings;

July 28

August 18

September 28

Lunch

Subgroup Meetings

**BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT
WATERSHEDS SUBGROUP REPORT**

Room 2 west

The two subgroups had several similar issues to discuss, so they met together.

Co-chairs for B/C/S: Bill Jones and Dale Pershing

In attendance: B. Jones, D. Pershing, J. Henley, J. Ray, G. White, T. McComish, D. Herbst, R. Kitchell, H. LaSalle.

Absent: A. Spacie, L. Barnese-Walz

Chair for Watersheds: Jeff Krevda for Bob Eddleman

In attendance: J. Krevda, C. Gill, B. Daggy

Absent: B. Eddleman, J. Winski, D. Kruse, G. Tom.

Jan distributed a packet of revised recommendations (orange paper) for the subgroup to consider.

Recommendation #23: On-Site Septic Systems

Alan Dunn and Howard Cundiff, Indiana Department of Health, were guest speakers.

Jan proposed alternative language for the recommendation (the issue/problem statement remained the same).

Agencies at the local level are not enforcing the existing state statutes relative to septic systems. The new recommendation language doesn't provide for accountability. Local governments don't have the resources to do it. We need to provide for that. We should add back the last phrase from the original recommendation ("periodic testing and/or certification to guarantee adequate performance by county health departments."). Local agency/district should do operations and maintenance, and even help people when their septic systems fail. The state should provide guidance and assistance, but it should be implemented locally. Must mandate that local governments do it.

The Department of Health will provide information for the subgroup.

Bill will draft the next version of the recommendation for further discussion in the subgroup.

Recommendation #24: Bacterial Contamination at Public Bathing Beaches

The Subgroup changed some of the wording. Bill will revise and get to DJCA for distribution to the full Work Group.

Recommendation #4: Selecting One Agency for Indiana Floodways Act Permitting

Mike Neyer, DNR Division of Water, was a guest speaker.

Gwen distributed a draft rewrite of the recommendation.

Mike - IDEM, DNR, and both ACOE districts are developing a joint application. There is a funding mechanism (from permit fees) that is in place. The next step will be to talk to a mailing contractor. This process will not combine the public notice procedures of the various agencies, and this has caused some problems. This group may want to recommend changes that would improve the process.

Paul Ehret - perhaps DNR should explore opportunities for making our public notice process match that of the Corps.

Gwen will work with Mike to rework the recommendation and get it to DJCA for distribution to the Work Group.

Recommendation #25: Land Use Planning in Lake Regions

Eric Gonzales, Section Chief for the State Revolving Fund, was a guest speaker. He gave a brief overview of the SRF. There is plenty of money to meet the loan needs in the state for the foreseeable future.

Jan distributed new draft language for 25 (e):

Local communities and county planners should promote development that utilizes existing infrastructure rather than extending sewer lines, upgrading roads, and increasing other new infrastructure in undeveloped areas.

It was also proposed by the subgroup that the Indiana Land Use Council be added to 25 (a). Bill or Dale will redraft this and get it to DJCA for distribution to the full Work Group.

Recommendation #19: Separation of Combined Sewer Systems

Jan distributed a brown sheet with suggested changes from within IDEM. After discussion of the comments, it was agreed that the Watersheds Subgroup (Jeff and Brian) will work with Gwen to draft a new statement and get it to DJCA for distribution to the Work Group.

Recommendations #18: Reorganization of state water quality agency and/or politics

At the full group session, the WG recommended combining this with #44. The subgroup discussed it and decided not to combine them because they are too different. Jeff Krevda will rewrite #18 to make it have more of a watershed management basis. He will get it to DJCA to distribute to the Work Group.

Gwen - someone needs to look at water management districts in Florida as a model for this.

Dave Herbst will draft a new recommendation that captures the idea of reorganizing the agency. He will get it to DJCA to distribute to the Work Group.

Recommendation #44: Formation of Indiana Lake Council

The idea is to ensure that Work Group recommendations get implemented. The subgroup wanted to know how the legislature might feel about creating such a group. Bill asked that one of the agency staff people contact legislators to see how they would feel about it, and report back to the subgroup at the June meeting.

Recommendation #35: Health and Environmental Risks due to Pastured Livestock

Jan provided alternative language which the subgroup adopted. Bill will change the wording and get the revised recommendation to DJCA for distribution to the Work Group.

Fish Community Considerations

[Note: Facilitator was out of the room for most of this discussion, but here are the highlights.]

Subgroup decided to include a recommendation about finding funding to match federal aid money. The subgroup felt it needed a fairly detailed Issue Statement to clarify several concepts, including succession, eutrophication, community, etc. Tom will edit the draft recommendation and get it to DJCA for distribution to the Work Group.

Recommendation #21: Development of Lake Eutrophication Standards

Jan provided alternative language for the issue/problem statement and the recommendation, which the subgroup adopted. Bill will change the wording and get the revised recommendation to DJCA for distribution to the Work Group.

Recommendation #38: Wetlands Protection

The subgroup noted that this was very similar to recommendation #9 from Watersheds. Bill suggested that #38 become (b) Under recommendation #9, and then eliminate #38. He will discuss this with Bob Eddleman and propose it at the June meeting.

Recommendation #39: Mercury Contamination

Jan provided alternative language for the issue/problem statement and the recommendation, which the subgroup adopted. Bill will change the wording and get the revised recommendation to DJCA for distribution to the Work Group.

Recommendation #22: Shoreline erosion and habitat alteration

Gwen distributed a rewrite of the recommendation. The subgroup noted that the economic information was from 1990, and wondered if it could be revised. Bill will try to get an economic “conversion factor” from his colleagues and apply it to this information in the Issue Statement.

Recommendation #30: Algal Toxins

After discussion, Bill agreed to edit this recommendation and get the revised version to DJCA for distribution to the Work Group.

Phil reminded the group that edits are due on May 26 to be distributed for the June 14 meeting.

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

Attendees: Lt. Taylor, S. Cox, B. Madden, J. Pearson, Sen. Meeks

Additional attendees: Dave Case, Stephen Lucas (Director, Division of Hearings, Indiana Natural Resources Commission)

Lt. Ralph Taylor opened the meeting.

Piers, Boatlifts, and Other Structures

The Subgroup first discussed a March 9, 1999 letter sent to LMWG Co-Chairman Claire Leuck from Dick Mercier representing the Indiana Sportsmen's Roundtable, Inc. (a copy of the letter will be included in the next mailing to the LMWG). The letter pertained to construction of piers, boatlifts, and other structures by lake property owners. Steve Lucas said that he would provide information to Dave Case for distribution to the subgroup (enclosed to subgroup). After some discussion, the issue was tabled until the next Subgroup meeting.

Fishing Tournaments on Public Freshwater Lakes

Steve Lucas then addressed the question "Does the IDNR have the authority to regulate fishing tournaments on public freshwater lakes?" The answer is, right now, probably not (although it may be possible to piece something together from existing statutes). Steve said that before the IDNR can regulate tournaments on public freshwater lakes, there must be a change by the legislature to allow it. Steve thought that adding a paragraph to I.C. 14-15-17-3 would accomplish that objective.

The group then drafted a recommendation that would modify existing Full Group Recommendation #15 (that was already approved). The recommendation was to label the existing recommendation as #15a. and add a 15b. as stated below:

"15b. Watercraft engaged in group or organized activities or tournaments"

This recommendation will be submitted to the full group for consideration prior to the June meeting (the existing code should be attached to the recommendation for ease of reading).

Fishing Tournaments on DNR Reservoirs

The subgroup then discussed the issue of fishing tournaments on DNR reservoirs. Steve Lucas said he would get a copy of the Rules for Fishing Tournaments on DNR Reservoirs to Dave Case for distribution to the Subgroup (enclosed).

The Subgroup then drafted Recreation Subgroup Recommendation #R10 (enclosed to Subgroup). This recommendation will be distributed to Subgroup members only and discussed at the June meeting of the Subgroup.

Recreation Subgroup Recommendation #R9

The Subgroup discussed the Recommendation #R9 briefly at the end of the meeting. The recommendation should be sent out again to Subgroup members only for discussion at the June meeting (enclosed to Subgroup).

Indiana Lakes Management Work Group

June 14-15, 1999

Oakwood Resort, Syracuse, Indiana

MEETING SUMMARY

Members Present

Dale Pershing	Gwen White	Charles Gill	Jan Henley
Holly LaSalle	Sen. Robert Meeks	Brian Daggy	Lt. Ralph Taylor
Robert Madden	Jed Pearson	David Herbst	Bill Jones
Robert Eddleman	Sen. Katie Wolf	Donald Seal	Rep. Claire Leuck
Lisa Barnese-Walz	Jeffrey Krevda		

Members Absent

JoEileen Winski	Mark GiaQuinta	Stephen Cox	Thomas McComish
Rep. Dennis Kruse	Richard Kitchell	Garry Tom, Sr.	Anne Spacie

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Senator Meeks welcomed everyone to the 19th meeting of the Lakes Management Work Group. Introductions were made and the agenda was reviewed. The following members of the public were in attendance:

Jim Ray	David Culp
Mike Goldman	Tina Hissong
Bob Knudsen	Paul Demarco
Pete Hippensteel	Dave Lichtenauer
Robert Busch	Al Campbell
Betty Busch	Ginny Lambright
Steve Hay	Bob Myers
Steve Barker	Carol Newhouse
Louie Lash	Jack Arnett
Bob Fanning	

Meeting Summary Edit

Dave asked for changes to the 5/19/99 minutes. Several changes were made. (see edit copy)

The summary was approved with changes.

Discussion of Recommendations

Recommendation #16: Use of Hunting and Trapping for Management of Nuisance Wildlife

Status: Submitted 4/21/99 by Recreation Subgroup

Tentatively approved by Work Group at 5-19-99 meeting

Discussion:

Recommendation #16 was tentatively approved at the May meeting, but Lisa submitted written comments on it, and these were distributed to the Work Group at the meeting. Lisa was concerned with impact on nontarget animals. Many traps require technical expertise to be used most efficiently, and this recommendation did not stipulate that this would be required.

Dave Case said that the recommendation assumed the use of trapping as regulated by the state. Lisa said she has seen damage to nontarget animals. Leghold traps cause damage to animals. Even children have been caught in these traps, requiring medical attention. She thought it was important to know who would be doing the trapping, and why. How do you define a nuisance animal? How do you hold the trappers accountable?

Lt. Taylor - The trapping issue often becomes emotional rather than factual. The recommendation lists hunting and trapping in vague terms for a reason. Hunting, trapping, and the technologies associated are already regulated by the DNR. These regulations may change at any time, but in terms of this recommendation, it is not this group's prerogative to establish trapping law. It has already been established. He has been releasing badgers from traps for years, and has never had to take one in for medical attention. The size of legal traps is limited in Indiana. These traps don't cut off legs, etc. It is not this body's prerogative to set down the specifics. He has never seen children having serious injuries. To answer the questions: What kind of traps should be used? Its whatever the DNR specifies. Who will trap? The citizens of Indiana who choose to trap. What is a nuisance animal? They are described in the legislation. Many are furbearers (raccoon, opossum, beaver, muskrat, skunk). There are other nuisance wildlife (e.g., geese and deer) that cannot be trapped. To be taken as a nuisance animal, it has to be in the act of depredation (i.e., an animal inside a building). If muskrats take over a pond dam, that is depredation. Muskrats swimming in a lake is not. The recommendation recognizes that many landowners have problems with nuisance animals, and they need tools to deal with this.

Bob Eddleman - We shouldn't be dealing with state regulations at this meeting. Insert "legal" into the recommendation to make it better.

Jed - Add "effective and appropriate" as well.

Lisa - I've been interested in trapping issues for a number of years. I don't believe all arguments pro or con, are based on emotion. I know of cases where children have been injured. I feel my points are legitimate and based on fact.

Bob Madden - Add "as regulated by state statute and rule." But let's not debate this here.

Gwen - I support Jed's wording. It is possible to do things that are legal, but not the best possible methods. Use both.

Sen. Meeks agreed that we should use them both.

The recommendation was approved with these changes.

Recommendation #29: Control of Non-native, Invasive Aquatic Plants

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Tabled at 5-19-99 meeting

Discussion:

This recommendation was tabled at the last meeting for discussion at this meeting.

Bob Madden - When we discussed 29a, didn't we talk about saying *lakes* instead of *public freshwater lakes*? Don't we want grant money to go to all lakes, not just public freshwater lakes? In 29c, DNR has some control over chemical applications, but not over mechanical harvesting. This would be a change that would affect a lot of lakes.

Dave Herbst - Are you implying that funds should be used for private lakes?

Bob Madden - No.

Bill - Just remove the word *freshwater*. This will probably be a recurring theme as we address the BCA recommendations, because when we wrote these, we didn't know that *public freshwater lakes* had a specific legal meaning.

Jed - Also remove *state funds* from 29a. Replace it with *public funds*. And why is it rooted plants only? Are there no other nuisance plants? It should be focused outside the riparian zone. Add some language to this effect.

Gwen - Strike the word "rooted."

Sen. Meeks - Why not address the 150 feet from shore?

Bill - If we do have an invasive plant problem, it doesn't make sense to leave a nursery area which will reinfest the cleaned up areas. We have a problem with legal definitions.

Lt. Taylor - I like the word "offshore" instead of "beyond the riparian zone." I don't want public funds spent on plants that are on the shore, but if it is 2 inches into the water, it should apply.

Holly - Doesn't part b address this already?

Gwen - Parts a and b are distinct. Part b says if you want to control any kind of aquatic plant, you must have a plan.

Bob Eddleman - Eliminate the words “only in offshore areas.” The group agreed.

Add “as regulated under I.C. 14-22-9-10.” to the end of item b. Everyone agreed.

Sen. Meeks - How do lake associations and others figure out how to make these management plans that would be required?

Bill - Originally, we had written in that DNR would provide guidelines for this. There are already good guidelines from Wisconsin. I have these in my office. This would not be a \$10,000 plan that would be required. We have plans for other resources (forests, etc). This is a resource that needs planning.

Jed - Most licensed applicators could develop these plans.

Gwen - This requirement for plans still allows individual landowners to treat beaches, etc.

Most applicators do have a long-term plan for controlling specific plants, but it may be proprietary information.

Sen. Meeks - But where can people go to get the information to help them develop this plan, or even find out that they need one?

Gwen - A plan would ensure that everyone on the lake understands what was being done on the lake. Currently, some may apply chemicals, and others may not like it, but don't find out about it until after the fact.

Lt. Taylor - This doesn't affect private owners. It just deals with applications to entire lakes.

Bob Madden - We need this. We need to control the chemicals going into the lakes.

Dale - If someone wanted to do aquatic control, they would not have to have this plan if they were doing mechanical methods only.

Lisa - Is biological control allowed for plant control?

Jed - There has been release of insects for control of loosestrife and milfoil, but it is not used much yet in Indiana. Still in the testing phase.

Lisa - Add “biological” to c.

The recommendation was accepted with changes.

Recommendation #4: Improving the Coordination of All Water Resource Permitting Activities

Status: Submitted 3/24/99 by Watersheds Subgroup

Returned to Watersheds Subgroup at 3/24/99 meeting

Resubmitted to Work Group for 4/21/99 meeting

Returned to Subgroup at 4/21/99 meeting

Resubmitted to Work Group for 6/14/99 meeting

Discussion:

Gwen - At the direction of the subgroup at the last meeting, I took this to Mike Neyer (Director, Division of Water). He is in agreement with all these recommendations.

Sen. Meeks - In b, the word "explore" doesn't mean anything. It should be stronger language.

Bill - Make it "develop."

Brian - Make it "develop and implement."

Sen. Meeks - Do this for b and c both.

Gwen - The reason for the hedging is that Mike Neyer indicated that the state does not have jurisdiction over federal laws.

Lisa - The Corps would be very receptive to work with the state on this.

Jed - In b, we need to streamline the process, not necessarily eliminate duplication.

Sen. Meeks - Why should individuals have to make applications to various agencies? If the State has jurisdiction, the state should make all the applications.

Jed - That is the intent of this, but public notice is in state law and in federal law.

Lt. Taylor - I'm not sure how doable it is between the state and the federal agencies. It is very doable within the state agencies. Currently IDEM and DNR both have to have public notices. This might be able to be corrected legislatively.

Gwen - It may be possible to change the statute so that the state does not have to have a separate notice if the Corps has had one already.

Bob Eddleman - The state could assume 404 permit supremacy. This brings all kinds of other side discussions, but it is a possibility.

Dave Case - Clarified that we would begin items b and c with: "Develop and implement statutes and regulations to.... This was agreed to by everyone.

Bob Eddleman - In a, "develop and implement a joint application."

The recommendation was approved with noted changes.

Recommendation #15: Regulating Activities on Public Freshwater Lakes

Status: Submitted 4/21/99 by Recreation Subgroup

Original Version tentatively approved at 4/21/99 meeting

Approved at 5/19/99 meeting with no dissents from Work Group

Item (b) proposed addition to the already approved recommendation

Discussion:

Phil mentioned that 15a was already approved by the Work Group; now the Recreation Subgroup is recommending that 15b be added.

Lt. Taylor - Administrative Law Judge Lucas met with the Recreation Subgroup, and he felt that the DNR probably does not have authority to regulate tournaments. The subgroup felt that DNR needs to have this authority.

Bill - Currently, you can't regulate boat speeds on lakes under 300 acres. Will this address this?

Lt. Taylor - The current situation basically says that lakes over 300 acres are safe for high speed boating in all circumstances. For lakes under 70 acres, it's never safe. If a lake is over 70 acres but less than 300 acres, several things have to happen: 1. A majority of riparian owners must petition to have high speed boating. 2. DNR would then consider the shape of the lake to see if they could have high speed boating. Paragraph a says that we shouldn't assume that every lake in the state is the same. Some lakes have particular things that need to be considered, such as presence of Eurasian milfoil. Part a allows this to be regulated on a case by case basis. Paragraph b allows DNR to regulate tournaments in the same way.

Bill - Maybe this would cover the same things we are trying to do in our subgroup. It would allow application of time and space zones to protect certain biological resources.

Lt. Taylor - Yes, this would be covered with this addition.

Jed - The bay that this hotel sits on has been proposed for a zone to protect it. This recommendation would allow this to happen.

Can we insert the word "boating" in the title somewhere? "Regulating Boating Activities...."

Gwen - Perhaps say "establishment of spatial or temporal zones...."

Lt. Taylor - Why encumber it? This part has already been passed. This puts the legal framework in place for DNR to regulate all these things.

Lisa - When I see the word zone, I think of spatial context. We are clarifying this definition.

Dave Herbst - This would allow time zones, etc.?

Bob Madden - Yes, we are giving DNR authority to do all these things.

Lt. Taylor - This gives DNR authority to set up special circumstances. It doesn't allow DNR to go beyond legislative statutes already in place, but it allows modifications to boating codes to protect people or fish, wildlife, or botanical resources to deal with those specific problems.

Sen. Meeks - Regarding 15b, in order to attempt to get statutory changes, a legislator must have these ready by November. We need to have any recommendations that require legislative action pulled out into a separate section of the report. (DJCA will do this).

The recommendation was approved with the addition of b, and with the addition of the word "boating" to the title.

Recommendation #21: Development of Lake Eutrophication Standards

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Returned to Subgroup at 4/21/99 meeting

Resubmitted to Work Group at 6/14/99 meeting

Discussion:

Jan - The word "lake" should be deleted the first time it appears in the recommendation.

Bill - We made it general. EPA is scheduled to have their guidance ready by the end of the year. We made it general enough so as to not be in conflict with them.

Lisa - Is there a difference between lakes and reservoirs? Do you want the standards for both?

Bill - This issue will come up throughout the report. Can we define lakes and reservoirs up front, or do we have to say "lakes and reservoirs" every time it comes up?

Lisa - COE has to follow state or federal standards, whichever are stricter. If there are problems, we would be open to discussing this and looking for effective ways to solve the problems.

Sen. Meeks - We need to keep them separate.

Bill - Remember that there are many reservoirs that are not Corps reservoirs. Our intent was to keep it as general as possible. We need to define this in the report, one way or the other.

Brian - Where does the subgroup see this going? Will we have separate TMDLs (total maximum daily load) all over the place?

Jed - If we set a standard for phosphorous, does that allow the water pollution control board to cite a person who is putting excess in?

Brian - Since most pollution comes from nonpoint sources, what will we gain here? We won't be able to identify where it is coming from.

Dale - There currently are no standards for lakes. The Water Pollution Control Board (WPCB) could establish standards that would allow for better control. There are concerns with application, but that was the intent.

