State Revolving Fund Loan Programs

Drinking Water, Clean Water, Nonpoint Source

ENVIRONMENTAL ASSESSMENT
AND
FINDING OF NO SIGNIFICANT IMPACT

CITIZENS ENERGY GROUP
PROJECT F – SOUTHEAST BOONE COUNTY MAIN
SRF PROJECT DW 24 70 06 05

DATE: August 1, 2025

PUBLIC COMMENTS DUE BY: August 31, 2025

I. INTRODUCTION

The above entity has applied to the Drinking Water State Revolving Fund (SRF) Loan Program for a loan to finance all or part of the Drinking Water 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 (FONSI)

The SRF Drinking 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/FONSI. Comments must be received at the address below by the target approval date above. Significant comments may prompt a reevaluation of the preliminary FONSI; if appropriate, a new FONSI 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 effected by finalizing, or not finalizing, the FONSI as appropriate. Comments regarding this document should be sent within 30 days to:

Jenni Curry
Environmental Section Manager
State Revolving Fund
100 N. Senate Ave. IGCN 1275
Indianapolis, IN 46204
463-261-6943
jecurry@ifa.in.gov

ENVIRONMENTAL ASSESSMENT

I. PROJECT IDENTIFICATION

Project Name and Address:	Project F – Southeast Boone County Main Citizens Energy Group 2020 North Meridan St Indianapolis, IN 46202
SRF Project Number:	**DW 24 70 06 05**
Authorized Representative:	Jeffrey Harrison, President and CEO

II. PROJECT LOCATION

The proposed project is located in Boone County, Center and Perry Townships, and the following:
Zionsville 24k USGS Quadrangle, Township 17N, Range 2E, and Section 7
Zionsville 24k USGS Quadrangle, Township 17N, Range 1E, and Sections 11 and 12
Fayette 24k USGS Quadrangle, Township 17N, Range 1E, Sections 2,3, and 11
Fayette 24k USGS Quadrangle, Township 18N, Range 1E, Sections 17, 20, 21, 28, 29, 33, and 34
Lebanon 24k USGS Quadrangle, Township 18N, Range 1E, and Sections 17 and 18
Lebanon 24k USGS Quadrangle, Township 18N, Range 1W, and Section 13

III. PROJECT NEED AND PURPOSE

In concert with Lebanon Utilities (LU), an engineering plan has been developed for Citizens Water to provide an additional water supply of up to 25 million gallons per day (MGD) to Lebanon Utilities to support the regional growth of the City of Lebanon (Lebanon). The Citizens-Lebanon Water Supply program consists of new water mains, booster stations, tanks, and treatment plant upgrades. Regarding sources, Citizens Water's robust regional water system is composed of 10 water treatment plants along with natural water resources including the White River, Fall Creek, four water supply reservoirs (Eagle Creek, Geist, Citizens, and Morse), and groundwater wells.

IV. PROJECT DESCRIPTION

The Citizens-Lebanon Water Supply (CLWS) Program's Project F will construct approximately 53,000 LF of 30-inch and 36-inch diameter water main, beginning south of the intersection of E CR 750 S and Indianapolis Road, and ending at the intersection of E CR 250 S and N CR 200 E.

V. ESTIMATED PROJECT COSTS, AFFORDABILITY, AND FUNDING

The total cost of this project is estimated to be approximately $45,749,000 Citizens Energy Group intends to finance the project with a loan from the Drinking Water SRF Loan Program for a term and annual fixed interest rate to be determined at loan closing. 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 includes continuing current operations under existing conditions. The risk posed by not taking action is the inability to provide adequate water supply as required for the

Citizens Lebanon Water Supply program.

