DATE: June 13, 2022

TARGET PROJECT APPROVAL DATE: July 14, 2022

I. INTRODUCTION

The above entity has applied to the Clean Water State Revolving Fund (SRF) Loan Program for a loan to finance all or part of the wastewater project described in the accompanying Environmental Assessment (EA). As part of facilities planning requirements, an environmental review has been completed which addresses the project's impacts on the natural and human environment. This review is summarized in the attached EA, which can also be viewed in color at http://www.in.gov/ifa/srf/.

II. PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT (FNSI)

The SRF Clean Water Program has evaluated all pertinent environmental information regarding the proposed project and determined that an Environmental Impact Statement is not necessary. Subject to responses received during the 30-day public comment period, and pursuant to Indiana Code 5-1.2-3, it is our preliminary finding that the construction and operation of the proposed facilities will result in no significant adverse environmental impact. In the absence of significant comments, the attached EA shall serve as the final environmental document.

III. COMMENTS

All interested parties may comment upon the EA/FNSI. Comments must be received at the address below by the target approval date above. Significant comments may prompt a reevaluation of the preliminary FNSI; if appropriate, a new FNSI will be issued for another 30-day public comment period. A final decision to proceed, or not to proceed, with the proposed project shall be affected by finalizing, or not finalizing, the FNSI as appropriate. Comments regarding this document should be sent within 30 days to:

April Douglas
Environmental Review Coordinator
State Revolving Fund
100 N. Senate Ave., IGCN 1275
Indianapolis, IN 46204
317-234-7294
adouglas@ifa.in.gov
ENVIRONMENTAL ASSESSMENT

I. PROJECT IDENTIFICATION

Project Name and Address: Wolf Lake Collection System
Bear High Wolf Lake Regional Sewer District
4484 W 200 S
Albion IN 46701

SRF Project Number: WW 21 59 57 01

Authorized Representative: Jeff Boyle, President

II. PROJECT LOCATION

The Bear High Wolf Lake Regional Sewer District (RSD) is located in Noble Township in Noble County, Indiana, in Township 33 North, Range 9 East, sections 4, 5, 8, 9, and can be found on the Ormas and Merriam Quadrangle map. The Wastewater Treatment Plant is located in Noble Township, 33N, 9E, section 17 on the Ormas Quadrangle. See Figures 1, 2, 3 and 4.

III. PROJECT NEED AND PURPOSE

Sewers have been installed in the Bear and High Lake areas. This project will extend the collection system to Wolf Lake and proposed collection system work includes installation of small diameter mains with grinder stations, replacement of a force main, and rehabilitation of existing lift stations and manholes. The additional user base will require that the rated plant capacity and associated permit be re-classified to the original design rating of 0.125 MGD. In addition, improvements will be made to improve the influent flow conditions and configuration. Treatment plant work includes rehabilitation of the influent lift station, installation of a screen, modification of the influent structure, installation of a tank to provide additional equalization, replacement of the blowers, and improvements to the effluent.

IV. PROJECT DESCRIPTION

Extend Sewers: A small diameter sewer system with individual grinder stations will be installed to serve the Wolf Lake properties. The lines will be installed via open cut construction. The existing on-site septic systems will be closed out and abandoned as part of this project.

Replace a Force Main: The existing 2" force main to this area is not sized to handle the proposed extension to the Wolf Lake properties. The force main will be replaced with a 4" line via open cut or directional drilling in the same trench.

Line Manholes: Eight (8) existing manholes were identified as contributing I/I to the system. These structures will be repaired and lined to eliminate the leaks.

