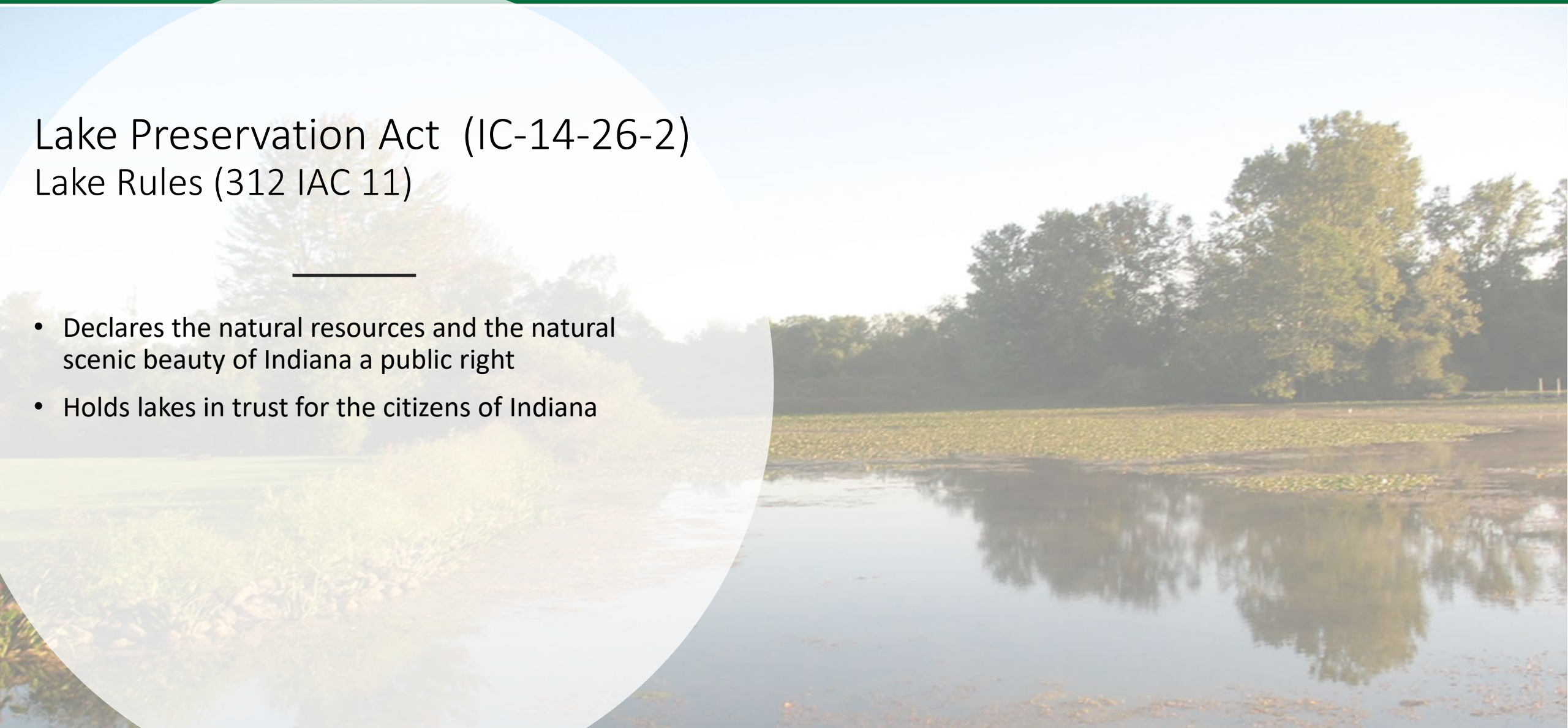


Lake Preservation Act (IC-14-26-2) Lake Rules (312 IAC 11)

