



CERTIFICATE OF APPROVAL

Application #: FW-29895-0

This Certificate of Approval is a Permit for Construction 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.

Approval Issued To: Arconic Inc, Robert Prezbindowski, 2300 North Wright Road, Alcoa, TN 37701

Approval Issued By:

Mail Date: 12/16/2019

James J. Hebenstreit, PE, Division of Water

Permit Effective Date: 01/03/2020

Permit Expiration Date: 12/16/2021

Pursuant to 312 IAC 2-5-1, this Permit becomes Effective eighteen (18) days from the Mail Date to provide a stay period for a Petition for Administrative Review with the Indiana Natural Resources Commission, Division of Hearings. Initiating construction authorized in this Permit prior to the Permit Effective Date constitutes a violation. This Permit is only valid until the Permit Expiration Date.

This Permit may be renewed one (1) time if a written request is received at the DNR, Division of Water, prior to the Permit Expiration Date.

PROJECT INFORMATION:

Waterbody: Elliott Ditch

County: Tippecanoe, Tippecanoe

Project Description Narrative: Approximately 3000' of an existing earthen levee will be remediated. Contaminated soils will be removed, transported outside of the floodway, and replaced with clean, cohesive soil from a borrow pit. Soil removal will occur within the 75' county drainage easement, outside the stream banks. The soil will be placed in 9" lifts, compacted to 95% Standard Proctor, and have 2:1 sideslopes. Disturbed areas will be stabilized with native grass species and matting will be used to stabilize slopes.

Project Location: Beginning at the Norfolk and Western Railroad crossing and continuing upstream approximately 3000' along the south bank near Lafayette

PERMIT CONDITIONS:

This Certificate of Approval is valid only if the construction project is in compliance with all Conditions in this Permit.

DNR PROJECT SPECIFIC PERMIT CONDITIONS

- 1) Implement the mitigation plan received at the Division of Water on October 21, 2019, by the end of fall 2021.

- 2) Yearly status reports must be submitted beginning from the date of permit approval until the mitigation site has been completely installed. Status reports must be submitted to the Central Region Environmental Biologist at the Division of Fish and Wildlife, 402 W. Washington St., RM W273, Indianapolis, IN 46204-2781 by December 31 of each year. Once installed, the mitigation site must be monitored for the survival of the plantings for a minimum of 3 years. A report as described above must be submitted to the biologist by December 31 of each year.
- 3) The replacement habitat areas must have a minimum survival of 75% of planted material (canopy and understory species' survival calculated separately) at the end of the monitoring period or additional trees and shrubs must be installed to meet the minimum survival. If the site fails to meet success in any year, replanting shall occur prior to the next monitoring period. An additional year of monitoring shall be required for each year of additional planting.
- 4) Place a restrictive covenant (developed in coordination with a DNR biologist) on the mitigation site property within 60 days of project initiation to protect the mitigation site from any future disturbance. A copy of the covenant must be provided to the Central Region Environmental Biologist by mailing it to the Division of Water, 402 W. Washington St, Room W264, Indianapolis, IN 46204-2641.
- 5) The species approved by the DNR in a mitigation plan or a planting plan become part of the permit. If modifications become necessary to the approved species, a Division of Fish and Wildlife biologist must approve all changes.
- 6) Post "Do Not Mow or Spray" signs or an approved equal along the boundary of the proposed mitigation area(s).
- 7) Revegetate all bare and disturbed areas that will not be mowed and maintained with a mixture of grasses, sedges, and wildflowers native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion; turf-type grasses (including low-endophyte, friendly endophyte, and endophyte free tall fescue but excluding all other varieties of tall fescue) may be used in regularly mowed areas only.
- 8) Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
- 9) Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
- 10) Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
- 11) 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.
- 12) Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.
- 13) Yearly status reports must be submitted beginning from the date of permit approval until the mitigation site has been completely installed. Status reports must be submitted to the Central Region Environmental Biologist at the Division of Fish and Wildlife, 402 W. Washington St., RM W273, Indianapolis, IN 46204-2781 by December 31 of each year. Once installed, the mitigation site must be monitored for the survival of the plantings for a minimum of three years. A report must be submitted to the biologist by December 31 of each year to monitor the initiation, progress, and success of the plantings. The report shall include a narrative that describes the activity accomplished to date, the number of acres planted, the number of plants planted, the list of species planted on site, appropriate pictures of vegetative plantings, and the estimated survival of planted material.
- 14) Do not leave felled trees, brush, or other debris in the floodway*.
- 15) Except for the material used as backfill as shown on the plans submitted for the permit application, place all excavated material landward of the floodway*.
- 16) Upon completion of the project, remove all construction debris from the floodway*.

