

# Final Evaluation Findings

Indiana Lake Michigan Coastal Program

May 2006 to September 2014

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# Table of Contents

Executive Summary.....	1
Program Review Procedures.....	2
Evaluation Findings .....	3
J.D.Marshall Preserve and the Lake Michigan Shipwreck Project.....	3
Marquette Plan .....	3
Capacity of LMCP Staff.....	4
Indiana Coastal Nonpoint Source Pollution Program .....	5
Evaluation Metrics .....	7
Conclusion.....	10
Appendix A: Office for Coastal Management’s Response to Written Comments.....	11

## Executive Summary

The Coastal Zone Management Act requires the National Oceanic and Atmospheric Administration's Office for Coastal Management to conduct periodic evaluations of the performance of states and territories with federally approved coastal management programs. This evaluation examined the operation and management of the Indiana Lake Michigan Coastal Program (LMCP) by the Indiana Department of Natural Resources, the designated lead agency, for the period from May 2006 to September 2014. The evaluation focused on three target areas: building coastal community capacity, conditionally approved Coastal Nonpoint Source Pollution Control Program, and LMCP staff capacity.

The findings in this evaluation document will be considered by the National Oceanic and Atmospheric Administration (NOAA) in making future financial award decisions concerning the coastal program. The evaluation came to these conclusions:

**Accomplishment:** The Indiana LMCP has enhanced the preservation of and access to cultural and historic resources through the Lake Michigan Shipwreck Project and the designation of the J.D. Marshall Preserve.

**Accomplishment:** The LMCP is enhancing coastal community capacity to address important coastal management issues, including regional planning for growth and development and public access, through the Marquette Plan.

The evaluation team also identified one necessary action and one recommendation:

**Necessary Action:** The LMCP must work with the NOAA Office for Coastal Management to develop and submit a work plan with interim benchmarks and a timeline for meeting the outstanding conditions on its conditionally approved coastal nonpoint pollution control program within six months of the release of the final 312 findings. The documentation indicating how Indiana meets the outstanding conditions must be submitted no later than September 30, 2019.

**Recommendation:** The Indiana LMCP is strongly encouraged to explore opportunities to enhance LMCP staff capacity, including filling existing vacant positions, reclassifying vacant positions to a higher pay level, hiring for new positions, and providing training and professional development opportunities for existing LMCP staff members to address LMCP program priorities.

This evaluation concludes that Indiana Department of Natural Resources is satisfactorily implementing and enforcing its federally approved coastal program, adhering to the terms of the federal financial assistance awards, and addressing coastal management needs identified in section 303(2)(A) through (K) of the Coastal Zone Management Act.

## Program Review Procedures

The National Oceanic and Atmospheric Administration (NOAA) evaluated the Indiana Lake Michigan Coastal Program (LMCP) in Federal fiscal year 2014. The evaluation team consisted of Kenneth Walker, evaluation team lead; Diana Olinger, site liaison; TyAnn Lee, evaluator; and Steve Holland, federal consistency administrator, Ohio Coastal Management Program. The support of the LMCP staff was crucial in conducting the evaluation and in setting up interviews and the public meeting. The support and assistance of the LMCP staff is most gratefully acknowledged.

NOAA sent a notification of the scheduled evaluation to Cameron Clark, director, Indiana Department of Natural Resources, on February 28, 2014, published a notice of "Intent to Evaluate" in the *Federal Register* on July 25, 2014, and notified members of Indiana's congressional delegation. The LMCP posted a notice of the public meeting in local newspapers during the week of July 21, 2014.

