



# State Revolving Fund Loan Programs

## Drinking Water, Clean Water, Nonpoint Source

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### ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT

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#### TOWN OF SHOALS DRINKING WATER IMPROVEMENT PROJECTS SRF PROJECT DW 24 65 51 01

**DATE: September 26, 2024**

**TARGET PROJECT APPROVAL DATE: October 28, 2024**

#### I. INTRODUCTION

The above entity has applied to the Drinking Water State Revolving Fund (SRF) Loan Program for a loan to finance all or part of the Drinking Water project described in the accompanying Environmental Assessment (EA). As part of facilities planning requirements, an environmental review has been completed which addresses the project's impacts on the natural and human environment. This review is summarized in the attached EA, which can also be viewed in color at <http://www.in.gov/ifa/srf/>.

#### II. PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT (FNSI)

The SRF Drinking Water Program has evaluated all pertinent environmental information regarding the proposed project and determined that an Environmental Impact Statement is not necessary. Subject to responses received during the 30-day public comment period, and pursuant to Indiana Code 5-1.2-3, it is our preliminary finding that the construction and operation of the proposed facilities will result in no significant adverse environmental impact. In the absence of significant comments, the attached EA shall serve as the final environmental document.

#### III. COMMENTS

All interested parties may comment upon the EA/FNSI. Comments must be received at the address below by the target approval date above. Significant comments may prompt a reevaluation of the preliminary FNSI; if appropriate, a new FNSI will be issued for another 30-day public comment period. A final decision to proceed, or not to proceed, with the proposed project shall be affected by finalizing, or not finalizing, the FNSI as appropriate. Comments regarding this document should be sent within 30 days to:

**April Douglas**  
**Environmental Review Coordinator**  
**State Revolving Fund**  
**100 N. Senate Ave. IGCN 1275**  
**Indianapolis, IN 46204**  
**317-234-7294**  
**adouglas@ifa.in.gov**

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# ENVIRONMENTAL ASSESSMENT

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## I. PROJECT IDENTIFICATION

Project Name and Address:                    Drinking Water Improvement Projects  
Town of Shoals  
221 Low Street  
Shoals, IN 47851

SRF Project Number:                         **DW 24 65 51 01**

Authorized Representative:                    Cary Albright, Town Council President

## II. PROJECT LOCATION

The proposed project is located in Martin County, Center and Halbert Township, Township 3 North, Range 3 and 4 West, and Sections 19, 24, 25 & 30. See **Figure 1**.

## III. PROJECT NEED AND PURPOSE

Multiple structures and equipment items are depreciated and in need of repair or replacement at the Town’s wellfield, including Well #1 structure, chemical feed building, and well controls. The Town’s distribution system is in need of replacing an exposed at-risk water main attached to the US 50 / US 150 bridge over the East Fork White River. The proposed project will help the Town of Shoals meet its goal of providing safe and reliable water service.

## IV. PROJECT DESCRIPTION

The work plan includes improvements to the water supply, water treatment, and water distribution systems. The proposed water supply improvements include replacing the well controls at both Well #1 and #2, relocation of existing electrical panels and service for the well field. The existing Well#1 structure is in poor condition. This structure would be demolished, and a new steel platform, ladder access, and vault would be installed in the existing well location.

The existing water treatment facility requires updates to meet the code requirements for secondary containment, provide additional support for the flooring, and improve access into the structure. This alternative consists of replacing the existing chemical feed building with a new chemical feed building on a steel platform to raise it above the base flood elevation.

The water distribution improvements consist of replacing the 6” water main attached to the US50/US150 bridge across the East Fork White River. The new main would be the same size as the existing but would be installed within a steel casing so it could be removed for maintenance or replaced more easily. Additionally, there will be some minor improvements to two booster pump stations. Improvements would include replacement of the exhaust fan and unit heater at Booster Station #1 (near storage tank) and a new unit heater and minor security updates at Booster Station #2 (near schools).

## V. ESTIMATED PROJECT COSTS, AFFORDABILITY AND FUNDING

### A. Selected Plan Estimated Cost Summary

#### Construction Costs

Water Supply Improvements	\$ 457,000
Water Treatment Improvements	159,500
Water Distribution System Improvements	1,332,000
Construction Contingency (10%)	<u>195,000</u>
<b>Total Construction</b>	<b>\$2,143,500</b>

**Non-Construction Costs** **\$ 540,000**

**Primary Project Total Estimated Project Cost** **\$ 2,683,500**

- B. Total cost of this project is estimated to be approximately \$2,683,500. The Town of Shoals will finance the project with a loan from the Drinking Water SRF Loan Program for a term and annual fixed interest rate to be determined at loan closing. Monthly user rates and charges may need to be analyzed to determine if adjustments are required for loan repayment.

## VI. DESCRIPTION OF EVALUATED ALTERNATIVES

**Water Supply Improvements:** Five alternatives were considered for the Water Supply Improvement needs. These include replacement of well controls (#1), replacement of well controls with modifying the existing Well #1 structure (#2), replacement of well controls with replacement of Well #1 (#3), regionalizing with the City of Loogootee for the purchase of treated water (#4), and a no action alternative (#5).

