



Public Notice Instructional Guide



This instructional guide provides information on the public notice requirements associated with a permit application administered by the IDNR, Division of Water.

IC 14-11-4 was enacted to ensure that adjacent property owners and other interested parties are provided the opportunity to be informed of construction projects that may affect them. Public Notice is mandatory – there are no exceptions to this requirement. Public Notice provides a 30-day period from the date of Public Notice for adjacent landowners and interested parties to present their views or concerns to the IDNR, Division of Water of the proposed construction projects. No Department Action to approve a permit application may be issued by the IDNR, Division of Water, until the 30-day Public Notice periods have expired.

Public Notice is served by the applicant or representing agent to adjacent landowners. "Adjacent to the affected real property", defined in 312 IAC 2-3-2, means real property owned by a person, other than the applicant, that is both of the following: (1) shares a border or point in common with the exterior boundary of the property where the project is proposed (included is a property that would share a common border if not for the separation caused by a right-of-way, an easement, or a railroad), and (2) where the border or point in common with the exterior boundary is within one-fourth (1/4) mile of the site where the project is proposed. For further explanation of Public Notice requirements and how to determine who is an adjacent landowner, refer to the instructional video on our web page at www.in.gov/dnr/water/2455.htm..

Frequently Asked Questions:

What do I have to do to satisfy the Public Notice requirements?

You must provide the adjacent property owner(s) and the property owner(s), if other than yourself, with a copy of the completed Public Notice, State Form 50354 and you must provide proof to the Department that you have notified those property owner(s).

What information do I need to include in the Public Notice to the adjacent landowners?

A template of the Public Notice State Form 50354 can be found in this packet or at <http://www.in.gov/dnr/water/2455.htm>. Fill out the required blank lines on the form. Make a copy of the completed for each of the adjacent landowners.

When do I notify the adjacent property owners?

Public notice must be served to the adjacent landowners after the permit application has been received by the IDNR, Division of Water. When new permit applications are received at IDNR, Division of Water, an Application Acknowledgement Notice and Public Notice forms are provided to both the applicant and representing agent. Upon receipt of the Application Acknowledgement Notice, the applicant or representing agent can serve Public Notice. In addition to the responsibility of the applicant or representing agent to provide Public Notice to adjacent landowners, the DNR, Division of Water is mandated to list new permit application projects on the weekly DNR 30-day Public Notice.

How do I notify the adjacent property owner(s)?

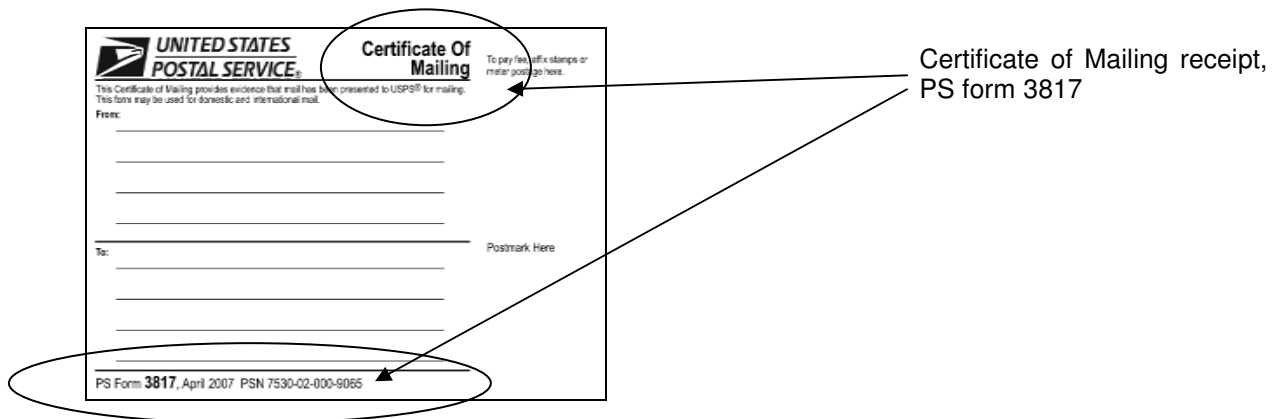
For notifying adjacent landowners, choose one or more of the following methods of serving Public Notice.