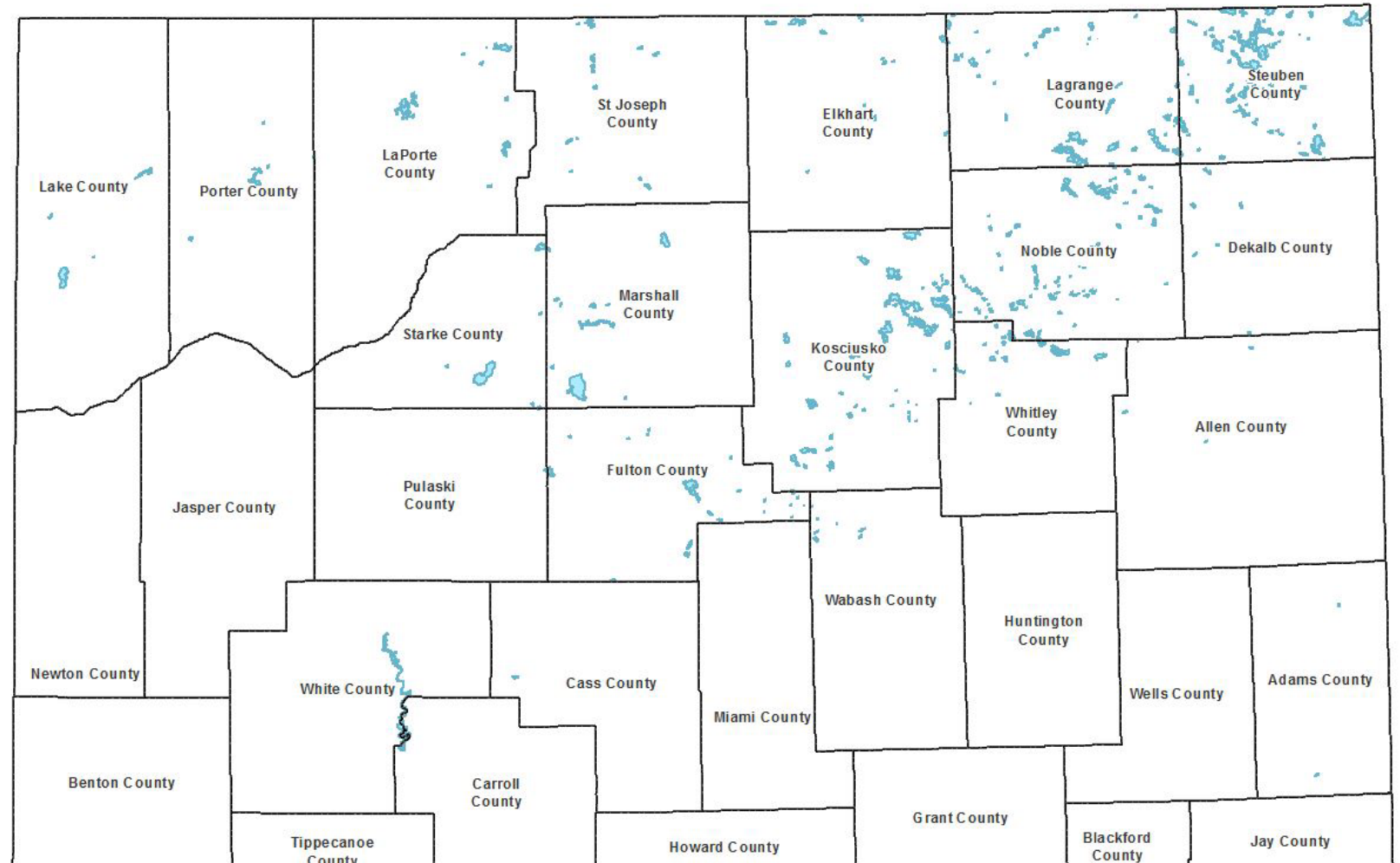
- Declares the natural resources and the natural scenic beauty of Indiana a public right
- Holds lakes in trust for the citizens of Indiana



What is a Public Freshwater Lake?

“Public freshwater lake” means a lake that has been used by the public with the acquiescence of a riparian owner.

Refer to the NRC’s Nonrule Policy listing of Public Freshwater Lakes:
nrc.IN.gov/nonrule-policy-documents-npd/



What About Other Lakes?

- Lake Michigan
- U.S. Army Corps of Engineers' Flood Control Reservoirs
- Water Supply Reservoirs
- Tippecanoe River Impoundments (Lake Freeman and Lake Shafer)
- Other reservoirs

**** No matter the type of lake, all work within 150' of a dam requires review by the DNR Division of Water ****

DNR's Jurisdiction

A person may not change the level of the water or the shoreline of a public freshwater lake by:

- excavating;
- filling in; or
- otherwise:
 - a) causing a change in the area or depth of; or
 - b) affecting the natural resources, scenic beauty, or contour of the lake below the waterline or shoreline without having a written permit issued by the department.

