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TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-45(E)

DIGEST

Temporarily modifies 312 IAC 11, which assists in the administration of IC 14-26-2 (sometimes referred to as the "Lakes Preservation Act"), to provide that qualified manmade channels are regulated as a "developed area" and to provide alternative licensure standards for seawall placement and refacing. Effective March 1, 2004.

SECTION 1. **A written license under IC 14-26-2 is required for the construction or placement of a seawall within or along the legally established or average normal waterline or shoreline of a public freshwater lake. This document provides alternatives to 312 IAC 11 under which a person may qualify to place a seawall or to reface an existing seawall along a public freshwater lake.**

SECTION 2. **The definitions in this SECTION apply throughout this document and are in addition to those set forth at IC 14-8, IC 14-26-1, 312 IAC 1, and 312 IAC 11:**

(1) In addition to the meaning set forth in 312 IAC 11-2-7, "developed area" includes a manmade channel, unless the portion of the shoreline or waterline of the channel, where construction is proposed, is adjacent to at least six hundred twenty-five (625) square feet of contiguous emergent or rooted vegetation with floating leaves.

(2) Notwithstanding 312 IAC 11-2-11, "glacial stone" means a rounded stone that satisfies each of the following:

(A) Was produced by glacial activity.

(B) No individual stone weighs more than one hundred twenty (120) pounds.

(C) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.

(D) No more than ten percent (10%) of the material passes through a six (6) inch sieve.

(3) "Manmade channel" means a waterway created by mechanical means that connects to a public freshwater lake and increases the length of the lake's shoreline or waterline. The term does not include an area within the lake, cleared by chemical or mechanical means, that does not increase the lake's shoreline or waterline.

(4) Notwithstanding 312 IAC 11-2-20, "riprap" means angular, limestone rock that satisfies each of the following conditions:

(A) No individual piece weighs more than one hundred twenty (120) pounds.

(B) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.

(C) No more than ten percent (10%) of the material passes through a six (6) inch sieve.

(5) "Toe protection" means the glacial stone or angular, limestone rock that is placed along the lakeward face of a bulkhead seawall to minimize lake bed erosion and undercutting at the base of the seawall and satisfies each of the following:

(A) No individual piece weighs more than one hundred twenty (120) pounds.

(B) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.

(C) No more than ten percent (10%) of the material passes through a six (6) inch sieve.

(D) No individual piece is placed more than one (1) foot lakeward of the lakeward face of a bulkhead seawall.

SECTION 3. **(a) This SECTION provides alternative standards to qualify for the placement of a new seawall in a developed area.**

(b) The seawall must be comprised of one (1) or some combination of the following:

(1) Bioengineered material.

(2) Glacial stone.

(3) Riprap

(4) Concrete.

(5) Steel sheet piling.

(c) If comprised of glacial stone or riprap, the seawall must have a base that does not extend more than four (4) feet lakeward of the waterline or shoreline.

(d) The seawall must have a lakeward face that is located along the public freshwater lake's waterline or shoreline.

(e) If consisting of bioengineered material, placement of the seawall must be coordinated with the department before the license application is filed.

(f) The seawall must not provide for the placement of an impermeable material behind or beneath it.

(g) The seawall must provide for proper anchoring of filter cloth behind or beneath it to prevent displacement or flotation.

(h) The seawall must provide for erosion control from disturbed areas landward of the waterline or shoreline to prevent its transport into the lake.

(i) Toe protection for the seawall must be consistent with this document.

SECTION 4. **This SECTION provides alternatives for materials that may be used to reface a seawall in a significant wetland or an area of special concern. Under this SECTION, the seawall reface must be comprised of either or both of the following:**

(1) Bioengineered materials.

(2) These materials:

(A) For an existing concrete seawall, either concrete, glacial stone, or a combination of them.

(B) For an existing steel sheet piling seawall, either steel sheet piling, glacial stone, or a combination of them.

(C) For an existing riprap seawall, either riprap, glacial stone, or a combination of them.

(D) For an existing glacial stone seawall, glacial stone.

(E) For an existing bioengineered seawall, bioengineered materials only.

(F) For another seawall type, glacial stone.

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