Rehabilitate Lift Stations: Lift stations 2, 3, and 4 are presently single phase with phase converters. The lift station will be rehabbed and VFDs will be added for phase control. Specifically, the work includes the following:

   LS No. 2: New controls, VFDs, pump replacement
LS No. 3: New controls, VFDs, guide brackets, pump replacement
LS No. 4: Convert to submersible, reconfigure and replace pumps, new valve vault, guide rails, controls, add standby generator, odor control

Rehabilitate Influent Lift Station: The main lift station needs to be rehabbed and reconfigured to improve flow conditions. At the present time, the generator is housed with the valves. A new separate valve vault will be installed, and the existing pump discharge and structure will be re-configured. New controls, VFDs, screening will be installed, and the pumps will be replaced. The generator will be relocated, so it has a separate base and housing.

Install an Influent Flow Meter: Currently, the treatment plant is only equipped with an effluent flow meter. An influent flow meter will be added so incoming flows may be properly measured and assessed. The meter will be installed in the influent structure.

Increase Equalization Capacity: A new tank will be added to the existing Aero-mod structure to provide additional surge capacity. The tank will be configured to work with the existing surge tank to act as an overflow for high wet weather conditions.

Replace Blowers: The blowers will be replaced with a high efficiency model. VFDs will be added along with new controls and D.O. control system.

Effluent Improvements: The area downstream of the effluent will be dredged, re-graded, and rip-rapped to prevent erosion and improve discharge conditions.

Miscellaneous Plant Improvements: Various other improvements will be made at the plant, including tank cleaning, various pipe repairs and replacements, wiring, replacing the chemical feed pump, and installing a remote monitoring system.

Control Panel Replacement: Replacement control panels for existing grinder stations will be purchased to create an inventory. This will allow a panel to be quickly replaced when one fails. The District is replacing panels more frequently because the existing units are aged and there is a concern that the panels will not be available when needed. This is especially critical since the industry is experiencing severe supply chain issues.

Implementation of the project will allow the existing inadequate on-site septic systems to be abandoned.

V. ESTIMATED PROJECT COSTS, AFFORDABILITY AND FUNDING

A. Selected Plan Estimated Cost Summary

<table>
<thead>
<tr>
<th>Construction Costs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater Collection System Improvements</td>
<td>$3,239,400</td>
</tr>
<tr>
<td>Wastewater Treatment Plant Improvements</td>
<td>$860,000</td>
</tr>
<tr>
<td><strong>Construction Sub-Total</strong></td>
<td><strong>$4,099,400</strong></td>
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<tr>
<td>Contingency</td>
<td>$1,253,070</td>
</tr>
<tr>
<td>Non-Construction Costs</td>
<td>$865,800</td>
</tr>
<tr>
<td><strong>Total Estimated Project Cost</strong></td>
<td><strong>$10,317,670</strong></td>
</tr>
</tbody>
</table>

B. Total cost of this project is estimated to be approximately $10,317,670. The Bear High Wolf Lake RSD will finance the project with a loan from the Clean Water State Revolving Fund Loan Program for a term and annual fixed interest rate to be determined at loan closing. The actual loan
amount will depend on the bids received. Monthly user rates and charges may need to be analyzed to determine if adjustments are required for loan repayment.

VI. DESCRIPTION OF EVALUATED ALTERNATIVES

The “No Action” alternative is not practical, environmentally sound, nor economical. Soils within the Wolf Lake area are not conducive to on-site septic systems. In addition, lot sizes are small and many of the individual wells are shallow and may be located too close to the septic systems.

Optimization/Replacement of Existing Systems: This alternative will replace the existing septic systems in-kind. This alternative is not practical, environmentally sound, nor economical for the same reasons as the “No Action” alternative.

Install Small Diameter Collection System and Rehab Components: Under this option, small diameter sewers with individual grinder pumps will be installed to collect the wastewater and transport the flow to the District’s plant for treatment. Under this alternative, Lift Station Nos. 2, 3 and 4 will be rehabilitated and upgraded, and selected manholes will be repaired and lined. The existing force main that serves the school will be upsized to accommodate the increased flows. This is the selected alternative to provide sanitary sewer service to the residents of Wolf Lake.