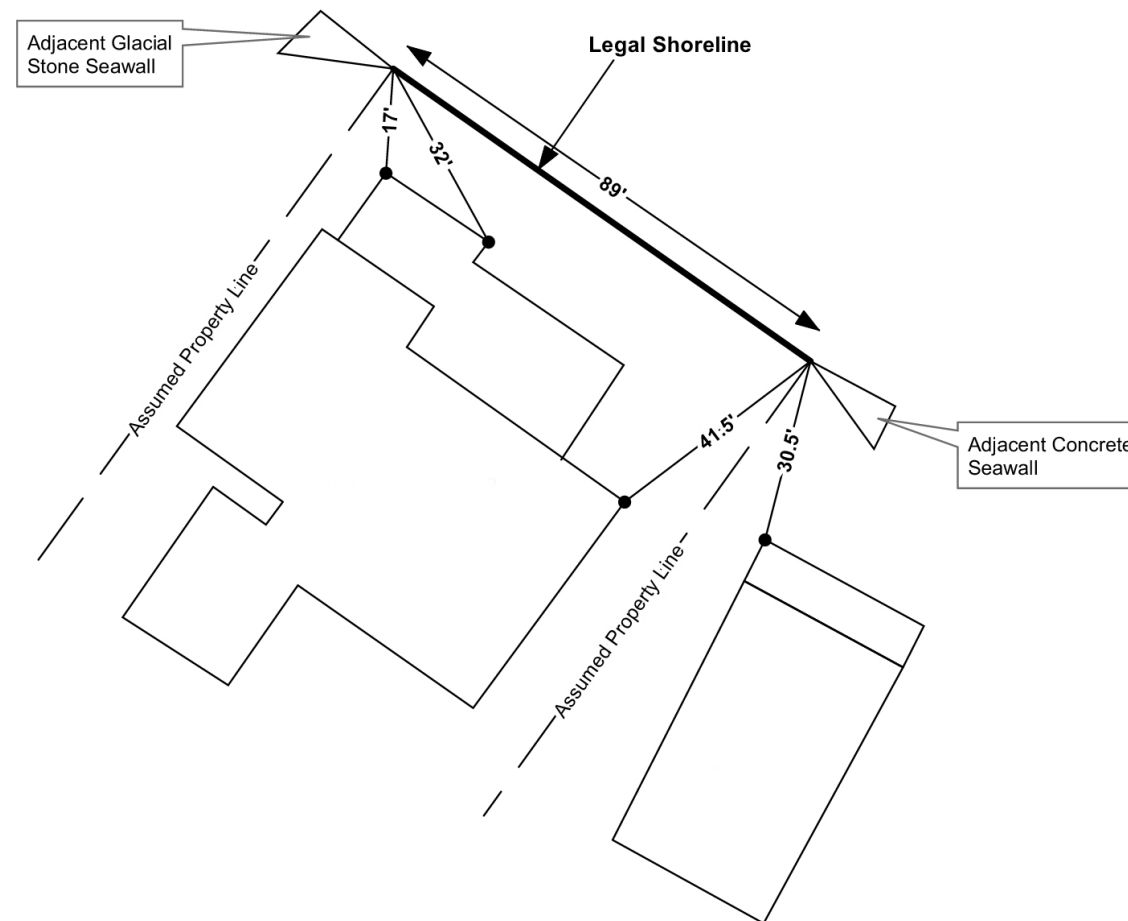
"Shoreline or water line" means:

(1) if the water level has been legally established, the line formed on the bank or shore by the water surface at the legally established average normal level; or

(2) if the water level has not been legally established, the line formed by the water surface at the average level as determined by:

(A) existing water level records; or

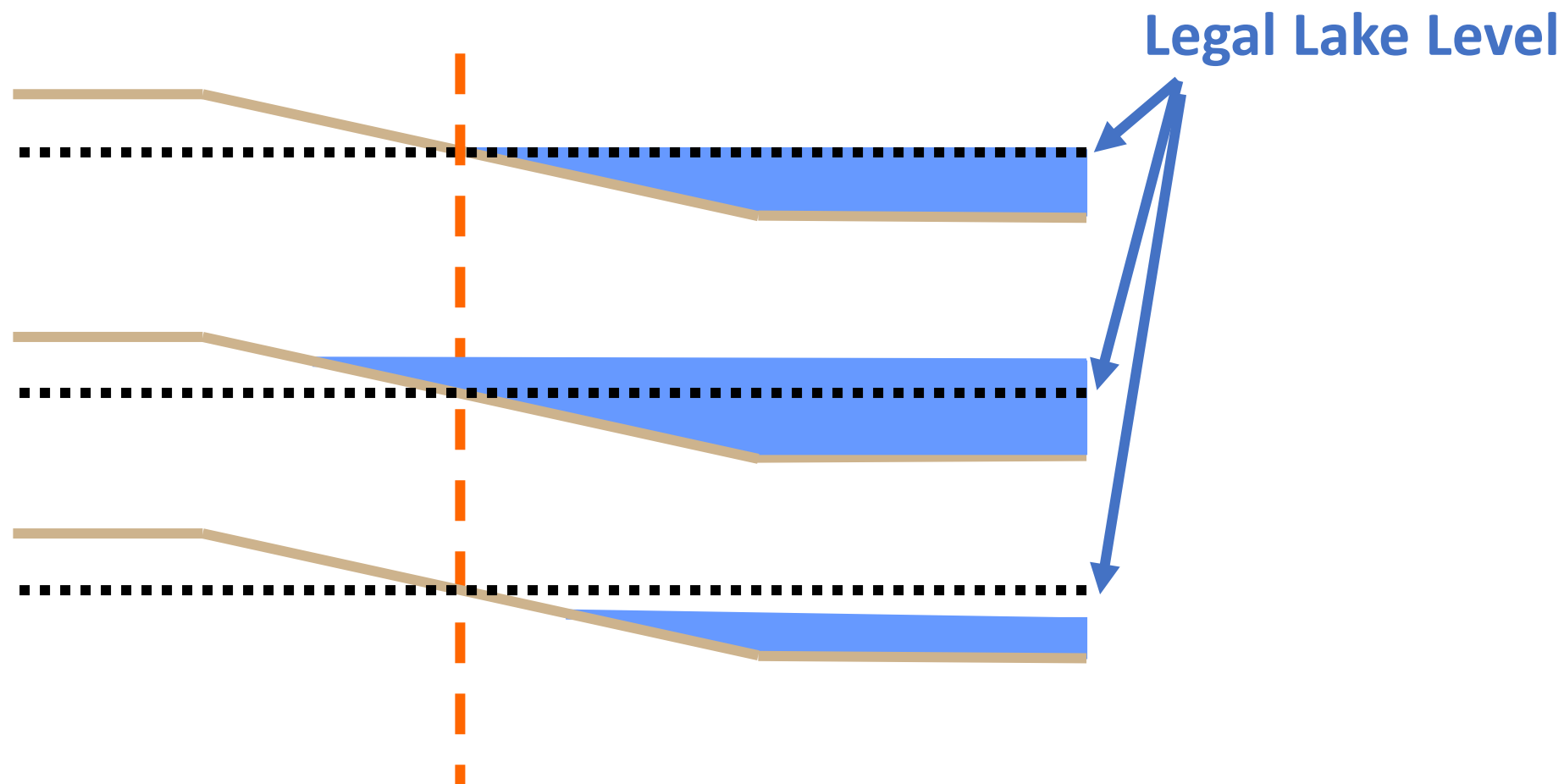
(B) if water level records are not available, the action of the water that has marked upon the soil or the bed of the lake a character distinct from that of the bank with respect to vegetation as well as the nature of the soil.



