



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
INDIANAPOLIS REGULATORY OFFICE
9799 BILLINGS ROAD
INDIANAPOLIS, INDIANA 46216-1055
<http://www.lrl.usace.army.mil>

May 17, 2010

Operations Division
Regulatory Branch (North)
ID No. LRL-2010-355-sam

Ms. Laura Hilden
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, IN 46204

Dear Ms. Hilden:

This is in regard to your letter of March 29, 2010, requesting jurisdictional determination for two wetlands totaling 1.44 acres adjacent to State Route 331 in Section 24, Township 32 North, Range 3 East, Tippecanoe, Marshall County, Indiana (Des. No. 0500285).

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 specific isolated wetlands in question 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 in this instance. This jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date. 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, Office of Water Quality, 100 North Senate Avenue, Indianapolis, Indiana, 46204 to determine the applicability of state law to your project.

Our comments on this project are limited to only those effects which may fall within our area of jurisdiction and thus does not obviate the need to obtain other permits from state or local agencies. Lack of comments on other environmental aspects should not be construed as either concurrence or nonconcurrence with stated environmental effects.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, 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 determination, you must submit a completed RFA form to the Lakes and Rivers Division Office at the following address:

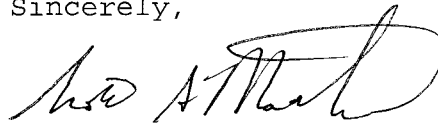
Ms. Pauline D. Thorndike, Appeal Review Officer
US Army Engineer Division, Cincinnati
Attn: CELRD-PD-R
550 Main Street, Room 10032
Cincinnati, OH 45202-3222
(513) 684-6212

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 July 12, 2010.

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

If you have any questions concerning this matter please contact me at the above address or by calling 317-532-4226. Any correspondence should reference our assigned Identification Number LRL-2010-355-sam.

Sincerely,



Scott A. Matthews
Project Manager
Indianapolis Regulatory Office

Enclosure

Copy furnished: IDEM (Sanders)