

**Blue Ribbon Advisory Panel
-Meeting Minutes-
August 29, 1997
Northwestern Indiana Regional Planning Commission Building
6100 Southport Road
Portage, Indiana 46368**

The Blue Ribbon Advisory Panel held its fifth meeting on August 29, 1997. The Panel was constituted to consider issues associated with the Lake Michigan coastal area raised by public work groups held in the spring of 1995, as well as additional issues of interest to the Panel. The meeting began at approximately 9:10 a.m., CDT.

The following panel members were present:

Bob Bilheimer, Bethlehem Steel
Mark Maassel, NIPSCO
Julie Murphy, Amoco Oil Company
Chuck Siar, Chair of the Natural Resources, Shorelines, and Water Quality Public Workgroup
Ray Sierra, Longshoremen's Association
J.B. Smith, Chair of the Marina, Public Access, and Recreational Uses Workgroup
Bill Theis, Private Property Rights and Pine Township Trustee
Don Thomas, Chair of the Residential, Agriculture, and Commercial Development Workgroup

Others present at the meeting included:

Barbara Waxman, Lake Michigan Marina Development Commission
James Ranfranz, Northwestern Indiana Regional Planning Commission
Stephen Davis, Department of Natural Resources
Andrea Gromeaux, Department of Natural Resources, Facilitator
Dawn Deady, IDNR, Lake Michigan Coastal Coordination Program,
Stephen Lucas, Natural Resources Commission, Hearings

Welcome and Review of Meeting Summary

Steve Lucas welcomed the Blue Ribbon Advisory Panel members to their final meeting. He indicated he had spoken recently with the DNR Director, Larry Macklin, and NRC Chairman, Mike Kiley, concerning the work of the Panel. They both expressed their continuing appreciation for the Panel's efforts and noted those efforts had extended beyond their expectations. Lucas said there was a feeling that fairness to the participants dictated the Panel be brought to a conclusion, since the personal requests to the members for participation

promised one or two meetings, and the current meeting was already the fifth by the Panel (not counting an initial teleconference).

Lucas asked if there were amendments to the Meeting Summary of August 29, 1997. None were offered. The summary was then approved as written. Dawn Deady referenced the mission statement which outlined the charges the former DNR Director, Patrick Ralston, had given to the Panel. She said the Panel was given a monumental task and had accomplished a great deal over the last ten months. The diversity in background of the Panel membership proved to be an asset in the Panel discussions. Deady reminded the Panel of their first meeting and their achievement of choosing five shoreline issues with which to begin their discussions. The topic of Governmental Coordination and Streamlining was explored as information on permit streamlining was obtained from other states. As the Panel evaluated the information and how various agencies handle the permitting process, communication between agencies in Indiana started to improve. Materials not before compiled on this topic were now available. She reminded the Panel of its recommendation for permit streamlining developed during the Panel's prior meeting, and of its proposal for an entity to gauge the progress and success of their recommendation to be the Lake Michigan Marina Development Commission.

Outline of Recent Progress on Governmental Coordination and Streamlining
Andrea Gromeaux stepped out of her traditional role as a facilitator and introduced herself as an employee of the regulations branch of the DNR, Division of Water. She explained she worked in the area of permitting in the Division of Water. Gromeaux said that the Panel had influenced two recent developments in facilitating the permitting process: (1) communications with the US Army Corps of Engineers, and (2) the capability of electronic filing of permit applications. Steve Lucas distributed excerpts from an e-mail he received from Gary Manesto, Chief of the Regulatory Branch for the Corps of Engineers Detroit District, and a letter from Gary Manesto to Jim Hebenstreit of the Indiana Department of Natural Resources. He said these communications are an example of the important role the Panel has had in helping to enhance the coordination between these two agencies. Lucas also asked for any comments from the Panel that might be shared with the Corps as communications continue.