Gwen - The current standards we have assume the water is a stream or a river. Lake conditions are different, and need different standards.

Bob Eddleman - We need voluntary ways to control nonpoint sources. We can't regulate it, but we do need a standard to shoot for.

Brian - We may need standards, but this might get fuzzy in the rulemaking process.

Jed - It needs more clarification. I don't know how to explain this if someone asks me.

Bill - We made the recommendation more general at the group's request the last time we discussed it; now you want it to be more specific.

Jed - My problem is with the rule-making part of this. The WPCB would then have authority to shut down development or boating, or whatever.

Gwen - The WPCB, through IDEM, already has this authority over rivers and streams. We are just making the standards more applicable for lakes. It may even make the standards for lakes more liberal in many cases.

Sen. Wolf - How would this affect the Department of Health?

Jan - There would be no conflicts.

Gwen - We could add, "eutrophication to be implemented through rule-making by the IWPCB."

Dale - This doesn't give WPCB any additional authority, it merely makes it more specific. All rulemaking would be preceded by public comment.

Lt. Taylor - I think the gist of it is sound. From LE's point of view, standards could help. The rulemaking part implies rules for implementing, enforcing, etc. That is not what we mean. All we are saying is that the WPCB will be the one to develop the standards. Strike out "initiate rulemaking for," and replace it with "develop."

Gwen - Add to the first sentence, "...to be adopted by the WPCB beginning in 2000."

The recommendation was accepted with these changes.

Recommendation #6: Wastewater Treatment for Unincorporated Areas (HB 1187)

Status: Submitted 3/24/99 by Watersheds Subgroup, but not yet considered

Discussion:

Jan - IDEM did not support HB 1187. It died in the session. Jan recommended it be dropped by the Work Group, and everyone agreed.

Recommendation was dropped.

Recommendation #17: Regulation of Personal Watercraft

Status: Submitted 4/21/99 by Recreation Subgroup

Discussion:

This recommendation doesn't break any new ground, but we want to keep the issue-problem statement. We may add more recommendations to this one at a later time.

Lt. Taylor - We should table this and bring it up as we get closer to the end of the process. Then, we can list other recommendations that impact personal watercraft under this recommendation.

Dave Case - Recommended accepting it as is and come back to it later.

Lt. Taylor - We would vote to accept the issue/problem statement and DJ Case & Associates would add the appropriate ones later. The group agreed.

Gwen - 11a would be one of the recommendations to be added to it.

The Recommendation was approved as written with the understanding that it would have other recommendations added to it at a later date.

Recommendation #22: Shoreline Erosion and Habitat Alteration

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Returned to Subgroup at 4/21/99 meeting

Bill mentioned that this recommendation still needed some work, and it didn't have the appropriate issue statement.

Returned to subgroup for more work.

Recommendation #9: \$5 Million Allocation to Indiana Heritage Trust

Status: Submitted 3/24/99 by Watersheds Subgroup, but not yet considered

Discussion:

Sen. Meeks - When the Indiana Heritage Trust (IHT) buys land, the county loses that tax revenue. He is a proponent of replacing tax base when land is bought.

Lt. Taylor - We've dealt with this issue for years, but as a whole, Indiana has very little public land relative to other states. This recommendation fits well within the confines of what this group was charged to do. This should be separate from the tax issue.

Rep. Leuck - In my district, The Nature Conservancy bought 7,000 acres, and are making payment in lieu of taxes. The DNR should do this also. I have concerns with this as it is now.

Holly - Didn't the General Assembly already allocate the money?

Jeff - We wanted to see that it continues from year to year. This was something going in the right direction and needed to be continued.

Dale - It is this group's prerogative to identify programs that are good and try to keep them going.

Jed - The IHT seems to be slow in reacting to land that becomes available for sale. Maybe part of this recommendation could be to make the system faster.

Holly - There are 4 funding meetings per year. They cannot act on land that becomes available until after the meetings, and the land is often gone by then.

Dave Case - Maybe the state is not the right entity to do this. Perhaps the recommendation should look at other options, such as having TNC or some other group play an interim role.

The recommendation was taken back to the subgroup to add language that deals with the issue of speeding up this process.

Recommendation #24: Bacterial Contamination at Public Bathing Beaches

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Returned to Subgroup at 4/21/99 meeting

Resubmitted to Work Group for 6/14/99 meeting

Discussion:

Jan - The State Department of Health was at the last meeting, and they support it as written.

Recommendation was approved as written.

Recommendation #10: Expansion of Wetland Reserve Program

Status: Submitted 3/24/99 by Watersheds Subgroup, but not yet considered

Discussion:

Gwen - Do we need to include funding for implementation of the program at the local level?

Bob Eddleman - There was national legislation introduced this week to expand the program until 2005. Now is the time for our delegation to start working on it. There is a 975,000-acre cap nationally, and about 12,000 acres have been enrolled in Indiana.

Recommendation was approved as written.

Recommendation #25: Land Use Planning in Lake Regions

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Returned to Subgroup at 4/21/99 meeting

Resubmitted to Work Group at 6/14/99 meeting

Discussion:

Sen. Meeks - Concerning item a, isn't there a big debate about funneling lately?

What is the Indiana Land Use Council (ILUC)?

Katie - There are two groups that have similar names: the ILUC and the Indiana Land Resources Council. The latter was set up to work with urban sprawl issues.

Gwen - That is the group we intended to name in item a. Change "Use" to "Resources."

Lt. Taylor - In the issue statement, it lists a number of things that make sense, but then it adds things like pier size and number of slips, etc. These are things that are already under the jurisdiction of the DNR. This would say that the county would regulate who has slips, etc.

Bill - Strike pier size and number of slips.

Jed - We still want the county (local planners) to have some say in development along lakes.

Lt. Taylor - Maybe we need a different recommendation to discuss the proliferation of piers, which is the real problem with funneling.

Pete Hippensteel - What happens in reality, is that the zoning board has their hands tied on the shoreline. The zoning board will approve zoning, pending approval from DNR. There are 2 separate entities at this time. If we can combine them, it will solve a lot of problems.

Lt. Taylor - The BCS and Recreation groups should work together on this issue. It was agreed.

Jed - We still need to deal with other aspects of the recommendation (a-e).

Sen. Meeks - without a recommendation, item d is too broad. It needs specificity.

Bill - Can't local boards already do these things? If so, put them under item a.

Gwen - This is almost verbatim from what the Farmland Preservation Task Force recommended earlier this year. We may need to discuss this with them and decide how to modify it.

Sen. Meeks - Concerning item c, it is not definitive enough. What we intend to do will not necessarily be what actually happens. Spell it out here.

Jed - Item c is redundant.

The recommendation was returned to the subgroups (recreation and BCS).

Recommendation #30: Algal Toxins

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Returned to Subgroup at 4/21/99 meeting

Resubmitted to Work Group for 6/14/99 meeting

Discussion:

Dale - recently received materials on toxins, and much is still being learned. In the problem statement, we should say, "conventional water treatment and boiling 'are not thought to' remove blue-green algae...."

Bill - That doesn't change the gist of the recommendation. This is a fact-finding recommendation right now.

Jan - The Indiana Department of Health is the agency responsible for all aspects of this.

At the beginning of the recommendation, add "Indiana State Department of Health." At the end, add "by the Indiana Department of Health," and strike, "if so advised."

The recommendation was approved with the changes.

Recommendation #35: Health and Environmental Risks Due to Pastured Livestock

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup, but not yet considered

Considered and returned to Subgroup at 5/19/99 meeting

Resubmitted to Work Group for 6/14/99 meeting

Discussion:

Bob Eddleman - In the recommendation, replace "the state farm services agency" with "USDA." USDA gets 2 million a year to fund 7 million a year's worth of requests.

Sen. Meeks - We need to add how much money is available and where it comes from.

Bill - Agrees we need to do this, but not here.

Brian - The problem with putting this in the recommendation is that the money changes all the time.

Gwen - Add a statement to the end of the issue/problem statement saying, "For more information on cost share funding, contact your local SWCD office."

Gwen - On the second to last line of the recommendation, make it read: "fencing to limit access along water bodies."

Jed - Strike the words: "to facilitate this recommendation." Make the first sentence into item a and the rest into item b. Also, we need to give more strength to the DNR to go after people grazing cattle in the lakes. Maybe add something to this effect to the recommendation. He read somewhere that a cow produces 55 times more phosphorous than a person.

Brian - But a single goose excretes 10 times more E coli than a cow. We won't be able to exclude every single input, but the current law allows us to deal with specific problems.

Bill - This doesn't say everything has to be out of the lakes. It is not adding any regulations. It simply provides help to IDEM and DNR to recognize the problem and fix it.

The BCS subgroup will address Jed's concern about DNR having clear authority in instances where cattle are damaging public lakes. They can create a new recommendation or add it to this recommendation at a later date.

Recommendation #35 is accepted with changes.

Assessment of Work Group Progress to Date

Dave Case - We got through 14 of the 22 recommendations that we had to get through today, but we still have a long way to go. Now may be a good time to take a look at the recommendations we have developed so far. If these are all implemented as we have crafted them, will we be in the shape we want to be in 5 or ten years? Do the recommendations go far enough?

Jan - We should go back to the list of issues that were mentioned in Angola and make sure they are all covered. If so, we've done our job.

Dave Case - We should check to see if we've addressed them, and also ask if we have gone far enough?

Sen. Meeks - Let's not just redefine the problems, let's solve them.

Jeff - I think we're going to address that in the recommendations coming later, and in continuing the group's work and implementing our ideas.

Dale - We need a 2-prong approach: Short term solutions along with long term solutions. We need to keep moving forward.

Recommendation #39: Mercury Contamination

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup, but not yet considered
Edited by Subgroup at 5/19/99 meeting

Resubmitted to Work Group for 6/14/99 meeting

Discussion:

Dale - It's a well-recognized problem, but no easy solutions.

Jeff - In Florida, they couldn't identify the sources of the mercury. Has anyone heard the source?

Dave Herbst - Make the recommendation more specific—make it specific to IDEM and mention how much money is needed.

Jan - It involves 3 agencies, IDEM, DNR, and the Indiana State Department of Health, on fish consumption advisories.

Jed - Anglers ask why more lakes aren't tested. Fish that are tested are not the fish that people eat anyway. Can we address this?

The recommendation was sent back to the subgroup, which will add elements to address Jed's points.

Sen. Meeks - "Adequate" is a pretty broad term.

Recommendation returned to the BCS subgroup.

Recommendation #31: Increased Sedimentation Associated with Channel Construction/Maintenance and Ditch Construction/Maintenance

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Sen. Meeks - Why do we have item d?

Lisa - I spoke with conservation districts about this issue, and these are the recommendations they suggested. These would allow the projects to be done with more expertise.

Lt. Taylor - The concept is right on target, but it is an elected office, and many counties don't have engineers available. It is not up to the legislature to determine who is qualified to hold elected office. It is up to the voters.

Gwen - There was a bill that would do this introduced this session. Does anyone know about it?

Sen. Meeks - Never heard of it.

Jeff - The county drainage board relies on the surveyor for accepted practices, and therefore they may or may not receive good advice. We need to move in this direction to get qualified people into these positions.

Bob Eddleman - They are also responsible for metes and bounds, setting of section corners, etc., so they should also be licensed land surveyors, but the few people around who are engineers and surveyors would not be interested in these positions. It cannot be accomplished.

Dale - Maybe we should require that master plans be reviewed by a licensed engineer or surveyor.

Lisa - Put a licensed engineer on the staff of the county surveyor.

Claire - We have small counties, and many of them don't have those kind of people locally.

Lisa - Who does the surveyor go to for engineering expertise?

Someone said that all the work has to be approved by a licensed engineer.

With that, the group agreed to scratch item d.

In item c add, "with opportunity for input from landowners." after "for each drain."

Lisa - One of the most common comments she heard was that the drainage code was so outdated.

Sen. Meeks - We just revised the code, didn't we?

Dave Herbst - We did a handbook, but did not revise the code. It dates back to 1965.

Bill - I heard at Angola and at a workshop at Bremen that lake citizens complain about the drainage code. The lake citizens complain because the drainage codes deliver silt and nutrients directly to the lakes. Upstream people just want to move the water.

Jeff - The current thinking in Indiana is that lakes are retention ponds.

Louie - That may have been true at one time, but not anymore. Noble county is in the forefront of all of this.

Jeff - We tend to put all of this back on farmers, but development is just as much to blame or more. Impervious surfaces greatly increase the amount and load of stuff that goes into waters.

Holly - When the county cleans ditches along roads, they just pile it up along the ditch. The first rain washes it all back in. There may be good practices in place on farms, but not everywhere in the county.

Brian - With item 31c, having master plans sounds good and looks good, but drainage boards are not going to take the time to do it.

With item b, are we talking about every landowner in the county? It has to be better defined.

Bob Eddleman - It should be the residents of that particular drainage ditch, including the lake owners around the lake that it flows into.

Bill - Maintenance of the drain needs to be done in an environmentally sensitive way. Let's not add more tax assessment fees, but instead allow the existing fees to be used to stabilize the ditches, etc. Expand what the existing fees can be used for.

Gwen - Change "environmental improvements" to "preventative measures such as...."

Bob Eddleman - It is not really a tax—it's for the benefit of that individual. What about striking the word tax, and leave "assessment fees."

Item a:

Brian - For some projects, fall and winter are the best times, and maybe the only times to do it.

Lisa - Can it be permitted on a case by case basis?

Bob Madden - If we revise the drainage law, all this other stuff will probably be taken care of.

Lisa - I agree. Let's just stick with item a.

Sen. Meeks - Who has responsibility for the drainage law?

Jim Ray - the legislature and the local governments.

Bob Eddleman - Take the first 2 sentences and last sentence of a, and make that the recommendation (Strike the middle sentence).

Brian - Include county drainage boards in that sentence.

Sen. Meeks - Also include the Water Resources Interim Study Committee.

Issue problem statement:

Gwen - Move the information from b, c, and d to the issue problem statement.

DJCA needs to draft a letter to the Water Resources Interim Study Committee asking them to address this. Sen. Meeks will carry it to the committee.

Bill - BCS should try to redraft this.

The recommendation was returned to the subgroup.

Recommendation #32: Threats from Exotic Aquatic Nuisance Species

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Gwen - I discussed this at length with the DNR Division of Fish and Wildlife. They have a lot of enthusiasm for this recommendation.

Jed - Including grass carp? They are more likely to eat beneficial plants than exotic plants.

Gwen - It says we should study the solutions, not recommend any one in particular.

Dave Herbst - Item a should read, "funding of a"

Recommendation was approved with single change.

Recommendation #33: Consolidation of Lake Information

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Jed - Some of this is underway already. It needs more specificity as to which agency would be the coordinator.

Dave Herbst - I would like to combine this with #45, which hasn't been discussed by the subgroup yet.

Bob Eddleman - Look at all natural resources data, not just water data.

Dave Case - Lets look at this one by itself for now.

Jan - It may not require new staff. This will require 2 FTE's to coordinate among...

Sen. Meeks - Give the agency the charge and let them decide how to do it. Take out the second sentence. The group agreed to strike the second sentence.

Bob Eddleman - The last sentence then reads, "this will require...."

Jed - It might be unreasonable to expect DNR to pick this up with existing staff.

Lt. Taylor - We don't even have defined lake names yet in Indiana (we have 15 lakes called "Mud Lake" etc). After we get the common name, then there are many agencies that have data that apply to these lakes. We must be sure to enter all the information into the same database in the same format. This is a very important recommendation.

Bob Eddleman - Agrees this recommendation is crucial for lakes management. But of even larger significance is the administration of GIS systems that are comparable. We don't need a new agency, but we do need coordination so there are standards to be followed. A group of agency leaders is getting together in July to address this issue.

Carol Newhouse - IDEM has been discussing this for a long time. All agencies would benefit from this recommendation. They have an intern working on this in IDEM right now.

Sen. Meeks - How do you feel about establishment of a separate agency to handle all of this information?

Carol Newhouse - I don't know how formal this needs to be. It's more a need for cooperation.

Gwen - We need to expand the scope. Change the wording to, "...interagency database of lake information within the context of a larger, coordinated natural resources-related database that is GIS based."

Bill - How many people will it take to do this? Maybe we should set up another group to do it.

Bob Madden - Who will take the lead? This has overlap with Recommendation number 45.

Dave Case - Let's address this one first and then come back to the others.

Recommendation was approved with the above changes.

Public Comment Period

Robert Knudsen, Wawasee Area Conservancy Board and Arrowhead RC&D - I came to listen and enjoyed your meeting. Keep up the good work.

Robert Busch - We have a 60-acre farm on Dewart Lake. It's worth \$1,200 per acre. Now the state is buying it and we're losing the tax base.

Betty Busch - I enjoyed being here.

David Culp - I wasn't able to hear everything that was said today. On #15, did Jed or Lt. Taylor say they weren't interested in controlling boating?

Lt. Taylor - This is part of the boating code, but it can override existing statutes. It allows DNR to set a zone based on safety or biological needs.

David Culp - Lakes over 300 acres cannot vote to implement zones. Is it clear who would enforce these?

Lt. Taylor - Police officers.

Dave Culp - are there different rules for reservoirs, or does this apply to them too?

Lt. Taylor - Reservoirs are public waters, but not public freshwater lakes, so this will not apply much to reservoir law. It really affects DNR's ability to do some of the same positive things on public freshwater lakes that it currently does on reservoirs.

Dave Culp - What is the difference between reservoirs and public freshwater lakes?

Lt. Taylor - Lakes that are glaciated and utilized by the general public are public freshwater lakes. Reservoirs are lakes that are created and the land underneath it is owned by some entity and sometimes leased to the DNR.

Dave Culp - In reservoirs, the land under the water is privately owned and leased to the DNR. But that is not the case for public freshwater lakes.

Tina Hissong - Lake Maxinkuckee Environmental Council - I just wanted to observe.

Paul Demarco - Wawassee Property Owners Association - He submitted a packet for consideration to the work group. One was on buoys. He refers to May 19 draft of recommendations in his packet. He would like the work group to read them and consider them. They strongly support what this group is doing. Thanks.

Dave Lichtenauer, President, Wawassee Property Owners Association - We're glad to have you in our home area. It takes a lot of time, and we appreciate your efforts.

My only question is about bass tournament fishing. Two things came from it: decrease in creel limit and increase in size of keepers. We think that 63 bass tourneys in one season is too many. We are bearing too much of the brunt of this tourney thing. We need your help.

Bob Madden - How many boats in a typical tournament?

Dave Lichtenauer - There are 40-80 boats, 2 people per boat, prize money from 2,000 - 10,000. Many are from out of state. Please look over the recommendations we have submitted.

Al Campbell, Board member, WACF - Glad you are here.

Ginny Lambright, Syracuse Park Board and Syracuse Lake Association - I've never been to a meeting like this. I am here for information. To the park board, the money coming in from tournaments is great. But dead fish turning up after a tourney indicates something is wrong. I am so glad you are here.

Bob Myers, Chair, Wawassee Area Conservancy Foundation. I am glad to have you here. The tour boat leaves tonight at 6 p.m..

Mike Goldman - When DNR decides that certain areas are unsafe for high speed boating on reservoirs, is there a requirement for public hearings, etc.?

Lt. Taylor - Yes. Part of the reason it was put into the code was to ensure due process.

Mike Goldman - What constitutes a public hearing?

Lt. Taylor - DNR recodifies rules every 2 years. Reservoir managers decide what they think the rules should be, and these are placed in a package of rules to be considered in the public process. Rules that impact individual property owners go out for review individually, because in those cases, the owners have greater standing, whereas in reservoirs, the state has greater standing.

Mike Goldman - Is this an onerous burden on the state?

Jed - It works okay, and it ensures that the whole public has input and gets their concerns aired.

Jack Arnett, President, Syracuse Lake Association - All of us here are concerned about the same things. It's the same water. We need your help on some of these issues.

Dave Lichtenauer - We did a survey and asked: If a buoy line was established, and there was no law to govern it, would you respect it? 13% said no, 40% would respect it, others are undecided. We will get you a copy of this survey when the data analysis is completed.

Dave Culp - The bass study was completed 2 years ago. They said they would have another one, and I hope they do that. Who determines the policy on conservation? Bass tournaments kill about 38% of the bass that are killed on Wawasee, yet the bass anglers represent less than 1% of the total anglers on the lake. The policy needs to be a public policy. There needs to be public input in the setting of this policy.

Dave Lichtenauer - Residents of Indiana were just warned today about mercury in fish in Indiana public lakes.

