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TITLE 312 NATURAL RESOURCES COMMISSION

Provisional Rule

LSA Document #26-310

DIGEST

The department of natural resources (department) is proposing to temporarily add provisions to exempt licensure requirements under IC 14-28-1 and 312 IAC 10 to facilitate the repair or reconstruction of damaged roads, bridges, and culverts crossings, and the stabilization and repair of eroded streambanks that occurred during the disaster event in August associated with [Executive Order 26-21](#) and [Executive Order 26-22](#). This rule does not affect additional permits or approvals that may be required by other federal, state, or local regulatory agencies. Effective: This document is effective 10 days after the proposed provisional rule is accepted for filing by the publisher. Expiration: This document expires 180 days after the rule becomes effective.

SECTION 1. (a) This document applies to the following activities:

- (1) The repair or reconstruction of damaged roads, bridges, and culvert crossings.**
- (2) The stabilization and repair of eroded and unstable streambanks.**

(b) Application of this rule is limited to work resulting from severe weather covered under Executive Order 26-21 declaring a state of emergency, effective August 13, 2026, and to continue for a period of thirty (30) days.

(c) Work authorized by this rule needs to be completed within one (1) year of the rule being effective, unless written approval is obtained from the Department for an extension of time to complete the project under this authorization.

(d) Post-completion documentation shall be submitted to the DNR, Division of Water by email at water_inquiry@dnr.in.gov or by mail to 402 West Washington Street, Room W264, Indianapolis, IN 46204, within thirty (30) days of completing the project:

- (1) Property owner contact information including name, mailing address, phone number, and email address.**
- (2) Contractor or contractor's agent contact information including name, mailing address, phone number, and email address.**
- (3) Site location map, including address if applicable.**
- (4) A description of the scope of work conducted including information detailing sizes, dimensions, lengths, and materials used.**
- (5) If the project included the repair or reconstruction of a bridge or culvert crossing, details regarding the size of the previous crossing and the size of the replacement crossing.**
- (6) Photographs that illustrate the natural and manmade surroundings of the completed project and of the pre-damaged road, bridge, or crossing, if applicable. These photographs**

should encompass different viewpoints of the project site and surrounding area.

(e) Upon receipt of the post-completion documentation, DNR, Division of Water, will determine whether the project was eligible for relief under Executive Order 26-22 and complied with this rule. If the project does not meet the criteria or did not comply with this rule, the following may be required:

- (1) corrective action.
- (2) requirement to get a full permit under IC 14-28-1 and 312 IAC 10.

(f) Inspections of the work covered by Executive Order 26-22 and this rule are authorized by IC 14-25.5-1 and IC 14-28-1-1, which allow the department to inspect the project site(s), including the ability to request additional information reasonably necessary from the project owner to verify compliance with relevant state and federal law; and direct corrective action, if necessary.

SECTION 2. Work authorized by this rule may not be conducted within:

- (1) a salmonid stream designated under IC 14-25-15-7(b), without the prior written approval of the department's division of fish and wildlife; or
- (2) within a natural, scenic, or recreational river or stream designated under 312 IAC 7-2.

SECTION 3. Repair or reconstruction of a damaged road or bridge or culvert crossing within a floodway performed under the exception to the licensure requirements of IC 14-28-1 and 312 IAC 10 must meet the following:

- (1) The waterway opening of the repaired or reconstructed bridge or culvert crossing must be made no smaller and no less effective at passing the one percent (1%) annual chance flood than before the damage occurred.
- (2) The top of the road profile of the repaired or reconstructed bridge or culvert crossing must be made no higher than the top of the road profile before the damage occurred.
- (3) Appropriate sediment control measures must be installed to prevent the flow of sediment laden water back into the waterway.
- (4) Within fifteen (15) days of completion of the repair or restoration, all bare and disturbed areas must be revegetated with a mixture of grasses and legumes. Tall fescue must not be used, except that low endophyte tall fescue may be used in previously mowed areas.
- (5) Felled trees, brush, or other debris found at the project site or as a result of the project, itself, must be removed from the floodway.

SECTION 4. Repair or reconstruction of eroded and unstable streambanks within a floodway performed under the exception to the licensure requirements of IC 14-28-1 and 312 IAC 10 must meet the following:

- (1) The following best management practices must be used to repair and restore the streambank:
 - (A) Live stakes.
 - (B) Live fascines.
 - (C) Branch packings.
 - (D) Tree revetment.
 - (E) Brush mattress.
 - (F) Vegetative geogrid.

- (G) Live cribwalls.**
- (2) The following best management practices may be used to repair and restore the streambank if the best management practice was previously authorized at the project site under a permit issued by the department or if it was in place at the site prior to January 1, 1973:**
 - (A) A-Jacks.**
 - (B) Stone riprap.**
 - (C) Concrete retaining wall.**
 - (D) Sheet pile retaining wall.**
 - (E) Composite retaining wall.**
- (3) Natural clean backfill material may be used in conjunction with the best management practices described above.**
- (4) The following materials must not be used in the floodway:**
 - (A) Broken concrete.**
 - (B) Asphalt.**
 - (C) Bricks.**
 - (D) Cinder blocks.**
 - (E) Construction debris.**
 - (F) Trash.**
- (5) The repair or reconstruction of the streambank must conform to the contours that existed before the damage occurred.**
- (6) The repair or reconstruction of the streambank must conform to the existing bank at the upstream and downstream limits of the site.**
- (7) The repair or reconstruction of the streambank must not be raised higher than the top of bank elevations that existed before the damage occurred.**
- (8) To prevent the flow of sediment laden water back into the waterway, appropriate sediment control measures must be installed.**
- (9) Within fifteen (15) days of completion of the repair or restoration, all bare and disturbed areas must be revegetated with a mixture of grasses and legumes. Tall fescue must not be used, except that low endophyte tall fescue may be used in previously mowed areas.**
- (10) Felled trees, brush, or other debris found at the project site or as a result of the project, itself, must be removed from the floodway.**

SECTION 5. This document becomes effective August XX, 2026.