

**US Army Corps
of Engineers**

Louisville District ®

Public Notice

Public Notice No.
LRL-2020-1022-sam

Open Date:
29 March 2021

Closing Date:
28 April 2021

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Scott Matthews
Indianapolis Regulatory Office
8902 Otis Avenue, Suite S106B
Indianapolis, Indiana 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).

APPLICANT: Davey Mitigation
295 South Water Street, Suite 300
Kent, Ohio 44240

AGENT: Davey Resource Group
5641 West 73rd Street
Indianapolis, IN 46278

LOCATION: Located in the northeast and southeast quadrant of the intersection of North County Road 600 West and West County Road 950 North in Henry County, Indiana.

Latitude: 40.0710°
Longitude: -85.4981°
7.5 Minute Quad: Sulphur Springs

PURPOSE: To develop a mitigation banking instrument that would operate within the State of Indiana, providing stream and wetland mitigation credits

DESCRIPTION OF WORK: The sponsor is proposing to establish a stream and wetland mitigation bank, Candace Lee Fink Mitigation Bank, across two parcels totaling 64 acres in the floodway of Fall Creek. The sponsor proposes to establish 20.2 acres of forested wetlands and 35.8 acres of emergent wetlands with the remaining 8 acres accounting for buffer. The sponsor additionally proposes mitigation along 326 linear feet of perennial stream. The wetland would be re-established by taking existing agricultural land and transition it to wetlands through minor grading work, breaking of tiles, and plantings.

The Sponsor proposes that credits for wetlands establishment be completed at a 1:1 ratio. Stream credits would be generated at a 0.5:1 ratio. In all, once the bank has been deemed successful, the sponsor proposes that 56 wetland mitigation credits, 3.55 upland buffer credits, and 163 linear feet of stream credits would be generated for sale.

The sponsor proposes that the Candace Lee Fink Bank provides available compensatory mitigation for projects located in the Upper White 8 digit watershed (05120201).

The project would be monitored for a period of 10 years to ensure that the project meets the proposed objectives and performance standards in the mitigation plan.

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 has been examined, and it has been determined that there are no properties currently listed on the Register which have been directly affected by the work. The Corps will be requesting a Phase 1 Archeological Survey of the site prior to approval. Once complete, the Corps will coordinate the findings with the State Historic Preservation Office.

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, 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/Public-Notices/>. All comments regarding this proposal should be addressed to Mr. Scott Matthews, CELRL-RDE, at the address noted above and should refer to the Public Notice Number No. LRL-2020-1022-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-2020-1022-sam.

Example:

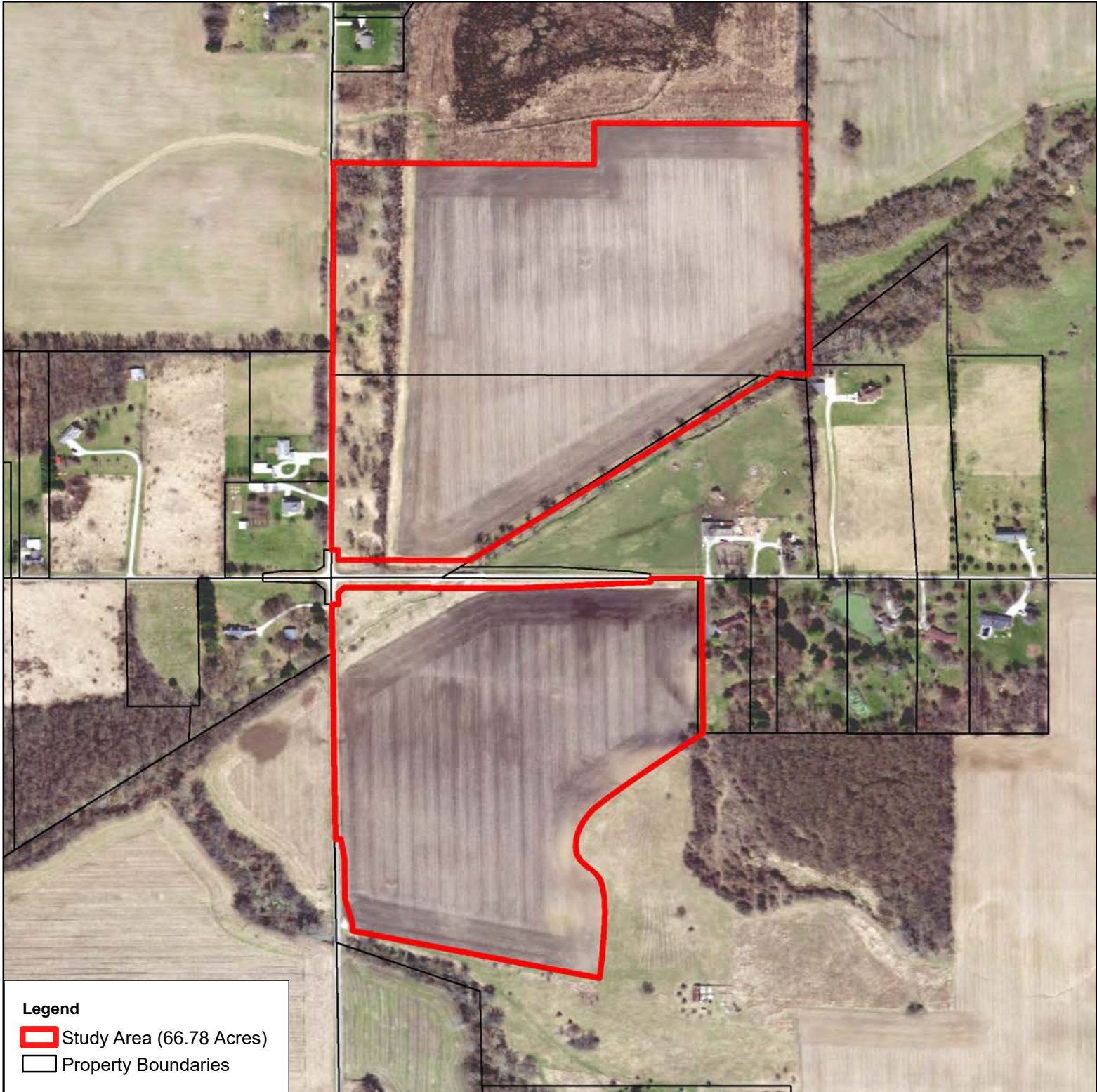
Subject: LRL-2020-1022-sam

b) Provide your physical mailing address and telephone number.

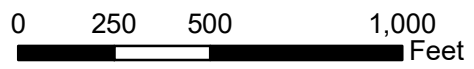
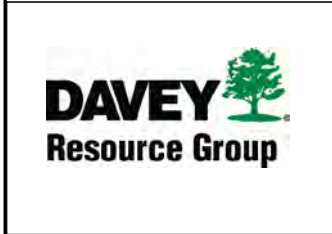
c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil

d) If you are sending attachments greater than 10 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

Appendix D: Location of Study Area on Aerial Photograph and Henry County Map



Legend
[Red Outline] Study Area (66.78 Acres)
[Black Outline] Property Boundaries

