

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

# Public Notice

Public Notice No.  
LRL-2012-779-ncc

Open Date:  
30 Dec 2014

Close Date:  
29 Jan 2015

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Ms. Norma C. Condra, CELRL-OPF-N, Rm 752  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: (502) 315-6680

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Waupaca Foundry, Inc.  
1955 Bruner Drive  
Waupaca, Wisconsin 54961

AGENT: TRC, Environmental  
150 N. Patrick Boulevard  
Brookfield, Wisconsin 53045

LOCATION: Unnamed tributaries of Theis Creek and Wheatley Creek, and an adjacent pond and wetlands near Old State Road 37 in Tell City, Perry County, Indiana.

Latitude: 38.07119  
Longitude: -86.64256  
7.5 Minute Quad: Gatchell, IN

PURPOSE: To construct a foundry by-product disposal landfill and haul road.

DESCRIPTION OF WORK: The applicant proposes to discharge 5,887 cubic yards (cys) of clean earthen fill material into 0.20 acre of wetlands, 0.31 acre of open water pond, and 5,498 linear feet of ephemeral streams over a 20-year phased construction plan. The proposed fill is required to construct the 75-acre Waupaca Foundry, Inc. by-product disposal landfill.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant proposes to avoid 30 ephemeral streams (totaling 18,249 linear feet) and wetlands W-3 and W-5 (totaling 0.10 acre), located adjacent to the proposed project.

Proposed compensatory mitigation includes creation and enhancement of 0.94 acre of wetland, establishment of 1.06 acre of riparian buffer around the created wetland and existing wetland W-3, the creation of 0.33 acre of open water wetlands, preservation of 15,223 linear feet of ephemeral streams and 3,026 linear feet of perennial stream, enhancement

and preservation of 12.19 acres of riparian buffer along 3,035 linear feet of perennial stream and 3,998 linear feet of ephemeral streams.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

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 may constitute the application for the 401 certification. 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 N. 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. Based on available information, the proposed activity will not 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 Service is not planned at this time.

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 National Register of Historic Places (NRHP) 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. The applicant's agent completed a cultural resources literature review and Phase Ia archeological reconnaissance of the site. The corps is in the process of reviewing the report and will coordinate with the Indiana State Historic Preservation Office and any other consulting parties, as appropriate. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistoric, 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).

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.

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/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Ms. Norma C. Condra, CELRL-OPF-N at the address noted above and should refer to the Public Notice Number LRL-2012-779-ncc.

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-2012-779-ncc.

Operations Division  
Regulatory Branch (North)  
Public Notice No. LRL-2012-779-ncc

