



Termination Notice

Application #: FW-29960-0

This Termination Notice is issued under the authority of the Indiana Flood Control Act, IC 14-28-1 with 312 IAC 10 as administered by the Department of Natural Resources.

Termination Issued To: AmeriQual, Josh King, 18200 Highway 41 North, Evansville, IN 47725

Termination Issued By: James J. Hebenstreit, PE, Division of Water **Mail Date:** 6/5/2019

PROJECT INFORMATION:

Waterbody: Pond Flat Ditch

County: Vanderburgh, Vanderburgh

Project Description Narrative: A temporary educational facility will be constructed. The facility will consist of an 82' by 60' pre-manufactured building (6 separate units 13.67' by 60') to be installed on concrete piers at the southwest corner of the existing facilities. No fill is to be placed within the floodway. The building footprint will have a minimum finished floor elevation of 436.26 NAVD.

Project Location: Along the right (north) overbank of Pond Flat Ditch Lateral D beginning approximately 700' west of Highway 41 and continuing downstream for approximately 60' near the Town of Darmstadt, Scott Twp., Vanderburgh Co., NE 1/4, SW 1/4, Sec 29, Twp 4S, R 10 W, Haubstadt quad. near Darmstadt

TERMINATION REASONS:

1) The upstream drainage area delineated at the downstream limit of the project site is less than 1 square mile; pursuant to 312 IAC 10-1-2 (c) "Except as provided in subsection (b), the floodplains subject to regulation are those along waterways having a drainage area of at least one (1) square mile."

2) NOTE: Based upon the published Flood Insurance Study for Vanderburgh County, the 1% annual chance frequency flood elevation would reach approximately 434.3' NAVD at the temporary educational facility.

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):

AmeriQual, Josh King, 18200 Highway 41 North, Evansville, IN 47725

Agent(s):

Thomas Keith, 1133 West Mill Road Suite 205, IN 47710

Courtesy Notification:

US Army Corps of Engineers, Louisville District, Gregory A McKay, Louisville District Office PO Box 59, Louisville, KY 40201

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

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

IDNR Law Enforcement District 7, 2310 East State Road 364, Winslow, IN 47598

Indiana Department of Natural Resources, Jon Eggen, Division of Water 402 West Washington Street, Room W264, Indianapolis, IN 46204

ADDITIONAL PERMITTING AGENCIES:

This is not a waiver of any local ordinance or other state or federal law or 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 commission.