



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

Section 401 Water Quality Certification for the 2024 Reissuance of Indiana Regional General Permit No. 1


Authorization Number: 2024-543-00-RGP-WQC

USACE Number: LRL-2023-00656
LRE-2014-00571-100-S24
LRC-2024-286

Authority: 327 IAC 2. CWA Sections: 301, 302, 303, 306, 307, & 401

Effective Date: December 15, 2024

Expiration Date: In the absence of another action by IDEM that would alter the termination date of this certification, this certification will expire on December 15, 2029, the expiration date of the federal permit this certifies.

Approved: 

for
Martha Clark Mettler
Assistant Commissioner
Office of Water Quality

Applicant / Permittee: U.S. Army Corps of Engineers

The Office of Water Quality has reviewed the Joint Public Notice/Application for Section 401 Water Quality Certification (WQC) dated June 6, 2024. According to the application, the U.S. Army Corps of Engineers (USACE) proposes to reissue the Regional General Permit No. 1 (RGP #1) for the state of Indiana. The RGP #1 is intended to authorize activities that cause minimal individual and cumulative impacts to the aquatic environment.

Based on available information, it is the judgment of this office that the RGP #1 will comply with the applicable provisions of 327 IAC 2 and Sections 301, 302, 303, 306, and 307 of the Clean Water Act if the recipient of the certification complies with the conditions set forth below. Therefore, subject to the following terms and conditions, the Indiana Department of Environmental Management (IDEM) hereby grants Section 401 WQC for the RGP #1. Any changes in the language or scope of the RGP #1 not detailed in the Joint Public Notice/Application, or as modified by the conditions below, are not authorized by this certification.

APPLICANT RESPONSIBILITIES:

(1) An applicant seeking coverage under this Section 401 WQC must:

- (a) Demonstrate, via letter from the Indiana Department of Natural Resources (IDNR), Division of Nature Preserves, Indiana Heritage Data Center (IDHC) that no state endangered, threatened, or rare (ETR) species are documented on a permanent or seasonal basis within ½-mile radius of the proposed project site.
 - 1. Information on obtaining an ETR letter from the IDNR can be found at the following website (current as of August 2024):
<https://indhcdatrequest.dnr.in.gov/>
 - 2. If any species are listed in the ETR letter, the applicant must provide further documentation from the IDNR that states the project will not impact the listed species. Information on obtaining further documentation from the IDNR regarding species impacts will be provided in the ETR letter.
- (b) Submit a notice of intent using the most current version of the Section 401 WQC Regional General Permit notification form as provided by IDEM (referred to hereinafter as the “notification”) at least 30 days prior to the activity.

Note: Upon adoption of an online system, IDEM will only accept applications and other documents through the online portal.

- 1. The notification submitted to the IDEM Office of Water Quality must, at a minimum, provide the following information:
 - i. Applicant information,
 - ii. Project location including maps,
 - iii. Description and photos of existing project site conditions,
 - iv. Description of all temporary and permanent project impacts,
 - v. Illustrations of the proposed project plans including, but not limited to, cross sections depicting the bankfull width or ordinary high water mark and extent of fill within streams, cross sections depicting extent of fill within wetlands or open water, engineering plans, etc.
 - vi. Restoration plan returning all temporary impact areas to pre-construction grades, contours, and vegetated conditions. The restoration plan should include plans for the removal of temporary fill, grading/compaction, seeding, planting, success criteria, and any necessary maintenance/monitoring;
 - vii. ETR letter,
 - viii. Copies of all correspondence from USACE, if applicable.

2. Failure to submit all required information will result in the project being considered out-of-scope and not authorized.
- (c) Provide any additional information required by the IDEM to verify that a given project will qualify under the terms and conditions of this Section 401 WQC. If the applicant fails to provide any requested information, the project is not authorized.
- (d) Allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials, to enter upon the applicant's property to inspect the project site during the review of a proposed project.