The evaluation process included a review of relevant documents, a survey of stakeholders, the selection of three target areas, discussions with staff members about the target areas, and focus group discussions with stakeholders about the target areas. In addition, a public meeting was held on Tuesday, September 8, 2014, at 5:00 p.m. at Indiana Dunes State Park, Nature Center Auditorium, 1600 N 25E, Chesterton, Indiana 46304, to provide an opportunity for members of the public to express their opinions about the implementation of the LMCP. Stakeholders and members of the public were given the opportunity to provide written comments via email or U.S. mail through September 12, 2014. The summarized comments and NOAA's responses are included in Appendix A. NOAA then developed draft evaluation findings, which were provided to LMCP for review. The LMCP's comments were considered in drafting the final evaluation findings.

Final evaluation findings highlight a coastal program's accomplishments in the target areas and include recommendations, which are of two types.

**Necessary Actions** address programmatic requirements of implementing regulations of the Coastal Zone Management Act (CZMA) and of the state coastal program approved by NOAA. These must be carried out by the dates specified. Failure to address necessary actions may result in a future finding of non-adherence and the invoking of interim sanctions, as specified in CZMA §312(c).

**Recommendations** are actions that the office believes would improve the program but are not mandatory. The state is expected to have considered the recommendations by the time of the next evaluation or dates specified.

## Evaluation Findings

### J.D. Marshall Preserve and the Lake Michigan Shipwreck Project

The Indiana Lake Michigan Coastal Program has enhanced the preservation of and access to cultural and historic resources through the Lake Michigan Shipwreck Project and the designation of the J.D. Marshall Preserve. This initiative has provided an additional level of protection for historic and cultural resources, provided an educational asset, and enhanced awareness of the maritime history of the region. The 100-acre site also represents the first Indiana-dedicated nature preserve that is entirely below the surface of the water. Indiana state nature preserves are usually found on land, but many include portions of ponds and lakes.

The Lake Michigan Shipwreck Project included development of a website to share information such as new and historical photos, video, and information on each of the 14 known wrecks in Indiana waters.

Both initiatives have a long history of support from the LMCP, including preliminary work such as the diving survey, assessment, and plan development. Both initiatives have been supported with CZMA Section 309 funding.

The LMCP has provided significant leadership at the state level on the Lake Michigan Shipwreck Project and the designation of the J.D. Marshall Preserve. Leadership in this area is highly valued by state, local, and nongovernmental-organization partners. Partners noted the importance of having a state champion and point of contact for coordination efforts. Other partner comments included, “the coastal program was at the center of this accomplishment,” and “many partners involved but success was due to LMCP’s team.”

**Accomplishment:** The Indiana LMCP has enhanced the preservation of and access to cultural and historic resources through the Lake Michigan Shipwreck Project and the designation of the J.D. Marshall Preserve.

### Marquette Plan

The LMCP has provided support to the Marquette Plan, a regional planning framework that has improved regional decision-making on planning, development, infrastructure investments, public access, and watershed management. The plan serves as a smart growth framework for the region. This high visibility initiative, started in 2003, is a top priority for Congressman Visclosky’s office. Currently, implementation is focused on community-level activities within the original Marquette Plan; other activities are captured in local watershed plans. The Lakeshore Reinvestment Strategy (Phase One) was developed in 2005 and a Vision for Lakeshore Reinvestment (Phase Two) was developed in 2008. A third phase being planned will build on work identified in the Strategy and Vision documents.

CZMA seed money early in the process has leveraged significant funding from partners, including the Northwest Indiana Regional Development Authority, which oversees significant infrastructure projects. LMCP support, including provision of technical assistance, data, and policy support, has been highly valued by partners in the region. The evaluation team was impressed with the “staying power” of the Marquette Plan; since 2003, the plan has provided an effective framework for infrastructure investments, public access, and resource protection for the region.

**Accomplishment:** The LMCP is enhancing coastal community capacity to address important coastal management issues, including regional planning for growth and development and public access, through the Marquette Plan.

### Capacity of LMCP Staff

The staff was consistently cited as a top strength of the program. The evaluation team heard from many partners that LMCP staff members were professional, accessible, and in many cases have helped them make connections to appropriate agencies within the state (if they didn’t have the answer). Their ability to bring together diverse partnerships, including federal, state, regional, local, and nongovernmental agencies, is also highly valued by partners. Additional comments from partners included, “excellent knowledge of local issues” and “excellent customer service.”