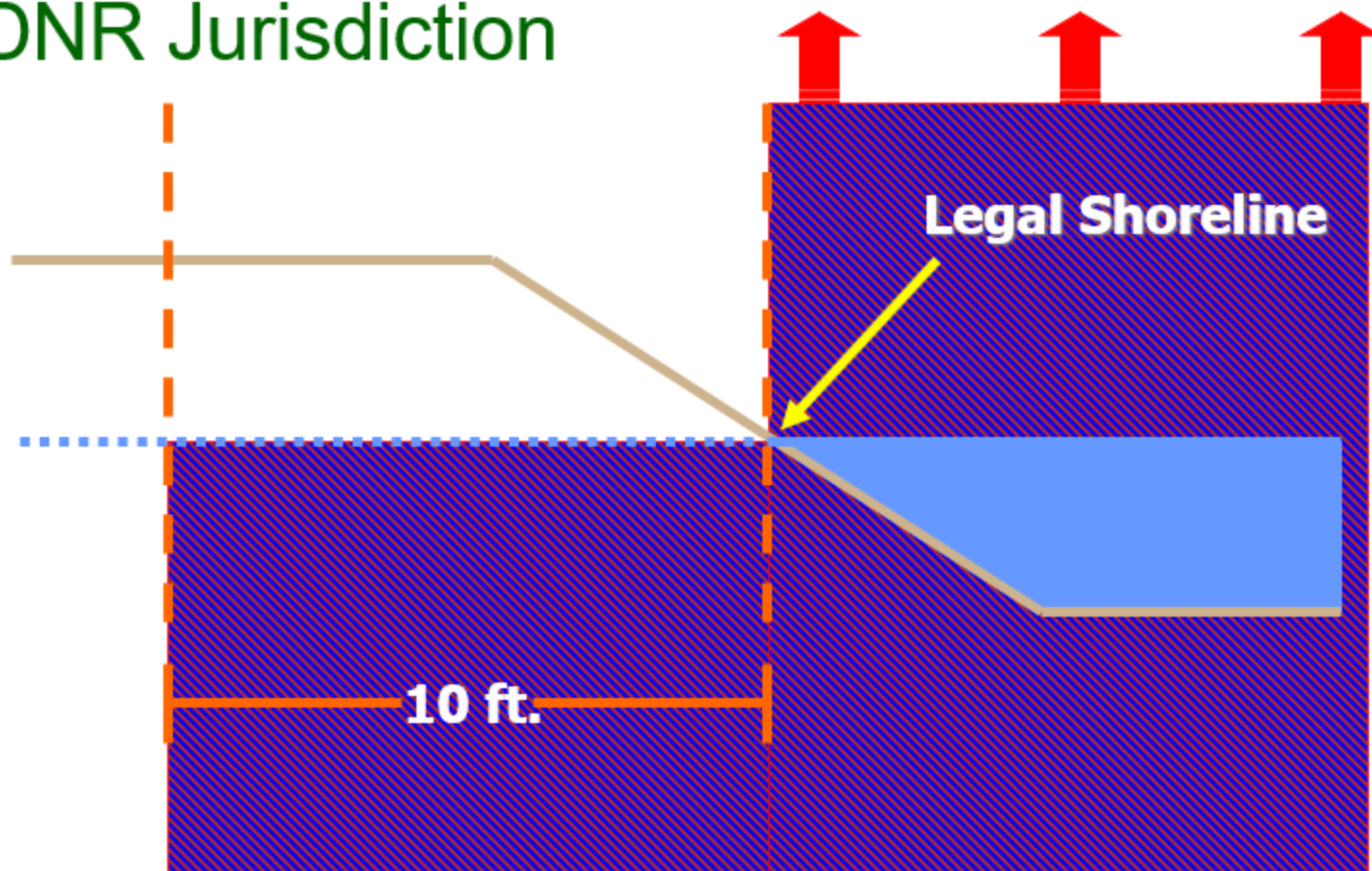
List of Legal and Average Normal Lake Levels:

dnr.IN.gov/water/surface-water/public-freshwater-lake-legal-and-average-normal-water-levels/

