

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

Joint Public Notice

Public Notice No.

LRL-2013-729

Open Date:

9 Oct 2014

Close Date:

10 Nov 2014

Please address all comments and inquiries to:

Mr. Laban C. Lindley

U.S. Army Corps of Engineers, Louisville District

Indianapolis Regulatory Office

8902 Otis Avenue, Suite S106B

Indianapolis, IN 46216

Phone: 317-543-9424

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.

APPLICANT: RH of Indiana, LP (dba Ryland Homes)
9025 North River Road, Suite 100
Indianapolis, Indiana 46240

AGENT: Cardno JFNew
3901 Industrial Boulevard
Indianapolis, Indiana 46254

LOCATION: Wetlands adjacent to Almond Ditch and Henley
Creek, 1941 West 141st Street, Carmel, Hamilton
County, Indiana.

Latitude: 39.9856° N
Longitude: 86.1908° W
7.5 Minute Quad: Carmel, IND.

PURPOSE: To expand a single family residential development.

DESCRIPTION OF WORK: Discharge 2,680 cubic yards (cys) of clean earthen clay and 32 cys of gravel fill material into a total of 1.68 acres of wetlands (1.59 acres emergent, 0.09 acre forested) to construct roads, utilities, obtain proper grade for home lots, and repair an existing gravel pedestrian trail. Additionally, 17.6 cys of riprap would be discharged along 30 linear feet of Almond Ditch (Stream 1) for the replacement of an existing culvert and construction of a new storm water outfall. The work would support the development of an additional 102 single family home lots and attendant features on the 80-acre site proposed for the Westmont Section 2 residential development.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant proposes to avoid 3.54 acres of wetlands, 1.25 acres of open water pond, and 1,351 linear feet of intermittent stream. Proposed compensatory mitigation includes the purchase of 1.2 acres of emergent wetland credit

from the Central Indiana Mitigation Bank, and the preservation of 2.94 acres of forested wetland adjacent to Almond Ditch and surrounding forested buffer within a 10-acre woodlot on the site, with the exception of that area within a regulated drain easement.

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 serves as the notice for a Clean Water Act Section 401 application for water quality certification from the IDEM. 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 survey identified two new archaeological sites; Site 12-H-1738 is a prehistoric lithic isolate and Site 12-H-1739 is a mid-twentieth century cistern or well cover slab with an associated refuse pile. These sites do not appear to meet the eligibility criteria for inclusion in the NRHP and no additional archaeological work is recommended. If we are made aware, as a result of comments received in response to this notice, or by other

means, of specific archaeological, scientific, prehistorical, 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. 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

Operations Division
Regulatory Branch (North)
Public Notice No. LRL-2013-729-1c1

<http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. Laban Lindley, CELRL-OP-FN at the address noted above and should refer to the Public Notice Number LRL-2013-729-1c1.

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-2013-729-1c1.