Personal Service Method:

Personal service is accomplished by serving the completed Public Notice, State Form 50354, in person to the adjacent property owner. No signature of the adjacent landowner or postage receipts are required to be obtained if using Personal Service to provide Public Notice to the adjacent landowners. Unacceptable methods of personal service includes hand delivery to a non-family member of the property owner such as a person who is renting, subleasing the property, buying the property on contract, etc., notifying the adjacent landowner by telephone, placing the Public Notice in the door, or leaving the Public Notice in the mailbox of the adjacent property. To provide proof that Public Notice was served by Personal Service, list the adjacent property owners' name and address on the Adjacent Property Owners Listing, State Form 52086, check the box next to Personal Service, indicate the date that the Public Notice was hand delivered to that adjacent property owner, and submit the signed and dated Adjacent Property Owners Listing, State Form 52086 to the IDNR, Division of Water.

1st Class Mail

1st Class Mail service is accomplished by serving the completed Public Notice, State Form 50354, by 1st Class Mail. For each 1st Class mailing you must obtain a Certificate of Mailing receipt, PS Form 3817, from the Post Office indicating the postmark date of mailing, example below. The Certificate of Mailing receipt is required to be submitted to IDNR, Division of Water as proof of mailing. Complete the Adjacent Property Owners Listing, State Form 52086, by adding the name and address, check the box next to 1st Class Mail and indicate the date that the Public Notice was mailed to the corresponding adjacent property owner. Wait 21 days after the postmark date of mailing before signing the bottom of the Adjacent Property Owners Listing to verify that none of the 1st Class Mailings are returned undelivered. If any one of the Public Notice mailings is returned undelivered in those 21 days, you will be required to attempt another method of serving Public Notice to the adjacent landowner for the undeliverable mailings. Once the Public Notice requirements as served under 1st Class Mail are satisfied, submit the signed and dated State Form 52086 and the PS Form 3817 to the IDNR, Division of Water.



Certified Mail

Certified Mail service is accomplished by serving the completed Public Notice, State Form 50354 by Certified Mail. For each mailing you **must complete and request a signed, returned Domestic Return receipt, PS form 3811 from the Post Office.** The signed Domestic Return receipt is required to be submitted to IDNR, Division of Water as proof of mailing. If any one of the Public Notice mailings is returned and marked "Forwarding Order Expired", "Addressee Unknown", "No Such Address" and "No Mail Receptacle", you will be required to attempt another method of serving Public Notice to the adjacent landowner for each undeliverable mailing. If a notice is returned as "Unclaimed" or "Refused",

submit the envelope to IDNR, Division of Water as proof of mailing and no further action is required for that adjacent landowner. Once the Public Notice requirements served under Certified Mail are satisfied, complete the Adjacent Property Owners Listing, State Form 52086, by adding the name and address, check the box next to Certified Mail and indicate the date that the Public Notice was **received by that adjacent property owner**. Submit the signed and dated State Form 52086 and the signed PS form 3811 or the returned "Unclaimed" or "Refused" envelope(s) for each adjacent property owner to the IDNR, Division Water. PS Form 3811

U.S. Postal Service®
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$

Postmark Here

7505 1A70 0003 3100 7505
 7010 1A70 0003 3100 7505

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS TO THE RIGHT

7010 1A70 0003 3100 7505

Send Back to Instructions
 PS Form 3800, August 2005

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
1. Article Addressed to: Adjacent Property Owners's Name and Address	C. Signature X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
	D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Article Number (Copy from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail	<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

Newspaper Publication

Public Notice by newspaper publication is only an option when one of the three methods noted above of serving Public Notice has been attempted but failed to properly serve Public Notice to the adjacent landowners. Public Notice by newspaper publication is served in the local newspaper of the proposed project. For newspaper publication, you must obtain a Publishers Affidavit from the newspaper with a copy of the published Public Notice attached. The completed Publishers Affidavit is required to be submitted to IDNR, Division of Water as proof of Public Notice. Contact Technical Services at (317) 232-4160 or toll free at (877) 928-3755 for a copy of a template for newspaper publication.

Public Notice Requirements for proposed dredging projects on public freshwater lakes

For proposed dredging projects on public freshwater lakes, an adjacent landowner is where the distance of the project is within two hundred (200) feet of a lakefront property or to the extended riparian zone. When a dredging project is proposed beyond 200' of a lakefront property or outside an adjacent landowner's extended riparian zone, Public Notice is only required to be served in the local newspaper. A specific guide has been developed to provide instruction for public notice for dredging projects. Contact Technical Services at (317) 232-4160 or toll free at (877) 928-3755 for a copy of the guide.

If you are unsure of these procedures, please call Technical Services at (317) 232-4160 or toll free at (877) 928-3755 prior to providing this Public Notice to the adjacent property owner(s).