Install Gravity Collection System and Replace Selected Components: This alternative entails installing gravity sanitary sewers in the Wolf Lake area and transporting the flows to the District’s plant for treatment. Under this alternative, Lift Station Nos. 2, 3 and 4 will be rehabilitated and upgraded, and selected manholes will be repaired and lined. This alternative is cost-prohibitive and was rejected.

Make Needed Improvements at the WWTP: This alternative will make needed upgrades, rehabilitation, and modifications at the existing WWTP, as previously described. This is the selected alternative.

Replace the WWTP: This alternative involves the complete replacement of the existing WWTP with a new plant in order to provide upgrades and increased capacity. This alternative is cost-prohibitive and was rejected.

Regionalization: This alternative looked at abandoning the existing WWTP and regionalizing with the Town of Albion. The alternative includes 8 miles of force main and improvements at the Albion plant to accept the increased capacity. This alternative is cost-prohibitive and was rejected.

VII. ENVIRONMENTAL IMPACTS OF THE FEASIBLE ALTERNATIVES

A. Direct Impacts of Construction and Operation

Disturbed/Undisturbed Land: Work related to the installation of sanitary sewers will occur in disturbed rights-of-way, adjacent to, and within roadways and existing utility trenches. All areas have been previously disturbed by previous construction activity.

Structural Resources (Figure 5): Construction and operation of the project will not alter, demolish or remove historic properties. If any visual or audible impacts to historic properties occur, they will be temporary and will not alter the characteristics that qualify such properties for inclusion in or eligibility for the National Register of Historic Places. The SRF’s finding pursuant to Section 106 of the National Historic Preservation Act is: “no historic properties affected.”
Surface Waters: The area downstream of the effluent will be dredged, re-graded, and rip-rapped to prevent erosion and improve discharge conditions.

The project will not adversely affect outstanding state resource waters listed in 327 IAC 2-1.3-3(d), exceptional use streams listed in 327 IAC 2-1-11(b), Natural, Scenic and Recreational Rivers and Streams listed in 312 IAC 7-(2), or Salmonid Streams listed in (327 IAC 2-1.5-5(a)(3) or streams on the Outstanding River List for Indiana.

Wetlands (Figure 6): Mitigation measures to lessen and compensate for wetland impacts cited in comment letters about the project from the Indiana Department of Natural Resources and the U.S. Fish and Wildlife Service will be implemented.

Floodplain (Figure 7): The proposed work will not adversely affect a floodway or floodplain. If practical and necessary, above ground structures will be placed above the 100-year flood boundary.

Groundwater: According to the Noble County Soil Survey, the seasonal high groundwater depth for Fox series soil types (FoA, FoB, FoC2) is over 6 feet. If necessary, dewatering will be employed during construction with the flow directed to a sedimentation basin prior to being discharged to surrounding surface waters. The area is contained within the St. Joseph aquifer basin.

Plants and Animals: The Preliminary Engineering Report (PER) states: The construction and operation of the project will not negatively impact state or federal-listed endangered species or their habitat. The project will be implemented to minimize impact to non-endangered species and their habitat. Mitigation measures cited in comment letters from the Department of Natural Resources and the U.S. Fish and Wildlife Service will be implemented.

Prime Farmland: The project will not convert prime farmland.

Air Quality: Construction activities may generate some noise, fumes and dust, but should not significantly affect air quality.

Open Space and Recreational Opportunities: The project will neither create nor destroy open space or recreational opportunities.

Lake Michigan Coastal Program: The project will not affect the Lake Michigan Coastal Zone.

National Natural Landmarks: Construction and operation of the proposed project will not affect National Natural Landmarks.

B. Indirect Impacts

The RSD’s PER states: The RSD, through the authority of its Board or other means will ensure that future development, as well as future wastewater treatment works projects connecting to SRF-funded facilities, will not adversely impact archaeological/historical/structural resources, wetlands, wooded areas, or other sensitive environmental resources. The RSD will require new development and treatment works projects to be constructed within the guidelines of the U.S. Fish and Wildlife Service, IDNR, IDEM, and other environmental review authorities.
C. Comments from Environmental Review Authorities

In correspondence dated January 31, 2022, the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology stated:

Pursuant to Indiana Code 5-1.2-10, Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer (“Indiana SHPO”) is conducting an analysis of the materials dated and received by the Indiana SHPO on January 10, 2022, for the above indicated project in Noble Township, Noble County, Indiana.

