



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

Public Notice

Public Notice No.
LRL-2016-00006

Open Date:
15 Jun 2016

Close Date:
1 Aug 2016

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Ms. Kimberly J. Simpson, CELRL-OPF-N, Rm 752

P.O. Box 59

Louisville, Kentucky 40201-0059

Phone: (502) 315-6691

INITIAL PUBLIC NOTICE

NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS

On June 1, 2016, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the 50 existing nationwide permits (NWP) and issue two new NWP.

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWP require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWP cause no more than minimal individual and cumulative adverse environmental effects.

National Issues Concerning the Proposed NWP: The Federal Register notice is the public's opportunity to comment on the proposed NWP, general conditions, and definitions. Comments on national issues relating to these NWP should be submitted to docket number COE-2015-0017 at www.regulations.gov, or by email to NWP2017@usace.army.mil or by mail to Headquarters, U.S. Army Corps of Engineers, Directorate of Civil Works, ATTN: CECW-CO-R, 441 G Street, N.W., Washington, D.C. 20314-1000. Instructions for submitting comments are provided in the June 1, 2016 Federal Register notice. Comments on the proposed NWP are due by August 1, 2016.

Regional Issues Concerning the Proposed NWP, Including Regional Conditioning: Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are important mechanisms to ensure that the adverse environmental effects of activities authorized by the NWP are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWP in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWP may be more than minimal. Enclosure 2 of 2 of this public notice lists the proposed regional conditions currently under consideration by the Louisville District for the State of Indiana. The Louisville District is seeking comments on the proposed regional

conditions and seeking comments on the need for additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWP are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed regional conditions listed on these enclosures are applicable for activities in Indiana.

Comments on regional issues relating to the proposed NWP and proposed regional conditions should be sent to the Louisville District, CELRL-OPF-N, Rm 752, P.O. Box 59, Louisville, Kentucky 40201 (telephone number (502) 315-6691). Comments relating to regional conditions are due by **August 1, 2016**. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices. If you desire to submit your comments on the proposed regional conditions 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-2016-00006.

Example:

Subject: LRL-2016-00006.

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.

After the final NWP are issued, the final regional conditions will be issued after they are approved by the Division Commander. After the final NWP are issued, States will make their Clean Water Act Section 401 (401) water quality certification decision. The 401 decision must be made within 90 days of the Federal Register notice announcing the issuance of the NWP. The final NWP will go into effect on March 19, 2017.

Draft decision documents for each of the proposed NWP, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWP with the requirements for issuance under the Corps general permit authority. These documents, as well as the proposed NWP, are available for viewing at www.regulations.gov, docket number COE-2015-0017. Final decision documents will be prepared for the NWP that are issued. In addition, the final national NWP decision documents will be supplemented by division engineers to address their decisions concerning regional conditions for the NWP.

Operations Division
Regulatory Branch (North)
Public Notice No. LRL-2016-00006

Enclosed is an index of the proposed NWPs and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWPs through the Corps Home Page at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx> , at www.regulations.gov in docket number COE-2015-0017, or at the Federal Register address listed below.

Index of Proposed Nationwide Permits, Conditions, and Definitions

Nationwide Permits

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil or Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities

45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. [Reserved]
48. Commercial Shellfish Aquaculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities
51. Land-Based Renewable Energy Generation Facilities
52. Water-Based Renewable Energy Generation Pilot Projects
 - A. Removal of Low-Head Dams
 - B. Living Shorelines

Nationwide Permit General Conditions

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Single and Complete Project
16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Bird and Bald and Golden Eagle Permits
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-by-Case Conditions
28. Use of Multiple Nationwide Permits
29. Transfer of Nationwide Permit Verifications
30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification

District Engineer's Decision

Further Information

Definitions

Best management practices (BMPs)
Compensatory mitigation
Currently serviceable
Direct effects
Discharge
Enhancement
Ephemeral stream
Establishment (creation)
High Tide Line
Historic property
Independent utility
Indirect effects
Intermittent stream
Loss of waters of the United States
Non-tidal wetland
Open water
Ordinary high water mark
Perennial stream
Practicable
Pre-construction notification
Preservation
Re-establishment
Rehabilitation
Restoration
Riffle and pool complex
Riparian areas
Shellfish seeding
Single and complete linear project
Single and complete non-linear project
Stormwater management
Stormwater management facilities
Stream bed
Stream channelization
Structure
Tidal wetland
Vegetated shallows
Waterbody

INDIANA REGIONAL GENERAL CONDITIONS FOR THE STATE OF INDIANA

These regional conditions are in addition to but do not supersede the requirements in the Federal Register (Volume 81 No. 105 of June 1, 2017). Information on Pre-Construction Notification (PCN) can be found at NWP General Condition No. 32 (Federal Register, Volume 81, No. 105 of June 1, 2017, pp 35211).

