

**Matrix 5-4: Cross-reference of Water Quantity Laws and Guidance Documents**

<i>Program or Activity</i>	<b>Laws and Guidance Documents</b>	<b>Standards or Criteria</b>	<b>Contact</b>	<b>Applicable to Federal Consistency</b>
Construction of Flood Control Works, Structures, and the Alteration of Waterways				
CONSTRUCTION IN A FLOODWAY PERMIT PROGRAM: <sup>1</sup> Flood control works, structures, and the alteration of waterways are to be designed according to sound engineering practices to minimize flooding. A DNR permit is required before these types of activities are undertaken.	IC 14-28-1  310 IAC 6-1  Standards for the Development of a Commission Floodway Nonrule Policy  DNR APPLICATION ASSISTANCE MANUAL (1996)  INDIANA DRAINAGE HANDBOOK: AN ADMINISTRATIVE AND TECHNICAL GUIDE FOR ACTIVITIES WITHIN INDIANA'S	(1)Impact of the activity on the capacity of the floodway; (2) hazard to the safety of life or property; and, (3) the cumulative effects of a project or projects upon the floodway.  If a project subject to permit under the Flood Control Act is also located within a navigable waterway, it does not require a separate permit under the Navigable Waterways Act provided the Navigable Waterways Act evaluation criteria are applied as well.	DNR, Division of Water, 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-28-1  310 IAC 6-1

<sup>1</sup> Additional information regarding the construction in a floodway permit program, and the opportunity for electronic permit application filing can be accessed at <http://www.state.in.us/dnr/water>.

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	DRAINAGEWAYS (1996)			
SECTION 401 WATER QUALITY CERTIFICATION PROGRAM: Certification is required for an activity that may result in any discharge into navigable waters. Activities are reviewed for consistency with state water quality standards. The certification is required before permits sought under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 are approved. See also section titled Natural Areas, Fisheries, Wildlife, and Native and Exotic Species.	33 USC 1341  IC 13-18-4-5 IC 13-13-5-1  327 IAC 2-1.5-5-4	Standards in the water quality rules are applied to the water quality certification program.	IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206-6015 (317) 233-8488	Section 401 water quality certification
Construction Activities within Flood Plains				
FLOOD PLAIN MANAGEMENT: Construction activities within a flood plain are regulated through local ordinance. Standards are set by rule for delineation of flood plains by local governments. Local ordinance is required for participation in the NFIP.  DNR, Division of Water staff are available to provide technical assistance for ordinance development. Staff also review ordinances for compliance with standards set by rule.	IC 14-28-3  310 IAC 6-1	Varies by local ordinance. Generally applies to new development activities, such as building, excavating, filling or construction of an addition to an existing structure, in flood hazard areas. Lowest floor of a building must be two feet above the base flood elevation. Substantial improvement (minimum of 50% of prior value of structure) of a damaged structure is prohibited. Some local ordinances include	Local government.  DNR, Division of Water, 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-28-3  310 IAC 6-1

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		setback requirements.		
NATIONAL FLOOD INSURANCE PROGRAM: Provides a mechanism for protection from potential flood damages for those who pay an insurance premium for this benefit.	IC 14-28-1 IC 14-28-3	The NRC is authorized to "[c]ooperate with and obtain, approve, and accept works or a grant of any character or description from and through an agency of the United States relating to flood control and water resources.	FEMA, Region V 536 S. Clark St., 6 <sup>th</sup> Flr. Chicago, IL 606051-1521 (312) 408-5504  DNR, Division of Water 402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	Not applicable.
EMERGENCY MANAGEMENT AND DISASTER: Counties must maintain a county emergency management advisory council and a county emergency management organization or participate in an interjurisdictional disaster agency.	IC 10-4-1-10	The State Emergency Management Agency prepares and maintains a state emergency plan to prevent and respond to disasters. The agency also plays and integral part in the development and revising of local disaster plans required by statute.	SEMA 302 W. Washington St. Indianapolis, IN 46204 (317) 232-3980	Not applicable.
FLOOD CONTROL REVOLVING LOAN FUND: Provides revolving loan fund for flood control projects.	IC 14-28-5	State Board of Finance and the Natural Resources Commission must find that: (1) there is a need for the project to protect health, safety, and general welfare of the community; (2) the project is based on sound engineering principles, is in the interest of	DNR Division of Water 402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	Not applicable.

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		flood control, and will accomplish the objectives of flood control; and, (3) there is assurance that the local government will satisfactorily operate and maintain project after completion.		
<b>Reconstruction and Maintenance of Drains</b>				
DRAINAGE: State legislation provides that drainage is largely controlled through county drainage boards. Concerned primarily with excess water removal, the focus of the legislation is upon regulated drains.	IC 36-9-27	The county surveyor is required to classify all regulated drains as being in need of: (1) reconstruction; (2) periodic maintenance; or, (3) vacation. These classifications are themselves dependent upon the adequacy of the waterway to properly drain lands affected.  State and federal requirements, such as the Flood Control Act or the federal Clean Water Act, may still apply to local drainage activities and should be verified with the appropriate agency.	County Surveyor	Not applicable.
<b>Construction and Maintenance of Dams, Levees, and Dikes</b>				
DAMS, LEVEES, AND DIKES: The DNR inspects dams, levees, and dikes to	IC 14-27-7	The owner of a dam, levee, dike, or similar structure is required to	DNR Division of Water 402 W. Washington St.,	IC 14-27-7