Alternatives #1, #2, and #3 all include replacing the existing controls at both wells. Alternative #2 includes rehabilitation of the Well #1 structure, which would include a new steel platform, ladder access, and vault, and the relocation of the existing electrical panels and service for the well field. Alternative #3 includes abandoning the existing well and developing a new Well #1. Regionalization is not feasible due to the length of transmission main needed and the significant variation of elevation along the route. The no action alternative is not feasible as Well #1 is currently unserviceable due to the condition of the structure.

Alternative #2 was selected due to meeting the goals of the utility to provide safe and reliable service to its customers, while ensuring the utility can maintain accurate and efficient operations.

**Water Treatment Improvements:** Two alternatives were considered for the Water Treatment Improvements. These include constructing a new chemical feed building (#1) and a no action alternative (#2).

Alternative #1 consists of replacing of the existing chemical feed building with a new chemical feed building on a steel platform to raise it above the base flood elevation. This alternative was chosen as the no action alternative would not meet code requirements for secondary containment.

**Water Storage Improvements:** Two alternatives were considered for the Water Storage Improvements. These include constructing a new water storage tank (#1) and a no action alternative (#2).

Alternative #1 consists of demolishing the existing 211,000-gallon standpipe water storage tank and constructing a new 215,000-gallon tank. The existing storage tank is currently still functioning and does not appear to show any significant signs of corrosion; therefore, the no action alternative was selected.

**Water Distribution Improvements:** Five alternatives were considered for the Water Distribution Improvements. These included replacing undersized water mains (#1), replacing at-risk water mains due to erosion (#2), replacing the water main at River Crossing (Attached to Bridge, #3), replacing the water main at River Crossing (Directional Drill,#4), and a no action alternative (#5).

In addition to the replacement of water mains mentioned above, alternative #1, #2, #3, and #4 include making minor improvements to both booster stations. Improvements would include replacement of exhaust fan and unit heater at Booster Station #1 and a new unit heater and minor security updates at Booster Station #2. The no action alternative is not feasible as the exposed water main is at great risk of damage and failure

Alternative #3 consists of replacing the 6” water main attached to the US50/US150 bridge across the East Fork White River attached to the bridge. This alternative was selected as it will replace the water main before failure and provide needed updates to booster stations.

## VII. ENVIRONMENTAL IMPACTS OF THE FEASIBLE ALTERNATIVES

### A. Direct Impacts of Construction and Operation

**Disturbed/Undisturbed Land:** Work related to well improvements and where the water main will be installed, in addition to improvements to the existing Booster Stations will occur in areas that have been previously disturbed by construction activity.

**Structural Resources (Figure 2):** Construction and operation of the project will not alter, demolish or remove historic properties. If any visual or audible impacts to historic properties occur, they will be temporary and will not alter the characteristics that qualify such properties for inclusion in or eligibility for the National Register of Historic Places. The SRF’s finding pursuant to Section 106 of the National Historic Preservation Act is: “*no historic properties affected.*”

**Surface Waters:** The project will not adversely affect outstanding state resource waters listed in 327 IAC 2-1.3-3(d), exceptional use streams listed in 327 IAC 2-1-11(b), Natural, Scenic and Recreational Rivers and Streams listed in 312 IAC 7-(2), or Salmonid Streams listed in (327 IAC 2-1.5-5(a)(3) or streams on the Outstanding River List for Indiana. The project is on a bridge over the East Fork White River.

**Wetlands (Figure 3):** Wetlands will not be impacted by the construction to replace the water main under the bridge.

**Floodplain (Figure 4):** Construction will occur in a floodway. As shown, the East Fork White River is near the wells, chemical feed building, and the new water main river crossing that will be attached to the US50/US150 bridge. However, these facilities will be constructed sufficiently above the flood elevation. Therefore, no adverse effects to the floodplain are anticipated as a result of this project.

**Groundwater:** The project will not impact a drinking water supply or sole source aquifer.

**Plants and Animals:** The Preliminary Engineering Report (PER) states: None of the projects are likely to significantly impact plant and animal life. The projects will be implemented to minimize impact to nonendangered species and their habitat. Mitigation measures cited in comment letters from the Indiana Department of Natural Resources and the U.S. Fish and Wildlife Service will be implemented.

**Prime Farmland:** The project will not convert prime farmland.

**Air Quality:** Construction activities will generate some noise, fumes, and dust, but should not significantly affect air quality.

**Open Space and Recreational Opportunities:** The project will neither create nor destroy open space or recreational opportunities.

**National Natural Landmarks:** Construction and operation of the proposed project will not affect National Natural Landmarks.

## **B. Indirect Impacts**

The town's Preliminary Engineering Report (PER) states: *The Town, through the authority of its council, planning commission or other means, will ensure that future development, as well as future water distribution system or treatment works projects connecting to the SRF-funded facilities will not adversely affect wetlands, wooded areas, steep slopes, archaeological/historical/structural resources or other sensitive environmental resources. The town will require new development and treatment works projects to be constructed within the guidelines of the U.S. Fish and Wildlife Service, IDNR, IDEM and other environmental review authorities.*

## **C. Comments from Environmental Review Authorities**

In correspondence dated June 14, 2024, the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology stated:

*Pursuant to Indiana Code 5-1.2-10, Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") is conducting an analysis of the materials dated and received by the Indiana SHPO on May 20, 2024 for the above indicated project in Shoals, Martin County, Indiana.*

*Based on our analysis, it has been determined that no historic properties will be altered, demolished, or removed by the proposed project.*

*If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.*

In correspondence dated February 6, 2024, the United States Fish and Wildlife Service stated:

The USFWS concluded a "May Affect, Not Likely to Adversely Affect" for the Northern long-eared bat (*Myotis septentrionalis*). No critical habitat was noted in the project area for the

endangered Indiana bat (*Myotis sodalis*) or the proposed endangered Tricolored bat (*Perimyotis subflavus*). USFWS did not provide any conservation measures.

