NOTICE OF APPLICATION FOR FEDERAL CONSISTENCY REVIEW
LAKE MICHIGAN COASTAL ZONE PROGRAM

Project Number: ER-18864-1

Name of Applicant: Kyle Vester
Address of Applicant:
BP Products North America Inc.
2815 Indianapolis Blvd.
P.O. Box 710
Whiting, IN 46394

Project Description:
Fire water pump house intake maintenance: dredging from sump area to Indiana Harbor Canal & placing riprap to protect intake, BP Whiting

Location of Project:
Whiting, IN; Lake Co.

Send comments to the following no later than March 24, 2016:

Federal Consistency Review Coordinator, Environmental Unit
Division of Fish and Wildlife
Department of Natural Resources
402 West Washington Street, Room W273
Indianapolis, IN 46204
Electronic mail: **environmentalreview@dnr.in.gov**

Copies of the request, accompanying information and data are available for inspection at the following location:

Environmental Unit
Division of Fish and Wildlife
Department of Natural Resources
402 West Washington Street, Room W273
Indianapolis, IN 46204

(*) FC REVIEW (*)

ER-18864-1

Vaught, Olivia

From:	Vester, Kyle <Kyle.Vester@bp.com>
Sent:	Thursday, March 10, 2016 2:20 PM
To:	Review, Environmental
Cc:	Herrera, Rosalie; Wilson, Linda J (Whiting); Barnett, Ward
Subject:	Federal Consistency Review Initiation -- BP Whiting USACE Permit Application
Attachments:	BP Whiting USACE Signed Permit Application Package for Regulatory Agencies -- 10-March-2016.pdf

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Please find attached the Federal Consistency Review initiation letter and permit application for a project at BP Whiting to clean an existing pumphouse intake structure and place stone and riprap to replace eroded shoreline on the west side of the intake. We have also attached the IDEM Section 401 WQC Regional General Permit Notification (note that the same attachments were sent to IDEM as USACE). Please let me know of any concerns with this project or if any other information is needed. Thank you.

Kyle Vester, EI
Environmental Specialist

Whiting Refinery
2815 Indianapolis Blvd
Whiting, IN 46394

+1 (219) 473.3977
+1 (219) 370.3053
kyle.vester@bp.com

DOW=N
FW=N
UTM= 4610735N
458940 E

bp

BP Products North America Inc.
2815 Indianapolis Blvd.
P.O. Box 710
Whiting, IN 46394-0710
USA

March 7, 2016

Environmental Unit
Division of Fish and Wildlife
Indiana Department of Natural Resources
402 W. Washington St., Room W273
Indianapolis, IN 46204
environmentalreview@dnr.IN.gov

Re: Federal Consistency Review

Please find enclosed an application to the US Army Corps of Engineers for a project along the Indiana Harbor Canal for cleaning of an intake structure and addition of stone and riprap to restore a short portion of the shoreline at the intake. Less than 100 lineal feet of shoreline will be affected.

The proposed activity complies with Indiana's approved coastal management program and will be conducted in a manner consistent with such program.

The contact person for this project is Kyle Vester, Environmental Specialist for BP at the Whiting Refinery. He can be contacted via email at kyle.vester@bp.com, by phone at 219.473.3977, or by fax at 219.473.3423. The mailing address for Whiting Refinery is 2815 Indianapolis Blvd, MC-120, Whiting, IN 46394.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering in the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

Don Porter
Whiting Refinery Manager
Whiting Business Unit

Attachments: USACE Application for Department of the Army Permit
IDEM Section 401 WQC Regional General Permit Notification

SECTION 401 WQC REGIONAL GENERAL PERMIT NOTIFICATION

State Form 51937 (R4 / 5-15)
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (IDEM) and U.S. ARMY CORPS OF ENGINEERS (USACE)

Authorities: Section 401 Water Quality Certification, Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbor Act

INSTRUCTIONS:
1. *Familiarize yourself with the terms and conditions of this permit.*
2. *Read the instructions before filling out this form.*
3. *All applicable sections of this two (2) page form must be completed.*

AGENCY USE ONLY
Date Received:
IDEM ID:
Processing Date:

APPLICANT INFORMATION	
Name of Project: Maintenance cleaning of firewater pumphouse intake on Indiana Harbor Canal	Designation Number:
Applicant: BP Products NA, Inc. Whiting Business Unit	Agent (Name of Company): BP Products NA, Inc.
Contact Person: Don Porter	Contact Person: Kyle Vester
Address *(number and street)*: 2815 Indianapolis Blvd City: Whiting State: IN Zip Code: 46394	Address *(number and street)*: 2815 Indianapolis Blvd City: Whiting State: IN Zip Code: 46394
Telephone Number: 219-473-7700	Telephone Number: 219-473-3977
E-mail Address:	E-mail Address: kyle.vester@bp.com

PROJECT LOCATION			
County: Lake		Nearest Town: Hammond	
Quad Name: Whiting	Section: 19	Township: 37N	Range: 9W
Latitude: 41.647191		Longitude: -87.492814	

Project Address and Driving Directions:
Along Indiana Harbor Canal, ~5100' south of 129th St. and New York Avenue. From Indianapolis Blvd, head west on 129th St/Dickey Road. Cross railroad tracks, enter BP gate, sign in at control room straight ahead past Cline Ave. Head south from control room to firewater pumphouse on Indiana Harbor Canal.

EXISTING CONDITIONS ON THE PROJECT SITE	
Lake: ☐ Yes ☑ No	Name of Lake:
Stream: ☑ Yes ☐ No	Name of Stream: Indiana Harbor Canal Stream Type: ☑ Perennial ☐ Intermittent ☐ Ephemeral
Wetlands ☐ Yes ☑ No	Acreage on the site by Wetland Type(s): _____ Emergent _____ Scrub-Shrub _____ Forested
	Date *(mm/dd/yyyy)* of Wetland Delineation: Date *(mm/dd/yyyy)* of the U.S. Army Corps of Engineers Jurisdiction Correspondence:

PROJECT IMPACTS

Activity Description:
See attached.

Purpose of Project :
Perform maintenance cleaning for pump intake structure. The solids must be removed to provide adequate suction area and prevent uptake of unwanted materials. Additionally, repairs made to the structure will help to prevent future build-up of solids and intake of larger debris.

For Lake Impact *(Acceptable fill is defined in the instructions)*:

(1) Linear feet of shoreline impact (Example – Seawall): _____

(2) Type of fill below the Ordinary High Water Mark: _____ Volume *(Cubic Yards)*: _____ Acres: _____

(3) Does the shoreline or open water area have vegetation present? ☐ Yes ☐ No
If Yes, are you proposing natural shoreline stabilization? ☐ Yes ☐ No Description:

(4) Open water fill beyond shoreline *(Examples – Boat Well, Underwater Beach)*: Type of Fill: _____ Acres: _____

For Stream Impact *(Acceptable fill is defined in instructions)*:

(1) Total linear feet of stream impact (Examples - bank stabilization, bridge construction or culvert placement, seawall work): < 200'

(2) Total acre(s) of stream impact: <0.5

(3) Type of fill below the Ordinary High Water Mark: #73 stone and 4x8 riprap Volume *(Cubic Yards)*: 154 tons total

(4) Proposed start date of work in the stream *(mm/dd/yyyy)*: 5/1/2016 Proposed end date of work in the stream *(mm/dd/yyyy)*: 12/31/2016

(5) Channel width in feet (See instructions): 813 Channel depth in feet *(See instructions)*: 15

(6) Cross-sectional area below the Ordinary High Water Mark: 463,544 square feet

(7) For stream crossings, type of structure proposed to be installed (Examples: three-sided or four-sided culvert, bridge, pipe): _____

(8) For stream crossings, width of culvert structure/diameter of pipe to be installed (feet): _____ Length of culvert structure/pipe (feet): _____

(9) For stream crossings, substrate type (i.e. sand, soil or unconsolidated till, bedrock or consolidated till): _____

(10) Open water fill that projects beyond the stream bank: Type of fill: _____ Acre(s) of open water impact: _____

For Wetland Impact *(Acceptable fill is defined in instructions)*:

(1) Type of fill: _____

(2) Acre(s) of Impact: _____ Emergent _____ Scrub-Shrub _____ Forested

SIGNATURE OF APPLICANT – STATEMENT OF AFFIRMATION

I certify that I am familiar with the information contained in this notification form and, to the best of my knowledge and belief, such information is true and accurate. I certify that I have the authority to undertake and will undertake the activities exactly as described in this notification form. I am aware that there are penalties for submitting false information. I understand that any changes in project design subsequent to IDEM's and the USACE's granting of authorization to discharge to a water of the U.S. are not authorized, and that I may be subject to civil and criminal penalties for proceeding without proper authorization. I agree to allow representatives of IDEM and the USACE to enter and inspect the project site. I understand that the granting of other permits by local, state, or federal agencies does not release me from the requirement of obtaining the authorization requested herein before commencing the project.

