



Investigations of Potential Wetland Violations

Office of Water Quality

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What is a wetland?

- A wetland is a water of the state as described in Indiana Code (IC) [13-11-2-265](#) (a) and (c). IDEM and USACE both have regulatory authority over federally jurisdictional water, also known as Waters of the United States (WOTUS) and IDEM is the regulatory authority over non-jurisdictional waters of the state like state regulated (isolated) wetlands. Wetlands are defined in [IC 13-11-2-265.7](#).

What is a wetland violation?

- The discharge of fill material into a wetland without authorization violates [327 IAC 2-1-6](#), which is a rule of the Environmental Rules Board, and thus also violates [IC 13-30-2-1\(1\)](#) and [IC 13-18-4-5](#). [IC 13-14-2-2](#) authorizes IDEM to enter upon private or public property to inspect for and investigate possible violations.
- When investigating potential violations of the discharge of fill material into a wetland without authorization, IDEM utilizes the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual (Wetlands Research Program Technical Report Y-87) ([the Manual](#)) to determine the presence or absence of wetlands on a site.

IDEM steps to determining the presence of a wetland:

- When conducting a site visit to determine the presence or absence of a wetland for the purposes of evaluating unauthorized placement of fill within a wetland, IDEM staff will collect a datapoint to evaluate the presence or absence of wetland criteria consistent with the Manual. This process is known as a wetland determination.

If the datapoint indicates that all three wetland criteria (wetland hydrology, hydrophytic vegetation, and hydric soils) are met, then wetlands are present. Wetlands may also be present without all three wetland criteria due to atypical situations as outlined in the Manual. Atypical situations may include when impacts to a site have already occurred, including clearing and placement of fill.

IDEM staff will not conduct a full wetland delineation but will utilize the data point to document the presence or absence of wetland criteria, make a determination, and record the presence or absence of a wetland onsite.

When a wetland is found on the property, the party responsible for the activity will be contacted regarding next steps.

How to avoid wetlands violations:

- If you are interested in a project on your property and want to ensure that no violations will occur, please visit in.gov/waterways and submit a waterway inquiry request to be alerted of any authorizations that may be needed for your project.

Additional Information:

- For additional information and questions on which application and Waterways permit is required for a potential project, visit IN.gov/waterways.
- For additional information on IDEM's wetland permits and regulations, visit IDEM's website at idem.IN.gov/wetlands.
- To contact the IDEM wetland project manager that handles your part of the state, visit idem.IN.gov/wetlands/contact.
- For additional information on the USACE Wetland Delineation Manual and Regional Supplements, visit the USACE website at www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/.