PERMITTEE RESPONSIBILITIES

- (1) Permittees qualifying for impacts under this Section 401 WQC must:
 - (a) Execute the project per the information contained in the notification submitted to the IDEM.
 - (b) Allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials to:
 1. Enter upon the permittee's property.
 2. Access and copy at reasonable times any records that must be kept under the conditions of this certification.
 3. Inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution management or discharge facility or device; practices required by this certification; and any mitigation wetland site.
 4. Sample or monitor any discharge of pollutants or any mitigation site.
 - (c) Obtain any other permits or authorizations required for this project or related activities from IDEM or any other local, state, or federal agency or person.
 1. Land-disturbing activities of one (1) acre or more or disturbances of less than an acre that are part of a larger common plan will require permit coverage for discharges associated with construction site run-off. Additional information should be obtained through the IDEM Stormwater Program at www.in.gov/idem/stormwater or by phone at 317-233-1864 or via email at Stormwat@idem.IN.gov.
 2. The Indiana Department of Natural Resources should be contacted concerning the possible requirement of natural freshwater lake or floodway permits at <https://www.in.gov/dnr/water/regulatory-permit-programs/> or by phone at 317-232-4160 or toll free at 877-928-3755.

- (d) Deposit any dredged material in a contained disposal area outside of any water of the state and implement appropriate measures to prevent sediment run-off to any waterbody.
- (e) Install run-off and sediment control measures prior to any land disturbance to manage stormwater and to minimize sediment from leaving the project site or entering a waterbody.
 - 1. All operations must phase project activities to minimize the impact of sediment to the receiving waterbody(ies). Erosion and sediment control measures must be implemented using an appropriate order of construction (sequencing) relative to the land-disturbing activities. Wetlands and/or waterbodies adjacent to land-disturbing activities must be protected with appropriate sediment control measures.
 - 2. As work progresses, if the area is to be left temporarily undisturbed for 15 days or more, all areas void of protective cover must be re-vegetated or stabilized. Areas that are to be re-vegetated must utilize mulch that is anchored or, under more severe conditions, erosion control blankets.
 - 3. Erosion control blankets must be biodegradable, with loose-woven/leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes, frogs, and turtles.
 - 4. Additional standards and specifications for stormwater management, including erosion and sediment control can be obtained in the Indiana Stormwater Quality Manual (<https://www.in.gov/idem/stormwater/resources/indiana-storm-water-quality-manual/>) or similar guidance documents.

TERMS OF THIS SECTION 401 WQC:

- (1) Although a project may meet the terms and conditions of this certification, IDEM may require an individual Section 401 WQC if the agency determines that the project would potentially have more than minimal impacts to water quality, either viewed individually or collectively with other projects that may impact the same watershed affected by the proposed project. If IDEM determines that an individual Section 401 WQC is required, the applicant must resubmit the project proposal with the appropriate application form and all required enclosures.
- (2) IDEM retains the right to review, modify, terminate, replace or amend this certification as needed to ensure that the federal permits or licenses certified do not result in violations of Indiana's Water Quality Standards or other applicable state laws.

CONDITIONS OF THIS SECTION 401 WQC

(1) This Section 401 WQC does not:

- (a) Convey any property rights of any sort, or any exclusive privileges.
- (b) Preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities.

(2) This Section 401 WQC does not authorize:

- (a) Impacts or activities that do not meet the terms and conditions of this Section 401 WQC. Such activities require an individual Section 401 WQC from the IDEM.
- (b) Any injury to permittees or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations.
- (c) Changes to the original plan design detailed in the notification. Any modifications will require a new verification.
- (d) The discharge of pollutants, principally sediment, associated with stormwater run-off.
- (e) The discharge of material other than clean fill¹ and uncontaminated dredged material.
- (f) Activities on or in any of the State's waters that have been designated as salmonid waters (cold water streams) or tributaries of salmonid waters within a two river mile reach upstream from the confluence with the salmonid water (see Attachment 1) unless the activity is conducted outside the salmonid fish spawning dates of March 15 through June 15 and from July 15 through November 30 and meets the following applicable conditions:
 - 1. Bank stabilization activities must:
 - i. Be completed using bioengineered methods, riprap, and/or glacial stone, that conforms to the existing shoreline and does not project out into the channel, and
 - ii. Not create a wall.
 - iii. Not include the installation of cofferdams, causeways, temporary access roads, or dewatering activities.

¹ Clean fill, for purposes of this WQC, means uncontaminated rocks, bricks, concrete without rebar, road demolition waste materials other than asphalt, or earthen material. It does not include any material that would cause water pollution.

