

NOTICE - EFFECTIVE MARCH 4, 2013

The Indiana Department of Natural Resources (IDNR) along with the U.S. Army Corps of Engineers (USACE), Detroit, Chicago, and Louisville Districts, and the Indiana Department of Environmental Management has partnered to simplify the permit process for some types of construction projects on the specifically listed public freshwater lakes and streams in Indiana.

To make it easier for citizens and contractors to get a permit for construction projects in the State of Indiana, the USACE has reissued and revised a Programmatic General Permit (PGP) LRE 1998-1000100-S12. In general, the type of projects that may qualify for a PGP Category 1 are certain shoreline protections, beaches, boat ramps, boat well fills.

Under the PGP, if a proposed construction project qualifies under the PGP Category 1, the Certificate of Approval issued by IDNR will also qualify the project for the authorization under the Section 404 of the Clean Waters Act regulated by the U.S. Army Corps of Engineers and the Section 401 Water Quality Certification regulated by the Indiana Department of Environmental Management. This Section 404 and Section 401 authorization is subject to complying with the federal general conditions provided with the IDNR Certificate of Approval.

If the IDNR staff determines that the project does not meet the PGP Category 1 criteria, IDNR will forward a copy of the application to the USACE district office for review of the project under the federal regulations. IDNR will notify the applicant and agent with a letter to inform them that a copy of the application has been mailed to the USACE for review.

Procedures for the PGP:

- Applicant or agent: Submit an IDNR application, Form # 42946 (R6 / 2-05) to the IDNR, Division of Water. Do not submit an application to the U.S. Army Corps of Engineers or the Indiana Department of Environmental Management for projects on a public freshwater lake and for shoreline protection projects on waterways listed in the PGP. NOTE: For the waterways not listed on the PGP, the applicant or agent is responsible to submit the appropriate application forms and documentation directly to the USACE.
- IDNR: The Division of Water will review the permit application plans to determine if the meets the criteria for the PGP Category 1, and is approvable under the appropriate regulatory program administered by IDNR, a permit will be issued by IDNR that will indicate on the Special Conditions page that the project is also authorized by the U.S. Army Corps of Engineers and the Indiana Department of Environmental Management. IDNR will forward a copy of your application to the appropriate U.S. Army Corps of Engineers District office for their review of the project for the lakes and streams that are listed in the PGP if the project does not qualify under the PGP Category 1. IDNR will notify the applicant and agent when your application has been forwarded to the USACE District Office for review.
- USACE: The USACE District Office will notify the Indiana Department of Environmental Management when a review is required under Section 401 Water Quality Certification.
- If additional information is needed by any of the agencies, the agency will contact the property owner, agent, or their contractor directly.

This Programmatic General Permit and the new procedures noted above only apply to specific construction projects on public freshwater lakes that are subject to the Public Freshwater Lake Act, IC 14-26-2 and for shoreline protection projects on waterways listed in the PGP http://www.lre.usace.army.mil/Portals/69/docs/regulatory/PDFs/Final_PN_12Dec.pdf that are subject to the Flood Control Act, IC 14-28-1. Obtaining permits from other federal, state, or local regulations for all other construction projects not listed in the PGP is your responsibility.

For additional information about the Programmatic General Permit, contact the U.S. Army Corps of Engineers office at 313-226-6828, Detroit District Office or 502-315-6733, Louisville District Office, or refer to the public notice available at http://www.lre.usace.army.mil/Portals/69/docs/regulatory/PDFs/Final_PN_12Dec.pdf For more information about the processing of your application, please contact the Technical Services Section of the Division of Water, Department of Natural Resources, at 1-317-232-4160 or at their toll free number, 1-877-928-3755.