Stream Bank Stabilization Permitting
The Flood Control Act

• The Flood Control Act (IC 14-28-1) was enacted in 1945 as a way to mitigate for "the loss of lives and property caused by floods and the damage resulting from floods".

• The Flood Control Act encourages wise use of the floodway to:
  • Minimize increased flood levels
  • Minimize injury or loss of human life
  • Reduce risk to private and public property
  • Minimize the loss of fish, wildlife, and botanical resources as a result of constructing in the floodway
Jurisdiction Under the Flood Control Act

• The Flood Control Act requires the prior approval of the DNR, Division of Water for construction in the floodway including an obstruction, fill, excavation, or the construction of a building.

• Typical examples of floodway projects subject to DNR review and approval include:
  • Fill, excavation, and/or land grading
  • Bank stabilization
  • Construction of bridges and private access crossings
  • Construction or reconstruction of buildings
  • Fencing
Floodplain = Floodway + Flood Fringe

- What is a floodplain?
  - The floodplain can be defined as “the area adjoining a river or stream that has been or may be covered by floodwater”.
  - The floodplain is divided into two parts: floodway and flood fringe.
  - The amount of flooding used to establish permitting jurisdiction is known as the regulatory flood.

- What is the floodway?
  - The floodway includes the channel of a river or stream; AND
  - The parts of the floodplain adjoining the channel that are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream".
Floodplain = Floodway + Flood Fringe

• The state’s jurisdiction under the Flood Control Act is limited to the floodway.
• A floodway exists for all waterways, even if it has not been mapped.
• If a project is proposed in an unmapped area, consultation with the Division of Water staff is advised.
Flood Control Act
Exemptions & General Licenses

Exemptions (IC 14-28-1-22)

- Work along a stream with an upstream drainage area less than 1 mi²
- State or County Rural Bridge Projects where the drainage area < 50 mi²
- Certain County Drainage Board projects along streams < 10 miles in length
- Certain Surface Mining Activity
- Development and maintenance of: crops, pastures, forests, and park and recreational uses (312 IAC 10-4-2)
- Removal of Logjams and Woody Debris

General Licenses (312 IAC 10-5)

- Utility Line Crossings
- Wetland Restoration
- Outfall Structures
- Creek Rock Removal
- Recreational Prospecting (panning for gold)
- Removal of Logjams and Woody Debris from a Salmonid Stream or a Natural, Scenic, or Recreational River or Stream
Division of Water Homepage

- Permit Information:  
  http://www.in.gov/dnr/water/2455.htm

- Statutes and Rules:
  - Flood Control Act
    https://iga.in.gov/legislative/laws/2015/ic/titles/014/articles/028/
  - Floodplain Management Rules:
    http://www.in.gov/legislative/iac/T03120/A00100.PDF
Division of Water Online Research Center (DoWORC)
Stream Bank Stabilization Projects

2-11-3 Minimum Required Information by Project Type

Bank Stabilization - View Example Plan

Minimum Required Information for Bank Stabilization Plans:

- Total lineal feet of bank to be stabilized
- Material used and size
- Existing height and profile of the bank
- Proposed height and profile of the bank and the thickness of the riprap layer
- Show how far the riprap extends beyond the existing bank
- Provide the finished slope
- A north arrow and scale
- Source of material for fill
- Placement of excess material
- Label cross-sections
- Datum of elevation
BANK STABILIZATION

View example project description | View list of items required for all plans

Minimum Required Information for Project Plans:
1. Total linear feet of bank to be stabilized
2. Material used and size
3. Existing height and profile of the bank
4. Proposed height and profile of the bank and the thickness of the rip-rap layer
5. Show how far the rip-rap extends beyond the existing bank
6. Provide the finished slope
7. A north arrow and scale or noted dimensions
8. Source of material for fill
9. Placement of excess material
10. Label cross-sections
11. Datum of elevation
Contact Us

Web:  http://www.in.gov/dnr/water/
Email:  water_inquiry@dnr.IN.gov
Phone:  877-928-3755 (toll-free)

Questions about permitting requirements can be directed to the Technical Services section of the Division of Water.

See the Statutes/Rules section for specific information on the DNR's permitting jurisdiction.