



Indiana Department of Environmental Management

Protecting Hoosiers and Our Environment Since 1986



Waterway Regulation

Indiana Department of Environmental Management
Office of Water Quality





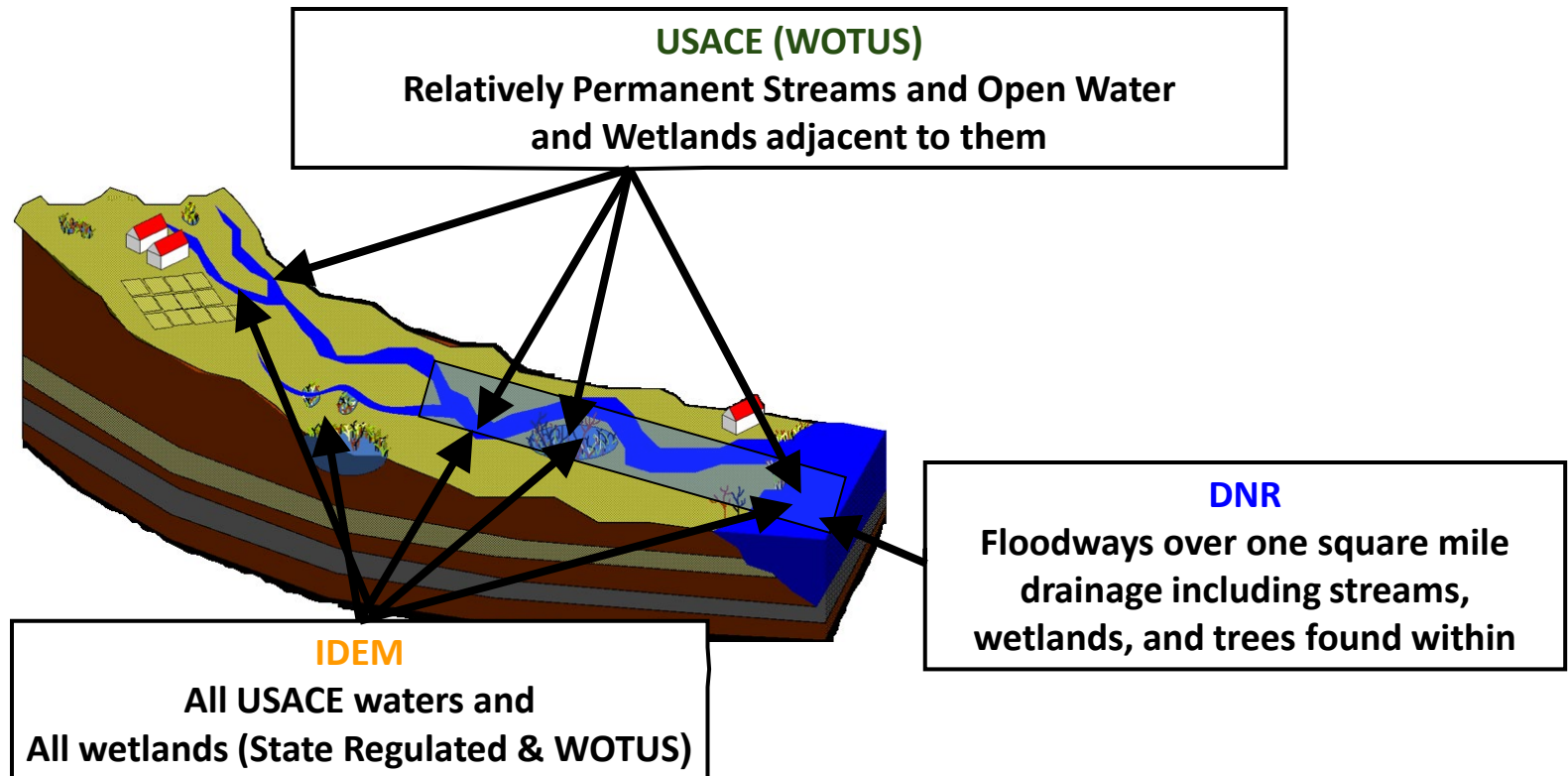
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Clean Water Act







Regulated Activities

- Filling (including stump removal)
- Dredging



What is Fill?

