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## TITLE 312 NATURAL RESOURCES COMMISSION

### **Proposed Rule** LSA Document #04-157

#### DIGEST

Amends 312 IAC 11-2-5 to define specific seawall types that are recognized as bulkhead seawalls and include criteria for determining when a timber seawall qualifies as a bulkhead seawall. Effective 30 days after filing with the secretary of state.

#### **312 IAC 11-2-5**

SECTION 1. 312 IAC 11-2-5 IS AMENDED TO READ AS FOLLOWS:

#### **312 IAC 11-2-5 “Bulkhead seawall” defined**

**Authority:** IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

**Affected:** IC 14-26-2

Sec. 5. (a) “Bulkhead seawall” means ~~an impervious, a vertical, or near vertical, shoreline protection~~ **solid concrete, steel sheet piling, or vinyl piling structure, which has the purpose of shoreline protection.**

(b) A timber wall may be deemed to be a bulkhead wall if the property owner proves to the satisfaction of the division of water that the wall functions as a bulkhead wall by providing evidence in the form of a written assessment from a registered professional engineer, licensed professional geologist, or soil scientist with expertise in shoreline protection or wave dynamics. The written assessment must address and evaluate each of the following items:

- (1) The structural integrity of the wall.
- (2) The height of the top of the wall above normal lake level.
- (3) Success of the wall in protecting the shoreline from erosion in the past.
- (4) The ability of the wall to retain land or prevent land from sliding as evidenced by the lack of sinkholes or depressions behind the wall.
- (5) Adequacy of existing connections to adjacent shore protection structures or tiebacks at each end of the wall.
- (6) The timber wall was constructed before January 1, 1991.

*(Natural Resources Commission; 312 IAC 11-2-5; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2220)*

#### ***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on February 28, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on a proposed amendment to define specific seawall types that are recognized as bulkhead seawalls and include criteria for determining when a timber seawall qualifies as a bulkhead seawall. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission