



WEST BOGGS LAKE BUFFER ZONE MANAGEMENT

GUIDELINES & Policies FOR SPECIAL PERMITS

TABLE OF CONTENTS:

West Boggs Lake History....	... 1
Buffer Zone Purpose....	... 2
Permits and Limits of Use....	... 2
General Public Use....	... 3
Commercial Use....	... 3
Mowing....	... 3
Tree and Shrub Removal....	... 4
Landscaping, Tree Planting....	... 4
Lawn Seeding....	... 5
Lawn Chemicals....	... 5
Structures....	... 5
Docks....	... 5
Excavation....	... 6
Livestock....	... 7
Property Lines...	... 7
Fences....	... 7
FAQ....	...7

West Boggs History and Purpose

First, we want to thank you for your interest in using the West Boggs Lake to serve your leisure expectations. West Boggs Creek Reservoir was created circa 1970 as a project of the Small Watershed Flood Control Act, or PL566. West Boggs was a joint project of several federal, state and local entities, as it was one of the largest PL566 projects in the region that was to include a significant recreation component in the development. The joint parks department was formed for the purpose of owning and operating West Boggs Park. West Boggs is a relatively large and diverse facility, which opened to public use in 1972. The 1,500 acre facility includes 622 acre West Boggs Creek Reservoir, offers boating, fishing, waterfowl hunting, camping, events, programs, activities and a wide variety of day use activities.

West Boggs Lake is a regional destination serving not only Daviess and Martin Counties, but also a vast region of southwestern Indiana. The Daviess Martin Joint County Parks Department recently approved the 2016-2020 Master Plan to improve and showcase their West Boggs Park facility. Through the accomplishment of the priorities and goals set in this plan, this great outdoor recreation facility will flourish and provide the parks department with additional revenue to continue such positive growth. Over the next few years you can expect to see the following in West Boggs Park: Upgraded infrastructure, new playgrounds, fishing piers, courtesy docks, new events/programs/activities, an amphitheater, and numerous small projects improving the aesthetics of the park.

Above all this and probably the most notorious improvement recently conducted at West Boggs Park, is the fishery renovation. Through the efforts of IN DNR, West Boggs Lake was eradicated of undesirable species such as carp and gizzard shad. The lake was then restocked with game fish such as bluegill, crappie, bass, redear, and channel catfish. Through careful analysis of both the fishing and the observation of anglers, the lake fishery is making a substantial comeback. A DNR shock analysis report in June 2016 stated that the fish are growing three times faster in WB Lake than in normal restocking efforts. This comeback will benefit the park, local economy, and lake residents. Of course the park and local economy will benefit through the increase of recreation and tourism dollars spent, but the lake will also benefit from the increase of fish population. The increasing fish population will help eradicate the excessive algae bloom that we have recently witnessed. This algae bloom is the product of several factors; increased nutrients in the lake from the fish kill, increased sunlight penetration due to clear water, and lack of a fish population. So as stated above, as the fish population increases they will assist with the eradication of the algae.

Buffer Zone Purposes

The stated purpose of the Parks Department for its ownership and management of the buffer zone includes the following objectives:

- To maintain an area of land bordering the lake for the purpose of protecting the lake from the effects of activities or events on adjacent or nearby lands.
- To act as a flood control system during major storm events.
- To ensure that in times of flooding and/or high water due to storm events, the waters impounded by the lake remain on lands owned by the Parks Department.
- To provide additional opportunity for public recreation.
- To provide for resource management programs administered by the Department. Such programs may include but are not limited to fish and wildlife, forestry, riparian habitat, water quality enhancement, public information and educations, soil conservation, and other related programs designed for management of natural resources.

Permits and Limits of Use

The private lands adjacent to the Buffer Zone include a wide variety of uses. These include residential lawns, livestock production, agricultural crop lands, and forest lands. The conservation needs of these users, as related to the filtering purpose of the Buffer Zone, include some similarities as well as some vast differences.