Bill - There are consumption advisories put out every year in Indiana. Maybe they were referring to this. The mercury limit has been lowered, so it may look like more lakes are affected.

Bob Fanning, Vice-chair for Wawasee Area Conservancy Foundation - Regarding recommendation #4, is this the area where a general permit for placing rock in front of seawalls to reduce reflective wave action would be appropriate?

Gwen - This is being handled internally in DNR. A rule is going through the process right now.

Bob Fanning - We can show you areas on our trip tonight.

Jed - Concerning the fish advisories: aside from the health concerns, it is the policy of DNR Fish and Wildlife to encourage people to eat fish, where appropriate. Some fish are rare and should be preserved, but most are encouraged to be eaten.

Bill - Pointed out a poster announcing lakes appreciation week June 27-July 4. This will be an annual event. Gov. O'Bannon signed a proclamation to this effect.

The meeting was adjourned at 5:30.

Indiana Lakes Management Work Group

June 14-15, 1999

Oakwood Resort, Syracuse, Indiana
DAY 2

MEETING SUMMARY

Members Present

Dale Pershing	Gwen White	Charles Gill	Jan Henley
Holly LaSalle	Sen. Robert Meeks	Brian Daggy	Richard Kitchell
Lt. Ralph Taylor	Robert Madden	Jeffrey Krevda	Jed Pearson
David Herbst	Bill Jones	Robert Eddleman	

Members Absent

JoEileen Winski	Mark GiaQuinta	Sen. Katie Wolf	Rep. Claire Leuck	Garry Tom, Sr.
Donald Seal	Lisa Barnese-Walz	Rep. Dennis Kruse	Anne Spacie	Stephen Cox

Facilitators

Phil Seng	Dave Case
-----------	-----------

The first part of the day was set aside for Subgroup meetings

WATERSHEDS SUBGROUP REPORT

Chair: Bob Eddleman

In attendance: B. Eddleman, J. Krevda, C. Gill, B. Daggy

Absent: J. Winski, Rep. Kruse, G. Tom, Sr.

Recommendation #9: \$5 Million Allocation to Indiana Heritage Trust.

Bob - the main issues here are how to buy land faster, and the tax base reduction issue.

The full work group seemed favorable to the recommendation as it stands, but wanted to add elements to address the above items.

After discussion, the subgroup decided to add:

9b: The Work Group urges General Assembly to pass legislation that results in replacement funding for property taxes lost to public ownership of lands acquired by DNR. [And to consider paying lost taxes on existing properties from this time forward.]

9c: Reorganize the purchasing process to enable quick purchases of special properties. [Including features such as early options for pre-defined or preselected or prioritized properties.]

Recommendation #7: Stormwater Runoff from Developed Real Property (SB 83)

Senate Bill 83 did not pass in this legislative session. Gwen White sent an e-mail to the subgroup recommending that we not state bill numbers, just mention the things we were looking for in the legislation. We have control of runoff in agriculture and in construction, but not for management of stormwater for areas that are already developed (run-off of parking lots, lawns, etc.) The subgroup agreed to remove all reference to SB 83. Change “increased” to “effective.”

Change actual recommendations to be:

- a: strengthening IC 36-9-28.5 for management of stormwater runoff of developed real property.
- b: and c: to remain the same.

DJCA will make these changes and distribute to the Work Group for the July meeting.

Recommendation #18: Reorganization of State Water Quality Agency and/or Policies

Jeff - Currently, we're not managing watersheds, we're managing individual counties or areas. Counties are running free; they're doing ditch maintenance as quickly and cheaply as possible, creating problems in lakes.

Recommendation #s 18, 44, and 45 have similar themes.

Brian - You can't talk about lake issues without considering the watershed.

The group talked about making the recommendation more specific, but decided not to. We recognize that nothing will probably happen based on this, but we want to submit it for the purpose of sending a signal.

Jeff - Dave Herbst mentioned possibly putting something in there about revising the drainage codes because they don't address development. They were created in a time when development wasn't much of an issue.

Subgroup decided to add:

18e: State of Indiana update the drainage code to ensure that urban and developed land is considered in the design and assessment processes.

Jeff - If ditch maintenance is creating a lake siltation problem, someone in the county should be responsible for cleaning it up. Let's add an item f to make this point. Create incentive for counties to do things right.

Brian - It seems that the problem is in enforcing the existing regulations or guidelines.

Subgroup decided to add:

18f: Encourage county drainage board to follow guidelines in Indiana drainage handbook for design, and to ensure adequate construction inspection to ensure the work is accomplished as planned.

18g: Provide state funding for use at county level for silt removal in lakes or rivers, but funding will be withheld if county does not follow drainage handbook and accepted engineering practices.

Recommendation #19: Separation of Combined Sewer Systems

The subgroup discussed the recommendation, and changed the wording to read: "...recommends that IDEM and other appropriate agencies implement existing policies..." [everything else stays the same].

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Co-chairs: Bill Jones and Dale Pershing

In attendance: B. Jones, D. Pershing, J. Henley, G. White, D. Herbst,
H. LaSalle, R. Kitchell, J. Ray.

Absent: A. Spacie, L. Barnese-Walz, T. McComish.

The majority of the discussion at the subgroup meeting is reflected in the revised text of the recommendations that will be distributed prior to the next meeting. Some specific changes and edits discussed by the group are noted as follows:

Recommendation #25 - Change the issue statement to indicate that the recommendations relate only to landward activities. Clarify the recommendations. Add language about promotion of resource-friendly development. Move discussion about PDRs/TDRs into the issue statement and indicate that no legislation is needed for their implementation.

Recommendation #26 - Delete language about a 10 mph speed limit in waters less than 10 feet deep. Add a statement about invoking Recommendation #15a in locations where there are shallow areas with high nutrient level-sediments that would be susceptible to resuspension.

Recommendation #28 - It's probably not feasible to altogether prohibit boats from vegetated areas, as is stated in the recommendation, so change it to indicate that watercraft should be limited to use of oars and/or trolling motors in these areas. Add some language to preclude access by water skiers. Combine #28 with #26.

Recommendation #37 - Compare with Recreation Subgroup Recommendation #16 and determine whether they are duplicative. Add language to increase educational efforts. Explore possibility of bag limit increases.

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

Attendees: Lt. Taylor, B. Madden, J. Pearson, Sen. Meeks

Additional attendees: Dave Case

Land Use Planning the Lakes Region

During the 1st part of the meeting, the Recreation Subgroup met jointly with the B/C/S subgroup to discuss full group recommendation #25–Land Use Planning in the Lakes Region.

The two groups discussed various aspects of the “funneling” issue. Jed Pearson said that what we want to happen is to have developers specify what will happen on easements/common property relative to piers and docks. Pete Hippensteel commented that we have to deal with existing developments, not just new developments.

The group agreed that the pier/dock/boatlift issue (from shoreline, lakeward) should be separated from Recommendation #25. The recreation subgroup will work on this issue. They will look at it for both existing and future structures.

The B/C/S subgroup will modify Recommendation #25 in relation to zoning and other strategies from the shoreline landward.

The two subgroups then broke into meetings of their respective subgroups.

Fishing Tournaments on DNR Reservoirs

Recommendation #R10 (REVISED) was approved with the following changes.

1. Change “Division of Parks and Reservoirs” in the recommendation statement to “Indiana DNR.”
2. Edit the issue/problem statement. Jed will draft a revision and send it to Lt. Taylor for review. Lt. Taylor will forward it to DJCA to insert and distribute to full group as a recommendation.

Funding

The issue of funding for the various recommendations being developed by the LMWG was discussed. The LMWG had requested the Recreation Subgroup to address this issue. The Subgroup discussed a number of ideas including using 10-20% of the boat excise tax for lake

management work. The Subgroup will decide whether to make this a formal recommendation at the next Subgroup meeting.

Recreation Subgroup Recommendation #R9

The Subgroup discussed Recommendation #R9 briefly and approved it as written. The recommendation will go on to the full group for consideration.

Flooding and Drainage

The Subgroup reviewed a draft recommendation that Jed Pearson put together on March 23, 1999. The Subgroup approved the recommendation as written, with one exception—"general funds" should be removed from the 4th part of the recommendation section.

Piers, Boatlifts, and Other Structures

The Subgroup had a brief discussion. Lt. Taylor will gather information and bring it back to the Subgroup at their July meeting (See attached Recommendation #R11).

Lt. Taylor adjourned the meeting.

Full Work Group Session (continued)

The full Work Group reconvened at 10:15 a.m.

Phil reminded everyone that the deadline for subgroups to get DJCA new recommendations or revisions of recommendations is June 25.

The Work Group took up consideration of remaining recommendations.

Recommendation #34: Education on Lake Property Management for Owners and Realtors

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Dave Herbst - Should it just say DNR instead of LARE? This should involve other divisions of DNR as well.

Lt. Taylor - It should also say: "With other agencies and organizations, including the Indiana Lakes Management Society..."

Jeff - Should it include developers, realtors, etc.?

Bill - This was not about developing property, but about living on property.

Jed - Is this a duplication of the Work Group handbook that we've been talking about?

Bill - This is separate. It provides info to realtors, property owners, etc. It answers the question: "How is living on a lake different than living in the woods, etc."

Bob Eddleman - There is a brochure on living in a karst area that they distribute to homeowners in Southern Indiana. This could be similar.

Sen. Meeks - It should also be included in the final handbook.

Bill - This is intended to be a small booklet or brochure.

Lt. Taylor - Agrees that it is different from the handbook.

Bob Eddleman - It could accompany the previously adopted brochure on fertilizer and pesticide management (Recommendation #5).

Bill - Our brochure is very different from #5. They should be kept separate.

The subgroup agreed to change the wording to: "...develop a booklet and short course..."

The recommendation was approved with changes.

Recommendation #36: Bacterial Contamination from Livestock Operations

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Dale - Change the title to "Pathogen Contamination from Livestock Operations."

Gwen - How about "Pathogen contamination from confined feeding operations."

Everyone agreed.

Dale - In issue/problem statement, delete reference to Giardia.

Sen. Meeks - I still don't like spending LARE money on this. Strike it from the issue/problem statement.

Brian - Where is it appropriate to use LARE funds?

Sen. Meeks - To take care of problems in the lakes, things that boaters can see.

Brian - At some point you have to draw a line. Sometimes it makes more sense to spend the money upstream—it's a bigger bang for the buck.

Sen. Meeks - We just freed up a bunch of LARE money, and everyone is going to be trying to get it, and none of it is going to be spent in the lakes. We need to spend some in the lakes where the people who are giving the money can see results.

Carol - 319 grant money is available from IDEM to be spent in the watershed, but NOT in the lakes. Why not spend more of this money in the watershed and spend LARE money in the lakes?

Bob Eddleman - A lake is a reflection of its watershed. I can justify LARE funds being spent in the watershed, but I also understand people wanting dredging, etc., to come from it.

Maybe change LARE in this recommendation to CWI.

Jed - Then we should go back to #35 and make the same change there. Maybe combine the two.

Gwen - They should be combined. 36 should be "c" under 35.

Bob Eddleman - Leave it alone for now, we have others that should be combined. Do it all at once.

Jan - Keep them separate. They are similar, but they have distinctions.

Brian - I agree. Keep them separate.

The group agreed for now to leave them separate.

In 35, strike LARE, and replace it with CWI. Do the same with 36.

Carol - We need language to encourage the use of 319 grant money for this kind of stuff. EPA is eager to fund 319 grants.

Bill - On #36, in the issue statement, add IDEM's Nonpoint Source Program in the same place as LARE was removed.

Carol - Do the same on #35.

Brian - #35 can't say "adequately treated" because there are no treatment standards.

Bill - Delete "adequately treated and...."

Bob Eddleman - As the last sentence of issue statement, add: "The SWCD field office technical guide is a good reference."

After brief discussion, the work group agreed to strike the last sentence instead.

Jan will verify that nonpoint source program funds can indeed be used. If so, the recommendation is approved with the changes listed.

Recommendation #38: Wetlands Protection

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup, but not yet considered
Discussed at 5/19/99 Subgroup meeting (BCS & Watersheds)

Discussion:

Sen. Meeks - What is coordinated wetland regulations?

Gwen - The intent was that rules between IDEM, DNR, and the Corps be similar wherever possible. At least not contrary to each other.

Dave Herbst - Is this issue already covered by the Indiana Wetlands Conservation Plan?

Gwen - The IWCP decided to stay completely away from regulations, so this could fill a gap.

Bob Eddleman - There are significant differences if you are a farmer than if you are a developer. We have, in fact, had an increase in wetlands in the last 5 or 10 years. We've lost additional palustrine wetlands, but we have gained others—a net gain was recorded in the last Natural Resources Inventory.

Gwen - We've had a net gain in acres, but a loss in value. Reconstructed wetlands are not as valuable as natural ones.

Lt. Taylor - The wetland issue is extremely complex. There are a bunch of agencies, laws, and regulations that apply. There is an assumption that DNR takes care of all the wetlands, but that is not the case at all.

Jed - This is similar to recommendation #4. #38 is pretty weak in the protection aspects.

Bill - We have to mention wetlands or we will catch hell from people in Angola. They ranked it as a very important issue.

Bob Eddleman - In the issue statement, change the third sentence to read: "However, even though significant wetland restoration is occurring, Indiana continues...."

Recommendation was accepted with these changes.

Recommendation #40: Wastewater Treatment Plants Discharges

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Sen. Meeks - Is IDEM comfortable with the existing National Pollutant Discharge Elimination System (NPDES) process?

Jan - Yes, as long as we have the biomonitoring stuff in there.

Dale - The NPDES permits are based on the water receiving the outflow. The main concern is that we have enough enforcement of existing permits.

Brian - The issue/problem statement doesn't clearly identify a problem. What is this trying to address?

Carol - From public comments, I understand that there are no major dischargers directly into lakes. It is all of the minor dischargers that cause the problems. There is often not enough inspection staff to watch the minor dischargers.

Brian - The statement needs to reflect what the recommendation is trying to resolve.

The recommendation was sent back to the subgroup for editing the issue statement. Jan and Carol will help.

Recommendation #41: PCB Contamination of Fish in Indiana Lakes is an Environmental and Human Health Concern

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Dale - This could be grouped with the recommendation on mercury contamination (#39).

Jim Ray - Biphenyl has a y instead of an o.

Gwen - Separate the 2 sentences of the recommendation into items a and b.

Jed - Add a section on testing, the same as for the mercury recommendation (#39).

The recommendation was sent back to the subgroup to make it similar to # 39.

Recommendation #42: Threats from Petroleum Compounds and Other Volatile Organic Chemicals

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Lt. Taylor - The EPA is addressing item b on a national scale, so this may be redundant. In item a, the emergency response plan requirement is already in effect—these plans are already required.

Jed - We should add these things into the recommendation.

Dale - We could make reference to the federal 2-cycle ban in the issue-problem statement.

Lt. Taylor - We should do this, because this was one of the things people at Angola asked about.

As part of item a (or perhaps create a new item b), encourage local emergency management agencies to share their emergency response plans in relation to runoff control strategies.

Dale will work with Lt. Taylor to edit this recommendation and issue/problem statement.

The recommendation was sent back to the subgroup.

Recommendation #43: Land Application of Sludge

Status: Submitted 4/21/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Bill - There are two periods at the end of the issue/problem statement. One should be deleted.

Brian - Change the 2nd-to-last sentence of the issue statement to read: "In 1998, environmental rules for application of municipal and industrial sludges to agricultural lands were revised."

Holly - "Do we have enough field inspectors?"

Dale - I don't know the current situation, but a few years ago there was a shortage of inspectors, and we couldn't respond in a timely manner.

Holly - We should note in the recommendation that more staff is needed.

Brian - Landfill inspectors are now able to do these inspections, too, so there probably is not a shortage anymore.

Gwen - The last sentence of the issue statement is dated. Should we change it?

Dave Case - We will make these types of changes in preparation of the final plan.

Jed - Move the second sentence of the recommendation ("Enforcement of these rules...") to make it the last sentence of the issue statement.

The recommendation was approved with these changes.

Recommendation #46: Fish Community Considerations

Status: Submitted 6/14/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Jed - Can we cut the length?

Jan - We talked about cutting the length, but decided to leave it because it explains a lot of concepts concerning fish and fisheries resources that aren't covered elsewhere.

Lt. Taylor - I talked with Bill James, head of DNR Fisheries Division. He said that the state fisheries budget is not large enough to capture all the Federal Aid money that is available. We will need \$2.6 million of state money to capture the Federal Aid money in 99-00. We need to make recommendation b stronger.

Sen. Meeks - What funding request did DNR make, and what finally passed?

Dave Herbst - It was probably cut first in the DNR, and then again in the general assembly.

Sen. Meeks - Maybe they didn't ask for enough in the first place.

Dave Case - Have Recreation and BCS look at this together to determine what the precise intent is. Jed will take the lead.

This recommendation was returned to BCS and Recreation Subgroup.

Recommendation #45: Consolidation of Lake Management Functions in State Agency

Status: Submitted 6/14/99 by Biology/Chemistry/Shorelands Subgroup

Discussion:

Dave Herbst - This has not been looked at by the subgroup yet.

It is similar to blue 33, yellow 18, and yellow 44.

Bill - Let's consider #45 as a starting place and craft a new recommendation that includes the rest.

Gwen - What are the problems we are trying to solve in each one of these?

Bill - Yellow 44 is totally separate from green 45. It should be considered separately.

The problems are:

consistency, coordination, communications, and implementation.

Bob Eddleman - We need to consider things according to watersheds, not county political boundaries.

Dave Herbst - Improve service to the public.

Gwen - Improve efficiency of administration of programs.

Jed - Getting more attention/recognition of lakes and lake issues.

Reducing duplication of effort among various agencies and divisions.

Eliminating incorrect referrals of people calling for information.

Lack of a proactive approach on lake conservation issues.

Dave Herbst - The problems arise because the energies are divided. There are various agencies and divisions that are responsible for waters. These need to be combined somehow.

Also, there is an inherent complexity associated with water issues. No one individual or group of individuals can know it all. Many different agencies are involved because there are many disciplines needed to handle these issues.

Bill - Limnology is an artificial science. It is made up of many other disciplines. There are specific agencies that deal with all these disciplines, and they overlap a little when it comes to lakes. Instead, let's recognize the overlap, and do things to increase the coordination among the appropriate agencies. Maybe create a lakes clearinghouse, with a small staff, that coordinates and tracks the efforts.

Dave Herbst - I'm not proposing a huge agency. But maybe there should be a unit in state government to coordinate lakes and lake management.

Bob Madden - Indianapolis did a Mayor's Action Center, and they would refer you to the correct place to get your problem solved. They gave it 30 staff people. Our goal is to get somebody to look at this thing.

Dale - If we get a clearinghouse, they need to be prepared to take on new assignments as new regulations come down, to prevent further splintering of effort.

Lt. Taylor - Legislators chose to create the various agencies for whatever reasons. Government is a complex entity. All levels are there for good reasons, but it adds to the confusion for the public.

We can't do much more with this recommendation than we have here already. It is good as it stands.

Jan - The various divisions are focused on resources—forests, soils, fish and wildlife, water quality, etc. We need to look at this from a customer base. We need to consider their point of view.

Bob Madden - There must be models from other states on how we might do this. It is a chance to do something historical.

Dale - We may want to add language safeguarding against cutting positions in existing agencies.

Dave Herbst - We have sections throughout the divisions. We need a section called Lake and Stream Management, or something like that. That's what I mean by streamlining.

Bill - I agree that we cannot recommend a specific solution. This recommendation is well-stated as it is. Is there objection to this recommendation as it is?

Dave Herbst - In the 1st paragraph of the recommendation, delete "all" and add "where appropriate" after the word personnel, so it reads: "With the intent of consolidating programs, projects, and personnel, where appropriate, into one identifiable lake management...."

Bill - edit the following sentence to read: "Such consolidation would provide the following benefits...."

Bob Madden - In item d, delete everything except "improved attention/recognition of our lakes."

The recommendation was approved with changes.

Handbook

Dave Case said that the Work Group is making recommendations that will result in improvements to Indiana's lakes, we're putting them in succinct form, and we're getting information to people so they can be more effective. We've talked about printing a handbook to help do these things. However, printed books have serious limitations. You can't print very many (because of the cost), distribution can be a problem, and the things you recommend are continually changing, so the handbook may become obsolete quickly.

At a previous meeting, the possibility of creating a website instead of a handbook was raised. We are strongly in favor of this option. Websites offer many advantages. You can make changes and update material very quickly. You could connect existing websites, as well as add our own stuff. You could provide information and even have downloadable forms in some situations. Almost every library has Internet connections now, so people can go to the library to get online if they don't have a computer. What does the Work Group think of this idea? Does anyone have a problem with pursuing this option?

