

Joint Public Notice

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

Public Notice No.
LRL-2014-621-sam

Open Date:
4 Sep 2014

Close Date:
6 Oct 2014

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Scott A. Matthews,
8902 Otis Avenue, Suite S 106B
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: Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

AGENT: Parsons
101 West Ohio Street, Suite 2121
Indianapolis, Indiana 46204

LOCATION: Beginning at the east end of the western bypass at
State Road 3 to U.S. 50 just west of Deer Creek
Road, in North Vernon, Jennings County, Indiana.

Latitude: 39.0218°N
Longitude: 85.6207°W
7.5 Minute Quad: North Vernon

PURPOSE: To construct a highway bypass.

DESCRIPTION OF WORK: The applicant proposes to construct an eastern bypass around North Vernon, including new interchange construction at County Road 75 West, Greensburg Road, and U.S. 50. In addition, a new bridge would be constructed over the Vernon Fork. Approximately 26,331 cubic yards (cys) of fill material would be discharged into 5 wetlands (totaling 8.04 acres), and approximately 26.4 cys of fill material would be discharged into 9 streams (totaling 1,617 linear feet). The applicant also proposes to discharge approximately 3,160 cys of fill into 3 open water ponds (totaling 1.01 acres). The fill material would consist of clean earthen fill, limestone riprap, and poured concrete. The following table summarizes the proposed impacts to "waters of the United States":

Water Resources	Resource Type	Impact (Linear Feet)	Impact (Acres)
Stream 214	Ephemeral	245	NA
Stream 220	Ephemeral	234	NA
Stream 221	Ephemeral	108	NA
Stream 222	Ephemeral	190	NA
Stream 223	Ephemeral	134	NA
Stream 301	Ephemeral	191	NA
Stream 303	Ephemeral	160	NA
Stream 311	Ephemeral	310	NA
Vernon Fork	Perennial	45	NA
Wetland 101	Forested	NA	2.91
Wetland 102	Emergent	NA	4.9
Wetland 104	Emergent	NA	0.15
Wetland 209	Emergent	NA	0.02
Wetland 304	Emergent	NA	0.06
Pond 205	Open Water	NA	0.19
Pond 306	Open Water	NA	0.56
Pond 307	Open Water	NA	0.26
Total		1,617	9.05

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant analyzed seven different alternatives in an Environmental Assessment dated December 2013. The alternatives were narrowed to two feasible alternatives. Limitations identified for the remaining five alternatives included excessive impacts to natural and cultural resources, and impacts to businesses and/or residential relocations.

Mitigation would be required to compensate for unavoidable impacts to streams and wetlands along the proposed alignment. The applicant proposes to construct 5.7 acres of emergent wetlands and 0.50 acre of open water mitigation at the "Calhoun" mitigation site. The applicant also proposes offsite mitigation at the following 6 locations: construction of 10.2 acres of emergent wetlands at the "Stidam" site; construction of 11.0 acres of forested wetlands at the "Murphy" site; 650 linear feet (lf) of riparian corridor establishment along an intermittent stream at the "Goecker" site; 704 lf of riparian corridor establishment along a perennial stream at the "Harrell" site; 1,050 lf of riparian corridor establishment along an intermittent stream at the "Mitchell" site; and preservation of 31.8 acres of mesic flatwood wetlands at the "Luedeman" site. The proposed mitigation sites are located within the same 8-digit HUC watershed (05120207) as the impact sites. The Goecker, Stidam, and Murphy sites are located within or

adjacent to the Muscatatuck Bottomlands area and are intended to assist with the overall goals of the Indiana Department of Natural Resources' Muscatatuck Bottomlands project.

It is noted that this proposed mitigation plan is open to comment and subject to change. Detail plans of the mitigation sites are available upon request. 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. 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 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.

A historical properties report and an archeological survey report of the project area completed by the Federal Highway Administration (FHWA) identified resources that are potentially eligible for the National Register of Historic Places. In a letter dated May 29, 2013, the FHWA submitted their findings of Adverse Effect to the Indiana State Historic Preservation Officer (SHPO) for impacts to two archeological resources. A letter from the SHPO dated June 28, 2013, concurred with these findings. A Memorandum of Agreement between FHWA and the Indiana SHPO to mitigate the impacts to archeological resources was completed and signed on October 23, 2013.