Legal Shoreline is a fixed location



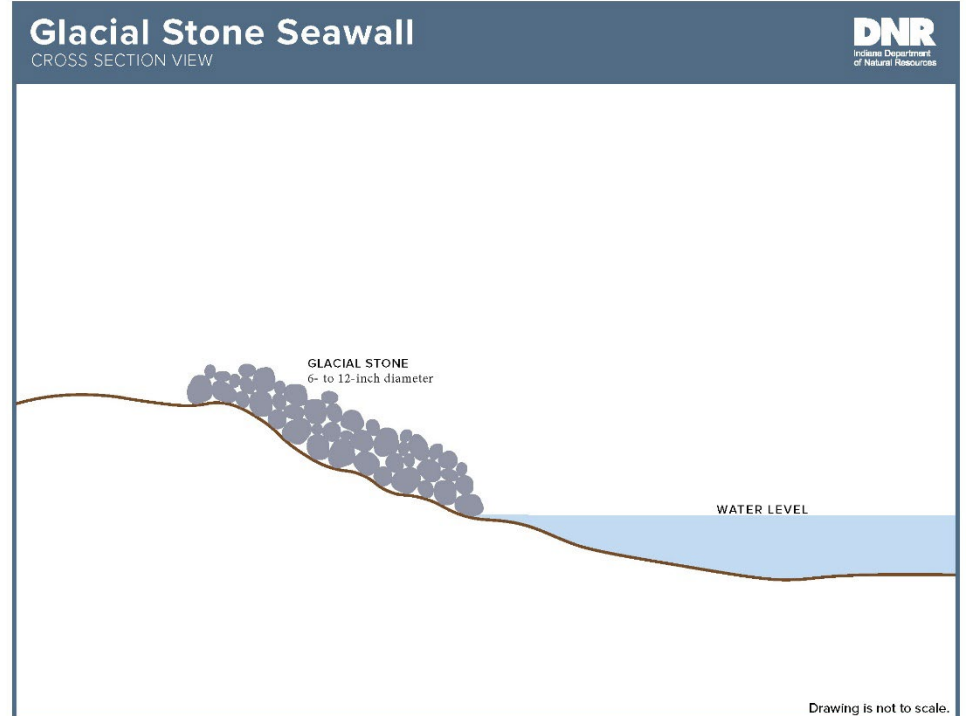
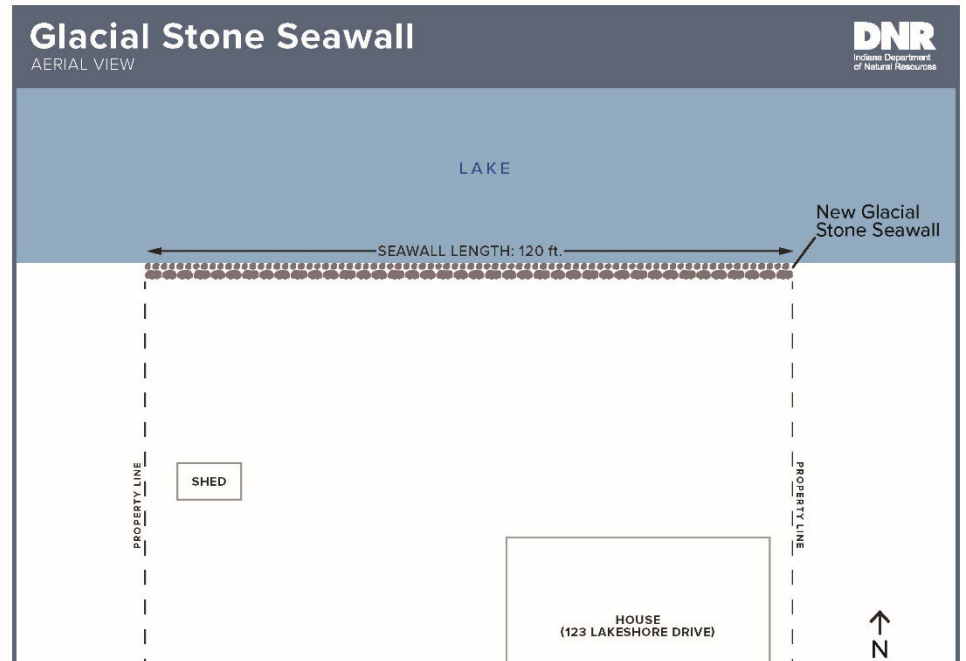
DNR Jurisdiction