Bill Theis said he thought the communications were "great," and he was happy to see things moving forward. Julie Murphy agreed. She added she thought the Corps' communication was in line with what the Panel has discussed. Chuck Siar asked if the state was working on streamlining through the employment of primacy. Lucas responded that primacy is an option. He explained primacy would pertain only to the Clean Water Act and that this group had been focused in Lake Michigan on the Rivers and Harbors Act. The letter from the Corps also references a programmatic general permit as another option. Overall, Lucas said, communication with the Corps is better now than it was one or two years ago. Don Thomas asked what initiated the improved

communications. Lucas said the Corps has heard from several sources including the Panel, the Lake Michigan Marina Development Commission, and Congressman Peter Visclosky. There can be an impact, particularly when different sources are expressing similar sentiments.

Gromeaux distributed copies of the Division of Water homepage printed from the Internet. The site is located at <http://www.ai.org/water/>. Gromeaux explained that the Division of Water probably has the "most aggressive homepage" in the United States for providing on-line services relative to permit applications. It is thought this is the first site which offers electronic filing of an on-line permit application. Estimates are that electronic filing can eliminate up to four weeks in the review process. The homepage offers a direct link to the regulatory statutes governing construction activities in and near waterways; the DNR 30-day public notice; applications for an exemption; the permitting application manual; a data base of applications; application forms and electronic filing; and other related information. Gromeaux highlighted the application database. She explained that users have access to all the active permit applications and over 13,000 closed applications. Gromeaux said that all of the information is free; however, a user must subscribe to Access Indiana Information Network to file an application electronically.

This reflected this process was a "fantastic" development. Chuck Siar asked whether materials available at the Army Corps might also be provided. Gromeaux responded that linkages to other agencies could be and were being provided. Bob Bilheimer reflected that direct and accessible permitting process showed important progress.

Review of Agenda, Mission Statement, and Ground Rules

Reintroducing herself as facilitator, Andrea Gromeaux asked if there were amendments to the agenda. None were suggested.

Gromeaux then reviewed the mission statement. She affirmed that the "ground rules" developed during the October meeting had worked to the satisfaction of the members and would again be applied.

Review of Blue Ribbon Advisory Panel Resolution on Permit Streamlining

Gromeaux referred the Panel to page four of the April 23, 1997 Panel meeting summary. She reminded the Panel of their resolution on permit streamlining as written in the meeting summary:

The BRAP recommends that the DNR Commission bring the following proposal to the Indiana Governor:

- (1) Consolidate environmental permitting divisions in the State.
- (2) Implement a joint permit application for greater efficiency by:
 - (a) Involving all federal, state, and local regulating authorities.

(b) Assigning a work team to pursue joint applications.

She asked the Panel if they were prepared to make the resolution final, or if they wanted to review the statement. Julie Murphy said she did not have strong feelings about the statement identified as item (1) of the resolution, but she believed item (2) had been the Panel's focus. She reflected while item (1) might be a worthy goal, it also might prove difficult to accomplish. Murphy said that the accomplishments outlined by Lucas with the Army Corps and by Gromeaux demonstrated that the Panel could have a positive impact, and she felt further progress was more likely focusing upon item (2) than upon item (1) of the April draft resolution.

J.B. Smith agreed. He said encouraging agency activities which would promote joint permit applications was likely to be more productive than focusing upon combining agencies.

Don Thomas said different agencies have different missions. He expressed his thought it was outside of the Panel's "franchise" to say different agencies should be combined. He said the Panel does not know enough about the agencies and their responsibilities to know what the impacts would be if the permitting divisions were combined.

Bob Bilheimer said the focus is really the consolidation of the permitting processes, rather than the consolidation of the agencies. The intent is to reduce duplication of the processes. Bill Theis suggested the goal of the resolution should be the consolidation and coordination of the environmental permitting processes where possible.

The Panel agreed the word "divisions" in item (1) should be replaced with the word "processes." The Panel statements in (1) and (2) should be reversed in order. Technical adjustments were also made. These would reflect that the consolidation of permitting processes should apply to all permitting processes, where applicable, in the state of Indiana, as opposed to those exclusively under state agency jurisdiction. Also, the resolution would be presented to the "Natural Resources Commission" rather than the "DNR Commission." The final resolution of the Panel follows:

The BRAP recommends that the Natural Resources Commission bring the following proposal to the Indiana Governor:

- (1) Implement a joint permit application for greater efficiency by:
 - (a) Involving all federal, state, and local regulating authorities.
 - (b) Assigning a work team to pursue joint applications.
- (2) Consolidate environmental permitting processes in the State of Indiana.

