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# Joint Public Notice

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

Public Notice No.  
LRL-2020-748-DDS

Open Date:  
6 November 2020

Closing Date:  
7 December 2020

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Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Deborah Duda Snyder, CELRL-RDN, Rm 752  
8902 Otis Avenue, Suite S106B  
Indianapolis, Indiana 46216

Phone: 317-543-9424

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This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act 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:** Lochmueller Group, Inc.  
6200 Vogel Road  
Evansville, Indiana 47715

**LOCATION:** On the White River, west of SR 37, Morgan County, Indiana

Latitude: 39.50102  
Longitude: -86.33305  
7.5 Minute Quad: Mooresville East, Indiana

**PURPOSE:** To install streambank protection measures on the White River near SR 37.

**DESCRIPTION OF WORK:** The applicant proposes to discharge 23,744 cubic yards (cys) of fill material below the Ordinary High Water Mark (OHWM) of 3,262 linear feet of the White River. Impacts to “waters of the United States (U.S.)” would occur for the installation of 3,262 linear feet of longitudinal stone toe protection and 13 bendway weirs for the restoration and protection of the White River streambank. The fill material would consist of clean earthen fill and limestone riprap.

**AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:** Impacts to the White River are unavoidable considering that the proposed project involves restoring the White River’s riverbank and protecting it from erosion.

The proposed project would restore and protect the left descending bank of the White River near existing State Route 37, a four lane road that is currently being upgraded to interstate standards. The bank stabilization area was limited to the minimum amount necessary and the riverbank would be restored using natural design methods. The areas above the longitudinal stone toe protection would be planted with native trees, shrubs, and herbaceous vegetation.

As part of the National Environmental Policy Act (NEPA) process, the applicant, on behalf of the Federal Highways Administration (FHWA) determined that the proposed project qualified as a Categorical Exclusion.

**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. The USFWS concurred with the applicant's determination, on behalf FHWA, that the proposed project may affect, but is not likely to adversely affect the federally listed Indiana bat (*Myotis sodalis*) and/or northern long-eared bat (*Myotis septentrionalis*).

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 applicant, on behalf of FHWA, has determined that the proposed project falls within the guidelines of Category B, Type 13, under the Minor Projects Programmatic Agreement between INDOT, FHWA, and the Indiana State Historic Preservation Office. 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, 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 Ms. Deborah Duda Snyder, CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-2020-748-dds.

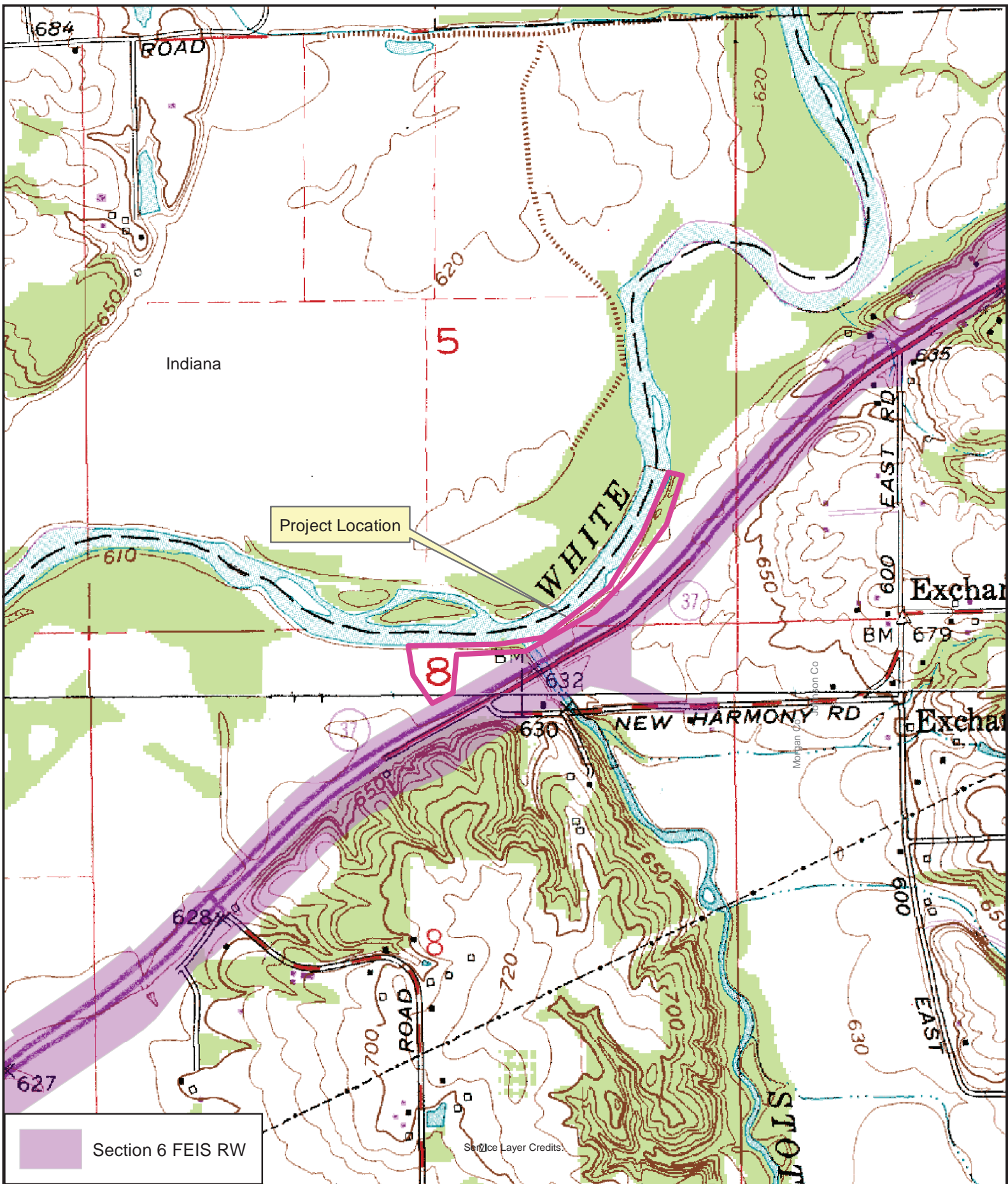
If you desire to submit your comments by email, you must comply with the following:



- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2020-748-DDS.

Example:

Subject: LRL-2020-748-DDS

- 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 10 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



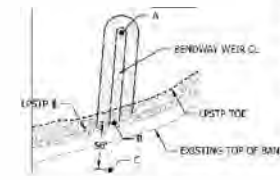
<p>Lochmueller Group No. 103-0001-2ED          Date: 08/06/2020          Created by: Jeremy Kieffner</p>	<p>County: Morgan Co., IN          Municipality: Martinsville, IN</p>	<p>LRL-2020-748          White River Bank Stabilization - Project Location          Page 1 of 3</p>
 <p>6200 Vogel Road          Evansville, IN 47715          Phone: 812.479.6200          Toll Free: 800.423.7411</p>	 <p>0 500 1,000 Feet</p>	

LPSTP SOUTH ALIGNMENT				
PI Station	Northing	Easting	Point	Radius
10+00.00	652590.45	1335961.27		
10+16.58	652530.18	1335867.84		
10+97.31	652487.21	1335788.20		
11+62.20	652467.71	1335823.99		
12+61.86	652402.08	1335916.01		
14+57.08	652271.86	1335952.47	PI	391.68
16+24.74	652309.95	1336244.39		
17+11.61	652315.19	1336331.07		
17+77.57	652329.29	1336395.51		
19+04.86	652359.73	1336518.76		
19+53.13	652366.39	1336598.85		
19+86.01	652372.21	1336589.29		
20+33.12	652391.49	1336642.20		
20+79.17	652413.58	1336682.59		
22+04.22	652462.37	1336797.74		
22+54.54	652478.18	1336835.16		
23+03.49	652442.85	1336877.96		
23+14.13	652433.35	1336873.15		