Dale - Recommendation #44c proposes a library that would lend itself to this idea.

Dave Case - In 5 years, people will be angry if they can't get your stuff on the web. We should think ahead.

Jeff - It would keep things in the forefront. It's a great idea.

Jan - This is the way we need to go.

Bob Eddleman - It's a good idea, but there are still many people out there who don't even know what "website" means. There's still a need for brochures on counters of hardware stores, etc.

Dale - You could print a small directory to this site that could be widely distributed. But the key to be effective is to be updated. I would support this idea.

Bob Eddleman - The initial document we talked about was a "who to call" kind of thing—a directory. Then it changed to a handbook idea. I still would like to see some kind of a document—a small directory with a list of contacts as well as the web address. This could be put in a boat glove box, etc.

There is also recommendation #33 hanging out here. This needs to happen. This recommendation stands alone, and this is where the website could be maintained.

Gwen - We have a list of who to call that is currently published in the seawall directory and in the back of the ILMS directory. We can revise it for this purpose. The Division of Water also has a web page and a glossy brochure that tells about it.

Richard - I'd like to see other things that we've created as part of this process.

Are you talking about producing the website and then passing it on to someone else to maintain?

Dave Case - Yes. We will produce a final report no matter what, and if the group wants us to, we will produce a website and hand it off to someone to maintain over time. What we'd like to know right now, is if the group thinks this is the direction we need to be going.

The group approved this concept.

The next meeting is July 28. The full group will meet from 10 a.m. to noon, and subgroups will meet from 1 to 3 p.m.

Indiana Lakes Management Work Group

July 28, 1999

10 AM - 3 PM

Indiana Government Center South Conference Room 5

MEETING SUMMARY

Members Present

Gwen White	Charles Gill	Robert Eddleman	Jan Henley	Rep. Dennis Kruse
Thomas McComish	Holly LaSalle	Sen. Robert Meeks	Don Seal	Bill Jones
Brian Daggy	Lt. Ralph Taylor	Robert Madden	Jed Pearson	David Herbst
Sen. Katie Wolf	Lisa Barnese-Walz			

Members Absent

Jeffrey Krevda	JoEileen Winski	Mark GiaQuinta	Anne Spacie	Dale Pershing
Garry Tom, Sr.	Stephen Cox	Richard Kitchell	Rep. Claire Leuck	

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Senator Meeks welcomed everyone to the 20th meeting of the Lakes Management Work Group. Introductions were made and the agenda was reviewed. The following members of the public were in attendance:

- Paul Ehret
- Harry Nikides
- Tim Kroeker
- Carol Newhouse

Meeting Summary Edit

Dave asked for changes to the 6/14-15/99 minutes.

Page 10, "phosphorous" replaces "urine."

Page 9, "975,000 acres nationally" – should be "975,000-acre cap."

Page 27, strike the last sentence of the first paragraph.

Page 27 - limnology is an artificial "science," not "agency."

Page 25 - do we have enough "field" inspectors.

page 23 - Jan did verify that nonpoint source program funds can be used, but only for field programs. It may require an amendment to Recommendation #36.

page 19 - Tom McComish's name should be on the absent list.

The meeting summary was approved with these changes.

Discussion of Recommendations

Phil mentioned that the Work Group has assembled a total of 46 recommendations so far, and 25 of these have been approved.

Recommendation #22 Assessment of Economic Value of Indiana's Lakes

Discussion:

Dave H. - I have a problem with the irrigation aspect. We had a big battle in 1980. It pit the agricultural people against the environmental groups.

Dave Case - Scratch "irrigation for crops" in second sentence.

Bob E. - Add "and ecological" to title.

Lt. Taylor - Add trapping to 4th line.

Brian - What kind of dollars would this take?

Dave H. - There was a study in LaGrange County. We could use that as a guide.

Tom - Maybe it would be best to leave it open. We need to be able to be flexible.

Brian - It opens us up to the complaint that we do a lot of research, but not on things that impact water quality. This is going to be educated guesses. I'd like us to agree that lakes have value and then move forward to try to protect them.

Holly - But having the numbers would encourage local entities to do more.

Brian - There is value to that.

Tom - This recommendation would have considerable value, and we can't even imagine what that value will be. We need to have the best figures we can. This is a high priority issue.

Paul Ehret - This seems like a monumental task. Shouldn't we set up parameters on specific lakes and see how it works out?

Bill - We've tried not to micromanage and direct agencies what to do. It would be inappropriate for us to tell agencies how to do this, but to direct them that we need this information. We need to show the impact and importance of lakes. They are our most underappreciated resource.

People think there is no cost to their use of lakes. But there are costs. We need to increase the status of lakes as something we need to protect. We don't need these figures for every single lake, but we need a range of values.

Bob E. - Does the word "systematically" cause us a problem? We are not interested in the figures for every single lake.

Gwen - I used that term to imply that it's not just guessing—it has validity. We can remove the word if it helps.

Dave H. - In 1967, we did a similar study on state properties (state forests, state fish and wildlife areas, etc.). This could be quite similar.

The recommendation was accepted with these changes.

Recommendation #7 Stormwater Runoff from Developed Real Property

Discussion:

Sen. Meeks - I have a problem with the part that “rewards action with funding.” This should come from the contractor that does the development.

Bob E. - Item c dealt with existing developments.

Sen. Meeks - I have a problem with a development in my district right now. I couldn't find funding to take care of the problems. The state didn't have any money for this.

Bill - This is not intended for new construction, but for land that has been developed, but is not included under rule 5, etc.

Bob E. - It would be for filters on parking lots, etc.

Bill - In Bloomington, developers put in conservation measures, but owners don't maintain them or they change them over time. This would address some of these problems.

Lt. Taylor - I'm not sure I understand the intent. When you deal with something that is in place, a couple of baseline issues arise. Are we creating ex post facto laws? Are we trying to force compliance? Say we have a neighborhood that is 10 miles from a lake and four miles from the lake's watershed. Ultimately, any water will reach the watershed and the lake. Are we saying that we want to go out into the state and say that in existing developments, we now need a drainage plan, and possibly modification of statutes (penalties or incentives)?

Bob E. - That's what item c says. Another example would be Clean Water Indiana, where we reward positive actions on agricultural lands. We need to do this same kind of thing for the stormwater runoff issue. There are thousands of tons of nutrients put on lawns, and we don't do much about it right now.

Sen. Meeks - How to do 7a?

Bob E. - I don't know what that particular code says.

Paul Ehret - This looks like certain things don't have to be done because they already exist.

We're trying to provide incentives to get people to do these things. The recommendations don't say what the problem/issue statement says above. The issue statement says it better.

Dave H. - What about 7b?

Sen. Meeks - Wheeler's bill already does this.

Brian - The bill calls for creating a plan, but not having to implement it.

Sen. Meeks - We need to fix that. I'll check with LSA. If that is the case, we'll try to get it fixed.

Gwen - Items a and c refer to specific bills. We need to add the language back in so we're clearer about what they say.

Returned to Watersheds for more detail.

Recommendation #25 Land Use Planning in Lakes Regions

Discussion:

Bill - We had a lengthy discussion in June about combining some of the recommendations. I thought we were going to get better wording on item d from Ralph (via the attorney general).

Lt. Taylor - In my opinion, I like this recommendation and the way it is worded, except for item b. We need to send a strong signal to local governments that they need to manage the landward side of the waterline, and DNR to continue managing the lakeward side.

Dave H. - Anywhere we have recommendations, we should not use the word "should." In paragraph b, I don't understand. What if there is no existing infrastructure? You have to extend sewer lines or else use septic systems.

Bill - We were trying to get at the idea of not promoting sprawl—using existing infrastructure where possible. The intent is not to disallow new infrastructure, but to encourage use of existing infrastructure first. For instance, zoning to provide higher densities in areas that already have sewer, roads, etc.

Jed - Would it help to put "zoning" in here? We should encourage development in areas that were already set aside for that. I don't think we need to modify it.

Dave C. - Will it be clear to people?

Bill - It will be clear to the target audience.

Lt. Taylor - We might be better off eliminating item d. It doesn't really add anything. It just complicates it. The issue statement is very focused, succinct, and articulate.

Dave C. - Can we drop item d?

Lt. Taylor - The lakeside issue has not been dropped, it is being worked on in Recreation right now and will be worked on today.

Everyone agreed to strike d.

Lt. Taylor - I think we should change item b. People may interpret it to mean continuing using septic systems instead of sewers. Eliminate the examples.

Bill - I see how people could misinterpret this. Let's eliminate the examples.

Item b was changed to read: "Local communities and county planners should promote development that utilizes existing infrastructure rather than extending new infrastructure into undeveloped areas."

Gwen - We need to add a sentence to the issue statement that addresses this issue. It does not include this right now. Define infrastructure in the issue statement. Then we don't have to define it in the recommendation.

The BCS Subgroup will get DJCA a statement defining infrastructure for the issue statement (Bill).

Sen. Wolf - We need to be careful not to give developers too much access into undeveloped areas. This recommendation should not be too broad. This was a big issue in the farmland task force.

The recommendation was approved with these changes.

Recommendation #9 \$5 Million Allocation to Indiana Heritage Trust

Discussion:

Sen. Meeks - Item b - Does this mean just the state properties?

Holly - Yes. There are five divisions it pertains to.

Sen. Meeks - What kind of money would this take? It says from this time forward. What does this mean?

Bill - We've discussed Goose Pond and putting public accesses on lakes. Would lakeshore communities allow more public accesses if the tax base was not lost?

Sen. Meeks - All the ground lost to the tax base puts additional burden on taxpayers that are left. I've argued for that offset for 10 years.

Dave H. - Shouldn't we be specific in this recommendation? Is this just Heritage Trust lands or all state lands?

Bob E. - We intended for the legislature to consider both—DNR lands that are purchased in the future as well as existing lands.

Sen. Meeks - What about the roads, the state office buildings, etc. Would those be included? We need to be specific in this recommendation about what we're talking about.

Bob E. - How about saying lands that are acquired by DNR?

Bill - The issue is land that is set aside for land conservation purposes. Brown County State Park causes a decrease in the tax base, but there is economic value to having the park there.

Brian - But those dollars don't go to the same place.

Bill - But new businesses are brought in to serve the park visitors, and these pay taxes, etc. I recommend that we limit it to new acquisitions.

Jed - Maybe we need a study to show that there is an economic benefit by doing this.

Gwen - After Goose Pond, there was an extensive study done that gets into the property tax issue. Maybe we should just say that this is an issue that continues to be addressed, but not direct anyone to do it.

Sen. Meeks - If there is going to be a change in the tax base, this money should be replaced.

Paul - Recommendation #9 is all directed toward the Indiana Heritage Trust. But item b addresses DNR-wide properties, which is much broader than the Heritage Trust. It seems out of place here.

Lt. Taylor - From day one, we've tried to stay away from tax issues. I'm leaning toward eliminating item b altogether. It may suggest penalizing DNR—not allow them to acquire property. What's the difference between DNR buying a little piece of land and a local government giving a tax abatement to a factory? I think item b only encumbers the recommendation. Let's strike it.

Jed - How about rewording it?

Sen. Meeks - It will take millions of dollars, and it will be very difficult to get the money from the legislature. Item b is a great idea, but in practicality, it won't happen.

Brian - There are 270-some school districts in the state. In terms of per-pupil spending, the district that includes Turkey Run State Park is dead last. It is based on the property tax base. I think we should leave this in here. I understand it has practical implications, but this is a big issue. The replacement of property tax issue must be addressed. The lack of replacement argument is currently used successfully to defeat issues.

Bob E. - We need to include it somehow, if for no other reason to support Sen. Meeks and others who have been working in this area for years.

Dave H. - We had a tax replacement package in place for Goose Pond, but other factors came in and killed it at the last minute.

Bob E. - The Nature Conservancy has done a tax replacement package with Newton County. It has worked well.

Jed - Change wording to: "provide funding options that balance loss of property taxes with the economic benefits of public land ownership related to watershed management."

Bill - This doesn't address the breadth of the issue. What about other public lands?

Jed - There is an implication that it is specific to Indiana Heritage Trust because that is the subject of this recommendation.

Bill - Last paragraph of issue/problem statement, use "two" instead of the numeral.

Jan - Second paragraph - remove "they can" and "they themselves."

Recommendation was accepted with those changes.

Future Meetings

Wednesday, August 18, 1999

Tuesday, September 28, 1999

Tuesday, October 26, 1999

Thursday, November 18, 1999 - This will probably be the final meeting.

Sen. Meeks - We should start submitting approved recommendations that have legislative requests into LSA now. DJCA will get these to Senator Meeks as they come forward. The last date for submission would be December 15, but the earlier the better.

Sen. Wolf - It will be a short session, so it would be an advantage to get them in early.

Sen. Meeks - Committee recommendations carry more weight than others that just get thrown in the hopper.

Bill - DJCA should get a list of the appropriate recommendations to Sen. Meeks so he can have them prepared in bill form by LSA and bring them back to the committee at the next meeting.

Tom - We need to start with future legislative recommendations at the August meeting. Make those the priority recommendations to consider.

Dave - We will spend the majority of the next meeting as a full group.

Public Comment Period

There was no public comment

Lunch

Subgroup Meetings

BIOLOGY/CHEMISTRY/SHORELANDS SUBGROUP REPORT

Conference Room 1

Co-chairs for B/C/S: Bill Jones and Dale Pershing

In attendance: B. Jones, J. Henley, G. White, T. McComish, D. Herbst, H. LaSalle, L. Barnese-Walz.

Absent: A. Spacie, D. Pershing, R. Kitchell,

For the first part of the meeting, the Watersheds Subgroup met jointly with the BCS Subgroup to discuss recommendation #20 and recommendation #27.

Gwen - Should we combine recommendation #20 with #2 (CWI)?

After discussion, the group agreed to leave them separate.

Paul Ehret - Recommendation #20 reads a lot like #7 that we addressed in the full group meeting today. The goals are similar.

Brian - They are close, but stormwater runoff is a distinct issue.

Bob E. - They are easier to understand separately. We may combine them later—for the final report—but for now I think we should leave them separate.

Bill - Recommendation #20 is dealing more with agricultural lands, whereas recommendation #7 could deal with shopping malls, etc.

Gwen - Should we change the short title on #20? It is mostly agricultural-related, not just nonpoint source in general.

Bill - Watersheds should take #20 back and make it clearer—either more specific or more general, as appropriate.

Tom - Separating urban and rural is a logical way to deal with these issues.

Bob - Perhaps we should add item c.

This will be done in Watersheds subgroup.

[watersheds subgroup then left and met separately]

WATERSHEDS SUBGROUP REPORT

Conference Room 7

Chair: Bob Eddleman

In attendance: Bob Eddleman, Charles Gill, Brian Daggy

Absent: Garry Tom, Rep. Kruse

Recommendation #20

Bob E. - Clean Water Indiana (CWI) was passed but not funded. We need to address this. EQIP is limited to agricultural producers. CWI can be broader than just agricultural producers. Should we add this? But then, the state may think the feds will fund the whole thing.

Brian- Maybe create a separate recommendation just for EQIP.

Brian - Maybe we should create major categories in the final report, and have the individual recommendations under those categories.

Subgroup decided to keep them together for now.

Change the wording of the 2nd paragraph of the issue statement to read:

The Indiana General Assembly passed the Clean Water Indiana initiative in the 1999 session. This initiative will help address many aspects of the non-point source pollution issue.. The USDA's EQIP partially addresses this issue for agricultural producers through positive, incentive-based actions. However, since its inception, EQIP demands exceeded budget by 2.5 times. Support is needed to ensure that both programs are funded at a level high enough to meet user demand.

New Item b: The state government funds CWI at \$20 million per biennium.

Existing item b becomes item c and changed to read:

“...to help farmers, urban dwellers, and others develop nutrient, pesticide, and other nonpoint source pollution management plans.”

Recommendation was approved by subgroup and sent back to the full group.

Recommendation #7 Stormwater Runoff from Developed Real Property

Need to further define and clarify the intent.

Brian - There is a public law that requires development of plans, but not implementation.

Delete the reference to IC 36-9-28.5.

Delete item a.

Add to b: “...drainage plans developed under public law...[Brian will get Phil the code #].”

Item c: providing financial assistance for implementing stormwater management plans.

Recommendation #19 Separation of Combined Sewer Systems

Bob got a handout from Jan. It recommends changes to the issue/problem statement and a new recommendation. After discussing the handout, the subgroup decided to use the issue/problem statement from Jan's sheet, and change the recommendation to read:

The Indiana Lakes Management Work Group recommends that:

- a. IDEM and other appropriate agencies Implement policies that stress the need for separate of combined sewer systems;
- b. IDEM and other appropriate agencies Provide funding for repairs of existing systems to the communities that have a workable plan to meet water quality standards; and
- c. The commissioner of IDEM ensure proper staffing of the NPDES permitting programs, to include permit issuance, CSO strategy implementation, and stormwater program implementation.

This was the final recommendation that the Watersheds Subgroup had to deal with.

RECREATION SUBGROUP REPORT

Chair: Lt. Ralph Taylor

Attendees: Lt. Taylor, B. Madden, J. Pearson, Don Seal, Sen. Meeks

Fishing Tournaments on Reservoirs

Recommendation #R10 (July 28, 1999 Revision) was discussed. It was agreed that the title of the recommendation would be "Fishing Tournaments on Reservoirs."

Jed will draft a revision of the issue/problem statement and send it to Lt. Taylor for review. Lt. Taylor will forward it to DJCA to insert and distribute to full group as a recommendation.

In the recommendation itself, the words "should" and "all" should be deleted.

The subgroup recommends that full group Recommendation #1 be deleted (unapproved)—#R10 will replace it.

Restroom Facilities at Public Access Sites

The Subgroup discussed Recommendation #R9 (Full Group #47) briefly and approved it as written. The recommendation will go on to the full group for consideration.

Flooding and Drainage

The Subgroup reviewed a recommendation that Jed Pearson put together on March 23, 1999 (Full Group #48). The spelling of "repair" (not "repor") should be corrected in the issue/problem statement. Otherwise, the Subgroup approved the recommendation as written.

Piers, Boatlifts, and Other Structures

The Subgroup reviewed Recommendation #R11. A few editorial changes were made to the issue/problem statement.

The Subgroup discussed at length whether "temporary or permanent" should be added to part (1) of the recommendation. It was agreed that Lt. Taylor would check with Steve Lucas and then make a decision. He would let DJCA know the decision.

Funding

The issue of funding for the various recommendations being developed by the LMWG was discussed. The Subgroup will decide what, if any, formal recommendation will be made at the next Subgroup meeting.

Lt. Taylor adjourned the meeting.

Indiana Lakes Management Work Group

August 18, 1999

10 AM - 3 PM

Indiana Government Center South, Conference Room 2

MEETING SUMMARY

Members Present

Gwen White	Jan Henley	Thomas McComish	Holly LaSalle	Robert Madden
Sen. Robert Meeks	Lt. Ralph Taylor	Jed Pearson	David Herbst	Bill Jones
Jeffrey Krevda	Rep. Dennis Kruse	Don Seal	Dale Pershing	

Members Absent

JoEileen Winski	Mark GiaQuinta	Anne Spacie	Garry Tom, Sr.	Stephen Cox
Richard Kitchell	Rep. Claire Leuck	Brian Daggy	Sen. Katie Wolf	Lisa Barnese-Walz
Charles Gill	Robert Eddleman			

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Senator Meeks welcomed everyone to the 21st meeting of the Lakes Management Work Group. He appreciated everyone's dedication, and thinks things are moving along nicely as we near the end of the project.

Introductions were made and the agenda was reviewed. The following members of the public were in attendance:

Jim Ray	Al Schnelker	Patrick Casey	Carol Newhouse
---------	--------------	---------------	----------------

Meeting Summary Edit

Dave asked for changes to the 7/28/99 minutes. There were no changes.

Schedule for Completion

Dave reviewed the schedule for future meetings. The next meeting (September 28) will be last time that subgroups will meet, so all subgroup work needs to be completed at or before next meeting. At the October 26 meeting, the full group will complete all recommendations. Dave said that there could be a few loose ends, but the group should approach that meeting as if it were the last chance to make or refine recommendations. The November 18 meeting will be for

reviewing and fine-tuning the final report and whatever parts of the web page are completed. DJCA will then finalize things and release the report in early December. Dave asked for comments.

Lt. Taylor - what about having a follow up meeting in Angola?

Sen. Meeks - We will have one, but I'd like to plan it in the spring so Dave Herbst can be there.