In correspondence dated June 12, 2024, the Department of Natural Resources Environmental Unit stated:

*The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.*

*If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.*

*Regulatory Assessment: This proposal will require the formal approval for construction in a floodway under the Flood Control Act, IC 14- 28-1, unless it qualifies for a general license under Administrative Rule 312 IAC 10-5 that applies to utility line crossings (see enclosure). Please include a copy of this letter with the permit application if the project does not meet the general license criteria.*

*Natural Heritage Database: The Natural Heritage Program's data have been checked. The Division of Nature Preserves does not anticipate any significant impacts to the below-listed communities. The following have been documented within .5 mile of the project area:*

Properties

*Jug Rock Nature Preserve*

Communities and Geological Features

*Sandstone Cliff*

*Shawnee Hills Dry Upland Forest*

*Shawnee Hills Dry-mesic Upland Forest*

*Shawnee Hills Mesic Upland Forest*

*Waterfall and Cascade*

Fauna

*Clubshell (Pleurobema clava), State endangered*

*Fanshell (Cyprogenia stegaria), State endangered*

*Rough Pigtoe (Pleurobema plenum), State endangered*

*Sheepnose (Plethobasus cyphus), State endangered*

*Snuffbox (Epioblasma triquetra), State endangered*

*Ohio Pigtoe (Pleurobema cordatum), State special concern*

*Salamander Mussel (Simpsonaias ambigua), State special concern*

*Lake Sturgeon (Acipenser fulvescens), State endangered*

*Spotted Darter (Etheostoma maculatum), State special concern*

*Common Mudpuppy (Necturus maculosus), State special concern*

*Ozark Stone (Acroneuria ozarkensis), State endangered*

**Fish and Wildlife Comments:**

*Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:*

*A) Heritage Species*

*The Division of Fish and Wildlife does not anticipate any significant impacts to the above-listed species due to this project.*

*The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:*

- 1. Revegetate all bare and disturbed areas that are not currently mowed and maintained with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion; turf-type grasses (including low-endophyte, friendly endophyte, and endophyte free tall fescue but excluding all other varieties of tall fescue) may be used in currently mowed areas only.*
- 2. Minimize and contain within the project limits all tree and brush clearing.*
- 3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.*
- 4. Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure.*
- 5. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the waterbody or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.*
- 6. Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loosewoven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.*

In correspondence dated July 15, 2024, the Natural Resources Conservation Service stated:

*The proposed Town of Shoals Water System Improvements Project in Martin County, Indiana, as referred to in your letter received June 14, 2024, will not cause a conversion of prime farmland.*

## **VIII. MITIGATION MEASURES**

Town of Shoal's Preliminary Engineering Report states:

*This section presents a list of mitigation measures that will be utilized for minimizing or avoiding impacts from the proposed projects. It is important to note that there is no substitute for avoiding impacts. Mitigation measures are recommended only when there are no feasible alternatives to those which may cause particular impacts. The following is a listing of possible mitigation measures.*

### *General Erosion and Sedimentation Control Measures*

- Removal of existing vegetation will be kept to a minimum. Whenever feasible and, when appropriate, land grading and excavating will be kept to rights-of-way and to a minimum in order to reduce the possibilities of creating excessive runoff and erosion problems.*
- Appropriate structural (e.g., sediment basins, riprap) or agronomic (e.g., seeding, mulching, liming, fertilizing) practices to control erosion and sedimentation will be in place during and after construction.*
- Drainage systems will be stabilized as early as possible to avoid sedimentation problems.*
- Surface and subsurface drainage patterns will be restored as early as possible. Construction entrances, roadways and parking lots will be stabilized as soon as possible by means of stone pads or paving.*

- *Construction activities (clearing and grading) will not be started until a firm schedule is known and can be effectively coordinated with the appropriate soil erosion control measures.*
  - *An erosion and sedimentation control plan will be developed and implemented in coordination with the U.S. Natural Resource Conservation Service.*
- *Areas of exposed soil will be periodically wetted.*
- *No chemicals will be used for dust control.*
- *Construction roads, pipe storage areas, and spoils storage areas will be confined to the upland side of the trench area so that any erosion will be into the trench rather than being washed in drainage ways.*
- *Topsoil will be stockpiled separately for future use and top dressing for those areas to be restored.*
- *Excess material resulting from pipe volume displacement will be saved for use on other parts of system construction.*
- *Dewatering will not be discharged directly to surface waters without first being directed to a temporary sedimentation basin.*

