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**TITLE 312 NATURAL RESOURCES COMMISSION****Final Rule**  
LSA Document #23-425**DIGEST**

Amends [312 IAC 10-1-2](#) to accurately reflect a statutory reference by adding [IC 14-27-7.5](#). Amends [312 IAC 10-2-28](#) to update the definition of "lowest floor" by adding the description for coastal high hazard areas. Effective 30 days after filing with the publisher.

**[312 IAC 10-1-2](#); [312 IAC 10-2-28](#)**

SECTION 1. [312 IAC 10-1-2](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 10-1-2](#) Scope**

**Authority:** [IC 14-28-1-5](#); [IC 14-28-3-2](#)

**Affected:** [IC 14-27-7](#); [IC 14-27-7.5](#); [IC 14-28-1](#); [IC 14-28-3](#)

Sec. 2. (a) This article establishes minimum standards for the delineation and regulation of flood plains to decrease existing flood damages, mitigate future flood damages, and promote the health, safety, and welfare of the people of Indiana.

(b) The article is written with an understanding of the legislative declaration that the loss of lives and property caused by floods and the damage resulting from floods is a matter of deep concern to Indiana affecting the life, health, and convenience of the people and the protection of property. Floodways should not be inhabited and should be kept free and clear of interference or obstructions that will cause any undue restriction of the capacity of the floodways. The water resources of Indiana that have been diminished should be accumulated, preserved, and protected to prevent any loss or waste beyond reasonable and necessary use.

(c) Except as provided in subsection (b), the flood plains subject to regulation are those along waterways having a drainage area of at least one (1) square mile.

(d) The exemption in subsection (c) does not apply to an activity that is subject to [IC 14-27-7 IC 14-27-7.5](#).

(e) A local ordinance incorporating flood plain management provisions adopted after July 1, 1974, and before January 1, 2000, must be no less effective than [310 IAC 6-1](#), before its repeal, and must be approved by the division before its effective date.

(f) A local ordinance incorporating flood plain management provisions adopted after December 31, 2001, must be no less effective than this article and must be approved by the division before its effective date.

*(Natural Resources Commission; [312 IAC 10-1-2](#); filed Jul 5, 2001, 9:12 a.m.: 24 IR 3384, eff Jan 1, 2002; readopted filed Jul 21, 2008, 12:00 p.m.: [20080813-IR-312080072RFA](#); readopted filed Sep 22, 2014, 12:34 p.m.: [20141022-IR-312140065RFA](#); readopted filed Sep 16, 2020, 8:17 a.m.: [20201014-IR-312200345RFA](#); errata filed Mar 11, 2021, 12:08 p.m.: [20210324-IR-312210114ACA](#); filed Nov 6, 2023, 10:32 a.m.: [20231206-IR-312230425FRA](#))*

SECTION 2. [312 IAC 10-2-28](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 10-2-28](#) "Lowest floor" defined**

**Authority:** [IC 14-28-1-5](#); [IC 14-28-3-2](#)

**Affected:** [IC 14-27-7](#); [IC 14-27-7.5](#); [IC 14-28-1](#); [IC 14-28-3](#)

Sec. 28. "Lowest floor" means the lowest elevation described among the following:

- (1) The lowest floor of a building.
- (2) The basement floor.

- (3) The garage floor, if the garage is connected to the building.
- (4) The first floor of a building elevated on pilings or constructed on a crawl space.
- (5) The floor level of an enclosure below an elevated building where the walls of the enclosure provide some resistance to the flow of flood water, unless both of the following requirements are satisfied:
  - (A) The walls are designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood water.
  - (B) At least two (2) openings are designed and maintained for the entry and exit of flood water, and these openings provide a total of at least one (1) square inch for every square foot of enclosed floor area subject to flooding. The bottom of an opening can be no more than one (1) foot above grade. Doorways and windows do not qualify as openings under this clause.
- (6) The first floor of a building elevated on pilings or columns in a coastal high hazard area (as defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.**

(Natural Resources Commission; [312 IAC 10-2-28](#); filed Jul 5, 2001, 9:12 a.m.: 24 IR 3387, eff Jan 1, 2002; readopted filed Jul 21, 2008, 12:00 p.m.: [20080813-IR-312080072RFA](#); readopted filed Sep 22, 2014, 12:34 p.m.: [20141022-IR-312140065RFA](#); readopted filed Sep 16, 2020, 8:17 a.m.: [20201014-IR-312200345RFA](#); filed Nov 6, 2023, 10:32 a.m.: [20231206-IR-312230425FRA](#))

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Notice of Intent: [20230524-IR-312230425NIA](#)

Proposed Rule: [20230712-IR-312230425PRA](#)

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