



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

ISOLATED WETLAND INDIVIDUAL PERMIT

VIA ELECTRONIC MAIL:

PERMIT NO.: IWIP 2021-675-82-TMS-V
PROJECT NAME: Green River Meadows
AUTHORITY: IC 13-18-22-3
DATE OF ISSUANCE: April 28, 2023
DATE OF EXPIRATION: April 27, 2025

APPROVED:

Brian Wolff, Branch Chief
Surface Water, Operations, and Enforcement
Office of Water Quality

APPLICANT AND PERMITTEE: CWK-Green River Park, LLC
Attention: Wayne Kinney
9210 Petersburg Road
Evansville, IN 47725

AGENT: Meristem, LLC
Attention: Marc Woernle
877 Port Drive
Avon, IN 46123

PROJECT LOCATION: Vanderburgh County
NE ¼, Section 26, Township 5 South, Range 10 West
Daylight USGS Quad

Received by the
Vanderburgh County
Surveyor's Office

DEC - 1 2023



A State that Works

The project is located on the west side of Green River Road, south of Windham Drive, Latitude: 38.057901, Longitude: -87.492433

ISOLATED WETLANDS
ON PROPERTY:

1MW1	Class I	0.23 acre	NF
1MW2	Class III	4.77 acres	FO
Total acreage:		5.00 acres	

ISOLATED WETLANDS
EXEMPT:

1MW1	Class I	0.23 acre	NF
Total exemption:		0.23 acre	

REGULATED ISOLATED
WETLAND IMPACTS:

1MW2	Class III	4.27 acres	FO
Total regulated impact:		4.27 acres	

PERMITTED ACTIVITY:

Discharge clean earthen fill material into 4.27 acres of Class III forested isolated wetland.

The purpose of the fill is to complete a residential development.

MITIGATION:

Onsite preservation of 0.50 acre of forested wetland and the purchase and preservation of an offsite wetland complex approximately 20 acres in size.

MITIGATION LOCATION:

Posey County

Latitude: 37.954502, Longitude: -87.982918

The mitigation property is part of the Pitcher Lake Slough and is located on the west side of Raben Road north of Upper Upton Road.

MITIGATION RATIOS:

Class of Wetland Impacts: III
Type of Wetland Impacts: Forested
Class of Wetland Replacement: III

Type of Wetland Replacement: Forested
On-site Preservation and Off-site Mitigation
Required Ratio: 3:1
Total Class III Mitigation: 20 acres

Conditions of the Isolated Wetland Individual Permit

1.0 General

- (a) Implement the project as depicted and described in the application for an Isolated Wetland Individual Permit.
- (b) Complete all approved discharges no later than two (2) years after the date of issuance of this Isolated Wetland Individual Permit. You may request a one (1) year extension to the Isolated Wetland Individual Permit by submitting a written request ninety (90) days prior to the deadline stated above. The written request shall contain an account of which discharges and mitigation have been completed and list the reasons an extension is requested.
- (c) Allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials:
 - (1) to enter your property, including impact and mitigation site(s);
 - (2) to have access to and copy at reasonable times any records that must be kept under the conditions of this permit;
 - (3) to inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution management or discharge facility or device; practices required by this permit and any mitigation wetland site;
 - (4) to sample or monitor any discharge of pollutants or any mitigation site.

2.0 Mitigation

- (a) Implement the mitigation plan as described in the application received November 29, 2022, and modifications received February 18, 2023, March 21, 2023, and April 27, 2023 (referred to collectively hereinafter as the "mitigation plan"), and as modified by the conditions of this permit.
- (b) Implement the onsite preservation and seeding plan as specified in the application received November 29, 2022, and modifications received March 21, 2023, and April 27, 2023.

- (c) Install signs or markers clearly identifying all onsite preservation areas and areas being planted to native grasses and wildflowers.
- (d) Submit Proof of purchase of the offsite mitigation property as specified in the off-site mitigation plan dated February 18, 2023, by December 31, 2023.

3.0 Mitigation Monitoring

- (a) Submit as-built plans within three (3) months of completing the onsite preservation and seeding plan. The as-built plans shall include:
 - (1) The locations and photographic documentation of the markers specified in Condition 2.0(c) above.
 - (2) Final locations of all areas seeded as part of the onsite mitigation.
 - (3) The species and quantities of each species that were planted. Deviations from the approved mitigation plan must be highlighted and explained.
- (b) Monitor the onsite mitigation site annually for a minimum period of two (2) continuous years after completion of the plantings to ensure the plantings meet the following success criteria:
 - (1) All mitigation seeding areas exhibit 90% vegetative cover by native species.
 - (2) The plantings are free from the following: *Lythrum salicaria* (purple loosestrife), *Phragmites australis* (common reed), *Elaeagnus umbellata* (autumn olive), *Elaeagnus angustifolia* (Russian olive), *Rosa multiflora* (multiflora rose), *Lonicera maackii* (honeysuckle), *Lonicera morrowii* (honeysuckle), *Lonicera tatarica* (honeysuckle), and *Pyrus calleryana* (callery pear).
- (c) Mitigation monitoring reports must include the following:
 - (1) The IDEM identification number.
 - (2) Discussion of plant community development at the mitigation site.
 - (3) Discussion of methods or means used to determine compliance with the success criteria.
 - (4) Photographs representative of the mitigation site and sampling points.
 - (5) Confirmation that areas designated for preservation have remained undisturbed.
 - (6) Identification of any problems with meeting the success criteria.
 - (7) Corrective actions for identified problems.
- (d) Once you believe that the site meets or exceeds all of the success criteria, you may submit a proposed final monitoring report to IDEM and suspend monitoring. IDEM will not release the site until you have demonstrated, through monitoring reports that the site is compliant. If IDEM confirms that the mitigation site meets or exceeds all of the success criteria, IDEM will notify you that the mitigation is complete and that you may permanently discontinue

monitoring. If the site does not meet the specified success criteria, corrective actions must be implemented and additional monitoring may be necessary. Extended monitoring may constitute the sole corrective action if IDEM believes that the site needs more time to meet the success criteria. Other corrective actions may also include additional plantings, maintenance activities, or other actions deemed necessary by IDEM to meet the success criteria.

