WHAT WATERS ARE REGULATED IN INDIANA?

IDEM regulates all "Waters of the State." Waters of the State generally include all wetlands, lakes, rivers, streams, and ponds. Certain activities in these waterbodies are regulated by IDEM.

REGULATED ACTIVITIES:

Filling –
placing dredged or fill materials into a waterbody

Dredging/Excavating –
removing silt or sediment from a waterbody (examples include: stream widening, channel relocation, mining)

Mechanical Clearing –
clearing vegetation (shrubs and trees) from wetlands by bulldozing or grubbing, and removing the root structures and grading the soil

Other Construction –
activities that alter a lake shoreline or stream bank (examples include: seawalls, underwater beaches, stream bank stabilization, stream crossings)

Other activities such as discharging to or withdrawing water from a wetland, may require additional or different authorizations. Contact IDEM for additional information at (800) 451-6027.

WHO TO CONTACT:

In northern Indiana:
U.S. Army Corps of Engineers
Detroit District Office
Regulatory Program
P.O. Box 1027
Detroit, MI 48231
(313) 226-2218
www.lre.usace.army.mil/who/regulatoryoffice

In central or southern Indiana:
U.S. Army Corps of Engineers
Louisville District Office
Regulatory Program
P.O. Box 59
Louisville, KY 40201
(502) 315-6733
www.lrl.usace.army.mil/orf

Indiana Department of Environmental Management
Section 401 WQC/Isolated Wetlands Program
100 North Senate Avenue
MC 65-42 WQS IGCN N045
Indianapolis, IN 46204
(800) 451-6027 or (317) 233-8488
www.wetlands.IN.gov

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Filling? Dredging? Excavating?

READ THIS FIRST!

A guide to state and federal permits required to work in or along Indiana's wetlands, lakes, rivers, streams and ponds.

Indiana Department of Environmental Management

WHAT IS A WETLAND?

Wetlands come in many different sizes and types, so it is difficult to explain in a simple manner what is, and what is not, a wetland. In general, wetlands have a dominance of water-loving plants which can live in water or wet soil, are wet, flooded, or saturated for part of the year, and have soils which have formed under wet conditions. We typically refer to wetlands by other names, such as marshes, swamps, or bottom lands. Wetland aren't usually wet year-round. In fact, some wetlands never have standing water in them!

WHY ALL THE FUSS ABOUT WETLANDS?

Wetlands provide many benefits, including:

- purifying the water we drink;
- reducing flooding;
- protecting shorelines from erosion;
- providing critical fish and wildlife habitat; and,
- providing recreational activities such as fishing, hunting, photography, and wildlife watching.

CLEAN WATER REGULATIONS BENEFIT YOUR FAMILY AS WELL AS SOCIETY.

All humans have the basic need for clean water to drink, and people also want clean water for recreation, such as swimming, boating, and fishing. State and federal regulations play a critical role in making sure that the waters of Indiana are clean and safe for all Hoosiers to use and enjoy.

YOUR PROJECT MAY REQUIRE IDEM SECTION 401 WATER QUALITY CERTIFICATION (401 WQC) OR ISOLATED WETLAND PERMITS

If you wish to dredge, fill, excavate, or alter the shoreline of a wetland, lake, river, stream, pond, or other regulated waterbody, federal and state laws require that you obtain Section 401 Water Quality Certification and/or Isolated Wetland Permits from the Indiana Department of Environmental Management (IDEM). Regulating activities in Waters of the State protects the water quality of Indiana waters for the benefit of all Hoosiers.

WHEN DO YOU NEED 401 WQC OR ISOLATED WETLAND PERMITS?

Any person who plans to place fill materials, excavate, dredge, or use heavy equipment within a wetland, lake, stream, river, pond, or other regulated waterbody must first apply to the U.S. Army Corps of Engineers (Corps) for a permit under Section 404 of the federal Clean Water Act. If the Corps determines that you need a 404 Permit, you must first obtain Section 401 Water Quality Certification from IDEM. You can not conduct your project without a Corps permit, and you can not receive a Corps permit without IDEM 401 WQC. The Corps may determine that certain wetlands on your project site are isolated wetlands. Isolated wetlands are regulated by IDEM under Indiana's State Isolated Wetlands law. Any person proposing to impact an isolated wetland must apply for, and obtain, permits under Indiana's State Isolated Wetlands law.