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ensure the structures are sound. An owner may be ordered to make repairs if the structure is not compliant with proper engineering requirements.		<p>maintain the structure consistent with: (1) the exercise of prudence; (2) due regard for life or property; and, (3) the application of sound and accepted engineering principles.</p> <p>A dam is exempted from the inspection process if it meets the following conditions: (A) is built solely for erosion control, watering livestock, recreation, or providing a haven or refuge for fish or wildlife; (B) has a drainage area above the dam of not more than one square mile; (C) does not exceed 20 feet high; and, (D) does not impound more than 100 acre-feet of water. A levee, dike, or floodwall is exempted if it is under single private ownership and provides protection only to land or other property under the single private ownership.</p>	Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	
Diversion of Water				
GREAT LAKES DIVERSIONS: Water from the Great Lakes can not be transported	IC 14-25-1-11	Water may not be diverted from that part of the Great Lakes	DNR, Division of Water	IC 14-25-1-11

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out of the basin for consumption without approval.	Great Lakes Charter	drainage basin within Indiana for use outside the basin, unless the diversion is approved by the governor of each Great Lake state.	402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	
Water Withdrawals				
WATER SHORTAGE PLAN: Phased strategy to be enacted should a water shortage on a state, regional, or local level, threaten the well-being of citizens or the environment.	1991, H.B. 1260  Indiana's Water Shortage Plan (1994).	Phases of the plan include a: (1) water shortage watch to alert government agencies that water shortage conditions exist; (2) water shortage warning to prepare a coordinated response to immediate shortage conditions and initiate voluntary efforts to avoid shortages; and, (3) water shortage emergency to marshal all available resources to respond to emergency conditions.	SEMA 302 W. Washington St. Indianapolis, IN 46204 (317) 232-3980  DNR, Division of Water 402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	Indiana's Water Shortage Plan (1994).
SIGNIFICANT WATER WITHDRAWAL FACILITY REGISTRATION: Owners of significant water withdrawal facilities must register these facilities and report annual water use.	IC 14-25-7-15	Facility must register with DNR if capable of withdrawing at least 100,000 gallons per day of surface water, ground water, or surface and ground water combined.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-25-7-15
GROUNDWATER EMERGENCY: Mechanism for relief for a person whose water supply is damaged by another's groundwater withdrawal. Rules set	IC 14-25-4  312 IAC 12	Owner of a facility capable of withdrawing less than 100,000 gallons per day may seek relief if water supply is damaged by a	DNR, Division of Water 402 W. Washington St., Rm. W 264	IC 14-25-4  312 IAC 12

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construction standards for new wells.		facility capable of withdrawing more than 100,000 gallons per day. In addition, high capacity groundwater pumping may be restricted if withdrawals exceed the recharge capability of the aquifer.	Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	
SURFACE WATER EMERGENCY: Mechanism for relief if the level a lake ten acres or more is lowered.	IC 14-25-5	Relief may be available if a lake larger than ten acres is being lowered by a withdrawal of 100,000 or more gallons of water daily within ½ mile of the lake. Must be a showing of significant environmental harm to lake or adjacent property.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-25-5
LAKE PERMIT PROGRAM: Provides protection for water levels and quantity of public freshwater lakes. Activities regulated include: (1) Changing the water level of a public freshwater lake by excavating, filling in, or otherwise causing a change in its area, depth, or contour. (2) Altering a ditch or drain with a level lower than, and located within ½ mile of, a lake containing at least ten acres. (3) Lowering a lake containing at least 20 acres more than a foot below its elevation as established by a dam or	IC 14-26-2 IC 14-26-5 IC 14-26-6 IC 14-26-7 IC 14-26-8  312 IAC 11  Wetlands Within Public Freshwater Lakes Nonrule Policy Document <sup>2</sup>	DNR staff assess singular and cumulative impacts on the lake and its resources using the criteria outlined in IC 14-26-2 involving natural resources, natural scenic beauty, and recreational purpose.  The criteria evaluated during a project's assessment include: (1) whether or not the project will result in a taking of the lake; (2) whether or not the project will result in significant	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-26  312 IAC 11

<sup>2</sup> Information Bulletin 10, Natural Resources Commission, 19 IND. REG. 940 ( January 1, 1996).

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<p>other control structure. (4) Establishing a ditch or drain with a bottom depth lower than the level of a freshwater lake, and located within ½ mile of the lake. (5) Stabilizing, raising, or maintaining the level of a lake.</p> <p>Lake Michigan, Wolf Lake, and Lake George in Hammond are exempted.</p>	SHORELINE PROTECTION GUIDE	environmental harm to the lake; and, (3) whether or not the project will adversely impact navigation.		
Conservancy Districts				
<p>CONSERVANCY DISTRICTS: Special taxing unit formed by interested landowners for the purpose of: (1) flood prevention and control; (2) improving drainage; (3) providing for irrigation; (4) providing water supply; or, (5) storage of water for augmentation of stream flow.</p> <p>Technical assistance is provided by the DNR, Division of Water.</p>	IC 14-33	A district may be formed if the circuit court finds the proposed district: (1) appears necessary; (2) holds promise of economic and engineering feasibility; (3) seems to offer benefits in excess of costs and damages for a purpose other than water supply, storage of water for augmentation of stream flow, or sewage disposal; (4) serves the public health immediately or prospectively for the purposes of water supply, sewage disposal, or storage of water for augmentation of stream flow; (5) propose to cover and serve a proper area; and, (6) could be established and operated in a	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	Not applicable.

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		manner compatible with established conservancy districts, flood control projects, reservoirs, lakes, drains, levees, and other water management or water supply projects.		