4.0 Erosion and Sediment Control

- (a) Implement erosion and sediment control measures on the construction site prior to land disturbance to minimize soil from leaving the site or entering a waterbody. Erosion and sediment control measures shall be implemented using an appropriate order of construction (sequencing) relative to the land-disturbing activities associated with the project. Appropriate measures include, but are not limited to, silt fence, diversions, and sediment traps.
- (b) Monitor and maintain erosion control measures and devices regularly, especially after rain events, until all soils disturbed by construction activities have been permanently stabilized.
- (c) Install and make appropriate modifications to erosion and sediment control measures based on current site conditions as construction progresses on the site. The Indiana Storm Water Quality Manual or similar guidance documents are available to assist in the selection of measures that are applicable to individual project sites.
- (d) Cut and fill slopes located adjacent to wetlands and streams (including encapsulated streams) or that directly discharge to these aquatic features are to be stabilized using rapid/incremental seeding or other appropriate stabilization measures.
- (e) As work progresses, areas void of protective ground cover shall be re-vegetated or stabilized using mulch that is anchored, or under more extreme conditions an appropriate grade of erosion control blanket must be used. Erosion control blanket shall be used for areas associated with concentrated flow. The selection of material must be made based on site conditions and all applicable permit requirements. If a construction site run-off permit (327 IAC 15-5) has been obtained, implement the stabilization plan as specified in the stormwater pollution prevention plan (SWPPP).

5.0 Construction

- (a) Do not clear trees within the project boundaries during April 1 through September 30 in order to protect any habitat suitable for the federally endangered Indiana Bat (*Myotis sodalis*) and the federally threatened Northern Long Eared Bat (*Myotis septentrionalis*) unless a waiver has been issued by the US Fish and Wildlife Service.
- (b) Clearly mark wetlands and streams that are to remain undisturbed on the project site.
- (c) Deposit any dredged material in a contained upland (non-wetland) disposal area to prevent sediment run-off to any waterbody.
- (d) Stabilize all disturbed areas upon completion of the project.

Other Applicable Permits

Based on the proposed land disturbance, a construction site run-off general permit is required for the project. Permit coverage must be obtained prior to the initiation of land-disturbing activities. Information related to obtaining permit coverage is available at www.in.gov/idem/stormwater or by contacting the IDEM, Stormwater Program at 317-233-1864 or via email at Stormwat@idem.IN.gov.

This permit approval does not relieve you from the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from IDEM or any other agency or person. You may wish to contact the Indiana Department of Natural Resources at 317-232-4160, or toll free at 877-928-3755, concerning the possible requirement of a Natural Freshwater Lake or Construction in a Floodway Permit, or the IDEM Stormwater Permits Section at 317-233-1864 concerning the possible need for construction stormwater general permit coverage permits if you plan to disturb greater than one (1) acre of soil during construction.

This permit does not:

- (1) authorize impacts or activities outside the scope of this permit;
- (2) authorize any injury to persons or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations;
- (3) convey any property rights of any sort, or any exclusive privileges;
- (4) preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities; or
- (5) authorize changes in the plan design detailed in the application.

Failure to comply with the terms and conditions of this permit may result in enforcement action against you. If an enforcement action is pursued, you could be assessed up to \$25,000 per day in civil penalties. You may also be subject to criminal liability if it is determined that the permit was violated willfully or negligently.

This permit is effective 18 days from the mailing of this notice unless a petition for review and a petition for stay of effectiveness are filed within this 18-day period. If a petition for review and a petition for stay of effectiveness are filed within this period, any part of the permit within the scope of the petition for stay is stayed for 15 days, unless or until an Environmental Law Judge further stays the permit in whole or in part.

Notice of Right to Administrative Review (Permits)

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director	Commissioner
Office of Environmental Adjudication	Indiana Dept. of Environmental Management
Indiana Government Center North	Indiana Government Center North
100 North Senate Avenue, Room N103	100 North Senate Avenue, Room 1301
Indianapolis, Indiana 46204	Indianapolis, Indiana 46204

The petition must contain the following information:

- (a) The name, address and telephone number of each petitioner.
- (b) A description of each petitioner's interest in the permit.
- (c) A statement of facts demonstrating that each petitioner is:
 - (1) a person to whom the order is directed;
 - (2) aggrieved or adversely affected by the permit; or
 - (3) entitled to administrative review under any law.
- (d) The reasons for the request for administrative review.
- (e) The particular legal issues proposed for review.
- (f) The alleged environmental concerns or technical deficiencies of the permit.
- (g) The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
- (h) The identity of any persons represented by the petitioner.

- (i) The identity of the person against whom administrative review is sought.
- (j) A copy of the permit that is the basis of the petition.
- (k) A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

- (a) Failure to file a Petition by the applicable deadline;
- (b) Failure to serve a copy of the Petition upon IDEM when it is filed; or
- (c) Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review, additional information on the review process is available at the website of the Office of Environmental Adjudication at <http://www.in.gov/oea>.

If you have any questions about this permit, please contact Jason Randolph, Project Manager, by e-mail at jrandolp@idem.in.gov by phone at 317-409-7580.

cc: Marc Woernle, Meristem, LLC