Alternative 1 – Installation of 30-inch DI and 36" HDPE Main within Easements along E CR 750 S, S CR 475 E, Whitestown Parkway, SR 267, E CR 550 S, and S CR 200 E: This alternative will construct approximately 53,000 LF of 30-inch and 36-inch diameter water main, beginning south of the intersection of E CR 750 S and Indianapolis Road, along S CR 475 E, Whitestown Parkway, SR 267, E CR 550 S, and ending at the intersection of E CR 250 S and N CR 200 E. The construction will be completed with a combination of open cut installation ductile iron pipe and trenchless installation of HDPE pipe. Horizontal directional drilling of HDPE will be used for areas that are unsuitable for open cut installation. This alternative has more favorable constructability conditions at a comparable cost. **Therefore, this is the recommended alternative.**

Alternative 2 – Installation of 30-inch DI and 36" HDPE Main within Easements along E CR 750 S, S CR 425 E, Whitestown Parkway, SR 267, E CR 550 S, and S CR 200 E: This alternative will construct 30-inch and 36-inch diameter water main, beginning south of the intersection of E CR 750 S and Indianapolis Road, along E CR 750 S, S CR 425 E, Whitestown Parkway, SR 267, E CR 550 S, and ending at the intersection of E CR 250 S and N CR 200 E. The construction will be completed with a combination of open cut installation ductile iron pipe and trenchless installation of HDPE pipe. Horizontal directional drilling of HDPE will be used for areas that are unsuitable for open cut installation. This alternative is more expensive and the constructability more difficult. Therefore, this alternative was dismissed from further consideration.

VII. Environmental Impacts of the Feasible Alternatives

A. Direct Impacts of Construction and Operation

Disturbed/Undisturbed Land: Work related to the installation water main will occur in disturbed rights-of-way, adjacent to and within roadways, alleys and existing utility trenches. Areas that have not been previously disturbed by previous construction activity underwent archaeological investigation.

Structural Resources: 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 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. The project is near Etter Ditch and White Lick Creek. There are two major stream crossings. All closed pipe stream crossings or minor crossings will be installed using open cut installation. All other stream crossings will be installed via trenchless installation.

Wetlands: The project will not impact wetlands. 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: The project will not include dredge or fill in the floodway without a permit from IDNR Division of Water. Construction will occur within two floodways, White Lick Creek and Etter Ditch. The proposed improvements will be installed at the grade or underground to replace existing infrastructure. The project will not impact the existing floodplain levels.

Groundwater: The project will not impact a drinking water supply or sole source aquifer.

Plants and Animals: The proposed project items 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

Citizens Energy Group's PER states: *It will be ensured, through local zoning laws, the authority of its council or planning commission, or other means, that future development and utility projects connecting to SRF-funded facilities will not adversely affect wetlands, wooded areas, steep slopes, archaeological/historical/structural resources, or other sensitive environmental resources. New development and utility projects will be required to be constructed within the guidelines of the USFWS, IDNR, IDEM, and other environmental review authorities.*

C. Comments from Environmental Review Authorities

In correspondence dated July 22, 2025, 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 received by the Indiana SHPO on July 8, 2025, for the above indicated project in Boone County, Indiana.*
>
> *Thank you for the archaeological report. We concur with the conclusions that site 12Bo503 does not appear eligible for inclusion in the National Register of Historic Places. Therefore, no further archaeological investigations appear necessary. A revised site form must be submitted into the Shaard database.*
>
> *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 April 8, 2025, the United States Fish and Wildlife Service stated:

*The proposed project would occur in an approximately 20-mile^2 area in the area where Hendricks, Marion, Boone, and Hamilton counties intersect in Indiana. The project would require removing trees at 10 locations across the project area. At each location, the project proponent plans to remove between 0.2 and 1.6 acres of trees, totaling approximately 10 acres across the project area. You determined the trees provide suitable summer habitat for the federally endangered Indiana bat and northern long-eared bat, as well as the proposed endangered tricolored bat. The project proponent committed to remove trees between **October 1 and March 31**, which is the wintering season for all three bat species; therefore, we do not expect bats to be present at the project. Based on (1) implementing the project in the winter when bats are not present and (2) the small area of trees you plan to remove, the project will have insignificant effects on the three bat species; therefore, we agree the proposed project is not likely to adversely affect Indiana bats or northern long-eared bats, and will not jeopardize the proposed endangered tricolored bat.*

This precludes the need for further consultation on this project; 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.