DNR's authority is confined to the area at or lakeward of the shoreline of the lake, and within 10 feet of the shoreline if an impermeable structure (wall) is proposed below the Legal Lake Level (LLL).

Permit Application Process

- Apply online at <https://www.in.gov/dnr/water/regulatory-permit-programs/>
- \$100 application fee
- Minimum required information and example plans can be found in the Application Assistance Manual at the same link



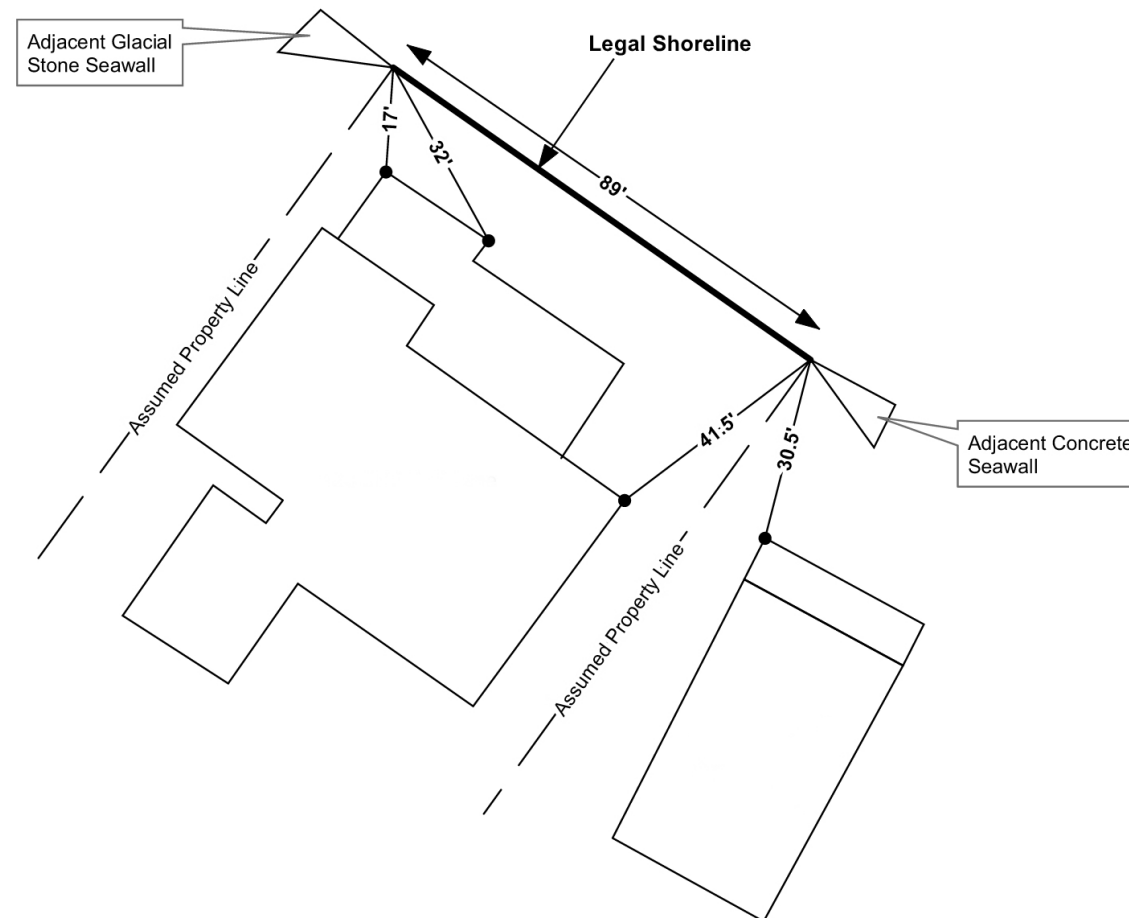
Application Reviews

- Projects are reviewed for their impact to:
 - the public's right to the natural resource, recreational use, and scenic beauty of the lake;
 - the water level or contour of the lake below the waterline;
 - fish, wildlife, or botanical resources; and
 - the cumulative effects of the above items
- Determining these impacts typically requires a site inspection and routing to multiple Divisions of DNR



Inspections

- From about mid-May to October
- Delineate the Legal Shoreline
 - Measuring from LLL to fixed points
- Determine the Shoreline Classification
 - Documenting emergent vegetation
 - Documenting existing shoreline alterations within 250' of each side of the site



Shoreline Classification

Required for some projects.

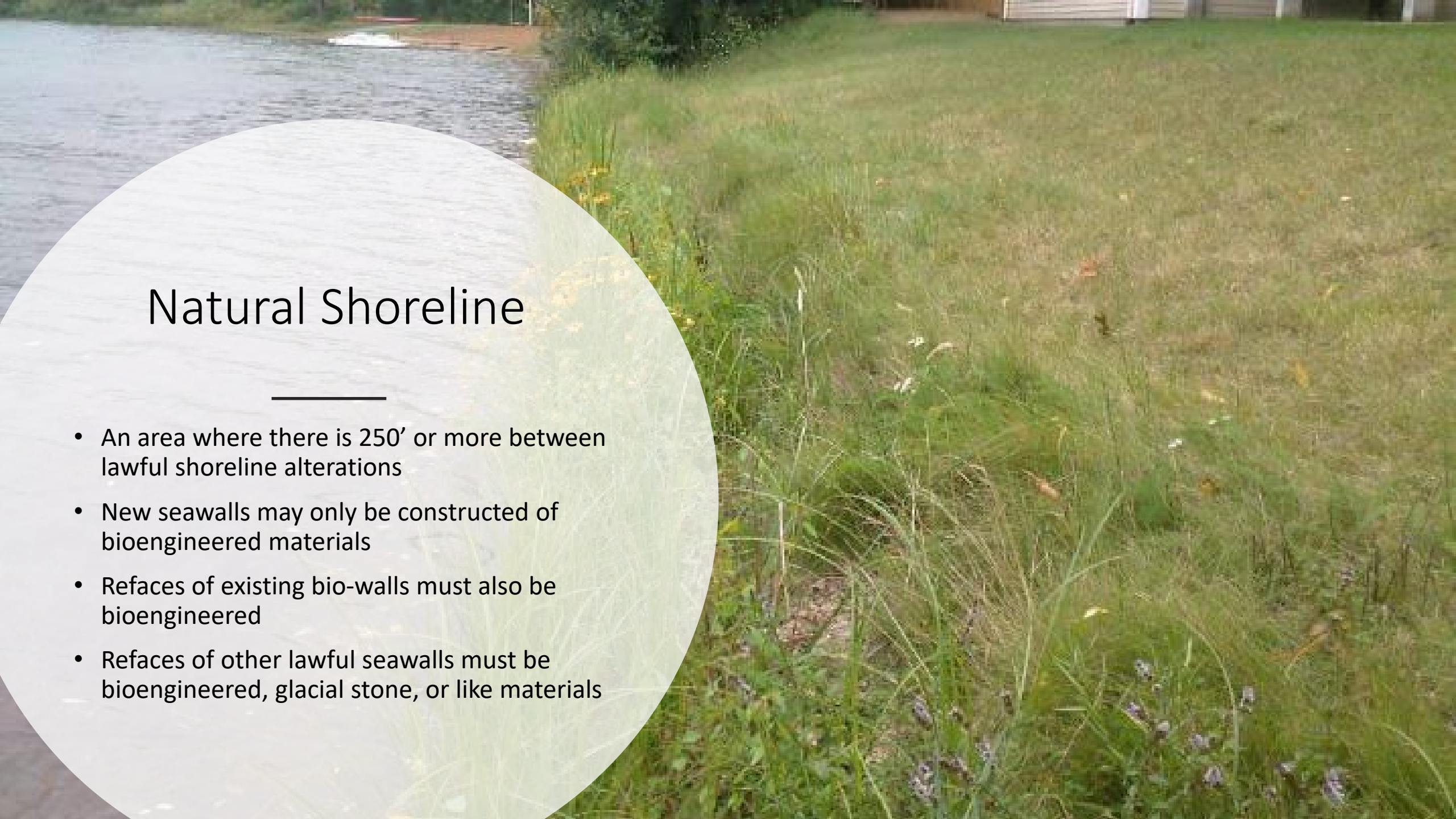
Existing, lawful shoreline alterations as well as emergent vegetation are both used to determine the shoreline classification.



