

DNR Division of Water Permit Exemptions

Recap – From Last Year

The Division of Water has been working to create three new permit exemptions under the Flood Control Act.

- Streambank Protection
 - Tree Removal
 - Channel Maintenance – Creek Rock Removal
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- Preliminary Adoption was received at the July NRC Meeting, waiting for final adoption – anticipated later this year.

2024 Legislation Session

SEA 140 – Updates and revisions to the existing logjam exemption language in IC 14-28-1-22, and new language regarding revising the Drainage Handbook.

HEA 1401 – DNR Agency Bill. New language added to IC 14-28-1-22.5, regarding the construction of an accessory structure, agricultural structure, agricultural fence, and rural stream crossings.

*Effective July 1, 2024

Updates to Logjam Exemption

New language added to the existing logjam exemption section located at IC 14-28-1-22:

A free log includes a log that is still attached to a root system that is no longer in the ground.

An affixed log includes a log that is still attached to a root system that is still in the ground. If the root system is still in the ground, the log must be cut to allow the root system to remain in the ground.

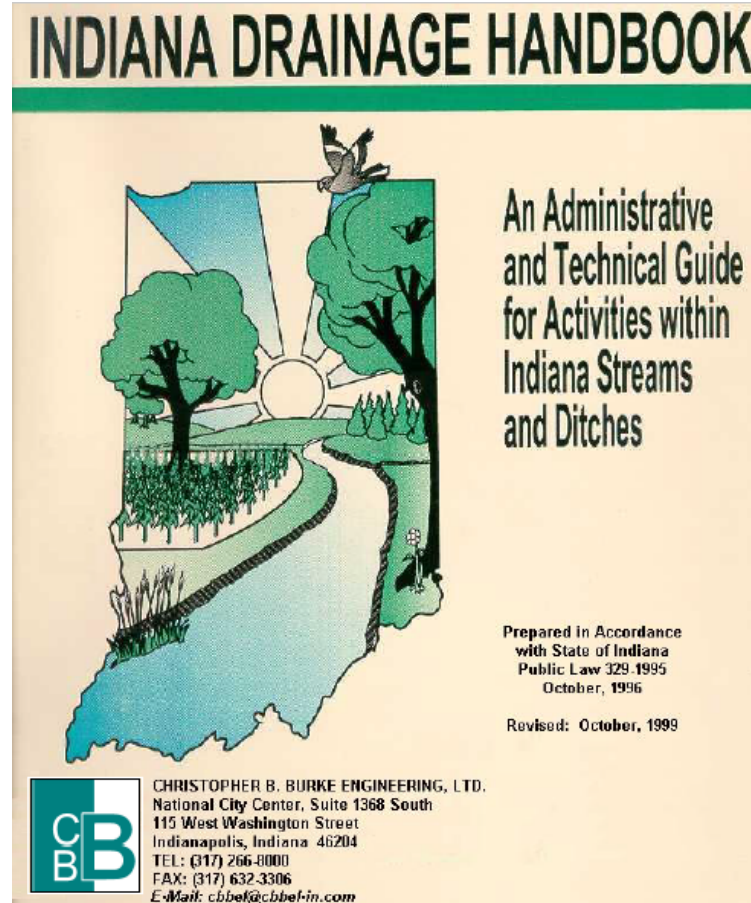
Cutting and removing the affixed log is not required if, in the opinion of the individual removing the log, the cutting and removing would create an unreasonable risk of bodily harm to the individual.

A logjam or mass of wood debris that is removed from a river or stream may be burned.



Picture by DNR Staff

Indiana Drainage Handbook



- Original handbook was published in 1996 and revised in 1999
- It acts as a technical and administrative guide for construction activities along streams and ditches.
- A Drainage Handbook advisory board will be created to review and comment on the revised handbook.
- The advisory board will consist of 15 people.
- A contractor may be select to assist in drafting an updated version.