If the tricolored bat is listed prior to completion of the action, an updated species list should be requested in IPaC and the federal agency must review the action to determine whether consultation is required at that time. Generally, consultation would be required if the action is not yet completed and if it may still result in effects to the species. At that time, the Service will review and confirm whether this concurrence is still appropriate. The development of significant new information or significant changes to the federal action that would alter the basis for our concurrence could warrant further coordination to ensure that appropriate steps are taken to conclude consultation.

In correspondence dated February 12, 2025, the Department of Natural Resources Environmental Unit stated:

Natural Heritage Database:
The Natural Heritage Program's data have been checked. The Bald Eagle (Haliaeetus leucocephalus) has been documented within .5 mile of the project area.

Fish and Wildlife Comments:
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:

A) Heritage Species

The Bald Eagle is no longer a state species of special concern. However, this species is still federally protected (see https://fws.gov/law/bald-and-golden-eagle-protection-act). The documented Bald Eagle nest is more than 330ft from the proposed project, which is the minimum distance needed to reduce disturbance to nesting eagles. No significant negative effects are expected, but precautions may still be considered. To minimize impacts to Bald Eagles, we recommend conducting activities outside the Bald Eagle nesting season (December 15 - July 31) and following the National Bald Eagle Management Guidelines found at https://www.fws.gov/sites/default/files/documents/national-bald-eagle-management-guidelines_0.pdf. Please contact the US Fish and Wildlife Service if further consultation is needed regarding Bald Eagles.

B) Directional Boring/Open Trenching

Directional boring is the preferred method for crossing streams with utility lines. Install erosion control measures such as silt fence or other appropriate measures around directional drilling pits to prevent drilling mud from leaving the immediate area of the pit or entering the stream. The Division of Fish and Wildlife understands directional boring is not always an option. When using the open trench method, the utility line must be installed as quickly as possible to avoid silt and sediment loading of the stream. The utility line must be covered with graded stone and riprap to prevent erosion of the streambed in the vicinity of the crossing. For streambed stabilization, riprap or other stabilization materials must not be placed in the active stream channel above the existing streambed elevation. This is to prevent obstructions to the movement of aquatic organisms upstream and downstream. Regardless of the installation method used, the utility line must be installed below the existing streambed elevation at least 3 feet, measured perpendicularly to the utility line, between the lowest point of the streambed and the top of the pipeline or its encasement, whichever is higher.

C) Tree Removal

The Division of Fish and Wildlife recommends avoiding removing trees along roadways to the greatest extent possible and replacing trees that must be removed to maintain the economic, aesthetic, and ecological benefits provided by trees. The following links give a good overview of the benefits of a street tree program and how to select the right species to avoid the negative impacts of non-native invasive species such as the common and popular Bradford pear: https://www.in.gov/dnr/forestry/forestry-publications-and-presentations/ (scroll down to the Community & Urban Forestry section).

Additionally, 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: https://www.in.gov/nrc/files/IB-17.pdf.

Impacts to non-wetland forest of one (1) acre or more in a rural or urban area should be mitigated at a minimum 2:1 ratio based on area of impact. Impacts to non-wetland forest under one (1) acre but at least 0.10 acre in a rural or urban area should be mitigated at a minimum 1:1 ratio based on area of impact. Impacts under 0.10 acre in a rural area typically do not require mitigation or additional plantings beyond seeding and stabilizing disturbed areas, though there are exceptions for high quality habitat sites. Impacts under 0.10 acre in an urban area should be mitigated by replacing each mature tree removed (trees that are 10" diameter-at-breast height (dbh)) with two trees of 3-gallon stock or larger. Seeding and stabilizing disturbed areas is required regardless of the impact amount and location.
The mitigation site should be located in the floodway, downstream of the one (1) square mile drainage area of that stream (or another stream within the 8-digit HUC, preferably as close to the impact site as possible) and adjacent to existing forested riparian habitat.

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 that are not currently mowed and maintained with a mixture of grasses, sedges, and wildflowers native to Central Indiana 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. A native herbaceous seed mixture must include at least 5 species of grasses and sedges and 5 species of wildflowers.