While the LMCP staff was cited as a top strength of the program, the evaluation team heard that there were remaining issues that affect staff capacity. The evaluation team heard that it was hard to fill existing positions at the pay level offered for several positions (operations manager and resource planner position), and staff retention and turnover were ongoing issues for the program. Comments included, “one or two more staff would allow the LMCP to accomplish more” and “more issues and customers than staff.”

Additional staff resources could enhance the program’s ability to provide more oversight for awards, marketing and outreach for the program, and support for partner activities, including technical expertise (including GIS and planning skills) to local projects, as well as the ability to leverage resources and expertise within the agency and at the state level.

NOAA understands the LMCP periodically evaluates staffing needs and refocuses efforts based upon stakeholder input and opportunities. The Coastal Resource Planner position is currently vacant. The LMCP staff and partners plan to refine the Planner position description to address technical assistance needs. In addition, the Program may have the opportunity to hire on an additional seasonal employee to address some ongoing outreach needs.

The Program allocates a portion of the Annual Cooperative Agreement funding to provide at least one professional development opportunity per professional staff. The LMCP also requests NOAA onsite trainings annually. In addition, the LMCP is encouraged to take advantage of

national and regional training opportunities, regional meetings, conferences, Office for Coastal Management-led training opportunities, and online training opportunities, etc., to enhance the capacity of existing LMCP staff.

**Program Suggestion:** The Indiana LMCP is strongly encouraged to explore opportunities to enhance LMCP staff capacity, including filling existing vacant positions, reclassifying vacant positions to a higher pay level, hiring for new positions, and providing training and professional development opportunities for existing LMCP staff to address program priorities.

## Indiana Coastal Nonpoint Source Pollution Program

In accordance with Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), all states with federally approved coastal management programs must develop comprehensive coastal nonpoint pollution control programs (coastal nonpoint programs). These programs must be developed and implemented in accordance with guidance from NOAA and the U.S. Environmental Protection Agency (EPA). Under CZARA, if NOAA and EPA find that a state has failed to submit an approvable program, the federal agencies must withhold funding for the state coastal management program under Section 306 of the CZMA and Section 319 of the Clean Water Act.

Ensuring that all states fully satisfy their coastal nonpoint program requirements under CZARA and the CZMA to maintain full funding of their coastal management programs is important. Having an approved coastal nonpoint program is an identified requirement for state coastal management programs. The CZMA states that coastal management programs shall “[contain] enforceable policies and mechanisms to implement the applicable requirements of the Coastal Nonpoint Pollution Control Program of the State required by section 1455b of this title,” Section 306(d)(3)(16). Since the Section 312 evaluation process is designed to assess how well the state is carrying out the goals and objectives of the CZMA, which include protecting water quality, NOAA uses the evaluation process to assess a state coastal management program’s progress in meeting coastal nonpoint program requirements.

NOAA and EPA issued conditional approval findings for Indiana on January 15, 2008. The conditions outlined actions the state needed to take to fully satisfy all CZARA requirements and receive full approval of its coastal nonpoint program. Since then, NOAA and EPA have worked with Indiana to address its remaining conditions. The evaluation team recognizes Indiana’s good faith effort to move forward with full approval of its conditionally approved coastal nonpoint program. The Indiana LMCP is working closely with partners, including NOAA, EPA, and the Indiana Nonpoint Source Program operated under Section 319 of the Clean Water Act, to adequately address the remaining coastal nonpoint program conditions. The LMCP is to be commended for playing a key coordinating role at the State level and continuing to make progress since receiving conditional approval.

