



**DEPARTMENT OF THE ARMY**  
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE  
CORPS OF ENGINEERS  
P.O. BOX 59  
LOUISVILLE, KENTUCKY 40201-0059  
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<http://www.lrl.usace.army.mil/>

November 28, 2011

Operations Division  
Regulatory Branch (North)  
ID No. LRL-2011-752-sjk

Mr. Greg Idleman  
Feutz Contractors, Inc  
Post Office Box 130  
Paris, Illinois 61944

Dear Mr. Idleman:

This is in regard the letter dated August 16, 2011, from American Structurepoint requesting a jurisdictional determination on a 5-acre excavated pond located on a 29-acre parcel in Section 5, Township 11 North, Range 9 West, Terre Haute, Vigo County, Indiana. A site map of the pond location is enclosed.

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 that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce.

The specific isolated pond referenced above does not appear to be used or be susceptible to use in interstate or foreign commerce. As such, the pond is not considered to be "waters of the U.S." Therefore, a Department of the Army permit is not required in this instance.

This jurisdiction determination (JD) is valid for a 5-year period 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.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, 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 determination, you must submit a completed RFA form to the Lakes and Rivers Division Office at the following address.

Ms. Pauline D. Thorndike, Appeal Review Officer  
US Army Engineer Division, Cincinnati  
Attn: CELRD-PD-R  
550 Main Street, Room 10032  
Cincinnati, OH 45202-3222  
(513) 684-6212

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 **January 28, 2012**. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

If we can be of any further assistance, please contact us by writing to Ms. Sarah Keller, Indianapolis Regulatory Office, 9799 Billings Road, Indianapolis, Indiana, 46216, or call (317)532-4392. Any correspondence on this matter should reference our Identification Number LRL-2011-752-sjk.

Sincerely,



Greg McKay  
Chief, North Section  
Regulatory Branch

Enclosures

Copy Furnished: IDEM (Randolph)  
John & Joan Dennis  
USACE (Keller)