Discussion of Recommendations

Phil mentioned that the Work Group has assembled a total of 49 recommendations so far. One has been dropped, 2 have been combined with other recommendations, and 29 have been approved, leaving 17 to be addressed.

Recommendation # 31 Increased sedimentation associated with legal drains

Discussion:

Sen. Meeks - item b(4) says expand the authority—to whom?

Bill - the wording is not clear, but it is intended to provide for environmental review when doing maintenance, not just moving the water as fast as possible.

Rep. Kruse - if (4) would refer to Drainage Boards, this might be agreeable.

Dave H. - that's right. We were talking about expanding the authority in the Boards, and having the code allow for environmental review.

Rep. Kruse - maybe have it say: "expand Drainage Board authority..."

Jeff - I feel the Drainage Boards and their practices are a big part of the problem. Giving this back to them won't solve anything.

Gwen - make it say: "increase responsibility of Drainage Boards for environmental review..."

Tom - yes, except make it "accountability" instead of "responsibility."

Lt. Taylor - this is a good recommendation, but how to make it work? The code tries to allow local entities to make decisions at the local level, while keeping them consistent with how things are done throughout the state. I think maybe we should eliminate item 4, and let it be dealt with in item b (revise the code).

Bill - it is listed under item b because we recognize that is where it will be addressed, but we wanted to mention it specifically.

Tom - maybe change the wording to: "...emphasize the importance of environmental considerations by the Drainage Board as part of their review of ditch construction and maintenance activities."

The Work Group agreed to this change.

The recommendation was approved with these changes

Recommendation #7 Stormwater runoff from developed real property

Discussion:

Dave H. - what was Senate enrolled Act 83?

Sen. Meeks - it required all counties to have a plan for stormwater runoff.

Dave H. - who does the money go to?

Jeff - the intent was to provide an incentive for implementation of the plans.

Sen. Meeks - if it is part of the plan to develop property, then the developer should build the cost into his development plan.

Jeff - but the developer doesn't have to have a plan.

Sen. Meeks - but if the county has a plan, the developer should be bound by it.

Bill - if counties have to implement their action plans, the money should go to the county to pay for inspectors, etc. It funds the mandate at the county level. This recommendation needs clarifying language to show who the money goes to.

Dale - how will federal Phase 2 stormwater regulations impact this?

Jeff - this was not discussed.

The recommendation was sent back to the Subgroup because Bob Eddleman and Brian Daggy were not at the meeting to clarify their intent.

Recommendation #49 Regulation of temporary and permanent structures on public freshwater lakes

Discussion:

Gwen - what did you mean by adding "permanent?" I thought we already had this.

Lt. Taylor - we thought it didn't detract at all, and might help in certain circumstances. We think this is an extremely important recommendation. Recent appeals court cases leave doubt as to the DNR's authority to regulate these things. This recommendation will give DNR the authority to decide what is reasonable for temporary and permanent structures.

There were several proposed wording changes, but after discussion, it was decided that the language of the proposed new code should not be changed, because it had been approved by the administrative law judge and an attorney.

Lt. Taylor - the second part of this allows DNR to exempt people from having to get permits for some temporary structures such as swimming rafts. Right now, if 2 landowners have problems, their only recourse is lawsuits. This sets up a process for mediation that is cheaper than lawsuits. DNR does not currently think they have authority over piers. This would give them that authority.

Tom - make "Commission" capitalized.

Lt. Taylor - in 49, change wording to read: "to add a new section that reads as follows:"

The recommendation was approved with these changes

Recommendation #46 Fish Community Considerations

Discussion:

Sen. Meeks - how many fisheries biologists do we have now?

Jed - 8 district biologists and 4 research biologists. This recommendation would add 3 people.

Bob - how much money would be needed to match federal grant money to pay for this?

Tom - I don't have an answer for that, but there is a required 3 to 1 match, and Indiana has a record of not being able to use all the federal tax monies available.

Bob - when you get a 3 to 1 match, you have to go for it. You have to find the money.

Dave H. - you need all the money up front, then the federal government reimburses you 75%.

Gwen - there also is new federal funding potentially available (CARA), but we don't know whether it will pass yet. We will need to find a match for it, too.

Lt. Taylor - I really like this recommendation.

The recommendation was approved without changes.

Recommendation #18 Reorganization of state water quality agency and/or policies

Discussion:

Sen. Meeks - item 18g is probably not going to happen. The state will not have the funds to do it. There has to be a revenue source. It is a good idea, but it will not happen.

Tom - In item f: why is "encourage" used instead of "require?"

Bill - this seems redundant with #45 that is already approved. Or, we could add parts of this to #31 that we just approved. Also, I don't like the use of words like dissension, etc. It seems mean-spirited.

Dale - reword item g to provide counties with incentives, instead of just giving them money.

Sen. Meeks - take out the phrase "economic and political motives." How would we explain that to the public? What are these motives we're talking about?

The recommendation was returned to the subgroup for editing

Recommendation #47 Restroom facilities at public access sites

Discussion:

Dave H. - I propose new wording: "the Work Group recommends that: a) Local entities who own and maintain improved public access facilities be encouraged to place...

b) DNR be required to.....the state, but only where local entities agree to provide maintenance."

Jed - some local groups don't even want the access sites, they certainly won't want to maintain them. But we should encourage hiring contractors to do this and keep it the state's responsibility.

Tom - there is potential for shared responsibilities. Can't we say "DNR establish a program to place and maintain..." Take out the word "require."

Lt. Taylor - the public wants it, Fish and Wildlife wants it, and Law Enforcement wants it. It's a funding issue. We need a recommendation to try to force funding to pay for it. I don't think we should describe how it should be done here. We just want to force the funding.

Dave H. - when I was at the DNR, we did not have the staff to do this. We need a specific statement about funding.

Jed - change it to read: "funding be provided to DNR to establish a program to place restroom..." In the problem statement make the change: "there are, however, no facilities or funding..."

The recommendation was approved with these changes

Public Input

Al Schnelker and Pat Casey - We're from the Indiana Marine Trade Association. We want to sit in today and pick up some of the essential knowledge we need to deal with these issues.

Lunch

Recommendation #23 On-site septic systems

Discussion:

Jed - in item b, change from "lakefront" to "lake area"

Jan - in items b and c, strike "county" and replace it with "local"

Jed - in the last sentence of the issue/problem statement, change Additionally, it "reduces"....

The recommendation was approved with those changes.

Recommendation #20 Nonpoint Source pollution control

Discussion:

Dave C. - we will change the outline function to a, b, c, etc.

Gwen - for items s and t, change it to: "fund at a minimum of..."

Dave H. - should we describe the Indiana Conservation Partnership in the issue statement?

Bill - yes, but we should approve this recommendation pending the addition of this statement.

Gwen will get a paragraph to DJCA, which will be the third paragraph in the issue problem statement.

Jan - in the issue statement, we spell out CWI and not EQIP, but in the recommendation it is reversed. Make it all consistent.

Dave C. - we will make edits like this throughout.

The recommendation was approved with those additions

Recommendation #48 Flooding and Drainage

Discussion:

Jed - the italics marks should be removed in items a and d.

Sen. Meeks - in item c, change "statute" to "Indiana code."

Dave H. - add the word "that" to the first statement in the recommendation, and then strike the word "should" in 48a, b, c, and d.

The recommendation was approved with these changes

Recommendation #26 Motorboat watercraft impacts on lake ecology

Discussion:

Bob - I like this recommendation. There will be some boaters and anglers who will be concerned, but I think it is the right thing to do.

Dave. H. - paragraph 2, second sentence of the issue/problem statement, "...motorboats can create..."

In paragraph 3, last sentence, add: "into the water column that contribute to excessive algal blooms."

Take out "should" in the recommendation.

Lt. Taylor - what we have currently is well-defined and enforceable. This recommendation is more ambiguous and less enforceable. It may be a step backward. You cannot currently operate a watercraft less than 200 feet from shore unless you are going to and from or unless you are fishing. This leaves a lot of interpretation, and often leads to no enforcement, because the officer has to prove to the judge what the wake was. Does this do what we really want it to do, or is it a step backward?

Tom - is there an existing definition of no wake? Perhaps we need to make one.

Jeff - I think it will be easier to define no wake than 10 mph.

Dave H. - would changing "no wake" to "idle speed" make it better?

Lt. Taylor - the definition of wake is: [paraphrase] wake or wash means a track left by a watercraft that disrupt other watersport activities, or may cause injury or damage to individual watercraft or property.

Dale - maybe we should keep the 10 mph speed limit and add to it something about resuspension of sediments.

Bob - is there a definition of idle speed?

Lt. Taylor - [paraphrase] the slowest possible speed, not exceeding 5 mph, that maintains steerage so that the wake or wash created by the watercraft is minimal.

Bob - that's the definition we want.

The group agreed to change item a to: " be changed to idle speed, as defined in existing IC 14-8-2-129."

Jed - what is the percentage of people who will abide by this? I don't think many will.

Lt. Taylor - this recommendation won't have smooth sailing—it depends on the segment of the public you are looking at. The anglers are most impacted here, and they're probably not the problem.

Holly - I beg to differ.

Tom - from my experience, the property owners around the lakes already idle in and out.

Holly - the people who are going to break the law will break it no matter what it is. The people who care about it will follow it regardless of what it is.

Dave C - any comments in items b and c?

Scratch the word "should" in both.

Carol - in item b, the word "danger" should be "problems associated with"

Tom - it would be possible for personal watercraft to leave the shoreline within the legal limits, and then to rev the engines and really stir up the bottom.

Holly - I own a personal watercraft, and you cannot rev the throttle and not go faster. There is no neutral.

Jeff - I think this concern is already covered when we say idle speed.

Al Schnellker - personal watercraft that are cold sometimes need to be revved up when they are first turned on, to keep the engine running. This can stir up the bottom.

Gwen - will officers include this kind of information in the boater education course?

Lt. Taylor - it is a canned program; however, if this recommendation was carried forth, information such as this would probably be plugged into the canned program.

Dale - the last 3 words of the issue statement need to be changed to "guaranteed by instituting a standard that reduces wake and wash."

Jed - I still feel this is too prohibitive, and 15a gets at most of this, and we can target specific areas. I don't think we're going to get compliance.

Jeff - Salamonie and Mississinewa Reservoirs both have idle speeds all the way out of the marina, and it works well there.

Holly - whether its enforceable or not, we should make it the best it can be.

Jed - but there is a big group of people who operate under 10 mph, but who will not want to go all the way down to idle.

Tom - I would like to think that we can give the public information that will inform them of the detrimental effects of boats on the lakes and that they can be convinced that this is important for the future of the lakes. What we have here is a reasonable compromise—it's a step in the right direction. I support this firmly.

Dave H. - we have zones on state-owned reservoirs already.

Jed - but this is broad application, not zones. I'm for slow speed, but not idle.

Tom - I think this will have an impact. It is not perfect, but it will help.

Jed - I can go along with this if it's the will of the group, but I don't want to see a proliferation of buoys, either.

The recommendation was approved with changes

Recommendation #19 Separation of combined sewer systems.

Discussion:

Jan - the previous version of this recommendation was reviewed by staff at IDEM, and the concerns they had have been addressed in this draft. This is pretty close to what we want.

The recommendation was approved without changes.

Recommendation #27 Trace pesticide concentrations in drinking water sources

Discussion: None

The recommendation was approved without changes.

Recommendation #37

Discussion:

Bill - in the last sentence of the issue statement, correct the spelling of "website."

Sen. Meeks - add "that" and remove "should" from the recommendation.

Jed - minimize the emphasis on relocation in item b. Take out "including nest disturbance and relocation."

The recommendation was approved with these changes.

Recommendation #39 PCB and mercury contamination of fish in Indiana lakes

Discussion:

Jed - did we have a recommendation that dealt with trace pesticides in fish tissues?

Jan - no, that's a good point.

Jan - these 2 are the long-term problems. They bio-accumulate in fish.

Jed - can't we expand the recommendation to cover more than just these 2?

Carol - we test for everything in fish tissues, and we very rarely see any pesticides above FDA standards and action levels.

Dale - we could mention in the problem statement that we recognize other substances may become a problem, but we're not seeing other things as problems right now.

Carol - PCB and mercury are what drive the fish consumption advisories in Indiana, but it would be good to add something in the issue statement.

Jan - we will add a statement recognizing the potential for other contaminants in fish tissue. Carol will get DJCA this statement for insertion.

Dale - on item d, is this something that we have the current expertise to do?

Carol - people call us to ask where they can go to fish without having to worry about contamination. They don't ask where NOT to fish, they want to know where they SHOULD fish. Item d would address this need.

Jim Ray - in item e, is that stated as it should be? The state budget agency doesn't have control over funding. It is up to the legislature and the agencies.

Sen. Meeks - the budget agency is the group that determines if the proposed budget will go to the legislature, so this is where it should be.

Jim - maybe it should be "the administration continue to support..."

Jed - in item c, remove "their excellent work and."

Jed - can we do anything to reduce the scare tactics currently incited by the media over fish advisories?

Gwen - based on Jan's comments, maybe we should say in item c: FCAs continue to make a proactive effort...get accurate information out to the public."

The recommendation was approved with these changes.

Recommendation #40 Wastewater treatment plants' discharges into Indiana lakes

Discussion:

Holly - what does the last paragraph of the issue statement or item f have to do with the title? They don't belong.

Tom - then let's revise the title instead of changing the recommendation.

Bill - the last paragraph could be deleted—it is covered in other places. This recommendation reinforces other things, but does it cover any new ground? Is it needed?

Jan - it was mentioned in Angola, and we wanted to address it specifically.

Someone said we should recommend that minor dischargers be inspected annually.

Jan - we have not had enough inspectors in the past, but things have improved in the last couple years. I could take this proposed change back to the appropriate people in IDEM and see if they would agree to it.

Holly - if the Work Group thinks sewage treatment plants need to be inspected annually, then we should recommend it that way. I don't see why we need anyone's approval.

Carol - annual inspections of major and minor dischargers are what is intended here. Minor dischargers are included in the issue statement. When item a says: "continue their scheduled visits," it means annual visits.

Jed - then we should make it say: "continue annual visits.."

That was agreed.

Dale - I like item b—communicating back with inspectors. Maybe we should put the 1-800 response number here and encourage people to use it.

Dave C. - We recommend that we should try to keep the recommendations free of this kind of information, but we will try to capture all of this kind of information for inclusion in the web site.

Jed - this doesn't address closure of a lake. Who decides to close a lake, and who enforces it?

Holly - the health department can close it, but they can't enforce it.

Jan - if a treatment plant is malfunctioning, and that causes the lake to be closed, then IDEM can come in to enforce, but only at the source.

Jed - it should be added in here somewhere, because no one currently can enforce it.

Gwen - maybe this could be added to approved recommendation #24.

Holly - #24 is about bathing beaches. We can already close beaches, just not the lake.

Gwen - we could change the title of #24 if we needed to, but I think 24 is the appropriate place to deal with the issue.

Dale - there are 2 issues here—the authority to close the lakes, and the enforcement of the closure.

Dave C. - I recommend that a subgroup should handle this issue. The question is whether it should be in this recommendation, or in #24, or make it its own recommendation?

Gwen - I think it fits best in #24, and we should change the title.

The group agreed.

Dave - is there anything else in #40?

Carol - in item b, remove the second "with."

Dave - what about item f? Is it addressed here?

Carol - I don't have any problem taking it out. It may be a bit redundant for this purpose.

The group agreed to strike item f and the last paragraph of the issue statement.

Gwen - in item d, strike "final 1996" to make it more timeless.

The recommendation was approved pending the additions from the subgroup. Jan said they would do it at the end of the meeting so this could go out in the next mailing.

Dave C. - we have several other things we need to cover today, so we will address the 4 or 5 recommendations we have left at the next meeting.

Status of Legislative Recommendations

Prior to this meeting, DJCA reviewed all of the approved recommendations and pulled out 4 of them that specifically called for legislative action. DJCA sent these to Sen. Meeks, who gave them to LSA for putting into bill format.

Sen. Meeks distributed these 4 draft bills. Bill #3059 was Work Group #3. Bill 3056 was #4. Bill 3050 was #11. Bill 3051 was #15.

Sen. Meeks - these are preliminary drafts. One of them needs more work, and all of them need to be reviewed by the Work Group to make sure they capture what we wanted in our recommendations.

Phil mentioned that there were a number of other approved Work Group recommendations that MAY need legislation, but that the list we DJCA sent Sen. Meeks only included the ones that mentioned the state, the legislature, or the General Assembly specifically. The Work Group will need to decide which of the other ones should seek legislation.

Sen. Meeks - bring a list of these to the next meeting, and the Work Group can decide which ones to put into bill format.

Jed - #49 that we just approved should be drafted by LSA and included with the next mailing in bill format.

Dave H. - we need to discuss a strategy for how to support these bills in the legislature. Add this to the agenda for the next meeting.

Web Page Concept and Final Report

Dave said that DJCA will come to the next meeting with a draft concept for how we will get this information out. We will also come with a budget update to show how much money we have left to develop the web page and final report.

Dave reminded everyone that the next meeting will be the final time that subgroups will meet. Anyone who would like to introduce new recommendations must give them to the subgroups at the next meeting in order for them to be considered by the full group at the October meeting. Phil said that anything to be included in the next mailing must be received at DJCA's office by August 31.

Future Meetings

Tuesday, September 28, 1999

Tuesday, October 26, 1999

Thursday, November 18, 1999 - This will probably be the final meeting.

Indiana Lakes Management Work Group

September 28, 1999

10 AM - 3 PM

NRCS State Office, Conference Room

MEETING SUMMARY

Members Present

Gwen White	Jan Henley	Thomas McComish	Holly LaSalle	Robert Madden
Sen. Robert Meeks	Jed Pearson	Bill Jones	Jeffrey Krevda	Charles Gill
Rep. Dennis Kruse	Robert Eddleman	Sen. Katie Wolf	Dale Pershing	

Members Absent

JoEileen Winski	Mark GiaQuinta	Anne Spacie	Garry Tom, Sr.	Stephen Cox
Richard Kitchell	Rep. Claire Leuck	Brian Daggy	Lisa Barnese-Walz	
David Herbst	Lt. Ralph Taylor	Don Seal		

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Dave Case welcomed everyone to the 22nd meeting of the Lakes Management Work Group. Introductions were made. The following members of the public were in attendance:

Jim Ray Carol Newhouse Mike Goldman

Dave reviewed the agenda. This was to be the last meeting at which the subgroups would meet separately from the full Work Group, but since there was little subgroup work to be done, the Work Group agreed not to break into subgroups.

The agenda was rearranged slightly to allow the Work Group to try to complete its review of all the pending recommendations before addressing the approved recommendations that may require legislative action. Senator Meeks confirmed that if the Work Group identified all of the additional recommendations that require legislative action at the October meeting, that would still allow enough time for the legislation to be crafted and the proposed bills to be introduced.

Meeting Summary Edit

Dave asked for changes to the 8/18/99 minutes. There were none.

Budget Update

Phil reported that after today's meeting, there will be approximately \$15,000 left in the budget. He said things are right on track for DJCA to be able to facilitate the October and November meetings, to prepare the final report, and to develop the initial web site for lakes information.

Jed - So there would not be money to hold an additional meeting?

Phil - We could hold an additional meeting, but any time spent on the meeting would be less time available to work on the web site.

Dave clarified that DJCA is paid hourly, and we can spend those hours wherever the Work Group desires. However, we recommend that the Work Group try to stick to the draft schedule that we outlined several meetings ago.

Lakes Web Site

Phil described the web site concept. The idea is to make the information as useful and useable as possible to the public. It will have three main purposes:

1. provide quick and easy access to information on a broad array of lakes issues (the site will primarily link users to existing sites, but it will also contain some pertinent information that cannot currently be found on the web);
2. serve as a communications tool for users and managers of lakes throughout Indiana (the page can be updated periodically with new information regarding lakes, which can increase the knowledge and involvement of lakes users); and
3. serve as the web site of the Indiana Lakes Management Work Group.

Phil distributed a draft home page and a survey form. DJCA needs all Work Group members to review the survey form and provide input as to what information needs to be included in the web site. The survey form has an initial listing of topics and categories of information that was assembled from the Angola meetings. The Work Group needs to look at this and let us know if there are additional topics that need to be added, and more importantly, what are the sources of information currently available to address these topics. Please provide us with existing web site links, brochures, articles, agency offices, etc. The usefulness of this site will largely be determined by the amount of input we get from the Work Group.

Tom - each major category of the web site could have a list of other sources of information, such as literature citations, etc., where people could go for more in-depth information.

