

(1) The parties to the proceeding have been notified and given an opportunity to be heard on a request for the temporary stay;

(2) The person requesting the temporary stay shows that there is a substantial likelihood of prevailing on the merits of the final determination of the contested case proceeding;

(3) The temporary stay will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources; and

(4) The conditions and criteria for granting a temporary stay as provided in regulations for contested case hearings adopted by the Department have been met.

(k) Under the following conditions, the Department may waive the notice requirements of this section and the holding of a public informational hearing on a permit application, provided that [contiguous property owners are notified under subsection (b) of this section and] interested persons who receive periodic reports will be notified under subsection [(1)] (M) of this section:

(1) If there is an emergency or a request to make minor repairs, the Department, upon written or oral application, may grant an application to repair any reservoir, dam, or waterway obstruction without notice or hearing. Repair necessary to save life or property may be made without an application, but notice shall be given promptly to the Department;

[(2)] If roads, bridges, or culverts meet minimum design standards acceptable to the Department, and construction does not adversely affect known water resources projects;

(3) (2) If plans of other projects which conform to water resources development plans accepted and adopted by the Department were subject to public hearing, and the Department's review finds no changed conditions in them since the last public review and comment to justify another hearing;

[(4)] (3) If temporary structures constructed to provide access across streams during construction operations or to trap sediment or achieve another similar purpose meet minimum design standards the Department establishes, and are removed completely, in a manner acceptable to the Department, within 6 months after need for the structure is terminated;

[(5)] (4) If the requested waterway construction permit is for temporary excavation, filling, or grading for the installation of utilities which meet minimum design standards acceptable to the Department and preconstruction contours which are to be reestablished upon installation of the utility; [and

(6) (5) If the requested waterway construction permit is for clearing and grading activities disturbing less than 5,000 square feet of land area and disturbing less than 100 cubic yards of earth; AND

(6) IF THE REQUESTED WATERWAY CONSTRUCTION PERMIT IS FOR LIVESTOCK CROSSING OF A STREAM.