

Public Notice

IC 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 Flood Control Act, IC 14-28-1.

Project Description:

- 1) A new 9 1/2 foot diameter culvert crossing with a flood gate will be placed in the Heimberg Ditch for access across the ditch and along on the North levee of Marble-Powers Ditch (a.k.a., Kankakee River) to improve access, drainage and flood management for the benefit of the Kankakee watershed. Application #FW-26941
- 2) Approximately 2800 feet of the Heimberg Ditch will be dredged to an average depth of 2' to restore the channel to its design configuration to improve drainage and flood management for the benefit of the Kankakee watershed. Application #FW-26854

Project Location: Northeast Quarter Section 9-32-5 in Pleasant Township, 2.5 miles southeasterly of State Road #49 (River Mile 86.690) Approximately five and one-half miles southerly and two miles easterly of Kouts, Indiana in an old oxbow northerly of the North levee of the present-day Kankakee River beginning at River Mile 89.150.

Stream Name Kankakee River and Heimberg Ditch (in Porter County)

Applicant's Name, Address, and Telephone: Porter County Drainage Board, 155 Indiana Ave.- Suite#303, Valparaiso, IN 46383 219-465-3560

Questions should be directed to Kevin Breitzke, Porter County Surveyor

An informal public hearing, pre-AOPA (Administrative Orders and Procedures Act) hearing may be requested 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.

The Department's jurisdiction under the Flood Control Act, IC 14-28-1, is limited to a project in the floodway of the waterway that includes but not limited to rivers, streams, ditches, and creeks. 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, and (2) damage to public or private property to which the applicant has neither ownership nor a flood easement; (c) not result in unreasonable detrimental effects upon fish, wildlife, and botanical resources. Additionally, the Department must consider the cumulative effects of the items (a) through (c).

A request for a pre-AOPA public hearing or notice of initial determination pursuant to 312 IAC 2-3 should be addressed to: Technical Services Section, Division of Water, Department of Natural Resources 402 West Washington Street, Room W264, Indianapolis, Indiana 46204-2641, Telephone: (877) 928-3755 or (317) 232-4160.

You may also request that the Department notify you in writing after an initial determination is

ny you in writing after 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 3-1. This request should be addressed to: Division of Hearings, Natural Resources Commission, Indiana Government Center North, Room N501A, 100 North Senate Avenue, Indianapolis, IN 46204, Telephone: (317) 232-4699.

(December 11, 2012)