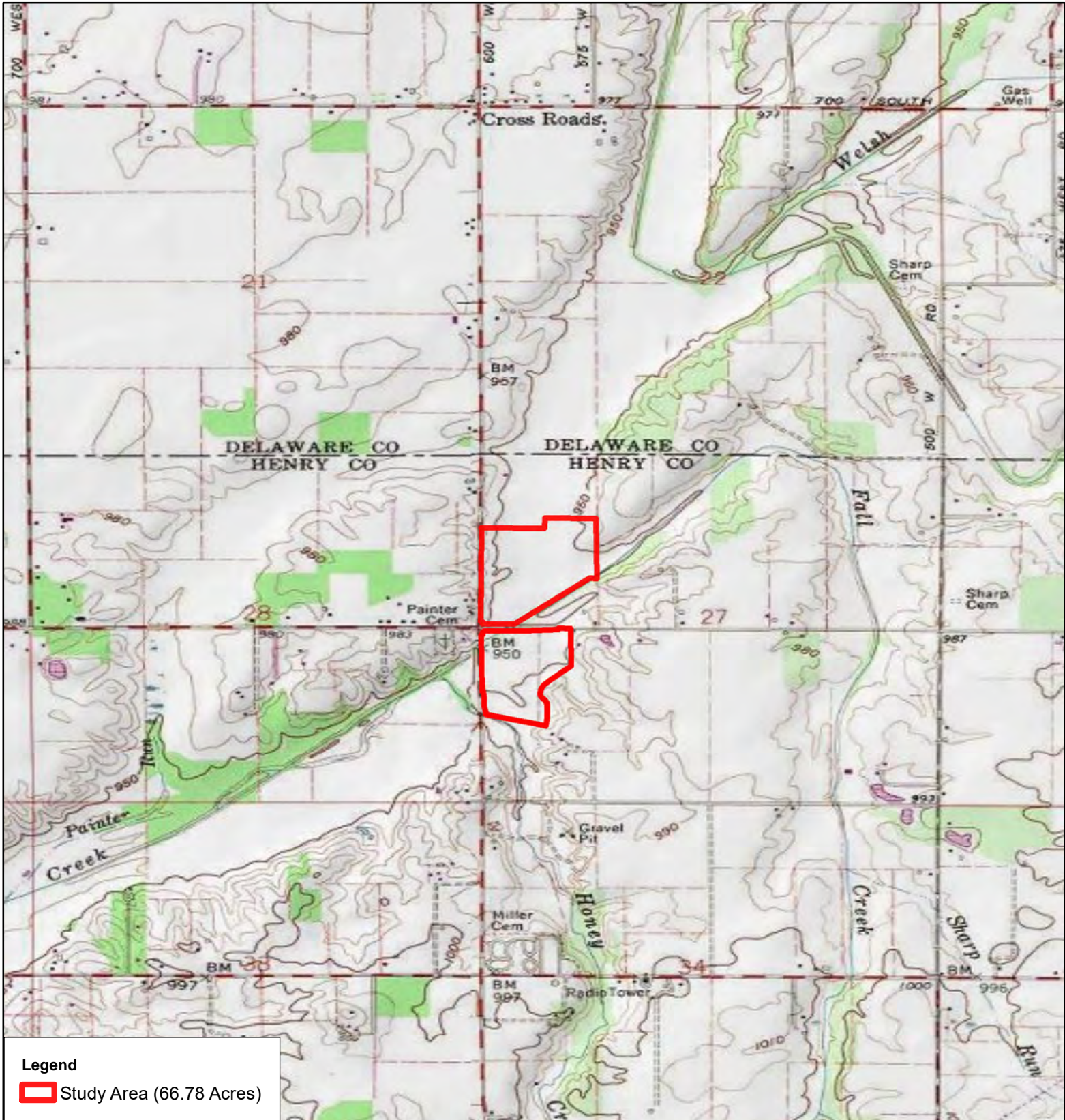


1 in = 500 feet

Site Location: Candace Lee Fink Mitigation Bank
Fall Creek Township
Henry County, Indiana

Source: Esri, Redlands CA
Indiana Geographic Information Office, 2018

Appendix H: Location of Study Area on USGS 7.5-Minute Topographic Map



Legend
Study Area (66.78 Acres)