**Necessary Action:** The LMCP must work with the NOAA Office for Coastal Management to develop and submit a work plan with interim benchmarks and a timeline for meeting the outstanding conditions on its conditionally approved coastal nonpoint pollution control program within six months of the release of the final 312 findings. The documentation indicating how Indiana meets the outstanding conditions must be submitted no later than September 30, 2019.

## Evaluation Metrics

Beginning in 2012, state coastal management programs began tracking their success in addressing three evaluation metrics specific to their programs. The evaluation metrics include a five-year target and provide a quantitative reference for each program about how well it is meeting the goals and objectives it has identified as important to the program.

### METRIC 1

**Goal:** Reduce risks from coastal hazards.

**Objective 1:** By 2017, coastal communities have completed projects to reduce future damage from hazards as a result of technical or financial assistance from the coastal management program.

**Strategy:** Indiana's Lake Michigan shoreline is subject to periodic long-term rise and fall of lake level, large periodic storm events, and shoreline erosion (including bluff and dune erosion). The LMCP places a high priority on working with local communities to address the risks from these hazards. The program does so by providing by financial and technical assistance to local communities for planning (development and incorporation of a shoreline erosion and hazards elements in local comprehensive plans) and on-the-ground projects that include applied research on dune processes and natural area restoration.

Financial assistance is provided through an annual open grant competition. Technical assistance includes the Technical Assistance Planning Program (TAPP) and Division of Water–Lake Michigan permitting processes. TAPP products include the Coastal Hazards Model Ordinances, TAPP Toolkit, and shoreline structure inventory.

**Performance Measure 1:** The number of locally implemented projects completed to reduce risk from coastal hazards as a result of technical or financial assistance from the coastal management program.

**Target 1:** Three locally implemented projects completed to reduce risk from coastal hazards as a result of technical or financial assistance from the coastal management program.

**Results:** Two of three locally implemented projects have been completed to reduce risk from coastal hazards as a result of technical or financial assistance from the coastal management program. The LMCP is making good progress toward achieving the five-year target for completing these locally implemented projects.

### METRIC 2

**Goal:** Sustainable Planning Principles incorporated into land use planning.

**Objective 2:** By 2017, local governments in the state’s coastal program area incorporate sustainable planning principles in their local comprehensive plans, local mitigation strategies, beach or floodplain management plans, local adaptation strategies, economic development strategies, or land development regulations.

**Strategy:** The vision of the LMCP is to provide technical, financial, and programmatic assistance to ensure that the Lake Michigan coastal area is thriving for future generations. The LMCP strives to empower the coastal community to become active stewards of coastal resources. The program provides technical assistance and produces reference documents that promote sustainable planning implementation. The Technical Assistance Planning Program (TAPP) and Coastal Nonpoint Program work with partners on updating comprehensive and watershed management plans. In addition, the Coastal Grants Program funds planning projects that go above and beyond and include sustainable planning components and strategies.

**Performance Measure 2:** The number of local governments in the coastal program area that incorporate sustainable planning principles in local comprehensive plans, local mitigation strategies, beach or floodplain management plans, local adaptation strategies, economic development strategies, or land development regulations.

**Target 2:** Four local governments in the coastal program area have incorporated sustainable planning principles in their local comprehensive plans, local mitigation strategies, beach or floodplain management plans, local adaptation strategies, economic development strategies, or land development regulations.

**Results:** One of four local governments in the coastal program area have incorporated sustainable planning principles in local plans, strategies or regulations. The LMCP is making good progress toward achieving the five-year target for completing work with four local governments.

### **METRIC 3**

**Goal:** The LMCP provides financial assistance to entities in the coastal program area to implement strategically developed plans.

**Objective 3:** The LMCP Coastal Grants Program supports implementation of local comprehensive plans, watershed plans, public access improvement plans, and recreational strategic plans.

