h) 10 foot separation

Jan 21, 2014 Court Order 8 (a): Allow/provide for a five (5) foot clearance on both sides (for a total of ten (10) feet) of the dividing line between pier sites so that a ten (10) foot buffer zone may exist between all facilities and equipment utilized on the pier sites.

Indiana Natural Resources Commission Annotated Navigable Waters Rules 312 IAC 6-4-4 1 (B): 1. Provide a reasonable buffer zone between the pier and the following: B. The riparian zone of adjacent property owners to provide for reasonable navigation by the adjacent property owner and by the public. Except as otherwise provided in this clause, the department shall require at least (5) feet of clearance on both sides of a riparian line (for a total of ten (10) feet). The department may require as much as ten (10) feet of clearance on both sides of a riparian line (for a total of twenty (20) feet) if, based upon the opinion of a qualified professional, that additional clearance is required for reasonable navigation. The department may approve an exception to this clause where:

i. Adjacent riparian owners use a common pier along their mutual property line; and

ii) the purposes of this clause are satisfied by waters elsewhere within their riparian zones.

Currently, the piers are too close causing a very unsafe condition. Swimmers cannot get from shore to the lake. They cannot bring water toys (tubes, floats, skis, wakeboards) to shore or to a boat that is on the lake. Boats are typically nine (9) feet or less. A disabled boat must be able to get to shore. Less than 9 feet will not allow this to occur, causing damage to the disabled boat and possibly numerous piers and boats where they are tightly congested. Swimmers must be able to get to shore. Currently there are many assignments that have no space between them. A duck cannot get to shore, let alone a panic stricken swimmer. Does the EFAC want to ignore the court order and the NRC Rules? If so, we are assuming the liability for damages and injuries/deaths.

We are cutting off the on-shore owner’s access to the lake. The on-shore owner that has two boats (ski and pontoon) and is using their 24 feet for pier and two lifts, cannot access the lake with their wave runners, kayaks, paddle boards, paddle boats, canoes, and fishing boats which are stored or on lifts in front of their boat lifts.

Only allowing two feet is not safe, restricts (blocks) the home owner’s lake access, and is against the court ruling and the Indiana Natural Resources Commission’s rules.

Requiring a 10 foot (or even a 6 foot spacing) would have resolved the Stine lawsuit and would prevent the potential lawsuits that will be forthcoming because our allowing lake access to be blocked.

The on-shore EFAC members will be forced to testify against the EFAC when this goes to trial.