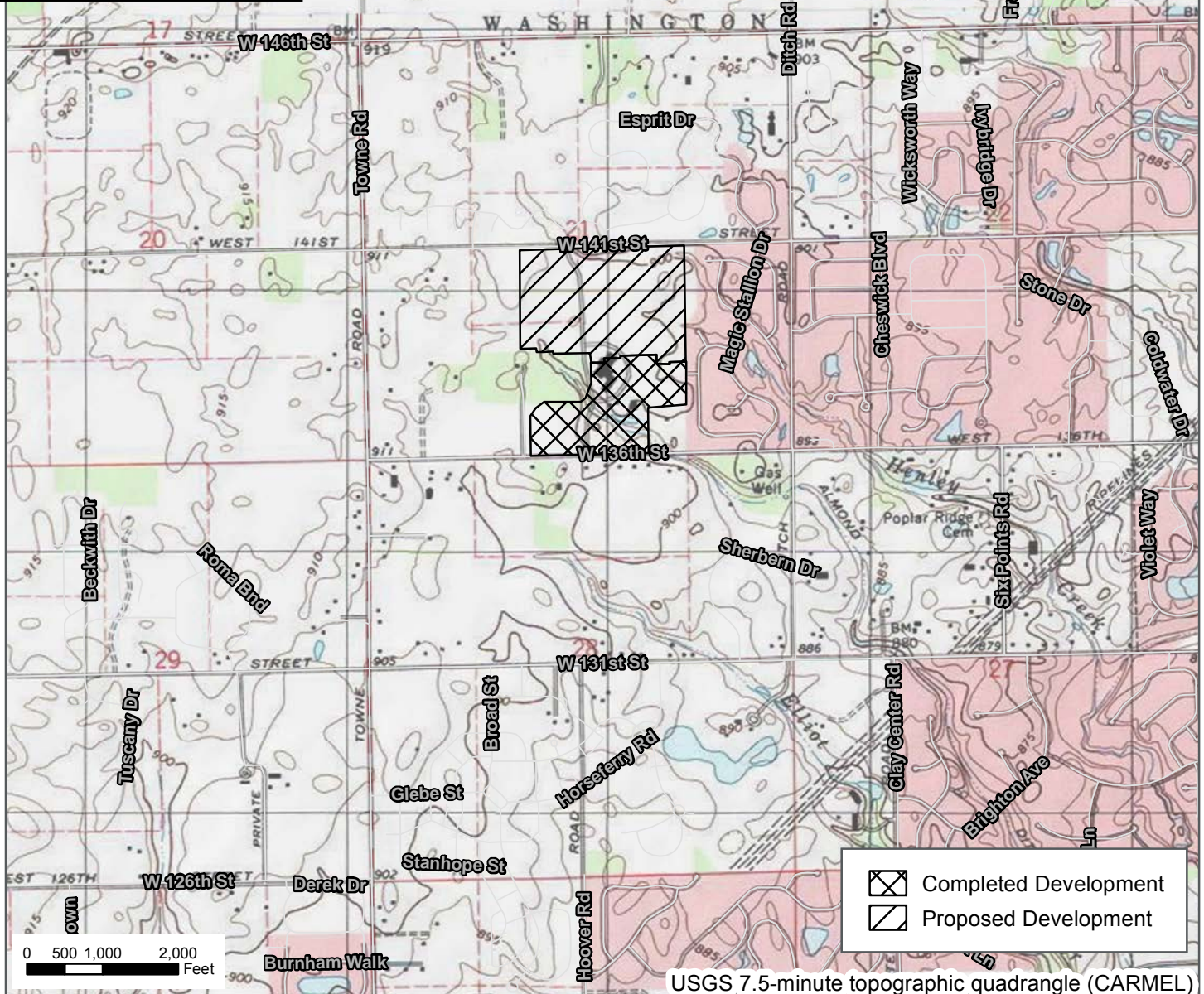
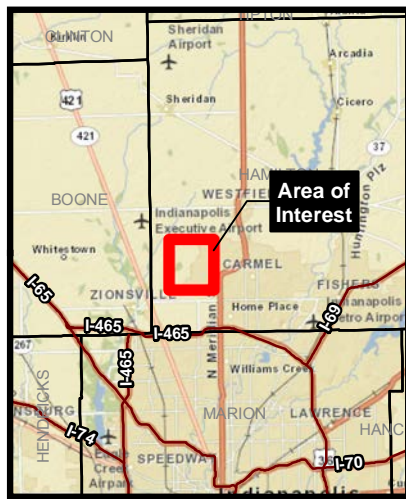
Example:

Subject: LRL-2013-729-1c1

b) Provide your physical mailing address and telephone number.

c) Send your email to: 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.



Township: 18 N
Range: 03 E
Section: 21
Project No. J1307021A0

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Figure 1: Project Location
Public Notice Figure 1 of 4
Westmont Residential Development
USACE Individual Permit Application
Corps ID No. LRL-2013-729-1c1
Ryland Homes
Hamilton County, Indiana

Cardno
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WETLAND AND STREAM SUMMARY

Wetland 1: 0.08 acre	Wetland 7: 0.10 acre
Wetland 2: 0.17 acres	Wetland 8: 2.77 acres
Wetland 3: 0.30 acre	Wetland 9: 0.09 acre
Wetland 4: 1.25 acres	Pond 1: 1.24 acres
Wetland 5: 0.09 acre	Stream 1: 1,309 feet
Wetland 6: 0.37 acre	Stream 2: 72 feet

