



Public Notice

Louisville Public Notice No. RGP No. 001
Detroit File No. 99-100-003-1

Date Issued:
15 Dec 2004

**US Army Corps
of Engineers**
Louisville District
Detroit District

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Amy S. Babey, CELRL-OP-FN
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6691

NOTICE ANNOUNCING ISSUANCE OF A REGIONAL GENERAL PERMIT

This notice announces that on December 15, 2004 the Louisville and Detroit Districts U. S. Army Corps of Engineers (the Districts) reissued a Regional General Permit (RGP), in accordance with Title 33 CFR 325.5 (C)(1), published in the Federal Register, Volume 51, No. 219, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

COVERAGE AREA: All Section 10 waters and Section 404 waters in the State of Indiana.

CATEGORIES OF ACTIVITIES COVERED BY THE REGIONAL PERMIT:

New Construction Activities:

This RGP authorizes activities associated with the construction or the installation of new facilities or structures. Typically, these include residential, commercial, industrial, institutional, and recreational activities that have been granted a Section 401 Water Quality Certification (WQC) from the IDEM, if required. Furthermore, these activities include but are not limited to shoreline alteration, filling and grading, dredging, channelization, boat mooring, launching ramps, stormwater, sediment, and erosion control activities, roads, infrastructures and utilities, provided the individual and cumulative impacts are minimal.

Agricultural and Mining Activities:

This RGP authorizes activities for agriculture and mining (excluding surface coal mining see NWP21). These include but are not limited to work or discharges of dredged or fill material associated with the buildings or work pads, stock piling of material, staging/loading/unloading areas, roads, land leveling, berms, dikes, dams, ditch construction, drainage facilities, and erosion and water control activities that have been granted a Section 401 WQC from IDEM, if required. This RGP does not affect those agricultural and mining activities that are exempt in accordance with 33 CFR Part 232.4.

EFFECTIVE DATE: December 15, 2004.

MAXIMUM LIMITATIONS:

1. Discharges of dredged or fill material is limited to one acre or less of waters of the United States, including wetlands;
2. Dredging in navigable waters is limited to 10,000 cubic yards;

3. Structures and fills for docking and mooring are limited to similar permitted structures and fills in the vicinity;
4. Discharges of dredged or fill material into Lake Michigan are limited to 0.10 acre except for bank stabilization.

Impacts resulting from the relocation, encapsulation, or channelization of greater than 300 linear feet of intermittent or perennial stream; the filling of greater than 0.10 acre of special aquatic sites; or work causing more than minimal effects will require mitigation to compensate for impacts to the stream, special aquatic sites or wetland affected. Other work or structures in navigable waters will be evaluated and must include mitigation to reduce the impacts to minimal levels.

RESTRICTIONS: See the terms and Special Conditions of the attached Section 401 WQC. The work authorized by this RGP is also subject to the attached General Conditions and any other Special Conditions necessary to reduce impacts to the minimum level.

RGP IMPLEMENTATION PROCEDURES:

1. Applicants proposing to conduct work in navigable waters or discharge dredged and/or fill material into all waters of the United States, including wetlands, must submit the application or notification form to the IDEM and the Corps as described in the Notification/Application Section above. Contact addresses for the IDEM and the Corps are listed on Page 8 of this Notice.
2. The Districts will review all applications for project compliance with the terms, maximum limitations, and general conditions identified in the attachment. The conditions have been adapted from the Corps' present standard permit conditions and the nationwide permit program. Any individual project that fails to comply with all conditions could not be authorized under the proposed RGP procedures. The Districts will also review the proposal to determine the coordination requirements with the U.S. Fish and Wildlife Service (USFWS) in accordance with the Endangered Species Act and with the Indiana State Historic Preservation Officer (SHPO) in accordance with the National Historic Preservation Act (see proposed general condition numbers 13 and 14). Applicants will be notified if additional information or project modification were necessary to comply with these requirements.
3. The applicant must immediately provide a copy of the 401 Water Quality Certification (WQC) to the appropriate Corps District. Typically, the District will respond in writing to all requests within 45 days. However, any work conducted under the RGP must comply with all the terms of the WQC as well as the RGP general conditions and any other special conditions that may be necessary to reduce the impacts to the minimal level, and to satisfy other environmental concerns and regulatory requirements.
4. The Districts may, at their discretion, determine that the RGP is not appropriate and require an

individual permit review of the proposal.

NOTIFICATION/APPLICATION PROCEDURES:

Applicants are required to submit either the IDEM RGP Notification form (<http://www.in.gov/icpr/webfile/formsdiv/51937.doc>) or the IDEM WQC application (<http://www.in.gov/icpr/webfile/formsdiv/48598.pdf>) depending upon the activity's location or the amount of impact. A copy of the IDEM's 401 WQC is attached to this notice. Notification to the IDEM is required for all projects. The following table summarizes the type of notification/application to be submitted and which agency to submit it to:

Proposed Work			Type of Application or Notification Required		Send To	
			<i>IDEM WQC Application</i>	<i>IDEM RGP Notification Form</i>	<i>IDEM</i>	<i>Corps</i>
Discharge > 0.1 acre			X		X	X
Discharge <= 0.1 acre	In wetlands			X	X	X
	In other waters	<= 300 Linear Feet (LF)		X	X	
		<= 300 LF of REC	X		X	
		> 300 LF	X		X	X
Work in navigable waters			X		X	X
Shore alteration projects in Adams, Allen, DeKalb, Elkhart, Jasper, Kosciusko, LaPorte, Lagrange, Lake, Marshall, Newton, Noble, Porter, St. Joseph, Starke, Steuben and Whitley Counties, or on Morse or Geist Reservoirs in Marion and Hamilton Counties				X	X	X

Note: REC – relocation, encapsulation, channelization of stream

The following paragraphs explain the table.

1. If the proposed discharge in Indiana waters would impact more than 0.1 acre, up to 1.0 acre, a formal Section 401 WQC application must be submitted to the IDEM and a copy furnished to the Corps.
2. If the proposed discharge in Indiana waters would impact 0.1 acre or less, the RGP Notification form must be submitted to the IDEM and in some instances to the Corps. The Corps does not require notification where the footprint of the fill is 0.1 acre or less unless the work involves greater than 300 linear feet of stream channel or shoreline (see “3” below) or is

located in wetlands, or navigable waters (see “4” below) or the work involves shoreline alteration as specified in paragraph “5” below.

3. If the proposed discharge in Indiana waters would impact less than or equal to 300 linear feet of stream channel or shoreline (excluding the areas identified in paragraph 5 below and stream relocation, channelization, or encapsulation), the RGP Notification form must be submitted to the IDEM. If the proposed discharge would involve the relocation, channelization, or encapsulation of any length of stream channel, a formal Section 401 WQC application must be submitted to the IDEM. If the proposed discharge in Indiana waters would impact more than 300 linear feet of stream channel or shoreline, a formal Section 401 WQC application must be submitted to the IDEM and a copy furnished to the Corps.
4. If the proposed discharge or if any work would be performed in navigable waters in Indiana (regardless of the acreage or linear foot limitations), a Section 401 WQC application must be submitted to both the IDEM and the Corps.
5. If the proposed discharge is for shoreline alteration within the Counties in Indiana listed below (regardless of the acreage or linear foot limitations) the RGP notification form must be submitted to the IDEM and the Corps. Those Counties are: Adam, Allen, DeKalb, Elkhart, Jasper, Kosciusko, LaPorte, Lagrange, Lake, Marshall, Newton, Noble, Porter, St. Joseph, Starke, Steuben and Whitley Counties. Also, if the proposed discharge is for shoreline alteration on Morse or Geist Reservoirs the RGP Notification form must be submitted to the Corps and the IDEM regardless of the location, acreage and/or linear foot limitations.

