

**APPENDIX E.1**

**IDNR Permit Application Package**

**STATE OF INDIANA  
DEPARTMENT OF NATURAL RESOURCES**

**JOINT PERMIT APPLICATION FOR CONSTRUCTION WITHIN A FLOODWAY OF A  
STREAM OR RIVER; NAVIGABLE WATERWAY; PUBLIC FRESH WATER LAKE; AND  
DITCH RECONSTRUCTION**

\*\*\* INSTRUCTIONS \*\*\*

This joint application can be used to apply for: (1) alteration of the bed or shoreline of a public freshwater lake; (2) construction or reconstruction of any ditch or drain having a bottom depth lower than the normal water level of a freshwater lake of 10 acres or more and within 1/2 mile of the lake; (3) construction within the floodway of any river or stream; (4) placing, filling, or erecting a permanent structure in; water withdrawal from; or material extraction from; a navigable waterway; (5) extraction of mineral resources from or under the bed of a navigable waterway; and (6) construction of an access channel. **You must submit readable copy of the completed application form together with items stated in the "Application Checklist" (attached).**

Use the following checklist to determine which permit(s) to apply for. If you have trouble deciding which permit(s) you need, please contact the Permit Administration Section at (317) 233-5635.

Your project may require one or more of the following permits. **IF YOU CHECK ANY BOX UNDER A PERMIT TITLE, THEN YOU MUST APPLY FOR THAT PERMIT.**

- " IC 14-26-2: **Lake Preservation Act** states that no person may change the level of the water or shoreline of a public freshwater lake by excavating, filling in, or otherwise causing a change in the area or depth or affecting the natural resources scenic beauty or contour of the lake below the waterline or shoreline, without first securing the written approval of the Department of Natural Resources. A written permit from the Department is also required for construction of marinas; new seawall; seawall refacing; underwater beaches; boatwells; boat well fills; fish attractors; and any permanent structures within the waterline or shoreline of a public freshwater lake. The Act further states that **each permit application must be accompanied by a non-refundable \$25 fee.**
- " IC 14-26-5: **Lowering of the Ten Acre Lake Act also know as the "Ditch" Act** states that no person may order or recommend the location, establishment, construction, reconstruction, repair, or recleaning any ditch or drain having a bottom depth lower than the normal water level of a freshwater lake of 10 acres or more and within 1/2 mile of the lake without first securing the written approval of the Department of Natural Resources. The Act further states that **each permit application must be accompanied by a non-refundable \$25 fee.**
- " IC 14-28-1: **Flood Control Act** requires that any person proposing to construct a structure, place fill, or excavate material within the floodway of any river or stream must obtain the written approval of the Department of Natural Resources prior to initiating the activity. The Act further states that **each permit application must be accompanied by a non-refundable \$50 fee.**
- " IC 14-29-1: **Navigable Waterways Act** requires that prior written approval be obtained from the Department of Natural Resources for placing, filling, or erecting a permanent structure in; water withdrawal from; or mineral extraction from; a navigable waterway or Lake Michigan. **No Fee**
- " IC 14-29-3: **Sand and Gravel Permits Act** requires that prior written approval be obtained from the Department of Natural Resources for removal of sand, gravel, stone, or other mineral or substance from or under the bed of a navigable waterway. The Act further states that **each permit application must be accompanied by a non-refundable \$50 fee.**
- " IC 14-29-4: **Construction of Channels Act** requires that prior written approval of the Department of Natural Resources be obtained for construction of an artificial; or the improved channel of a natural watercourse; connecting to any river or stream for the purpose of providing access by boat or otherwise to public or private industrial, commercial, housing, recreational, or other facilities. **Each permit application must be accompanied by a non-refundable \$100 fee.**

Mail To: Division of Water  
Department of Natural Resources  
402 West Washington

# PERMIT APPLICATION

Indianapolis, Indiana 46204-2748  
Telephone Number: (317) 233-5635  
Fax Number: (317) 233-4579

Street, Room W264

State Form 42946 (R2/3-98)  
Approved by the State Board of Accounts

AGENCY USE ONLY			
Application # _____	Section Coordinates _____	UTM North _____	UTM East _____
30 Day Notice _____	Fee Submitted \$ _____	Check # _____	Receipt # _____

Based on the "INSTRUCTIONS", I am submitting this application to perform work under:

<input type="checkbox"/> IC 14-26-2 Lake Preservation Act	<input type="checkbox"/> IC 14-29-1 Navigable Waterways Act
<input type="checkbox"/> IC 14-26-5 Lowering of the Ten Acre Lake Act	<input type="checkbox"/> IC 14-29-3 Sand and Gravel Permits Act
<input type="checkbox"/> IC 14-28-1 Flood Control Act	<input type="checkbox"/> IC 14-29-4 Construction of Channels Act