#### *Floodplain-Related Measures*

*While the well modifications and new chemical feed building will be located within the 100-year floodplain, they will be constructed above the flood elevation and therefore not anticipated to have long term negative impacts on the floodplain. Therefore, no floodplain-specific mitigation measures are required.*

#### *Cultural-Related Measures*

*Design aspects and construction methods will be examined to minimize impacts to cultural resources. If unanticipated significant cultural resources are encountered during construction, construction activities will cease so that the resources may be studied, protected or recovered.*

#### *Air Quality-Related Measures*

*Exposed soils and unpaved roadways will be periodically wetted to reduce the suspension of dust and air-borne contaminants. The number and size of construction equipment and vehicles will be minimized in order to reduce emissions.*

#### *Noise-Related Measures*

*Construction equipment will be well muffled and enclosed where possible. Construction will be scheduled for daylight hours only. The number and size of equipment and vehicles will be minimized.*

## **IX. PUBLIC PARTICIPATION**

A properly noticed public hearing was held on March 18, 2024, at 5:00 pm at the Shoal's Town Hall to discuss the PER. No written comments were received during the 5-day comment period following the hearing.



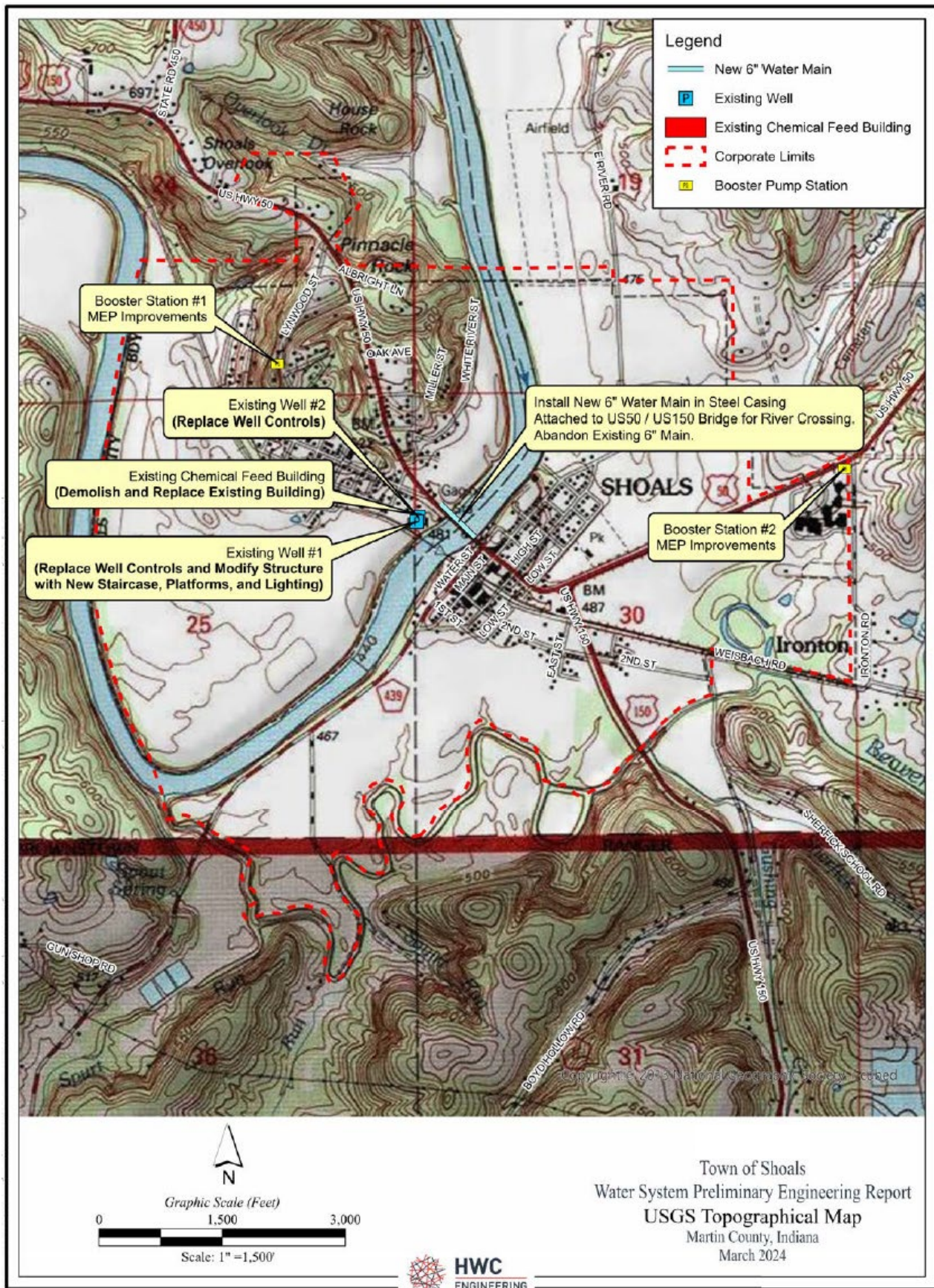


Figure 1

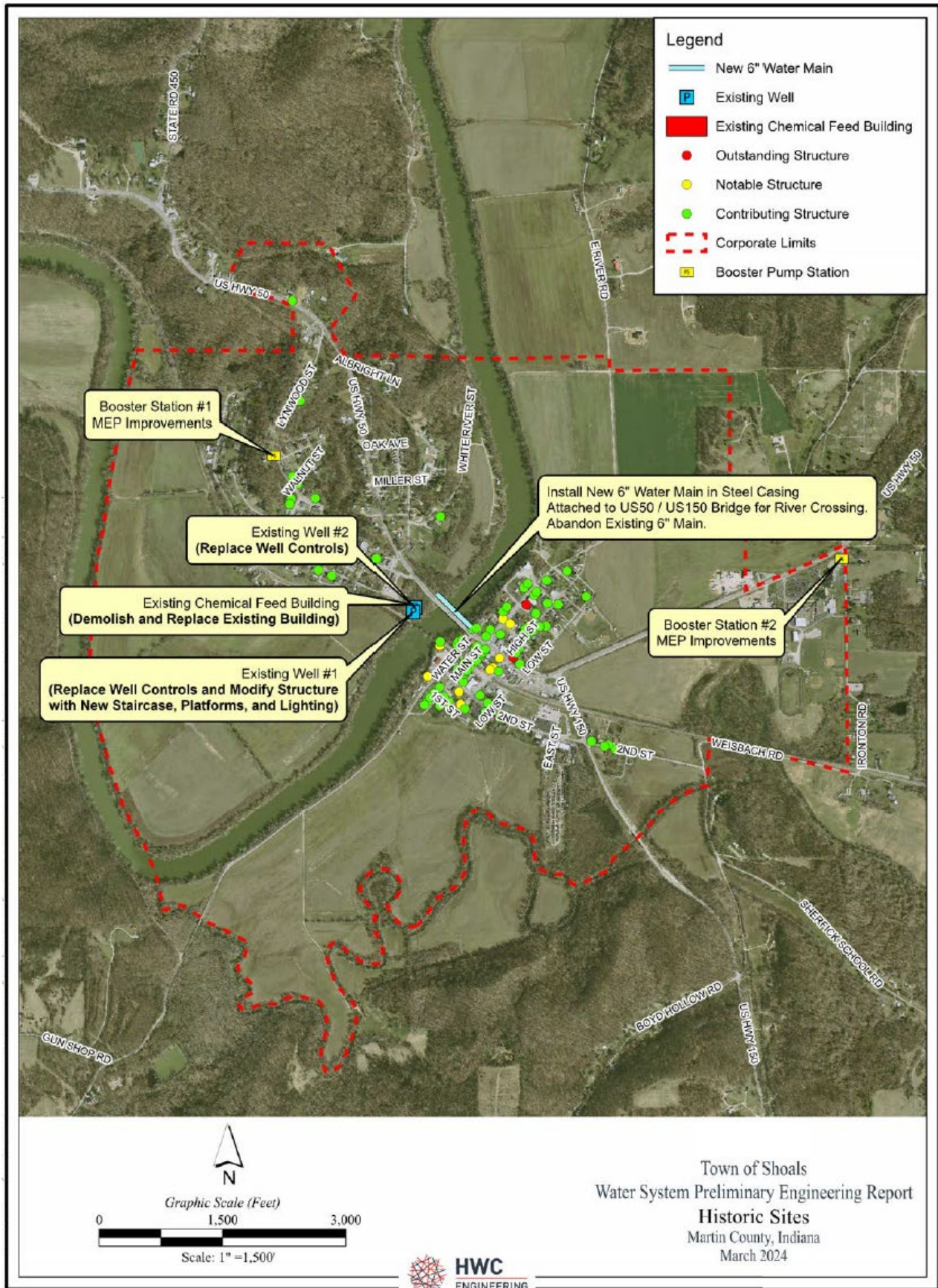