Any request for authorization under the RGP must provide the following information:

1. Name, address, and phone number of the permittee.
2. Location of the proposed work to include Section, Township, Range, latitude and longitude or UTM.
3. A detailed description of the project, its purpose, the dimensions including the size of the structure or the fill area, fill quantity and type of fill being used.
4. Drawings on 8 1/2 x 11-inch paper must include a location map, plan and cross-section drawings illustrating all the work to be done. The application drawings must provide a scale and/or the exact dimensions given.
5. A mitigation and monitoring plan, if applicable. For any project that impacts jurisdictional wetlands, a wetland delineation report is required and must conform to the Corps of Engineers’ Wetland Delineation Manual, Technical Report Y-87-1.

EXCLUDED ACTIVITIES:

1. Activities that are denied any required local, State or Federal authorization.
2. Activities that the Districts determine to have the potential to cause unacceptable adverse impacts on aquatic resources or other public interest factors. The Districts may on a case-by-case basis require an Individual Department of the Army (DA) permit. The Districts will notify the applicant that the project does not qualify for the RGP and instruct the applicant on the procedures to seek authorization under a standard Individual DA permit. The Districts may also require an Individual DA permit for any After-the-Fact application and/or any unauthorized activity regardless of whether or not the discharge meets the 1-acre threshold limitation.

GENERAL CONDITIONS:

1. *Minimization/Avoidance:* Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e. on-site). In determining the minimal impact threshold, the Districts will consider the direct and secondary impacts of the fill or work and any mitigation measures. A wetland delineation report is also required.
2. *Mitigation:* The permittee shall provide a mitigation/monitoring plan for any activity where the adverse impact on special aquatic sites exceeds 0.10 acre (4,356 sq. ft.) or is determined to be more than minimal impact. The permittee shall also provide a mitigation/monitoring plan for any channelization, encapsulation, or relocation of greater than 300 linear feet of intermittent or perennial stream. All mitigation plans should include a minimum 50-foot wide buffer between the edge of the project site and the waters and/or wetlands to be affected unless a lesser distance has been specifically approved under the RGP. If mitigation is required, the permittee shall develop the mitigation site concurrently with site construction.
3. *Soil Erosion and Sedimentation Controls:* The permittee shall install sedimentation and soil erosion control measures prior to any construction activity, and maintain them in effective operating condition during construction. This shall include the installation of straw bale barriers, silt fencing and/or other approved methods to control sedimentation and erosion. The permittee shall immediately stabilize areas disturbed by any construction activity, including channel banks, and revegetated with a combination of grasses, legumes and shrubs compatible to the affected area.
4. *Management of Water Flows:* In-stream work during periods of high flows should be avoided. The activity must be designed to maintain preconstruction flow conditions to the maximum extent practicable. The activity must not permanently restrict or impede the passage of high flows (unless the primary purpose of the fill is to impound waters). The activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project

site.

5. *Waterfowl Breeding Areas:* The discharge of dredged and/or fill material in known waterfowl breeding areas must be avoided to the maximum extent practicable.

6. *Aquatic Life:* The permittee shall not perform in-stream construction activity during the fish-spawning season between April 1 through June 30 without prior approval from the Districts. The Districts will coordinate with the Indiana Department of Natural Resources for their expertise on impacts to the fishery resource. The permittee will ensure that the activity authorized will not disrupt movement of those aquatic species indigenous to the waterbody, including those species which normally migrate through the area unless the activity's specific purpose is to impound water.

7. *Equipment:* All construction equipment shall be refueled and maintained on an upland site away from existing streams, drainageways and wetland areas. Heavy equipment working in wetlands must be placed on mats, or other measures taken to minimize soil disturbance.

8. *Water Quality:* The permittee must provide a copy of the site specific State Section 401 WQC before the Corps will authorize a project under the RGP.

9. *Case-by-case conditions:* The permittee must comply with any case specific special conditions added by the Corps or by the State Section 401 WQC. The conditions imposed in the State Section 401 WQC are also conditions of this RGP.

10. *Navigation:* The permittee shall assure that no activity authorized by the RGP may cause more than a minimal adverse effect on navigation.

11. *Maintenance:* Any structure or fill authorized by this RGP shall be properly maintained, including maintenance to ensure public safety.

12. *Wild and Scenic Rivers:* The permittee shall not perform any work within any Wild and Scenic Rivers or in any river officially designated as a "study river" for possible inclusion in the system, unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity authorized by the RGP will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal Land Management agency in the area (e.g. U.S. Forest Service, Bureau of Land Management or the U.S. Fish and Wildlife Service).

13. *Endangered Species:* The permittee shall not perform any work under the RGP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. The permittee shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work under the RGP until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Authorization of an

activity under the RGP does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act.

14. *Historic Properties:* The permittee shall not perform any activity under the RGP which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C. The permittee must notify the District Engineer if the activity authorized by the RGP may affect any historic properties listed, determined to be eligible or which the permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin construction until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology.

If the permittee discovers any previously unknown historic or archaeological remains while accomplishing the activity authorized by the RGP, work must be immediately stopped and this office immediately notified of what you have found. The District will initiate the Federal, tribal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

15. *Water Supply Intakes:* The permittee shall not perform any work under the RGP where the discharge of dredged and/or fill material would occur in the proximity of a public water supply intake except where the activity is for the repair of the public water supply structure or adjacent bank stabilization.

16. *Suitable Materials:* No activity, including structures and work in waters of the United States or discharges of dredged or fill material may consist of unsuitable materials (e.g. trash, debris, car bodies, asphalt, etc.) and that materials used for construction or discharge must be free from toxic pollutants in toxic amounts.

17. *Impoundments:* The permittee shall ensure that if the activity approved by the RGP includes impoundment of water, measures will be taken to minimize adverse effects on the aquatic ecosystem caused by the accelerated passage of water and/or the restriction of flow.

18. *Removal of Temporary Fills:* The permittee shall ensure that all temporary fills, authorized under the RGP, be removed in their entirety and the affected areas returned to pre-construction elevation.

19. *Access:* Representatives from the Corps of Engineers and/or IDEM may inspect any authorized activity or mitigation site at any time deemed necessary to ensure compliance with the terms and conditions of the RGP, Section 401 WQC, and applicable laws.

Operations Division
Regulatory Branch (North)
ID NO. 199900459-asb

20. *Construction Period:* All work authorized by this RGP must be completed by the expiration date of this RGP or 1 year after the date of the Corps authorization letter, whichever occurs later. If you find you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 3 months before the expiration date.

21. *Reporting:* The permittee after completion of work under the RGP shall submit a signed certification letter regarding the completed work and required mitigation, if applicable. The certification letter will include a statement that the work was done in accordance with the RGP authorization including compliance with all general and special conditions and completion of mitigation work.

