



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
INDIANAPOLIS REGULATORY OFFICE
8902 OTIS AVENUE, SUITE S106B
INDIANAPOLIS, INDIANA 46216
FAX; (317) 547-4526
<http://www.lrl.usace.army.mil/>
December 15, 2015

Operations Division
Regulatory Branch (North)
ID No. LRL-2015-734-sjk

Mr. Ken Kern
Sunbeam Development Corporation
9200 East 116th Street
Fishers, Indiana 46038

Dear Mr. Kern:

This is in regard to the letter of September 4, 2015, from Earth Source requesting a jurisdictional determination for the reported "Section I, II, III, V, VI, VII" wetlands located at the proposed Project Hoosier development at latitude 39.95307° and longitude -86.00712°, in Fishers, Hamilton County, Indiana. Section IV wetland and the proposed site development plan are currently under review per our previous correspondence dated November 18, 2015.

The U.S. Army Corps of Engineers exercises regulatory authority under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344) for certain activities in "waters of the United States (U.S.)." These waters include all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce.

The reported isolated Sections I, II, III, V, VI and VII do not appear to be used or be susceptible to use in interstate or foreign commerce. As such, these wetlands are not considered to be "waters of the U.S." Therefore, a Department of the Army permit is not required for impacts associated with these wetlands. However, this determination does not relieve you of the responsibility to comply with applicable State law. We urge you to contact the Indiana Department of Environmental Management (IDEM), Office of Water Quality, 100 North Senate Avenue, Indianapolis, Indiana, 46204 to determine the applicability of State law to the isolated wetlands mentioned above and verification of the wetland boundaries.

This letter contains an approved jurisdictional determination (JD) for your site. If you object to this JD, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this JD you must submit a completed RFA form to the Lakes and Rivers Division Office at the following address.

US Army Corps of Engineers
Attn: Jacob Siegrist, CELRD-PD-REG
550 Main Street, Room 10524
Cincinnati, OH 45202-3222
(513) 684-6212

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **February 9, 2015**.

This jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

It is not necessary to submit an RFA form to the Division office if you do not object to the JD in this letter.

If we can be of any further assistance, please contact me by writing to the above address or by calling 317-543-9424. Any correspondence on this matter should reference our Identification Number LRL-2015-734-sjk.

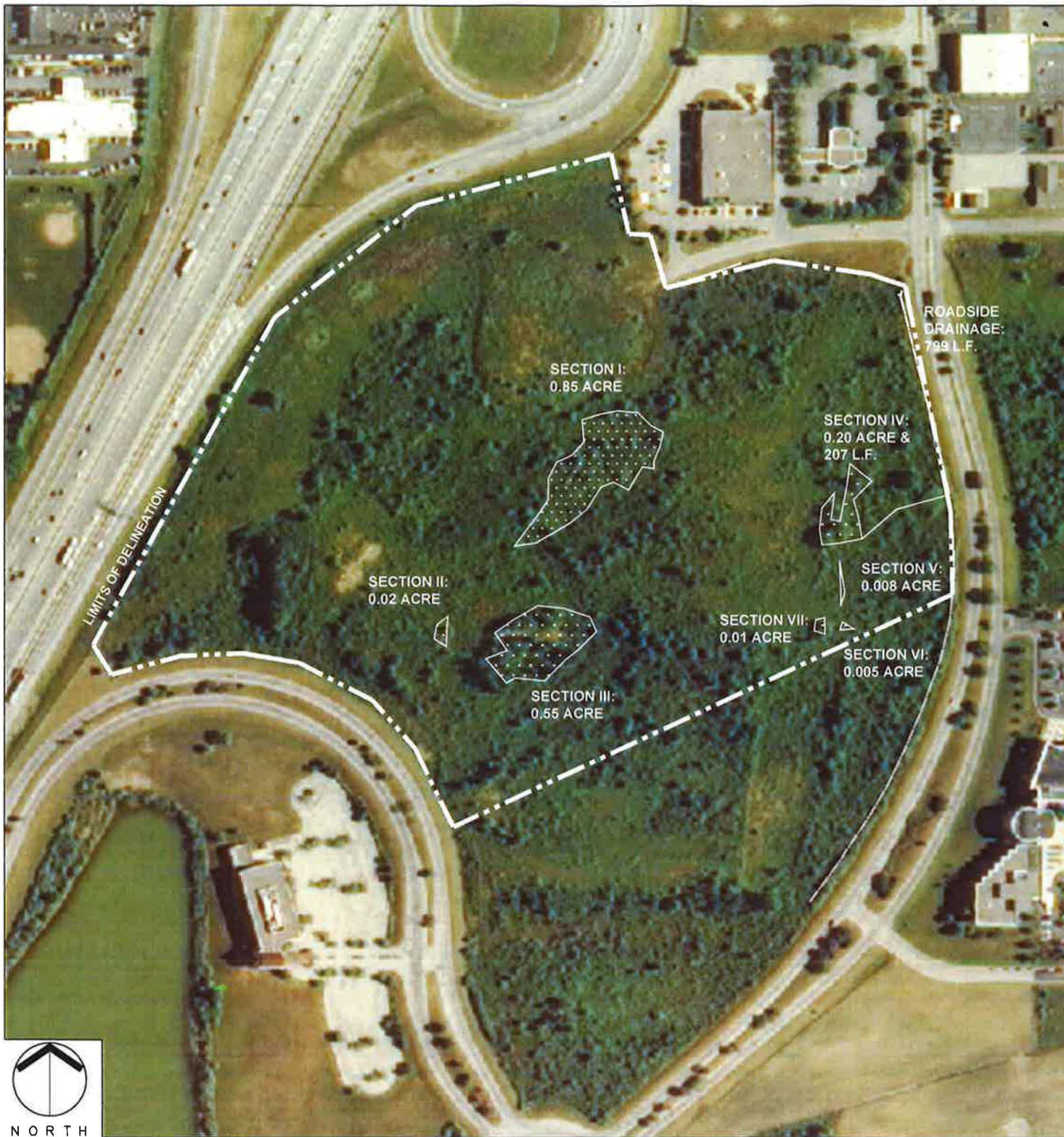
Sincerely,



Sarah Keller
Regulatory Specialist
Indianapolis Regulatory Office


Enclosures

Copy Furnished: IDEM (Turner)
w/o encl Earth Source (Manning)



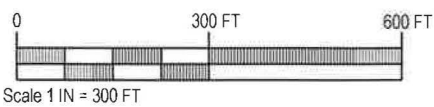
Project Name:
PROJECT HOOSIER

Agent:



Earth-Source Inc
14921 Hand Road, Fort Wayne, IN 46818
(260) 489-8511 Fax (260) 489-8607

WETLAND DELINEATION MAP



Applicant:
KIMLEY-HORN
600 EAST 96TH STREET, SUITE 460
INDIANAPOLIS, IN 46240

State: INDIANA		County: HAMILTON
Township Name: DELAWARE		
Township: T17N	Range: R5E	Section: 6
Quadrangle: FISHERS (IN)		
Latitude/Longitude (NAD 27): 39.952802°, -86.006645°		
Revised Date: 10-28-2015	Attachment: K6	