To all interested parties:

This letter shall serve as a formal notice for the Indiana Department of Environmental Management’s (IDEM) proposed Section 401 Water Quality Certification for the U.S. Army Corps of Engineer’s Regional General Permit No.1 (RGP) in the state of Indiana. The purpose of the notice is to inform the public of the Responsibilities, Terms, and Specific Conditions IDEM is placing on the RGP to ensure compliance with Indiana’s Water Quality Standards. The agency is also soliciting comments and information on any impacts to water quality related to certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341).

Affected waterbody: Waters of the United States within the state of Indiana.

Project Description: The U.S. Army Corp of Engineers (CORPS) proposes to reauthorize Regional General Permit No. 1(RGP) in the state of Indiana. The attached Section 401 Water Quality Certification (WQC) contains the Responsibilities, Terms and Specific Conditions that IDEM proposes to place on the RGP in the state of Indiana. These Responsibilities, Terms and Specific Conditions ensure that projects authorized by the RGP have minimal impacts to waters within the state of Indiana.

The RGP was most recently authorized by IDEM on December 12, 2014. The proposed reauthorization follows the same format as the previous authorization where you have Applicant Responsibilities that must occur before the submittal of the application, Permitee Responsibilities that must occur before and during the implementation of the project, Terms that allow IDEM to modify the WQC for the RGP and elevate projects to an Individual Section 401 WQC, and Specific Conditions that must be complied with before and during project implementation.

The majority of the WQC for the RGP has remained unchanged. The most significant changes to the proposed reauthorization is a condition regarding stream channel fills, a condition that allows certain activities on salmonid waters, and an increase in the acreage and linear foot limits for certain activities.

IDEM has added Specific Condition (2)(f) which will now allow work on salmonid streams if the work is conducted outside the salmonid fish spawning dates and the activities comply with the other conditions of the WQC. Bank stabilization activities can occur on salmonid streams during the fish spawning dates as long as they are constructed using bioengineered, riprap, or glacial stone and the fill conforms to the existing shoreline. Encapsulations can now be authorized under the RGP on salmonid streams as long as they are outside the salmonid fish spawning dates, span the width of the ordinary high water mark, and are embedded in accordance with Specific Condition (3)(f). The addition of Specific Condition (2)(f) will now allow small public works projects to be eligible for the RGP and allow more time to implement the project.

IDEM has increased the cumulative permanent impact thresholds for the acreage and linear feet requirements under the RGP. Specific Condition 2(i) has increased the cumulative acreage impact from 0.10 acre to 0.25 acre subject to Specific Condition 3(k). Specific Condition 2(j) has increased the cumulative linear feet of stream and shoreline impact to 500 linear feet subject to Specific Condition 3(l).

IDEM has added Specific Condition 2(l) to help alleviate any confusion regarding the types of encapsulations that are authorized under the RGP. Only encapsulations that are installed for the purpose of constructing crossings for roads, driveways and pedestrian crossings are authorized under the RGP. The RGP does not...
authorize encapsulations for other purposes such as parking lots, commercial or industrial developments.

IDEM has added Specific Condition (3)(k) and (3)(l) to allow for additional acreage of impacts to waters of the State. Fill in waters of the state will now be allowed from 0.10 acre to 0.25 acre as long as compensatory mitigation credits are purchased from a mitigation bank or through the Indiana Stream and Wetland Mitigation Program (in-lieu fee)(ILF), the credits are the appropriate type and amount, the credits are purchased in the appropriate service area, and the credits are purchased before the initiation of land disturbing activities or within one (1) year of the date of the notification, whichever occurs first. Linear feet of stream impacts for bank stabilization and shoreline stabilization has been increased from 300 linear feet to 500 linear feet as long as mitigation credits are purchased from an approved mitigation bank or ILF program, the credits are the appropriate type and amount, the credits are purchased in the appropriate service area, and the credits are purchased before the initiation of land disturbing activities or within one (1) year of the date of the notification, whichever occurs first. The addition of Specific Conditions (3)(k) and (3)(l) will now allow more projects to be authorized under the RGP.

For additional information about the RGP please see the attached Corps of Engineers Public Notice.

**Comment period:** Any person or entity who wishes to submit comments or information relevant to the aforementioned project may do so by the closing date noted above. Only comments or information related to water quality or potential impacts on water quality can be considered by IDEM in the water quality certification review process.

**Public Hearing:** Any person may submit a written request that a public hearing be held to consider issues related to water quality in connection with the project detailed in this notice. The request for a hearing should be submitted within the comment period to be considered timely. The request should also state the reason for the public hearing as specifically as possible to assist IDEM in determining whether a public hearing is warranted.

**Questions?** Additional information may be obtained from Mr. Jason Randolph, Project Manager, at 317-233-0467. Please address all correspondence to the project manager and reference the IDEM project identification number listed on this notice. Indicate if you wish to receive a copy of IDEM’s final decision. Written comments and inquiries may be forwarded to -

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