

SECTION 3.2

REQUIRED AUTHORIZATIONS AND PROCESSING METHODS FOR VARIOUS DRAINAGE IMPROVEMENT ACTIVITIES

Required authorizations and processing methods for drainage improvement activities differ according to the type of practice, the nature of drainageway, and whether the activity disturbs habitats such as wetlands which may be associated with the drainageway corridor.

The quality of habitat found along different classes of open drains varies significantly. For example, the man-made open ditches are not normally associated with a well established riparian habitat as a result of regular debrushing and maintenance. On the other hand, natural streams are normally associated with well established and valuable aquatic resources and habitat, both within the stream channel and along the banks. This suggests that unique sets of authorization and processing methods as well as mitigation measures should be considered for each type of drainageway. However, since many of the agencies' rules and regulations do not currently differentiate between various types of drainageways, the required authorization and processing methods may be summarized in only one table, regardless of the drainageway type. Further discussions on various types of drainageways are contained in Sub-section 3.33.

Table 3.2a summarizes the required authorization and processing methods for key practices noted in Section 3.1 based on agencies' jurisdictions outlined in Section 2. Although as indicated earlier, authorization from various agencies may be required regardless of the type of drainageway, the degree of oversight and the requirement for mitigation measures (if any) will likely vary based on the drain classification. This point will be further discussed in Section 3.3.

In the table, each activity's required authorizations and the processing method associated with each agency are provided in separate columns. When an activity is designated as needing authorization from an agency and the processing method is shown as "EC", the applicant must contact the agency as an individual permit from the agency may or may not be required depending on the specifics of the project. In most cases, the initial contact with the agency may reveal that no permits are required if the work is performed according to the best management practices described in this Handbook. Also, several of the entries within the table have been qualified by numbered or lettered notes. **It is important that description of these notes, provided in the page facing the table, are carefully reviewed.**

In addition to the agencies listed in the table, it may occasionally be necessary to seek separate authorizations from the U.S. Fish and Wildlife Service (USFWS) and/or from the Natural Resources Conservation Service (NRCS). USFWS gets involved when there is a presence or likely presence of listed threatened or endangered species. Separate authorization (take permit) from USFWS is required only when no other federal agencies are involved. Involvement of any federal agency would eliminate the need for an individual take permit from USFWS. NRCS gets involved when a drainage activity results in conversion of a wetland to produce a commodity crop (see section 2 for more detail).

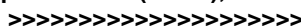
The required authorizations and processing methods, listed in the table, are noted exclusively for practices defined in this handbook. As described earlier, the activities and practices described in the Handbook are not all-inclusive. Drainage improvement activities may be accomplished through innovative or non-standard practices which may not have been included in this handbook. If such innovative or non-standard approaches are being considered, the agencies should be contacted directly to determine the required authorization and processing methods involved.

Table 3.2a

Required Authorization and Processing Methods for Various Drainage Improvement Activities