**NOTES**

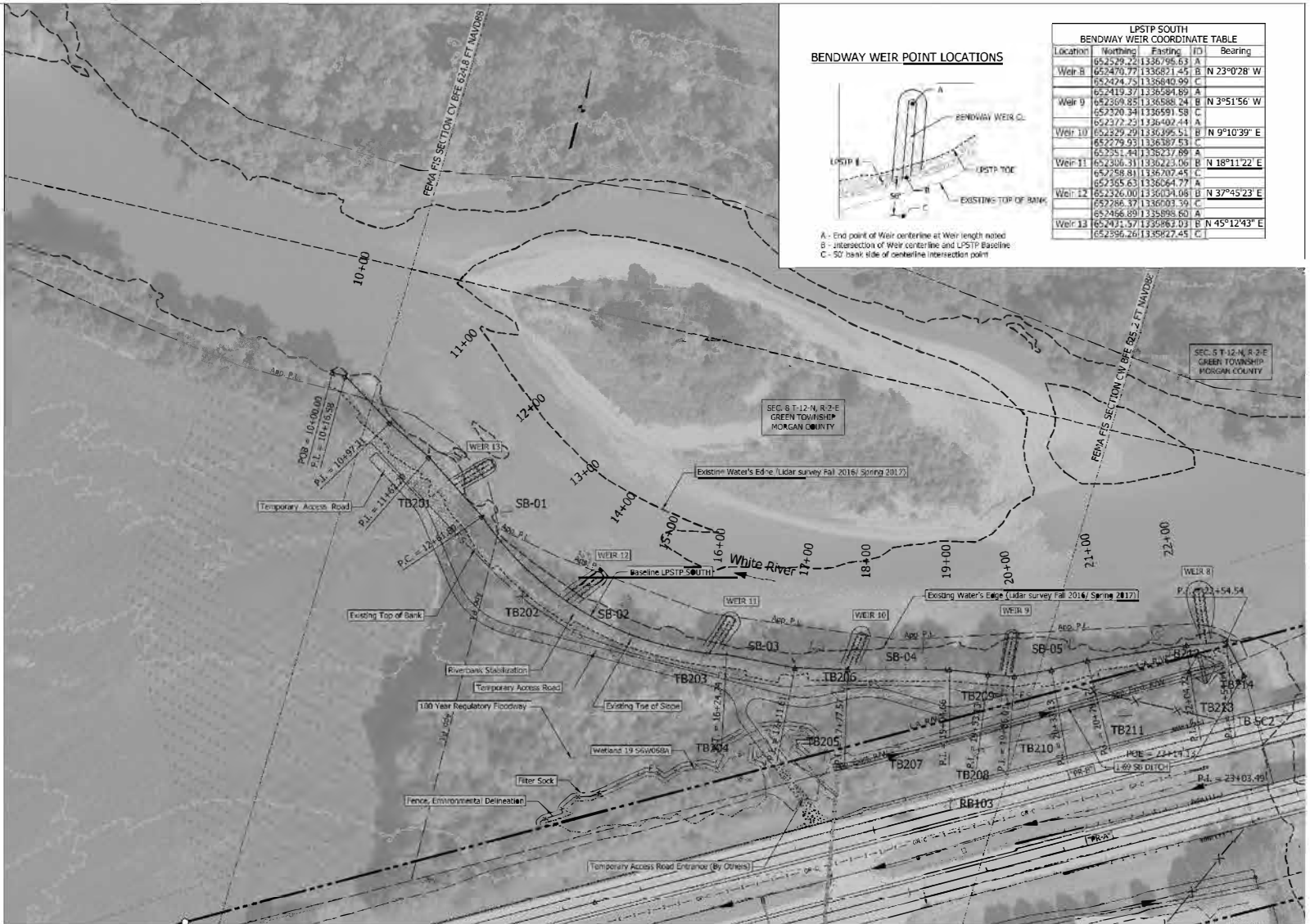
- Deviation from locations and lengths of river bank stabilization elements are anticipated due to river bank variations subsequent to the survey. Field adjustments will be required in coordination with the Engineer.
- LPSTP Denotes Longitudinal Peak Stone Toe Protection
- Construction equipment shall not drive directly on the existing river bed. Construction equipment will be allowed to drive on riprap placed for bendway weirs.
- P.I. point at 14+57.48 is an off alignment point.
- Maintenance access roadway shall be field located to reduce conflicts with existing trees. Field adjustments will be coordinated with the Engineer.
- All construction within the 1-69 LA, R/W, Except the maintenance access roadway, is under a separate contract.

**BENDWAY WEIR POINT LOCATIONS**



- A - End point of Weir centerline at Weir length noted
- B - Intersection of Weir centerline and LPSTP Baseline
- C - 50' bank side of centerline intersection point

LPSTP SOUTH BENDWAY WEIR COORDINATE TABLE				
Location	Northing	Easting	ID	Bearing
Weir 8	652470.77	13358821.45	B	N 23°02'28" W
	652424.25	1335840.99	C	
Weir 9	652419.27	1335894.89	A	N 3°51'56" W
	652369.85	1335888.24	B	
	652370.34	1335991.58	C	
Weir 10	652372.25	1336402.44	A	N 9°10'39" E
	652329.29	1336396.51	B	
	652279.93	1336397.53	C	
Weir 11	652351.40	1336231.89	A	N 18°11'22" E
	652306.31	1336223.06	B	
	652258.81	1336707.45	C	
Weir 12	652365.63	1336064.77	A	N 37°45'23" E
	652316.00	1336004.08	B	
	652266.37	1336003.39	C	
Weir 13	652456.89	1335898.60	A	N 45°12'43" E
	652431.57	1335982.03	B	
	652396.26	1335827.45	C	