Based on our analysis, it has been determined that no historic properties will be altered, demolished, or removed by the proposed project.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

In correspondence dated May 16, 2022, the United States Fish and Wildlife Service stated:

This responds to your letter dated May 4, 2022, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service’s Mitigation Policy.

The proposed project consists of the extension of the existing Sewer District to the community of Wolf Lake, which currently is served by individual septic systems. Sanitary sewers are already present around Bear and High Lakes, and a wastewater treatment plant (WWTP) is located at the Carrol Creek outlet of Bear Lake. The new sewers will be constructed along US 33 and community streets, with a new force main connection south along SR 109 and west along CR West 200 South, where it will connect to an existing gravity sewer for transport to the WWTP. Upgrades will be made to the WWTP, several lift stations, and other existing infrastructure, including the lining of 8 manholes to eliminate infiltration; the WWPT outlet will be dredged, re-graded, and riprapped to prevent erosion and improve discharge conditions. The open-cut construction method will generally be used, with most of the work occurring along public rights-of-way except for the individual connections to businesses and residences. Wetlands and other significant habitats will not be affected.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (Myotis sodalis), the threatened/proposed endangered northern long-eared bat (Myotis septentrionalis), and the threatened eastern massasauga rattlesnake (Sistrurus catenatus). There is no habitat for these species within the project area. Therefore, we concur with your
determination that the proposed project is not likely to adversely affect these endangered, threatened/proposed endangered, and threatened species.

The candidate Monarch butterfly (Danaus plexippus) is also likely to be present. As a candidate species, the Monarch butterfly is not afforded legal protection under the authorities of the Endangered Species Act, and we have no specific comments/recommendations concerning this species at this time.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinitiate consultation.

We appreciate the opportunity to comment on this proposed project. If project plans change, please recoordinate with our office as soon as possible.

In correspondence dated June 6, 2022, the Department of Natural Resources Environmental Unit Stated:

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: This proposal may require the formal approval(s) of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile, unless it qualifies for a general license under Administrative Rule 312 IAC 10-5 that applies to utility line crossings (see enclosure). Please include a copy of this letter with the permit application, if required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. The managed lands, natural communities, and species below have been documented within 1/2 mile of the project area. Construction activity should be confined within the project footprint as much as possible west of Wolf Lake, and equipment staging in this area should be avoided to minimize potential impacts to the forested fen and plant species found in this area.

A) MANAGED LANDS (within project area):
   1. Wolf Lake Public Access Site; DNR
   2. Merry Lea Environmental Center; Goshen College
B) NATURAL COMMUNITIES:
   1. Forested Fen
   2. Marl Beach
C) PLANTS:
   1. Yellow-fringe Orchid (Platanthera ciliaris); state endangered
   2. White Camas (Anticlea elegans var. glaucus); state threatened
   3. Spoon-leaved Sundew (Drosera intermedia); state threatened
D) BIRDS:
   1. Henslow's Sparrow (Centronyx henslowii); state endangered
   2. Osprey (Pandion haliaetus); state special concern
E) AMPHIBIAN & REPTILE:
1. Eastern Massasauga (Sistrurus catenatus); fed. threatened & state endangered
2. Common Mudpuppy (Necturus maculosus); state special concern

F) MAMMAL: American Badger (Taxidea taxus); state special concern

Suitable nesting habitat for the Henslow’s sparrow does not exist within the project area. The documented osprey nest is within the boundaries of the proposed project area; however, ospreys are typically tolerant of human activity, especially those that are next to roads. Therefore, we do not foresee any impacts to these bird species as a result of this project.