**PLEASE TYPE OR PRINT**

<b>1. APPLICANT INFORMATION</b>
Name of Applicant _____ Name of Contact Person _____
Mailing Address _____ (Street, P.O. Box or Rural Route)
City _____ State _____ Zip Code _____
Daytime Telephone Number (____) _____ Fax Number (____) _____
<b>2. AGENT INFORMATION</b>
Name of Authorized Agent _____ Name of Contact Person _____
Mailing Address _____ (Street, P.O. Box or Rural Route)
City _____ State _____ Zip Code _____
Daytime Telephone Number (____) _____ Fax Number (____) _____
<b>3. PROPERTY OWNER INFORMATION</b>
Name of Property Owner _____ Name of Contact Person _____
Mailing Address _____ (Street, P.O. Box or Rural Route)
City _____ State _____ Zip Code _____
Daytime Telephone Number (____) _____ Fax Number (____) _____
Relationship of applicant to property: <input type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input type="checkbox"/> Lessee Other _____

**4. AFFIRMATION OF PERSONAL SERVICE, 1ST CLASS MAIL SERVICE, OR CERTIFIED MAIL SERVICE**

**I have provided public notice to the listed property owners in conformance with the provisions of IC 14-11-4 and 312 IAC 2-3-3 through the method indicated below.  
(Check the appropriate Box - *Please make copies of this blank page if additional pages are required*)**

<p>_____ Property Owner (if not applicant or adjacent landowner)</p> <p>_____ Address</p> <p>_____ City                      State                      Zip Code</p>	<p>9 Personal Service was provided on : _____ (date)</p> <p>9 1st Class Mail Service was provided on: _____(date) I affirm that 21 days have passed without the mailing returned as undelivered or undeliverable. PS Form 3817 is attached as proof of mailing.</p> <p>9 Certified Mail service was provided on: _____(date) PS Form 3811 (green card) is attached as proof of mailing.</p>
<p>_____ Adjacent Landowner:</p> <p>_____ Address</p> <p>_____ City                      State                      Zip Code</p>	<p>9 Personal Service was provided on : _____ (date)</p> <p>9 1st Class Mail Service was provided on: _____(date) I affirm that 21 days have passed without the mailing returned as undelivered or undeliverable. PS Form 3817 is attached as proof of mailing.</p> <p>9 Certified Mail service was provided on: _____(date) PS Form 3811 (green card) is attached as proof of mailing.</p>
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5.

**PROJECT DESCRIPTION**

**5.1 Description Narrative: (See Application Information Packet)**


6.

**PROJECT LOCATION**

**6-1 Location Narrative: (See Application Information Packet)**

**Stream/Lake Name:**


**6-2 Driving Directions: (See Application Information Packet)**


**6-3 Special Information: (See Application Information Packet)**

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**6-4 Project Location Map: (See Application Information Packet)**

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**6-5 Project Site Map: (See Application Information Packet)**

7.

**DISTURBED AREA DRAWING**

**7.1 Drawing Requirements: (See Application Information Packet)**

8.

**PROJECT PHOTOGRAPHS**

**8-1 Images: (See Application Information Packet)**

**8-2 Photo Orientation Map: (See Application Information Packet)**

**8-3 Photo Documentation: (See Application Information Packet)**

9.

**RELATED PROJECT INFORMATION**

**Department of Natural Resources**

Administrative Cause #

Related Application(s) #

Early Coordination #

Utility Exemption #

Recommendation #

Violation #

**Department of Environmental Management**

Section 401 #

**Corps of Engineers**

Public Notice #

Section 10 Application #

Section 404 Application #

10.

**STATEMENT OF AFFIRMATION**

I hereby swear or affirm, under the penalties for perjury, that the information submitted herewith is to the best of my knowledge and belief, true, accurate and complete, and that the property owner (s), and adjoining landowners have been notified of the activity in conformance with the provisions of 312 IAC 2-3-3. I further certify that I possess the authority to undertake the proposed or completed activities. I hereby grant to the Department of Natural Resources, the right to enter the above-described location to inspect the proposed or completed work.

\_\_\_\_\_  
**Signature of Applicant or Authorized Agent (REQUIRED)**

\_\_\_\_\_  
**Date**

11.

**REGULATORY FEES**

**11-1 Regulatory Fees Submitted: (See Application Information Packet)**

**11-3 Payment Method: (See Application Information Packet)**

**REQUIREMENT FOR ADDITIONAL INFORMATION AND PERMITS**

Application made to and approval granted by the Department of Natural Resources does not in any way relieve the applicant of the necessity of securing easements or other property rights, permits and approvals from affected property owners and other local, state, and federal agencies.