2. Encapsulations must:
 - i. Be installed to span the width of the ordinary high water mark (OHWM), and be embedded in accordance with Condition 3(h)⁷ below, and
 - ii. Not include the installation of cofferdams, causeways, temporary access roads, or dewatering activities.
- (g) Activities on or in any Outstanding State and/or National Resource waters (see Attachment 1), or in any critical wetland or critical special aquatic sites (see Attachment 2).
- (h) Activities associated with the establishment of a mitigation bank.
- (i) Activities with a cumulative permanent impact exceeding one or both of the following thresholds:
 1. Twenty-five hundredths (0.25) acre of waters of the U.S.
 2. 500 linear feet of waters of the U.S.
 3. Note, activities with a cumulative permanent impact exceeding one-tenth (0.10) acre or 300 linear feet of waters of the U.S. must comply with the mitigation requirements listed in Condition (3)(c) below. Permanent impacts include any placement of fill below the ordinary high water mark of a stream or within wetlands including, but not limited to maintenance of currently existing fill and structures, replacement of encapsulations, and placement of riprap.
- (j) Activities with a cumulative temporary impact exceeding twenty-five hundredths (0.25) acre of waters of the U.S.
- (k) Activities with a cumulative temporary impact exceeding 500 linear feet of streambank or shoreline.
- (l) Activities that will permanently change the sinuosity, flow path, velocity, cross-sectional area under the Ordinary High Water Mark (OHWM), or the slope of a stream² except those that may be authorized through compliance with Conditions (3)(a), (3)(d), and (3)(f).
- (m) The installation of encapsulations for purposes other than road, driveway, and pedestrian crossings.
- (n) The placement of devices meant to retain sediment within Waters of the United States.

² Stream, for the purposes of this WQC, means waters of the U.S. that have a defined bed and bank and convey water ephemerally, intermittently, or perennially. This term includes natural streams, relocated streams, channelized streams, artificial channels, encapsulated channels and ditches.

(3) This Section 401 WQC authorizes:

- (a) Activities that do not result in a permanent secondary effect to waters of the U.S. Potential secondary effects include, but are not limited to damming, loss of hydrology, and creation of in-channel ponds.
- (b) Multiple impacts on a project as long as the cumulative amount of those impacts are less than the most restrictive thresholds of this Section 401 WQC.
- (c) Activities with a cumulative permanent impact exceeding one-tenth (0.10) acre or 300 linear feet of waters of the U.S, provided the following conditions are met:
 - 1. When activities exceed one or both of the above impact thresholds, mitigation for all stream, open water, and wetland impacts is provided at the following ratios:
 - i. 1:1 for streams, open water, and farmed wetland
 - ii. 2:1 for emergent wetland
 - iii. 3:1 for scrub shrub wetland
 - iv. 4:1 for forested wetland
 - 2. Mitigation is provided through the following mechanisms:
 - i. Mitigation credits are purchased from an approved compensatory mitigation bank or through the Indiana Stream and Wetland Mitigation Program (in-lieu fee (ILF)).
 - ii. Mitigation credits are purchased in the bank or ILF service area where the impacts occur.
 - iii. Sufficient proof of mitigation credit availability in the service area is provided to IDEM with the notification materials.
 - iv. Note: Credits may not always be available.
 - v. Failure to purchase credits before impacting water resources will require an individual 401 WQC and may result in additional mitigation requirements to compensate for temporal loss of water resource functions.
 - vi. Permittee responsible mitigation is not authorized under this 401 WQC.
 - 3. IDEM will consider mitigation obligations to be fulfilled upon receipt of proof of a finalized credit:
 - i. Before the impacts occur. Note: Banks and ILF programs may require 30 days or more to finalize a purchase.
 - ii. Within one (1) year of IDEM's receipt of the RGP Notification form

- (d) Minimal changes to stream morphology, including minor relocations, which result in a net benefit to the aquatic ecosystem. Minor stream relocations may be authorized, provided the activity:
 - 1. Is associated with the installation of a stream crossing or replacement of an existing crossing, and results in a net benefit to the stream morphology.
 - 2. Does not reduce the cross-sectional area under the OHWM.
 - 3. Is accompanied by an acceptable restoration/stabilization plan.
 - 4. Does not accelerate stream instability. Examples of instability include, but are not limited to, stream bank erosion, channel enlargement, channel incision, degradation, aggradation, meander migration (down-valley and lateral accretion), avulsion and base-level shifts.
- (e) Stream bank stabilization activities or new lake and reservoir shoreline stabilization that will permanently affect 500 linear feet or less when the applicant demonstrates that the bank or shoreline in question is unstable. Natural shoreline stabilization methods are required where there is no pre-existing seawall or other shoreline hard armament on a lake or reservoir. Natural shoreline stabilization methods include bank stabilization practices that benefit the aquatic environment by incorporating organic materials to produce functional structures, provide wildlife habitat, and provide areas for revegetation.
- (f) Placement of appropriately sized riprap or other bank stabilization materials provided the design and installation is flush with the upstream and downstream bank and stream channel/lakebed elevations and grades. Geotextile under riprap on slopes that exceed 2:1 is not authorized.
- (g) New bridge piers, piles, shafts or other support structures and their associated scour protection measures that do not significantly reduce the cross-sectional area of the stream and are located below the OHWM and outside the low flow channel of the stream.
- (h) Permanent stream encapsulations that:
 - 1. Are for the purpose of constructing a road, driveway, or pedestrian crossing.
 - 2. Allow the passage of aquatic organisms in the waterbody.
 - 3. Do not exceed 150 cumulative linear feet across all encapsulations within the scope of the project including replacement of existing encapsulations.
 - 4. Have a cross-sectional area at least twenty percent (20%) larger than the area under the OHWM of the stream immediately upstream and downstream of the encapsulation. If multiple parallel encapsulations are proposed for a single crossing, then