Signature of Applicant: _____ Date *(mm/dd/yyyy)*: 3-8-16

Printed Name of Applicant: Don Porter Title: Refinery Manager

Enclose copies of the following documents *(all enclosures must be on 8.5" by 11" paper)*. Failure to provide all applicable documents and information may result in a determination that the proposed project is out of scope.

(1) ☑ Location Map

(2) ☑ Drawings of existing site and proposed project

(3) ☑ Cross sections of proposed activities showing extent of fill waterward *(for seawall, shoreline, and stream bank stabilization impacts)*

(4) ☑ Cross sections of proposed activities showing the bankfull width or Ordinary High Water Mark of the stream

(5) ☑ At least three photos of the site, labeled

(6) ☐ Copy of wetland delineation report *(for projects with wetland impacts)* N/A

(7) ☐ Copies of all correspondence from the USACE *(for projects with wetland impacts)* N/A

(8) ☑ Copies of all correspondence from the Indiana Department of Natural Resources, Division of Nature Preserves *(required)*

Please Note:

(1) It is recommended that you send this form and the attachments via certified mail. The agencies will not notify you when this form is received.

(2) IDEM and the USACE will review this form and all attachments for completeness and accuracy. You will not be contacted during the application process unless deficiencies are identified at which time the agencies may require additional information to verify that the project meets all conditions of the Regional General Permit and the Section 401 Water Quality Certification (WQC). If you are not contacted by IDEM within thirty (30) days of the date IDEM receives this notification form, your project is authorized, subject to the terms and conditions of the Section 401 Water Quality Certification and its conditions. You will not receive a written confirmation of authorization from IDEM, however the USACE will issue written authorization.

(3) Read all the terms and conditions of the IDEM Regional General Permit, including all USACE and IDEM conditions. The terms and conditions of this general permit as instituted by IDEM can be found at: http://www.in.gov/idem/wetlands/2353.htm . Do not submit this notification form or commence work on the proposed project until you understand and are familiar with the limitations and restrictions of the IDEM Regional General Permit Notification Form.

(4) Consult this webpage for more information: http://www.in.gov/idem/wetlands/index.htm

Upon completion of the application, mail this form and all enclosures to:

Indiana Department of Environmental Management
Office of Water Quality, Wetlands and Storm Water Section
Section 401 WQC/Isolated Wetlands Program
100 North Senate Avenue, IGCN, Room 1255
Indianapolis, Indiana 46204-2251

U.S. Army Corps of Engineers
Regulatory Branch
For office locations serving Indiana, please visit:
http://www.usace.army.mil/Locations.aspx

U.S. ARMY CORPS OF ENGINEERS

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved - OMB No. 0710-0003 Expires: 30-SEPTEMBER-2015

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
First - Don Middle - Last - Porter	First - Kyle Middle - A Last - Vester
Company - BP Products NA, Inc. Whiting Business Unit	Company - BP Products NA, Inc.
E-mail Address -	E-mail Address - kyle.vester@bp.com
6. APPLICANT'S ADDRESS:	**9. AGENT'S ADDRESS:**
Address- 2815 Indianapolis Blvd	Address- 2815 Indianapolis Blvd
City - Whiting State - IN Zip - 46394 Country - USA	City - Whiting State - IN Zip - 46394 Country - USA
7. APPLICANT'S PHONE NOs. w/AREA CODE	**10. AGENTS PHONE NOs. w/AREA CODE**
a. Residence b. Business 219-473-7700 c. Fax 219-473-5379	a. Residence b. Business 219-473-3977 c. Fax

STATEMENT OF AUTHORIZATION

11. I hereby authorize, Kyle Vester to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT 3-8-16 DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

Maintenance cleaning of firewater pumphouse intake on Indiana Harbor Canal

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
Indiana Harbor Canal	Address Along Indiana Harbor Canal, ~5100 feet south of 129th St
15. LOCATION OF PROJECT Latitude: °N 41.647191 Longitude: °W -87.492814	City - Hammond State- IN Zip-

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID Municipality

Section - 19 Township - 37N Range - 9W

17. DIRECTIONS TO THE SITE

From Indianapolis Blvd, head west on 129th St/Dickey Road. Cross railroad tracks, enter BP gate, sign in at control room straight ahead past Cline Ave. Head south from control room to firewater pumphouse on Indiana Harbor Canal.

18. Nature of Activity (Description of project, include all features)

BP has contracted Mainstream Commercial Divers to remove sediment from the intake channel and firewater building sump pump in 2016. The sediment will be collected via vacuum trucks with the divers in the intake channel and pumphouse ensuring all solids are collected onshore. Wastewater will be placed into dewatering boxes located near the pumphouse and the clean water will be discharged back to the Indiana Harbor Canal while solids will be disposed of onsite as special waste. The intake channel is approximately 50' long by 17' wide with material depth currently estimated to be 4'. The existing bar screen and outer debris screen will be repaired and a silt fence at the inlet of the intake channel is planned to be added. Stone and riprap will be placed to restore eroded bank on the west side of the intake, see Site Photos 1-4 and "Proposed addition of #73 stone and 4x8 riprap at FWPH intake" in the attachments for reference.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Perform maintenance cleaning for pump intake structure. The solids must be removed to provide adequate suction area and prevent uptake of unwanted materials. Additionally, repairs made to the structure will help to prevent future build-up of solids and intake of larger debris.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Any dredging/deposited solids will not be discharged to the canal. They will be dewatered onshore and solids processed onsite for offsite disposal. Stone and riprap will be used to fill in eroded areas near intake structure.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
#73 stone, 110 tons	4x8 Rip/Rap, 44 tons	

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres

or

Linear Feet less than 200 feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

BP will collect all dredged material and deposited solids into dewatering boxes. Water will be discharged back to the Indiana Harbor Canal while solids will be processed by BP for disposal offsite.

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Tierra Environmental and Industrial, 3812 Indianapolis Blvd

City - East Chicago State - IN Zip - 46312

b. Address- Safety Kleen Systems, 601 Riley Road

City - East Chicago State - IN Zip - 46312

c. Address- Exxon Mobil Oil Bulk Plant, 1527 141st Street

City - Hammond State - IN Zip - 46327

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
IDEM	401WQC				

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT — DATE 3-8-16 — SIGNATURE OF AGENT — DATE 7-March-2016

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

Permit Notification Attachment 1:

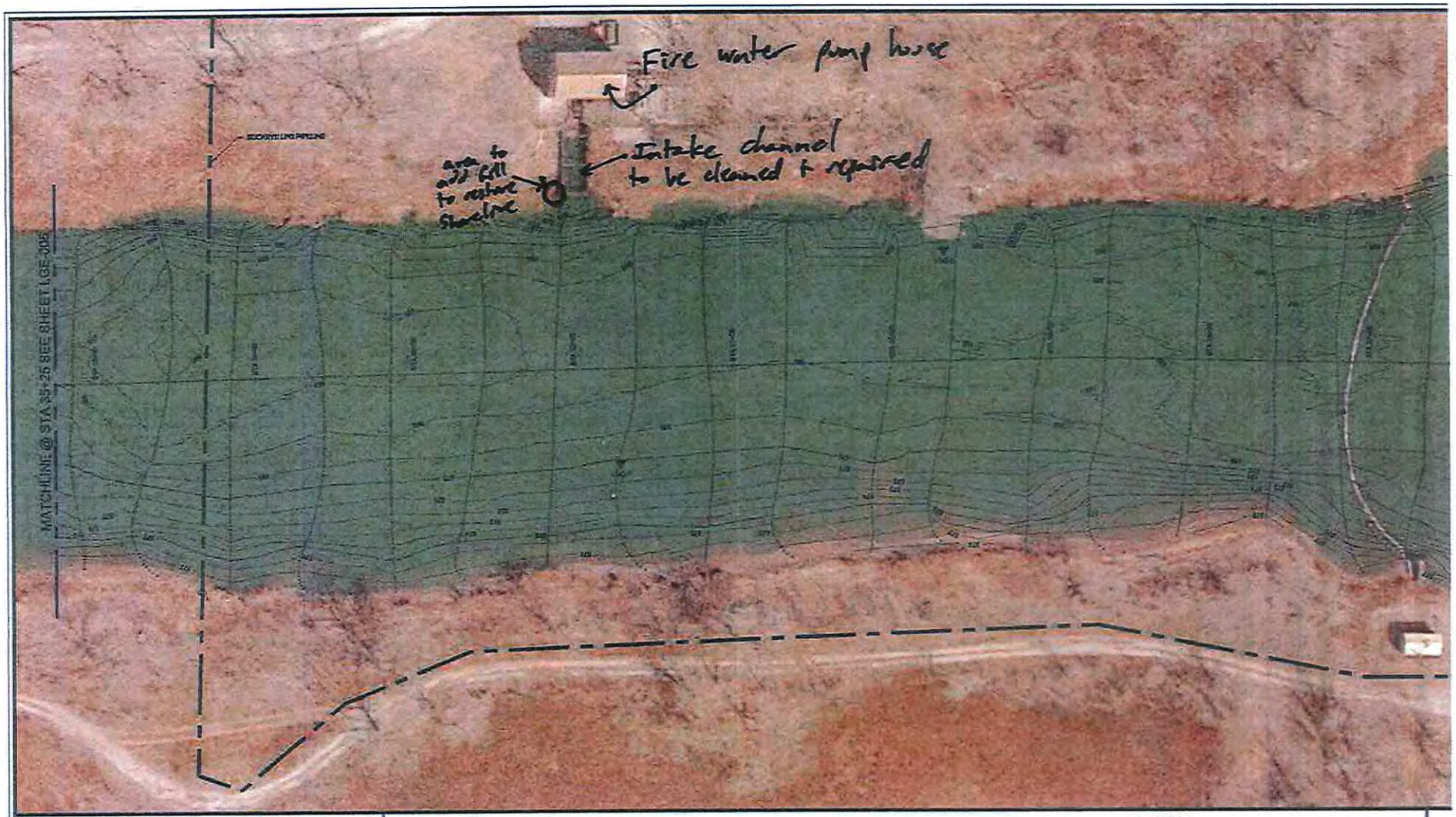
Activity Description

BP has contracted Mainstream Commercial Divers to remove sediment from the intake channel and firewater building sump pump in 2016. The sediment will be collected via vacuum trucks with the divers in the intake channel and pumphouse ensuring all solids are collected onshore. Wastewater will be placed into dewatering boxes located near the pumphouse and the clean water will be discharged back to the Indiana Harbor Canal while solids will be disposed of onsite as special waste. The intake channel is approximately 50' long by 17' wide with material depth currently estimated to be 4'. The existing bar screen and outer debris screen will be repaired and a silt fence at the inlet of the intake channel is planned to be added. Stone and riprap will be placed to restore eroded bank on the west side of the intake, see Site Photos 1-4 and "Proposed addition of #73 stone and 4x8 riprap at FWPH intake" in the attachments for reference.

Overhead of Hammond, East Chicago, and Whiting Indiana

Overhead of local area on southern end of BP property. Nearest intersection is 129th Street and Indianapolis Blvd. shown with a blue dot.

Overhead of pumphouse and intake on the north shore of the Indiana Harbor Canal.



KEY

LEGEND

EXISTING 5' CONTOUR INTERVAL (FEET, MSL)	SURVEY POINT LOCATION
EXISTING 1' CONTOUR INTERVAL (FEET, MSL)	SAMPLE POINT LOCATION AND NUMBER
PIPELINE	LGC-1

REVISIONS		
NO	DATE	DESCRIPTION

DESIGNED JW
DRAWN DKK
CHECKED BDD
DATE

Tetra Tech Inc.
1 S. Wacker Dr. Ste. 3700
Chicago, Illinois 60606
(312) 201-7700

NORTH

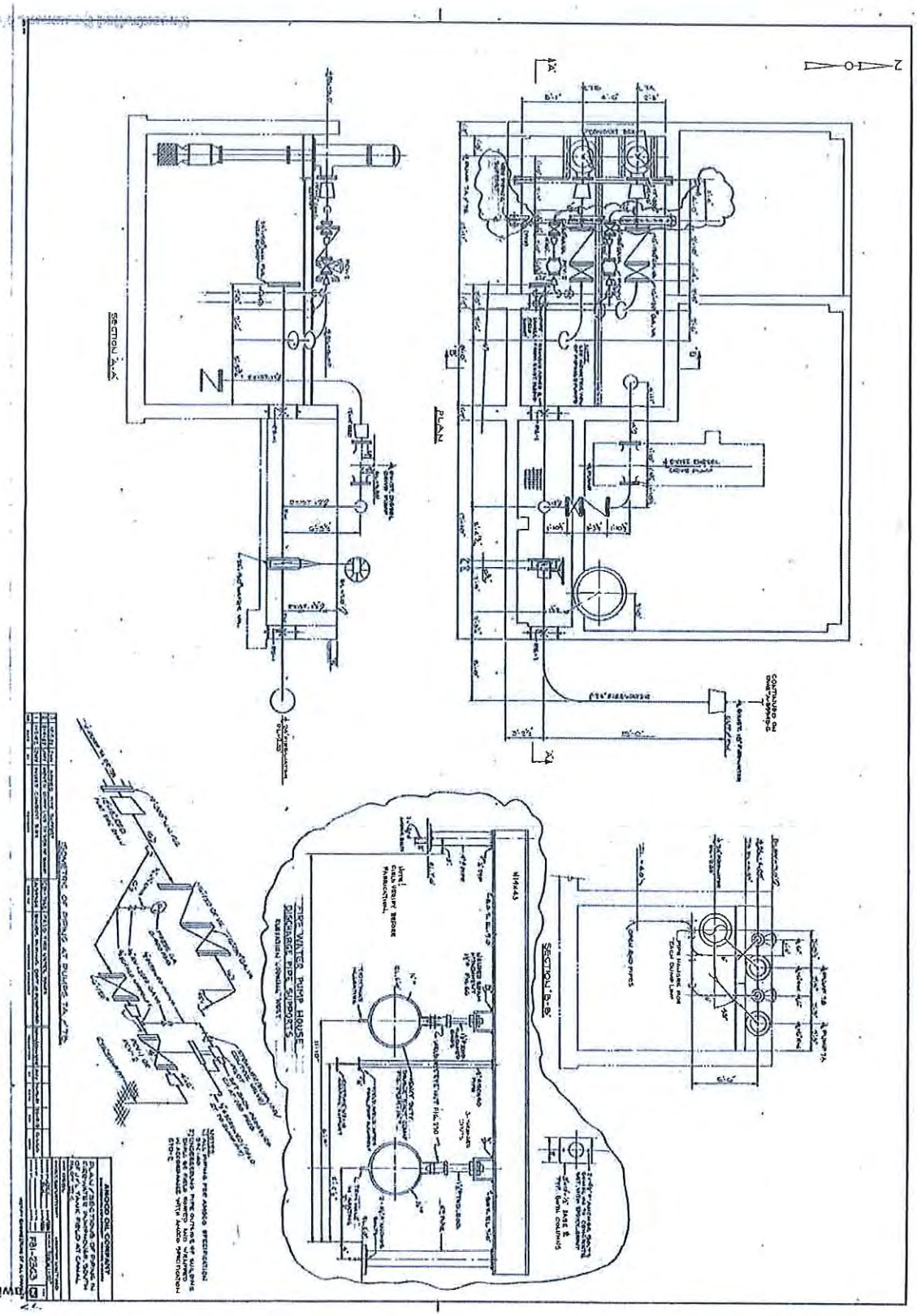
GRAND CALUMET and INDIANA HARBOR CANAL
REMEDIAL DESIGN
EAST CHICAGO WATERWAY MANAGEMENT DISTRICT
EAST CHICAGO, INDIANA 46312

VERIFY SCALE
BAR IS ONE (1) INCH ON ORIGINAL DRAWING.
IF NOT ONE (1) INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