* Note: For regulatory purposes, the floodway is defined on the attached Floodway Map.

DNR PROJECT GENERAL PERMIT CONDITIONS

- 1) Any modifications or additional construction beyond what was shown on plans received at the Division of Water shall require an additional review and approval from the Department of Natural Resources.
- 2) This Permit must be posted and maintained at the project site until the project is completed
- 3) This Permit shall not be assigned or transferred without the prior written approval of the Department of Natural Resources.
- 4) 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 at (317) 232-1646.
- 5) This Permit may be revoked by the Department of Natural Resources for violation of any condition or applicable statute or rule.
- 6) The Department of Natural Resources shall have the right to enter upon the site of the permitted activity for the purpose of inspecting the work authorized under this Permit.

Certificate of Approval Attachments: DNR_FloodplainMap.pdf

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):

Arconic Inc, Robert Prezbindowski, 2300 North Wright Road, Alcoa, TN 37701

Agent(s):

Civil & Environmental Consultants, J Matt Bruck, 2704 Cherokee Farm Way Suite 101, Knoxville, TN 37920

Adjacent Landowners and Interested Parties:

Alonso Alvarez, 145 Coldbrook Drive, Lafayette, IN 47909
ABS Real Estate, LLC, 3460 Concord Road, Lafayette, IN 47909
Sandra Bratton, 185 Coldbrook Court, Lafayette, IN 47909
Edith Brooks, 108 Coldbrook Drive, Lafayette, IN 47909
Fred Devaney, 72 Coldbrook Drive, Lafayette, IN 47909
Daniel Grayson, 195 Coldbrook Court, Lafayette, IN 47909
Joyce Hanstra, 120 Coldbrook Court, Lafayette, IN 47909
Bruce Higginson, 3233 Brady Lane, Lafayette, IN 47909
Myron Holwerda, 155 Coldbrook Court, Lafayette, IN 47909
Scott Hatchell, 116 Coldbrook Drive, Lafayette, IN 47909
James Usher, 3131 Brady Lane, Lafayette, IN 47909
Janeace Klein, 3131 Brady Lane, Lafayette, IN 47909
Richard Knoth, 130 Coldbrook Drive, Lafayette, IN 47909
Timothy Lawson, 175 Coldbrook Court, Lafayette, IN 47909

Local Union #2317 - UAW Building Corporation, 3107 Olympia Court, Lafayette, IN 47909
Helen Merrell, 56 Coldbrook Drive, Lafayette, IN 47909
Eric Morgan, 3249 Brady Lane, Lafayette, IN 47909
Adam Myers, 137 Coldbrook Drive, Lafayette, IN 47909
Norfolk Southern, 3 Commercial Place, Norfolk, VA 23510
Patton Underground, LLC, 3110 Olympia Drive, Lafayette, IN 47909
R&B Management, LLC, 3223 Olympia Drive, Lafayette, IN 47909
David Rathje, 2454 27th Street, Decatur, IL 62526
Robert Reed, 100 Coldbrook Drive, Lafayette, IN 47909
Pauline Rohr, 48 Coldbrook Court, Lafayette, IN 47909
Rolan Solutions, LLC, 40 Olympia Court, Lafayette, IN 47909
Derek Shilling, 126 Coldbrook Drive, Lafayette, IN 47909
Brian Smith, 3215 Brady Lane, Lafayette, IN 47909
Kyle Smith, 21 Brady Court, Lafayette, IN 47909
Malcolm Stingley, 18 Brady Court, Lafayette, IN 47909
Tad Rentals, LLC, 4208 County Road 650 North, Mulberry, IN 46058
Tippecanoe County Properties, LLC, 188 Farabee Drive, Lafayette, IN 47905
Ralph Wendt, 165 Coldbrook Drive, Lafayette, IN 47909
Winstead, LLC, 3223 Olympia Drive, Lafayette, IN 47909

