

# **Public Notice**

**US Army Corps** of Engineers

Louisville, Detroit, and Chicago Districts ®

Public Notice No. Date: Closing Date: LRL-2014-100 June 12, 2018 July 13, 2018

Please address all inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Mr. Laban C. Lindley Indianapolis Regulatory Office 8902 Otis Avenue, Suite S106B

Indianapolis, Indiana 46216 Phone: (317) 543-9424

# NOTICE ANNOUNCING APPROVAL OF THE INDIANA DEPARTMENT OF NATURAL RESOURCES IN-LIEU FEE PROGRAM INSTRUMENT

This notice announces that on May 3, 2018, the Louisville, Detroit, and Chicago Districts of the U.S. Army Corps of Engineers (the "Corps"), approved the Indiana Department of Natural Resources (IDNR) In-Lieu Fee Program Instrument. The final instrument was submitted by the Sponsor, IDNR, to the Corps on February 16, 2018, and is consistent with 33 CFR Part 332 "Compensatory Mitigation for Losses of Aquatic Resources" ("Mitigation Rule"), as published in the Federal Register (FR) ((FR Vol. 73 No. 70, p 19670-19705(33 U.S. C.401 et seq.; 33 U.S.C 1344; and Pub. L. 108-136)) on April 10, 2008.

## USE OF IDNR IN-LIEU FEE PROGRAM:

In-Lieu Fee (ILF) mitigation occurs in circumstances where a permittee purchases credits from an ILF Program instead of completing project-specific mitigation or purchasing credits from an approved mitigation bank. The IDNR ILF Program is authorized to provide mitigation associated with Department of Army (DA) Permits pursuant to Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 401), and Indiana Department of Environmental Management (IDEM) permits pursuant to Section 401 of the Clean Water Act and Indiana State Isolated Wetlands Law (IC 13-18-22), within the State of Indiana.

Permittees wishing to purchase mitigation credits from the IDNR ILF Program, should contact IDNR by calling Mr. Carl J. Wodrich at (317) 232-1291, emailing at cwodrich@dnr.in.gov, or by writing to Mr. Wodrich at Indiana Department of Natural Resources, 402 W. Washington Street, W255A, Indianapolis, Indiana, 46204, to determine mitigation credit availability and credit fee structure. Please note that, in accordance with the Mitigation Rule, the cost per mitigation credit is set by the Sponsor.

#### **EFFECTIVE DATE:**

For projects proposing purchase of mitigation credits from the IDNR ILF Program, all applications submitted on or after the date of this notice shall be subject to the terms and conditions set forth in the approved IDNR ILF Instrument.

## **SERIVICE AREA:**

There are eleven Service Areas for the IDNR ILF Program covering the entire State of Indiana (Exhibit 1). An exhibit depicting the 11 Service Areas can also be found on page 4 of the IDNR ILF Instrument.

#### **CONTACT INFORMATION:**

Please be advised that the Corps is not seeking public comments on this notice. The IDNR ILF Instrument is available on the Corps "Regulatory In-Lieu Fee and Bank Information Tracking System" (RIBITS) internet site <a href="https://ribits.usace.army.mil">https://ribits.usace.army.mil</a> or by requesting at the address listed above. Questions regarding the IDNR ILF Instrument should be directed to Mr. Laban Lindley, at the address noted above and should refer to the Public Notice Number LRL-2014-100.

Indiana Stream and Wetland Mitigation Program
Service Areas

Steuben Lagrange St Joseph **USACE Public Notice** Elkhart St. Joseph River Calumet **Dunes** LaPorte LRL-2014-100 Porter Lake Exhibit 1. Dekalb Noble **Marshall** Starke. Kankakee Kosciusko Whitley Maumee **Fulton** Pulaski **Jasper** Newton Wabash Huntington Miami Cass Upper Wabash Adams Wells White Benton Carroll Grant Howard Blackford Jay **Tippecanoe** Warren **IN SWMP Service Areas:** Tipton Clinton Delaware Calumet-Dunes Madison Randolph Hamilton St. Joseph River **Fountain Upper White** Boone Montgomery Maumee Upper Wabash Henry Wayne Vermillion Kankakee Hancock Middle Wabash Marion Hendricks Middle Wabash **Parke Putnam Fayette Upper White** Union Rush Whitewater-East Fork White Shelby Johnson Morgan Franklin Lower White Vigo Whitewat er-East Fork White Clay Upper Ohio Owen Decatur Ohio-Wabash Lowlands Bartholomew Brown Dearborn Monroe Ripley Sullivan Greene Jennings Ohio Jackson Switzerland Lawrence Jefferson Indiana Department ower White of Natural Resources **Daviess** Martin Knox Scott Washington Orange Clark **Upper Ohio** Pike **Dubois** Floyd Gibson Crawford Harrison Warrick Ohio-Wabash Lowlands Perry Posey Vanderburgh Spencer