Badgers are a wide ranging species that prefer an open, prairie-type habitat, with Indiana being at the eastern edge of their natural range. The range of the badger continues to expand as a result of land-use changes from forest to farmland and open pastureland. Impacts to the American badger or its preferred habitat are unlikely as a result of this project.

Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

1) Amphibian & Reptile:
To minimize impacts to the massasauga and mudpuppy, we recommend that an entrenched silt fence be installed along the south side of the work area along CR 200 South, to prevent these and other wildlife species from entering the work area from the south. However, the silt fencing will not be needed if trenching is conducted during the cold season, between November 1 and March 1.

2) Directional Boring:
We recommend that all creek or stream crossings be done using a trenchless method. The length of the bore should include any forested riparian areas along the creek to minimize impacts to forested habitat. Install erosion control measures such as silt fencing or other appropriate devices around directional drilling pits in order to prevent drilling mud from leaving the immediate area of the pit or entering the stream. If the open-trench method is necessary and the only feasible option at any of the planned stream crossings due to the site conditions, then the following measures should be implemented:

   a. Any open-trench stream crossing should be timed to coincide with the low-water time of year (typically mid- to late-summer).
   b. Restore disturbed streambanks using bioengineering bank stabilization methods and revegetate disturbed banks with native trees, shrubs and herbaceous plants. Stream bank slopes after project completion should be restored to stable-slope steepness (not steeper than 2:1).
   c. The cleared width through any forested area should be the minimum needed to install the line and no more than 20 feet wide through the forested area to allow the canopy to close over the line.
   d. Use graded stone or riprap to protect the section of trench below the normal water level from scour or erosion (any stone or riprap fill in the streambed must not be placed above the existing streambed elevation to avoid creating a fish passage obstruction).

3) Riparian and/or Forest Habitat:
We recommend a mitigation plan be developed (and submitted with the permit application, if required) for any unavoidable habitat impacts that will occur. The DNR's Habitat Mitigation Guidelines (and plant lists) can be found online at:
Impacts to non-wetland forest of one (1) acre or more should be mitigated at a minimum 2:1 ratio. If less than one acre of non-wetland forest is removed in a rural setting, replacement should be at a 1:1 ratio based on area. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, 1 inch to 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10” dbh or greater (5:1 mitigation based on the number of large trees) or by using the 1:1 replacement ratio based on area depending on the type of habitat impacted (individual canopy tree removal in an urban streetscape or park-like environment versus removal of habitat supporting a tree canopy, woody understory, and herbaceous layer). Impacts under 0.10 acre in an urban area may still involve the replacement of large diameter trees but typically do not require any additional mitigation or additional plantings beyond seeding and stabilizing disturbed areas. There are exceptions for high quality habitat sites however.

4) Wetland Habitat:
Due to the presence or potential presence of wetland habitat on site, we recommend contacting and coordinating with the Indiana Department of Environmental Management (IDEM) 401 program and also the US Army Corps of Engineers (USACE) 404 program.

Impacts to wetland habitat should be mitigated at the appropriate ratio (see guidelines above).

The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas within the project area using a mixture of grasses (excluding all varieties of tall fescue), sedges, wildflowers, shrubs, and trees native to Northern Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion. Turf-type grasses (including low-endophyte, friendly endophyte, and endophyte free tall fescue but excluding all other varieties of tall fescue) may be used in currently mowed areas only.
2. Do not excavate in the low flow area except for the placement of riprap.
3. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
4. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
5. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
6. Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumarounds.
7. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
8. Do not use broken concrete as riprap.
9. Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap.
10. Minimize the movement of resuspended bottom sediment from the immediate project area.
11. Do not deposit or allow construction/demolition materials or debris to fall or otherwise enter the waterway.
12. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the waterbody or leaving the
construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.

13. Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer’s recommendations for selection and installation); seed and apply mulch on all other disturbed areas.