EXPIRATION DATE: This Regional General Permit will be in effect for a period of five (5) years. At the end of the 5-year period, the impact of the authorized activities will be evaluated and a decision made whether or not to renew this permit. Further, the Districts may, at any time during this 5-year period, alter, modify, or revoke this permit, should it be determined that such action would be in the overall public interest.

Information pertaining to this Regional General Permit including the Combined Decision Document is available for public examination during normal business hours upon prior request. Any questions pertaining to this regional permit should be addressed to Ms. Amy S. Babey, CELRL-OP-FN at the address noted above and should refer to Regional General Permit No.1. In Detroit District contact Charlie Simon at 313-226-2221.

CONTACT INFORMATION:

Indiana Department of Environmental Management
Office of Water Quality
Section 401 WQC/State Isolated Wetlands Program
P.O. Box 6015
Indianapolis, IN 46206-6015

U.S. Army Corps of Engineers
Louisville District
ATTN: CELRL-OP-FN
P.O. Box 59
Louisville, KY 40201-0059

U.S. Army Corps of Engineers
Regulatory Office
Detroit District
P.O. Box 1027
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Joseph E. Kernan
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Indianapolis, Indiana 46206-6015
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VIA CERTIFIED MAIL 7002 0510 0004 2630 3234

July 6, 2004

Mr. James Townsend
U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, Kentucky 40201-0059

Dear Mr. Townsend:

Re: Section 401 Water Quality Certification
Project: 2005 Reissuance of Nationwide Permits
and Renewal of Regional General Permit for
Indiana

INTRODUCTION

Office of Water Quality staff has reviewed your application dated January 29, 2004, requesting Section 401 Water Quality Certification. You propose to reissue all existing nationwide permits (NWP) and the Regional General Permit for the State of Indiana. Nationwide permits are intended to authorize categories of activities that are similar in nature and cause minimal individual and cumulative impacts to the aquatic environment.

As stated in your application, the Louisville and Detroit Districts of the Corps developed the existing Indiana Regional General Permit No. 1 (RGP 1) to replace several NWP. As a consequence of this action, the following NWP have been, and will continue to be, suspended and will not be in effect for the state of Indiana. You propose to continue the suspension of the following:

- NWP 7 Outfall Structures
- NWP 11 Temporary Recreational Structures
- NWP 13 Bank Stabilization
- NWP 14 Linear Transportation Projects
- NWP 15 U.S. Coast Guard Approved Bridges
- NWP 18 Minor Discharges
- NWP 19 Minor Dredging
- NWP 25 Structural Discharges
- NWP 29 Single-family Housing
- NWP 36 Boat Ramps
- NWP 39 Residential, Comm. and Institutional Dev.
- NWP 40 Agricultural Activities

- NWP 41 Reshaping Existing Drainage Ditches
- NWP 42 Recreational Facilities
- NWP 43 Stormwater Management Facilities
- NWP 44 Mining Activities

Since the aforementioned NWPs are suspended in Indiana, no water quality certification decision is required.

DECISION

For the NWPs that will be in effect for the state of Indiana and RGP 1, it is the judgment of this office that the proposed NWPs and RGP 1 will comply with the applicable provisions of state law (including 327 IAC 2) and Sections 301, 302, 303, 306, and 307 of the Clean Water Act if the recipient of the certification complies with the conditions set forth below. Therefore, subject to the following conditions, the Indiana Department of Environmental Management (IDEM) hereby grants Section 401 Water Quality Certification for the NWPs described in your application received January 29, 2004 and the RGP 1 issued on October 22, 1999 and modified on July 14, 2000. Any changes in the language or scope of any NWP not detailed in the application described above, in the RGP 1, or as modified by the conditions below, are not authorized by this certification.

Section 401 Water Quality Certification Decisions for NWPs in effect for the State of Indiana - 2004

		DECISION	EXCLUSIONS
1	Aids to Navigation	Approve	None
2	Structures in Artificial Channels	Approve	None
3	Maintenance	Approve	Yes
4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	Approve	None
5	Scientific Measurement Devices	Approve	None
6	Survey Activities	Approve	None
8	Oil and Gas Structures	Approve	None
9	Structures in Fleeting and Anchorage Areas	Approve	None
10	Mooring Buoys	Approve	None
12	Utility Line Activities	Approve	Yes
16	Return Water from Upland Contained Disposal Areas	Approve	Yes
17	Hydropower Projects	Deny	N/A
20	Oil Spill Cleanup	Deny	N/A
21	Surface Coal Mining Activities	Approve	None
22	Removal of Vessels	Approve	None
23	Approved Categorical Exclusions	Deny	N/A
24	State Administered Section 404 Program	Approve	None
26	Reserved	N/A	N/A
27	Stream and Wetland Restoration Activities	Approve	Yes
28	Modifications of Existing Marinas	Approve	None
30	Moist Soil Management for Wildlife	Approve	None
31	Maintenance of Existing Flood Control Facilities	Deny	N/A
32	Completed Enforcement Actions	Deny	N/A
33	Temporary Construction, Access, and Dewatering	Approve	None
34	Cranberry Production Activities	Deny	N/A
35	Maintenance Dredging of Existing Basins	Deny	N/A
37	Emergency Watershed Protection and Rehabilitation	Approve	Yes
38	Cleanup of Hazardous and Toxic Waste	Deny	N/A

GENERAL CONDITIONS:

The following conditions shall apply to any person whose project qualifies under the RGP or any NWP approved under this certification:

1. The person shall deposit any dredged material in a contained upland disposal area to prevent sediment run-off to any waterbody. The person shall dispose of all dredged and excavated material according to the requirements of 329 IAC 10, governing Solid Waste Land Disposal Facilities. The person's project information may be forwarded to the IDEM Office of Land Quality, Industrial Waste Section for review. Sampling may be required to determine if the dredged sediment is contaminated. Failure to properly dispose of contaminated sediment may result in enforcement action.
2. The person shall install erosion control methods prior to any soil disturbance to prevent soil from leaving the construction site. Appropriate erosion control methods include, but are not limited to, straw bale barriers, silt fencing, erosion control blankets, phased construction sequencing, and earthen berms. The person shall monitor and maintain erosion control structures and devices regularly, especially after rain events, until all soils disturbed by construction activities have been permanently stabilized.
3. The person shall clearly mark the construction limits shown in the attached plans at the project site during construction.
4. The permittee shall allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials:
 - (1) to enter upon the permittee's property;
 - (2) to have access to and copy at reasonable times any records that must be kept under the conditions of this certification;
 - (3) to inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution management or discharge facility or device; practices required by this certification; and any wetland mitigation site; and
 - (4) sample or monitor any discharge of pollutants or any mitigation site.
5. This granting of Section 401 Water Quality Certification does not relieve the recipient of the certification from the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from IDEM or any other agency or person.
6. This certification does not:
 - (1) authorize impacts or activities outside the scope of this certification;
 - (2) authorize any injury to persons or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations;
 - (3) convey any property rights of any sort, or any exclusive privileges;
 - (4) preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities; or
 - (5) authorize changes in the plan design detailed in the application.

