TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule
LSA Document #08-443(E)

DIGEST

Temporarily exempts licensure requirements under IC 14-28-1 and 312 IAC 10 in support of the June 8, 2008 Presidential Disaster Declaration for Bartholomew County, Boone County, Brown County, Clay County, Daviess County, Dearborn County, Decatur County, Franklin County, Greene County, Henry County, Jackson County, Jennings County, Jefferson County, Johnson County, Lawrence County, Madison County, Morgan County, Monroe County, Ohio County, Owen County, Ripley County, Randolph County, Rush County, Shelby County, Sullivan County, Union County, Vermillion County, Vigo County, and Wayne County. Facilitates the reconstruction of bridge and culvert crossings damaged by floodwaters, the removal of logjams and debris from the channel of a waterway, and the stabilization and repair of stream banks eroded by floodwaters in conjunction with the clean-up and recovery efforts associated with the June 2008 flood.

SECTION 1. (a) This document applies to each of the following activities conducted as a consequence of flooding which occurred in June 2008:

(1) The reconstruction of bridge and culvert crossings damaged by floodwaters.

(2) The removal of logjams and debris from the channel of a waterway.

(3) The stabilization and repair of stream banks eroded by floodwaters.

(b) The application of this document is limited to the following:

(1) Bartholomew County.
(2) Boone County.
(3) Brown County.
(4) Clay County.
(5) Daviess County.
(6) Dearborn County.
(7) Decatur County.
(8) Franklin County.
(9) Greene County.
(10) Henry County.
(11) Jackson County.
(12) Jennings County.
(13) Jefferson County.
(14) Johnson County.
(15) Lawrence County.
(16) Madison County.
(17) Morgan County.
(18) Monroe County.

(19) Ohio County.
(20) Owen County.
(21) Ripley County.
(22) Randolph County.
(23) Rush County.
(24) Shelby County.
(25) Sullivan County.
(26) Union County.
(27) Vermillion County.
(28) Vigo County.
(29) Wayne County.

SECTION 2. This SECTION exempts the licensure requirements, under IC 14-28-1 and 312 IAC 10, for the reconstruction of a bridge or culvert crossing subject to the following conditions:

(1) The bridge or culvert crossing being replaced was damaged by floodwaters.

(2) The waterway opening of the replacement bridge or culvert crossing must be made no smaller and no less effective than before the damage described in subdivision (1).

(3) The top of road profile of the replacement bridge or culvert crossing must be made no higher than the top of road profile before the damage described in subdivision (1).

(4) Appropriate sediment control measures must be installed to prevent the flow of sediment laden water back into the waterway.

(5) As soon as practicable, all bare and disturbed areas must be revegetated with a mixture of grasses and legumes. Tall fescue must not be used under this subdivision, except that low endophyte tall fescue may be used in the bottom of the waterway and on side slopes.

SECTION 3. This SECTION exempts the licensure requirements, under IC 14-28-1 and 312 IAC 10, for the removal of logjams and debris from a waterway subject to the following conditions:

(1) Except as provided in subdivision (2), obstructions must be removed through the use of hand-operated equipment, such as axes, chain saws, and portable winches.

(2) On a site where the use of hand-operated equipment is determined to be impracticable, heavy equipment may be used for the following purposes:

(A) The excavation and removal from the channel of the logjam and associated debris.

(B) The stabilization of eroded stream banks.

(3) Except as provided in this subdivision, free logs or affixed logs that are crossways in the channel must be cut, relocated, and removed from the flood plain. Logs may be maintained in the flood plain if secured by cables and placed in an area which is not threatened by the flow of water and which is not a wetland. Logs must be removed and secured with a minimum of damage to vegetation.

(4) Isolated or single logs that are embedded, lodged, or rooted in the channel, and which do not span the channel or cause flow problems, must not be removed unless the logs are either of the following:

(A) Associated with or in close proximity to larger obstructions.

(B) Posing a hazard to navigation.

(5) A leaning or severely damaged tree that is in immediate danger of falling into the waterway may be cut and removed, if the tree is associated with or in close proximity to an obstruction. The root system and stump of the tree must be left in place.

(6) To the extent practicable, the construction of access roads must be minimized. In support of this subdivision, the following must be avoided:

(A) Cutting or otherwise removing more than one (1) acre of trees within a floodway.

(B) Traversing a wetland indicated on the national wetlands inventory map, unless pads are used.

(C) Raising the elevation of the flood plain.

(D) Crossing a waterway.

(7) Where practicable, work must be performed exclusively from one (1) side of a waterway.

(8) To prevent the flow of sediment laden water back into the waterway, appropriate sediment control measures must be installed.

(9) As soon as practicable, all bare and disturbed areas must be revegetated with mixture of grasses and legumes. Tall fescue must not be used under this subdivision, except that low endophyte tall fescue may be used in the bottom of the waterway and on side slopes.

SECTION 4. This SECTION exempts the licensure requirements, under IC 14-28-1 and 312 IAC 10, for the stabilization and reconstruction of eroded stream banks subject to the following conditions:

(1) At least one (1) of the following best management practices must be used to stabilize and repair eroded stream banks:

(A) Live stakes.

(B) Live fascines.

(C) Branch packings.

(D) Tree revetments.

(E) Brush mattress.

(F) Vegetative geogrids.

(G) Live cribwalls.

(H) Lunkers.

(I) A-jacks.

(J) Stone riprap.

(K) Concrete retaining wall.

(L) Gabion retaining wall.

(M) Timber retaining wall.

(N) Sheetpile retaining wall.

(O) Composite retaining wall.

(2) Repaired areas must conform to the contours that existed before the floodwaters.

(3) Repaired areas must conform to the existing bank at the upstream and downstream limits of the project site.

(4) Repaired areas must not be raised higher than the top of bank elevations that existed before the floodwaters.

(5) To prevent the flow of sediment laden water back into the waterway, appropriate sediment control measures must be installed.

(6) As soon as practicable, all bare and disturbed areas must be revegetated with mixture of grasses and legumes. Tall fescue must not be used under this subdivision, except that low endophyte tall fescue may be used in the bottom of the waterway and on side slopes.

(7) Except as provided in this subdivision, felled trees, brush, and other debris must not be left in the floodway. If cabled in place for bank protection, trees may be left in the floodway.

SECTION 5. This document expires on October 1, 2008.

Rule Signature Page

Rule #: LSA #08-443 (E)
Agency: Natural Resources Commission
Subject: Licensure requirements exemption under IC 14-28-1 and 312 IAC 10

ADOPTED:

By: _____ Date: 6/11/2008
Robert E. Carter, Jr.
Director
Department of Natural Resources

ACCEPTED FOR FILING:

By: _____
In
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TITLE 312 NATURAL RESOURCES COMMISSION
LSA Document #08-443(ER)

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