New Permit Exemptions for 2024

New section was added to the Flood Control Act at IC 14-28-1-22.5

It applies to the construction of:

- (1) an accessory structure
- (2) an agricultural structure
- (3) an agricultural fence
- (4) a stream crossing in the floodway

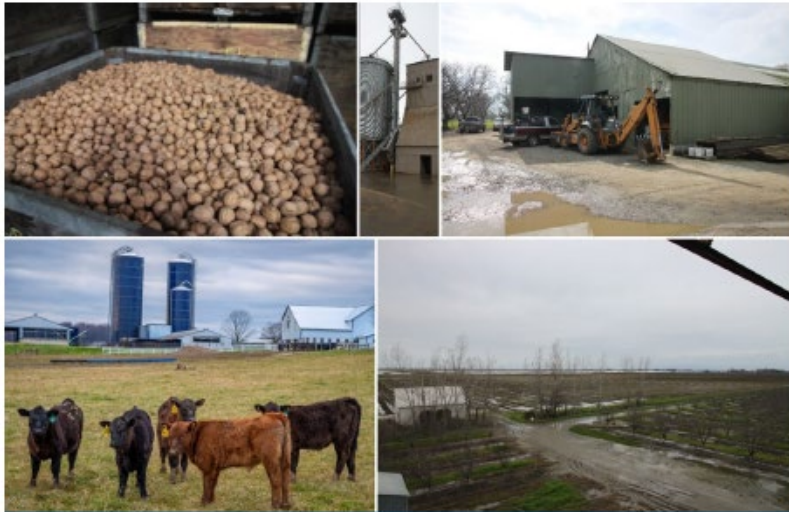
Accessory and Agricultural Structures

The finished floor of an accessory or agricultural structure that is greater than 400 square feet, may be at the one hundred year flood elevation.

The structure must also be constructed of flood resistant materials and anchored to prevent flotation. All utilities, must be elevated to the one hundred year flood elevation.



Accessory and Agricultural Structures



Floodplain Management Requirements for Agricultural Structures and Accessory Structures

FEMA Floodplain Management Bulletin P-2140

August 2021

Version 1.1



An **accessory structure** is a structure that is on the same parcel of property as a principal structure. An accessory structure specifically excludes structures used for human habitation. Examples: detached garage, shed, pole barn

An **agricultural structure** is a structure that is used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock.

Agriculture Fence



Picture by DNR Staff

A person is not required to obtain a permit to construct an agricultural fence in a floodway.

Agricultural fence means a structure that is primarily used to keep animals in or out of an area that does not obstruct the flow of water or debris through a floodway.



Picture by DNR Staff

Rural Stream Crossings

A person is not required to obtain a permit to construct a stream crossing in a floodway if the following requirements are met:

- (1) The stream has a **drainage area** of not more than **five** (5) square miles.
- (2) The floodway is **not a Federal Emergency Management Agency published floodway**.
- (3) The stream crossing is:
 - (A) used for **agricultural or residential purposes**; and
 - (B) **located** in an area outside:
 - (i) the corporate boundaries of a consolidated city or incorporated city or town; and
 - (ii) the territorial authority for comprehensive planning established under IC 36-7-4-205(b).
- (4) The stream crossing does not:
 - (A) adversely affect the efficiency of or unduly restrict the capacity of the floodway;
 - (B) constitute an unreasonable hazard to the safety of life or property; and
 - (C) result in unreasonably detrimental effects to fish, wildlife, or botanical resources.

Rural Stream Crossings

	Preferred choices		Acceptable choice	Not Recommended	
	1st	2nd			
Crossing Type	Bridge	Three sided/ bottomless culvert	Box or pipe culvert	Multiple culverts or culverts with multiple openings	Dirt crossing or Ford
Stream impacts	Least disturbance to stream and banks	Only minimal disturbance to stream bottom.	Considerable disturbance to stream and banks.	Can have significant impacts on stream and banks	Severe impacts to stream, banks, and erosion issues
Aquatic organism passage	Allows unobstructed aquatic organism passage	Allows unobstructed aquatic organism passage	Must be sufficiently sumped to avoid obstructing aquatic organism passage.	Cause significant aquatic organism passage issues	Allows passage, but disturbs streambed and aquatic organism use of the stream

Questions ?