Significant Wetland

- At least two thousand five hundred (2,500) square feet of contiguous, emergent vegetation
- The areal extent of the vegetation is independent of ownership
- Independent of nearby shoreline alterations
- New seawalls may only be constructed of bioengineered materials
- Refaces of existing bio-walls must also be bioengineered
- Refaces of other lawful seawalls must be bioengineered, glacial stone, or like materials



The background of the slide is a photograph of a natural shoreline. On the left, there is a body of water. To the right of the water is a grassy area with some taller vegetation and small white flowers. In the far background, a portion of a house with light-colored siding is visible.

Natural Shoreline

- An area where there is 250' or more between lawful shoreline alterations
- New seawalls may only be constructed of bioengineered materials
- Refaces of existing bio-walls must also be bioengineered
- Refaces of other lawful seawalls must be bioengineered, glacial stone, or like materials

Area of Special Concern

- An area where either:
 - There is an altered shoreline where lawful bulkhead seawalls are at least 250' apart, OR
 - There is between 625 and 2,500 square feet of emergent vegetation
- New seawalls must be glacial stone or bioengineered materials
- Refaces must be glacial stone or like materials



Developed Area

- An area with an altered shoreline where lawful bulkhead seawalls are less than 250' apart
- The “Upland side of a manmade channel”
 - Sections along a manmade channel where there is less than 625 square feet of emergent vegetation
- New seawalls and refaces may be bioengineered, glacial stone, riprap, vinyl or steel sheet piling, or concrete



General License for Glacial Stone Refaces

(312 IAC 11-3-1)

- To qualify for the General License for a glacial stone reface each of the following must be satisfied:
 - The seawall reface must be comprised exclusively of glacial stone.
 - The reface must not extend more than four feet lakeward of the shoreline or water line at the base of a lawful seawall.
 - A walk or structural tie must not be constructed on the existing seawall in combination with the glacial stone reface.
 - An impermeable material must not be placed behind or beneath the glacial stone reface.
 - Filter cloth placed behind or beneath the glacial stone reface must be properly anchored to prevent displacement or flotation.
 - Erosion from disturbed areas landward of the shoreline or water line must be controlled to prevent its transport into the lake.
- Glacial stone is defined as rounded stone that satisfies each of the following (312 IAC 11-2-11):
 - Produced by glacial activity.
 - No individual stone weighs more than 120 pounds.
 - At least 90% of the material passes through a 12-inch sieve.
 - Not more than 10% of the material passes through a six-inch sieve.

Other Permitting Agencies

- US Army Corps of Engineers
- Indiana Dept of Environmental Management
- Other DNR Division (Fish & Wildlife, State Parks, etc.)
- Indiana Department of Health
- Local officials

Contact Us

Web: <http://www.dnr.IN.gov/water>

Email: water_inquiry@dnr.IN.gov

Phone: 877-928-3755 (toll-free)

Questions about permitting requirements can be directed to the Technical Services section of the Division of Water.

See the [Statutes/Rules section](#) for specific information on the DNR's permitting jurisdiction.

Jordan Smithers

Technical Services Section

DNR, Division of Water

JSmithers@dnr.IN.gov

(317) 232-5018

Check out waterways.IN.gov for permitting information from both IDEM and DNR!