

INDIANA AQUATIC VEGETATION CONTROL PERMIT LAWS

IC 14-22-9-10

Control of aquatic vegetation

Sec. 10. (a) This section does not apply to the following:

- (1) A privately owned lake, farm pond, or public or private drainage ditch.
- (2) A landowner or tenant adjacent to public waters or boundary waters of the state, who chemically, mechanically, or physically controls aquatic vegetation in the immediate vicinity of a boat landing or bathing beach on or adjacent to the real property of the landowner or tenant if the following conditions exist:

(A) The area where vegetation is to be controlled does not exceed:

- (i) twenty-five (25) feet along the legally established, average, or normal shoreline;
- (ii) a water depth of six (6) feet; and
- (iii) a total surface area of six hundred twenty-five (625) square feet.

(B) Control of vegetation does not occur in a public waterway of the state.

(b) A person may not chemically, mechanically, physically, or biologically control aquatic vegetation in the public waters or boundary waters of the state without a permit issued by the department. All procedures to control aquatic vegetation under this section shall be conducted in accordance with rules adopted by the department under IC 4-22-2.

(c) Upon receipt of an application for a permit to control aquatic vegetation and the payment of a fee of five dollars (\$5), the department may issue a permit to the applicant. However, if the aquatic vegetation proposed to be controlled is present in a public water supply, the department may not, without prior written approval from the department of environmental management, approve a permit for chemical control of the aquatic vegetation.

(d) This section does not do any of the following:

- (1) Act as a bar to a suit or cause of action by a person or governmental agency.
- (2) Relieve the permittee from liability, rules, restrictions, or permits that may be required of the permittee by any other governmental agency.
- (3) Affect water pollution control laws (as defined in IC 13-11-2-261) and the rules adopted under water pollution control laws (as defined in IC 13-11-2-261).

As added by P.L.1-1995, SEC.15. Amended by P.L.1-1996, SEC.64; P.L.19-2002, SEC.1.

312 IAC 9-10-3 Aquatic vegetation control permits

Authority: IC 14-22-2-6; IC 14-22-9-10

Affected: IC 14-22-9-10

Sec. 3. (a) Except as provided under IC 14-22-9-10(a), a person must obtain a permit under this section before seeking to control aquatic vegetation through chemical, mechanical, physical, or biological means in waters of the state.

(b) Before obtaining a permit under this section, a person must complete an application on a departmental form that includes the following information:

- (1) The common name of the target plants and relative abundance of other dominant plants in each area to be controlled.
- (2) The acreage to be controlled, with affected areas illustrated on a legible map.
- (3) The maximum depth of the water, the maximum perpendicular distance from shoreline, and the linear distance along the shoreline where plants are to be treated.
- (4) The name and amount of the chemical to be used in each treatment, if a chemical control is used.

- (5) The duration and timing of control efforts, if controls will be repeated under a single permit.
- (6) The location of any water supply intake that may be adversely affected by the aquatic vegetation control activities.
- (7) The species, stocking rate, and release location, if a biological control is used.
- (8) The type of equipment and location of disposal area, if a mechanical control is used.
- (9) The name and contact information for the person who will conduct the control effort.

(c) An applicant for a permit under this section must demonstrate each of the following to the satisfaction of the department:

- (1) The proposed treatment is likely to provide effective relief.
- (2) The proposed treatment will not result in any of the following:
 - (A) A hazard to humans, animals, or other nontarget organisms.
 - (B) A significant adverse impact to the treated waterway.
 - (C) A significant adverse impact to endangered or threatened species.
 - (D) A significant adverse impact to beneficial organisms within the treatment area or in adjacent areas, either directly or through habitat destruction.
 - (E) An unreasonable restriction on an existing use of the waterway.
- (3) The proposed treatment will not occur within one hundred fifty (150) feet perpendicular to the shoreline of a public freshwater lake, along an area classified as a significant wetland under 312 IAC 11-2-24, except where the applicant demonstrates the treatment can be conducted without reducing the ecological value of the area.
- (4) The following apply if a chemical is to be used for aquatic vegetation control:
 - (A) The chemical is labeled and registered for this purpose by the United States Environmental Protection Agency.
 - (B) Prior written approval is received from the department of environmental management if the waterway to be treated is a public drinking water supply.
- (5) Any other information reasonably required by the department to effectively review the application.

(d) A permit issued under this section is limited to the terms of the application and to conditions imposed on the permit by the department.

(e) Except as otherwise provided in this subsection, five (5) days before the application of a substance permitted under this section, the permit holder must post clearly visible signs at the treatment area indicating the substance that will be applied and what precautions should be taken. For a treatment to be performed on a reservoir for drinking water supply that is owned by a municipality, the posting required under this subsection may be provided no later than thirty-six (36) hours before the permitted activity.

(f) A permit holder must submit a report on a departmental form not later than the seven (7) days following the control effort, providing the date, location, acreage, and method used in each area where controls were implemented. (*Natural Resources Commission; 312 IAC 9-10-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Nov 14, 2003, 5:30 p.m.: 27 IR 1165, eff Jan 1, 2004; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA*)