

New General Licenses

DNR, Division of Water



Farm Bureau Drainage School, August 2023

The Division of Water has been working to create three new general licenses for proposed work that could be subject to a permit under the Flood Control Act.

- Streambank Protection
- Tree Removal
- Channel Maintenance – Creek Rock Removal



DIVISION OF
WATER

Streambank Protection General License

A general license to place streambank protection in the floodway.

To qualify the proposed work must be located in a rural area and the total work must be less than 300’.

Note : A rural area is defined as an area the lies outside the corporate boundaries of a consolidated city or an incorporated city or town. This also includes any territorial authority of comprehensive planning for the city or town.

Conditions:

- Tree removal and brush clearing must be contained to the project area, for any tree that is removed the root ball must not be excavated.
- Work in the waterway between April 1 and June 30 must not exceed 2 days
- All work should conform to the existing bank to prevent flanking
- Stone may be used from the toe of the slope to the ordinary high water mark, bioengineered or vegetative material may be used above the ordinary high water mark
- Disturbed areas outside the streambank protection must be reseeded
- Best management practices must be used during and after construction to minimize erosion and sedimentation

This general license requires prior notice to the Department, before the start of construction.

A form must be filled out and submitted to the Department, including the following information:

- waterway name and description of parcel or address where the work will be performed
- contact information for the applicant
- documentation showing the applicant is the property owner, our authorization that the owner has given permission
- current photos of the streambank

The Department has 20 days, excluding Saturday, Sunday, and legal holidays, to respond.

You may receive one of the follow responses:

- Approval of the request
- Approval of the request with additional conditions
- Request for additional information
- Require that the applicant obtain a permit under the Flood Control Act

The general license expires one hundred eighty (180) days after the person receives written approval from the department.

Tree Removal General License

A general license to remove a tree from the floodway with the use of hand-operated equipment.

To qualify a person must own or obtain written permission from the person who owns the land where the tree is being removed.

A person may:

- Cut and remove a single tree that has fallen into a waterway without removing the root ball
- Cut a tree, without removing the stump and root ball by excavation
- Cut and remove, or salvage an uprooted tree from a natural disaster including the root ball of the tree, and fill the hole left by the uprooted tree
- Cut a tree and grind the stump, without removing the root ball by excavation, and fill the hole left if necessary

Conditions:

- All cut trees and debris should be removed from the floodway
- Minimize erosion and sedimentation
- Revegetate any bare or disturbed areas left within 15 days after completing the work
- Work in the waterway between April 1 and June 30 must not exceed 2 days
- Do not cut a tree suitable for Indiana bat or Northern Long-Eared bat roosting between April 1 and September 30
- Do not remove a tree that contains the nest of a bald eagle or is within 600 feet of the nest of a bald eagle without a permit from the US Fish and Wildlife Service

Tree Removal General License

This general license does not include the following:

- Removal of a tree on a regulated dam or levee
- Excavation of a root ball
- Construction of a temporary access road or stream crossing
- Excavation or stabilization of a streambank
- Removal of a tree from a known mitigation site

Currently the Division of Water has two creek rock removal general licenses for work in a nonnavigable stream.

- A general license without notice to the department which allows for the removal of up to 25 cubic yards of creek rock.
- A general license with notice to the department which allows for the removal of up to 50 cubic yards of creek rock.

The current proposal is to increase the allowed amounts for the general license without notice to 50 cubic yards and eliminate the general license with notice.

A general license to remove creek rock from a **nonnavigable** waterway.

Per 312 IAC 10-2-16.5:

Creek rock means each of the following located within a waterway: (1) Sand. (2) Gravel. (3) Rock. (4) Slab rock.

To qualify a person must own or obtain written permission from the person who owns the land where the creek rock will be removed.

Note: For creek rock removal from a navigable waterway, the general license language located at 312 IAC 6-5-9 remains.

Conditions:

- Remove no more than 50 cubic yards, each calendar year
- Must be removed by hand, hand tools, or scoop-type excavating equipment
 - *Use of a bulldozer or rock crusher does not qualify a scoop-type excavating equipment.
- The creek rock cannot be removed between April 1 and June 30. *Except for material deposited during a regulatory flood, a flood greater than a regulatory flood, or a flood in which the governor declares a disaster.*
- The excavated creek rock should be removed from the waterway and floodway and not placed along the bank or used a bank protection.

Conditions:

- Excavation of the bank does not qualify under this general license, only removal of a sand or gravel bar within the waterway.
- Access to perform the work, should be exclusively from one side of the waterway.
- Restrictions to the construction of an access road are as follows: do not destroy more than ½ acre of trees; do not impact a wetland indicated on the national wetland inventory map; raise the elevation of the floodplain, or cross the waterway

Questions ?