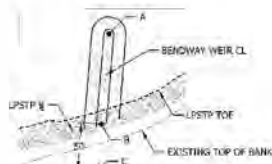
**LEGEND**

- |  |                                  |  |  |  |                  |
|--|----------------------------------|--|--|--|------------------|
|  | Bendway Weir / LPSTP Key         |  | Denotes Longitudinal Peak Stone Toe Protection (LPSTP) |  | ZONE M1 PLANTING |
|  | Proposed Fence (by others)       |  | Existing Streams/Mitigation Channels                   |  | ZONE M2 PLANTING |
|  | Ordinary High Water Mark - 618.0 |  | Temporary Gravel Access Road                           |  | ZONE M3 PLANTING |
|  | Soil Boring (Typical)            |  |  |  |                  |

RECOMMENDED FOR APPROVAL DESIGNED: HMF CHECKED: TML	DESIGN ENGINEER: ORWAY: PPN CHECKED: HMF	DATE:	<b>INDIANA DEPARTMENT OF TRANSPORTATION</b>		HORIZONTAL SCALE: 1" = 80' VERTICAL SCALE:
			LRL-2020-748 White River Bank Stabilization Plan View Page 2 of 3		SURVEY BOOK: 14 CONTRACT: 18-42-188 SHEETS: 38 PROJECT: 1818188

LPSTP NORTH BENDWAY WEIR COORDINATE TABLE				
Location	Northing	Easting	ID	Bearing
Weir 1	653754.03	1337960.79	B	S 58°26'30" E
	653727.88	1338003.40	C	
	653553.70	1337770.40	A	
Weir 2	653480.74	1337929.61	B	S 22°05'18" E
	653459.93	1337869.79	C	
	653275.51	1337649.36	A	
Weir 3	653232.17	1337685.87	B	S 25°57'36" E
	653193.85	1337718.04	C	
	653039.64	1337519.40	A	
Weir 4	653047.86	1337553.35	B	S 25°57'36" E
	653006.56	1337581.53	C	
	652921.29	1337362.07	A	
Weir 5	652873.98	1337306.52	B	S 38°32'55" E
	652829.53	1337209.48	C	
	652789.83	1337205.33	A	
Weir 6	652739.13	1337221.62	B	S 65°54'58" E
	652691.53	1337236.91	C	
	652662.83	1337038.62	A	
Weir 7	652607.02	1337054.40	B	S 65°54'58" E
	652558.31	1337068.01	C	