- Soil, rock, sand, gravel
- Riprap, articulated mats
- Pipes and culverts
- Tile and tile outlets
- Dredged material
- Dams
- Mechanized land clearing
- Stump removal





Section 404 of the Clean Water Act

- Implemented by U.S. Army Corps of Engineers (USACE). Overseen by U.S. EPA
- Permitting program to regulate discharges of dredged and fill material into Waters of the U.S. (jurisdictional waters)
 - A waterbody, being a stream/river, lake or wetland, that has a hydrological connection (drains into) a navigable water body (significant nexus)
 - Only the USACE (overseen by the U.S. EPA) can make this determination



Section 401 of the Clean Water Act

- Implemented by IDEM
- Water Quality Certifications issued
- Ensures activities authorized by federal permits or licenses maintain the:
 - chemical,
 - physical, and
 - biological integrity of Indiana's waters



Methods of Water Quality Certification

- Individual
- General
 - Nationwide Permits (NWP)
 - Regional General Permit (RGP)





General Certifications

- Use RGP form
- 401 WQC for projects with “minimal impact”
- USACE is the lead agency and determines if a project falls under a general permit
- Common General Permits:
 - RGP
 - NWP 3 Maintenance
 - NWP 12 Utility Line Activities
 - NWP 33 Temporary Construction, Access, and Dewatering



NWP & RGP Notification Form

- Two pages
- 401 WQC for projects with “minimal impact”
- 30-day review time frame
- Automatic approval unless there is a problem
- Applicants must meet the terms and conditions of the IDEM General WQC



General WQC Major Thresholds

- Impacts to streams/shorelines must be less than 300 linear feet
- Impacts to wetlands/open water must be less than 0.10 acre
- Stream encapsulation must be for the purposes of a constructing a crossing:
 - Must be less than 150 feet in length
 - Requirements for oversizing/embedding



Individual 401 WQC

- For projects requiring a site-specific individual 401 WQC (projects exceeding general permits)
- Nine-page form
- 120-day review period
- Public Notice required
- Avoidance and minimization required
- Mitigation often required



State Regulated Wetland Law

- Established 2004
- Regulates wetlands not under the Clean Water Act
- IC 13-18-22
- 327 IAC 17
- Distinguishes wetlands by Class



Class III Wetland Definition

Highest quality wetland habitat:

- Rare or ecologically important type
- Some must be no more than minimally disturbed

Rare or Ecologically Important Wetlands:

(1) Is the wetland a listed rare or ecologically important type under IC 13-11-2-25.8(3)(A)?

☐ Yes ☐ No

If Yes, please indicate type:

- | | | | | | |
|------------------------------------|----------------------------------|---|------------------------------------|---|---|
| <input type="checkbox"/> Acid Bog | <input type="checkbox"/> Fen | <input type="checkbox"/> Circumneutral Seep | <input type="checkbox"/> Muck Flat | <input type="checkbox"/> Dune and Swale | <input type="checkbox"/> Sinkhole Pond |
| <input type="checkbox"/> Acid Seep | <input type="checkbox"/> P panne | <input type="checkbox"/> Cypress Swamp | <input type="checkbox"/> Sand Flat | <input type="checkbox"/> Forest Fen | <input type="checkbox"/> Sinkhole Swamp |

If Yes, the Wetland is Class III. This form is now complete.

If No, proceed to Question (2).

(2) Is the wetland a listed rare or ecologically important type under IC 13-11-2-25.8(3)(B)?

☐ Yes ☐ No

If Yes, please indicate type:

- | | | | | | |
|--------------------------------------|---------------------------------------|---|--|--------------------------------------|---|
| <input type="checkbox"/> Shrub Swamp | <input type="checkbox"/> Sedge Meadow | <input type="checkbox"/> Forested Swamp | <input type="checkbox"/> Wet Floodplain Forest | <input type="checkbox"/> Wet Prairie | <input type="checkbox"/> Wet Sand Prairie |
|--------------------------------------|---------------------------------------|---|--|--------------------------------------|---|

If Yes OR No, proceed to Question (3).



Class II Wetland Definition

New:

- New: Some rare and ecologically important wetland types that have been disturbed

Unchanged:

- Supports moderate habitat or hydrological functions
- Dominated by native species
- Without the presence of or habitat for rare, threatened, or endangered species



Class I Wetland Definition

Unchanged:

- At least 50% of the wetland has been disturbed or affected
- Supports only minimal/does not support significant wildlife or aquatic habitat or hydrologic function
- Does not provide critical habitat for rare, threatened, or endangered species
- Typified by low species diversity
- Contains greater than 50% non-native invasive vegetation



State Regulated Exemptions

Dredge and fill activities to the following do not require a permit:

- Class I wetlands
- Class II wetlands $\frac{3}{8}$ acre or smaller or if within a municipality $\frac{3}{4}$ acre
 - If multiple wetlands exist on a tract, the exemption is limited to 60% of the total acreage of those wetlands delineated at $\frac{3}{8}$ or in municipality $\frac{3}{4}$ acre or less
- House construction on wetlands cultivated and harvested in preceding 10 years



State Regulated Permits

- State Regulate Wetland General Permit (SRGP):
 - Impacts to Class II wetlands less than 0.25 acre
 - 30-day review time period
 - No public notice
- State Regulated Individual Permits (SRIP):
 - Impacts to Class II wetlands greater than 0.25 acre
 - Impacts to Class III wetlands regardless of size
 - 90-day review period
 - 30-day public notice