# Public Notice

Adjacent Property Owner's Name  
Address  
City, State, Zip Code

Date \_\_\_\_\_

Indiana Code 14-11-4 was enacted to ensure that adjacent property owners are notified of permit applications and provided with an opportunity to present their views to the Department of Natural Resources prior to action.

Under the legislation, the applicant or agent is responsible for providing notice to the owner of the real property owned by a person, other than the applicant, which is both of the following: 1.) located within one-fourth (1/4) mile of the site where the licensed activity would take place, and 2.) has a border or point in common with the exterior boundary of the property where the licensed activity would take place. Included is property which would share a common border if not for the separation caused by a roadway, stream, channel, right-of-way, easement, or railroad.

Due to your proximity to the project site, you are considered to be an adjacent property owner; therefore, notice is being provided in conformance with the provisions of IC 14-11-4 and 312 IAC 2-3.

Applicant's Name, Address, and Telephone  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agent's Name, Address, and Telephone  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Stream or Lake Name \_\_\_\_\_

Project Description and Location \_\_\_\_\_  
\_\_\_\_\_

- |                                 |   |  |
|---------------------------------|---|--|
| Check relevant Statute or Rule: | G | Flood Control Act, IC 14-28-1          |
|                                 | G | Lake Preservation Act, IC 14-26-2      |
|                                 | G | "Ditch Act", IC 14-26-5                |
|                                 | G | Channels Act, IC 14-29-4               |
|                                 | G | Removal of Sands or Gravel, IC 14-29-3 |

Questions relating to the project should be directed to:

Applicant (or Agent) Name  
Mailing Address  
City, State, Zip Code  
Telephone Number

You may request an informal public hearing, pre-AOPA (Administrative Orders and Procedures Act) hearing, on this application by filing a petition with the Division of Water. The petition must conform to administrative rule 312 IAC 2-3-4 as follows:

- (a) This section establishes the requirements for a petition to request a public hearing under IC 14-11-4-8(a)(2).
- (b) The petition shall include the signatures of at least twenty-five (25) individuals who are at least eighteen (18) years of age and who reside in the county where the licensed activity would take place or who own real property within one (1) mile of the site of the proposed or existing licensed activity.
- (c) The complete mailing addresses of the petitioners shall be typed or printed legibly on the petition.
- (d) Each individual who signs the petition shall affirm that the individual qualifies under subsection (b).

- (e) The petition shall identify the application for which a public hearing is sought, either by division docket number (application number) or by the name of the applicant and the location of the project.

A pre-AOPA public hearing on the application will be limited to the Department's authority under the permitting statutes. Only the issues relevant to the Department's jurisdiction directly related to this application for construction will be addressed. Under permitting statutes, the Department has no authority in zoning, local drainage, burning, traffic safety, etc.; therefore, topics beyond the Department's jurisdiction will not be discussed during the public hearing.

The Department's jurisdiction under the Flood Control Act is confined to the floodway of the stream and its review limited to the following criteria.

To be approvable a project must demonstrate that it will:

- (a) not adversely affect the efficiency or unduly restrict the capacity of the floodway; defined as, the project will not result in an increase in flood stages of more than 0.14 feet above the base 100-year regulatory flood elevation.
- (b) not constitute an unreasonable hazard to the safety of life or property; defined as, the project will not result in either of the following during the regulatory flood: (1) the loss of human life, (2) damage to public or private property to which the applicant has neither ownership nor a flood easement;
- (c) not result in unreasonably detrimental effects upon fish, wildlife or botanical resources.

Additionally, the Department must consider the cumulative effects of the above items.

The Department's jurisdiction under the Lakes Preservation Act is confined to the area at or lakeward of the shoreline of the lake and any impact which the project may have on:

- (a) the natural resources and/or scenic beauty of the lake;
- (b) the water level or contour of the lake below the waterline;
- (c) fish, wildlife or botanical resources.

Additionally, the department must consider the cumulative effects of the above items.

A request for a pre-AOPA public hearing or notice of initial determination should be addresses to:

Permit Administration Section  
Division of Water  
Department of Natural Resources  
402 West Washington Street, Room W264  
Indianapolis, Indiana 46204-2748  
Telephone: (317) 233-5635

You may also request that the Department notify you in writing when an initial determination is made to issue or deny the permit. Following the receipt of the approval or denial notice, you may request administrative review of the determination by the Natural Resources Commission under IC 4-21.5 and 312 IAC 2-3.



# AFFIRMATION OF PERSONAL SERVICE, 1ST CLASS MAIL SERVICE, OR CERTIFIED MAIL SERVICE

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I hereby swear or affirm, under the penalties of perjury, that the aforementioned statements and representations are true and accurate.

\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)