14. Do not excavate or place fill in any riparian wetland.

In correspondence dated September 15, 2021 the Natural Resources Conservation Service Stated:

The proposed project to make wastewater improvements in Albion for Bear High Wolf Lake in Noble County, Indiana, as referred to in your letter received August 25, 2021, will not cause a conversion of prime farmland.

VIII. MITIGATION MEASURES

Bear High Wolf Lakes PER states:

1. Siltation and Erosion: Siltation and erosion will be kept to a minimum. Any mitigation measures mandated by authorized reviewing agencies to reduce or eliminate waterway contamination will be implemented. Mitigative measures to limit erosion and siltation will include the following:
   a. Erosion and sediment control measures required by the project specifications will require the contractor to provide a schedule for clearing, grading, excavating and restoring disturbed areas, along with a description of measures to be used during construction to ensure erosion/sediment control. The program shall meet all applicable federal, state, and local requirements.
   b. Natural vegetation will be retained wherever feasible.
   c. Appropriate agronomic practices (sediment basins, seeding, mulching) will be provided to control runoff, including shoreline and stream crossings, if applicable.
   d. Drainage systems, including surface and subsurface drainage, will be returned to their natural state as soon as possible, if disturbed.
   e. Roadways and parking lots will be stabilized during construction to the extent possible.
   f. Construction activities will be scheduled to avoid excessively wet conditions when possible.
   g. No more than 100 feet of open trench will be allowed. Excavated material will be kept to the upland side of the trench. Excess material will be used elsewhere on the project.
   h. The existing topsoil will be reused during the restoration process.
   i. If necessary, discharge from dewatering will be directed to sedimentation basins prior to discharging into surrounding surface waters.

2. Air Quality Impacts: The adverse impacts caused by dust may be alleviated by periodically wetting the exposed soil and unpaved roadways to reduce the suspension of particles. To reduce noise impacts, work activities can be limited to normal daytime hours.

IX. PUBLIC PARTICIPATION

A properly noticed public hearing was held on November 11, 2021, at 6 pm at the District’s Meeting room at the wastewater treatment plant at 4477 West H Street, Albion, IN 46701. Questions related to the project were answered during the hearing. No written comments were received in the 5-day period following the hearing for this project.
Figure 2 – Proposed project area
Figure 3 – Proposed project area
Figure 4 – Proposed project area
Figure 5 – Historic Properties Map
Figure 6 – Wetlands Map
Figure 7 – Floodplains Map
ARTICLE 10. FLOOD PLAIN MANAGEMENT

312 IAC 10-2-42 “Utility line crossing” defined
Authority: IC 14-28-1-5; IC 14-28-3-2
Affected: IC 14-27-7; IC 14-28-1; IC 14-28-3

Sec. 42. “Utility line crossing” means the utility crosses the waterway in a straight line at an angle of between forty-five (45) degrees and one hundred thirty-five (135) degrees from the streambank and does not parallel the waterway for more than fifty (50) feet in the floodway before crossing unless the parallel portion of the line is contained within existing road right-of-way. (Natural Resources Commission, 312 IAC 10-2-42; filed Jul 5, 2001, 9:12 a.m.; 24 IR 3394, eff Jan 1, 2002)

Rule 5. General Licenses and Specific Exemptions from Floodway Licensing

312 IAC 10-5-0.3 Determining project eligibility for a general license; general criteria
Authority: IC 14-10-2-4; IC 14-28-1-5
Affected: IC 14-28-1; IC 14-29-1

Sec. 03. (a) Except as provided in subsections (b) and (c), a project for a utility line crossing, the removal of logjams and obstructions, or the placement of overfall projects within a floodway is eligible for a general license if the project satisfies the requirements of this rule. For the removal of logjams and obstructions, these requirements include the procedures established by section 06 of this rule.