Class Determination Worksheet

Table 1:

Question (2) is YES	Moderate Habitat or Hydrology or Both Question (4) and/or (5) are YES	Neither Moderate Habitat nor Hydrology Both Question (4) and (5) are NO
Undisturbed or Minimally Disturbed Question (3) is YES	Class III	Class II
More than Minimally Disturbed Question (3) is NO	Class II	Class II

Table 2:

Question (2) is NO	Moderate Habitat or Hydrology or Both Question (4) and/or (5) are YES	Neither Moderate Habitat nor Hydrology Both Question (4) and (5) are NO
Undisturbed or Minimally Disturbed Question (3) is YES	Class II	Class I
More than Minimally Disturbed Question (3) is NO	Class II	Class I

Select the State Regulated Wetland Classification based on the tables above:

☐ Class I

☐ Class II

☐ Class III

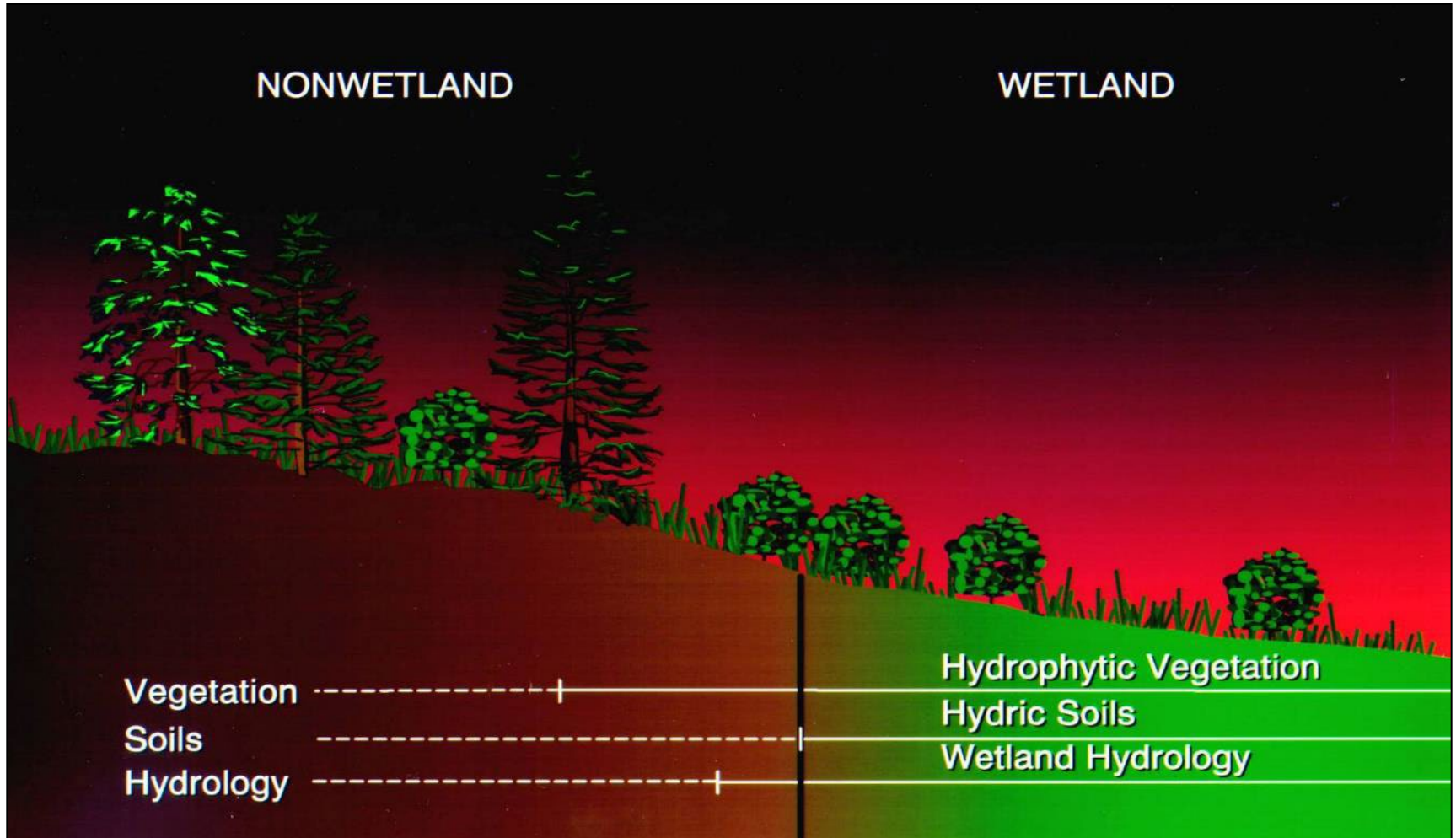


Implementation

- Wetland?
 - Soils
 - Vegetation
 - Water
- Fill?
- Waters of the United States?
- Class of State Regulated Wetland?



