



# Joint Public Notice

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

Public Notice No.

LRL-2012-717

Open Date:

27 Dec 2012

Close Date:

28 Jan 2013

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Ms. Sarah Keller

8902 Otis Avenue, Suite S106B

Indianapolis, Indiana 46216

Phone: 317-677-2120

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA) and for State Water Quality Certification pursuant to Section 401 of the CWA from the Indiana Department of Environmental Management, Office of Water Quality.

**APPLICANTS:**

Charles Couchman  
2564 State Road 7  
North Vernon, Indiana 47265

Patrick Kirchner  
Force Construction  
990 North National Road  
Columbus, Indiana 47201

**AGENT:**

Daniel Wright  
FPBH, Incorporated  
P.O. Box 47  
North Vernon, Indiana 47265

**LOCATION:**

2564 State Road 7, North Vernon, Jennings County,  
Indiana.

Latitude: 39.02444°N  
Longitude: 85.65528°W  
7.5 Minute Quad: North Vernon, IN

**PURPOSE:**

Disposal of excess clean earthen fill to restore a  
stream channel.

**DESCRIPTION OF WORK:** The applicants propose to discharge approximately 30,000 cubic yards of clean, earthen fill material into a 5.4-acre impoundment of an unnamed tributary to Sixmile Creek to restore the natural stream channel. The restored channel would generally meander near the existing western shoreline of the pond and outlet into the existing stream channel north of the dam. The stream channel and 50-foot wide riparian area would be planted with a native mixture of herbaceous seed mix, shrubs, saplings, and containerized trees. The applicants have breached the dam, resulting in an unauthorized discharge of fill material into the pond and stream channel that resulted in draining of the pond.

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AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: Since the proposed project involves restoration of a stream channel with the goal of an increased functional value in the watershed, no compensatory mitigation is proposed.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice serves as the notice for a Clean Water Act Section 401 application for water quality certification from the IDEM. The IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. The project lies within the known range of the federally endangered Indiana Bat (*Myotis sodalis*). Since the proposed project would not involve removing existing vegetation, it is unlikely the proposed activity will destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Services is not planned at this time.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency (USEPA), under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/orf/listnotices.asp>. All comments regarding this proposal should be addressed to Ms. Sarah Keller, CELRL-OP-FN at the address noted above and should refer to the Public Notice Number LRL-2012-717-sjk.

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If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2012-717-sjk.

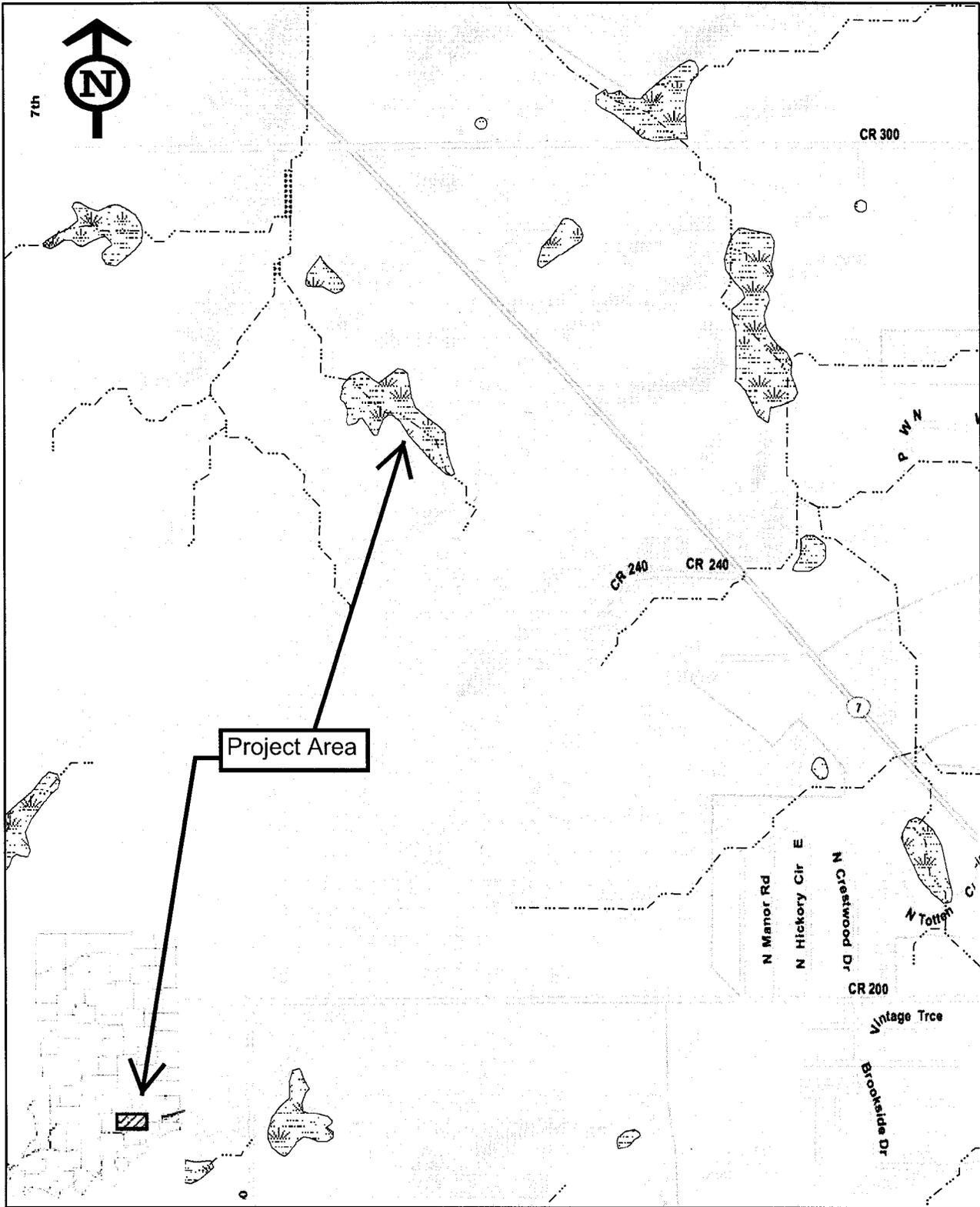
Example:

Subject: LRL-2012-717-sjk

b) Provide your physical mailing address and telephone number.

c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil).

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



**Legend**

- streams
-  NWI wetlands

Sheet 1 of 2  
 Couchman/Force Stream Restoration  
 USACE ID No. LRL-2012-717-sjk  
 General Location Map