**BENDWAY WEIR POINT LOCATIONS**

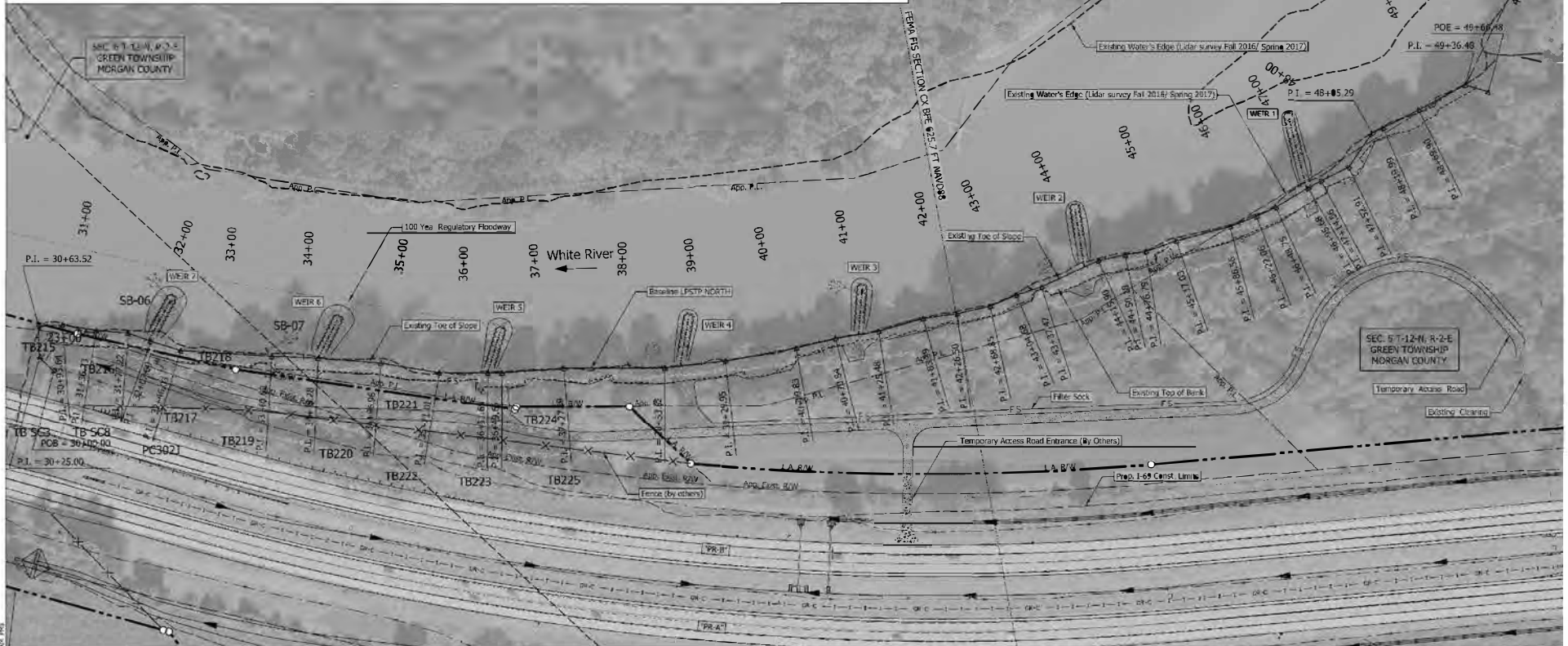


A - End point of Weir centerline at Weir length included  
 B - Intersection of Weir centerline and LPSTP Baseline  
 C - 5ft bank side of centerline intersection point

LPSTP NORTH ALIGNMENT					
PI Station	Northing	Easting	PI Station	Northing	Easting
30+00.00	652496.32	1336996.16	41+83.39	653302.80	1337729.70
30+25.00	652496.37	1336977.16	42+26.50	653336.91	1337756.07
30+50.00	652492.96	1336943.34	42+69.85	653372.36	1337779.24
30+75.00	652445.56	1336963.26	43+04.68	653405.39	1337793.09
31+00.00	652470.38	1336998.49	43+37.47	653434.45	1337806.27
31+25.00	652496.03	1337029.81	44+15.90	653507.62	1337836.52
31+50.00	652628.22	1337037.08	44+50.16	653536.25	1337855.41
32+00.00	652670.01	1337091.72	44+76.79	653567.97	1337871.31
32+25.00	652700.62	1337178.70	45+17.03	653593.58	1337889.29
32+50.00	652779.18	1337221.62	45+46.56	653653.18	1337925.08
33+00.00	652786.29	1337252.73	46+22.04	653695.46	1337938.84
33+25.00	652883.82	1337342.84	46+46.76	653710.43	1337949.27
33+50.00	652873.90	1337386.52	46+95.68	653755.80	1337961.26
34+00.00	652886.47	1337399.45	47+14.56	653773.81	1337966.93
34+25.00	652944.70	1337450.74	47+52.91	653809.93	1337978.81
34+50.00	653002.66	1337541.14	48+05.29	653861.96	1337970.94
35+00.00	653091.99	1337589.51	48+19.59	653875.17	1337976.49
35+25.00	653165.29	1337641.53	48+69.90	653922.40	1337992.59
35+50.00	653243.56	1337698.38	49+38.48	653965.90	1338012.65
36+00.00	653252.50	1337701.00	49+66.49	653999.58	1338039.35

**NOTES:**

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LEGEND		PLANTING	
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	Proposed Fence (by others)		ZONE M2 PLANTING
	Ordinary High Water Mark - 618.0		ZONE M3 PLANTING
	Soil Boring (Typical)		Existing Streams/Mitigation Channels
	Temporary Gravel Access Road		Bendway Weirs
			Denotes Longitudinal Peak Stone Toe Protection (LPSTP)

RECOMMENDED FOR APPROVAL DESIGNED: HWF CHECKED: JML	DESIGN ENGINEER: ORKANY: HWF CHECKED: HWF	DATE:	INDIANA DEPARTMENT OF TRANSPORTATION		HORIZONTAL SCALE: 1" = 40'	INCLUDE FILE:
			LRL-2020-748 White River Bank Stabilization Plan View Page 3 of 3		VERTICAL SCALE:	DESIGNATION: LWF100
			SURVEY BOOK:	15	SHEETS OF: 38	PROJECT: 2901700
			CONTRACT: R-42104			