SCALES:
HORIZONTAL SCALE: 1" = 20'
VERTICAL SCALE: NA

EXISTING SITE CONDITIONS
STA 26+25 THRU STA 35+25
LAKE GEORGE EAST CANAL
REMEDIAL DESIGN

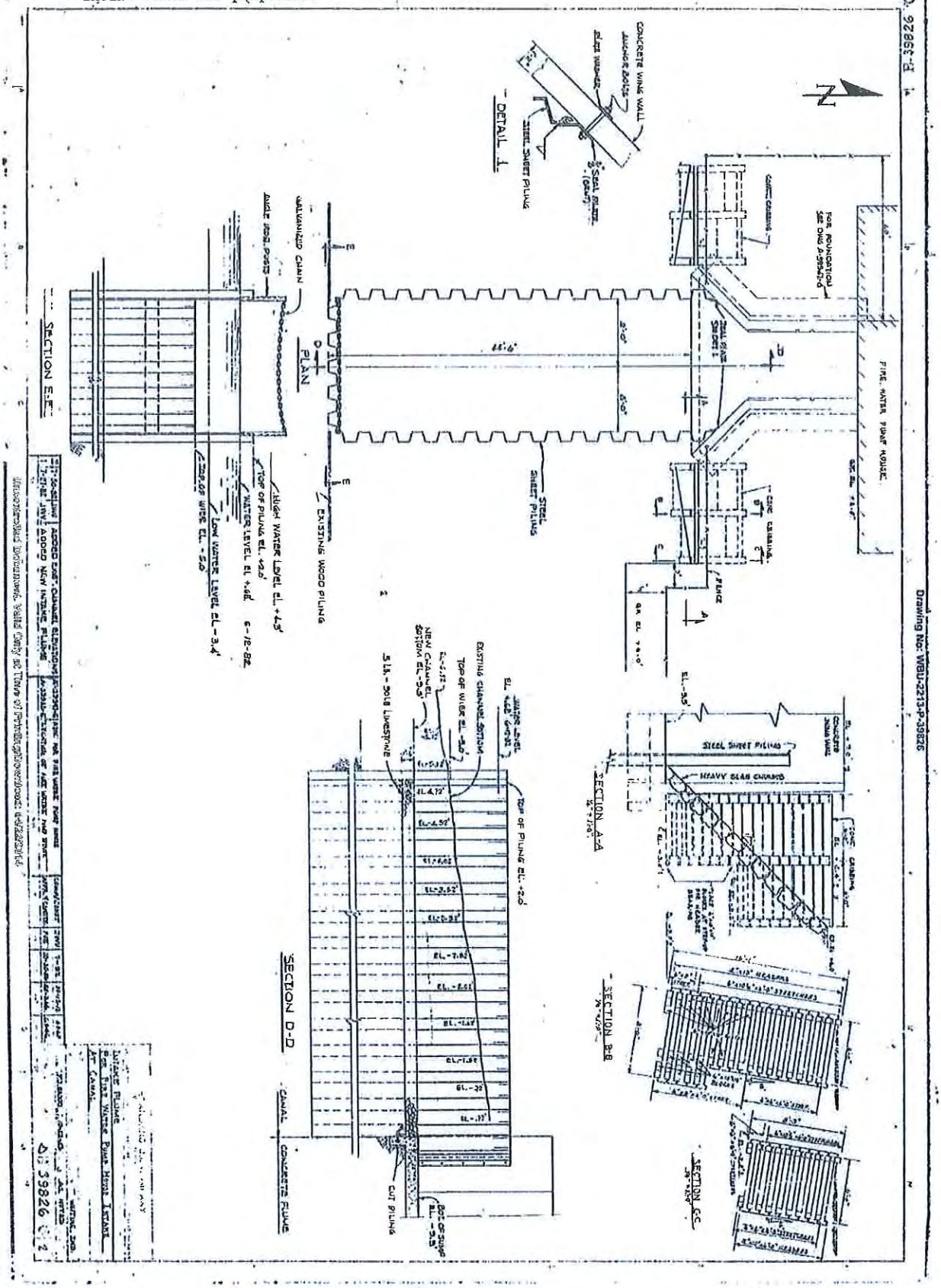
Plan sections of piping in pumphouse



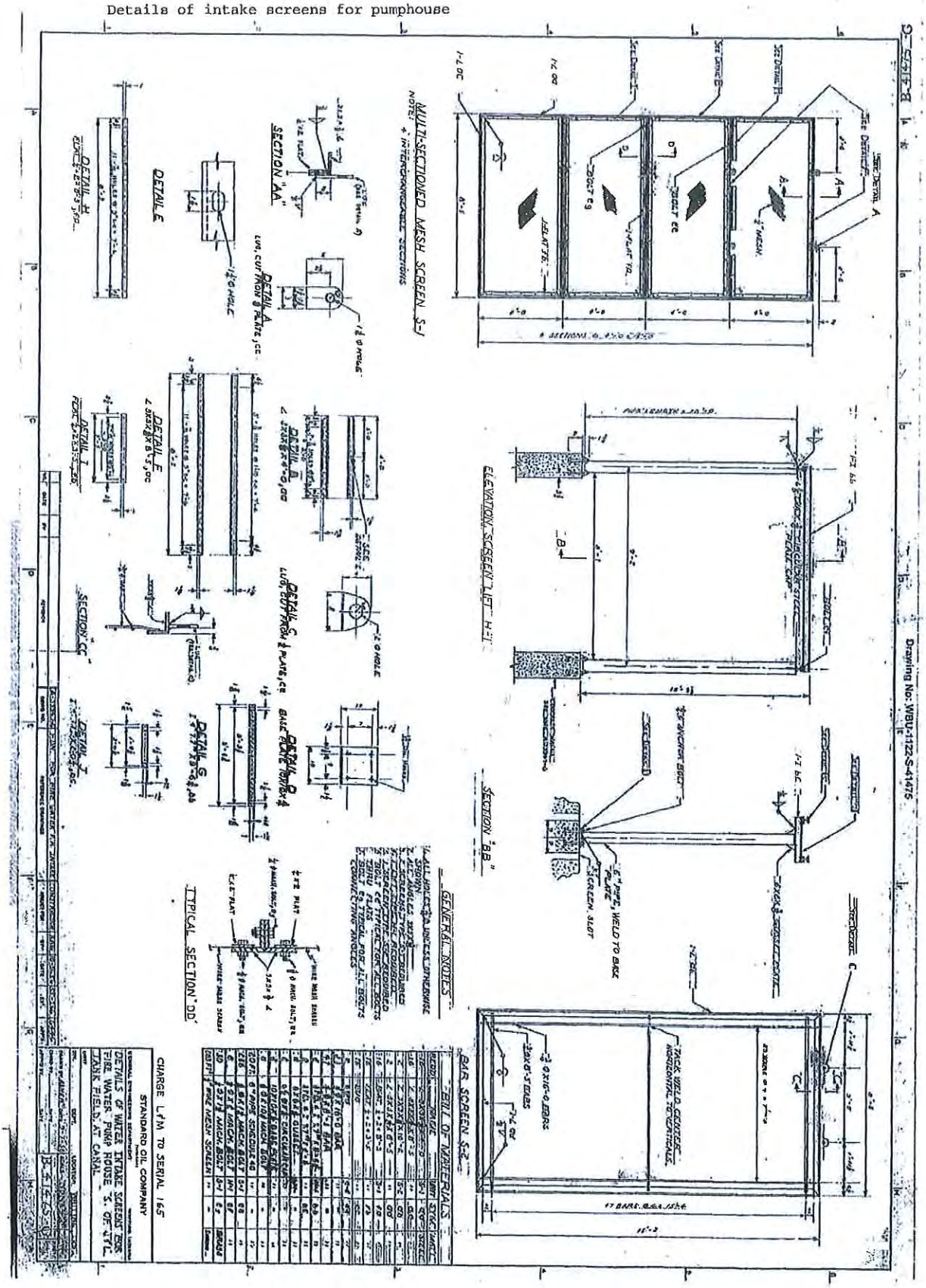
Drawing No: W

Existing Site Structures: Page 2 of 8

