

Press Release From the Town of Long Beach 3/11/19

The Town of Long Beach is strongly opposed to Senate Bill 581 which will severely limit the use of the 40 miles of Indiana's Lake Michigan public beaches by Indiana's own citizens. This bill was introduced in the State Senate by Senator Blake Doriot who represents a district centered around Goshen Indiana. This bill seems to grant special beach right status to wealthy lakefront homeowners who comprise less than 15% of our town's population (most of whom do not even declare Indiana as their primary residence). The cities of Gary and Michigan City have also come out in press releases against this legislation. Our beaches have traditionally been enjoyed by all Hoosiers, a fact that the State Supreme Court has recently upheld in the Gunderson Decision.

For the last 5 years, the Town of Long Beach has remained neutral while the issue of beach ownership was litigated first in the local courts, then the Appeals Court, and finally the State Supreme Court. The State Supreme Court upheld the Appeals Court's ruling that our beaches are to be held in "public trust" and are in fact public. They determined that the landward border of this "public trust property" is the "natural ordinary high water mark". They left it up to the legislature to define the activities that the public can enjoy on that public beach. This legislation attempts to redefine the boundaries of that beach to the detriment of the public and violates that State Supreme Court decision and the United States Constitution. This bill attempts to take away the rights of all Hoosiers to continue to enjoy the shores of Lake Michigan as we have been able to do for years and years.

This legislation would also revoke any lakefront community's ability to regulate construction both on and adjacent to their beaches. In Long Beach, with the help of the DNR's own "Coastal Hazards Planning Guidance for Indiana Coastal Communities" (published July 2016) and in collaboration with the DNR, we recently passed an ordinance to limit the adverse effects of shore protection structures on our shoreline while preserving homeowner's ability to protect their properties. However, recently the local regulatory arm of the DNR has approved permits for the wanton ploughing down of natural dunes on at least 5 lakefront lots in Long Beach for the sole purpose of improving the view of the lake from the basements of homes on those lots. The town recently had to appeal a DNR decision to build a revetment that actually was to extend out into Lake Michigan on a property that already had a brand new perfectly functioning seawall protecting the property. The only conceivable purpose of that revetment would be to prevent people from walking along the lakeshore in front of the property. This legislation would allow the DNR to make these sort of decisions without any local input. This is a clear attack on "home rule" and the partnerships already established between local communities and the DNR's Coastal Advisory Board.

For these reasons, should House Bill 581 pass, the Town of Long Beach is prepared to challenge it in the very courts whose recent decisions this legislation violates. The Town of Long Beach encourages other communities to join in its efforts to protect the public's interest. It's time for all our state legislators to stand up to out of state monied interests who are trying to deprive Indiana residents of one of our greatest natural resources. This privatization of our public beaches should not be allowed to happen. The Town of Long Beach feels that it is in the interest of the town and in fact, the interest of all citizens of Indiana to protect the shoreline for use by current and future generations.

The Long Beach Town Council