(b) Subsection (a) does not authorize a project in any of the following circumstances:
(1) Within a river or stream listed in the Indiana Register at 16 IR 1877 in the Outstanding Rivers List for Indiana unless prior written approval from the division of water’s environmental unit has been obtained.
(2) Within a salmonid stream designated under 327 IAC 2-1-35(a)(3)
(3) Within a natural, scenic, or recreational river or stream designated under 312 IAC 7-2.
(4) For a utility line crossing, below the ordinary high watermark of a navigable waterway listed in the Indiana Register at 20 IR 2920 in the Roster of Indiana Waterways Declared Navigable or Nonnavigable unless the utility line is placed beneath the bed of the waterway under section 4(b) of this rule.
(5) Where the project requires an individual permit from the United States Army Corps of Engineers under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.
(c) Subsection (a) does not authorize the removal of logjams or obstructions within one-half (½) mile of any of the following:
(1) A species listed in the Indiana Register at 15 IR 1312 in the Roster of Indiana Animals and Plants Which Are Extirpated, Endangered, Threatened, or Rare.
(2) A known mussel resource.
(3) An outstanding natural area, as contained on the registry of natural areas maintained in the natural heritage data center of the department.
(d) The limitations contained in subsection (b) and subsection (c) do not apply to section 7 of this rule. (Natural Resources Commission; 312 IAC 10-5-0.3; filed Aug 2, 2004, 3:18 p.m.; 27 IR 3875)

312 IAC 10-5-2 General licensing for utility line crossings
Authority: IC 14-10-2-4; IC 14-28-1-5
Affected: IC 14-27-7; IC 14-28-1; IC 14-29-1

Sec. 2. Except as provided in sections 3 and 4 of this rule, a license is required under IC 14-28-1, IC 14-29-1, and 312 IAC 10-4 to place a utility line in or on a floodway where:
(1) The drainage area of a river or stream is at least one (1) square mile at the downstream end of the line’s floodway segment; or
(2) A dam or levee regulated under IC 14-27-7 is affected.
(Natural Resources Commission; 312 IAC 10-5-2; filed Jul 5, 2001, 9:12 a.m.; 24 IR 3394, eff Jan 1, 2002)

312 IAC 10-5-3 Aerial electric, telephone, or cable television lines; general license
Authority: IC 14-10-2-4; IC 14-28-1-5
Affected: IC 14-28-1; IC 14-29-1; IC 14-29-6

Sec. 3. The placement of an aerial electric, telephone, or cable television line is authorized without a written license issued by the department under IC 14-28-1, IC 14-29-1, and 312 IAC 10-4 if:
(1) The activity does not disturb the bed of the waterway beneath the line;
(2) The activity conforms with the minimum clearance requirements of section 4(b)(9) of this rule;
(3) The support mechanisms are located at least seventy-five (75) feet from the top of the bank; and
(4) The utility line crossing is not within the floodway of a natural river, scenic river, or recreational river designated under 312 IAC 7-2.
(Natural Resources Commission; 312 IAC 10-5-3; filed Jul 5, 2001, 9:12 a.m.; 24 IR 3394, eff Jan 1, 2002; filed Aug 2, 2004, 3:18 p.m.; 27 IR 3876)
312 IAC 10-5-4 Qualified utility line crossings; general license
Authority: IC 14-10-2-4
Affected: IC 13-11-2-260; IC 14-27-7; IC 14-28-1-29; IC 14-33; IC 36-9-27