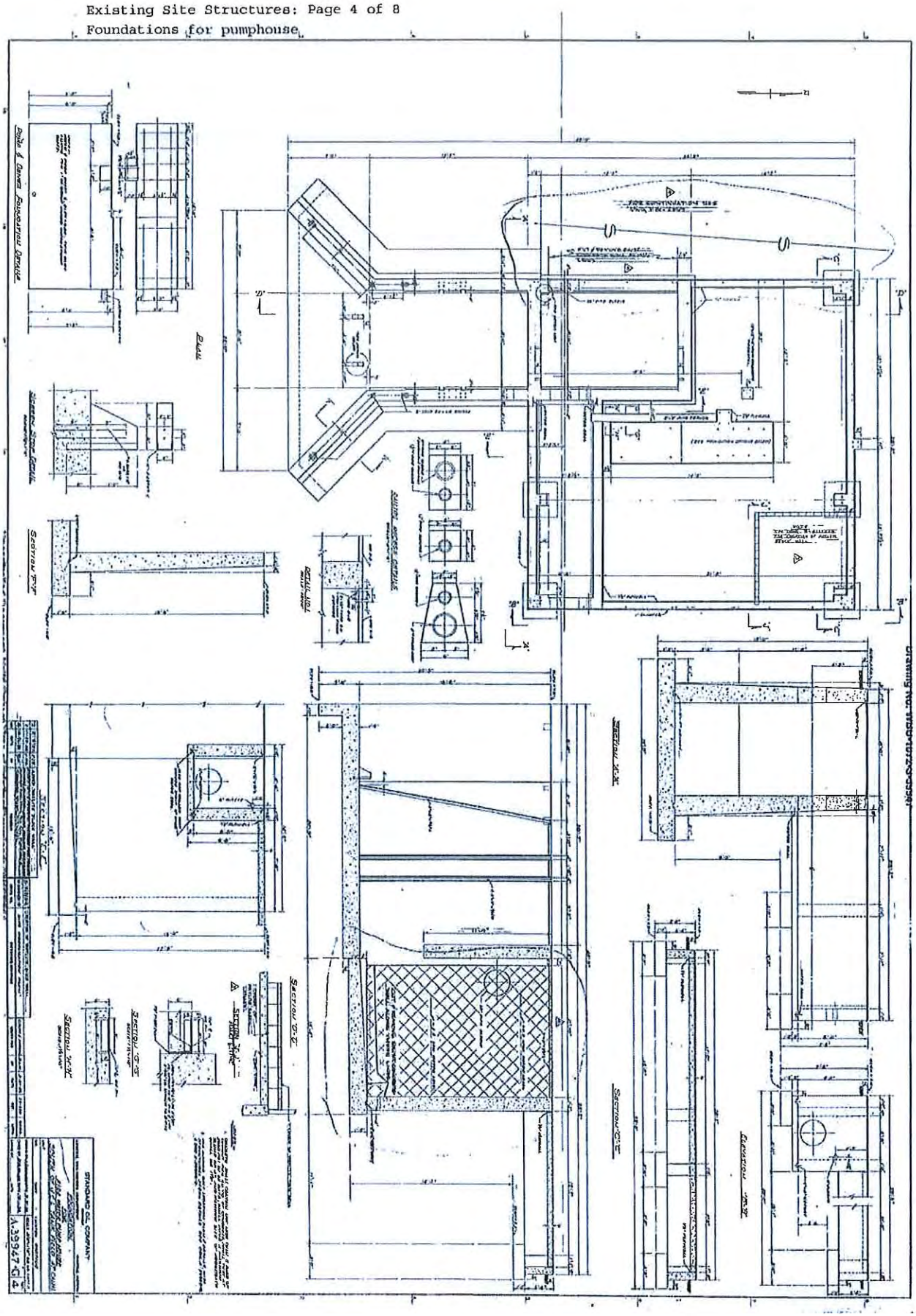
Intake flume for pumphouse



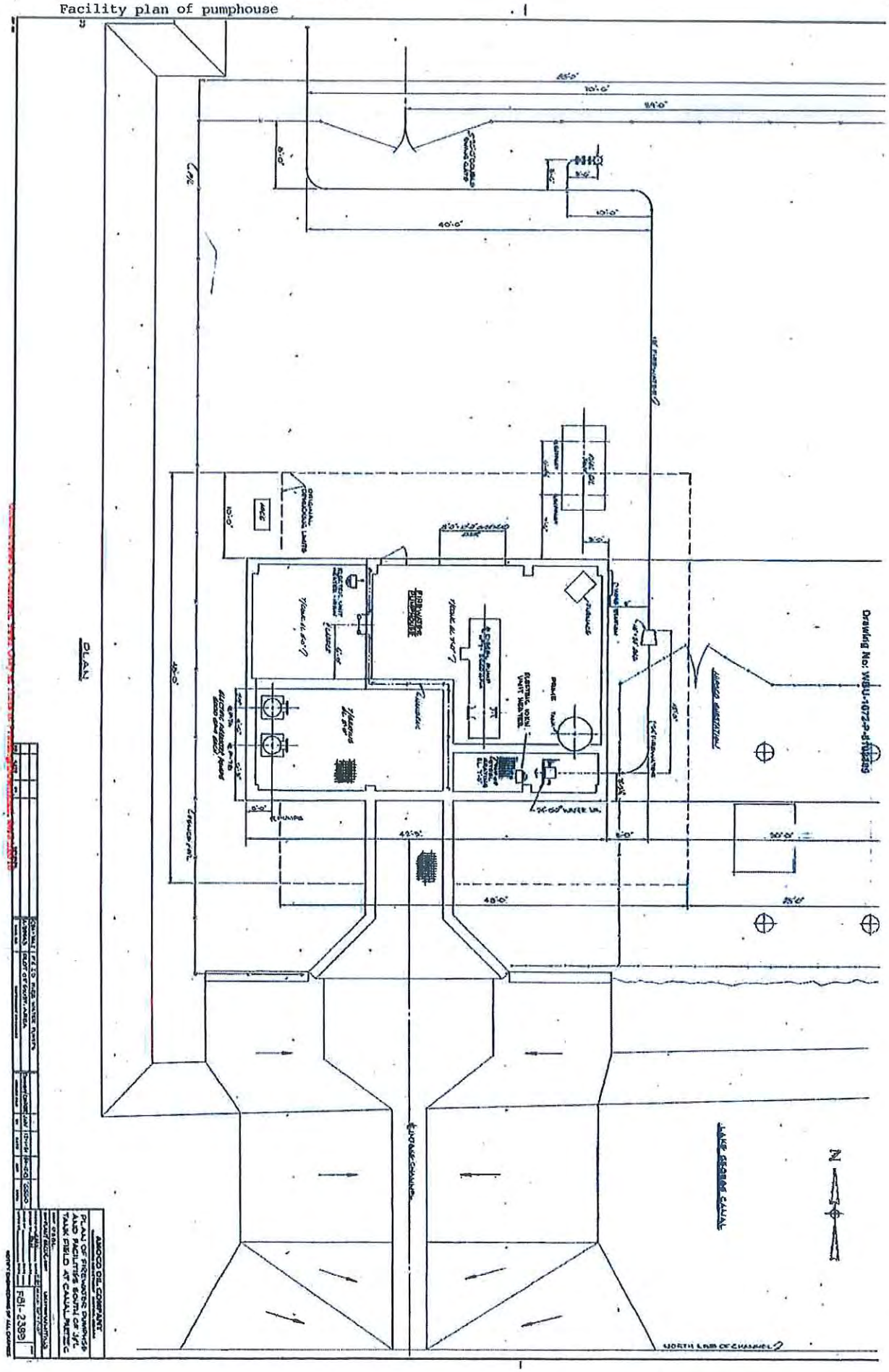
Details of intake screens for pumphouse

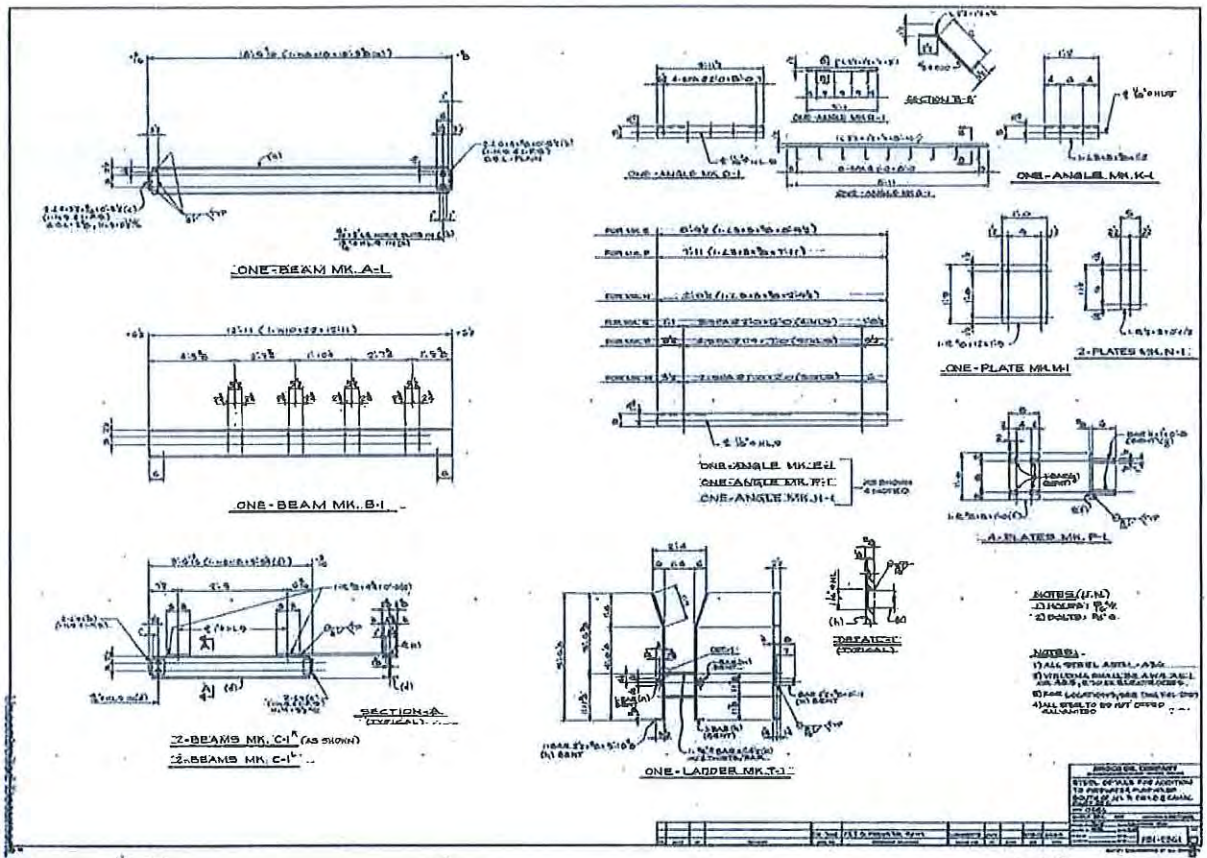


Foundations for pumphouse



Facility plan of pumphouse

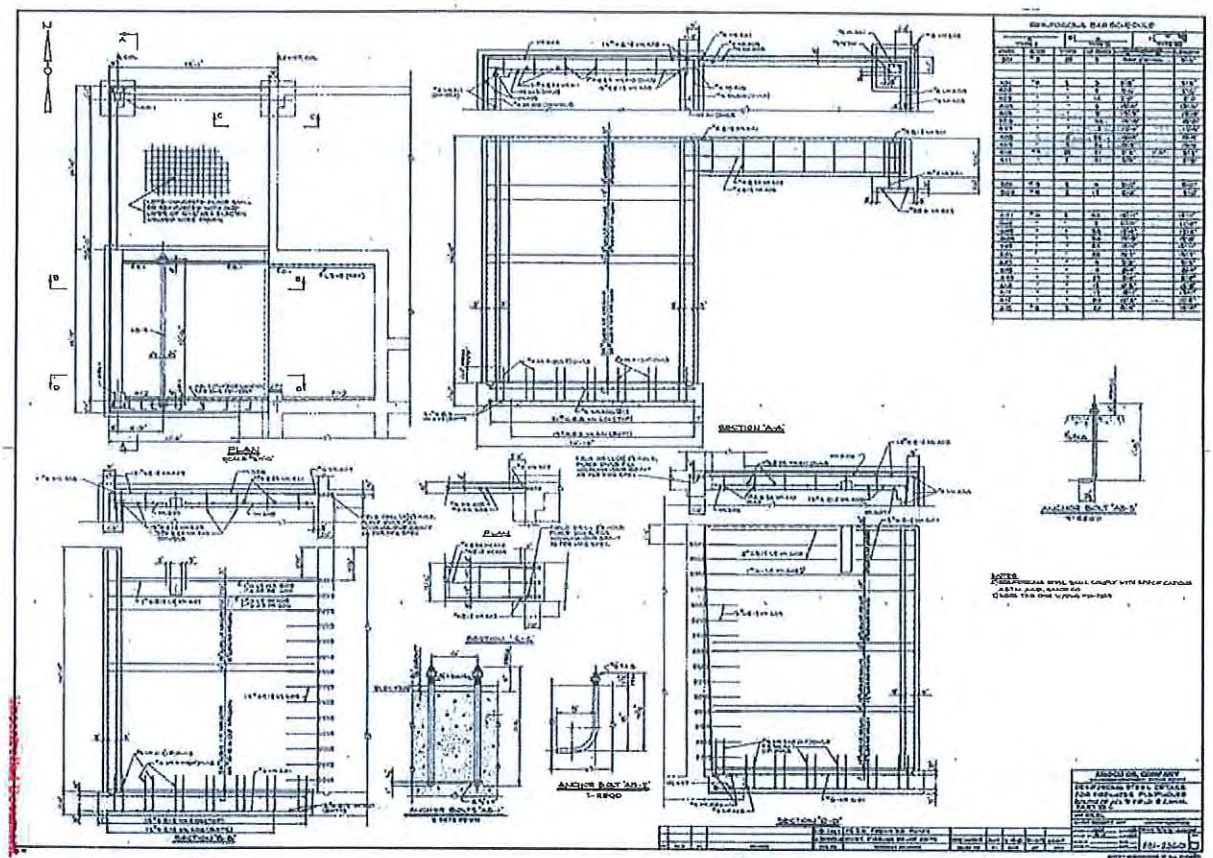




Existing Site Structures: Page 6 of 8