NWP/RGP SPECIFIC CONDITIONS:

The following conditions apply to Regional General Permit No. 1 and Nationwide Permits 3, 12, 27, and 37:

1. An activity that qualifies for a Corps of Engineers Regional General Permit or Nationwide Permits 3, 12 (Parts ii, iii, and iv ONLY), 27, or 37 is authorized pursuant to this Section 401 Water Quality

Certification (WQC) if:

- (A) The activity will impact one-tenth (0.1) of an acre or less of Waters of the United States¹, including wetlands², special aquatic sites³, creeks, ditches, streams, rivers, deep water areas⁴, or open water areas⁵; and
- (B) The activity will impact 300 linear feet or less of stream channel or shoreline, excluding the activities described in Condition 3 of this WQC. Fill must conform to the existing contour of the shoreline or bank and shall not exceed one cubic yard per linear foot. Fill shall not project into any stream or open body of water. For any project involving bridge construction or maintenance, the limits of bank impact are measured from the centerline of the bridge to a maximum projection of 150 linear feet upstream and downstream; and
- (C) The activity is part of a single and complete project.

All activities that exceed the above impact thresholds require an individual Section 401 WQC from IDEM and are not authorized under this WQC.

- 2. For Nationwide Permit 12 (Part I only) the following conditions apply:
 - a. Notification to IDEM is NOT required for any project where the only regulated activity is a the construction of a stream crossing where the crossing is constructed using direction boring or other related technique that DOES NOT involve the placement of fill materials within a regulated waterbody. Other forms of crossings, such as trenching, pipeline armoring, and the like, require notification to IDEM.
 - b. Notification to IDEM is required for any pipeline project that involves crossings of wetlands AND will involve the restoration of the wetland area to pre-construction grade and contours and the area will be restored with appropriate seeding and/or planting. A copy of the restoration plan should be submitted with the Notification Form.
 - c. IDEM may require an individual WQC if permanent conversion of wetlands will occur as a result of the project. Permanent conversion would include significant alteration of wetland hydrology or alteration of the dominant plant community, for example, removing a forested wetland and replacing it with an emergent wetland.
- 3. No stream channel relocation, stream piping, or stream channelization activity is authorized under this WQC. Channelization includes any activity that alters a stream channel either by dredging, excavating, or bank armoring in order to straighten, deepen, or otherwise alter the flow path and velocity of water traveling within the channel. Stream piping for the purpose of creating a crossing is permitted, but may not exceed 150 feet in order to qualify under this condition.
- 4. Any activity involving fill that is associated with additional impacts to Waters of the United States, such as dredging, excavation, damming, or creation of in-channel ponds, is not authorized under this WQC.
- 5. No activity is authorized under this WQC if it is to be conducted on or in any of the state's waters that have been designated by the Water Pollution Control Board as: salmonid waters (cold water streams), Outstanding State and/or National Resource Waters, and Exceptional Use waters. (*see Attachment #1*). Additionally, no activity is authorized under this WQC if it is to be conducted on or in: (a) any wetland adjacent to, or (b) any tributary within a two river mile reach upstream from the outlet to, such designated waters.
- 6. No activity is authorized under this WQC where state endangered, threatened, or rare species are documented on a permanent or seasonal basis within a 1/2-mile radius of the proposed project site by the Indiana Natural Heritage Data Center.

7. No activity is authorized under this Section 401 Water Quality Certification if it is to occur in any critical wetland or critical special aquatic Site listed on *Attachment #2*.
8. The IDEM Notification Form shall be completed, signed, and provided to IDEM by the permittee at least 45 working days prior to the proposed waterbody impact for all activities in which an individual Section 401 WQC is not required. NOTE: *A Notification Form is not required when the proposed activity meets all of the terms of the Special Conditions outlined in this letter.*
9. All dredged and excavated material must be disposed of according to the requirements of 329 IAC 10, governing Solid Waste Land Disposal Facilities. All discharges of return water from disposal facilities into waters of the state are subject to NPDES and other water quality requirements set forth in 327 IAC 5 and 327 IAC 2. All permittees must comply with all other applicable provisions of state law, including the provisions of 327 IAC 15-5 and 327 IAC 15-6.
10. IDEM will evaluate the cumulative effects of this General Permit annually. If at any time IDEM determines that the General Permit does not comply with Indiana Water Quality Standards on a cumulative basis, IDEM will revoke or modify the Section 401 Water Quality Certification.
11. In order to verify that a given project will qualify under the terms and conditions of the this certification, IDEM may require additional information from the applicant. If the applicant fails to provide any information requested by IDEM, then the project is not authorized.
12. The department, for any project that qualifies under the terms and conditions of this certification, may chose to require an individual water quality certification if it determines that the project would have more than minimal impacts to water quality, either viewed individually or collectively with other projects that may affect the same waterbody affected by the proposed project.

NWP 16 SPECIFIC CONDITION

1. The discharge of return water from upland contained disposal areas is regulated by IDEM's National Pollution and Discharge Elimination System Permitting Program. Persons qualifying for this NWP are advised to contact IDEM regarding the possible need for additional permits or authorizations.

Failure to comply with the terms and conditions of this Section 401 Water Quality Certification may result in enforcement action against the recipient of the certification. If an enforcement action is pursued, the recipient of the certification could be assessed up to \$25,000 per day in civil penalties. The recipient of the certification may also be subject to criminal liability if it is determined that the Section 401 Water Quality Certification was violated willfully or negligently.

EFFECTIVE DATE & APPEAL RIGHTS

This certification is effective 18 days from the mailing of this notice unless a petition for review and a petition for stay of effectiveness are filed within this 18-day period. If a petition for review and a petition for stay of effectiveness are filed within this period, any part of the certification within the scope of the petition for stay is stayed for 15 days, unless or until an Environmental Law Judge further stays the certification in whole or in part.

This decision may be appealed in accordance with IC 4-21.5, the Administrative Orders and Procedures Act. The steps that must be followed to qualify for review are:

1. You must petition for review in writing that states facts demonstrating that you are either the person to whom this decision is directed, a person who is aggrieved or adversely affected by the decision, or a person entitled to review under any law.

2. You must file the petition for review with the Office of Environmental Adjudication (OEA) at the following address:

Office of Environmental Adjudication
ISTA Building
150 West Market Street
Suite 618
Indianapolis, IN 46204

3. You must file the petition within eighteen (18) days of the mailing date of this decision. If the eighteenth day falls on a Saturday, Sunday, legal holiday, or other day that the OEA offices are closed during regular business hours, you may file the petition the next day that the OEA offices are open during regular business hours. The petition is deemed filed on the earliest of the following dates: the date it is personally delivered to OEA; the date that the envelope containing the petition is postmarked if it is mailed by United States mail; or, the date it is shown to have been deposited with a private carrier on the private carrier's receipt, if sent by private carrier.

Providing the IDEM ID # on the cover page of this decision, as well as the name of the applicant, and date of this decision will expedite review of the petition.

Note that if a petition for review is granted pursuant to IC 4-21.5-3-7, the petitioner will, and any other person may, obtain notice of any prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by requesting copies of such notices from OEA.

If you have procedural questions regarding filing a petition for review you may contact OEA at 317-232-8591.