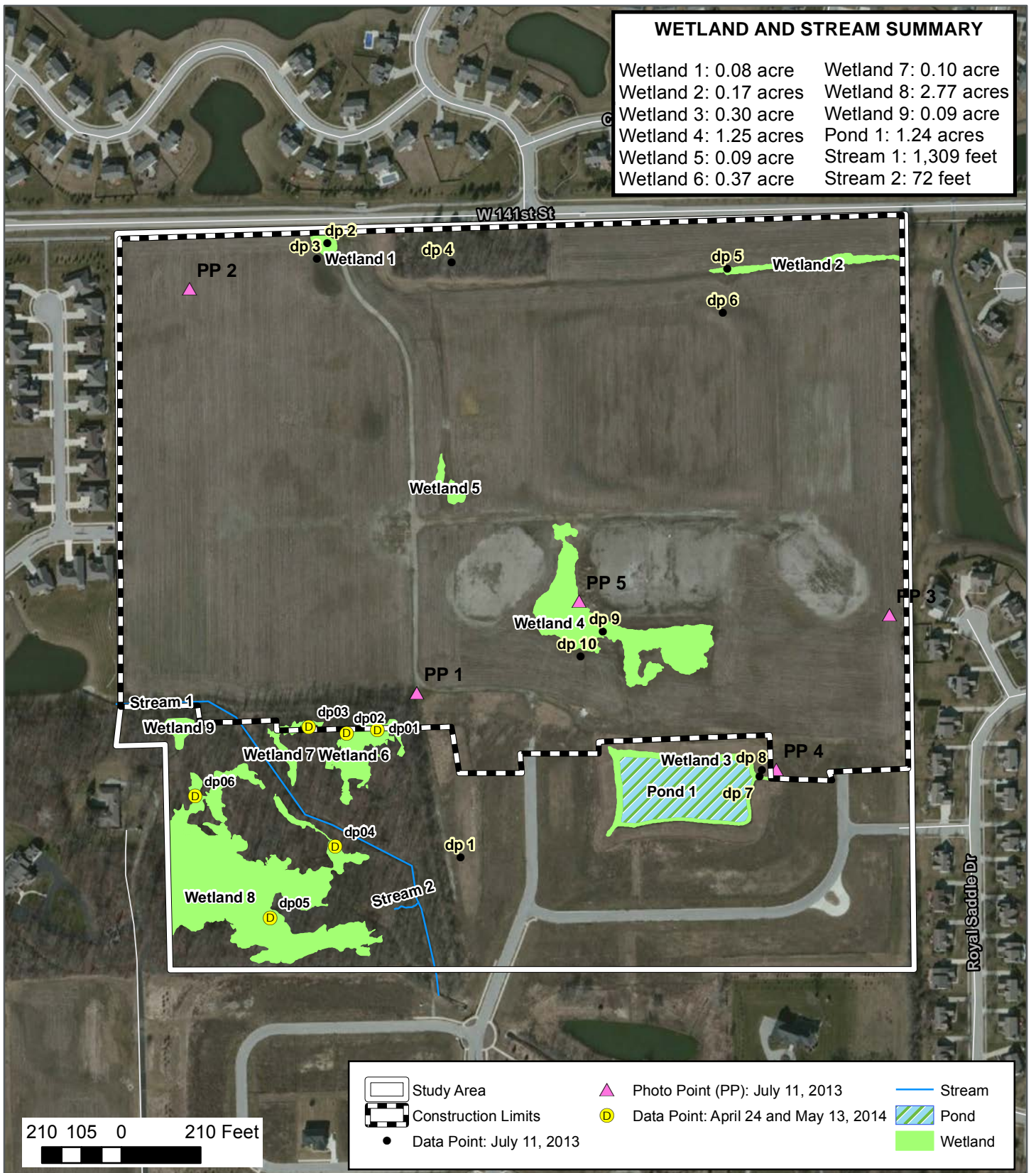


Figure 2: Delineation Results
Public Notice Figure 2 of 4
Westmont Residential Development
USACE Individual Permit Application
Corps ID No. LRL-2013-729-lcl
Ryland Homes
Hamilton County, Indiana