Figure 2

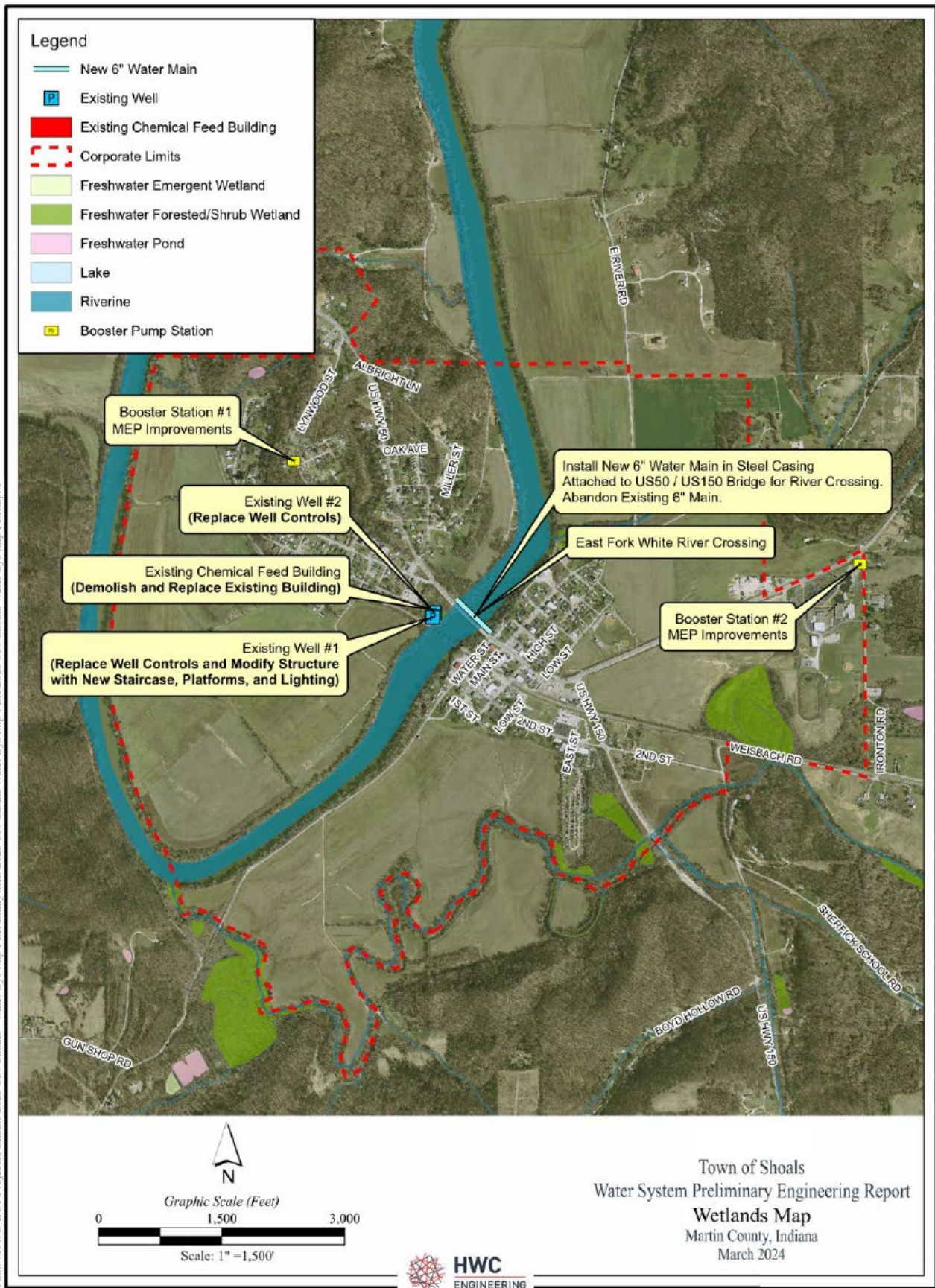


Figure 3

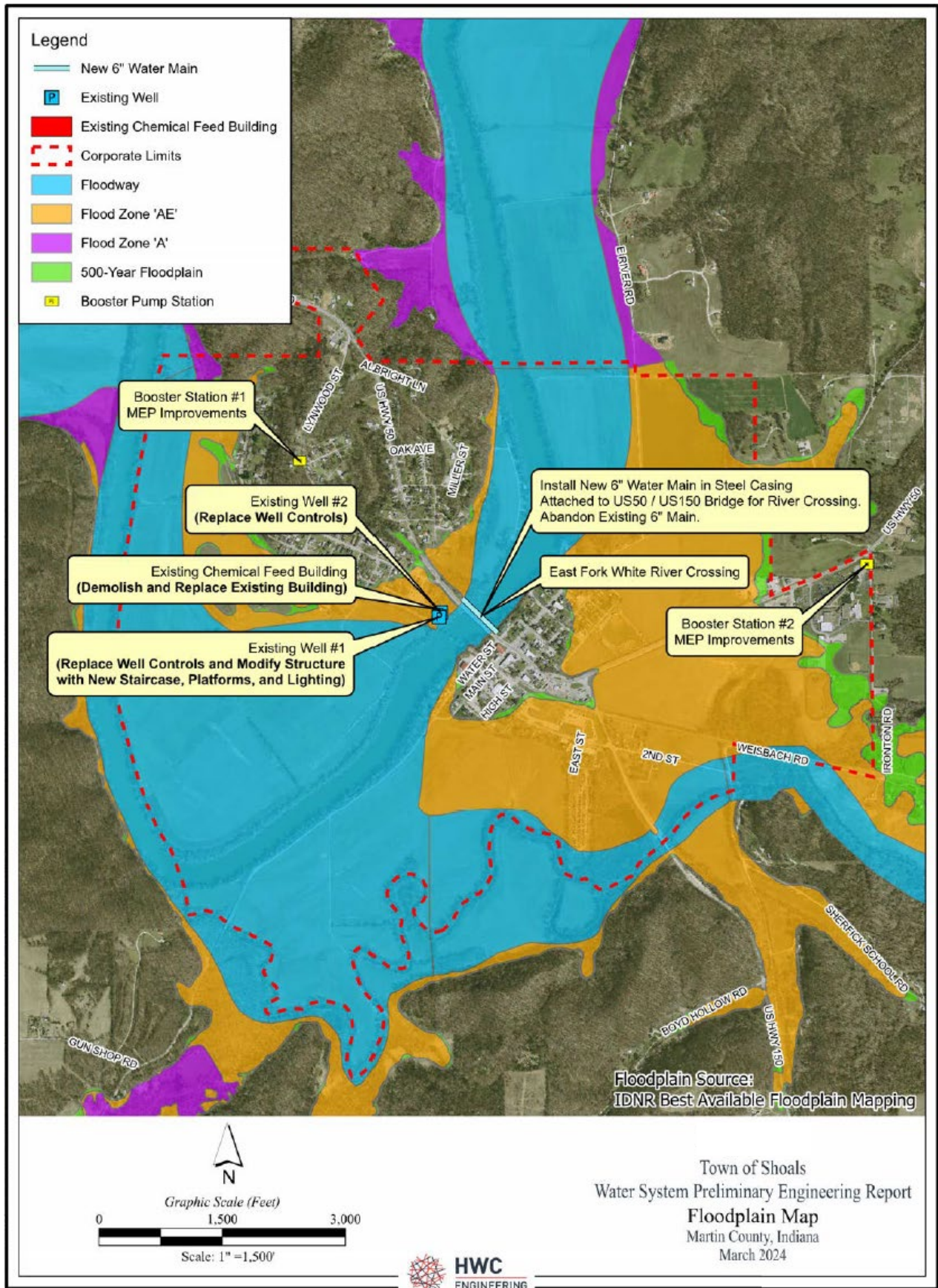


Figure 4

**DNR EU enclosure**

**ARTICLE 10. FLOOD PLAIN MANAGEMENT**

312 IAC 10-2-42 “Utility line crossing” defined

Authority: IC 14-28-1-5; IC 14-28-3-2

Affected: IC 14-27-7; IC 14-28-1; IC 14-28-3

Sec. 42. “Utility line crossing” means the utility crosses the waterway in a straight line at an angle of between forty-five (45) degrees and one hundred thirty-five (135) degrees from the streambank and does not parallel the waterway for more than fifty (50) feet in the floodway before crossing unless the parallel portion of the line is contained within existing road right-of-way. (Natural Resources Commission; 312 IAC 10-2-42; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3389, eff Jan 1, 2002)

Rule 5. General Licenses and Specific Exemptions from Floodway Licensing

312 IAC 10-5-0.3 Determining project eligibility for a general license; general criteria

Authority: IC 14-10-2-4; IC 14-28-1-5

Affected: IC 14-28-1; IC 14-29-1

Sec. 0.3. (a) Except as provided in subsections (b) and (c), a project for a utility line crossing, the removal of logjams and obstructions, or the placement of outfall projects within a floodway is eligible for a general license if the project satisfies the requirements of this rule. For the removal of logjams and obstructions, these requirements include the procedures established by section 0.6 of this rule.

(b) Subsection (a) does not authorize a project in any of the following circumstances:

(1) Within a river or stream listed in the Indiana Register at 16 IR 1677 in the Outstanding Rivers List for Indiana unless prior written approval from the division of water’s environmental unit has been obtained.

(2) Within a salmonid stream designated under 327 IAC 2-1.5-5(a)(3).

(3) Within a natural, scenic, or recreational river or stream designated under 312 IAC 7-2.

(4) For a utility line crossing, below the ordinary high watermark of a navigable waterway listed in the Indiana Register at 20 IR 2920 in the Roster of Indiana Waterways Declared Navigable or Nonnavigable unless the utility line is placed beneath the bed of the waterway under section 4(b) of this rule.

(5) Where the project requires an individual permit from the United States Army Corps of Engineers under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

(c) Subsection (a) does not authorize the removal of logjams or obstructions within one-half (½) mile of any of the following:

(1) A species listed in the Indiana Register at 15 IR 1312 in the Roster of Indiana Animals and Plants Which Are Extirpated, Endangered, Threatened, or Rare.

(2) A known mussel resource.

(3) An outstanding natural area, as contained on the registry of natural areas maintained in the natural heritage data center of the department.

(d) The limitations contained in subsection (b) and subsection (c) [subsections (b) and (c)] do not apply to section 7 of this rule. (Natural Resources Commission; 312 IAC 10-5-0.3; filed Aug 2, 2004, 3:18 p.m.: 27 IR 3875)

312 IAC 10-5-2 General licensing for utility line crossings

Authority: IC 14-10-2-4; IC 14-28-1-5

Affected: IC 14-27-7; IC 14-28-1; IC 14-29-1

Sec. 2. Except as provided in sections 3 and 4 of this rule, a license is required under IC 14-28-1, IC 14-29-1, and 312 IAC 10-4 to place a utility line in or on a floodway where:

(1) the drainage area of a river or stream is at least one (1) square mile at the downstream end of the line’s floodway segment; or

(2) a dam or levee regulated under IC 14-27-7 is affected.

(Natural Resources Commission; 312 IAC 10-5-2; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3394, eff Jan 1, 2002)

312 IAC 10-5-3 Aerial electric, telephone, or cable television lines; general license

Authority: IC 14-10-2-4; IC 14-28-1-5

Affected: IC 14-28-1; IC 14-29-1; IC 14-29-6

Sec. 3. The placement of an aerial electric, telephone, or cable television line is authorized without a written license issued by the department under IC 14-28-1, IC 14-29-1, and 312 IAC 10-4 if:

- (1) the activity does not disturb the bed of the waterway beneath the line;
- (2) the activity conforms with the minimum clearance requirements of section 4(b)(9) of this rule;
- (3) the support mechanisms are located at least seventy-five (75) feet from the top of the bank; and
- (4) the utility line crossing is not within the floodway of a natural river, scenic river, or recreational river designated under 312 IAC 7-2.