If you have any questions about this certification, please contact Mr. Andrew Pelloso, Project Manager, of my staff at 317-233-2481, or you may contact the Office of Water Quality through the IDEM Environmental Helpline (1-800-451-6027).

Sincerely,



Martha Clark Mettler, Chief
Watershed Branch
Office of Water Quality

cc: Mr. Gary Mannesto, USACOE-Detroit
Mr. Scott Pruitt, USFWS
Ms. Cathy Garra, USEPA-RegionV
Mr. John Goss, IDNR
Mr. Jon Eggen, IDNR-Fish and Wildlife
Ms. Jane Hardisty, NRCS-Indianapolis

¹Defined at 33 CFR Part 328

²Defined at 40 CFR Part 230.3 (t)

³Defined at 40 CFR Part 230.3 (q-1)

⁴"Deep water" means areas that are permanently inundated at mean annual water depths greater than six and six-tenths (6.6) feet. These are areas that are not wetlands but may be adjacent to or surrounded by wetlands.

⁵"Open water" means areas of a wetland that are permanently inundated at mean annual water depths less than or equal to six and six-tenths (6.6) feet. These areas may contain little or no vegetation.

Attachment 1 - Indiana Waters Designated for Special Protection

Designated Salmonid Waters:

Trail Creek & tributaries upstream of US Highway 35.
East Branch of the Little Calumet River and its tributaries downstream to Lake Michigan via Burns Ditch.
Kintzele Ditch (Black Ditch) from Beverly Drive downstream to Lake Michigan.
Salt Creek above its confluence with the Little Calumet River.
Galena River and its tributaries in Laporte County.
The St. Joseph River and its tributaries in St. Joseph County from the Twin Branch Dam in Mishawaka downstream to the Indiana/Michigan state line.

Waterbodies which have been designated all or partially as Outstanding State Resource Waters:

The Blue River in Washington, Crawford, and Harrison counties.
Cedar Creek in Allen and DeKalb counties.
The North Fork of Wildcat Creek in Carroll and Tippecanoe counties.
The South Fork of Wildcat Creek in Tippecanoe County.
The Indiana portion of Lake Michigan.
All waters incorporated in the Indiana Dunes National Lakeshore.

Streams which have designated all or partially as Exceptional Use Streams:

Big Pine Creek in Warren County.
Mud Pine Creek in Warren County.
Fall Creek in Warren County.
Indian Creek in Montgomery County.
Clifty Creek in Montgomery County.
Bear Creek in Fountain County.
Rattlesnake Creek in Fountain County.
The small tributary to Bear Creek in Fountain County within the Portland Arch Nature Preserve which enters Bear Creek at the sharpest bend and has formed the small natural bridge called Portland Arch.
Blue River from the confluence of the West Middle Forks of the Blue River in Washington County.
The South Fork of the Blue River in Washington County.
Lost River and all surface and underground tributaries upstream from the Orangeville Rise (T2N, R1W, Section 6) and the Rise of Lost River (T2N, R1W, Section 7) and the mainstream of the Lost River from Orangeville Rise downstream to its confluence with the East Fork of the White River.

Attachment 2 - Critical Wetlands and Critical Special Aquatic Sites

1. Acid Bogs
2. Circumneutral Bogs
3. Cypress Swamps
4. Dune and Swale
5. Fens
6. Mark Beach
7. Muck Flat
8. Sand Flat
9. Sinkhole ponds
10. Sinkhole swamps

Definitions:

1. "Acid bog" means a wetland that includes the following characteristics:
 - (A) Located within glacial, moraine, ice-block depressions, or kettles, and more rarely located in unglaciated areas.
 - (B) The water regime is nonflowing or very slowly flowing.
 - (C) Substrates are seasonally or permanently saturated.
 - (D) Water chemistry is acidic.
 - (E) Nutrient availability is low.
 - (F) Composed of sphagnum peat or other low nutrient organic substrates.
 - (G) Indicator plant species include one (1) or more of the following:
 - (i) Arrow grass (*Scheuchzeria palustris americana*).
 - (ii) Bog bladderwort (*Utricularia geminiscapa*).
 - (iii) Bog rosemary (*Andromeda glaucophylla*).
 - (iv) Bog spike rush (*Eleocharis robbinsii*).
 - (v) Cordroot sedge (*Carex chordorrhiza*).
 - (vi) Dense cotton grass (*Eriophorum spissum*).
 - (vii) Dragon's mouth (*Arethusa bulbosa*).
 - (viii) Dwarf birch (*Betula pumila*).
 - (ix) Grass pink (*Calopogon tuberosus*).
 - (x) Gray bog sedge (*Carex canescens*).
 - (xi) Hair star sedge (*Carex atlantica capillacea*).
 - (xii) Hardhack (*Spiraea tomentosa rosea*).
 - (xiii) Highbush blueberry (*Vaccinium corymbosum*).
 - (xiv) Large cranberry (*Vaccinium macrocarpon*).
 - (xv) Large-fruited star sedge (*Carex echinata*).
 - (xvi) Leatherleaf (*Chamaedaphne calyculata angustifolia*).
 - (xvii) Marsh St. John's wort (*Hypericum virginicum*).
 - (xviii) Moccasin flower (*Cypripedium acaule*).
 - (xix) Mountain holly (*Nemopanthus mucronata*).
 - (xx) Muck sedge (*Carex limosa*).
 - (xxi) Narrow-leaved sundew (*Drosera intermedia*).
 - (xxii) Orange fringed orchid (*Habenaria ciliaris*).
 - (xxiii) Pitcher plant (*Sarracenia purpurea*).
 - (xxiv) Poison sumac (*Rhus vernix*).
 - (xxv) Round-leaved sundew (*Drosera rotundifolia*).
 - (xxvi) Running bog sedge (*Carex oligosperma*).
 - (xxvii) Rusty cotton grass (*Eriophorum virginicum*).
 - (xxviii) Screwstem (*Bartonia virginica*).
 - (xxix) Silky willow (*Salix sericea*).
 - (xxx) Slender cotton grass (*Eriophorum gracile*).

- (xxxix) White beak rush (*Rhynchospora alba*).
- (xl) Yellow avens (*Geum aleppicum*).
- (xxxi) Small cranberry (*Vaccinium oxycoccus*).
- (xxxii) Smith's tufted bulrush (*Scirpus smithii*).
- (xxxiii) Smooth white violet (*Viola pallens*).
- (xxxiv) Snake-mouth orchid (*Pogonia ophioglossoides*).
- (xxxv) Tamarack (*Larix laricina*).
- (xxxvi) Three-seeded bog sedge (*Carex trisperma*).
- (xxxvii) Two-seeded sedge (*Carex disperma*).
- (xxxviii) Virginia chain fern (*Woodwardia virginica*).