- i. At least one (1) encapsulation must meet the above cross-sectional area requirement.
 - ii. The largest encapsulation meeting the cross-sectional area requirement must be positioned in the channel to align with the existing low flow channel, and
 - iii. Secondary encapsulations must be placed off-center and at higher elevation to handle high flow events.
5. Have a streambed slope within the encapsulation that matches the slope of the bed both immediately upstream and downstream.
6. Do not create or accelerate stream instability. Examples of stream instability include, but are not limited to head cutting, stream bank erosion, channel enlargement, channel incision, degradation, aggradation, meander migration, (down-valley and lateral accretion), avulsion and base-level shifts.
7. Either have no bottom (e.g., three sided culvert) or are embedded (sumped)³ into the stream channel based on the following structure sizes and substrate types:
 - i. Stream bed of sand
 - Structure < four (4) feet wide: Six (6) inch sump
 - Structure four (4) feet wide to 12 feet wide: 12 inch sump
 - Structure 12 feet to 20 feet wide: 18 inch sump
 - ii. Stream bed of other soil or unconsolidated till⁴
 - Structure < four (4) feet wide: Three (3) inch sump
 - Structure four (4) feet wide to 12 feet wide: Six (6) inch sump
 - Structure 12 feet to 20 feet wide: 12 inch sump
 - iii. Stream bed of bedrock or consolidated till⁵
 - Inside elevation of the structure bottom must be a minimum of three (3) inches below the surface of the bedrock or consolidated till.
8. Meet the following requirements when installed in perennial streams with OHWM width of 12 feet or greater. These encapsulations must:
 - i. Be sumped to a greater depth if needed for the design of the streambed inside the encapsulation.
 - ii. Have a width equal to or wider than the existing OHWM.
 - iii. Have a natural stream bottom. If the stream bottom will be disturbed during construction (e.g. four-sided box culverts or pipe culverts or because of footer work for three sided culverts), natural

³ Sump, for the purpose of this Water Quality Certification, means the inside elevation of the bottom of the structure is placed at a specified depth below the grade of the stream.

⁴ Other soil and unconsolidated till includes substrates that are more cohesive and less mobile (e.g. clay, silt, gravel, and cobble substrates).

⁵ Consolidated till includes dense hard materials such as hardpan.

stream substrate must be placed in the encapsulation in accordance with “Stream Simulation: An Ecological Approach to Providing Passage for Aquatic Organisms at Road-Stream Crossings” (U.S. Department of Agriculture, Forest Service, 2008: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm91_054564.pdf)

- Additional guidance can be found in the Federal Highway Administration Hydraulic Engineering Circular No. 26: Culvert Design for Aquatic Organism Passage. <https://www.fhwa.dot.gov/engineering/hydraulics/pubs/11008/hif11008.pdf>

- iv. Have a low flow channel constructed or restored through the encapsulation. The low flow channel must have the same width, depth, and side slope as the natural upstream and downstream low flow channel. If the upstream and downstream channels are highly degraded, a V-shaped channel with 5:1 bank slopes within the structure may be substituted.

- (i) Stream pump-around activities, provided:

- 1. The discharge from the activity does not cause erosion at the outlet.
- 2. Cofferdam dewatering activities are directed to a filter bag(s), upland sediment basins/traps, or a combination of other appropriate sediment control measures to minimize the discharge of sediment-laden water into waters of the U.S.
- 3. All sediment control measures are installed and maintained in good working order.
- 4. Any materials used for an in-stream dam are constructed using non erodible materials. Examples include sandbags and sheet pile walls.
- 5. Pump-arounds are established in a manner that maintains daily flow rates. This will require maintenance and monitoring of fuel levels to continue pumping as needed including during times construction is not active.