Phil - yes, that's a great idea. Please get us lists of citations or anything you think would be useful to a person coming to the site seeking information about any of these topics.

Phil also mentioned that this survey form had been e-mailed to all the Work Group members who have e-mail addresses, and he asked those members to return as much information as possible electronically.

Jed - who will maintain the web page? Should the Work Group recommend something?

Dave - it has not been determined at this time who will maintain it. So far, no recommendation has been made, but it probably should be.

Bob Madden - maintenance is a big issue. We need to allow for this to be maintained over time or it will not be as useful.

Bill - sites change frequently. They get moved, changed, deleted. But you can capture a site in its entirety and link to it on your own server, so you have access to it even if it no longer exists on its own.

Phil - the downside to that is that the information is no longer updated by the organization that posted it, so it may become outdated over time.

Bill - yes, but some types of information are timeless and do not need updating.

Discussion of Recommendations

Phil mentioned that the Work Group has assembled a total of 51 recommendations so far. One has been dropped, 2 have been combined with other recommendations, and 41 have been approved, leaving 7 to be addressed. In addition, three approved recommendations have been edited and resubmitted for Work Group consideration.

Recommendation #24 Bacterial contamination at public bathing beaches

Discussion:

This was previously approved, but Jan has proposed changes to make it better (added item b).

Jan - we reviewed it internally, and also the Dept. of Health will approve of this recommendation with the new changes.

Jan also gave some information changes to Issue statement to bring it up to date.

Bill - In the 9th line of the issue statement, change it to "Lakes Freeman and Shafer," instead of saying "twin lakes." People may not recognize this term.

The recommendation was approved with these changes.

Recommendation #7 Stormwater runoff

Discussion:

Bob E. - change 7b to: "...assistance to SWCDs and local municipalities for implementation..."

Bill - does "local municipalities" mean cities, towns, counties, or what, exactly?

Jan - make it "local units of government" instead of "local municipalities". All agreed.

Gwen - in 7a, implementation by whom?

Bob Eddleman - probably should also be local units of government.

Sen. Wolf - the law says counties.

Gwen - we need to clarify this language and make it consistent with the initial legislation. Gwen will do this and get the revised language to DJCA.

The recommendation was approved with these changes.

Recommendation #50 Regulation of fishing tournaments on IDNR reservoirs

Discussion:

Jan - what is the relationship between #50 and #1?

Jed - we think we can drop #1 at this point. Number 50 takes its place.

Tom - there is a typo in the 4th paragraph.

Bob - recognize that this recommendation will cause conflict, but it is the right thing to do.

Bill - I'm confused by the wording in the first line of the recommendation - "site specific."

Gwen - just cite the code here instead of saying "code site."

This was agreed to, along with adding parentheses around: "(specific . . . tournaments)"

Jan - in the 2nd line of the 2nd paragraph of the issue statement, strike "and" and add "which"

Bill - it should be "that" instead of "which."

Gwen - also in the 2nd paragraph - say: "all but Monroe Reservoir" instead of "all but one."

DJCA will edit this section and make all changes.

The recommendation was approved with these changes.

Recommendation #39 PCB and mercury contamination of fish in Indiana lakes

Discussion:

This recommendation was previously approved, but changes were made to the issue statement by IDEM that need to be approved.

Carol - the 2nd paragraph was added.

Jan - there is a typo in the 3rd paragraph. Also, in the 4th paragraph, last sentence, change it to: "providing such information is the *purpose* of the Indiana FCA."

Carol - the 2nd to last paragraph was stricken originally, but has reappeared in this version. It should be stricken again.

Jim - in light of these changes, does the title need to be changed?

Carol - the last sentence puts the focus back on PCBs and mercury, but it might be better if it was changed to reflect the wider focus.

Bill - call it "chemical contamination of fish in Indiana's lakes." The group agreed.

Gwen - what about disease concerns of eating fish?

Carol - that's not dealt with here.

Tom - concerning the last paragraph, carp would be a minor species in lakes, as opposed to rivers. What does this paragraph give us?

Carol - this section responds to earlier Work Group questions about why carp appear most on the fish consumption advisory list. This is intended to answer these questions.

Carol will edit the last paragraph and get it to DJCA.

Jed - the recommendation should include other species that are sought by anglers.

Tom - add to item a: "and include fish species commonly caught and consumed by the public."

In item c, replace "ameliorate" with "clean up."

The recommendation was approved with these changes.

Recommendation #18 Reorganization of state water quality agency and/or policies

Discussion:

This recommendation was returned to the watersheds subgroup at the last meeting. Let's review it now as a full group.

Bob Eddleman - In the issue statement, change the last 2 sentences to read: "Current funding policies limit the agencies' ability to deal with problems on a watershed basis. Current policy is based on "putting out fires" rather than proactively addressing issues."

Bob Madden - item b - strike "political expediency"

In item f - change "encourage" to "require"

Jan - in item f, strike: "for design" and "adequate" and "inspection to ensure the work."

Bill - is this a reorganization of watershed programs?

Jeff - one agency doesn't know what the others are doing. There are not enough field agents available. We're not using our resources wisely. This item tries to bring attention to this.

Bill - but we've got recommendation #4, which consolidates some of this, and #45 does more of this. I can't support #18 because it is redundant, and I don't want to create a new state agency. We cannot let all three of these recommendations stand as they are, because they are opposed to each other. I think we've addressed a lot of these concerns. I would like to see this recommendation deal with watersheds alone and delete item a and maybe some of the others that we've already dealt with.

Dale - I think we could add some of this to existing recommendations.

Carol - it also overlaps with #31, which deals with drainage issues.

Sen. Meeks - item g probably won't happen, because that's what the LARE money is for.

Jeff - the original idea was to come up with a structure that would require drainage interests to take care of the problems that they create. It has been reworked so much now, that it may no longer do what it was intended to do. My goal is to have county government pay for the problems they create with drainage practices.

Sen. Meeks - so, you want the counties to follow the drainage handbook.

Jeff - as it stands right now, we're using our lakes in Indiana as sediment traps. Everything is set up that way.

Sen. Meeks - it has all been set up to get rid of the water as fast as possible. We haven't done a very good job at changing this thinking. The drainage handbook makes attempts at changing some of this.

Bill - #31 makes attempts to address some of these things. I hate to see us reinvent it. Maybe we should add to #31 or some of the others to make it better. The only new things in this recommendation are in items b, c, d, and e. Is this enough to make an entire recommendation?

Bob Eddleman - I agree that we may be able to move these into other recommendations.

Tom - if we do, we must change the title.

Dave Case - let's take these one item at a time.

Item a - group agreed to delete it.

Item b -

Bill - #45 is about lake activities. I strongly believe that we need a watershed recommendation that should include the drainage board activities.

Tom - this whole recommendation probably should be about watersheds.

At this point, Dave shifted the discussion to item g:

Bob Madden - in item g, I've been told that there is no money for lake dredging in Indiana. Is this true?

Sen. Meeks - DNR's position has always been that riparian owners benefit most from lake dredging, so they should pay for it. I think LARE money should be used for these types of projects. I'm going to file a bill that says that the LARE money should be used only for work on the lakes, not up in the watersheds. It may also propose an increase in the boating fee.

Jeff - I tell people that if they are on a ditch channel, they should look to the county for funding their dredging projects, because it is the counties that are sending in all the silt. But, if they live on a channel that is only an access channel, then I tell them that they need to pay for it. They usually accept that.

Bill - how about a new recommendation regarding dredging; encouraging the use of Build Indiana funds for dredging?

Bob - If Sen. Meeks thinks the original intent was for LARE money to be used for dredging projects, maybe that's what this recommendation should say.

Holly - lakebed dredging has to be permitted by DNR and it has to be funded. I've paid to dredge my own channel twice. But this doesn't help with the siltation that is 3-400 feet out from my dock. I still can't get to the open water.

Bob Eddleman - I don't think there is any disagreement in the overall discussion here, but the money is not there in LARE funds for dredging. Dredging one lake could use up several years worth of LARE funds. The lake is a reflection of the watershed. We've got a recommendation for Clean Water Indiana; maybe we need a recommendation for lake rehabilitation.

Jed - I see more requests for dredging in lakes where construction has caused the siltation. We can't spend public money cleaning this up.

Senator Meeks - I agree with that.

Jim - The Soil Conservation Board agreed early on that the LARE money would not be sufficient to address big issues like dredging. The Board made the conscious decision to use the money to try to prevent the problems from occurring, and for educating people about what is going on in the watershed. There is no disagreement that dredging may be needed, but the LARE funds are not sufficient to address that issue.

Bob Madden - but we shouldn't shy away from the problem just because there currently isn't enough money. We need to make a recommendation. We have a problem—our lakes are filling in, and we need to recommend a solution.

Sen Wolf - in my district, we have been working on this problem for years. We have done education, silt traps, and soil conservation measures. Then we used Build Indiana funds to do some dredging. A big reason we got Build Indiana funds was because the dredging helps protect and maintain the significant state revenue source that these lakes generate through tourism. I think we are about done asking for funds. It has been a long process, but we are getting there.

Dave - so what should we do with this recommendation?

Bob Eddleman - in approved #45d, insert “and their watersheds” at the end of the sentence. This will bring attention to items 18 b and c. We could then eliminate b and c. We said f is covered in #31, so that leaves items d and e. Item e is in the drainage code already, I think. Perhaps d goes with e. Or, we could change item d to say: “fund local costs of watershed projects...”

Dave - Let's try again to go through each item to see if they are covered or can be moved.

Item a - delete.

Are items b and c covered in the change Bob made to 45d?

Bill - I think b, c, and d should stand alone at the watershed level, not added as an afterthought.

Bob Eddleman - I agree with that.

Rep. Kruse - change the title to: “Importance of watershed management and related lake needs.”

Bill - I see this as being just “Watershed planning and management.”

Dave - We need to rework the issue statement. It should include items b, c, and d. Strike a and e.

Gwen - item f is already covered elsewhere, so strike it, too.

Item g will become a separate recommendation.

Bob Eddleman will draft a new issue-problem statement and distribute it for review.

Lunch

Public Input

Jeff spoke as a member of the public. He referred to the packet of information from Commonwealth Engineers that was distributed with the last mailing: “The issues raised here are very serious. Most of the dredging jobs I do will not pass the test parameters being used by

IDEM right now. IDEM is trying to work on resolving this situation, but if these standards for return water are not changed, hydraulic dredging is no longer an option. My well water will not even pass the standards being used right now. Another problem is that NPDES permits can take a lot longer to get than the other permits, so that can really hold up the whole process. I would like to see a recommendation come from this Work Group to address this situation. I will abstain from this discussion, because it could be seen as a conflict of interest.”

Dave - we should treat your comments like any other public member that speaks to the group. I will put this issue on a list of other items to be addressed when we get through the rest of the agenda.

Jeff - Commonwealth Engineering is working with IDEM and the Corps right now. We just need this to be a cooperative effort.

Bill Jones offered to craft a recommendation concerning dredging that will incorporate item g from #18 as well as this issue.

Funding for Recommendations

Dave - earlier, Sen. Meeks talked about introducing legislation that would increase the boating fee. Do we need to discuss this now?

Carol - I don't have a problem with this. I think a \$50 fee would still be fine, as long as the money was used on the lakes.

Sen. Meeks - I'd like to see what this group thinks of this idea. I've had trouble finding a funding mechanism to do this kind of work.

Bob Eddleman - I think recommendation #2 (Clean Water Indiana) addresses the issues, but the General Assembly passed it, but did not fund it.

Tom - many of the recommendations that we have approved have great financial needs. Many involve the boat owners, directly or indirectly. They all need funding.

Dave - for the sake of discussion, does someone want to make a recommendation such as: the Work Group recommends that the LARE fee be increased from \$5 to \$15 and that the increase be used for in-lake purposes.

Jim Ray - for clarification, about half of the LARE money already goes to in-lake purposes (including diagnostic studies, design, construction, etc.). If anyone believes that none of the money is being used directly in the lakes, they have been misinformed.

Gwen - some time ago, Lt. Taylor offered to make a recommendation concerning funding for all of the recommendations, but he thought it should be done near the end of the recommendation process.

Dave - We should take him up on this offer now. Sen. Meeks should work with Lt. Taylor and Jim Ray to craft such a recommendation.

Rep. Kruse - but we can't abandon work in the watershed, or else the problems will keep coming up. Even if we dredge, the lake will simply fill back in again.

Sen. Meeks - we've been working in the watershed since 1990.

Tom - the problem wasn't created overnight; it won't be solved that way either. There are many recommendations that have many needs. These funds should go toward a lot of different projects.

Jeff - lake associations are becoming educated about these issues without knowing it. They convince the legislature they need money from the Build Indiana fund, then they go back and figure out where the problems really are.

Dave - this ad-hoc committee will look broader than just the boating fees. It will look at funding all the needs contained in the recommendations. Is there anyone else who needs to work on this committee?

Carol offered to serve on the committee to help with 314 and 319 programs, etc.

Lt. Taylor or someone from the ad-hoc committee will get the new recommendation to DJCA for distribution in the next mailing.

Recommendation #42 Threats from petroleum compounds and other volatile organic chemicals

Discussion:

Dale - as background, this is designed to take a look at the potential threats to Indiana lakes for contingency planning, not to address existing problems.

Tom - in item a, how do we decide where the signs should be placed? Anything could happen, almost anywhere. We could spend a lot of money on signs.

Dale - that's a good point; perhaps prioritization should be made to areas that have surface storage, major rail routes, etc.

Jeff - all transportation carriers are required to have an emergency plan on board. It is covered.

Dale - move the second sentence of item a up to the issue statement and remove it from the recommendation.

Bob Eddleman - I would just strike the second sentence of item a. Group agreed.

Carol - change item a to read: "...fueling practices and emergency numbers should be..."

The recommendation was approved with noted changes.

Recommendation #44 Formation of the Indiana Lake Council

Discussion:

Phil read some comments he received from Dave Herbst: "I've been thinking about this recommendation and struggling with it all summer. This recommendation confuses the issue. We have already approved #45, and everything in #44 should be accomplished through implementation of #45. When you ask for state funds, and when you are coordinated by the state, you have created new bureaucracy. These things should be done by state agencies. I just don't think it makes sense."

Gwen - the original intent of this was that implementation of all the recommendations would be done by many different groups and individuals, not just the agencies. This Council should be something like this Work Group, or like the Indiana Wetlands Conservation Plan group. I don't see this as contradictory to #45. I would think the agencies would benefit from having outside input.

Tom - maybe the charge to this proposed group should be pared down, so that it is more advisory in nature.

Sen. Meeks - it should be an oversight committee. It should track the implementation of recommendations, instead of trying to govern them. They could review the implementation, without authority. This committee could meet at the call of the chairman to review whether action has been taken on the recommendations.

Gwen - the functions listed here were taken from the Land Use Council. They may not all be appropriate.

Tom - the short title could be: Continuation of the Indiana Lakes Management Work Group. Develop the issue statement to deal more with the things we've just discussed. Mandate that the group meet at least twice a year in addition to at the call of the chair. These meetings could include public testimony.

Sen. Meeks - normally, a legislative council has a \$9,000 cap.

Bob Madden - I like this idea of an oversight group. Even if #45 gets done, it will take months. What happens to everything else while we wait? We've done good work, we need to keep it going. This group should meet at least quarterly. Number 45 ought to be one of the recommendations that has a bill drafted for it. Let's make it happen.

Holly - meeting twice a year is not enough. It should be at least quarterly.

Tom - what about money constraints?

Sen. Meeks - we will have to give the executive branch a little time to implement these things, and the DNR budget probably can't provide any more money for it.

Bill - I think twice a year is more than enough. Things won't move that quickly. If we meet quarterly, we may have meetings in which there is nothing to report.

Sen. Meeks - just knowing that meetings are coming up will force agencies to keep working.

Dale - how do other oversight committees work?

Sen. Meeks - the Rail Safety Committee has forced INDOT to take action that they never would have otherwise. This committee would be an appropriate group to do this. It would work much better than a council created from scratch that has no knowledge of the recommendations.

Jeff - this could work the opposite way, too. The council could work as a voice for DNR and IDEM to take their ideas to the legislature without repercussions.

Sen. Meeks - this committee could also be the entity that oversees the web site.

The legislative council appoints the interim study committees. The recommendation should be to extend the life of this work group and to review the implementation of the recommendations.

Gwen will draft a recommendation and get it to DJCA by Oct 8. And get it to Sen. Meeks for submission to LSA.

Recommendation #51 Statutory authority pertaining to lakes

Discussion:

Bob Madden - the idea was to combine all the codes that affect lakes into one.

Jim - currently, there is confusion about the different kinds of legal lakes. This would address some of this as well.

Sen. Meeks - this is beyond what LSA could draft into a bill. This would require recodification, which would require a summer study committee.

Rep. Kruse - you could also bring all the codes together into a booklet.

Gwen - this booklet could be similar to the boating regulations booklet that the Division of Law Enforcement has. It is very useful.

Rep. Kruse - if we do have a booklet, someone will have to fund it.

Gwen - I think this recommendation needs an item b: "clarify legal definitions where necessary to improve implementation and enforcement of lake related statutes and regulations."

Sen. Meeks - I can take this recommendation to LSA for their opinion on how to handle it.

Rep. Kruse - if you pull all of these things out of different code books, it will leave holes in all of the rest of the laws. This could be a huge project.

Jeff - would this include all types of watershed laws, or just those pertaining to lakes?

Rep. Kruse - it could be anything.

Jeff - it should include watersheds, to show how important they are.

Dave - Sen. Meeks will take this to LSA for comment, and then we will re-address it at the October meeting when Lt. Taylor and Jed Pearson are here at the meeting.

Recommendation #20 Nonpoint source pollution control

Discussion:

This recommendation was already approved, but Jan and Carol added information and wanted to resubmit it to the group.

Jan - these changes make it stronger and don't water it down.

Gwen - does #20b make #2 unnecessary?

Bob Eddleman - it seems that way. We should strike recommendation #2. The group agreed.

Bill - is there enough mention of Clean Water Indiana in #20's issue statement to justify \$20 million? We need an expansion of the issue statement to explain what CWI is all about. Carol will get a revised statement to DJCA by October 8.

Bill - there is no documentation to suggest that septic systems are a big problem in lakes. Eroded soil is a much bigger problem and it is not even mentioned. Need to add soil erosion here. In the 4th line of the issue statement, make it read: "...affecting lakes are eroded soil, septic systems which are failing..." The group agreed.

Gwen - in item c, why is the word "monitoring" in there?

Bill - scratch "monitoring." The group agreed.

Sen. Meeks - what is the shortfall we are replacing in item c? People will want to know the amount.

Carol - the \$2 million mentioned here will fund the entire monitoring program at a higher level than it previously operated, as well as replacing part of the shortfall left over by the end of the 314 program.

The recommendation was approved with these changes.

BCS Subgroup Recommendations

Phil - two recommendations were distributed in the mailed package to BCS subgroup members only. They were going to address these in today's subgroup meeting. Because the group elected not to meet as subgroups today, let's address these now as a full group.

Un-numbered Recommendation from BCS Subgroup - Continued funding for lakes monitoring and assessment

Bill - isn't this the same as #20?

The group agreed that, because the issue has been addressed in #20, this recommendation was deleted.

Un-numbered Recommendation from BCS Subgroup - Citizen point of contact for lake information

Holly - who is going to staff it?

Bob Madden - it makes sense, but it needs a person to do it. Same person who does the web site?

Dave - I recommend we delete this as well - this function should be addressed in the recommendation that deals with the continuation of this group.

Bill - I think they are different. This requires someone full time, not a quarterly meeting.

Dave - I agree with that, but I'm saying that this position will be identified and defined in the discussion that goes along with recommendation #45.

It could be added as an example of 45b.

Gwen - something from this issue statement should be added to 45's issue statement.

Sen. Meeks - maybe we should keep it separate. It will be hard to find this buried in #45.

Gwen - can we make an index to the report that helps you locate the issues that are within the recommendations?

Sen. Meeks - that would cover it.

DJCA will move part of this issue statement to #45's issue statement.

Dale - we may need to check the short titles on all of these to make sure they are still accurate.

Status of Legislative Recommendations

Sen. Meeks distributed the LSA drafts of 2 previously approved recommendations (#9 and #31). The LSA draft number for #9 is 3293. The draft number for #31 is 3288. Dave said to bring all the LSA drafts distributed to date to the next meeting for review.

Summary of Issues from Angola

Jan distributed a summary of the issues raised at Angola and the recommendations that have been brought forward to address them. This shows the issues and concerns that have been addressed by the Work Group, and also shows things that were mentioned at the Angola meetings for which no recommendations have been made.