0 1,000 2,000 4,000 Feet

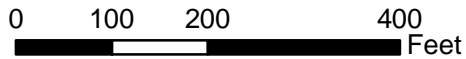
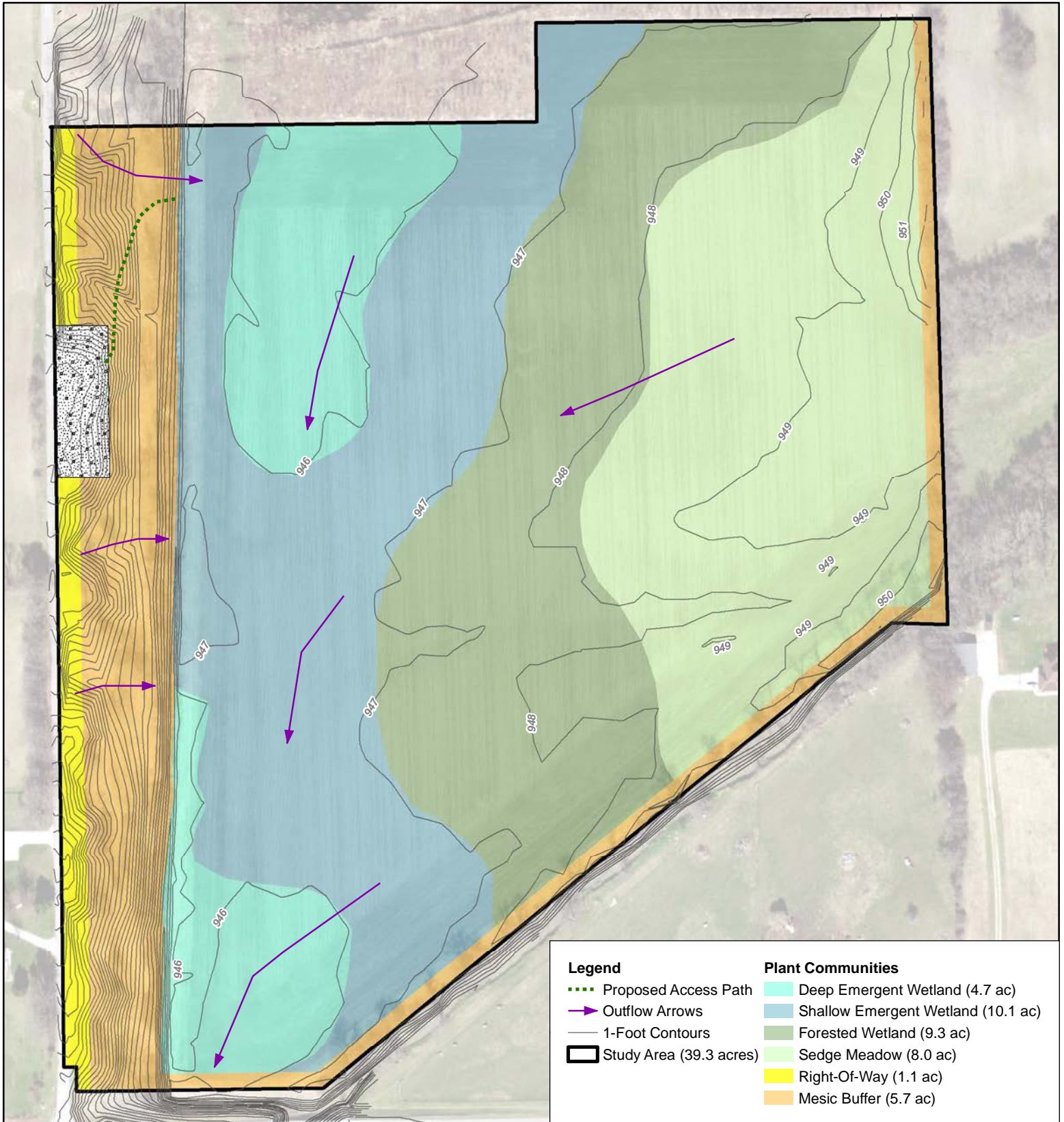


1 in = 2,000 feet

Site Location: Candace Lee Fink Mitigation Bank
Fall Creek Township
Henry County, Indiana

Source: Esri, Redlands CA
National Geographic Society, 2013

Appendix L1: Potential Planting Plan (Northern Study Area)