- (j) The use of temporary structures provided the structures are removed in their entirety and the stream channel restored to preconstruction grades, contours, and vegetative conditions.

- (k) The installation of temporary work causeways, provided:

- 1. The temporary causeways:
 - i. Are constructed of material that can be expected to withstand high flow events.

- ii. Are installed in a manner that maintains near normal downstream flows.
 - iii. Do not interfere with aquatic organism passage.
 - iv. Do not span the entire width of the channel unless the notification is accompanied by a letter of approval from the Indiana Department of Natural Resources Division of Water.
 - v. Are constructed using culverts:
 - Placed on the channel bottom.
 - Kept clear of sediment and debris throughout the use of the causeway
 - Maintained in their designed and approved conditions throughout.
 2. The stream is restored to preconstruction channel bottom elevations and substrate types following the construction activity.
 3. The stream banks and riparian corridor are restored to preconstruction contours, grades, and vegetative condition following the construction activity.
- (I) The installation of temporary stream crossings, provided:
1. Temporary stream crossings are:
 - i. installed in a manner that maintains near normal downstream flows.
 - ii. Temporary stream crossings are installed in a manner that does not interfere with aquatic organism passage.
 - iii. Temporary stream crossings are constructed of materials that will not erode due to expected high flow events
 - iv. Culverts installed within the temporary stream crossings are:
 - Placed on the bottom of the channel in the low flow channel. If multiple culverts are necessary, all are placed on the bottom of the channel.
 - Kept clear of sediment and debris and maintained in their designed and approved conditions.
 - Placed in a manner that does not direct stream flows toward a streambank.
 2. The stream is restored to preconstruction channel bottom elevations and substrate types. The stream banks and riparian corridor must be restored to preconstruction contours, grades, and vegetative conditions.

Failure to comply with the terms and conditions of this Section 401 Water Quality Certification may result in an enforcement action. If an enforcement action is pursued, civil penalties could be assessed up to \$25,000 per day. Criminal liability may apply if it is determined that this Section 401 Water Quality Certification was violated willfully or negligently.

Questions regarding this Section 401 Water Quality Certification can be directed to the IDEM Office of Water Quality by phone at (317)-233-8488, or by e-mail at WetlandsProgram@idem.IN.gov.

Notice of Right to Administrative Review (Permits)

If you wish to challenge this certification, you must file a Petition for Administrative Review with the Indiana Office of Administrative Law Proceedings (OALP) and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Administrative Law Proceedings (OALP) within fifteen (15) days of the issuance of this notice, or eighteen (18) days if you received this notice by U.S. Mail, and a copy must be served upon IDEM.

Addresses are:

Director
Office of Administrative Law Proceedings
Indiana Government Center North
100 North Senate Avenue, Room N802
Indianapolis, Indiana 46204

Commissioner
Indiana Dept. of Environmental Management
Indiana Government Center North
100 North Senate Avenue, Room 1301
Indianapolis, Indiana 46204

The petition must contain the following information:

- (1) The name, address, telephone number, and other pertinent contact information of each petitioner.
- (2) A description of each petitioner's interest in the permit.
- (3) A statement of facts demonstrating that each petitioner is:
 - (g) A person to whom the order is directed;
 - (h) Aggrieved or adversely affected by the permit; or
 - (i) Entitled to administrative review under any law.
- (4) The reasons for the request for administrative review.
- (5) The particular legal issues proposed for review.
- (6) The alleged environmental concerns or technical deficiencies of the permit.
- (7) The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
- (8) The identity of any persons represented by the petitioner.
- (9) The identity of the person against whom administrative review is sought.
- (10) A copy of the permit that is the basis of the petition.
- (11) A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit.

Examples include:

- (1) Failure to file a Petition by the applicable deadline.
- (2) Failure to serve a copy of the Petition upon IDEM when it is filed.
- (3) Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OALP will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OALP at the address above.