Dave reminded everyone that it has never been the goal of the Work Group to address every single issue that affects Indiana's lakes. He encouraged members not to try to add recommendations at the last minute only for the sake of having a recommendation for every issue raised at Angola. Instead, use this list to identify where the real holes are. Use it to verify that we have not overlooked issues that we intended to cover.

Jan - we have made 5 or 6 recommendations that were not mentioned directly at Angola. All the rest of our recommendations address issues that came up at the original meetings.

Bob Madden - thanks for the effort, Jan. This will be a great help.

Future Meetings

Tuesday, October 26, 1999. Meeting will probably be in the Statehouse. Watch for the announcement that will come with the next mailing.

Thursday, November 18, 1999 - This will probably be the final meeting.

The Work Group agreed to begin the last two meetings at 9 a.m. instead of 10 a.m., and to work as long as necessary to complete the work on the agenda.

Indiana Lakes Management Work Group

October 26, 1999

9 AM - 3 PM

Indiana Statehouse, Room 233

MEETING SUMMARY

Members Present

Sen. Robert Meeks	Sen. Katie Wolf	Rep. Claire Leuck	Rep. Dennis Kruse	Gwen White
Jan Henley	Thomas McComish	Robert Madden	Jed Pearson	Bill Jones
Charles Gill	Lt. Ralph Taylor	Robert Eddleman	Dale Pershing	Mark GiaQuinta
Lisa Barnese-Walz	Brian Daggy			

Members Absent

Holly LaSalle	JoEileen Winski	Anne Spacie	Garry Tom, Sr.	Stephen Cox
Richard Kitchell	Jeffrey Krevda	David Herbst	Don Seal	

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Dave Case welcomed everyone to the 23rd meeting of the Lakes Management Work Group. Introductions were made. The following were also in attendance:

Eric Myers Harry Nikides Phil Bloom Randy Braun Lyn Hartman

Meeting Summary Edit

Dave asked for changes to the 9/28/99 minutes. There were no changes.

Lakes Web Site

Phil showed a demo of the lakes web site from his computer. The home page contains a list of 12 "Hot Topics," and a longer list of "Other Issues." Members should review these and let DJCA know if the topics and issues are organized correctly. Nothing is set in stone at this point, and topics can be moved around as needed. He asked for comments on the demo.

Gwen - in the description of the Work Group on the first page, change the number of citizens that participated in the Angola meetings from 350 to 600.

Senator Meeks - in that same section, be sure that there are links to the overall list of problems and challenges from Angola *and* the prioritized list.

Phil said that any of the listed topics could be linked directly to a search of the Internet that would pull up all the currently registered sites that deal with the given topic. For instance, it could be set

up so that if you clicked on *constructed wetlands*, the search engine would go out and find all the sites that have that topic listed as keywords. The advantage to this is that it would always give a current, updated list of sites. The disadvantage is that the Work Group would have no control over the content of the sites that were displayed. After a brief discussion, the group decided it would not be a good idea to have search engine links for particular topics, primarily because it might appear to people that the Work Group endorsed all the sites that were found by the search. The Work Group did like the idea of having a separate section of the site that would provide links to several different search engine home sites (alta vista, yahoo, web crawler, etc.) so users could conduct their own searches for particular topics if they so chose.

Phil distributed a 12-page handout that listed the topics that have been identified for inclusion in the site, and the information (existing web sites, phone numbers, and other sources of information) that has been collected to date for posting on the site. Phil asked everyone to review the web site handout line-by-line, and send DJCA any sources of information that would be helpful to users. This would include (but not be limited to) existing web sites, agency offices, telephone numbers, publications, etc. Members should also review the web site links that are listed for some of the topics. Some of these were found by a keyword search of the Internet, and may not be appropriate for use in the lakes site. It is up to the Work Group to tell DJCA which information is appropriate.

Phil said that DJCA is excited about the amount and quality of information we have to date, but that there are still a lot of topics that the Work Group wants to include in the site that currently have no sources of information identified. When it comes time to actually hang the site on the web, DJCA will delete all of the topics that have no information attached to them.

Phil asked what the Work Group wanted to name the site. The site will be hosted by Access Indiana, so the first part of the address will be: www.ai.org/, but we can call it whatever we want, as long as the name has not been taken already. After discussion, the group decided to call it "Indiana Lakes." DJCA will check on availability of that name.

Tom - asked about the possibility of including lists of private contractors that do lakes-related work.

Bob M. - If we include somebody, we'll have to include everybody that comes to us. This could become unwieldy.

Gwen - the DNR currently maintains lists of contractors that do various types of work. The DNR makes this list available to people as appropriate. There is a "disclaimer" at the top of the list that says the DNR does not endorse these contractors—only provides their contact information as a courtesy. The web site could direct users to the agencies that had such lists.

Tom - complimented DJCA for their work on this web site to date, but reiterated that it is critical that the site be updated over time, because the links will change, phone numbers will change, and

information will change, and if we don't keep up with it, this site will just cause people to be more frustrated than they already are.

Jim - could not formally commit to this, but said he suspected that the Division of Soil Conservation could have a person maintain the site, as long as the site was simple and made up mostly of links to other, existing sites.

Discussion of Recommendations

Recommendation #3

Discussion:

Gwen asked if we could reconsider recommendation #3 (previously approved) while Harry Nikides was present to take questions. She distributed a handout with proposed changes.

Sen. Meeks - I hear about problems my constituents have with inspectors that become like kings. They get into personal conflicts with people and stop actions without review of others. I have trouble giving one person that kind of authority. It ought to have timeframes built into the appeal process to protect the guy at the bottom.

Harry Nikides - We now have agreements with IDEM which allow us to provide permits within a few days. We've been improving the process over time as we learn more about it. IDEM has given much of the approval process to DNR, and we can do it much quicker than the two months it was taking before. Stop actions are not our intent. We give people a number of chances to bring their actions into compliance. It is only when they refuse to do it that we bring in IDEM enforcement.

Lt. Taylor - We approved this recommendation back in April. Watersheds subgroup chose to make this recommendation in vague terms to do what they wanted it to do. When LSA made a draft bill out of it, that has caused the problem. Do we want to edit these draft bills down to the nth degree?

Sen. Meeks - I think we should. The draft bill is just one LSA person's idea of what we meant with the recommendation. We need to make them as good as we can. I want to get the Work Group's comments on these.

Dave - Our first charge is to get all the recommendations in final report form. We probably will not have time to wordsmith each of the draft bills. We want to get through all the recommendations first and then come back to the draft bills.

Tom - We should review the language of these bills if we have the time. One of the roles of the Work Group that continues on will be to take the next steps with these recommendations.

Dave - For now, let's work on the recommendations that still need approval. We will come back to this later.

Recommendation #44 Continuation of the Indiana Lakes Management Work Group

Discussion:

Gwen - At the end of the first paragraph of the recommendation, we designated that the group would meet at least twice a year and at the discretion of the chair. Also, make the opening statement say "over 600 people."

Tom - I think quarterly meetings would be beneficial if we can afford it.

Sen. Meeks - The usual costs of interim study committee is \$9,000. I don't know what the cost of this group would be.

Jim - Many of this group's members come at their agency's expense.

Tom - I recommend we change the last line of the recommendation statement to: "The group will meet at least quarterly each year and at the call of the chair."

Bill - I think we should leave it as is. The current language allows for quarterly meetings if needed. Otherwise, we will HAVE to meet four times, which may be too much.

Rep. Kruse - Change it to: "at least twice a year AND at the call of the chair."

Tom - I think we will need more meetings than two per year.

Dave - I recommend we leave it at twice a year and then have the group convince the chair to meet more often when it is needed.

The group agreed.

Dale - Rework item e so that the web site is updated even if recommendation #44 is not acted upon.

Jed - Change item e to: "coordinate the development and maintenance of an Internet Web site that includes information..."

Tom - Make it: "review and coordinate..."

Bob E - For item e, can we really provide this service?

Jan - This was part of that 1-800 concept.

Sen. Meeks - Distributed preliminary draft bill 3379 (he was working ahead) that would provide for the continuation of the Work Group. He would like to see the same groups and same people on the Work Group to maintain continuity.

Dave - First let's finish the recommendation and then address the draft bill. Do we delete item d? Change it to "... access to technical and legal information." This was agreed.

The recommendation was approved with these changes.

Dave said that we will consider the draft bill that goes with it after lunch.

Recommendation #18 Watershed Planning and Management

Discussion:

Dale - Who decides that a watershed plan is "complete." The plan should meet certain criteria, and not be something that someone just threw together to go after some money.

Bob E. - I think IDEM should establish some criteria. Or, it is up to the agencies giving the money to determine whether the criteria are met.

Tom - Change item d to: "...where a watershed plan has been developed and approved."

Dale - Add: "and approved by the agency appropriating the funds."

Gwen - There currently is not a formalized planning process. It is different at different levels. There are lots of different kinds of watershed plans, and they are not all equal.

Brian - We're piecing this apart. It needs to be slightly vague.

Tom - I disagree. We need to have some validity to it. It can't be something that is just thrown together. This leaves the door open to that.

Brian - State agencies do not give money to plans that are not approved.

Gwen - Make it: "developed and accepted by the funding source." Everyone agreed.

Mark - Should it refer to the geographic area? Should the funding source match the area?

Lt Taylor - I think that encumbers it. I think this language works well. It should be very simple.

Bob E. - Consider on item b, eliminate the word "a" and add s to "plan."

The recommendation was approved with these changes.

Recommendation #51 Statutory Authority pertaining to lakes

Discussion:

Jed - Scratch the existing recommendation statement. Make it read: The Indiana Lakes Management Work Group recommends:

a: That legal authority governing the protection and management of Indiana lakes be periodically reviewed by lake management agencies to identify specific sections of Indiana code needed for inclusion or modification.

b: That legal definitions be clarified where necessary to improve implementation and enforcement of lake related statutes and regulations.

Sen. Meeks - The original #51 was to bring together all the regulatory agencies and combine their roles. I met with LSA three times to work on this. They brought together all the statutes involved and recommended that this would be nearly impossible to do and this group does not have the time to do it.

Lt. Taylor - I don't think it was the intent of the original #51 to do that. I think we've made it too complicated. Maybe we should delete the whole thing.

Sen. Meeks - I just took the words of #51 to LSA as it was, and that is how they interpreted it.

Gwen - At a previous meeting we discussed the possibility of DNR or some other agency putting together a booklet that identifies the various statutes involved. We've lost that thought.

Tom - The new items a and b would be an improvement over the old #51. I hate to see us throw this recommendation out.

Gwen - I propose adding an item c that says "the DNR develop a booklet that outlines the jurisdiction and location of statutes and regulations applying to lake management."

Jed - I think it should be broader than just DNR.

Gwen - The booklet would be broader than just the DNR, but the DNR would compile it.

Bill - In the issue statement, change statues to statutes.

Sen. Meeks distributed a handout from LSA.

The recommendation was approved with these changes.

Recommendation #53 Removal of accumulated sediments from lakes and inlets.

Discussion:

Bill distributed a new version of this and explained the changes.

A new paragraph (last one) was added to the issue statement, and the recommendation was changed to make it a little more in keeping with other recommendations.

Sen. Meeks - I had a bill drafted regarding LARE. It states percentages of the funds that go to in-lake projects vs. projects up in the watershed.

Dave - Comments on #53?

The recommendation was approved.

Recommendation #52 Funding for Recommendations

Discussion:

Jed - In the third sentence of the issue statement, delete: "It is obvious that."

Gwen - I'm confused on last part of item c: "and the control of exotic species of all kinds." It seems redundant.

Lt. Taylor - This wording was developed by several people based on discussions at the last meeting. I was attempting to cover all things, but I'm not married to this wording.

Bill - Eliminate "and the control of non-native invasive plant species." And say: "exotic plant and animal species."

Jed - We approved #29 previously, which deals with some of this. I think we should eliminate this whole recommendation. Why are we targeting only LARE? Why not fishing licenses, etc.?

Lt. Taylor - I'm uncomfortable with a lot of this issue. What you see here is what I was most comfortable with. I think this issue is bigger than this group. The real answer probably lies in #2—to review all the funding sources in a systematic way.

Sen. Wolf - How much would the additional LARE funds called for here generate?

Lt. Taylor - It would add about two million per year extra.

Sen. Wolf - How does the \$15 fee compare to surrounding states?

Lt. Taylor - Ohio has a similar fuel tax and a similar formula for allocation. Last year, Ohio's governor transferred a penny from somewhere else to the fuel tax, and it accounted for about six million in additional fees. But it came from somewhere—something else lost this money. It is a difficult issue.

Sen. Meeks - This recommendation is not realistic in this legislative session because it is an election year. Maybe we should take this proposed increase to the meeting in Angola in May to get a feel for the support of the public.

Lt. Taylor - I think this is broader than just the boating fee increase.

Sen. Meeks - Yes, the entire revenue picture is much broader than just the boater's fee. We need someone to look at the whole picture.

Bob E. - We could move item 2 to recommendation #44.

Tom - Some of the important issues are being addressed with this recommendation. This is a reasonable way to begin to deal with some of the biggest problems that exist out there. We shouldn't mire it down with incorporating it into other things. Leave it as it is. It doesn't have to be acted on immediately.

Bob M. - The issues you just stated are being addressed in other recommendations. Let's add item #2 to the recommendation that provides for the continuation of the Work Group.

Lt. Taylor - I'd like #52 to remain by itself, but Bob is headed in the right direction. The meat of it is that this funding issue needs more work. I think we need to state this in a recommendation that stands by itself.

Jed - Is this just about watershed funding sources only, or is it about all funding sources?

Lt. Taylor - It is headed toward all funding sources.

Jed - Then we need to change the issue statement.

Bill - I'd like to see this recommendation as it is. It at least starts the process of looking at funding.

Gwen - I don't think the Lakes Work Group is the appropriate group to review funding. We don't have that expertise.

Sen. Meeks - But we can invite those experts to our meetings to get that expertise.

Tom - This won't solve everything, but it will be a start. We might change the title to: Recommendation for expansion and use of lake and river enhancement funds.

Bob - I agree with Tom. Take item #2 and put it into recommendation #44, and then keep the rest of this recommendation as it is.

The recommendation was approved with noted changes.

Jed - Now that we added item 2 to recommendation #44, we have to change some of the wording in #52 to make it appropriate.

Modify the short title to read: Expansion and use of Lake and River Enhancement Funds

Bob M. - In item 1c, delete "freshwater."

Lt. Taylor - I disagree. It should be spent on public lakes.

Bob M. - Then Monroe and Geist and Lake Lemon could not get any money.

Lt. Taylor - Change item c to read: "...boundaries of lakes that are accessible to the public as well as control of non-native, invasive plant and animal species in all waters where there is a clear public benefit."

Mark - Make the 4th line of the issue statement read: "...adverse effect on programs that promote lake management efforts."

Public comment

There was none.

Lunch

Recommendation #3

Discussion:

Gwen discussed the proposed changes to the draft LSA bill that was distributed earlier. Randy Braun gave some additional input.

Randy - We support encouraging local ordinances. I don't think we need to require training for the private sector. We are developing a comprehensive training plan now, and we provide a lot of training already. We think education is one of the most important parts of this program. We do not shut anybody down. We send a letter. If they still don't comply, we turn it over to IDEM enforcement, and the operator is still allowed to work until the issue is resolved by IDEM.

Sen. Meeks - Why don't we just say that if the commissioner doesn't respond within 10 days, the operator can continue his work?

Randy - That would probably work. The wording we have here would allow this if the IDEM commissioner gave us this authority. That is our intent.

Sen. Meeks - How many inspectors are there?

Randy - There is a total of about 26 full-time people.

Bob E. - This provision is really for the few bad actors that are around. Right now, an operator can go to work without any provisions for soil erosion control until after two inspections and a warning letter. This bill provides a little bit of a stick to ensure compliance.

Dave - Right now, all I have for changes to recommendation #3 is to the title, changing it to: Enforcement of Erosion Control at Developing Sites (Rule 5). Everyone agreed.

Dave - Now, what about the draft bill that Sen. Meeks distributed?

Gwen - On line 7, strike "stormwater runoff" and replace it with "erosion and sediment control."

Jim - Make the same change to line 4 of page 2.

Jan - In line 28, make it: "adopt and enforce erosion...."

Sen. Meeks will take these changes to LSA for final editing.

Should we add an item that encourages the legislature to consider preliminary draft 3059?

After discussion, the Work Group agreed that the Final Report should have a separate section that lists the draft bills that the work group supports.

The recommendation was approved with these changes.

Recommendation #9

Discussion:

Gwen distributed a sheet of concerns that the department raised about previously approved recommendation #9 - \$5 million allocation to Indiana Heritage Trust.

Dave asked whether we should go back and change the original recommendation or just make the changes in the draft bill that is moving forward?

Lt. Taylor - I think the changes should be to the bill drafts. We don't want to go back and manipulate the work of the group after the fact. It opens us up to criticism.

Eric Myers - This bill only speaks to one land acquisition program, but there is a plethora of them that could be accessed.

Bob E. - I agree. Heritage trust is just one program and there are many more out there.

Dale - We agreed before that we could make changes in the short titles as things change.

Gwen - I think we should modify the recommendation to make it what we want before we draft the legislation.

Sen. Meeks - The Work Group has a unique opportunity here. You have the advantage of being able to craft legislation before it is introduced.

Dave - I recommend that we change the recommendation, and note in the minutes the changes we have made. The meeting summary will show all the changes we made, so no one will be able to say that we made changes behind closed doors.

Jed - I don't think we should reopen previously approved recommendations. This should be done as part of a separate process.

The group did not agree.

Dave clarified that the group wanted to make the changes recommended in the handout that Gwen had distributed.

The recommendation was approved with these changes.

Eric - If we change the draft bill the same way that we change the recommendation, then the payment in lieu of taxes (PILT) language should be broadened to affect all land acquisition programs, not just Indiana Heritage Trust (IHT). Maybe you should draft a separate PILT bill that deals with all land acquisition programs, and not tie it to IHT.

Sen. Meeks said that he would have LSA draft another version of this bill and we can consider which of the two we like the best at the November meeting.

Dave - that is all of the recommendations that have been brought before the Work Group. Does anyone have any other issues that need to be addressed concerning recommendations?

Dale - What did we do with #17?

Lt. Taylor - It is the one that deals with personal watercraft. Because we suspected that a lot of the Work Group's recommendations would at least indirectly affect personal watercraft, we approved the recommendation with the understanding that DJCA would go back at the end of the process and enter the numbers of other appropriate recommendations that refer to this issue.

List of recommendations that may require legislation

Dave - the following list of approved recommendations may require draft legislation—it is not immediately obvious whether they do or not. We need the Work Group to review these and decide if draft bills are needed.

#8, #20, #22, #23, #26, #27, #29, #33, #46, and #47.

After discussion, the Work Group concluded that all of these issues are important and will eventually require legislation; however, the reality of the situation is that this is an election year, and the recommendations that deal with funding issues will not have a chance in this session. Therefore, the Work Group agreed to have LSA draft legislation only for the non-funding-related issues for this session. The recommendations that Senator Meeks will take to LSA for bill drafting include:

Recommendation #8 a and b

Recommendation #23 b and c

Recommendation #26a

Recommendation #29 b and c

Consideration of Preliminary Draft Bills

The following preliminary draft bills have been drafted and distributed to the Work Group:

3293 - Indiana Heritage Trust Program

3288 - Drainage boards and regulated drains

3059 - Stormwater runoff and construction activity - approved

3379 - Continuation of lake management work group

3050 - Boating regulation

3056 - Water resources permit administration

3051 - Boating regulation by DNR

3115 - Public freshwater lakes

Senator Meeks also distributed a concurrent resolution based on recommendation #45.
Dave - let's review each of these draft bills and give feedback to Senator Meeks on changes we'd like to see to make them match the intent of the original recommendations.

No. 3379 (formerly recommendation #44)

Sen. Meeks - I will have LSA add: "meet two times per year and at the call of the chairman."

Jed - Add item 2 from recommendation #52 to the draft legislation as item (j)(7).

The draft bill was approved by the Work Group with these changes.

No. 3288 (formerly #31 - Drainage boards and regulated drains)

Sen. Meeks - I'm not sure whether we can mandate another study committee to do anything. He will check into this and see how to address it.

The draft bill was approved by the Work Group.

No. 3050 (formerly #11 - Boating regulations)

Lt. Taylor - Page 2, lines 12 and 14 may be a hitch. The recommendation says that Indiana should adopt one of these standard levels of measurement, not both of them. We don't care which one, but it should not be both.