Sec. 4. (a) This section establishes a general license for the placement of a qualified utility line crossing in a floodway.
(b) A person who wishes to implement a project for the placement of a qualified utility line crossing on a river or stream, other than on a river or stream identified in section 0.3(b) or 0.3(c) of this rule, may do so without notice to the department if the project conforms to the following conditions:
   1. Tree removal and brush clearing shall be contained and minimized within the utility line crossing area. No more than one (1) acre of trees shall be removed within the floodway.
   2. Construction activities within the waterway from April 1 through June 30 shall not exceed a total of two (2) calendar days.
   3. Best management practices shall be used during and after construction to minimize erosion and sedimentation.
   4. Following the completion of construction, disturbed areas shall be reclaimed and revegetated. Disturbed areas shall be mulched with straw, wood fiber, biodegradable erosion blanket, or other suitable material. To prevent erosion until revegetated species are established, loose mulch shall be anchored by crimping, tackifiers, or netting. To the extent practicable, revegetation must restore species native to the site. If revegetation with native species is not practicable, revegetation shall be performed by the planting of a mixture of red clover, orchard grass, hummock, perennial rye grass, or another species that is approved by the department as being suitable to site and climate conditions. In no case shall tall fescue be used to revegetate disturbed areas.
   5. Disturbed areas with slopes of three to one (3:1) or steeper, or areas where run-off is conveyed through a channel or swale, shall be stabilized with crosswalk control blankets or suitable structural armament.
   6. No pesticide will be used on the banks.
   7. If a utility line transports a substance that may cause water pollution as defined in IC 13-11-2-260, the utility line will be equipped with an emergency closure system.
   8. If a utility line is placed beneath the bed of a river or stream, the following conditions are met:
      (A) Cover of at least three (3) feet is measured perpendicularly to the utility line is provided between the utility line and the banks.
      (B) If the placement of a utility line is not subject to regulation under IC 14-28-1-29, IC 14-33, or IC 36-9-27, cover is provided as follows:
         (i) At least three (3) feet, measured perpendicularly to the utility line, between the lowest point of the bed and the top of the utility line or its encasement, whichever is higher, if the bed is composed of unconsolidated materials.
         (ii) At least one (1) foot, measured perpendicularly to the line, between the lowest point of the bed and the top of the utility line or its encasement, whichever is higher, if the bed is composed of consolidated materials.
      (C) If the placement of the utility line is subject to regulation under IC 14-28-1-29, IC 14-33, or IC 36-9-27, cover is provided as follows:
         (i) At least three (3) feet, measured perpendicularly to the utility line, between the design bed and the top of the line or its encasement, whichever is higher, if the bed is composed of unconsolidated materials.
         (ii) At least one (1) foot, measured perpendicularly to the line, between the design bed and the top of the line or its encasement, whichever is higher, if the bed is composed of consolidated materials.
   9. If a utility line is placed above the bed of a river or stream, the following conditions are met:
      (A) Except as provided in clauses (B) and (C), minimum clearance is provided from the lowest point of the utility line (determined at the temperature, load, wind, length of span, and type of supports that produce the greatest sag) calculated as the higher of the following:
         (i) Twelve and one-half (12½) feet above the ordinary high watermark.
         (ii) Three (3) feet above the regulatory flood elevation.
      (B) If the river or stream is a navigable waterway that is subject to IC 14-28-1, the utility line that crosses over the waterway must be placed to provide the greater of the following:
         (i) The minimum clearance required under clause (A).
         (ii) The minimum clearance required for the largest watercraft that is capable of using the waterway. The utility line must consult in advance with the department to determine the minimum clearance for watercraft at the crossing.
      (C) If a utility line is attached to or contained in the embankment of an existing bridge or culvert, no portion of the utility line or its support mechanism may project below the low structure elevation or otherwise reduce the effective waterway area.
   10. A utility line placed in a dam or levee regulated under IC 14-27-7 does not qualify for a general license under this subsection.
(c) A person who elects to act under this section must comply with the general conditions under subsection (b). Failure to comply with these terms and conditions may result in the revocation of the general license, a civil penalty, a commission charge, and any other sanction provided by law for the violation of a license issued under IC 14-28-1 and, if the waterway is navigable, the violation of a license issued under IC 14-29-1. (Natural Resources Commission, 312 IAC 10-5-4; filed Jul 5, 2001, 9:12 a.m.; 24 IR 3304, eff Jan 1, 2002; filed Dec 26, 2001, 2:42 p.m.; 25 IR 1545; errata filed Mar 13, 2002, 11:51 a.m.; 25 IR 2321; filed Aug 2, 2004, 3:18 p.m.; 27 IR 3876)