



President: Al Diefenbach Vice President: Randy Roberts. Treasurer: Molly Mackel
Secretary: Jane Dustin; Recording Secretary: Sue Diefenbach.
Membership Secretary: Karen Elliott
DIRECTORS: Nancy Baker • Ruth Brake • Mary Anna Entwisle • Maryann Freygang-James • Ron James
• Kitty Miller • Nick Miller • Kathryn Moore • Carmen Nicklen • Dee Pence • Donna Richards
• Peg Thornton • Susan Till • Larry Whearley • Jean Wise • Erma Wolfe • Gene Wolfe •

September 17, 1997

NATURAL RESOURCES STUDY COMMITTEE - Sept. 17, 1997 Meeting, Turkey Run State Park

Statement Regarding Designation of Natural and Scenic Rivers - INDIANA

This statement prepared and presented by the CEDAR CREEK WILDLIFE PROJECT, INC. citizen and land owner group defending the Cedar Creek in Allen and DeKalb Counties from river mile 13.7 to its confluence with the St. Joseph River as segment of Indiana's Natural, Scenic and Recreational Rivers Act.

The Cedar Creek Wildlife Project, Inc. (CCWP) is an Indiana Not-For-Profit Corporation founded in 1965 to protect and maintain the Cedar Creek of DeKalb and Allen Counties as a natural stream flow. CCWP has membership adjacent to the stream and throughout the watershed which includes the important tributaries of the Willow Creek, Black Creek and Little Cedar Creek.

The eighty-five foot deep canyon - cut by the Cedar Creek, mostly in Allen County, with its steep, forested escarpments, side ravines and entrenched oxbows, meanders and wetland floodplains is regionally unique to Northeastern Indiana and Northwestern Ohio. Geologists study Cedar Creek as a text-book example of "stream pirating", where in glacial time, the water cut through the Moraine and stole the water into another watershed. Cedar Creek once joined the Eel River/Wabash system but, by cutting the canyon, it is now a major tributary to the St. Joseph River in the Maumee River system flowing to the Great Lake Erie.

Because of this ecological contribution to the Great Lakes and because Cedar Creek is of major importance to the drinking water supply of the City of Fort Wayne, the protection, maintenance and necessary restoration of water quality is today's paramount issue in our local community. (E.Coli, pesticides and nutrients are at dangerous levels)

CCWP felt we could be of help to the Natural Resources Study Committee by sharing our experiences as a designated stream and as a group involved since 1973, working toward passage of the Act.

CCWP urged local Senator Richard Worman's resolution for study of Cedar Creek.

CCWP participated in the study teams leading up to designation and after, when attempts were made to establish large-lot protective ordinance provisions

CCWP supported designation of the 13.7 mile segment (beginning at DeKalb County Road 68 to the confluence with the St. Joseph River) under Indiana's Natural, Scenic and Recreational River's Act, 1976.

CCWP supported (still does) the Natural Resources Commission's decisions for:

- minimum access- stipulating one ingress and one egress.
- protection of property rights by assuring a process of conservation easements negotiated with willing riparian property owners.
- administration of the Act by the Indiana Department of Natural Resources (IDNR).
- requirement of Environmental Impact Statement (EIS) preparation when proposing alterations. (IAC 14-29-6-10)

CCWP supported establishment of the watershed's five units of Nature Preserve, dedicated under Indiana's Nature Preserves Act, plus three units under natural area protection; four units under Conservation Easements and two units of Allen County Parks & Recreation.

(All of this has been accomplished through willing parties. Much by landowner gifts and contributions, some public funds and contributions through Heritage Trust, The Nature Conservancy, ACRES, Inc. Land Trust and Izaak Walton League of America.)

CCWP supports designation of the Cedar Creek waters as "Outstanding State Resource Waters" to be protected and maintained without degradation as highest quality waters in Indiana's antidegradation standards. (administered under federal Clean Water Act & Indiana's Water Quality Standards by Indiana Department of Environmental Management (IDEM))

CCWP has depended in the past and will increasingly into the future on the wetland environmental protections afforded by Section 404 and 401 of the federal Clean Water Act; the point and nonpoint source effluent controls of CWA; the watershed protection elements of the Safe Drinking Water Act. We depend on the Endangered Species Act and state and federal requirements for inter-agency coordination. We depend on Indiana's forest, wildlife and riparian habitat classification Acts; the Flood Control Act, floodway permitting and public hearing process. NOTE, THESE ARE STATE AND FEDERAL DEPENDENCIES - NOT LOCAL!

CCWP would stress that the major battles we have waged to protect the Cedar Creek have been in Court to quell the destructive actions of LOCAL Drainage Boards. We have, in these actions, arrived at agreements and treatments of the waterbody which, although not entirely protective, are far short of the manipulative, forest clear-cut, channelizing Drainage Code directives. We add: evidence has never been produced that shows that the Natural, Scenic and Recreational River segment OBSTRUCTS drainage.

In fact, there is ample evidence that the Natural, Scenic and Recreational River Segment provides flood storage capacity, slows and detains the flood water, functions as a significant groundwater recharge zone.

CCWP believes that the arguments for local control and local designation powers is ill-founded and self-serving to existing polluters and to local entities who are determined to manage, manipulate, manicure, clear-cut, straighten, dike, drain and rip-rap - none of which protects, maintains or restores the habitat of the waterway or its water quality.

It should be remembered that whatever the waterbody - from wetlands to headwaters to streams to rivers to lakes - the Clean Water Act requires that we maintain and protect the physical, chemical and biological integrity of the waters for drinking, fishing and swimming. Also, that the waterbodies qualifying as Indiana's highest quality waters such as the natural, scenic and recreational rivers, those designated and candidates are the State's significant resources and merit protection and maintenance without degradation.

We must stress too that our valley would not be protected today without the many private property owners who love and value the land, woods, waters and wildlife and who believe that the natural equilibrium works best.

The Act works. It has twenty one years of testing as an invaluable tool for protection and maintenance of Indiana's finest natural waterbodies. More are worthy of addition and should be afforded the same support that we have had from the IDNR and the IDEM.

Years ago, I was helping gather facts about the South Branch of the Elkhart River as a scenic river candidate. I called an old friend naturalist Charlie Scheffee, then superintendent of the Muskatatuck National Wildlife Refuge. I asked Charlie to give me the best reason he knew of why we should save the South Branch. His answer was immediate, "They aren't making any more like it! "

Thank you. Please continue to help us protect our waters.

Respectfully Submitted,

Alan F. Diefembach
Alan F. Diefembach, President

Randy Roberts
Randy Roberts, Vice President

Jane H. Austin
Jane Austin, Secretary