Wetlands Are Transitional Areas





Wetland?

Determined using:

- The 1987 U.S. Army Corps of Engineers Wetland Delineation Manual
- The Regional Supplements:
 - Midwest Region
 - Eastern Mountains and Piedmont Region
 - Northcentral and Northeast Region

ERDC/EL TR-12-9

Environmental Laboratory



Wetlands Regulatory Assistance Program

Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0)

U.S. Army Corps of Engineers

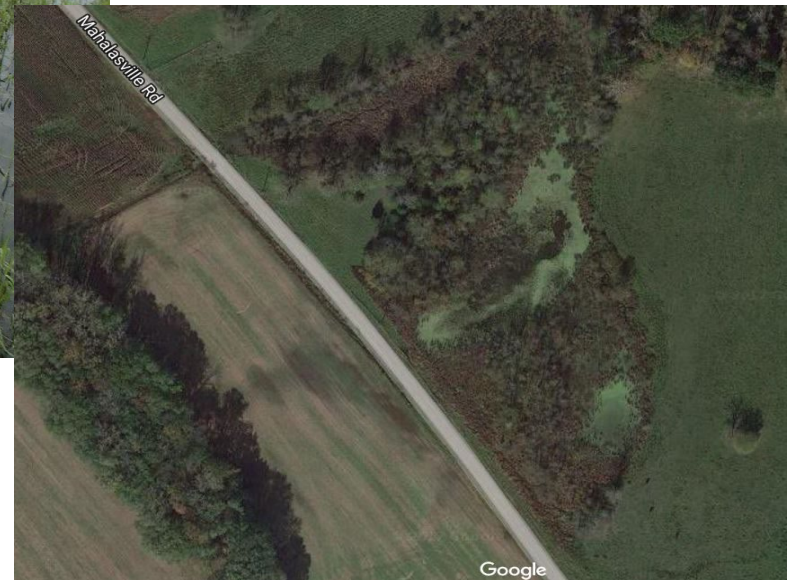
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Hydrology





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Hydric Soils





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Hydrophytic Vegetation





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Determine Permits Needed

IDEM and Indiana DNR
Waterways Inquiry Request
waterways.in.gov

Two Agencies, One Response





waterways.in.gov



Waterways

About Waterways

Indiana Department of Environmental Management (IDEM)

Indiana Department of Natural Resources (DNR)

Waterways Permitting

IDEM

DNR

Resources

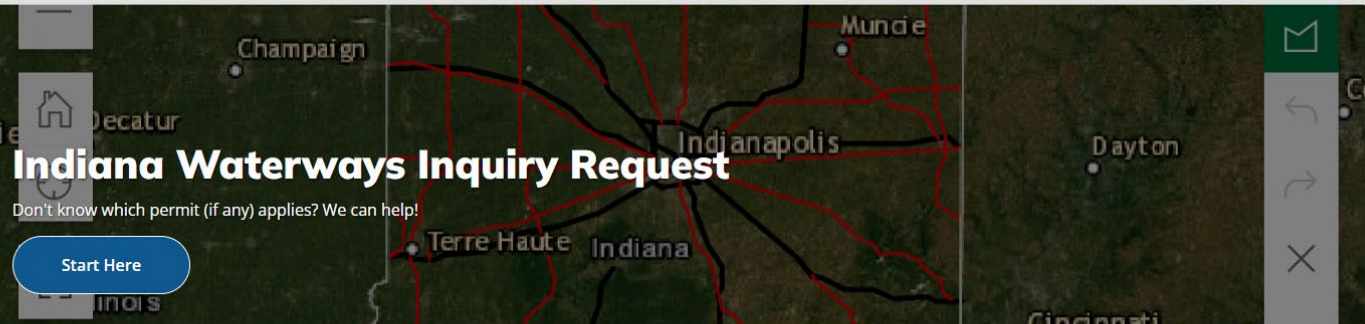
Waterways Permitting Handbook

Application Forms

Affiliated Agencies

Contact Us

I Want To



For Section 401 Water Quality Certifications, Isolated Wetland permits, Construction in a Floodway permits or other construction along streams, lakes, or dams ONLY.


Adobe Acrobat
Document
Detailed Instructions
Waterways Inquiry Request


Waterways Inquiry Request:
How to find your project location using the MAP
To submit a Waterways Inquiry Request go to:
www.waterways.in.gov

Helpful Tips Before you Begin...

- Know your project location
- Be able to describe your project
- Valid email address required
- Decision will take up to 14 days



Questions?



wetlands.IN.gov