Overview of the Discussion Paper Regarding Expanded Role and Constituency of Lake Michigan Marina Development Commission

J.B. Smith reminded the Panel of the presentation made to the Lake Michigan Marina Development Commission by Mike Bucko and him earlier this year in February. Smith pointed out that the Panel suggested a new entity be looked to as a vehicle to carry on with shoreline issues, without re-inventing the wheel or adding new layers of bureaucracy. For these reasons, the LMMDC has been looked to as that entity. He also said that in the past the Panel had concerns about the representation of the LMMDC with an expanded role. The proposal to the LMMDC addresses broader representation with provisions for a substantial advisory group, and voting members to include county and town representation. Smith said funding is always an issue and could be sought once this group is established. Smith invited Barbara Waxman, Project Director for the LMMDC, to comment on the most recent meeting of the LMMDC and answer any questions. Waxman distributed the discussion paper which outlined an expanded role for the LMMDC. She reported that at the last LMMDC meeting, the mayors reiterated sentiments of general support of this concept, although some concerns were expressed regarding the potential lack of an adequate funding mechanism. Bill Theis said he had concerns with a few of the role and responsibilities outlined in the discussion paper. He identified the role "to serve as a vehicle to purchase/acquire property for development, redevelopment, and public access," as one with which he had concerns. Waxman responded that the LMMDC held this responsibility under its current statutory powers and directed Theis to the attachment to the discussion paper.

Mark Maassel posed two questions: (1) Will this proposal require additional funding? (2) Would the expanded commission have regulatory functions? J.B. Smith responded to the first question. He explained a modest amount of funding would be required to maintain a one to two person full-time staff. Don Thomas, responding to the second question, said the entity would not have regulatory functions; its intent would be to facilitate existing permitting processes. Ray Sierra expressed the need to maintain some of the current roles of the LMMDC to have institutional knowledge of the marina development on the shoreline. He reflected that the discussion focused on shoreline uses and emphasized the importance of preservation of the shoreline.

Bill Theis suggested each of the shoreline communities should be represented, rather than one community representing all the communities. He also "put in a plug" for representation by township trustees. Julie Murphy reiterated it would be ideal to have this type of representation. She expressed that she did not think it would be realistic to include so many participants in a shoreline commission. On the other hand, the county commissioners would provide representation for many people.

Smith said the LMMDC had proven its success. Murphy said the LMMDC likely had the least parochial view of issues.

Bilheimer said the LMMDC could sunset and a new group be started constituted with the same people. He questioned what benefit this strategy would provide. If a shoreline commission is not a taxing entity, a regulatory entity, or a "stalking horse" for CZM, then this proposal seems like a "good fit."

Don Thomas added the entity would be a singular voice for Northwest Indiana and aid as a clearinghouse for permit information.

Chuck Siar identified two concerns: (1) representation on the advisory group; and (2) communication between the advisory group and the voting members. Andrea Gromeaux summarized the discussion to the group. She said she heard the Panel say that the LMMDC has been successful; the concept of the LMMDC serving as an entity to carry forward with the work group issues is acceptable; there are a "couple of concerns" with the specifics related to the advisory group identified in the discussion paper.

Murphy suggested the following resolution might incorporate some of the concerns raised during discussion and provide as follows:
We encourage the Lake Michigan Shoreline and Marina Development Commission to form an advisory group representing broad interests, and to develop a working relationship with that group, to ensure that input of all Northwest Indiana residents can be heard.

The Panel generally agreed this resolution should be recommended to the LMMDC. However, Theis said he could not support such a concept until he had more satisfactory information on the specifics of the proposal.

Development of Resolution for Closure to the Blue Ribbon Advisory Panel
Ray Sierra said attrition would likely bring an end to the Panel if the Panel did not bring closure to itself. Smith agreed. Thomas said he felt he has participated to the extent he could; those of the policy-making level need to carry on from here. The Panel agreed this was the last meeting of the Blue Ribbon Advisory Panel.

The meeting adjourned at approximately 12:20 p.m.