

# HOUSE BILL No. 1404

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-27-7-10.

**Synopsis:** Lake Michigan seawalls. Provides that if an application for a permit or license to construct or repair a seawall or revetment on or near the shore of Lake Michigan is submitted to a local authority and the site or proposed site of the seawall or revetment is on the side of the ordinary high water mark opposite Lake Michigan when the application is submitted but is at other times on the Lake Michigan side of the ordinary high water mark: (1) the applicant shall prepare plans for the construction or repair of the seawall or revetment; (2) the local authority shall refer the application and the applicant's plans to the department of natural resources (department); (3) the department shall study the application and plans and may advise the applicant and the local authority that changes must be made in the plans before the plans may be approved; (4) the department shall approve or disapprove the plans; and (5) if the department approves the plans, the local authority shall grant the application for a permit or license for the construction or repair of the seawall or revetment.

**Effective:** July 1, 2023.

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## Pressel

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January 17, 2023, read first time and referred to Committee on Natural Resources.

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First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

# HOUSE BILL No. 1404



A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 14-27-7-10 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2023]: **Sec. 10. (a) As used in this section, "local authority"**  
4 **means a department, board, commission, or other entity that:**  
5 **(1) is a part of or is established by the local government of a**  
6 **county, city, or town; and**  
7 **(2) has authority to issue licenses or permits for the**  
8 **construction or repair of structures on real property located**  
9 **within the boundaries of the county, city, or town.**  
10 **(b) As used in this section, "ordinary high water mark" means**  
11 **the line on the bank or shore of Lake Michigan that:**  
12 **(1) is established by fluctuations of the water of Lake**  
13 **Michigan;**  
14 **(2) is indicated by physical characteristics, including:**  
15 **(A) a clear and natural line impressed on the shore;**  
16 **(B) shelving;**  
17 **(C) changes in character of soils;**



- 1           **(D) the destruction of terrestrial vegetation; and**  
 2           **(E) the presence of litter or debris; and**  
 3           **(3) moves from time to time as a result of natural forces,**  
 4           **including the deposition of sediment on the shore, the erosion**  
 5           **of sand from the shore, and changes in the water level of Lake**  
 6           **Michigan.**  
 7           **(c) As used in this section, "revetment" means a sloping**  
 8           **structure placed on the bank of Lake Michigan to stabilize or**  
 9           **protect the bank from erosion.**  
 10          **(d) As used in this section, "seawall" means a structure that:**  
 11           **(1) is built parallel to the shoreline of Lake Michigan; and**  
 12           **(2) is intended to prevent erosion of the shoreline.**  
 13          **(e) Subsection (f) applies if:**  
 14           **(1) an application for a permit or license to construct or**  
 15           **repair a seawall or revetment on or near the shore of Lake**  
 16           **Michigan is submitted to a local authority;**  
 17           **(2) when the application is submitted, the site or proposed site**  
 18           **of the seawall or revetment is on the side of the ordinary high**  
 19           **water mark opposite Lake Michigan; but**  
 20           **(3) the site or proposed site of the seawall or revetment is at**  
 21           **other times on the Lake Michigan side of the ordinary high**  
 22           **water mark.**  
 23          **(f) In a situation described in subsection (e), the following apply:**  
 24           **(1) The applicant must submit to the local authority, along**  
 25           **with the application described in subsection (e)(1), plans for**  
 26           **the construction or repair of the seawall or revetment.**  
 27           **(2) Not more than ten (10) days after receiving a completed**  
 28           **application from the applicant, the local authority shall**  
 29           **transmit to the department:**  
 30           **(A) the applicant's completed application; and**  
 31           **(B) the applicant's plans for the construction or repair of**  
 32           **the seawall or revetment.**  
 33           **(3) The department shall study the application and plans and**  
 34           **may:**  
 35           **(A) request further information from the local authority or**  
 36           **the applicant about the proposed construction or repair of**  
 37           **the seawall or revetment; and**  
 38           **(B) visit the site of the proposed construction or repair of**  
 39           **the seawall or revetment to gather information.**  
 40           **(4) Within thirty (30) days after receiving the application and**  
 41           **plans under subdivision (2), the department may advise the**  
 42           **applicant and the local authority that one (1) or more changes**



1           **must be made in the plans before the plans may be approved.**  
2           **(5) The department shall approve or disapprove the plans.**  
3           **(6) If the department approves the plans, the local authority**  
4           **shall grant the application for a permit or license for the**  
5           **construction or repair of the seawall or revetment.**

