

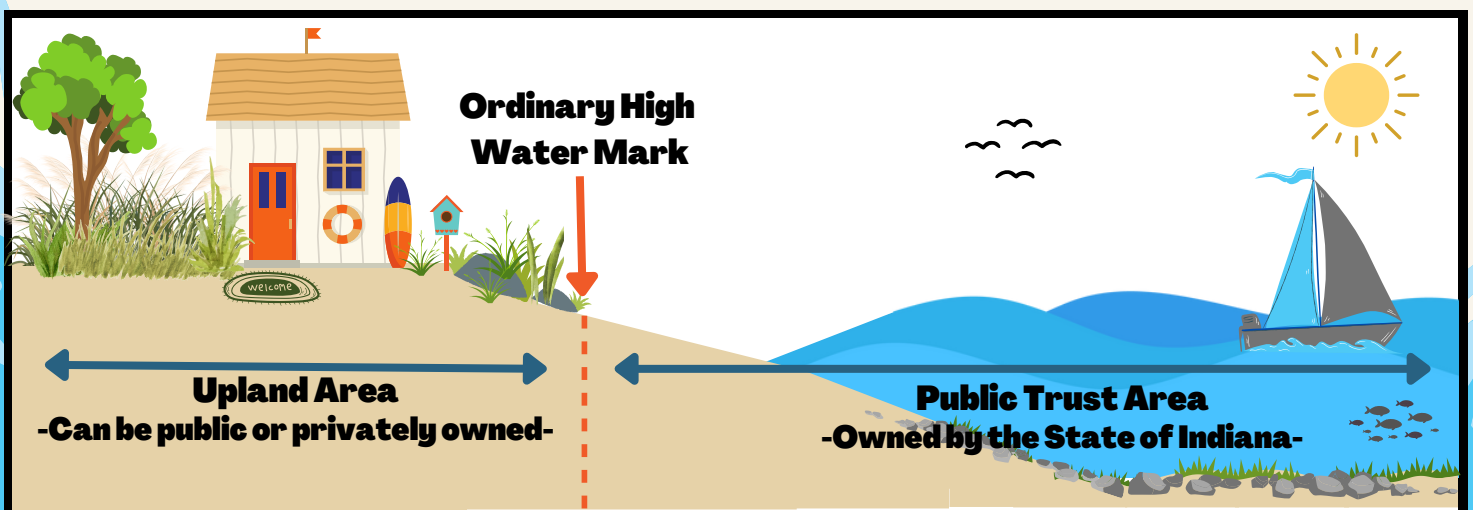
PUBLIC TRUST DOCTRINE

What is the Public Trust Doctrine?

- A state-specific legal principle and is endorsed by the US Supreme Court
- Under the doctrine certain natural resources, such as the Lake Michigan shoreline, must be protected by the Indiana state government for the public's benefit and cannot be controlled by private interests
- Land below the "Ordinary High Water Mark" is held in trust by the state of Indiana for public use such as (some recreational activities)

What is the Ordinary High Water Mark?

- The boundary line on the Lake Michigan shoreline and other navigable waterways used to designate where public use and private ownership begins and/or ends
- Indiana Administrative Code definition says it is the line on the shore of a waterway established by the fluctuations of water and indicated by physical characteristics such as vegetation



What Laws Support This Doctrine in Indiana?

- Indiana Codified Statute § 14-26-2.1-3
 - The State of Indiana owns all of Lake Michigan within the boundaries of Indiana, in trust for the use and enjoyment of all citizens
- *Gunderson v. State*
 - Indiana Supreme Court unanimously decided that the public has a right to use and enjoy the Lake Michigan shore up to the ordinary high-water mark and that the State of Indiana owns that lakeshore below the ordinary high water mark in trust for the public

The Work of Defending the Public Trust is Never Done

- Challenges to the Public Trust Doctrine continue to arise in permit requests and proposed amendments to state statutes
- This is an ongoing struggle, so we need to stay vigilant - organizations such as Save the Dunes continue to defend this doctrine
- When needed, we represent the public's right in court to keep our beaches accessible to all
- Sharing these resources with your neighbors and network is a great way to educate communities and residents of Northwest Indiana about their right as Hoosiers to enjoy the shoreline of Lake Michigan

Our Partners In Defending the Public Trust



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