Senator Meeks - which do you want?

Lt. Taylor - I guess we would rather have #2. A person who operates a boat must operate the boat at a noise level that is 86 dba or less measured at any distance.

The draft bill was approved by the Work Group with these changes.

No. 3056 (formerly #4 - Water resources permit administration)

Gwen - The Division of Water is currently working on the joint application, but not the rest of it. She will take this draft to them to make sure they are comfortable with it.

Unless Division of Water has problems with it, it will be considered approved by the Work Group.

No. 3115 (formerly #49 - Public freshwater lakes)

Lt. Taylor - This came from the administrative law judge Steve Lucas. He said the wording has to be very specific.

This does NOT require DNR to go back and permit existing piers. This is an important distinction. If your pier is not causing a problem, the DNR will not need or want to permit it.

The draft bill was approved by the Work Group.

No. 3051 (formerly #15 - Boating regulation by DNR)

No discussion.

The draft bill was approved by the Work Group.

Draft concurrent resolution pertaining to recommendation #45

Jed - the 4th paragraph refers to six divisions, but I can think of more that could be listed here. We may not want to be this specific. Let's just say that these are the primary divisions, but not the only ones.

Bill - We may want to add a whereas that mentions IDEM.

Gwen - They are included in the 3rd paragraph.

Bill - but it doesn't say much.

Jan - In paragraph 3, line 2, it is now the state department of health, not the board of health.

Gwen - Paragraph 5 - It should say: "as a result of changes in the late 1940s, pressure on the lake resources has increased, and ..." This was accepted by the group.

Bill - Won't it be extremely difficult to consolidate all these programs?

Sen. Meeks - This recommendation will encourage each department to do it internally, instead of an outside group trying to bring it all together, which would cause a lot of turf battles.

The resolution was approved with these changes.

Final Meeting

The final meeting of the Lakes Management Work Group will be on Thursday, November 18, 1999 at 9:00 a.m. The meeting is tentatively scheduled to be in this same room—Statehouse Room 233.

DJCA will try to send Work Group members a draft final report before the next meeting. If not, we will bring copies to the meeting. At the meeting we will address the final report, the Web site, and the draft legislation from LSA.

Indiana Lakes Management Work Group

November 18, 1999

9 AM - 3 PM

Indiana Statehouse, Room 233

MEETING SUMMARY

Members Present

Sen. Robert Meeks	Brian Daggy	Robert Madden	Gwen White	Dale Pershing
Jan Henley	Don Seal	Jed Pearson	Bill Jones	David Herbst
Charles Gill	Lt. Ralph Taylor			

Members Absent

Holly LaSalle	JoEileen Winski	Anne Spacie	Garry Tom, Sr.	Lisa Barnese-Walz
Richard Kitchell	Jeffrey Krevda	Mark GiaQuinta	Stephen Cox	Rep. Dennis Kruse
Sen. Katie Wolf	Thomas McComish	Rep. Claire Leuck	Robert Eddleman	

Facilitators

Phil Seng	Dave Case
-----------	-----------

Introductions/Agenda

Dave Case welcomed everyone to the 24th and final meeting of the Lakes Management Work Group. Introductions were made. The following were also in attendance:

Lori Kaplan, Commissioner, Indiana Department of Environmental Management

Gary Doxtater, Director, IDNR Division of Fish and Wildlife

Mike Goldman Carol Newhouse Tim Kroeker Jim Ray

Meeting Summary Edit

Dave asked for changes to the 10/26/99 minutes. There were no changes.

Draft Final Report

Phil distributed copies of the draft final report for the Work Group to review. November 30 is the deadline for the Work Group to provide comments on the content.

The Work Group suggested adding an appendix to the report that contains the Work Group member contact information (the list that was prepared for the web site). The Work Group also suggested adding the category headings that were used in the web site to the table of contents.

Dave asked the group if we should keep the status line on the recommendations?

Bob M. - Yes. It is great. It allows people to track how we came to these final recommendations.

Gwen - Since the meeting summaries will be available as appendices, people will be able to track exactly how the recommendations moved forward.

Dave H. - Make each recommendation start with the phrase: "The ILMWG recommends that:"
Also, on page 55, recommendation #34, strike "for registration" in the recommendation statement.

Gwen - Make it read: "assessed annually at the time of boat registration."

Dave Case - We will add an explanation of the renumbering process in the introductory materials. Will tell that it was a complex process.

Dave H. - On page 65, recommendation #41, 3rd paragraph in the issue statement, add (#26) to show where this took place.

Lt. Taylor - On page 39, recommendation #23, item b: the subgroup does not want this to be *exactly* like the motorcycle example. Add: "less the operational skills or driving examination."
Make it clear that we want an endorsement on the license, but that it does not require an operational test.

Gwen - Just delete the end of the sentence so we don't have to clarify. [see Dave's copy]
The Group agreed.

Gwen - I think we should more thoroughly describe the process we used to make decisions in the front matter.

Dave H. - On page 4, under precious resources, remove "irrigation," and add trapping. [Phil see if this is an older version. Didn't we make these changes already?]

Carol - In recommendation #27, page 44: the numbers need to be changed, these are the old recommendation numbers.

Bill - Should we describe how we had meetings located around the state? List the city where each meeting was held in the list on page 3. The Group agreed to this.

Gwen - On page 11, the reference to previous recommendation #3c should be #26a.

Jed - Will the final version have a better design?

Phil - We will add graphics to the beginning of each section, but the recommendations will all be straight text. There was not enough budget to make a full-color publication. The web site plays the role that might otherwise have been played by a fancy final report.

Dave H. - How many copies will be printed?

Dave Case - We will deliver one copy to each Work Group member, and one to Senator Meeks. It is up to the agencies and/or LSA to print and distribute copies.

Dave H. - We need a lot of copies.

Dave Case - Let's bring that up to Senator Meeks when he returns.

Jed - Move the recommendations right up under the issue statements. Don't leave the gap.

Jan - On page 3, the June meeting should be listed as June 14-15.

Jed - In the Preface, p. iii, 2nd to last line, it is the Work Group's recommendations, not the report's recommendations.

Gwen - After the draft legislation is added to the draft legislation section (currently page 76), we should add a statement to the effect of: "further implementation of these recommendations may require additional legislation," or something similar that indicates this is not the sum total of legislation needed to implement the recommendations. More legislation will be needed in the future.

Carol - Look for recommendation #'s in the status lines of recommendations. Some need updating.

For ease of use of the document, always have the recommendation # on the outside of the page, or in the center, or make it stand out somehow.

Gwen - Check for final approval dates on all recommendations. Some do not have it. #s 51, 55, 46, 38. There is a typo on p. 31. Lake Shipshewanna.

Jed - Spell out Work Group, don't use WG.

Jim Ray - We need to check with the legislators on the protocol of submitting the final report to the legislature. Is there anything special we need to do?

Jan - Page 31. 3rd paragraph, should we add a date to the dredging on Shipshewanna? When was it done?

Jim Ray - It was 1998 and 1999. The Group agreed to add this.

Jan - Add a date to other segment as well.

Gwen - Make it read: "In 1999, dredging.....was projected to cost 5.8 million."

Jan - In 4th paragraph, change "don't" to "do not."

Gwen - Add: "Because extensive lakebed dredging can be very expensive, and because there is a severe limitation on funds available through the LARE program, the program currently does not fund extensive dredging projects. However, limited..."

Bill - Add LARE to the short title.

Gwen - Make the title: Use of Lake and River Enhancement Funds for Sediment Removal from Lakes and Inlets.

Senator Meeks came in briefly. He announced that he had draft bills from LSA on his desk upstairs, but that his legislative session was running long. He apologized and said that he would return as soon as possible.

Bob - On recommendation 3a, we still need a draft bill that covers this.

On page 38, #22c, how did we determine that DNR was going to do a booklet?

Dave Case - It was not decided how it would be done, just that it should be done. We would recommend that this function be served through the web site.

Dave H. - In #22c, change "statues" to "statutes."

Jed - Page 71, do not capitalize "geese" in Canada geese. It happens several times.

Bill - Could we move the page numbers to a footer and move the recommendation number to the outside of each header?

Dave Case - We will make it so that the recommendation number stands out, one way or another.

Dave Case - In the interest of time, let's close discussion on the final report now and come back to it later if we have time. Be sure to send us any other changes you find.

Draft Web Site Content

Phil distributed the revised web site handout and explained that this is the web site as it will appear unless we receive additional changes or input. This is what we will post on the Internet (with the addition of anything you send us by November 30).

Dave H. - We need to point out that not all plants are nuisance plants. We don't want to send the wrong message.

Bill - I know of web sites and/or information that may be able to address this. I'll get it to DJCA.

Gwen - Maybe change the category "aquatic plant management" to "aquatic plant health."

Jed - Under hot topics, there are no links listed for aquatic weed control.

Phil - This was our oversight. When we went back and deleted the topics for which no one had sent us any links or information, we failed to remove those topics from the list on the front page.

Bill - Move aquatic plant management up from "other issues."

Lt. Taylor - Has DNR moved forward with the identification of all lakes in Indiana?

Tim Kroeker - We are getting closer. Hopefully it will be done by the end of the year.

Dave H. - On page 2, change 350 to 600. Add the meeting locations to meeting dates on page 2.

Dale - On page 7 under permitting, can this be grouped somehow?

Phil - We can group it if you tell us how it should be grouped.

Gwen - I will get you a potential grouping.

Perhaps we should include the topic list in the report, to give readers a teaser of what is there.

Jed - I'm uncomfortable with where we've left the web site update situation. We need to make it clear that this must be updated over time. The Division of Soil Conservation staff person will probably not have time to do what needs to be done. Did we recommend it?

Gwen - Recommendation 32 includes it.

Jed - The agencies need to understand that they will need to help facilitate this over time.

Dale - In the beginning, when we refer to the Web site, maybe we should add a statement about how this needs to be tended to over time.

Dave H. - On page 5, under outcomes, we could add a comment about how the Work Group encourages the agencies to continue to update.

Gwen - In order for this Web site to remain usable, some agency will have to update it over time. This will require the support of the agencies.

Senator Meeks returned from his meeting and the group turned its attention to the draft legislation developed by LSA.

Draft Legislation from LSA

Senator Meeks - LSA took several of the previous draft bills and combined them into new drafts for our consideration. We felt that fewer bills would be easier to carry and would have a better chance of passing.

Senator Meeks distributed Preliminary draft No. 3724. This contains old recommendation #8 a and b (new #13) and old #23b (new #15b). Comments?

Gwen - This says the septic system must be inspected by the Health Department. We had stipulated that this could be certified by an inspector. Can this be changed?

Senator Meeks - What line of the bill is that?

Gwen - As I read it, I see that the bill is accurate, but the synopsis needs to be updated.

Senator Meeks - we won't worry about the synopsis, as long as the bill is correct.

This draft bill is supported by the Work Group.

Preliminary Draft No. 3644. This contains old recommendation #26a (new #3a), old #15 (new #26), old #14 (new #25), and old #11 (new #23). Comments?

Lt. Taylor - This is the bill we had a problem with earlier, concerning having to pass an operational test to get a boating license.

Senator Meeks - This caused a lot of problems when we revised boating regulations a few years ago. I think there will be opposition from the DNR, from the Bureau of Motor Vehicles, and from others, but I will carry it if it is the will of the Work Group.

Lt. Taylor - We discussed earlier that we do not want this to be *exactly* like the motorcycle endorsement. We do not want this to include the operational portion of the exam, only the written portion. This only applies to motorboats over 10 horsepower.

Senator Meeks - There was also a detrimental effect of everyone having to go back to the BMV for a sticker.

Lt. Taylor - We understand that there may be political problems with this, but the Work Group believes this is what should be done. There must be public awareness once the legislation is passed.

Dave H. - This will meet resistance from BMV in relation to licensing requirement. I'm concerned that this may cause the whole bill to be defeated, and there are important pieces that need to be saved.

Gwen - the point is better educated voters.

Jed - We could take that section out for this year. Deal with it later.

Senator Meeks - I recommend separating that issue out.

LSA will draft a separate bill on sections 6-11 of PD No. 3644.
The Work Group supports PD No. 3644 with that change.

Preliminary Draft No. 3685

Senator Meeks - Addresses new recommendation numbers 43 c & b, #19, and #16.

[At this time, Lori Kaplan and Gary Doxtater joined the meeting].

Jed submitted a letter concerning this bill (43c, particularly) to Senator Meeks. There was discussion about the bill and the letter. Over lunch, Jed created new language for item d: "that IC 14-22-9-10 be modified to require a permit where the area of vegetation control by any method exceeds 25 feet along the shoreline or a water depth of 6 feet."

The Work Group supported the preliminary draft with this change.

Lori - I wanted to attend part of this meeting to tell you that it was a great pleasure to be involved in this work. The draft report shows real progress. I congratulate the Group for all its work.

Senate Bill 120 (Senator Meeks just filed it today)

Senator Meeks - this addresses new Recommendation #35b. Comments?

Gwen - The original recommendation was for Payment In Lieu of Taxes (PILT) funds on all DNR acquisitions. This is only for Indiana Heritage Trust (IHT). The original called for payment from the General Fund, this calls for payment to come from IHT. This effectively reduces IHT funds for other things.

Bill - Would this last forever? If so, eventually, IHT could be using all their money just to pay taxes on previous purchases.

Senator Meeks- Good point. If we make it come from the General Fund, it probably won't fly unless it is a partnership with IHT funds.

Gary Doxtater - My comment is from me as an individual: The property that the Division of Fish and Wildlife buys is open to the public. The attendance at these properties is about 76% nonconsumptive (general public use), yet our hunters' and anglers' license money is what is buying the land and managing it. The state ought to help pay for the taxes lost to the counties because of this fact. I don't have a problem asking the public to share the operational costs.

Lt. Taylor - On the last page of the bill, line 4; why is that sentence in there?

Senator Meeks - So the state is not obligated to fund it if there is no money in the fund.

Lt. Taylor - This would in effect kill the IHT, because at some point the entire fund would be used for payment of taxes.

Senator Meeks - Yes, this should be changed. It is not worded correctly, because it will kill IHT.

Lt. Taylor - Why does it stipulate the federal government? It should include other entities as well.

Senator Meeks - The money should come from the general fund, but I can tell you that this will cause the \$5 million allocation to IHT to dry up. The General Assembly will not want to provide

IHT funds that it will then use to purchase land, incurring a tax burden back onto the state general fund.

We need to create a check and balance so that the state budget agency has oversight over what property is purchased—to they know and approve of what is being done.

Dave H. - What happened to the issue of moving IHT purchases through more quickly?

Senator Meeks - I talked to LSA, and they said there was not a problem.

Gary Doxtater - The bureaucracy has been alleviated, the problem is that we don't have enough people to move the paperwork forward. The process is working pretty well, but there is such a demand on staff that they cannot keep up.

Senator Meeks - I can amend the bill or hold it and file another bill. If the bill gets a hearing, I can talk to the senate finance chair to see if he would be willing to agree to the changes we've discussed here.

Jed - I think this moves too fast.

Senator Meeks - I'd rather file a bill that the Group feels more comfortable with.

The Work Group decided that Senator Meeks should hold the bill until it can be considered more thoroughly.

Senator Meeks - in the meantime, I will talk with the Senate finance chair to find out what he would agree to.

Preliminary Draft No. 3288

[This draft was distributed at the October 26, 1999 meeting.]

It addresses old recommendation #31 (new #17).

The Work Group supported this preliminary draft.

Senate Bill No. 44

This is old recommendation #49 (new #21). It gives DNR the ability to regulate piers under specific circumstances.

The Work Group supported this bill.

Bill Jones - I'd like to see a news release to the media saying that this report is done. It should mention some of the things the Group has accomplished.

Senator Meeks - I'll send out a news release if you can draft it for me. It should probably come from the Senate.

DJCA will write it on behalf of all four legislators.

Preliminary Draft 3051. [Doesn't have a Senate Bill number yet, refer to LS 6078].

It covers new recommendation numbers 26 and 41.

Senator Meeks - This is a duplicate, but I wanted to make it a separate bill in case the other one runs into snags. This will help ensure that it moves forward.

The Work Group supported this draft.

Senate Bill 43

Senator Meeks - This bill requires 75% of LARE funds to be used on lakes and rivers, only 25% used in watersheds. I know it was not a recommendation of this Group, but I wanted everyone to know that I did it. I'm not asking for a vote.

Bill - I think we will be repeating the same mistake that Wisconsin made. Wisconsin had the premier program in the country (EPA even modeled their program after it). But the Wisconsin legislature eventually dissolved the program because it did not treat the watershed problems, it only treated the symptoms.

Senator Meeks - I could understand that if it was general funds that supported it, but not as a boat user fee. The Clean Water Indiana program was intended to address these watershed problems, but it was not funded. Maybe we should let CWI handle the watershed problems and repeal the boater fee altogether.

Dave Case - we've had discussions about this issue at several meetings, and it is obvious we will not reach consensus. I recommend we move on.

Senate Bill 46

This addresses new recommendation # 32, which extends the Lakes Management Work Group.

Senator Meeks - I have already filed this bill and asked Senator Server to address it in their first committee meeting. Make sure it has everything in it that we asked for at the last meeting.

This draft bill was supported by the Work Group.

Senate Bill 48

The budget is not supposed to be opened in this session. If it is not opened, this bill will not go anywhere, but I'm playing the safe side by filing the bill now in case the budget is opened.

The Work Group supported this bill.

Senator Meeks - that is all the draft legislation I have at this time.

Dave H. - Senator Meeks, what is your plan for recommendation #33?

Senator Meeks - LSA told me it is practically impossible to do this, and it is beyond the purview of this Group. That's why we did not draft a bill on this recommendation. We approved a concurrent resolution on this at the last meeting. It asks the governor to look at this.

Dale - under recommendation #33b, we mention an 800 number - let's add our web site address to this. Also, those of us with contacts with other organizations, we should encourage others to link to our web site.

Gwen - We should put the web site address in our news release as well.

Senator Meeks - I've showed you the bills that I will carry (Senate bills 44, 46, and 48.) I will try to get the other legislators on the Work Group to carry the others.

Miscellaneous

Dave Case - Just a reminder that we need your comments on the final report and the draft web site by November 30.

Phil and Jim Ray will meet this afternoon with Access Indiana to get them working on the web site. Our hope is to have it hung on the Internet by mid-December. We will let everyone know when it becomes available.

Senator Meeks - We need to discuss getting copies of the report printed. Maybe we can get various organizations to make copies.

Carol - There is a 319 grant that allows Bill to inform and educate Indiana residents. This money could be used to make copies.

Bill - I can look into this. I'll get DJCA an estimate for costs.

Senator Meeks - I'll look into having the Senate print it as well, and we will compare the costs.

The Work Group discussed the steps for announcing the report. In mid December, DJCA will get Senator Meeks a news release that will come from the 4 legislators on the Work Group. This release will announce that the report has been delivered. Then we will have a June meeting (as soon as Dave Herbst returns from Arizona) in Angola. This will be a formal announcement and an opportunity for the public to give feedback on the report.

Bill - Make sure the web site contains a pdf file of the report, so people can print it the same way it was delivered.

Senator Meeks - If you get requests for the report that you cannot fill, send the requests to me. I will get copies to people. The news release in December should stress the web site. Don't encourage people to call for the hard copy unless we have copies printed and ready.

Closing Remarks

Dave H. - Thanks to everyone for your efforts.

Senator Meeks - I'd like to take this opportunity to formally thank everyone on the Work Group for the time and effort you have put into this project. You've heard me say throughout these past 2 years that my main concern was that we would not really do anything substantive. But I think

we certainly have. We've had disagreements, and that's what makes things work. I appreciate your thoughtfulness, forthrightness, and your hard work. Especially those of you who came to every meeting and those who were here today. I'd also like to thank D.J. Case & Associates for their hard work. I feel really good about what we've done. We'll be able to stand in front of the people at Angola in June and really show that we've done something to address these issues.

Dale - How will members be notified of future meetings?

Senator Meeks - Jim can notify everyone of the Angola meeting. We will know by the middle of February whether the bill passes and we can continue.

Dave Case - On behalf of D.J. Case & Associates, we'd like to thank everyone for participating. We sure appreciate the opportunity to work with all of you on this important project.

Indiana Lakes Management Work Group Meeting Summary
November 18, 1999

[Attachments (48 pages) to 11-18-99 Meeting Summary not available in electronic version.
Request hard copy from the Indiana Department of Natural Resources Division of Soil
Conservation (317-233-3870).]