Steel details for pumphouse

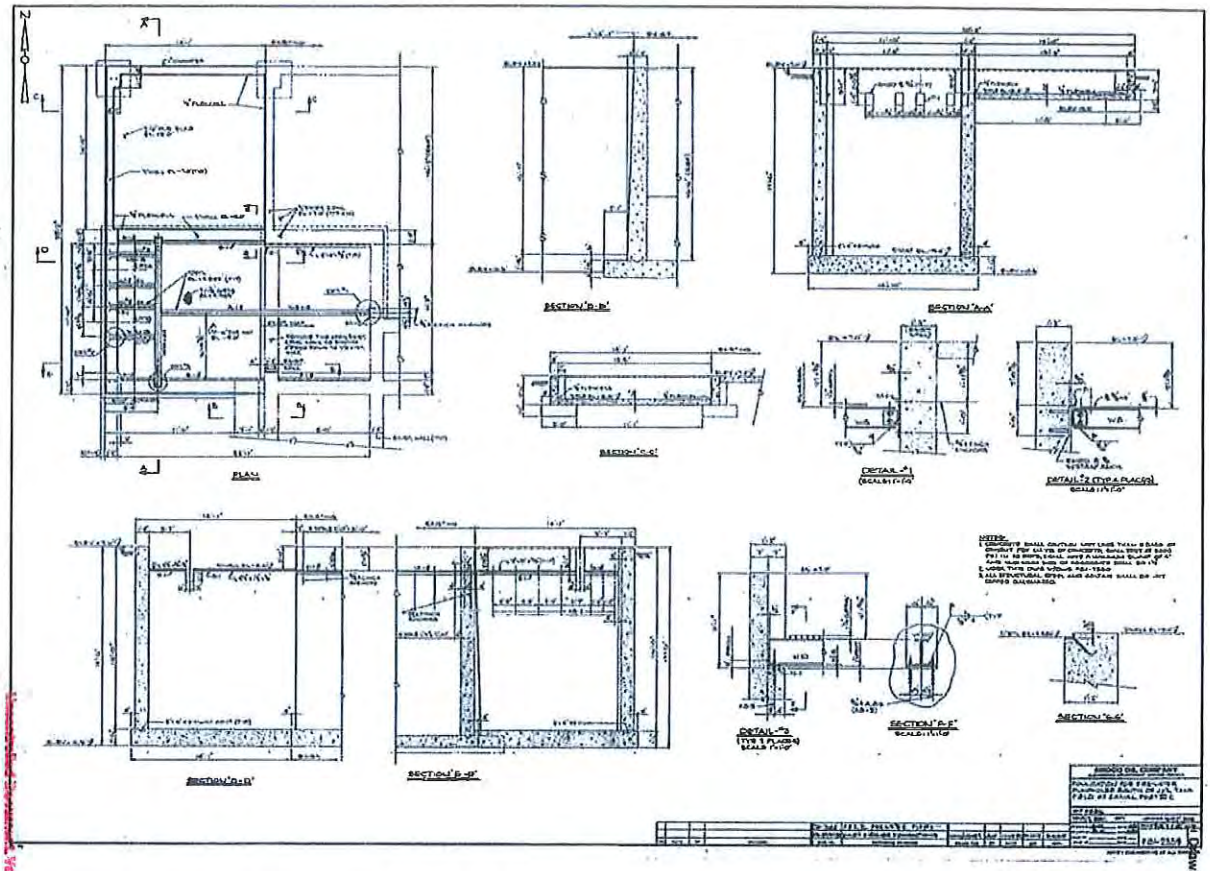
Drawing No: WBU-1072-S-8102361

Unofficial Document Valid Only at Time of Printing/Download: 11/16/2015



Existing Site Structures: Page 7 of 8
Reinforcing steel details

Drawing No: WBU-1072-S-S102360
Valid Only at Time of Printing/Download: 10/10/2015