For additional information on filing a petition with OALP, visit their website at <https://www.in.gov/oalp/>

Attachment 1: Indiana Waters Designated for Special Protection

Designated Salmonid Waters: [327 IAC 2-1.5-5(a)(3)]

- Trail Creek and its tributaries downstream to Lake Michigan, LaPorte County
- East Branch of the Little Calumet River and its tributaries downstream to Lake Michigan via Burns Ditch, Porter and LaPorte Counties
- Salt Creek above (upstream of) its confluence with the Little Calumet River, Porter County
- Kintzele Ditch (Black Ditch) from Beverly Drive downstream to Lake Michigan, Porter County
- The Galena River and its tributaries, LaPorte County
- The St. Joseph River and its tributaries in St. Joseph County from the Twin Branch Dam in Mishawaka downstream to the Indiana/Michigan state line, St. Joseph County
- The Indiana portion of the open waters of Lake Michigan
- Those waters designated by the Indiana Department of Natural Resources (IDNR) for put-and-take trout fishing (<http://www.in.gov/dnr/fishwild/5457.htm>)

Outstanding State Resource Waters: [327 IAC 2-1-11(b), 327 IAC 2-1.3-3(d), and 327 IAC 2-1.5-19(b)]

- Big Pine Creek in Warren County downstream of the State Road 55 bridge near the town of Pine Village to its confluence with the Wabash River
- Mud Pine Creek in Warren County from the bridge on the County Road between Brisco and Rainsville to its confluence with Big Pine Creek
- Fall Creek in Warren County from the old C.R. 119 bridge in the NW quarter of Section 21, Township 22N, Range 8W downstream to its confluence with Big Pine Creek
- Indian Creek in Montgomery County from the County Road 650 West bridge downstream to its confluence with Sugar Creek
- Clifty Creek in Montgomery County within the boundaries of Pine Hills Nature Preserve
- Bear Creek in Fountain County from the bridge on County Road 450 North to its confluence with the Wabash River
- Rattlesnake Creek in Fountain County from the bridge on County Road 450 North to its confluence with Bear Creek
- The small tributary to Bear Creek in Fountain County within the Portland Arch Nature Preserve which enters Bear Creek at the sharpest bend and has formed the small natural bridge called Portland Arch
- Blue River from the confluence of the West and Middle Forks of the Blue River in Washington County downstream to its confluence with the Ohio River

- The South Fork of Blue River in Washington County from the Horner's Chapel Road bridge downstream to its confluence with Blue River.
- Lost River and all surface and underground tributaries upstream from the Orangeville Rise (T2N, R1W, Section 6) and the Rise of Lost River (T2N, R1W, Section 7) and the mainstem of the Lost River from the Orangeville Rise downstream to its confluence with the East Fork of White River.
- The Blue River in Washington, Crawford, and Harrison Counties, from river mile 57.0 to river mile 11.5
- The North Fork of Wildcat Creek in Carroll and Tippecanoe Counties, from river mile 43.11 to river mile 4.82
- The South Fork of Wildcat Creek in Tippecanoe County, from river mile 10.21 to river mile 0.00
- Cedar Creek in Allen and DeKalb counties, from river mile 13.7 to its confluence with the St. Joseph River
- The Indiana portion of the open waters of Lake Michigan
- All waters incorporated in the Indiana Dunes National Lakeshore.

Attachment 2: Critical Wetlands and Critical Special Aquatic Sites

In the interest of maintaining consistency with the State Regulated (Isolated) Wetland program established at 327 IAC 17, IDEM defines Critical Wetlands and Critical Special Aquatic Sites to be synonymous with Rare and Ecologically Important Wetland Types under 327 IAC 17-1-3(3)(B):

