



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
INDIANAPOLIS REGULATORY OFFICE
8902 OTIS AVENUE, SUITE S 106B
INDIANAPOLIS, INDIANA 46216
FAX: (317) 547-4526

July 19, 2012

Operations Division
Regulatory Branch (North)
ID No. LRL-2012-621-djd

Mr. Randy Jones
Aqua Terra Consulting, Inc.
151 North Home Avenue
Franklin, Indiana 46131

Dear Mr. Jones:

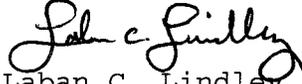
This is in regard to the letter of June 12, 2012, concerning the proposed excavation of a former quarry operation using one-step removal. The site currently contains 0.88 acre of emergent wetland and 0.03 acre of forested wetland and is located in Section 2, Township 25 North, Range 2 West, in Delphi, Carroll County, Indiana. You propose to avoid impacting the forested wetland and excavating the emergent wetland. We have reviewed the submitted data relative to Section 404 of the Clean Water Act (CWA).

The proposed project would not involve the placement of dredged or fill material into the wetlands provided the forested wetland is avoided and the one-step removal method is used for the excavation of the emergent wetland. This method normally involves excavating or dredging the material with a type of bucket loader such as a backhoe or tracked excavator. The material must be placed directly into an enclosed truck bed such as a dump truck and hauled to an approved disposal site. We will consider an upland area of higher lands an approved disposal site in this case. The fallback of dredged material into any "waters of the United States" incidental to the removal activity is considered "de minimis". Consequently, your proposal is not subject to regulation pursuant to Section 404 CWA and a Department of the Army permit is not required.

The removed material must also be placed landward sufficiently enough to prevent any fill from entering the wetlands. There must be no placement of additional dredged or fill material within the wetlands. Staked-in-place straw bales, silt fence, or other appropriate means of containment should be installed and maintained to properly control the dredged material when necessary. The excavated material should be stabilized by seeding or sodding to native grasses.

If you have any questions concerning this matter, please contact Ms. Deborah Duda Snyder by writing to the above address, calling 317-468-5789, or emailing Deborah.d.snyder@usace.army.mil. Any correspondence should reference our assigned Identification Number LRL-2012-621-djd.

Sincerely,



Laban C. Lindley
Team Leader
Indianapolis Regulatory Office

Copy Furnished: IDEM (Smedley)