



CERTIFICATE OF APPROVAL

Application #: FW-31500-0

This Certificate of Approval is a Permit for Construction under the authority of the Indiana Flood Control Act, IC 14-28-1 with 312 IAC 10 and IC 14-29-1 with 312 IAC 6 as administered by the Department of Natural Resources.

Approval Issued To: 2400 Green River Investments, LLC, Chris Combs, 5733 Shadow Creek Lane, Newburgh, IN 47630

Approval Issued By: *Nicholas J. Males*

Mail Date: 6/17/2022

Nicholas Males, Division of Water

Permit Effective Date: 07/05/2022

Permit Expiration Date: 06/16/2024

Pursuant to IC 4-21.5-3-5(f), this Permit becomes Effective eighteen (18) days from the Mail Date to provide a stay period for a Petition for Administrative Review with the Indiana Natural Resources Commission, Division of Hearings. Initiating construction authorized in this Permit prior to the Permit Effective Date constitutes a violation. This Permit is only valid until the Permit Expiration Date.
This Permit may be renewed one (1) time if a written request is received at the DNR, Division of Water, prior to the Permit Expiration Date.

PROJECT INFORMATION:

Waterbody: Schlensker Ditch

County: Vanderburgh

Project Description Narrative: A 6.82 acre detention basin approximately 750' long by 450' wide by approximately 13' deep will be excavated to be utilized as a storm water retention basin for a future residential subdivision that will be developed outside of the floodway. The top of bank of the proposed detention basin will be set at existing ground elevations so that there will be no fill placed within the floodway. The detention basin will be 50' west of the west top of bank of Schlensker Ditch. The excavated material will be moved outside of the floodway to be utilized as fill for a future residential development. There will also be 5 runs of storm sewer pipe that will be placed underground within the floodway that will convey water to this proposed detention basin. A 45' wide emergency spillway will be constructed along the northwest portion of the detention basin.

Project Location: Approximately 2,500' upstream from the Interstate 69 stream crossing along the west overbank near Evansville

PERMIT CONDITIONS:

This Certificate of Approval is valid only if the construction project is in compliance with all Conditions in this Permit.

DNR PROJECT SPECIFIC PERMIT CONDITIONS

- 1) Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion; low endophyte tall fescue may be used in the ditch bottom and side slopes only.
- 2) Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the waterbody or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
- 3) Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.
- 4) Except for the material used as backfill as shown on the plans submitted for the permit application, place all excavated material landward of the floodway*.
- 5) Do not leave felled trees, brush, or other debris in the floodway*.
- 6) Upon completion of the project, remove all construction debris from the floodway*.
- 7) * Note: For regulatory purposes, the floodway is defined on the attached Floodway Map.
- 8) Obtain the prior written approval of the Department for any additional construction, excavation or filling in or on the floodway* beyond the scope of the project.

DNR PROJECT GENERAL PERMIT CONDITIONS

- 1) Any modifications or additional construction beyond what was shown on plans received at the Division of Water shall require an additional review and approval from the Department of Natural Resources.
- 2) This Permit must be posted and maintained at the project site until the project is completed.
- 3) This Permit shall not be assigned or transferred without the prior written approval of the Department of Natural Resources.
- 4) If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (IC 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days.
- 5) This Permit may be revoked by the Department of Natural Resources for violation of any condition or applicable statute or rule.
- 6) The Department of Natural Resources shall have the right to enter upon the site of the permitted activity for the purpose of inspecting the work authorized under this Permit.

Certificate of Approval Attachments: Floodplain Map FW-31500.pdf

RIGHT TO ADMINISTRATIVE REVIEW:

A party may appeal this Department of Natural Resources Action through the administrative review procedures found in the Administrative Orders and Procedures Act, IC 4-21.5, and the rules promulgated thereunder 312 IAC 3-1. If an appeal is filed, the final agency determination will be made by the Natural Resources Commission following a legal proceeding conducted before an Administrative Law Judge. The Department of Natural Resources will be represented by legal counsel at all stages of administrative review.

In order to obtain an administrative review, a written petition must be filed with the Division of Hearings within 18 days of the Mail Date of the Action. The petition must contain specific reasons for the appeal and indicate the portion or portions of the project to which the appeal pertains. The petition must be addressed to the Division of Hearings, Indiana Government Center North, Room N103, 100 North Senate Avenue, Indianapolis, Indiana 46204

SERVICE LIST:

Applicant(s):

2400 Green River Investments, LLC, Chris Combs, 5733 Shadow Creek Lane, Newburgh, IN 47630

Agent(s):

Cash Waggner and Associates, P.C., Glen Meritt, 414 Citadel Circle, Suite B, Evansville, IN 47715

Adjacent Landowners and Interested Parties:

Evansville-Vanderburgh County Building Commission, David Ballew, 1 NW Martin Luther King Boulevard, Room 310, Evansville, IN 47708

Terrance and Veronica Grimes, 11215 North Green River Road, Evansville, IN 47725

Wayne Fehd, 13080 North River Road, Evansville, IN 47725

Ziliak Melvin R Trust, 7256 South 425 East, Fort Branch, IN 47648

Stahl Quentin Larry Revocable Trust, 5416 Kansas Road, Evansville, IN 47725

Bennie and Tithney Sizemore, 10801 North Green River Road, Evansville, IN 47725

Judy George, 10815 North Green River Road, Evansville, IN 47725

William and Judith Zimmerman, 10991 North Green River Road, Evansville, IN 47725

Imran Awan, 10840 North Green River Road, Evansville, IN 47725

Stephan and Joyce Waters, 10940 North Green River Road, Evansville, IN 47725

Jon and Victoria Grimmer, 11100 North Green River Road, Evansville, IN 47725

Samantha and Dustin Braun, 10901 North Green River Road, Evansville, IN 47725

Randal and Cheryl Schapker, 11220 North Green River Road, Evansville, IN 47725

David and Ashley Kappler, 11244 North Green River Road, Evansville, IN 47725

Scott Nelson, 4737 Peregrine Drive, Evansville, IN 47725

Linda Neimier, 2729 Schlensker Road, Evansville, IN 47715

Courtesy Notification:

US Army Corps of Engineers, Louisville District, PO Box 59, Louisville, KY 40201

Vanderburgh County SWCD, Mark Abell, USDA Service Center 921 Park Drive, Evansville, IN 47710

Vanderburgh County Drainage Board, County Surveyor, Civic Center Complex Room 325 1 NW Martin Luther King Jr Boulevard, Evansville, IN 47708

Indiana Department of Natural Resources, Division of Law Enforcement District 7 Headquarters 2310 East State Road 364, Winslow, IN 47598

ADDITIONAL PERMITTING AGENCIES:

This is not a waiver of any local ordinance or other state or federal law and does not relieve the permittee of any liability for the effects which the project may have upon the safety of the life or property of others.

This does not relieve the permittee of the responsibility of obtaining permits, approvals, easements, etc. under other regulatory programs administered by, but not limited to, the U.S. Army Corps of Engineers, County Drainage Board, Indiana Department of Environmental Management and local, city, or county floodplain management, planning or zoning commissions.