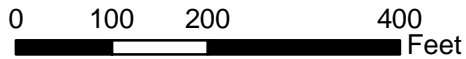
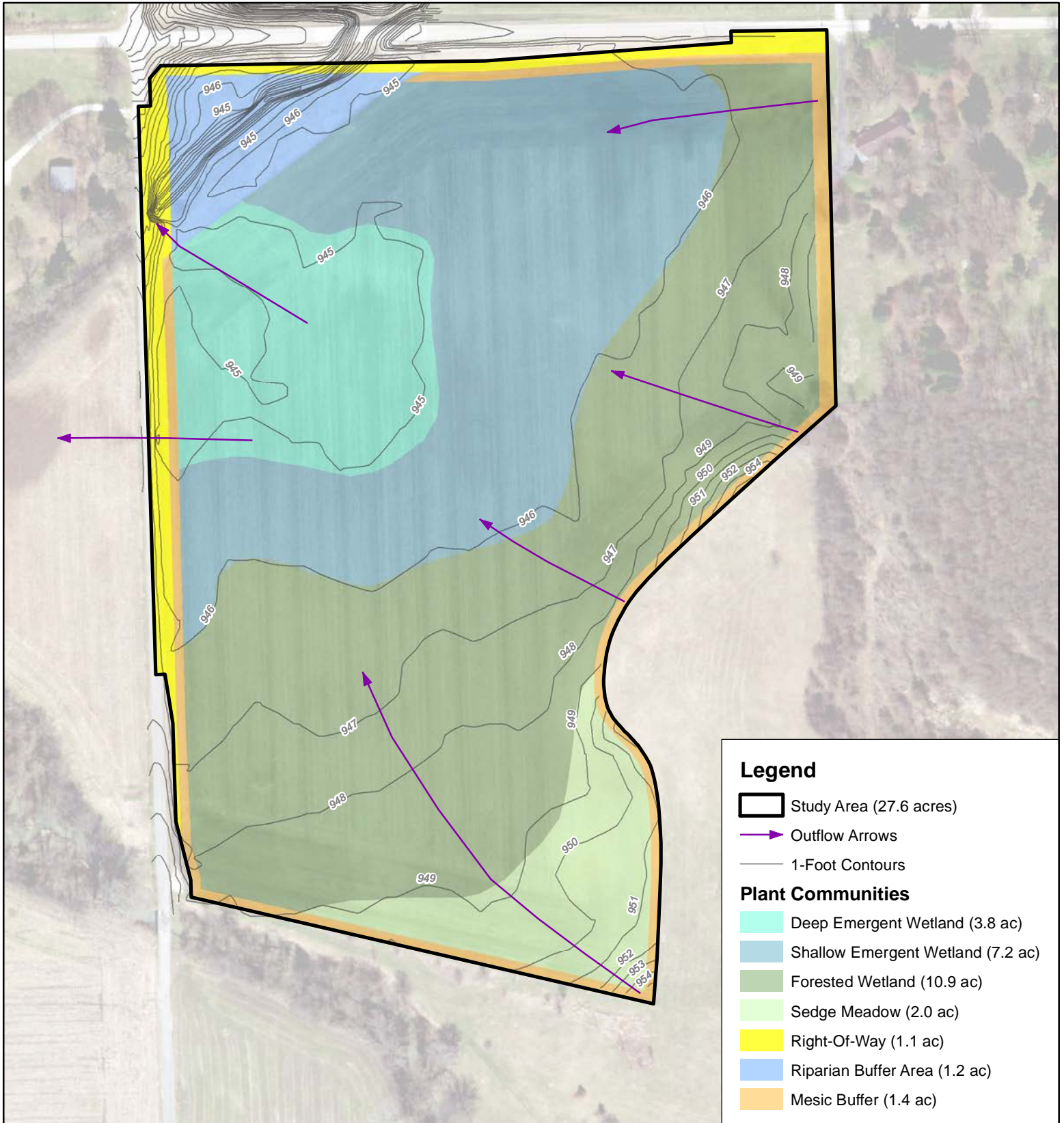


1 in = 200 feet

Site Location: Candace Lee Fink Mitigation Bank
 Fall Creek Township
 Henry County, Indiana

1-Foot Contours provided by Ashton Land Surveyor, Inc.,
 January 2021

Appendix L2: Potential Planting Plan (Southern Study Area)



1 in = 200 feet