The original funding for the creation of West Boggs Lake came from sources with primary interests in flood and soil displacement control. The Buffer Zone was acquired to include those lands which would be effected if and when the lake filled to its design overflow level. As such, maintaining the Buffer Zone in a manner consistent with those objectives is a goal of this plan.

Primary Objectives

The lands included in the buffer zone will not be encumbered in any use which would limit the departments' ability to contain flood waters which enter upon the Buffer Zone. Lake water levels will be controlled for reasons consistent with flood control needs first, other resource management needs second, and the interests of the special permit holds only after the other needs are met.

General Public Use

The Buffer Zone is public land and is generally available for public use for recreational activities. Such activities include fishing, hunting, hiking, ect., provided participants have paid any user fees ordained by the Daviess Martin Joint County Parks Department. The public shall not be restricted from access or use of these public lands by reason of any permit issued to an individual or organization. In essence, a Special Use Permit for the Buffer Zone is NOT a lease of land rights, but simply a permit to utilize the property and make approved alterations. However, the right to access the property, does not bring with it any right to enter upon or cross any private lands.

Commercial Use

No permit shall be issued for any use of the Buffer Zone lands where such use includes a commercial activity. All commercial use of park lands will require a negotiated contract between the Daviess Martin Joint County Park Board and the prospective commercial operator. Such commercial uses would include but are not limited to campgrounds, boat ramps, marinas, docks, boat rental facilities, and retail sales activities.

Mowing

Abundant vegetation within the Buffer Zone is highly desirable. Grasses, sedges, trees, and other native species provide numerous benefits. The root systems have remarkable abilities to hold soil in place, the growth process takes up large quantities of nutrients and the stems and leaves act as an efficient filter. Administering landscapes with native grasses and flowers will provide substantial assistance to the overall quality of the lake, improve wildlife habitat, reduce erosion, and increase the beauty of your view. It is highly recommended to and desirable to leave the Buffer Zone un-mowed and to plant such mixes. With this in mind, the following practices will apply to mowing and/or brush hogging the Buffer Zone lands.

1. Permits may include the authorization to mow areas of the Buffer Zone provided that:
 - a. The lands adjacent to and at higher elevation than the Buffer Zone land with 100 feet are not used for the grazing and feeding of livestock. Prime example of the filtering benefit of the Buffer Zone.
 - b. The lands adjacent to and at a higher elevation than the Buffer Zone lands with 100 feet are not used for tilled crop land. Prime example of the filtering benefit of the Buffer Zone.

- c. The Buffer Zone lands in the area involved are not included in the Riparian Enhancement Area, in a Wildlife Habitat Area, or Waterfowl Resting Area.
2. When permitted, mowing on the Buffer Zone lands shall be done in a manner which does not cause damage to trees or other desired vegetation. Fertilizers ARE NOT permitted on Buffer Zone lands. Fertilizers are high in phosphorous and filter into the lake leading to an increase in algae!

Tree and Shrub Removal

Trees and shrubs are an important component to the Buffer Zone. The large and pervasive root systems of these plants inhibit soil erosion and take up large quantities of nutrients associated with surface water runoff. They also provide wildlife habitat and food sources, some of which are critical to maintaining proper diversification of species in riparian areas. The removal of any trees, shrubs, or other woody vegetation from the Buffer Zone is allowed, but only after approval and through permit. Although the Superintendent may decide to allow or disallow such removal at their discretion, the general guidelines used include the following:

1. Trees in excess of three inches in diameter at any point will not be removed unless they present a hazard, show evidence of irreversible disease, are undesirable species, or threaten to contribute to shoreline erosion in the area.
2. Tree species highly desirable for wildlife habitat and/or food sources will not be removed.
3. Removal of shrubs is to be limited to noxious species and shall not include those species desirable for wildlife habitat.
4. Removal of trees or shrubs will not be allowed for the sole purpose of opening up a vista or view.