| ACTIVITY | KEY PRACTICES | REQUIRED AUTHORIZATIONS AND PROCESSING METHODS ¹ | | | | | | | GENERAL NOTES |
|--|--|---|------------------|-----------------|------------------|-------|-------------------|-------|---------------|
| | | LOCAL | IDNR | | IDEM | | COE | | |
| | | | AUTH. | PROC. | AUTH. | PROC. | AUTH. | PROC. | |
| Closed Tile Drain Installation and Repair | Tile Drain Installation (P201) | YES ^{2,3} | YES ⁵ | EC | NO | N/A | NO ⁹ | N/A | |
| | Tile Drain Repair and Replacement (P202) | YES ^{2,3} | YES ⁵ | EC | NO | N/A | NO ⁹ | N/A | |
| | Breather Pipes and Inlets (P203, P204) | YES ^{2,3} | NO | N/A | NO | N/A | NO ⁹ | N/A | |
| Debrushing | Chemical Vegetation Control (P301) | NO | NO | N/A | NO | N/A | NO | N/A | a |
| | Debrushing Using Hand-held Tools (P302) | NO | NO | N/A | NO | N/A | NO | N/A | b |
| | Debrushing Using Heavy Machinery (P303) | YES ³ | NO | N/A | YES ⁷ | NSA | YES ⁹ | EC | |
| | Stump Removal (P304) | YES ³ | YES ⁵ | EC | YES ⁷ | SA | YES ⁹ | GP | |
| Logjam Removal /River Restoration | Logjam Removal Using Hand-held Tools (P401) | NO | NO | N/A | NO | N/A | NO | N/A | b |
| | Logjam Removal Using Heavy Machinery (P402) | YES ³ | YES ⁵ | EC | YES | NSA | YES | EC | b |
| | Large-Scale River Restoration (P403) | YES ³ | YES ⁵ | IP | YES | NSA | YES | IP | c |
| Eroded Streambank Repair | Vegetative Stabilization Methods (P501, P502, P503, P504, P505) | YES ³ | YES ⁵ | EC | YES | SA | YES | GP | b |
| | Combined Structural and Vegetative Methods (P506, P507, P508, P509, and other combined practices) | YES ³ | YES ⁵ | IP | YES | SA | YES | GP | |
| | Structural Stabilization Methods (P510, P511, P512, P513, P514, P515) | YES ³ | YES ⁵ | IP | YES | SA | YES | GP | |
| Channel Excavation /Dredging | Bottom Dipping (P601) | YES ³ | YES ⁵ | IP | YES | NSA | YES | IP | c |
| | Bank Excavation (P602) | YES ³ | YES ⁵ | IP | YES | NSA | YES | IP | c |
| | Overbank Excavation (P603) | YES ³ | YES ⁵ | IP | NO | N/A | NO ⁹ | N/A | |
| Restoration of Channel to As-built Conditions | All potential practices utilized to maintain/restore a man-made ditch or a previously modified reach of a natural stream to as-built dimensions/shape using the originally permitted material. | YES ³ | YES ⁵ | EC | YES ⁷ | NSA | YES ¹⁰ | EC | d |
| Channel Relocation /Cons. and Transition | All practices (P701, P702, P703, P704, P705, P706) | YES ³ | YES ⁵ | IP | YES | NSA | YES | IP | c |
| In-channel Sediment Control and Retention Pond | Sediment/Retention Basins (P801, P802) | YES ³ | YES ⁵ | IP | YES | NSA | YES | GP | |
| | Hydraulic Dredge (P803) | YES ³ | YES ⁵ | IP | YES | NSA | YES | GP | |
| | Vegetative Filter Strip (P804) | YES ⁴ | NO | N/A | YES ⁷ | NSA | YES ⁹ | EC | b |
| Stream Crossing Construction & Repair | Culverts/Bridges (P901, P902) | YES ³ | YES ⁵ | IP | YES ⁷ | NSA | YES | GP | |
| | Fords/Low Water Crossings (P903) | YES ³ | YES ⁵ | IP | YES ⁷ | NSA | YES | GP | |
| Outlet Protection | Tile Drain Outlet Extension (P1001) | YES ³ | YES ⁵ | IP ⁶ | YES | NSA | YES | GP | |
| | Riprap-Lined Apron (P1002) | YES ³ | YES ⁵ | IP | YES | SA | YES | GP | |
| Miscellaneous practices associated with various activities | Temporary Wetland Crossing (P103) | YES ³ | NO | N/A | YES | NSA | YES | GP | |
| | Temporary Diversion (P104) | YES ³ | YES ⁵ | EC | YES | NSA | YES ⁹ | EC | |
| | Clearing and Grubbing (P107) | YES ³ | YES ⁵ | EC | YES | SA | YES ⁹ | GP | |
| | Debris Disposal Within Floodplain (P1301) | YES ³ | YES ⁵ | EC | YES ⁷ | NSA | YES ⁹ | EC | |
| | Permanent Maintenance and Limited Livestock Access (P1302, P1303) | YES ³ | YES ⁵ | IP | YES ⁷ | NSA | YES ⁹ | IP | |

[See the facing page for abbreviations, superscript numbers (notes), and small letters (general notes) contained in the table]



