

**INFORMATIONAL REPORT
OF THE
INTERIM STUDY COMMITTEE ON
LAKE AND WATER ISSUES**



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

October, 2003

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A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. LEGISLATIVE COUNCIL DIRECTIVE

The Legislative Council directed the Committee to do the following:

- A. Review public lake issues and the implementation of the recommendations issued by the Lake Management Work Group (Work Group) established by P.L. 239-1997.
- B. Study the status of the implementation of the water shortage plan issued by the Department of Natural Resources in 1994.
- C. Determine if the Lake Management Work Group should be re-established.

II. SUMMARY OF WORK PROGRAM AND TESTIMONY

The Committee met on July 9, August 19, and September 23, 2003.

The Committee heard testimony from Department of Natural Resources (DNR) professionals, members of the legislature, members of the presently expired Lake Management Work Group, private citizens, and representatives of various associations.

1994 Water Shortage Plan

Procedures for prioritizing the uses of water during drought conditions have not been established. The State Emergency Management Agency is authorized to take action after the declaration of a water emergency, but it lacks guidance on the setting of priorities for enforcement action. After the initial meeting of the Committee, the study of this issue was transferred to the Water Resources Study Committee.

Lake Management Work Group

The Lake Management Work Group began operations in 1997 and issued its final report in 1999. That report contained forty-five recommendations for future action. Among the issues that were addressed with success since the issuance of the final report were:

- regulations on dock locations.
- lake event organization.
- the increase in lake and river enhancement fees.
- law enforcement funding.
- boater education.

Members of the work group and many members of the DNR staff expressed satisfaction with the results that the work group achieved while in existence. However, many recommendations of the

Work Group have not been addressed to date, and a desire for further study of these and other issues was expressed. DNR management indicated that it currently possesses the authority and financial resources to re-constitute a Work Group on a limited scale, and that it will do so.

Seawalls

DNR requested guidance on the regulations governing seawalls on public lakes. Some lake property owners have been constructing these walls in a manner that appears to exploit what DNR views as a loophole in the current regulations. The enforcement of current regulations involves the property rights of landowners, environmental issues, and conflicts in jurisdiction involving the DNR, Indiana Department of Environmental Management (IDEM), and the U.S. Army Corps of Engineers. DNR will provide a draft proposal for legislation addressing this issue to the Committee members.

Great Lakes Basin Withdrawals

DNR indicated that contradictions currently exist between the federal Water Resources Development Act and Indiana state law and stated that it will provide the Committee members with a draft proposal for legislation to address this issue.

Coast Zone Management Program

DNR requested that consideration be given to a technical amendment to bring the Indiana Code into consistency with the procedures of the federal Coastal Zone Management Program. DNR indicated that it would provide a draft proposal for legislation on this subject to the Committee members.

III, COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee was unable to approve a final report or adopt any findings or recommendations due to the lack of a quorum at the final meeting of the Committee.

WITNESS LIST

Robert Eddleman	Former USDA state conservationist, former Work Group member
Paul Ehret	DNR
Vince Griffin	Indiana State Chamber of Commerce
John Goss	DNR
Jim Hebenstreit	Division of Water, DNR
Jill Hoffman	Biologist, DNR
Prof. William Jones	Purdue University, former Work Group member
Jeffrey Krevda	Dredging Contractor, former Work Group member
Steve Lucas	NRC Commission/Hearings
Robert Madden	Lake Lemon Conservancy District, former Work Group member
Dan Mathis	Legislative Affairs, DNR
Sen. Robert Meeks	District 13
Jim Ray	Division of Soil Conservation, DNR
Lt. Col. Jeff Wells	Law Enforcement Division, DNR
Gwen White	Former DNR, former Work Group member