



Indiana Department of Environmental Management

Protecting Hoosiers and Our Environment Since 1986



Wetland Regulation in Indiana Regulatory Changes to Wetlands, Lakes and Streams

Indiana Department of Environmental Management
Office of Water Quality





WOTUS and IDEM

- IDEM continues to rely on the U.S. Army Corps of Engineers to determine jurisdiction
- Utilization of the preliminary jurisdictional determination results in the fastest permitting timeframes
- Wetlands determined to be isolated through the Approved Jurisdictional Determination process will be reviewed under the State Regulated Wetland Law including applicable changes as a result of Senate Enrolled Act (SEA) 389



Senate Enrolled Act 389 (SEA 389)

- Added and revised definitions
- Refined the definitions of wetland classes
- Modified, updated, and added exemptions
- Created new general permit(s) for tile maintenance
- Clarified ratios for in-lieu fee mitigation
- Updated permit review timeframes
- Established the Indiana Wetlands Task Force



Wetland Task Force

- Brian Rockensuess, Commissioner of IDEM is the IDEM representative on the Task Force
- Task Force has met four times and is in the process of preparing the required report
- Heard from University members, County surveyors, Consultants, Energy and Transportation representatives and Regulators on matters the Task Force must address
- Report due no later than Nov 1, 2022



Section 401 Water Quality Certification

- Currently implementing Section 401 Water Quality Certification (WQC) program under the finalized Sept 11, 2020 Rule
 - Requires specific elements in the request including a pre-filing notification at least 30 days prior to submittal
- U.S. Environmental Protection Agency (US EPA) has proposed a new Section 401 Rule (Comments closed Aug 8, 2022)
 - Many similar requirements with more flexibility for the certifying authorities



Waterways

- IDEM and the Indiana Department of Natural Resources (DNR) partnered to create the **Waterways Inquiry Request** to help Indiana citizens determine if a permit is needed to complete a project that may impact a water,
 - The Waterways Inquiry Request and more information can be found at waterways.IN.gov
- Staff from both agencies provide a single response to the user

