

Citizens Energy Group

Policy on the Appropriate Public Use of and Improvements Upon the Central Canal

**Purpose:** To establish the position of Citizens Energy Group (“Citizens”) concerning the nature and extent of proposed activities or improvements in, upon, or adjacent to the Central Canal.

**Scope:** This policy applies to all requests from groups and organizations considering use of or improvements upon the Canal and the adjacent real property. It is not and shall not be superseded or otherwise limited in any manner by any other agreement(s), including, but not limited to, Citizens’ grant of a limited, non-exclusive license to the City of Indianapolis (“City”) for the purpose of the City’s use and maintenance of real property adjacent to the Canal as the Central Canal Towpath (running from the Monon Trail in Broad Ripple to 29<sup>th</sup> Street), a component of Indy Parks Greenways.

**Background:** The Central Canal (“Canal”) and its associated towpath features were originally constructed in the 1830s as a component of the historic Erie-Wabash Canal system. Originally, the Canal was constructed for use in the transportation of goods in commerce. Today, the historic Canal continues to be revered as a cultural and natural amenity, while also serving as a critical component of the community’s drinking water supply. Specifically, the Canal’s primary purpose serves to move raw water from the White River (via the Broad Ripple Dam) 7.5 miles down the Canal to the White River Treatment Plant. Citizens is the owner and operator of the Canal and its associated features.

**Policy:** Citizens will seek an appropriate balance between the operational, cultural, and natural aspects of the Canal when considering requests for use of or improvements upon the Canal and its associated features (e.g., banks, towpath). Consideration of such requests shall be guided by the following principles:

- (1) Requests to engage in recreational or other activity within the Canal (e.g., swimming, canoeing, or kayaking) shall be denied. This activity has been and shall continue to be prohibited consistent with (a) the Canal’s status as a legally-protected utility structure; (b) the Canal’s function as a critical component of Citizens’ water operations; and (c) Citizens’ commitment to the safety and security of its employees, customers, and the public;
- (2) Use of the Canal’s associated features shall be favored over permanent improvements and/or the installation of fixtures;
- (3) Short-term use shall be favored over long-term use;
- (4) Improvements through the permanent planting of non-invasive native perennials and/or trees shall be favored over improvements of other non-vegetative features;
- (5) The approval of the use of or improvements upon the Canal shall be governed by non-exclusive, revocable licenses, not through easements or other forms of real property rights;
- (6) The timeframe of the license governing the use of or improvements upon the Canal shall be limited to renewable periods of no more than one (1) year in duration;

(7) Persons requesting use of or improvements upon the Canal shall be held responsible for ensuring compliance with all relevant and appropriate legal requirements related to such request;

(8) Persons requesting the use of or placement of improvements upon the Canal shall be responsible for the maintenance and repair of all relevant portions of the Canal during the duration of such approved activity;

(9) Persons requesting use of or placement of improvements upon the Canal shall be responsible for the management, maintenance, repair, and removal of all improvements or other items (however temporary or permanent) contemplated by such activity.

**Procedure:** Requests for use of or improvements upon the Canal and the adjacent real property shall be reviewed consistent with procedures developed and approved by the Director of Shared Field Services. Requests made by organizations, including, but not limited to, community groups or other non-profits, also shall be reviewed by the Vice President for Community Relations. Certain requests may be afforded greater scrutiny based upon the geographic nature of the request.

**Approved:**

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