2. *Minimize and contain within the project limits in channel disturbance and the clearing of trees and brush.*
3. *Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.*
4. *Do not cut any trees suitable for Indiana Bat or Northern Long-eared Bat roosting (3 inches or greater diameter-at-breast height, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.*
5. *Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pump arounds.*
6. *Use minimum average 6-inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.*
7. *Do not use broken concrete as riprap.*
8. *Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap.*
9. *Minimize the movement of resuspended bottom sediment from the immediate project area.*
10. *Do not deposit or allow construction/demolition materials or debris to fall or otherwise enter the waterway. Any incidental fallen material or debris in the waterway must be removed within 24 hours using best management practices, particularly lifting material out of the waterway and not dragging it across the streambed whenever possible.*
11. *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.*
12. *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.*

In correspondence dated December 15, 2024, the Natural Resources Conservation Service stated:

The proposed Project F, County Road (CR) 750 South to State Road (SR) 267, Water Main Extension Project, located between the intersection of East CR 750 and Indianapolis Road and the intersection of East CR 250 South and North CR 25 West, in Boone County, Indiana, as referred to in your letter received September 13, 2024, will not cause a conversion of prime farmland.

VIII. MITIGATION MEASURES

Citizens Energy Group's PER states:
Construction activities are expected to take place during standard working hours. Any night work will be considered on a case-by-case basis. If night work occurs, mitigation measures will be put in place to limit light and noise impacts.

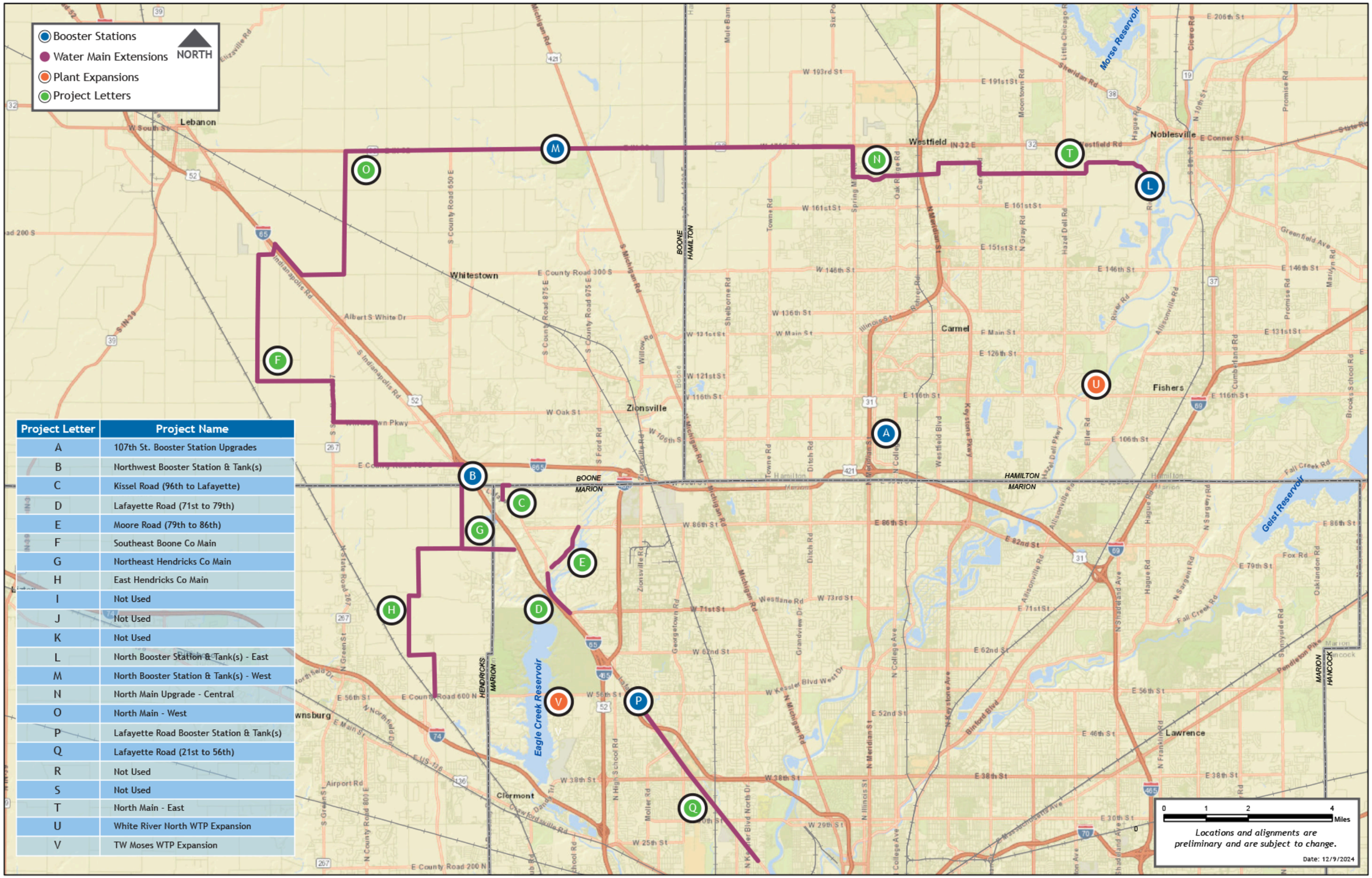
Adequate erosion control measures will be practiced on-site during all construction activities. Mitigation measures to be used at the site may include, but are not limited to, the following:

- *Implementing appropriate erosion control measures, such as sediment basins, inlet protection, rock check dams, rip-rap, seeding, mulching, and erosion control mats;*
- *Restoring and stabilizing drainage systems and patterns as soon as possible;*
- *Avoid tracking construction debris and soil onto roadways;*
- *Wetting areas of exposed soil as needed to control dust;*
- *Keeping materials and equipment needed for spill cleanup readily available;*
- *Locating on-site equipment fueling, repair, and maintenance areas contained and away from drainage courses and stormwater structures;*
- *Recycling wastes such as grease, used oil filters, antifreeze, cleaning solutions, automotive batteries, and hydraulic/transmission fluids, and providing secondary containment/covers for these materials if stored on-site;*
- *Properly disposing of used oils fluids, and lubricants off-site;*
- *Using only watertight dumpsters for on-site debris collection and providing regular removal of accumulated waste;*
- *Collecting trash from the site often since erosion control devices tent to collect debris;*
- *Inspecting the erosion control devices at least once per week and after each storm event to ensure proper operation;*
- *Covering and storing paints and solvents in their appropriate containers on a previously disturbed or paved level site.*

IX. PUBLIC PARTICIPATION

A properly noticed public hearing was held on September 25, 2024, at 8 am in the Citizens Energy Group Board Room located at 2150 Martin Luther King, Jr. Street, Indianapolis, IN 46202. Four members of the public expressed concerns during the hearing. Those comments were heard and recorded. Five written comments were received following the meeting. All comments were responded to in a timely manner.

Additionally, a properly noticed public comment period was held from December 17, 2024, through January 6, 2025. No comments were received during this period.



Project Letter	Project Name
A	107th St. Booster Station Upgrades
B	Northwest Booster Station & Tank(s)
C	Kissel Road (96th to Lafayette)
D	Lafayette Road (71st to 79th)
E	Moore Road (79th to 86th)
F	Southeast Boone Co Main
G	Northeast Hendricks Co Main
H	East Hendricks Co Main
I	Not Used
J	Not Used
K	Not Used
L	North Booster Station & Tank(s) - East
M	North Booster Station & Tank(s) - West
N	North Main Upgrade - Central
O	North Main - West
P	Lafayette Road Booster Station & Tank(s)
Q	Lafayette Road (21st to 56th)
R	Not Used
S	Not Used
T	North Main - East
U	White River North WTP Expansion
V	TW Moses WTP Expansion

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 3389, 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. 0.3. (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 outfall 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 0.6 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 1677 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 2-1.5-5(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) *[subsections (b) and (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, timothy, 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 erosion 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 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.

(D) Negative buoyancy compensation is provided where the utility line has a nominal diameter of at least eight (8) inches and transports a substance having a specific gravity of less than one (1).

(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 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 3394, 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 2521; filed Aug 2, 2004, 3:18 p.m.: 27 IR 3876)*