ABBREVIATIONS/ACRONYMS:

| | |
|-------|---|
| IDNR | Indiana Department of Natural Resources |
| IDEM | Indiana Department of Environmental Management |
| COE | U.S. Army Corps of Engineers |
| AUTH. | Authorization |
| PROC. | Processing Method |
| N/A | Not Applicable |
| EC | Early Coordination/Notification Process (COE and IDNR have allowed this process so that the applicant may obtain a "prior finding", request confirmation that an individual permit would not be required if certain practice(s) is performed in a manner described in this handbook, or to pre-determine the permit conditions if a permit is determined to be required.) |
| IP | Individual Permit |
| GP | General Permit (either Nationwide or Regional) |
| NSA | No Separate Authorization (Separate application or authorization from IDEM is <u>not</u> required for this activity. The application for IDEM Section 401 Water Quality Certification is made through the COE permit process) |
| SA | Separate Authorization (Although some projects in the noted category are covered by a COE Nationwide Permit, blanket IDEM Water Quality Certification has been denied for this particular Nationwide Permit. Therefore, these projects would <u>still need an individual IDEM Water Quality Certification.</u>) |

NOTES (superscript numbers):

- 1 In addition to the agencies listed in the table, occasionally it may be required to seek separate authorization from the U.S. Fish and Wildlife Service (USFWS) and/or from the Natural Resources Conservation Service (NRCS). USFWS gets involved when there is a presence or likely presence of listed endangered species. Separate authorization (take permit) from USFWS is required only when no other federal agencies are involved. Involvement of any federal agency would eliminate the need for an individual take permit from USFWS. NRCS gets involved when a drainage activity results in conversion of a wetland to produce a commodity crop(see section 2 for more detail).
- 2 Authorization is required if the tile is designated as a "Regulated Drain" or it outlets to an open or closed regulated drain.
- 3 Authorization is required according to most local ordinances. However, note that local Drainage Boards, County Surveyors, and municipalities are normally exempt from their own local stormwater ordinances and codes (except for floodplain zoning ordinances).
- 4 If this activity involves a "Classified" Filter Strip then applicant must contact the County Surveyor and follow procedures outlined in IC 6-1.1-6.7.
- 5 Authorization required only if the Indiana Department of Natural Resources (IDNR) has jurisdiction. IDNR has no jurisdiction if (a) the activity is occurring entirely outside the Floodway (if determined), or (b) the drainage area is less than one square mile (640 acres) or (c) the activity is occurring under county's direction and is on a stream or an open drain that is less than 10 miles long, and (d) where the work is not within one half (½) mile of a public freshwater lake.
- 6 No individual IDNR permit may be required if the tile drain meets certain conditions. The activity may also qualify for an expedited permit process. (See Section 2 for more information.)
- 7 The Indiana Department of Environmental Management (IDEM) jurisdiction over drainage improvement activities is tied to the U.S. Army Corps of Engineers (COE) jurisdiction. If the project does not require a COE permit, then the Water Quality Certification from IDEM is not needed.
- 8 The activity does not normally require a COE permit. However, If the activity results in the discharge of dredged or fill material into "waters of the united states", including wetlands, an authorization from the COE is required.
- 9 Authorization required only if COE has jurisdiction. COE jurisdiction is limited to activities within "waters of the United States" and wetlands which primarily include all streams and ditches below their ordinary high water line and all areas judged as jurisdictional wetlands by COE.
- 10 For Agricultural purposes, maintenance of man-made drainage ditches are exempt under Section 404 (f)(1)(c) when they are excavated back to original constructed contours. Maintenance of a previously modified reach of a natural stream or drainageway is not exempt from Section 404 for agricultural or non-agricultural purposes.

GENERAL NOTES:

- a Anyone applying herbicides for debrushing or to kill stumps must comply with pesticide label use and rate directions. Applications may be done only by or under the direct supervision of a certified applicator, certified by the office of the Indiana Chemist at Purdue University.
- b The noted practice(s), when appropriate and if done properly, is considered by most agencies to be preferable over other alternatives.
- c Because of potential adverse environmental impacts associated with the noted practice(s), most agencies exercise a high degree of oversight on the activity and frequently require various mitigation measures, as appropriate.
- d For the purpose of this Handbook, this activity is defined as all potential maintenance/channel reconstruction practices utilized to restore channel cross sections to their as-built or permitted conditions, both in terms of dimensions and material. The evidence for the as-built conditions such as court records, permits, as-built construction plans, etc. would most likely be requested by regulatory agencies.

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