(Natural Resources Commission; 312 IAC 10-5-3; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3394, eff Jan 1, 2002; filed Aug 2, 2004, 3:18 p.m.: 27 IR 3876)

312 IAC 10-5-4 Qualified utility line crossings; general license

Authority: IC 14-10-2-4

Affected: IC 13-11-2-260; IC 14-27-7; IC 14-28-1-29; IC 14-33; IC 36-9-27

Sec. 4. (a) This section establishes a general license for the placement of a qualified utility line crossing in a floodway.

(b) A person who wishes to implement a project for the placement of a qualified utility line crossing on a river or stream, other than on a river or stream identified in section 0.3(b) or 0.3(c) of this rule, may do so without notice to the department if the project conforms to the following conditions:

(1) Tree removal and brush clearing shall be contained and minimized within the utility line crossing area. No more than one (1) acre of trees shall be removed within the floodway.

(2) Construction activities within the waterway from April 1 through June 30 shall not exceed a total of two (2) calendar days.

(3) Best management practices shall be used during and after construction to minimize erosion and sedimentation.

(4) Following the completion of construction, disturbed areas shall be reclaimed and revegetated. Disturbed areas shall be mulched with straw, wood fiber, biodegradable erosion blanket, or other suitable material. To prevent erosion until revegetated species are established, loose mulch shall be anchored by crimping, tackifiers, or netting. To the extent practicable, revegetation must restore species native to the site. If revegetation with native species is not practicable, revegetation shall be performed by the planting of a mixture of red clover, orchard grass, timothy, perennial rye grass, or another species that is approved by the department as being suitable to site and climate conditions. In no case shall tall fescue be used to revegetate disturbed areas.

(5) Disturbed areas with slopes of three to one (3:1) or steeper, or areas where run-off is conveyed through a channel or swale, shall be stabilized with erosion control blankets or suitable structural armament.

(6) No pesticide will be used on the banks.

(7) If a utility line transports a substance that may cause water pollution as defined in IC 13-11-2-260, the utility line will be equipped with an emergency closure system.

(8) If a utility line is placed beneath the bed of a river or stream, the following conditions are met:

(A) Cover of at least three (3) feet measured perpendicularly to the utility line is provided between the utility line and the banks.

(B) If the placement of a utility line is not subject to regulation under IC 14-28-1-29, IC 14-33, or IC 36-9-27, cover is provided as follows:

(i) At least three (3) feet, measured perpendicularly to the utility line, between the lowest point of the bed and the top of the utility line or its encasement, whichever is higher, if the bed is

composed of unconsolidated materials.

(ii) At least one (1) foot, measured perpendicularly to the line, between the lowest point of the bed and the top of the utility line or its encasement, whichever is higher, if the bed is composed of consolidated materials.

(C) If the placement of the utility line is subject to regulation under IC 14-28-1-29, IC 14-33, or IC 36-9-27, cover is provided as follows:

(i) At least three (3) feet, measured perpendicularly to the utility line, between the design bed and the top of the line or its encasement, whichever is higher, if the bed is composed of unconsolidated materials.

(ii) At least one (1) foot, measured perpendicularly to the line, between the design bed and the top of the line or its encasement, whichever is higher, if the bed is composed of consolidated materials.

(D) Negative buoyancy compensation is provided where the utility line has a nominal diameter of at least eight (8) inches and transports a substance having a specific gravity of less than one (1).

(9) If a utility line is placed above the bed of a river or stream, the following conditions are met:

(A) Except as provided in clauses (B) and (C), minimum clearance is provided from the lowest point of the utility line (determined at the temperature, load, wind, length of span, and type of supports that produce the greatest sag) calculated as the higher of the following:

(i) Twelve and one-half (12½) feet above the ordinary high watermark.

(ii) Three (3) feet above the regulatory flood elevation.

(B) If the river or stream is a navigable waterway that is subject to IC 14-28-1, the utility line that crosses over the waterway must be placed to provide the greater of the following:

(i) The minimum clearance required under clause (A).

(ii) The minimum clearance required for the largest watercraft that is capable of using the waterway. The utility must consult in advance with the department to determine the minimum clearance for watercraft at the crossing.

(C) If a utility line is attached to or contained in the embankment of an existing bridge or culvert, no portion of the utility line or its support mechanism may project below the low structure elevation or otherwise reduce the effective waterway area.

(10) A utility line placed in a dam or levee regulated under IC 14-27-7 does not qualify for a general license under this subsection.

(c) A person who elects to act under this section must comply with the general conditions under subsection (b). Failure to comply with these terms and conditions may result in the revocation of the general license, a civil penalty, a commission charge, and any other sanction provided by law for the violation of a license issued under IC 14-28-1 and, if the waterway is navigable, the violation of a license issued under IC 14-29-1. (Natural Resources Commission; 312 IAC 10-5-4; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3394, eff Jan 1, 2002; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1545; errata filed Mar 13, 2002, 11:51 a.m.: 25 IR 2521; filed Aug 2, 2004, 3:18 p.m.: 27 IR 3876)