



DEPARTMENT OF THE ARMY

U.S. ARMY CORPS OF ENGINEERS
INDIANAPOLIS REGULATORY OFFICE
8902 OTIS AVENUE, SUITE S106B
INDIANAPOLIS, INDIANA 46216-1055
<http://www.lrl.usace.army.mil/>

August 20, 2013

Operations Division
Regulatory Branch (North)
ID No. LRL-2013-419-sam

Mr. Aaron Greenwalt
Greenwalt Corporation
740 West Green Meadows Drive, Suite 320
Greenfield, IN 46140

Dear Mr. Greenwalt:

This is in regard to your letter of April 29, 2012, requesting a jurisdictional determination on a 178 parcel in Section 17, Township 16 North, Range 6 East, Hancock County, Indiana.

The U.S. Army Corps of Engineers exercises regulatory authority under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344) for certain activities in "waters of the United States (U.S.)." These waters include all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce.

Based on the information that you provided, we have verified that Wetland A is hydrologically connected to a "traditional navigable water (TNW)" and as such, the above defined feature is considered a jurisdictional "waters of the U.S." The wetland has a significant nexus with and performs numerous functions that have a substantial, or more than speculative, effect on the East Fork of the White River (a TNW). Therefore, a Department of Army (DA) permit would be required prior to the discharge of dredged or fill material.

This letter contains an approved jurisdictional determination (JD) for your site. If you object to this JD, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this JD you must submit a completed RFA form to the Lakes and Rivers Division Office at the following address:

U.S. Army Engineer Division
ATTN: Appeal Review Officer CELRD-PD-REG
550 Main Street, Room 10524
Cincinnati, OH 45202-3222

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **October 18, 2013**.

This jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date. Our comments on this project are limited to only those effects which may fall within our area of jurisdiction and thus does not obviate the need to obtain other permits from state or local agencies. Lack of comments on other environmental aspects should not be construed as either concurrence or nonconcurrence with stated environmental effects.

It is not necessary to submit an RFA form to the Division office if you do not object to the JD in this letter.

If you have any questions concerning this matter please contact me at the above address or by calling 317-543-9424. Any correspondence should reference our assigned Identification Number LRL-2013-419-sam.

Sincerely,



Scott A. Matthews
Project Manager
Indianapolis Regulatory Office

Enclosure

Copy Furnished: IDEM (McMahan)
Office of Community and Rural Affairs (Crouch, Curry)
Hancock Economic Development Council (Kuker)