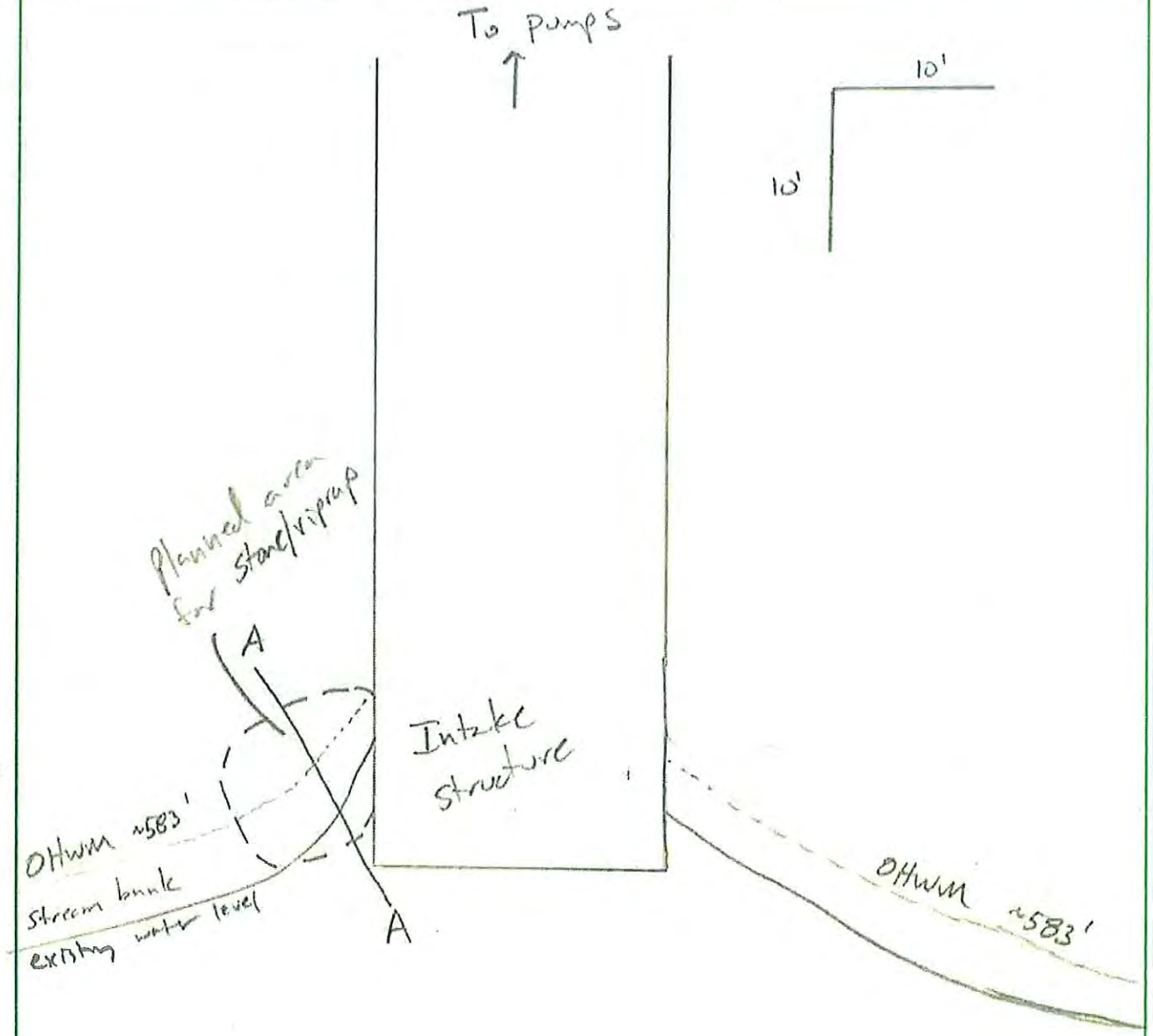


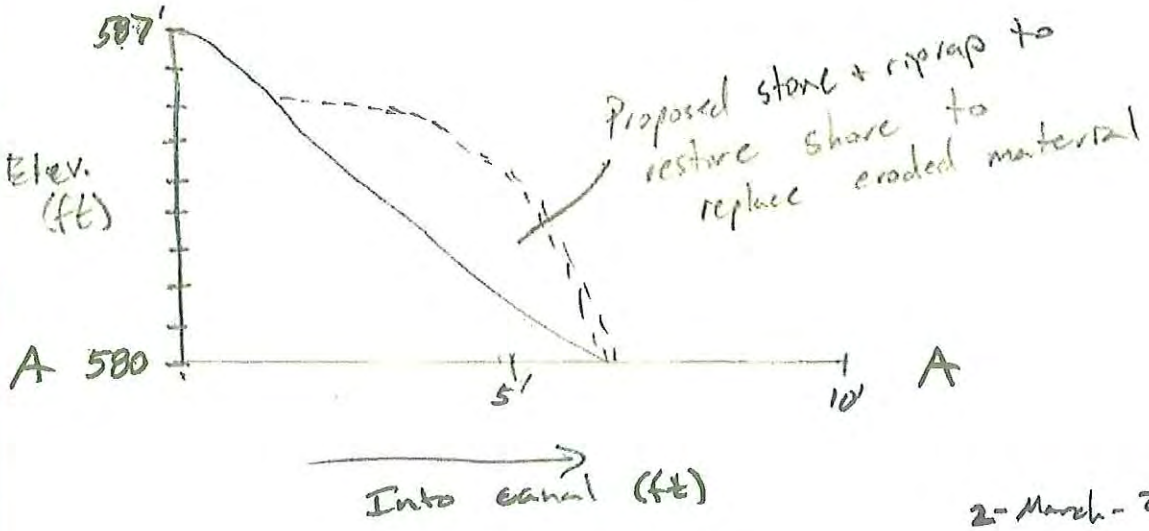
Existing Site Structures: Page 8 of 8
Foundation for pumphouse

