

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

CERTIFICATE OF APPROVAL
CONSTRUCTION IN A FLOODWAY

MAILED

MAY 06 1999

APPLICATION #: FW-19,614

STREAM : Schlensker Ditch

APPLICANT : Eagle Construction and Development Corporation
W. A. (Tony) Clements
P.O. Box 5706
Evansville IN 47716

AGENT : Morley and Associates, Inc.
Ronald S. London
600 S.E. Sixth Street
Evansville IN 47713

AUTHORITY : IC 14-28-1 with 310 IAC 6-1

DESCRIPTION : About 900' of a 15" diameter sanitary sewer line will be placed underground along the southwest overbank of the creek for the proposed Stonecrest Subdivision located landward of the floodway. The open trench construction method will be used. Details of the project are contained in plans and information received at the Division of Water on March 11, 1999 and April 22, 1999.

LOCATION : Along the southwest overbank, beginning just upstream (northwest) of the S.R. 57 stream crossing and continuing west for about 900' near Daylight, Scott Township, Vanderburgh County
S $\frac{1}{2}$, NE $\frac{1}{4}$, Section 14, T 5S, R 10W, Daylight Quadrangle
UTM Coordinates: Downstream = 4215650 North, 456750 East, Upstream = 4215650 North, 456525 East

APPROVED BY : George C. Bowman
for Michael W. Neyer, PE
Director
Division of Water

FILE IN

APPROVED ON : April 30, 1999

STONE GATE

Attachments: Notice Of Right To Administrative Review
General Conditions
Special Conditions
Service List

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

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This signed document constitutes the issuance of a permit by the Natural Resources Commission, or its designee, subject to the conditions and limitations stated on the pages entitled "General Conditions" and "Special Conditions".

The permit or any of the conditions or limitations which it contains may be appealed by applying for administrative review. Such review is governed by the Administrative Orders and Procedures Act, IC 4-21.5, and the Department's rules pertaining to adjudicative proceedings, 312 IAC 3-1.

In order to obtain a review, a written petition must be filed with the Division of Hearings within 18 days of the mailing date of this notice. The petition should be addressed to:

Mr. Stephen L. Lucas, Director
Division of Hearings
Room W272
402 West Washington Street
Indianapolis, Indiana 46204

The petition must contain specific reasons for the appeal and indicate the portion or portions of the permit to which the appeal pertains.

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.

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GENERAL CONDITIONS

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- (1) If any archaeological artifacts or human remains are uncovered during construction, federal law and regulations (16 USC 470, et seq.; 36 CFR 800.11, et al) and State law (IC 14-21-1) require that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within 2 business days.

Division of Historic Preservation and Archaeology
Room W274
402 West Washington Street
Indianapolis, Indiana 46204

Telephone: (317) 232-1646, FAX: (317) 232-8036

- (2) This permit must be posted and maintained at the project site until the project is completed.
- (3) This permit does not relieve the permittee of the responsibility for obtaining additional permits, approvals, easements, etc. as required by other federal, state, or local regulatory agencies. These agencies include, but are not limited to:

<u>Agency</u>	<u>Telephone Number</u>
Louisville District, U.S. Army Corps of Engineers	(502) 582-5607
Indiana Department of Environmental Management	(317) 233-2471
Vanderburgh County Drainage Board	(812) 426-5210
Local city or county planning or zoning commission	Check local directory

- (4) This permit must not be construed as a waiver of any local ordinance or other state or federal law.
- (5) This permit 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.
- (6) This permit may be revoked by the Department of Natural Resources for violation of any condition, limitation, or applicable statute or rule.
- (7) This permit shall not be assignable or transferable without the prior written approval of the Department of Natural Resources. To initiate a transfer contact:

Mr. Michael W. Neyer, PE, Director
Division of Water
Room W264
402 West Washington Street
Indianapolis, Indiana 46204

Telephone: (317) 232-4160, FAX: (317) 233-4579

- (8) The Department of Natural Resources shall have the right to enter upon the site of the permitted activity for the purpose of inspecting the authorized work.
- (9) The receipt and acceptance of this permit by the applicant or authorized agent shall be considered as acceptance of the conditions and limitations stated on the pages entitled "General Conditions" and "Special Conditions".

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SPECIAL CONDITIONS

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PERMIT VALIDITY: This permit is valid for 24 months from the "Approved On" date shown on the first page. If work has not been initiated by April 30, 2001 the permit will become void and a new permit will be required in order to continue work on the project.

This permit becomes effective 18 days after the "MAILED" date shown on the first page. If both a petition for review and a petition for a stay of effectiveness are filed before this permit becomes effective, any part of the permit that is within the scope of the petition for stay is stayed for an additional 15 days.

CONFORMANCE : Other than those measures necessary to satisfy the "General Conditions" and "Special Conditions", the project must conform to the information received by the Department of Natural Resources on: March 11, 1999 and April 22, 1999. Any deviation from the information must receive the prior written approval of the Department.

Number Special Condition

- (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
- (2) appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized
- (3) seed and apply mulch on all disturbed areas not protected by other methods
- (4) except for the material used as backfill as shown on the above referenced project plans on file at the Division of Water, place all excavated material landward of the floodway*
- (5) do not leave felled trees, brush, or other debris in the floodway*
- (6) backfill the trench to existing ground elevations
- (7) do not construct or place any residences or abodes (including manufactured homes as defined under 44 CFR 59.1) in the floodway*

* NOTE: for regulatory purposes, the floodway is defined as that shown on the Floodway Map delineated by the Department under Recommendation No. 82-980804-1, copy enclosed

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SERVICE LIST

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*Debbie Smith
Floodplain Management Section

Regulatory Functions Branch
Louisville District, USACOE
c/o Mr. Jim Townsend
P.O. Box 59
Louisville KY 40201-0059

Vanderburgh County Drainage Board
Attn: County Surveyor
325 Civic Center Complex
Evansville IN 47708

Vanderburgh County
Soil and Water Conservation District
12445 Hwy 41 North
Evansville IN 47711-7021

Division of Law Enforcement, IDNR
South Region Headquarters (Dist 7)
c/o Capt. Kenneth Hauer
4850 South SR 446
Bloomington IN 47401

Vanderburgh County Plan Commission
Room 312, Administration Building
NW 7th St., Civic Center Complex
Evansville IN 47708

Staff Assignment

Administrative: Markita L. Shepherdson
Technical : Holly Zurcher-Sutton
Environmental : Stephen H. Jose