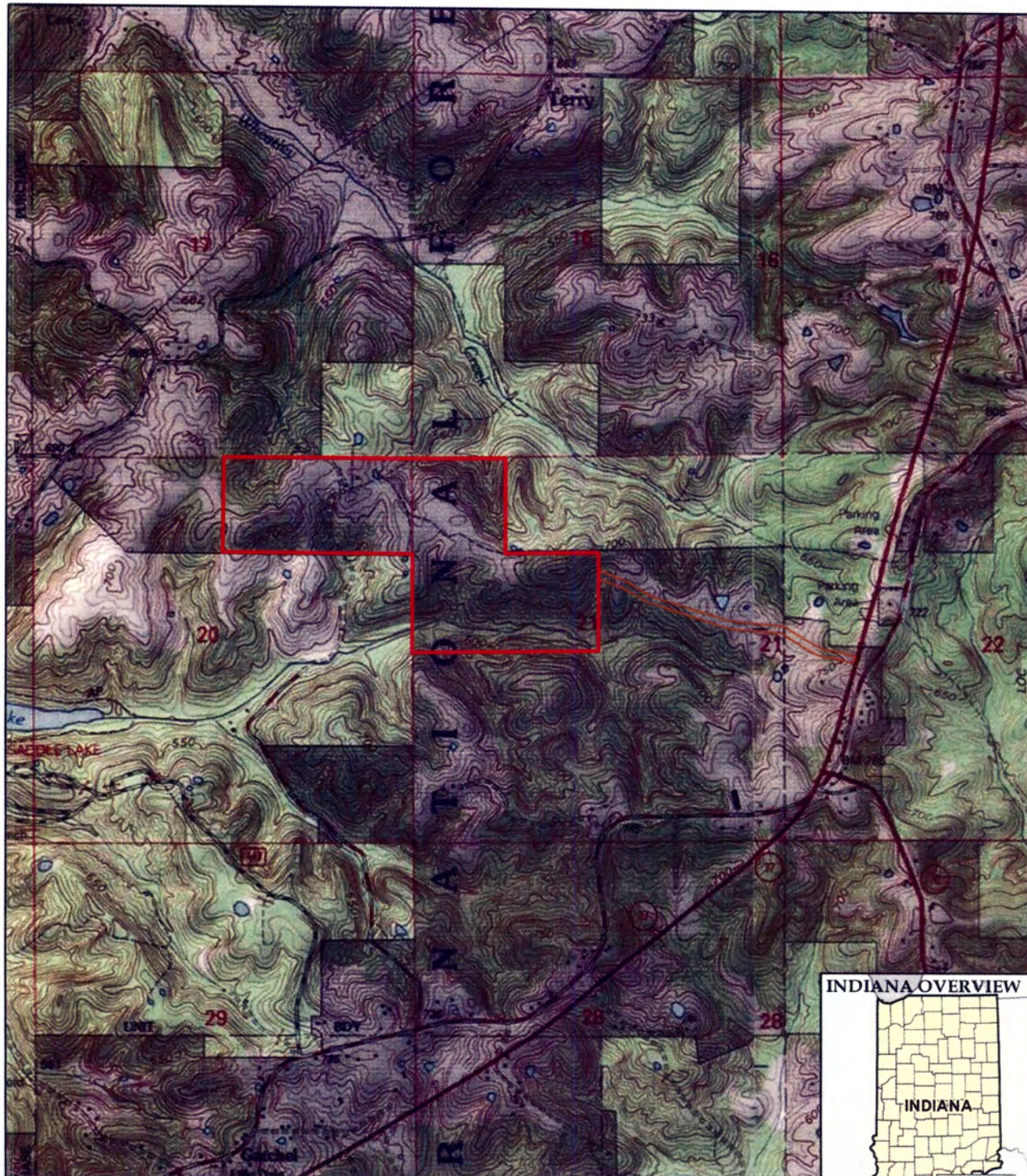
Example:

Subject: LRL-2012-779-ncc

- 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.



TRC - GIS



BASE MAP FROM USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE SERIES.