- **Acid bog:** Acid bog is an acidic wetland of kettle holes in glacial terrain. Bogs can be graminoid (*Carex spp.* and *Sphagnum spp.*) or low shrub (*Chamaedaphne calyculata* and *Betula pumila*). The graminoid bog can be a floating, quaking mat. The soils in acid bogs are saturated and acidic peat. Bogs have non-flowing or very slow flowing water. The water level fluctuates seasonally. When a sphagnum mat floats, it rises and falls with the water table. Acid bogs can be found in northern Indiana.
- **Acid seep:** Acid seep is a bog-like wetland typically found in unglaciated hill regions. This community is a small groundwater-fed wetland located primarily in upland terrain. A thin layer of muck may lie over a mineral substrate. The soil reaction is acid. This seep community is characterized by flowing water during at least part of the year. Acid seeps are located primarily in southern Indiana.
- **Circumneutral bog:** Circumneutral bog is a bog-like wetland that receives groundwater. Circumneutral bogs can be a mosaic of tall shrub bog, graminoid bog, and other communities. The graminoid bog often occurs on a quaking or floating mat. Although a few bogs occur in unglaciated regions, most are found in glacial ice-block depressions. The soils in circumneutral bogs are usually peat, or other low nutrient organic substrates, which are saturated and circumneutral to slightly acid. Circumneutral bogs have non-flowing or very slow flowing water. The water level fluctuates seasonally. Circumneutral bogs are usually found in northern Indiana.
- **Circumneutral seep:** The circumneutral seep (or seep-spring) is a groundwater-fed wetland on organic soil. It is primarily herbaceous. Species typically include marsh marigold (*Caltha palustris*) and skunk cabbage (*Symplocarpus foetidus*) with a scattered tree canopy. Circumneutral seep is typically situated on or near the base of a slope. The soil is typically circumneutral muck. This seep community is characterized by slowly flowing water during at least part of the year. Circumneutral seeps can be found scattered throughout Indiana.
- **Cypress swamp:** Bald cypress swamps are seasonally to permanently inundated wetlands found in depressions and sloughs of large bottomlands associated with the Wabash/Ohio River system. Poorly to very poorly drained soils characterize this environment. Bald cypress (*Taxodium distichum*) is present, and green ash (*Fraxinus pennsylvanica*), silver maple (*Acer saccharinum*), and overcup oak (*Quercus lyrata*) are also usually present. This community is restricted to extreme southwest Indiana.
- **Dune and swale:** Dune and swale is an ecological system consisting of a mixture of upland (black oak sand savanna, dry to mesic sand prairie) and wetland (pond, panne, sedge meadow, marsh, wet prairie) natural communities. These communities occur in long, narrow, linear complexes, with the dry communities occupying sand ridges, and the wet communities occurring in the intervening swales.

Black oak (*Quercus velutina*), paper birch (*Betula papyrifera*), jack pine (*Pinus banksiana*), and prairie vegetation typically occur on the ridges, and sedges, reeds, and marsh/aquatic vegetation line are found in the swales. Water levels are directly influenced by ground water, with the interdunal swales controlled largely by lateral flow through porous beach ridges. Dune and swale is restricted to extreme northwest Indiana, near Lake Michigan.

- **Fen:** Fen is a calcareous, groundwater-fed wetland. Fens are often a mosaic of grassy areas, sedgy areas, graminoid-shrubby cinquefoil, and tall shrub areas. The extent of the tall shrub component of fens may be determined by fire frequency and/or soil moisture. Drying of the soil increases the growth of shrubs. Fens typically occur in the vicinity of glacial moraines. Fens typically have a muck or peat substrate. The water level fluctuates seasonally and is fed by groundwater. Fens can be found in central and northern Indiana.
- **Forested fen:** Forested fen is a tree-dominated wetland on organic soil which receives groundwater. Forested fens are often a mosaic of treed areas, tall shrub areas, and herbaceous areas. A tall shrub layer is often well developed in forested fens. Indicative species typically include tamarack (*Larix laricina*), black ash (*Fraxinus nigra*), yellow birch (*Betula alleghaniensis*), poison sumac (*Toxicodendron vernix*), and red maple (*Acer rubrum*). Forested fens occur in wet lowlands, where moraines meet outwash features or depressions. Forested fens have saturated, poorly to very poorly drained soils that are often muck, but some seasonal flooding can occur in forested fens that are especially level. This community is a late successional stage of fen or circumneutral bog. Forested fens occur in northern Indiana.
- **Forested swamp:** Forested swamp is a seasonally inundated to intermittently exposed wetland of large river bottoms. Forested swamps do not receive direct flow from river flooding except under exceptional circumstances. Forested swamps occur in depressions, sloughs and large bottomlands, typically dominated by tree species such as swamp cottonwood (*Populus heterophylla*), green ash (*Fraxinus pennsylvanica*), and swamp white oak (*Quercus bicolor*). In northern Indiana important tree species include black ash (*Fraxinus nigra*), yellow birch (*Betula alleghaniensis*), and red maple (*Acer rubrum*). Poorly to very poorly drained and aerated soils characterize the swamp environment. Soils usually are mineral not muck or peat. This community type is found throughout Indiana.
- **Marl beach:** Marl beach is a fen-like community located on the marly muck shorelines of lakes. Marl precipitate is evident. A thin layer of water is present in spring but dries down in summer. Draw-down of a lake creates additional area for this community to develop on. Marl beaches can be found in extreme northern Indiana, primarily in the northeast.
- **Muck flat:** Muck flat is a shoreline and lake community possessing a unique flora of sedges and annual plants, many of which are also found on the Atlantic and Gulf Coastal Plains. This community is found at the margins of lakes or covering shallow basins. This community has a peat substrate. The muck flats can float on the water surface, but during high water periods are usually inundated. The water level of a basin fluctuates during a season or from year to year in response to the amount of precipitation. This exposes bare substrate needed for germination by species of the community. Muck flats are found in northern Indiana.