The following Nationwide Permits in the State of Indiana have been suspended:

NWP 7	Outfall Structures and Associated Intake Structures
NWP 11	Temporary Recreational Structures
NWP 13	Bank Stabilization
NWP 14	Linear Transportation Projects
NWP 15	U.S. Coast Guard Approved Bridges
NWP 18	Minor Discharges
NWP 19	Minor Dredging
NWP 25	Structural Discharges
NWP 29	Residential Developments
NWP 36	Boat Ramps
NWP 39	Commercial and Institutional Developments
NWP 40	Agricultural Activities
NWP 41	Reshaping Existing Drainage Ditches
NWP 42	Recreational Facilities
NWP 43	Stormwater Management Facilities
NWP 44	Mining Activities

REGIONAL CONDITIONS:

1. Nationwide Permit No. 12 – Utility Line Activities
 - (a) Notification is required for all substations.
 - (b) Impacted wetlands outside of permanently maintained rights of way shall be restored to the same or more valuable wetland type (e.g. forested wetlands shall be restored to forested wetlands). Within permanently maintained rights of way, impacted wetlands shall be restored, unless otherwise authorized by the Corps.
 - (c) For utility lines placed across the channel of an authorized Federal navigation project, the following conditions apply: 1) the line must be embedded at least 6 feet below the authorized Federal channel depth; 2) existing and proposed elevation information on precise plan and section scale drawings are required; 3) within 60 days after construction, an as-built survey must be provided indicating the points of entry and exit of the installation.
 - (d) Notification is required for all stream crossings.

Regional Conditions Applicable to all NWPs within Indiana:

1. Excavation/dredging from areas of known or suspected contamination requires:
 - (a) Placement of the material in a Confined Disposal Facility or Class II landfill; or
 - (b) Placement of the material by other Corps' approved method; or
 - (c) Testing to demonstrate that the material is not contaminated. If the material is determined

to be contaminated, it must be disposed of in a. or b. above.

2. Notification in accordance with Condition 32 is required to the Corps for all activities affecting Designated Salmonid Waters, Outstanding State Resource Waters, Exceptional Use Streams, and Critical Wetlands and Critical Special Aquatic Sites (See Attachments 1 and 2).
3. Notification in accordance with Condition 32 is required to the Corps for all activities which would cause, alter, or affect diversion of water from the Great Lakes basin.
4. Notification in accordance with Condition 32 is required to the Corps for all activities which are subject to jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
5. All applications are required in a paper copy and an electronic media format, including electronic mail or compact disc.

ATTACHMENT 1

Designated Salmonid Waters

1. Galena River and its tributaries, LaPorte County
2. Trail Creek & tributaries downstream to Lake Michigan, LaPorte County.
3. East Branch of the Little Calumet River and its tributaries downstream to Lake Michigan via Burns Waterway (Ditch), Porter and LaPorte Counties.
4. The Indiana portion of the open waters of Lake Michigan.
5. Kintzele Ditch (Black Ditch) from Beverly Drive downstream to Lake Michigan, Porter County.
6. Salt Creek and its tributaries upstream of its confluence with the Little Calumet River, Porter County.
7. The St. Joseph River and its tributaries in St. Joseph County from the Twin Branch Dam in Mishawaka downstream to the Indiana/Michigan state line, St. Joseph County.
8. Those waters designated by the Indiana Department of Natural Resources (IDNR) for put-and-take trout fishing.

Waterbodies which have been designated all or partially as Outstanding State Resource

Waters:

1. The Blue River in Washington, Crawford, and Harrison counties (from the confluence of the West and Middle Forks of the Blue River in Washington County) from river mile 57.0 to river mile 11.5.
2. Cedar Creek in Allen and DeKalb counties.
3. The North Fork of Wildcat Creek in Carroll and Tippecanoe counties.
4. The South Fork of Wildcat Creek in Tippecanoe County.
5. The Indiana portion of Lake Michigan.
6. All waters incorporated in the Indiana Dunes National Lakeshore.

Streams which have been designated all or partially as Exceptional Use Waters:

1. Big Pine Creek in Warren County.
2. Mud Pine Creek in Warren County.
3. Fall Creek in Montgomery County.
4. Indian Creek in Montgomery County.
5. Clifty Creek in Montgomery County.
6. Bear Creek in Fountain County.
7. Rattlesnake Creek in Fountain County.
8. The small tributary to Bear Creek in Fountain County within the Portland Arch Nature Preserve which enters Bear Creek at the sharpest bend and has formed the small natural bridge called Portland Arch.
9. Blue River from the confluence of the West Middle Forks of the Blue River in Washington County to the Ohio River.
10. The South Fork of the Blue River in Washington County.

11. Lost River and all surface and underground tributaries upstream from the Orangeville Rise.
12. Rise of the Lost River
13. Mainstream of the Lost River from Orangeville Rise downstream to its confluence with the East Fork of the White River (Orangeville Rise location)

ATTACHMENT 2

Critical Wetlands and Critical Special Aquatic Sites

1. Acid bogs
2. Acid seeps
3. Circumneutral bogs
4. Circumneutral seeps
5. Cypress Swamps
6. Dune and swales
7. Fens
8. Forested fens
9. Forested swamps
10. Marl beaches
11. Muck flats
12. Pannes
13. Sand flats
14. Sedge meadows
15. Shrub swamps
16. Sinkhole ponds
17. Sinkhole swamps
18. Wet floodplain forests
19. Wet prairies
20. Wet sand prairies