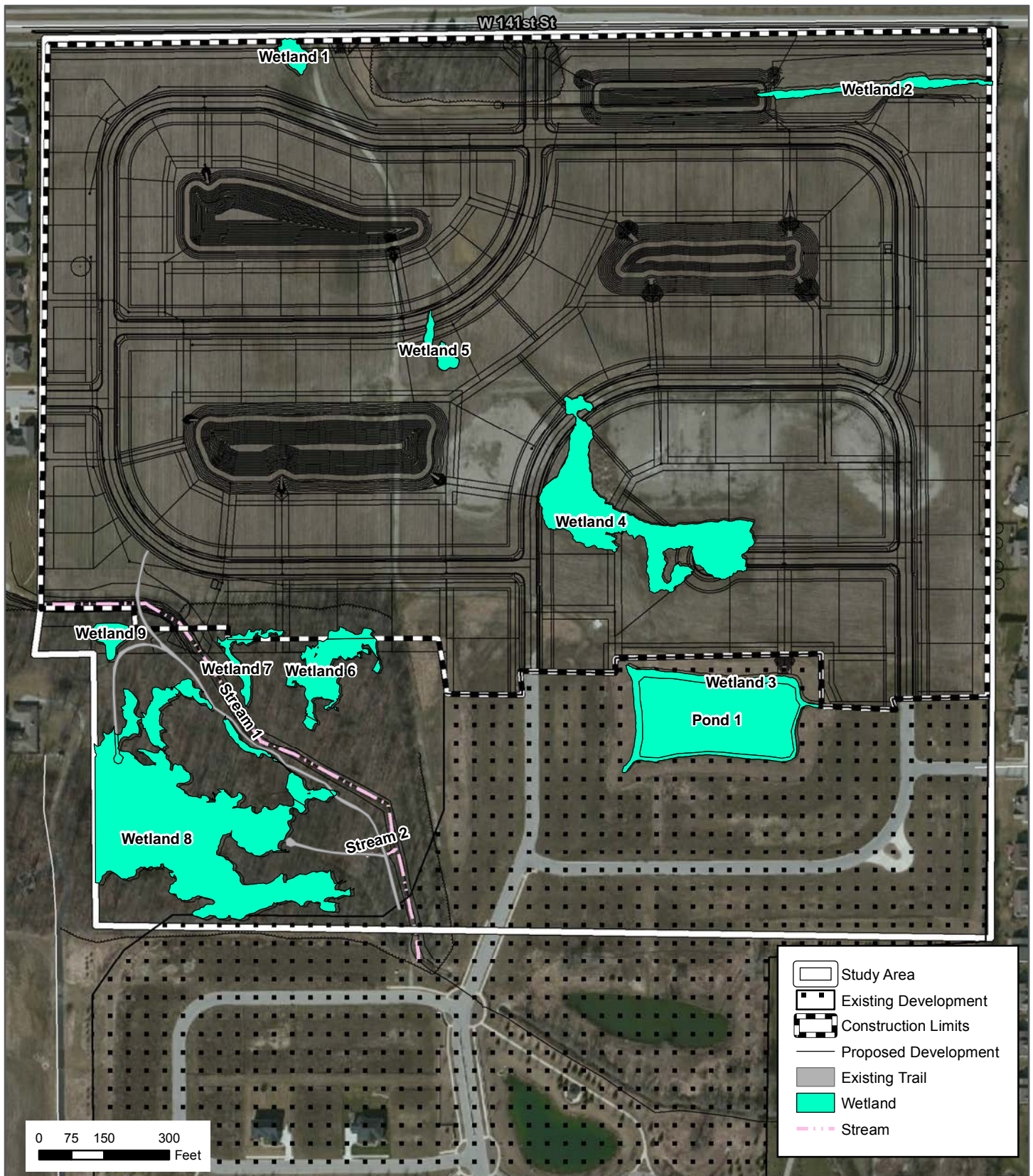


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GIS Analyst: tamara.miller

Township: 18 N
 Range: 03 E
 Section: 21
 Project No. J1307021A0

Date Created: 9/23/2014 Date Revised: 9/23/2014 File Path: R:\Projects\1313071307021_A0_RylandHomes_Westmont\GIS\MXD\Permitting\F1-Delineation Results.mxd
 Data Sources:



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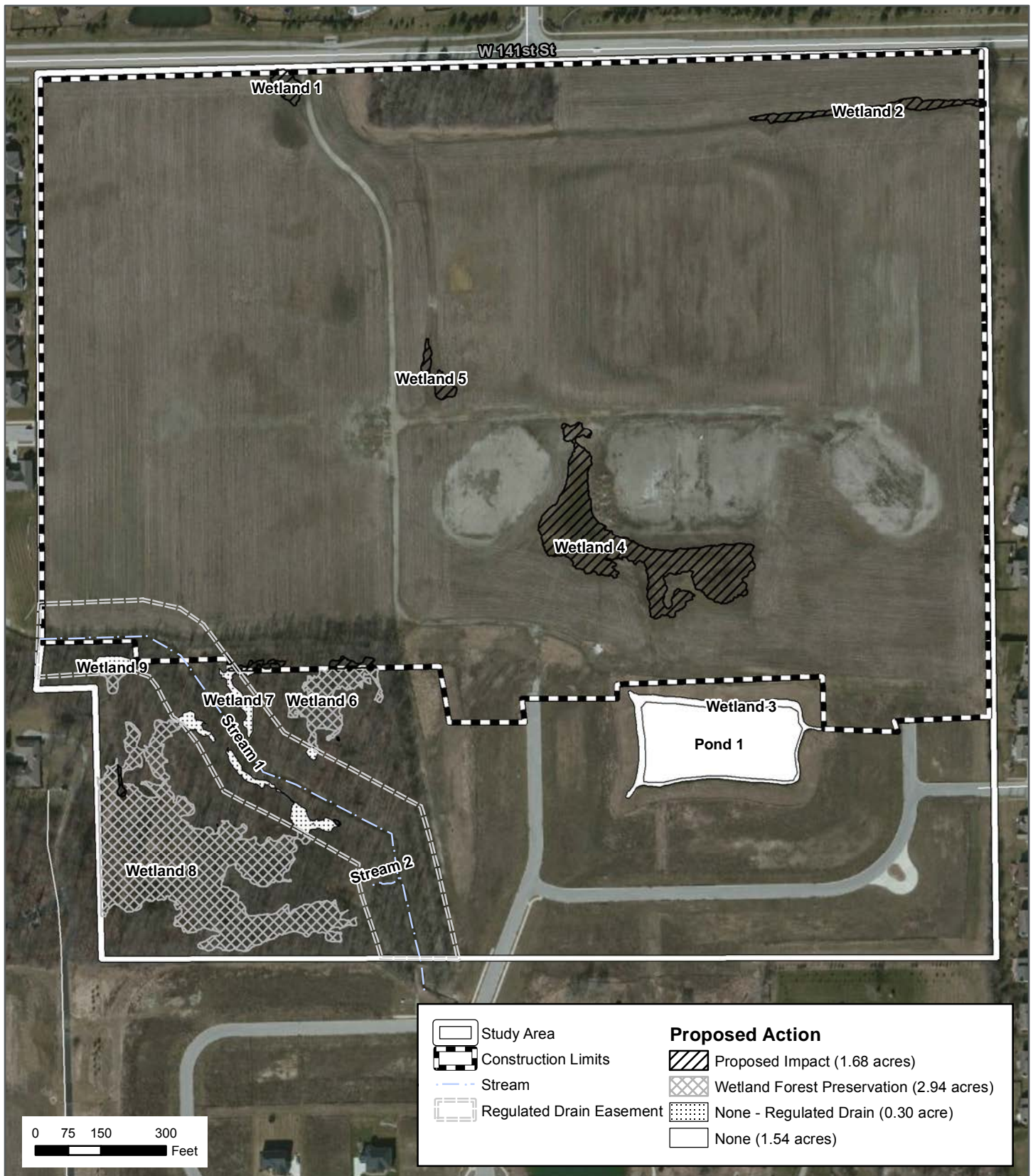
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Figure 3: Proposed Design Plan
Public Notice Figure 3 of 4
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Figure 4: Proposed Impacts and Mitigation
Public Notice Figure 4 of 4
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