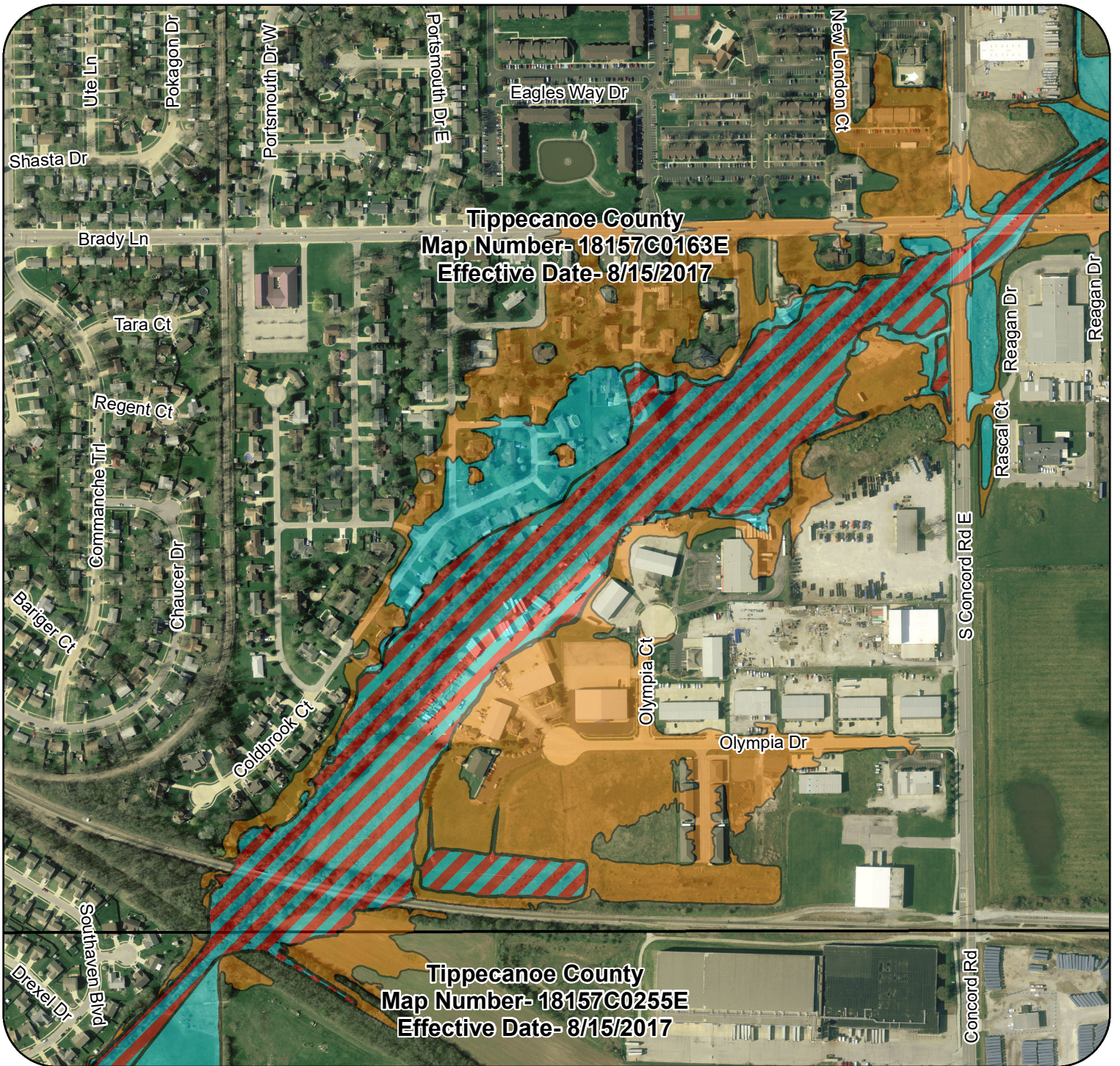
Courtesy Notification:

US Army Corps of Engineers, Louisville District, PO Box 59, Louisville, KY 40201
Tippecanoe County SWCD, Chris Remley, 1812 Troxel Drive, Suite C3, Lafayette, IN 47909
Tippecanoe County Area Plan Commission, Sallie Fahey, City County Office Building 20 North 3rd Street, Lafayette, IN 47901
Tippecanoe County Drainage Board, County Surveyor, 20 North 3rd Street, Pier 6, Lafayette, IN 47901
Indiana Department of Natural Resources, Division of Law Enforcement District 3 Headquarters 4112 East State Road 225, West Lafayette, IN 47906

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.



The Special Flood Hazard Area was derived from the digital representation of FEMA Flood Insurance Rate Maps (FIRM). While this map is provided for information, the FIRMs as published by FEMA are the authoritative documents for the National Flood Insurance Program.

Copies of those maps can be found at <http://msc.fema.gov>

Map Source: FIRM

File Number: FW-29895




Map prepared 12/10/2019

Note

This map does not reflect changes or amendments which may have been made subsequent to the effective date



Legend

-  Special Flood Hazard Area
-  Special Flood Hazard Area/Floodway
-  Community Boundaries



MAP SCALE 1" = 500'

