Flood Control Act
Permit Renewal IC-14-28-1-22
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DNR, Division of Water
Previous permit validity language allowed a Construction in a Floodway permit to remain valid indefinitely as long as the construction was initiated before the permit expired.

Environmental laws and considerations have changed over the past 15 to 20 years.

Some permittees are still operating under permits that were issued 15 to 20 years ago and could continue indefinitely resulting in an uninterrupted disturbance on habitat and potential impacts to the floodway.
Pursuant to amendments made to Indiana Code 14-28-1-22 in 2014 and 2015:

(g) A permit issued under this section:

(1) is valid for two (2) years after the issuance of the permit; and

(2) to:

(A) the Indiana department of transportation or a county highway department if there is any federal funding for the project

(B) an electric utility for the construction of a power generating facility; is valid for five (5) years from the date of issuance.

A permit that is active and was issued under subdivision (1) before July 1, 2014, is valid for two (2) years beginning July 2014, and a permit that is active and was issued under subdivision (2) before July 1, 2014, is valid for five (5) years beginning July 2014.

(h) A permit issued under:

(1) subsection (g)(1) may be renewed one (1) time for a period not to exceed two (2) additional years; and

(2) subsection (g)(2) may be renewed one (1) time for a period not to exceed five (5) additional years.
2-Year permit for construction in a floodway issued on or after July 1, 2014

- valid for 2 years from the date of issuance
- an active permit may be renewed one time for a period not to exceed 2 additional years
5-Year permit for construction in a floodway issued on or after July 1, 2014

- valid for 5 years from the date of issuance
- an active permit may be renewed one time for a period not to exceed 5 additional years
An “active” permit shall mean a permit which was issued and has not yet expired.
How to determine if a permit is eligible for a permit renewal

2-year permit issued prior to July 1, 2012

Was construction initiated before the permit expired?

Yes

Permit is active. Permit is eligible for a permit renewal if a renewal request is received at the Division of Water prior to July 1, 2016.

No

Permit is no longer “active”. A new permit is required.

Was construction initiated before the permit expired? Yes

No

How to determine if a permit is eligible for a permit renewal

2-year permit issued on or after July 1, 2012 and prior to July 1, 2014

Was a permit renewal request received at the Division of Water prior to July 1, 2016?

Yes

Permit is active. Permit is eligible for a permit renewal.

No

Permit is no longer “active”. A new permit is required.
How to determine if a permit is eligible for a permit renewal

5-year permit issued \textbf{prior to July 1, 2009}?

- Yes
  - Permit is active. Permit is eligible for a permit renewal if a renewal request is received at the Division of Water prior to July 1, 2019.

- No
  - Permit is no longer "active". A new permit is required.

Was construction initiated before the permit expired?
How to determine if a permit is eligible for a permit renewal

5-year permit issued on or after July 1, 2009 and prior to July 1, 2014

Was a permit renewal request received at the Division of Water prior to **July 1, 2019**?

- **Yes**
  - Permit is active. Permit is eligible for a permit renewal.

- **No**
  - Permit is no longer “active”. A new permit is required.
How to determine if a permit is eligible for a permit renewal

2-year or 5-year permit issued on or after July 1, 2014

Was a permit renewal request received at the Division of Water prior to the permit expiration date?

Yes

Permit is active. Permit is eligible for a permit renewal.

No

Permit is no longer “active”. A new permit is required.
A request for a renewal shall include:

1) The permit number of the original permit (FW-XXXXX).

2) A statement verifying that the original permittee and their mailing address is unchanged

   OR

   if the permittee is changed, the name and mailing address of the new permittee and a copy of a deed, lease, contract, etc. demonstrating that the new permittee has acquired an interest in the property.

3) A statement that the plans which were the basis for the original permit and any subsequent amendments are not being changed. (NOTE – Any change to the approved plans will require that a new application be filed.)
A request should be received at the Division of Water at least 30 days prior to the expiration of the original permit.

Mail to:
DNR, Division of Water
402 West Washington Street, Room W264
Indianapolis, IN 46204

Or Email to:
water_inquiry@dnr.in.gov
Once the person requesting the renewal has demonstrated to the Department’s satisfaction that he or she is the valid permittee and that the approved plans have not changed, the Department shall issue a letter authorizing the renewal.

A copy of the renewal letter shall be sent to all interested parties listed on the original permit and other parties that have subsequently requested notice along with instructions on how to file an appeal.
DNR, Division of Water, general email address: water_inquiry@dnr.in.gov
Telephone: 317-232-4160 or Toll Free 1-800-928-3755