708 Heartland Trail  
Suite 3000  
Madison, WI 53717  
Phone: 608.826.3600

WAUPACA FOUNDRY, INC.  
PERRY COUNTY, INDIANA

**SITE LOCATION AND TOPOGRAPHY MAP**

DRAWN BY:	PAPEZ J
APPROVED BY:	TURPIN P
PROJECT NO:	192743
FILE NO:	192743-029.mxd
DATE:	OCTOBER 2013

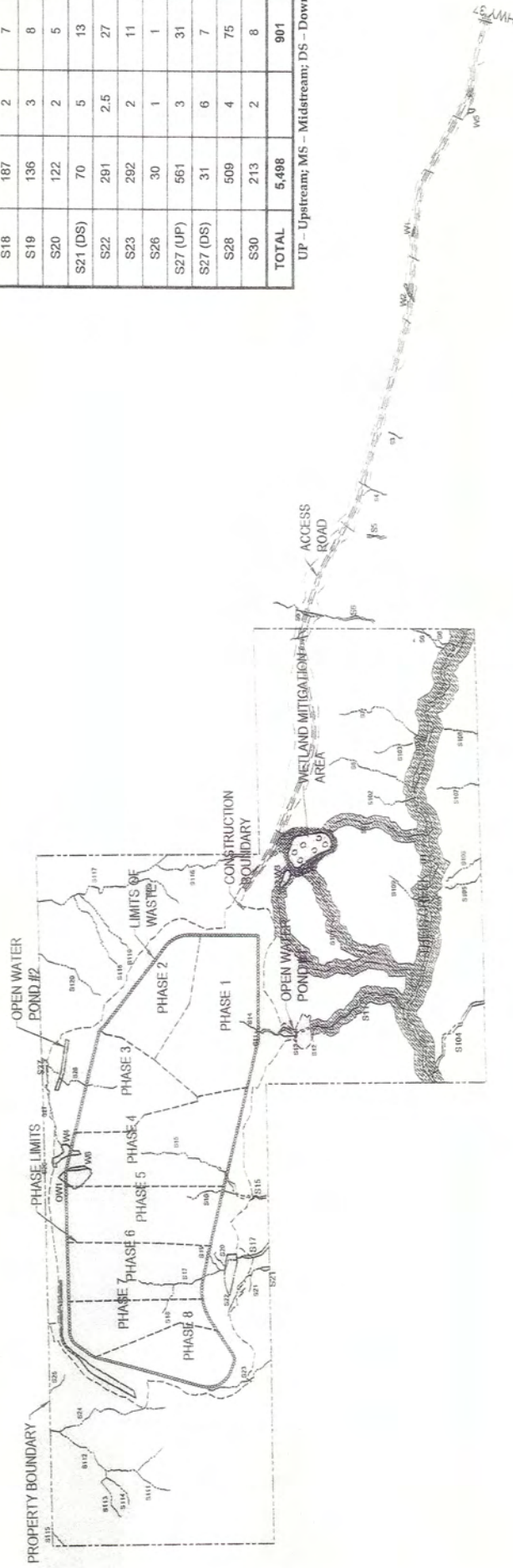


PROPOSED WETLAND AND STREAM IMPACTS

WETLAND ID	AREA (acres)	COWARDIN CLASS	WATERSHED	ESTIMATED FILL VOLUME (cy)
W-4	0.16	PFO	Sulfur Fork Creek	1,033
W-6	0.04	PEM	Sulfur Fork Creek	452
OW-1 Farm Pond	0.31	OW (farm pond)	Sulfur Fork Creek	3,501
TOTAL	0.51			4,986

STREAM ID	IMPACT (lf)	WIDTH (lf)	FILL VOLUME (cy)	AREA (ac.)
S2	176	1	7	0.004
S4	65	2.5	3	0.004
S6	231	4	17	0.021
S11 (US)	127	2.5	12	0.007
S11 (DS)	386	10	71	0.089
S13	62	1	1	0.001
S14	22	2	2	0.001
S15 (UP)	516	3	57	0.035
S15 (DS)	347	12	308	0.096
S16	322	3.5	21	0.026
S17 (UP)	368	4	55	0.034
S17 (MS)	329	6	37	0.045
S17 (DS)	105	15	117	0.036
S18	187	2	7	0.009
S19	136	3	8	0.009
S20	122	2	5	0.006
S21 (DS)	70	5	13	0.008
S22	291	2.5	27	0.017
S23	292	2	11	0.013
S26	30	1	1	0.001
S27 (UP)	561	3	31	0.039
S27 (DS)	31	6	7	0.004
S28	509	4	75	0.047
S30	213	2	8	0.010
TOTAL	5,498		901	0.560