Drawing No: WBU-1072-S-8102359

Unauthorized Document Valid Only at Time of Printing/Download: 11/16/2015

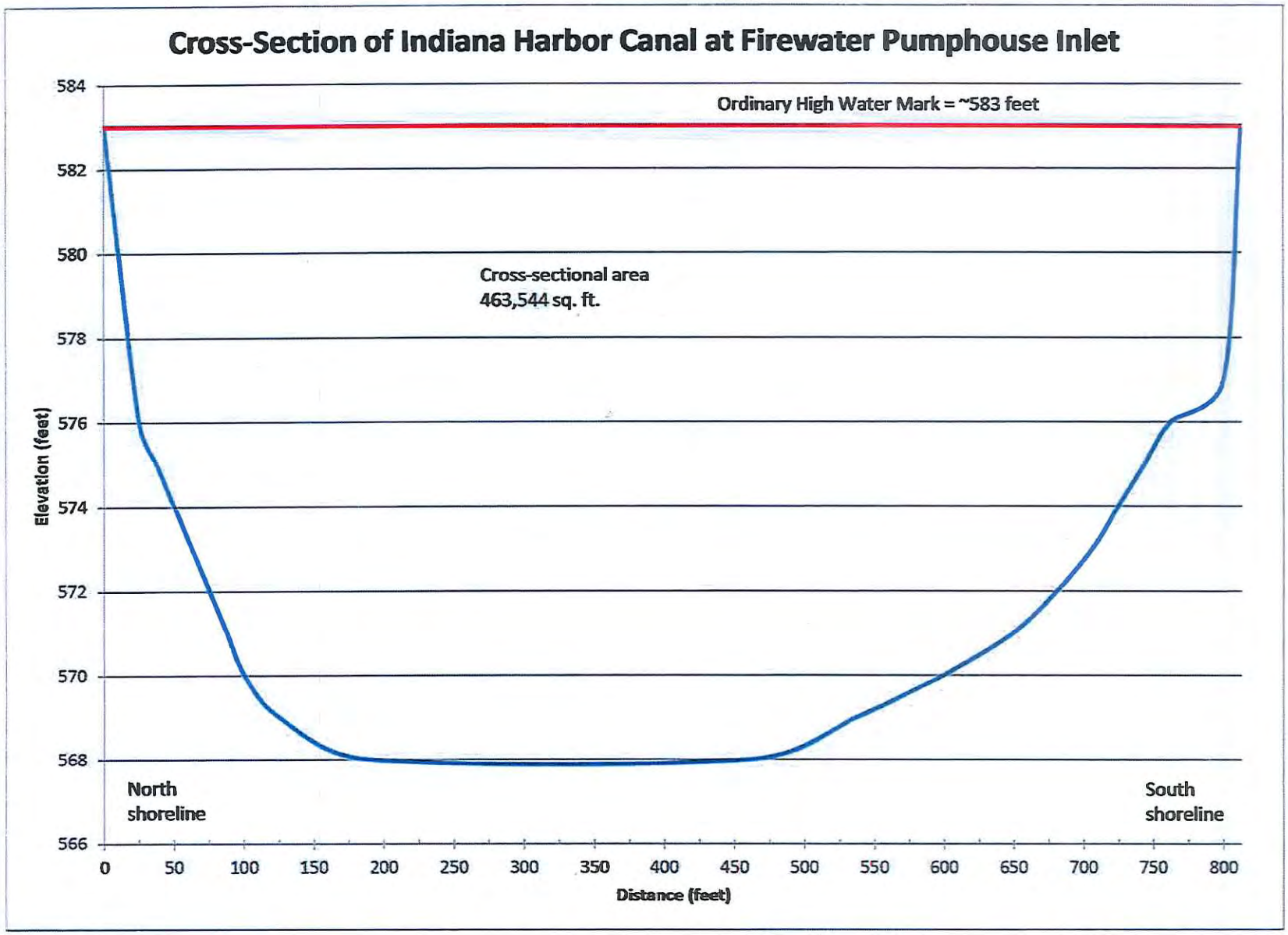
Proposed addition #73 stone and 4x8 riprap at FWPH intake





2-March-2016
Kyle Vester
BP Environmental

Bathymetric Survey of Indiana Harbor Canal and Project Location


Cross-Section of Indiana Harbor Canal at Firewater Pumphouse Inlet
Ordinary High Water Mark = ~583 feet
Cross-sectional area
463,544 sq. ft.
North
shoreline
South
shoreline
Elevation (feet)
584
582
580
578
576
574
572
570
568
566
0
50
100
150
200
250
300
350
400
450
500
550
600
650
700
750
800
Distance (feet)

Site Photo 1:

Indiana Harbor Canal

Pumphouse intake

Riprap addition location

Looking ESE

Site Photo 2:

Riprap addition location

Reeds to be removed without dredging, stone and riprap to be added to restore eroded shoreline and riprap.

Looking south

Site Photo 3:

Intake

Riprap addition location

Looking SE

Site Photo 4:

Pumphouse intake

This structure to be cleaned of accumulated debris and have screens repaired.

Riprap addition location

Looking SSE

DNR Indiana Department of Natural Resources

Michael R. Pence, Governor
Cameron F. Clark, Director

Division of Nature Preserves
402 W. Washington St., Rm W267
Indianapolis, IN 46204-2739

February 3, 2016

Kyle Vester, EI
Whiting Refinery
2815 Indianapolis Blvd
Whiting, IN 46394

Dear Kyle Vester:

I am responding to your request for information on the endangered, threatened, or rare (ETR) species, high quality natural communities, and natural areas documented from a project, pump house intake dredging project, Whiting, Indiana. The Indiana Natural Heritage Data Center has been checked and included you will find information on the ETR species documented within 0.5 mile of the project area.

1. The state endangered bird *Cistothorus palustris*, marsh wren, is documented along the Lake George Canal. No date is available for this record.

For more information on the animal species mentioned, please contact Christie Stanifer, Environmental Coordinator, Division of Fish and Wildlife, 402 W. Washington Room W273, Indianapolis, Indiana 46204, (317)232-8163.

The information I am providing does not preclude the requirement for further consultation with the U.S. Fish and Wildlife Service as required under Section 7 of the Endangered Species Act of 1973. If you have concerns about potential Endangered Species Act issues you should contact the Service at their Bloomington, Indiana office.

U.S. Fish and Wildlife Service
620 South Walker St.
Bloomington, Indiana 47403-2121
812-334-4261

At some point, you may need to contact the Department of Natural Resources' Environmental Review Coordinator so that other divisions within the department have the opportunity to review your proposal. For more information, please contact:

Department of Natural Resources
attn: Christie Stanifer
Environmental Coordinator
Division of Fish and Wildlife
402 W. Washington Street, Room W273
Indianapolis, IN 46204
(317)232-8163

Please note that the Indiana Natural Heritage Data Center relies on the observations of many individuals for our data. In most cases, the information is not the result of comprehensive field surveys conducted at particular sites. Therefore, our statement that there are no documented significant natural features at a site should not be interpreted to mean that the site does not support special plants or animals.

Due to the dynamic nature and sensitivity of the data, this information should not be used for any project other than that for which it was originally intended. It may be necessary for you to request updated material from us in order to base your planning decisions on the most current information.

Thank you for contacting the Indiana Natural Heritage Data Center. You may reach me at (317)232-8059 if you have any questions or need additional information.

Sincerely,

Ronald P. Hellmich

Ronald P. Hellmich
Indiana Natural Heritage Data Center

Enclosure: invoice

DNR Indiana Department of Natural Resources

Michael R. Pence, Governor
Cameron F. Clark, Director

Environmental Unit
402 W. Washington Street, Rm. W273
Indianapolis, IN 46204-2781

February 15, 2016

Kyle Vester, EI
BP Whiting Refinery
2815 Indianapolis Blvd
Whiting, IN 46394

Re: ER-18864: Pump house intake maintenance: dredging from sump area to Indiana Harbor Canal & placing riprap to protect intake, BP Whiting;
Lake County
****ETR review for RGP****

Dear Mr. Vester:

This letter is in response to your request, received on February 9, 2016, for comments from our agency regarding threatened and endangered species that may be present in the vicinity of the proposed project. This is only a preliminary review for this reason and is pursuant to the requirements of the Regional General Permit you have applied for or will be applying for.

This is not a permit or approval for the proposed project. You are responsible to make sure any other necessary permits or approvals are obtained, including those from our department, if required.

*NOTE: This project falls within the Lake Michigan Coastal Program's boundary; therefore, it may be subject to Federal Consistency (FC) review. For more information regarding items requiring Federal Consistency Review, please go to http://www.in.gov/dnr/lakemich/files/20070214-IR-312070085NRA.xml.pdf. If your project requires a Permit, Agency Action, or Funding as listed in Section III (pages 8-13) it must go through a FC Review. It is your responsibility to initiate a FC Review. Failure to do so may result in the Federal entity denying your project. Please follow the FC process outlined at http://www.in.gov/dnr/lakemich/6041.htm.

As indicated in the February 3, 2016, letter from Ronald Hellmich, Division of Nature Preserves, the state endangered marsh wren (*Cistothorus palustris*) has been documented within ½ mile of this project. This species prefers to nest in dense reeds possibly along the edges of structures that carry water, such as ponds, canals, and irrigation ditches. Therefore, to avoid impacts to the marsh wren, we recommend that no dredging occur during the nesting season which is mid-May through late July.

Our agency appreciates this opportunity to be of service. Please do not hesitate to contact me at (317) 232-8163 or cstanifer@dnr.in.gov if we can be of further assistance.

Sincerely,

Christie L. Stanifer
Environmental Coordinator
Division of Fish and Wildlife