**Strategy:** The vision of the LMCP is to provide technical, financial, and programmatic assistance to ensure that the Lake Michigan coastal area is thriving for future generations. The Coastal Grants Program provides funding to communities and organizations that seek out social, economic, and environmental solutions to promote partnerships and balance the use and protection of the coast’s valuable, yet fragile, resources. One of the ways for communities and organizations to accomplish those solutions is through the implementation of local plans and

strategies, which are local comprehensive plans, watershed plans, public access improvement plans, and recreational strategic plans, via low-cost construction or land acquisition projects (Section 306A projects).

**Performance Measure 3:** The percentage of all Section 306A projects funded by the LMCP Coastal Grant Program over the five-year reporting period that implement the goals of existing plans and strategies.

**Target 3:** Ninety-five percent of all Section 306A projects funded by the LMCP Coastal Grants Program over the five-year reporting period implement the goals of existing plans and strategies.

**Results:** After two years, the cumulative data indicate that 100% of all Section 306A projects funded by the LMCP Coastal Grants program implement the goals of existing plans and strategies. To date, the LCMP is above the 95% target for the five year period.

## Conclusion

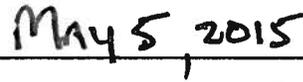
For the reasons stated herein, I find that the State of Indiana is adhering to the programmatic requirements of the Coastal Zone Management Act and its implementing regulations in the operation of its approved Indiana Lake Michigan Coastal Program.

These evaluation findings contain one necessary action and one recommendation that must be considered before the next regularly scheduled program evaluation. Recommendations that must be repeated in subsequent evaluations may be elevated to necessary actions.

This is a programmatic evaluation of the Indiana Lake Michigan Coastal Program that may have implications regarding the state's financial assistance awards. However, it does not make any judgment about or replace any financial audits.



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Jeffrey L. Payne, Ph.D., Acting Director  
Office for Coastal Management



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Date

## Appendix A: Office for Coastal Management's Response to Written Comments

**Silas G. Sconiers**  
Gary, Indiana

**Comment:** Mr. Sconiers wrote to express concern with the Lake Michigan Coastal Program regarding fishing and public access opportunities, particularly for minority residents in Gary, Indiana.

**NOAA Response:** NOAA thanks Mr. Sconiers for providing written comments on the Indiana Lake Michigan Coastal Program. The Marquette Plan (highlighted on page 3 of this document) is providing a regional planning framework for planning, development, infrastructure investments, public access, and watershed management for the Cities of East Chicago, Gary, Hammond, Portage, and Whiting.

These communities are the original five included in Phase 1 of the Marquette Plan. The Plan currently encompasses the entirety of the Indiana Lake Michigan Shoreline and includes other shoreline communities beyond those listed. The Marquette Plan is a regional framework plan that provides vision for the Indiana Lake Michigan coastal area. As the State of Indiana is a home rule state, the individual communities/municipalities may choose to implement the subarea plans.

The LMCP runs an annual Coastal Grant competition. This pass through grants program utilizes approximately two-thirds of the NOAA federal allocation to the State. Public access improvement on publically owned property is an eligible project type. As of this time the City of Gary has not applied for a project to improve fishing access to Lake Michigan.

Mr. Sconiers' concerns were shared with the LMCP staff.

**Thomas Anderson**  
Michigan City, Indiana

**Comment:** Mr. Anderson submitted comments, highlighting the fact that the Lake Michigan Coastal Program has been good for Indiana, but also suggesting that the cost/benefit ratio for administration of the program has become too "top heavy," among other concerns.

**NOAA Response:** NOAA thanks Mr. Anderson for providing written comments on the Indiana Lake Michigan Coastal Program. A number of issues concerning staff capacity were discussed, and these are summarized in the "Capacity of LMCP Staff" section on page 4 of this document.

The LMCP receives funding via an annual cooperative agreement from NOAA. The amount of the award varies each year and was \$906,000 for 2014. Of the 34 federally-approved coastal programs, the LMCP is in the top percentage of States that pass through Federal funding dollars in the form of grants.

Mr. Anderson's concerns were shared with the LMCP staff.