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/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. Scott A. Matthews, CELRL-OP-FN at the address noted above and should refer to the Public Notice Number LRL-2014-621-sam.

Operations Division
Regulatory Branch (North)
Public Notice No. LRL-2014-621-sam

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-2014-621-sam.

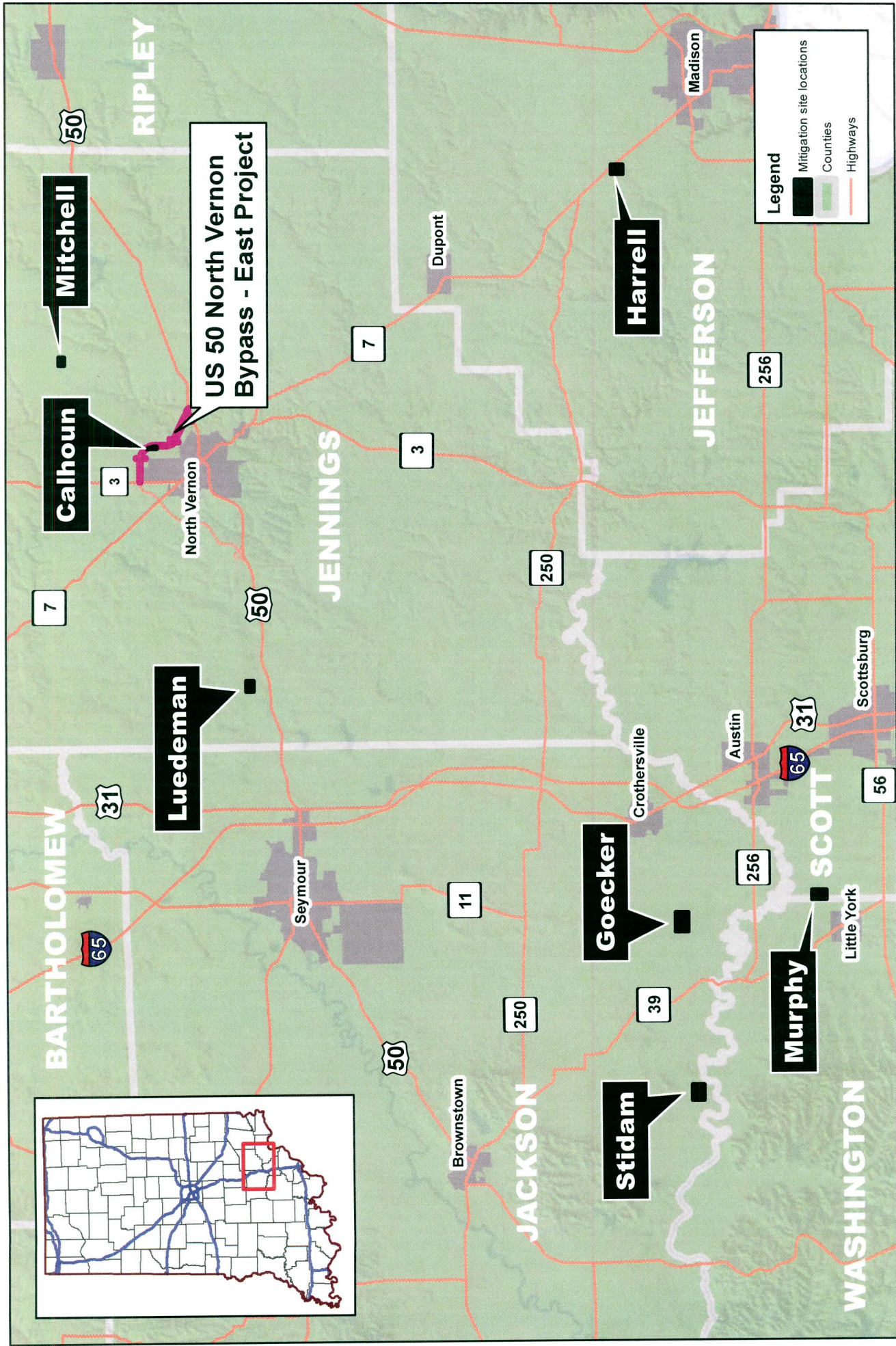
Example:

Subject: LRL-2014-621-sam

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil

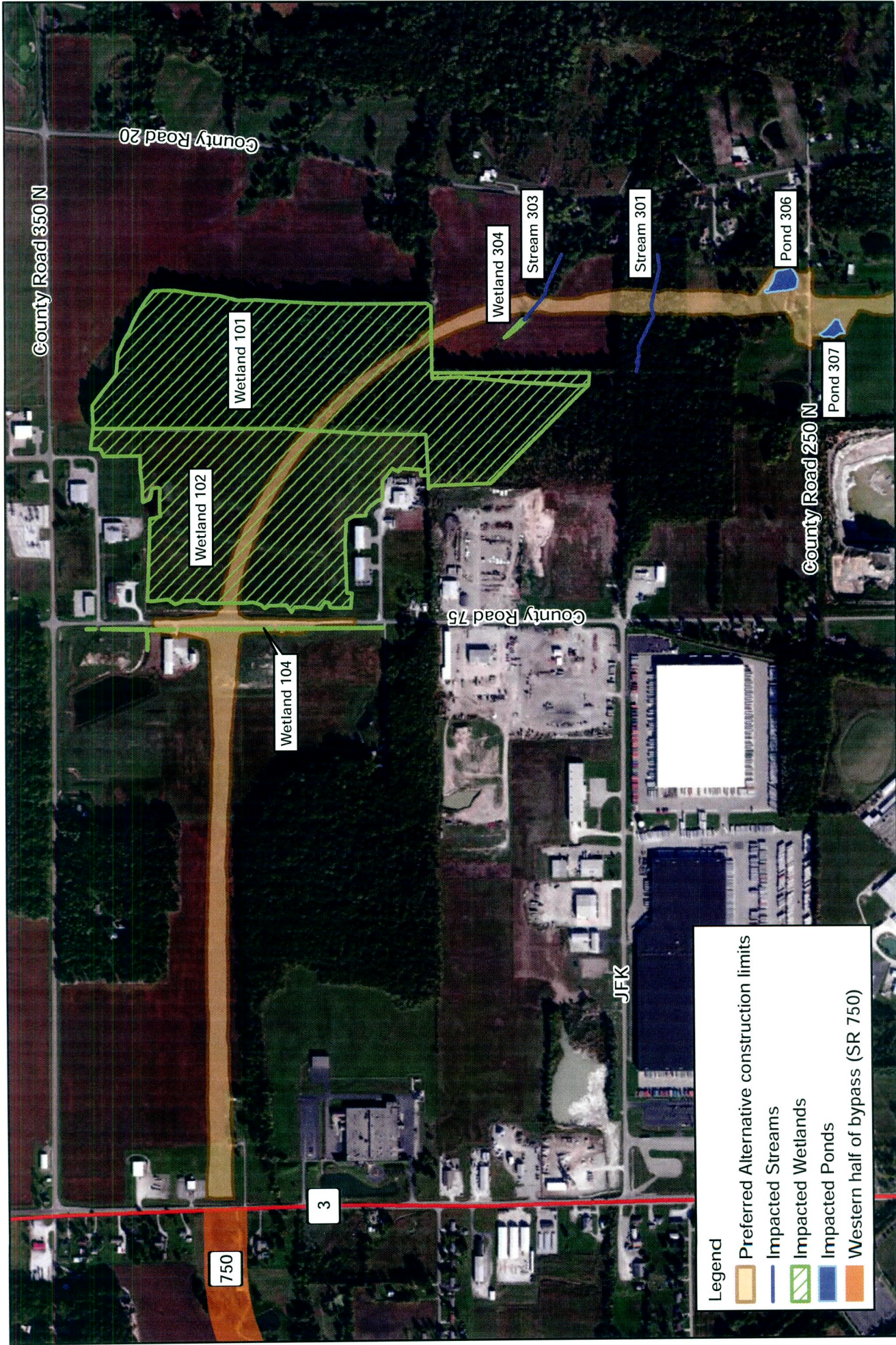
d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



PARSONS



Sheet 1 of 3
 US 50 North Vernon Bypass - East
 USACE ID No. LRL-2014-621-sam
 General Location Map



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Sheet 2 of 3
 US 50 North Vernon Bypass - East
 USACE ID No. LRL-2014-621-sam
 Northern Half of Project Alignment



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Sheet 3 of 3
 US 50 North Vernon Bypass - East
 USACE ID No. LRL-2014-621-sam
 Southern Half of Project Alignment