- **Panne:** Panne is a groundwater fed herbaceous wetland occupying interdunal swales near Lake Michigan. Pannes are located on the lee side of the first or second line of dunes from the lakeshore. The soil is wet, calcareous sand. Pannes are located in counties bordering Lake Michigan.
- **Sand flat:** Sand flat is a shoreline and lake community possessing a unique flora of sedges and annual plants, many of which are also found on the Atlantic and Gulf Coastal Plains. This community is found at the margins of lakes or covering shallow basins. This community has a sand substrate. During high water periods sand flats at the margins of lakes or ponds are inundated. The water level of a basin fluctuates during a season or from year to year in response to the amount of precipitation. This exposes bare substrate needed for germination by species of the community. Sand flats occur in northern Indiana, and in the Plainville Sand Section of southwest Indiana.
- **Sedge meadow:** Sedge meadow is an herbaceous wetland typically dominated by graminoid species such as flat sedge (*Cyperus spp.*), spike rush (*Eleocharis spp.*), rushes (*Juncus spp.*) and sedges (*Carex spp.*). Sedge meadow is an herbaceous wetland of stream margins and river floodplains, and lake margins or upland depressions. Streamside sedge meadows are frequently flooded in the spring and early summer. Sedge meadows of lake margins and depressions often contain standing water during wet months and after heavy rains; during dry periods, the water level is at or just below the substrate. Sedge meadow usually occupies the ground between a marsh and the uplands, or a shrub swamp or wet forest. Periodic high water can kill trees and shrubs invading sedge meadows. Sedge meadows can be found in the northern half of the state.
- **Shrub swamp:** Shrub swamp is a shrub-dominated wetland that is seasonally inundated to intermittently exposed. This community occurs in depressions and the substrate in either mineral soils or muck, as opposed to peat which is characteristic of bogs. Shrub swamp is characterized by non-flowing or very slowly flowing water with levels that fluctuate seasonally. Shrub swamps are persistent, though considered successional. Two opportunistic native shrubs, sandbar willow (*Salix exigua*) and gray dogwood (*Cornus racemosa*), by themselves, are not indicative of shrub swamps. This community type is found throughout Indiana.
- **Sinkhole pond:** Sinkhole ponds are water-containing depressions in karst topography. Sinkhole ponds are found in the Mitchell Karst Plain in south-central Indiana.
- **Sinkhole swamp:** Sinkhole swamps are depressions in karst topography dominated by tree or shrub species. Sinkhole swamps are found in the Mitchell Karst Plain in south-central Indiana.
- **Wet floodplain forest:** Wet floodplain forest is a broadleaf deciduous forest of river floodplains. Wet floodplain forests occur in depressions and flats on narrow to wide floodplains and also on recently exposed substrates that are frequently flooded. Wet floodplain forests are frequently flooded and may have standing water seasonally to permanently present. Wet floodplain forests occur statewide.
- **Wet prairie:** Wet prairie is an herbaceous wetland typically dominated by graminoid species such as prairie cordgrass (*Spartina pectinata*), bluejoint (*Calamagrostis canadensis*), and sedges (*Carex spp.*). Vegetation height is often 2-3 m. The

species diversity of wet prairies is lower than that of mesic prairies. Wet prairies occur in deep swales and the substrate ranges from very deep black mineral soils (which are high in organic matter) to muck. Ponding in spring lasts for several weeks prior to drainage. Wet prairies commonly occur in the Grand Prairie Natural Region, the Tipton Till Plain and the Bluffton Till Plain, with a few examples found in the Northern Lakes Natural Region.

- **Wet sand prairie:** Wet sand prairie is an herbaceous wetland typically dominated by graminoid species such as prairie cordgrass (*Spartina pectinata*), bluejoint (*Calamagrostis canadensis*), and sedges (*Carex spp.*). Vegetation height is often 2-3 m. The species diversity of wet prairies is lower than that of mesic prairies. Wet lowland prairies occur in deep swales and the substrate is sand, sometimes mixed with muck. Flooding is a regular springtime occurrence in wet sand prairie and may last several weeks. This community occurs in a mosaic with marsh and other wetlands, and with upland prairies and sand savannas. Fire was frequent occurrence, but more common in the fall when waters had receded. This community occurs in northwest Indiana and in the Plainville Sands area.