HOW DO YOU APPLY FOR 401 WQC/ ISOLATED WETLAND PERMITS?

Submit an application to IDEM as described inside this brochure. Application forms are available for download on IDEM's Web site at www.wetlands.IN.gov. You may wish to hire an environmental consultant to determine your scope of impacts, prepare your application, and submit your application along with all required enclosures (maps/plans/figures) that must be included with your application form.

WILL YOUR APPLICATION BE APPROVED ?

IDEM will review your proposed project to determine if it will have negative impacts on the quality of Indiana's waters, and will require you to avoid or minimize impacts to water resources wherever possible. Where impacts are unavoidable, IDEM will require you to compensate for those impacts through mitigation - restoring or creating other wetlands or streams nearby. The majority of applications are approved, provided you work with IDEM throughout the process as outlined inside this brochure. However, IDEM will deny an application if the proposed project will cause negative impacts to Indiana's waters that cannot be sufficiently offset through mitigation.

HAVE MORE QUESTIONS? NEED MORE INFORMATION?

Our Web site provides answers to frequently asked questions, including information on how to determine if your land has wetlands on it. You will also find early coordination information and project planning tips along with contact information for IDEM staff, the U.S. Army Corps of Engineers, and other regulatory agencies that may have jurisdiction over your project. Visit www.wetlands.IN.gov or call (800) 451-6027 extension 3-8488.

INDIANA WETLANDS

THE IDEM 401 WQC / ISOLATED WETLAND PROCESS:

This diagram briefly describes the process of applying for 401 Water Quality Certification and Isolated Wetland Permits, and gives tips for making the process run as smoothly as possible. You can learn a LOT more about each step of this process, obtain application forms, and find contact information for IDEM's project managers by visiting IDEM's Web site at **www.wetlands.IN.gov** .

1. Early Coordination

Through this voluntary process, you can discuss your proposed project with IDEM before you submit your application. IDEM staff can help identify potential problem areas and recommend solutions that will decrease project review times and increase environmental protection.

TIP: If your project is large or complex, or if you have never applied for Section 401 Water Quality Certification or Isolated Wetland Permits before, this step is highly recommended!

TIP: Contact IDEM 8-12 months prior to the planned beginning of work.

2. Submit Application

Applicants must use the application forms available from IDEM via the Internet, mail, or FAX. Visit our Web site (www.wetlands.IN.gov) or contact us by phone at (800) 451-6027, ext. 3-8488 to obtain an application form.

TIP: Apply Early! The most common mistake applicants make is to wait until the last minute to apply.

3. Public Notice

Public notice is required by law for most applications. The public notice period lasts 21- 30 days and IDEM can not issue a final decision on an application until the comment period has expired. Occasionally, IDEM will hold public hearings to obtain additional information.

NOTE: In some cases, IDEM and the U.S. Army Corps of Engineers will issue a joint public notice for a proposed project.

4. Application Review

IDEM will review your application to assess the impacts of your project on water quality. Avoiding and minimizing proposed impacts to regulated water resources, buffering areas to be avoided, and proposing mitigation for unavoidable impacts will help ensure that your project will comply with state and federal laws and Indiana's Water Quality Standards. IDEM will contact you to request any missing or incomplete information.

TIP: The most common cause for delays and/or denial of applications is submittal of an incomplete application.

5. Site Investigation

As part of the application review, IDEM may inspect the proposed impact site and/or mitigation site(s) to evaluate the project and potential impacts to wetlands and other aquatic resources. Applicants are encouraged to be present at on-site meetings.

6. Final Decision

When the review process is complete, IDEM will notify you via certified letter of the agency's final decision. In many cases, IDEM will approve the application, contingent upon your agreeing to meet specific conditions. In some cases, you may not receive immediate approval to proceed with your project, but IDEM will explain what issues must be addressed in order for your application to be approved.

TIP: Following all conditions attached to your approval(s) will ensure that your project avoids any delays and will protect the quality of Indiana's waters for future generations to enjoy!

BEST TIP:

The best tip of all is to contact IDEM as soon as possible in the process. Staff are available to answer questions, give input, and help you through every step of the process-and it's all free!

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