

LaGrange County Lakes Council
PO Box 86
LaGrange, IN 46761

April 3, 2018

Dear LaGrange County Lakes Council,

As warmer weather approaches, it is a good time to refresh all of our memories on the common regulations of the Public Freshwater Lakes of Indiana as well as mention permits from DNR. Soon people will be putting their piers back into the lakes, and possibly looking at updating their shorelines. Here is some helpful information you may wish to include in your newsletters or on your association websites.

Things to avoid include permanent piers, sand beaches in the lake, unpermitted seawalls, and barriers to the public. Permanent piers are not permitted by DNR, and if constructed, will need to be removed or converted to a temporary structure. Please only install piers that meet the temporary standards. If you and a couple friends cannot remove it easily with some hand tools, it probably doesn't qualify. Sand cannot be placed in the lake. This might sound funny, but waves pull the sand away and result in filling the lake and covering habitat. With a permit from DNR, you may be able to place pea gravel in a swimming area and pea gravel will stay in place requiring less refreshing in the future. New seawalls need permits from DNR and obtaining a permit may take a few months. Link to application: <http://www.in.gov/dnr/water/2455.htm>

Some types of seawalls are bad for lakes and may not be allowed in your area. Please contact DNR well in advance of planning your project to avoid problems and delays. Natural style seawalls such as bioengineered or glacial stone are healthier for the lake, less expensive, and easier to obtain permits to construct. Contact DNR for additional information on bioengineered seawalls. At times people will try to configure piers to create a private swimming area or will rope off an area to keep boats out. Areas of exclusive use are not allowed because the public has a vested right in the use of the entire lake.

Issues with piers sometimes arise as well. As the lakes get busier and more congested, there has been an increase in conflicts between neighbors over piers and space for their watercraft. Indiana Public Freshwater Lakes are held in trust for the public by the State. Property owners will have property lines that go to the shoreline. Once lakeward of the shoreline, there are areas in the lake referred to as riparian zones. These areas are not "owned" by the property owner, but are allowed to be used by the property owner as their "riparian right". Riparian zones and riparian rights can be extremely complicated and disputes between landowners can result in hundreds of thousands of dollars litigating a few feet of space in the lake. Our suggestion is to always be good neighbors, work out agreements with neighbors, and avoid placing your pier and boats near the edge of your property where they may interfere with other users. Bulletin 56 provides additional guidance:

<http://www.in.gov/legislative/iac/20100331-IR-312100175NRA.xml.pdf>

If a riparian zone dispute arises that cannot be resolved between the neighbors, there is a Dispute Process established through the Natural Resources Commission's Division of Hearings. This should always be a last resort, can become extremely expensive, and could result in an order for all involved parties to remove the disputed piers until the matter is eventually resolved.

Aquatic vegetation is important. Those "weeds" out in the lake take up excess nutrients, slow down waves, minimize erosion, and provide food and habitat for fish and other wildlife. Do not use any chemicals to kill vegetation in the lake. You can remove a small amount of vegetation by hand without a permit; however, it may be easier to alter your use to accommodate the vegetation. DNR's Division of Fish and Wildlife regulates vegetation removal and requires a permit for any removal over 625 square feet.

If there are any questions, feel free to send us an email at watercompliance@dnr.IN.gov. If you have meetings and would like a speaker on a particular topic relating to issues mentioned in this letter, please contact Alysson Oliger at aoliger@dnr.IN.gov or 317-234-1097 and we will try to accommodate your request.

Sincerely,



Jon Eggen, Manager
Compliance and Enforcement Section
Division of Water