Removal of the trees and/or shrubs will NOT be the responsibility of the Daviess Martin Joint County Parks Department. Removal must be administered by the residents with concern, with proper permits, and with prior consent from the Superintendent.

Landscaping and Tree Planting

For many of the same reasons previously mentioned, planting native species of grasses, flowers, and trees on the Buffer Zone is highly encouraged. Such plantings not only on the Buffer Zone, but also on private property will assist with storm water/pollutant filtering, help control and subside erosion issues in neighborhoods, provide pollinator and wildlife habitat, and increase the aesthetics of your yard. Such improvements may ultimately increase the property value. However, the planting of trees, shrubs, and plants on the Buffer Zone may be permitted, provided that:

1. All plants are native to Indiana! No invasive species will be allowed: such examples include but are not limited to: Burning bush, Callery (Bradford) Pear, Multiflora Rose, Honey suckle varieties, Buckthorn, Norway Maple, Winter Creeper, and Crown Vetch just to name a few. Please research both invasive and indigenous species prior to any landscaping and/or planting.
2. Any trees species planted shall be located a distance from the lakeshore of at least the equal to the mature height of the species or greater, except for species determined by the Superintendent to be desirable for shoreline stabilization.

A great project for both the Buffer Zone and private property, is the construction of Rain Gardens. Such projects offer a wide variety of benefits.

Lawn Seeding

When a permit is issued for the Buffer Zone lands as lawn, the seeding of such a lawn would be included in the permit. The seeding or re-seeding of new or established lawns may be allowed, provided that no excavation is required. In no case will the Buffer Zone lands be re-shaped to facilitate establishments of lawns.

Lawn Chemicals

The use of lawn chemicals, including fertilizers, herbicides, pesticides, and fungicides is strictly controlled on the Buffer Zone lands. The use will require a separate permit and approval by the Superintendent for each individual case. Such a permit will not be issued for applications of chemicals which are known to migrate from the point of application or which leave a residual presence more than ten days after application. The use of fertilizers, especially those high in phosphorous, vastly increase the presence of algae in the lake. Anyone applying chemicals to the buffer zone without prior consent may lose access to the buffer zone.

Structures

The erection of structures on Buffer Zone Lands is limited to approved boat docks and pathways. All other structures are prohibited.

Docks

Docks are permitted through the application of a separate dock permit. This permit allows the permit holder to build and maintain a dock for their private use over the

existing lake body. Docks are not considered part of the Buffer Zone and are not open to public use. There are some cases of shared docks, which is approved by the Parks Department with the understanding that both parties pay the same dock use fee in full. Both parties sharing a dock are also responsible for purchasing a Buffer Zone special use permit.

Docks are limited to landowners that are adjacent to the Buffer Zone lands meaning, residences that do not directly adjoin a section we title Buffer Zone will not be given consent to build a dock. Such properties that are NOT eligible for docks are:

- Properties that are NOT adjacent to any Buffer Zone land. This includes properties that are adjacent to Riparian Enhancement Zones, Wildlife Area, and Waterfowl Resting Areas.

Easement access to the Buffer Zone does NOT grant anyone eligibility for a dock. The easements are NOT owned by the Daviess Martin Joint County Parks Department. Easements were established by the developer to give residents access to the Buffer Zone. This policy has been established due to the increasing number of residences established along and near the shores of West Boggs Lake.

Residents that have been utilizing the easements to access their docks from prior permission, will be granted permission to continue said use. Permits will be revoked for one of the two following reasons:

1. The special use and/or dock permit goes unpaid for any length of time.
2. The property is sold and new landowners do not obtain all essential permits within sixty (60) days of transfer of title.

There are certain considerations and basic guidelines that must be followed prior to building a dock. Plans, drawings, and details must be presented to the park Superintendent prior to any construction.

Excavation

Excavation on Buffer Zone lands is strictly controlled and will require a separate permit from the Superintendent for each incidence. Excavation may be allowed for shoreline stabilization work, to repair erosion, to facilitate proper drainage, and to remove hazards. Permits shall not be issued to facilitate improvements on adjacent property or to make Buffer Zone lands more useful for any purpose directly associated with activities on private lands.