2. "Circumneutral bog" means a wetland that includes the following characteristics:
- (A) Located within glacial, moraine, ice-block depressions, or kettles, and more rarely located in unglaciated areas.
 - (B) Ground water inflow fluctuates with hydrostatic pressure.
 - (C) Water is nonflowing or very slowly flowing.
 - (D) Substrates are saturated.
 - (E) Water chemistry is circumneutral to slightly acidic.
 - (F) Deep rooted vegetation may be exposed to the alkaline or circumneutral minerotrophic ground water while shallow roots inhabit more acidic layers of the peat substrate.
 - (G) Nutrient availability is low.
 - (H) Composed of sphagnum peat or other low nutrient organic substrates.
 - (I) Indicator plant species include one (1) or more of the following:
 - (i) Bog panicked sedge (*Carex diandra*).
 - (ii) Bog willow (*Salix pedicellaris hypoglauca*).
 - (iii) Buckbean (*Menyanthes trifoliata minor*).
 - (iv) Flat-leaved bladderwort (*Utricularia intermedia*).
 - (v) Greenbog sedge (*Carex brunnescens*).
 - (vi) Highbush blueberry (*Vaccinium corymbosum*).
 - (vii) Marsh cinquefoil (*Potentilla palustris*).
 - (viii) Narrow-leaved wooly sedge (*Carex lasiocarpa americana*).
 - (ix) Northern gooseberry (*Ribes hirtellum*).
 - (x) Northern panic grass (*Panicum boreale*).
 - (xi) Pitcher plant (*Sarracenia purpurea*).
 - (xii) Poison sumac (*Rhus vernix*).
 - (xiii) Slender sedge (*Carex leptalea*).
 - (xiv) Small bladderwort (*Utricularia minor*).
 - (xv) Tamarack (*Larix laricina*).
 - (xvi) White beak rush (*Rhynchospora alba*).
3. "Cypress swamp" means a forested wetland that includes the following characteristics:
- (A) Located within a depression or slough associated with one (1) or more of the following:
 - (i) Wabash River.
 - (ii) Ohio River.
 - (iii) The tributaries of item (i) or (ii).
 - (B) Seasonally to permanently saturated or ponded.
 - (C) Water chemistry is circumneutral.
 - (D) Nutrient availability is not a defining characteristic of this wetland type.
 - (E) Composed of very poorly drained soils, usually not peat.
 - (F) Indicator plant species include Bald cypress (*Taxodium distichum*) and one (1) or more of the following:

- (i) American storax (*Styrax americana*).
- (ii) Bloodleaf (*Iresine rhizomatosa*).
- (iii) Catbird grape (*Vitis palmata*).
- (iv) Climbing hempweed (*Mikania scandens*).
- (v) Featherfoil (*Hottonia inflata*).
- (vi) Overcup oak (*Quercus lyrata*).
- (vii) Swamp cottonwood (*Populus heterophylla*).
- (viii) Water locust (*Gleditsia aquatica*).
- (ix) White milkweed (*Asclepias perennis*).

4. "Dune and swale" means a complex of sand dunes and wetlands that includes the following characteristics:

- (A) Sand hills, divided by low lying areas referred to as swales, that:
 - (i) are located within the Little Calumet-Galien United States Geological Survey (USGS) eight (8) digit watershed (Hydrologic Unit Code (HUC) 04040001 or Chicago United States Geological Survey (USGS) eight (8) digit watershed (Hydrologic Unit Code (HUC) 07120003; and
 - (ii) may contain one (1) or more of the following:
 - (AA) Wet prairies.
 - (BB) Pannes.
 - (CC) Coastal remnant communities.
- (B) Hydrology is ground water driven.
- (C) Water chemistry is alkaline and carbonate rich.
- (D) Nutrient availability is not a defining characteristic of this wetland type.
- (E) Substrate is wet calcareous sand.
- (F) Indicator plant species include one (1) or more of the following:
 - (i) Beach pea (*Lathyrus japonicus glaber*).
 - (ii) Common bog arrow grass (*Triglochin maritima*).
 - (iii) Dune goldenrod (*Solidago racemosa gillmanii*).
 - (iv) Dune thistle (*Cirsium pitcheri*).
 - (v) Dune willow (*Salix syrticola*).
 - (vi) Early fen sedge (*Carex crawei*).
 - (vii) False golden sedge (*Carex garberi*).
 - (viii) False heather (*Hudsonia tomentosa*).
 - (ix) Fringed gentian (*Gentiana crinita*).
 - (x) Golden sedge (*Carex aurea*).
 - (xi) Green yellow sedge (*Carex viridula*).
 - (xii) Hair bladderwort (*Utricularia subulata*).
 - (xiii) Horned bladderwort (*Utricularia cornuta*).
 - (xiv) Humped bladderwort (*Utricularia gibba*).
 - (xv) Indian paintbrush (*Castilleja coccinea*).
 - (xvi) Jack pine (*Pinus banksiana*).
 - (xvii) Jointweed (*Polygonella articulata*).
 - (xviii) Kalm's St. John's wort (*Hypericum kalmianum*).
 - (xix) Large yellow sedge (*Carex flava*).
 - (xx) Northern panic grass (*Panicum boreale*).
 - (xxi) Pale false foxglove (*Agalinis skinneriana*).
 - (xxii) Prairie gray sedge (*Carex conoidea*).
 - (xxiii) Rose gentian (*Sabatia angularis*).
 - (xxiv) Sand club moss (*Selaginella rupestris*).
 - (xxv) Sea rocket (*Cakile edentula*).
 - (xxvi) Seaside spurge (*Euphorbia polygonifolia*).
 - (xxvii) Small yellow lady's slipper (*Cypripedium calceolus parviflorum*).
 - (xxviii) Tall nut rush (*Scleria trigiomerata*).

- (xxix) Twig rush (*Cladium mariscoides*).
- (xxx) Wrinkle-sheathed spike (*Eleocharis olivacea*).

5. "Fen" means a wetland that includes the following characteristics:

(A) Formed from the discharge of water that travels through carbonate rich formations.

(B) Located:

(i) in general, near glacial formations such as:

(AA) kames;

(BB) eskers; or

(CC) moraines; or

(ii) also near river bluffs or dunes and in flats associated with the glacial formations listed in item (i).

(C) Hydrology is minerotrophic ground water.

(D) The water regime is very slowly flowing water that fluctuates seasonally.

(E) Water chemistry is alkaline and rich in carbonates.

(F) Nutrient availability is low but with high mineral content.

(G) Substrate is marl, peat, or muck.

(H) Indicator plant species include one (1) or more of the following:

(i) Alder buckthorn (*Rhamnus alnifolia*).

(ii) Black ash (*Fraxinus nigra*).

(iii) Bog goldenrod (*Solidago uliginosa*).

(iv) Bog lobelia (*Lobelia kalmii*).

(v) Bog valerian (*Valeriana uliginosa*).

(vi) Common valerian (*Valeriana ciliata*).

(vii) Dwarf birch (*Betula pumila*).

(viii) Eastern white cedar (*Thuja occidentalis*).

(ix) False asphodel (*Tofteldia glutinosa*).

(x) Fen panicled sedge (*Carex prairea*).

(xi) Fen star sedge (*Carex sterilis*).

(xii) Grass of parnassus (*Parnassia glauca*).

(xiii) Hair beak rush (*Rhynchospora capillacea*).

(xiv) Hemlock parsley (*Conioselinum chinense*).

(xv) Lance-leaved buckthorn (*Rhamnus lanceolata*).

(xvi) Large yellow sedge (*Carex flava*).

(xvii) Low calamint (*Satureja arkansana*).