UP - Upstream; MS - Midstream; DS - Downstream



LEGEND

- PROPERTY BOUNDARY
- STREAM CENTERLINE
- STREAM BANKS
- PROPOSED CUI VERT



LRL-2012-779  
Overall Site Plan  
Figure 2 of 5

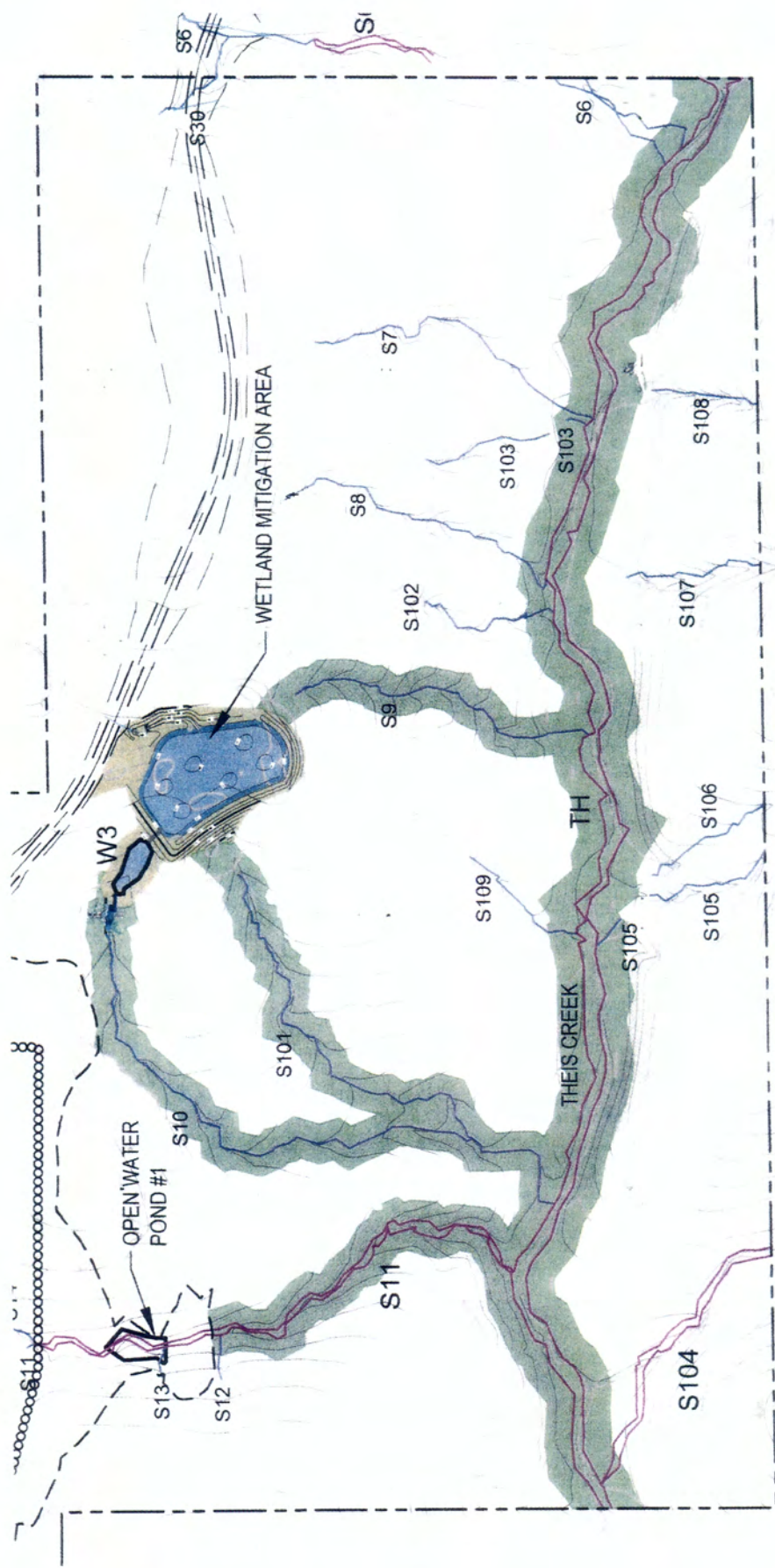


LRL-2012-779  
Project Site Plan View  
Figure 3 of 5



LRL-2012-779  
Haul Road Plan View  
Figure 4 of 5





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 Wetland Mitigation Area and  
 Wetland/Stream Buffer Zones  
 Figure 5 of 5