Livestock

No permits shall be issued for keeping, feeding, or grazing of livestock on Buffer Zone lands.

Property Lines

Despite common mis-perceptions, there are no extensions of private property lines across the Buffer Zone. All private property lines intersecting the Buffer Zone lines stop at that point and will create no segmentation of the Buffer Zone for any purpose what so ever. Impeding access to anyone on the Buffer Zone will not be accepted or tolerated.

Fences

While fencing along shared property lines is often desirable, no fences of any type shall be erected to segment the buffer zone.

This information is for the benefit of both the Daviess Martin Joint County Parks Department and surrounding lake residents. These policies must be followed to protect our valuable natural resources so that future generations will have the same outdoor leisure options as ourselves. We appreciate you following these policies and thank you for taking the time to improve the quality of life around the lake!

Frequently Asked Questions

Q: I have heard that the Park has an easement of some sort between my house and the actual water's edge. Is this true?

A: No, in fact the Daviess Martin Joint County Parks Department owns a strip of land surrounding the entire lake, which is known as a Buffer Zone. This is not an easement and is not included in your private property legal description.

Q: How wide is this Buffer Zone?

A: That varies, but is in general a MINIMUM of 100 feet. In most areas it is more than that, sometimes much more. The Buffer Zone line near your home will be the same line as your property line nearest the lakeshore. This can be found on your legal description.

Q: If I buy a home near the lake, what special rights and privileges for the lake access and use are conveyed with the property?

A: None. All of the property of the department is public land and all the public has certain rights to access and use that land within the rules and regulations governing West Boggs Park. Buying adjoining property does not give you any rights outside of those general public rights. All other uses are considered “special” uses and require the issuance of a Special Use Permit. Not everyone is applicable for this Special Use Permit.

Q: How do I know if I’m applicable for the Special Use Permit?

A: If your property line meets that of the Buffer Zone, then you may be applicable for the Special Use Permit. However, there are sections of land encompassing the lake that are deemed Riparian Enhancement Zones, Wildlife Areas, and Waterfowl Nesting Areas. Lands adjoining these sections are NOT applicable for the Special Use Permit.

Q: Can I use the Buffer Zone to extend my lawn down to the lakeshore?

A: Maybe. The department issues Special Use Permits for some uses and in some areas. Other uses and other areas are restricted. Use as a lawn is a frequently permitted use but is contingent upon the location.

Q: If I have a permit, does that extend my lot lines to the water’s edge?

A: No. There are not lot lines across the Buffer Zone and none will be established. All permits are non-exclusive and no specific acreage is included. The land between your private land and the lake edge is public land prior to issuing a permit and will remain public land after the permit is issued.

Q: If I have a small lot, is it possible to place all or part of a structure on the Buffer Zone?

A: No, no structures are allowed to be built or stored on the Buffer Zone.

Q: Is it possible to have a permit revoked?

A: Yes, A permit is issued under an agreement which requires the permit holder to comply with a number of things. A permit can be revoked for any breach of that agreement and the department is under no obligation to reissue a permit that does not meet its management plans or policies.

Q: How do I obtain a special use permit?

A: The first step is to pick up the Special Use Permit Application Form from the offices at West Boggs Park. Along with the application form, you should receive the general policies and stipulations about what is and what is not allowed, along with the complete instructions for completion of the process.

Q: Does the Special User Permit allow me to build and maintain a dock?

A: No, there is a separate permit issued for the docks.

Q: If I do not obtain a permit and still use the Buffer Zone lands, which is the result?

A: As the Buffer Zone is deeded land owned by the Parks Department, and since the Park Board has legally ordained that permit for use is required and a fee is prescribed for that permit, any unauthorized use would constitute trespass, and/or theft of services. Such a charge would also prohibit the issuance of future permit without a special hearing before the Park Board to address the situation at that time.