(xviii) Low nut rush (*Scleria verticillata*).

(xix) Marsh bellflower (*Campanula uliginosa*).

(xx) Marsh club moss (*Selaginella apoda*).

(xxi) Marsh wild timothy (*Muhlenbergia glomerata*).

(xxii) Mead's stiff sedge (*Carex meadii*).

(xxiii) Narrow-leaved cotton grass (*Eriophorum angustifolium*).

(xxiv) Narrow-leaved loosestrife (*Lysimachia quadriflora*).

(xxv) Northern bog orchid (*Habenaria hyperborea huronensis*).

(xxvi) Northern gooseberry (*Ribes hirtellum*).

(xxvii) Ohio goldenrod (*Solidago ohioensis*).

(xxviii) Prairie star sedge (*Carex interior*).

(xxix) Rough bedstraw (*Galium asprellum*).

(xxx) Rush aster (*Aster borealis*).

(xxxi) Sage willow (*Salix candida*).

(xxxii) Shrubby cinquefoil (*Potentilla fruticosa*).

(xxxiii) Slender bog arrow grass (*Triglochin palustris*).

(xxxiv) Small bladderwort (*Utricularia minor*).

(xxxv) Small fringed gentian (*Gentiana procera*).

(xxxvi) Snake-mouth orchid (*Pogonia ophioglossoides*).

- (xxxvii) Swamp goldenrod (*Solidago patula*).
- (xxxviii) Swamp thistle (*Cirsium muticum*).
- (xxxix) Sweet william phlox (*Phlox maculata*).
- (xl) Twig rush (*Cladium mariscoides*).
- (xli) White beak rush (*Rhynchospora alba*).
- (xlii) White lady's slipper (*Cypripedium candidum*).
- (xliii) Wicket spike rush (*Eleocharis rostellata*).

6. "Marl beach" means a fen-like wetland that includes the following characteristics:
- (A) Located along a lake shoreline mostly in the northeastern portion of Indiana.
 - (B) Shallowly inundated with water in the spring but dry during the summer.
 - (C) Water chemistry is alkaline.
 - (D) Nutrient availability is not a defining characteristic of this wetland type.
 - (E) Substrate is marl.
 - (F) Indicator plant species include one (1) or more of the following:
 - (i) Fen star sedge (*Carex sterilis*).
 - (ii) Flat-leaved bladderwort (*Utricularia intermedia*).
 - (iii) Golden-seeded spike rush (*Eleocharis elliptica*).
 - (iv) Hair beak-rush (*Rhynchospora capillacea*).
 - (v) Short-headed rush (*Juncus brachycephalus*).
 - (vi) Slender bog arrow grass (*Triglochin palustris*).
 - (vii) Twig rush (*Cladium mariscoides*).
 - (viii) Wicket spike rush (*Eleocharis rostellata*).
 - (ix) Wiry panic grass (*Panicum flexile*).
7. "Muck flat" means a shoreline or lakeshore wetland that includes the following characteristics:
- (A) Located within the glaciated portions of the northern half of Indiana.
 - (B) Has a basin water level that fluctuates during a season or from year to year in response to the amount of precipitation.
 - (C) Is usually inundated during high water periods and exposed periodically.
 - (D) Water chemistry is not a defining characteristic of this wetland type.
 - (E) Nutrient availability is not a defining characteristic of this wetland type.
 - (F) Substrate is peat.
 - (G) Indicator plant species include one (1) or more of the following:
 - (i) Autumn sedge (*Fimbristylis autumnalis*).
 - (ii) Black-fruited spike (*Eleocharis melanocarpa*).
 - (iii) Bog spike rush (*Eleocharis robbinsii*).
 - (iv) Brown-fruited rush (*Juncus pelocarpus*).
 - (v) Carey's heartsease (*Polygonum careyi*).
 - (vi) Chestnut sedge (*Fimbristylis puberula*).
 - (vii) Cross milkwort (*Polygala cruciata aquilonia*).
 - (viii) Floating bladderwort (*Utricularia inflata minor*).
 - (ix) Grass beak rush (*Rhynchospora globularis recognita*).
 - (x) Horned beak rush (*Rhynchospora macrostachya*).
 - (xi) Hyssop hedge nettle (*Stachys hyssopifolia*).
 - (xii) Long-beaked bald rush (*Psilocarya scirpoides*).
 - (xiii) Meadow beauty (*Rhexia virginica*).
 - (xiv) Netted nut rush (*Scleria reticularis*).
 - (xv) Pipewort (*Eriocaulon septangulare*).
 - (xvi) Pursh's tufted bulrush (*Scirpus purshianus*).
 - (xvii) Round-headed rush (*Juncus scirpoides*).
 - (xviii) Sand panic grass (*Panicum spretum*).
 - (xix) Sessile water horehound (*Lycopus amplexans*).
 - (xx) Slender-leaved goldenrod (*Solidago tenuifolia*).

- (xxi) Smith's tufted bulrush (*Scirpus smithii*).
- (xxii) Southern yellow flax (*Linum intercursum*).
- (xxiii) Stiff yellow flax (*Linum striatum*).
- (xxiv) Tall yellow-eyed grass (*Xyris difformis*).
- (xxv) Umbrella sedge (*Fuirena pumila*).
- (xxvi) Warty panic grass (*Panicum verrucosum*).
- (xxvii) Water pennywort (*Hydrocotyle umbellate*).
- (xxviii) Wrinkle-sheathed spike (*Eleocharis olivacea*).
- (xxix) Yellow-eyed grass (*Xyris torta*).

8. "Sand flat" means a shoreline or lakeshore wetland located in the northern portion of Indiana that has the same characteristics as a muck flat with the exception that the substrate is composed of sand.
9. "Sinkhole pond" means a wetland that includes the following characteristics:
- (A) Located within depressions formed by chemical and physical weathering of the underlying limestone.
 - (B) Found in the karst region of southern Indiana.
 - (C) Permanently inundated or saturated with water and dry only in drought years.
 - (D) Water chemistry is alkaline to circumneutral.
 - (E) Nutrient availability is not a defining characteristic of this wetland type.
 - (F) Substrate is not a defining characteristic of this wetland type.
 - (G) Indicator plant species include one (1) or more of the following:
 - (i) Branched bur reed (*Sparganium androcladum*).
 - (ii) Bristly sedge (*Carex comosa*).
 - (iii) Broad-leafed paniced sedge (*Carex decomposita*).
 - (iv) Humped bladderwort (*Utricularia gibba*).
 - (v) Sharp scaled manna grass (*Glyceria acutiflora*).
 - (vi) Swamp loosestrife (*Decodon verticillatus*).
 - (vii) Three-way sedge (*Dulichlum arundinaceum*).
 - (viii) Water-hissop (*Bacopa rotundifolia*).
10. "Sinkhole swamp" means a wetland that has the following characteristics:
- (A) Located within depressions formed by chemical and physical weathering of the underlying limestone.
 - (B) Found in the karst region of southern Indiana.
 - (C) Permanently inundated or saturated with water and dry only in drought years.
 - (D) Water chemistry is alkaline to circumneutral.
 - (E) Nutrient availability is not a defining characteristic of this wetland type.
 - (F) Substrate is not a defining characteristic of this wetland type.
 - (G) Indicator plant species include one (1) or more of the following:
 - (i) Broad-leafed paniced sedge (*Carex decomposita*).
 - (ii) Greater hop sedge (*Carex gigantea*).
 - (iii) Horned beak rush (*Rhynchospora corniculata*).
 - (iv) Marsh elder (*Itea virginica*).
 - (v) Netted chain fern (*Woodwardia areolata*).
 - (vi) Small spearwort (*Ranunculus pusillus*).
 - (vii) Swamp cottonwood (*Populus heterophylla*).
 - (viii) Walter's St. John's wort (*Triadenum walteri*).



