FREQUENTLY ASKED QUESTIONS

The following are some frequently asked questions regarding the removal of logjams and debris from within Indiana's waterways.

Q. What is a logjam?

A. Indiana Administrative Code 312 IAC 10-2-26 defines a "logjam" to mean an accumulation of lodged trees, root wads, or other debris that impedes the ordinary flow of water through a waterway. The term does not include the development of sandbars, sedimentation, or accumulation of stone or gravel.

In general, logjams are evidenced by a blockage that does any of the following:
Traverses the waterway; causes upstream ponding; or results in significant bank erosion.

Q. Are there different classifications of logjams?

A. Yes. Five types of logjam conditions are identified in the "The Indiana Drainage Handbook". The five conditions are as follows:

Condition 1 – A single log located either in or across the waterway channel.

Condition 2 - Two or more logs in or across the channel. The accumulated logs are interlocked, but there is no sediment build-up or debris collecting on in the channel at site

Condition 3 – Two or more logs in or across the channel. The accumulated logs are interlocked and sediment and debris have begun to collect on the jam. There is still water movement through the logjam.

Condition 4 – Two or more logs in or across the channel. The accumulated logs are interlocked and sediment and debris have compacted into the logjam. There is no water movement through the logjam. The logjam acts as dam, holding back water within the channel; water movement is now through the overbank areas rather than the channel.

Condition 5 – Logjam is located on a waterway within an area providing significant environmental benefit or within a critical area for fish spawning.

More specific information regarding these five logjam conditions can be found in the handbook. The handbook is available on the Division of Water's website.

Q. Is a permit required to remove logjams and debris from a waterway?

A. The Indiana Flood Control Act, IC 14-28-1, charges the Department of Natural Resources with the responsibility to regulate all construction, excavation, and/or filling activities within a floodway. By virtue of this statutory charge, the Department has regulatory authority over the removal of logjams. To facilitate the Department's role in regulating this type of activity, administrative rules have been adopted under Indiana Administrative Code 312 IAC 10-5. These rules allow the Department to issue a general license instead of a construction in a floodway permit in certain situations. The "condition" of the logjam and the method for removal of the logjam are important factors in determining whether or not a permit or general license will be required.

In most cases, Logjam Conditions 1, 2, and 3 will qualify for a general license. Logjam Conditions 4 and 5 require a Construction in a Floodway Permit.

Q. What is the major difference between having to get a permit versus a general license?

A. Time to process and cost are the two major differences. There is no application fee for a General License whereas there is a $200 application fee associated with each permit application. The Department must act on a request for a General License within 10 business days of receipt. Failure by the Department to take action on the request for a General License within 10 business days means the license has been approved. Projects that require a Construction in a Floodway permit are subject to a mandatory 30 day public notice period and there are no requirements on the Department to complete their review in a specific time. Typically, logjam and debris removal permit applications are processed in less than 90 days.

Q. Who is responsible for removing logjams and debris from the waterway?

A. While the Division of Water has been given the authority to regulate construction, excavation, filling activities on Indiana's waterways, the Division is not funded to maintain these waterways. In some cases, a waterway may be declared a regulated drain. If this is the case, the County Drainage Board / County Surveyor have the responsibility to maintain these drains and keep them free of debris and sediments. Generally, if the waterway is a regulated drain, the landowners within the watershed will pay a yearly assessment for maintenance of the drain. If the logjam and debris are on a waterway that is not part of a regulated drain, then removal of the logjam and debris will be the individual landowner's responsibility.

Q. Is there any funding available to individuals to assist with the removal of logjams and debris?

A. No, the Department has no funds available to assist individuals with the removal of logjams or debris from a waterway.

Governmental entities or other taxing authorities may be eligible for a low interest loan from the Flood Control Revolving Fund. The maximum loan amount is $300,000 with an interest rate of 3%. The loan must be paid back in 10 years. See http://www.in.gov/dnr/water/9728.htm for more details regarding the Flood Control Revolving Fund.

Funds may also be available through various federal programs administered by the Army Corps of Engineers or the Natural Resources Conservation Service. Generally, to be eligible for these funds, there must be a local governmental sponsor that is willing to share in the cost of the project. Typically, the cost share is between 65% - 75% (federal) / 25% - 35% (local).

Q. Is it true that an emergency rule was recently passed that allows for the removal of logjams and debris from waterways without a permit from or notification to the Department?

A. Yes, Emergency Rule LSA Document #08-765(E) which was signed into effect on October 2, 2008, allows the removal of logjams and debris from waterways without a permit from or notification to the Department provided the work meets specific criteria set forth in the rule. In general, work must not be within a salmonid stream designated under IC 14-25-15-7(b) without the prior written approval of the Division of Fish and Wildlife. Additionally, work must not be within a natural, scenic, or recreational river or stream designated under 312 IAC 7-2. This

emergency rule expires March 31, 2009. See http://www.in.gov/dnr/files/wa-100108floodrule.pdf for specific criteria for the removal of logjams and debris.

Q. Once the emergency rule expires March 31, 2009, is there any situation when I can remove the logjam and debris from the waterway without a permit from or notification to the Department?

A. Yes, A permit from or notification to the Department is not required any time you are using hand or hand held tools to remove the obstruction and there is no heavy equipment present at the site. Additionally, logjam and sandbar removals from beneath bridges and culvert crossings do not require a permit from or notification to the Department if the following three criteria are met:

1) Equipment must be operated from the bridge or bank within the bridge or culvert crossing right-of-way, there can be no equipment in the waterway
2) An access corridor for equipment extends no more than fifty (50) feet beyond the right-of-way
3) Logjam or sandbar to be removed is located partially or totally within the right-of-way.

Q. How can I find out more information about the logjam general license or permitting in general?

A. Visit the Indiana Department of Natural Resources, Division of Water's website at: http://www.in.gov/dnr/water/9590.htm for information regarding the general license and http://www.in.gov/dnr/water/9412.htm for permitting in general

Or contact us at:

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