Section 401 WQC Regional General Permit Notification

State Form 51937 (10-04)

Indiana Department of Environmental Management

- INSTRUCTIONS:**
1. Read the instruction sheet before filling out this form.
 2. All sections of this two page form must be complete.

		Date Rec'd:		IDEM ID:	
Applicant:		Agent:			
Contact person:		Contact person:			
Address:		Address:			
Phone:		Phone:			
E-mail:		E-mail:			
County:		Nearest Town:			
Quad Name:	Township:	Range:	Section:		
Project Address:					
Wetlands: <input type="checkbox"/> YES <input type="checkbox"/> NO				Total acreage onsite:	
Wetland type: <input type="checkbox"/> Emergent <input type="checkbox"/> Scrub-shrub <input type="checkbox"/> Forested					
Stream: <input type="checkbox"/> YES <input type="checkbox"/> NO				Stream name:	
Open water: <input type="checkbox"/> YES <input type="checkbox"/> NO				Open water type:	
Activity Description:					
Purpose of project:					
Acres of wetland impact		Emergent:	Scrub/shrub:	Forested:	
Linear feet of stream impact:				Acres of open water impact:	
Riprap below the Ordinary High Water Mark		Volume (cubic yds. per running ft.):		Area (sq. ft.):	

I certify that I am familiar with the information contained in this notification and, to the best of my knowledge and belief, such information is true and accurate. I certify that I have the authority to undertake and will undertake the activities as described in this notification. I am aware that there are penalties for submitting false information. I understand that any changes in project design subsequent to IDEM's granting of authorization to discharge to a water of the state are not authorized and I may be subject to civil and criminal penalties for proceeding without proper authorization. I agree to allow representatives of the IDEM to enter and inspect the project site. I understand that the granting of other permits by local, state, or federal agencies does not release me from the requirement of obtaining the authorization requested herein before commencing the project.

Applicant's Signature: _____ Date: _____
(mm/dd/yyyy)

Print Name: _____ Title: _____

Enclose copies of the following documents (ALL enclosures must be on 8.5" by 11" paper:

- ? ? Location map
- ? ? Drawings of existing site and proposed project
- ? ? At least three photos of site, labeled
- ? ? Copies of all correspondence from the U.S. Army Corps of Engineers
- ? ? Copy of wetland delineation report

Mail this form and attachments to:

Indiana Department of Environmental Management
Office of Water Quality
Section 401 WQC/State Isolated Wetlands Program
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Please note:

1. IDEM will review this form and all attachments for completeness and accuracy. You will be contacted within thirty (30) days of the date of receipt of this form **only** if problems are identified. IDEM may require additional information to verify that the project meets all conditions of the Regional General Permit and the Section 401 WQC. If you are not contacted by IDEM within thirty (30) days of the date of receipt of this form by IDEM, your project is thereby authorized, subject to the terms and conditions of the Section 401 Water Quality Certification and its conditions. **You will not receive a written confirmation of authorization.**
2. Read **all** the terms and conditions of this regional general permit, including all U.S. Army Corps of Engineers and Indiana Department of Environmental Management conditions. Do not submit this form or commence work on the proposed project until you understand and are familiar with the limitations and restrictions of this regional general permit.
3. Consult this webpage for more information: <http://www.in.gov/idem/water/planbr/401/rgp02.html>

Instructions for Completing the Regional General Permit – IDEM Notification Form

Please read these instructions carefully before completing the notification form. Sections labeled as mandatory must be completed accurately and completely in order for IDEM to process this notification. Failure to complete all mandatory sections of the form can result in the rejection of the notification by IDEM.

DO NOT use this form if your project will impact ANY isolated wetlands. Consult with IDEM staff to determine the correct application form for use with your project.

If you have any questions or are unsure if your project qualifies for or requires this authorization, contact IDEM:

Indiana Department of Environmental Management
Office of Water Quality
Section 401 Water Quality Certification/State Isolated Wetlands Program
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Telephone: (317) 233-8488

*Print clearly or type.
Attach additional information on 8.5" x 11" sheets only*

Block 1 – Applicant Information

1. **MANDATORY:** Provide the applicant's name, address, and telephone number. Applicants MUST provide a contact name, especially in cases where the application is on behalf of a corporation or similar entity.
2. **OPTIONAL:** Provide the agent's address and telephone information (an agent is anyone representing the applicant on the project, such as an attorney or consultant). Applicants are not required to have an agent. This information should be included if a person other than the applicant is submitting the form and that person is designated as the contact point for questions regarding the proposed project.

Block 2 – Project Location

MANDATORY: Complete all blocks within this section. Most information required in this section can be obtained from the United States Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle maps, or similar computer desktop mapping software. An address or descriptive location must be provided in order to allow for compliance inspection of the project.

Block 3 – Existing Conditions

1. **MANDATORY:** This section provides information on the types of aquatic resources present on the project site PRIOR TO any proposed impacts. Circle all of the appropriate types of waterbodies and clearly denote the size of that waterbody on the project site. If a project site has more than one wetland, add all the acres of each type wetland together to provide a grand total on the form.
2. For wetlands, acreages and types must be confirmed with a jurisdictional wetland delineation conducted in accordance with the 1987 Corps of Engineers Wetland Delineation Manual. Please attach a copy of this delineation or letter of confirmation from the Corps of Engineers for all projects that will impact wetlands. In addition, a letter from the Corps of Engineers confirming that the wetlands in question are regulated under the Clean Water Act must be provided.

Block 4 – Project Impacts

1. **MANDATORY:** Complete all blocks within this section. Attach additional sheets if needed. Activity description refers to WHAT are you doing – filling a wetland, placing riprap, constructing bridge piers, placing a culvert, for example. Project description refers to WHY are you impacting a waterbody – creating a driveway, stabilizing a streambank, developing a site for commercial use, for example.
2. When calculating stream impact, all areas that are affected by placement of fill, bank armoring, culverting, excavation, or any other activity must be counted. Any proposed project involving the creation of dams or in-channel pools CANNOT use this form.
3. When calculating open water impact, all areas within lakes, rivers, streams and the like must be counted. This includes areas under new bridge piers, beaches, and boat ramps, as examples.
4. The Ordinary High Water Mark means that line on the shore of a waterbody established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, natural destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Signature of Applicant - Statement of Affirmation

MANDATORY: The name and signature must match the name of the applicant on the first page. Notification forms signed by any agent will be returned to the applicant.

NOTE - The listed supplemental information must be provided in order to verify that your project qualifies for the terms and conditions of this regional general permit. Enclose a wetland delineation report for any project that will impact wetlands as a part of the proposed activities.