

# Public Notice

1/14/2015 (Date)  
 \_\_\_\_\_ (Adjacent Property Owner's Name)  
 \_\_\_\_\_ (Mailing Address)  
 \_\_\_\_\_ (City, State, Zip Code)

Indiana Code 14-11-4 was enacted to ensure that adjacent property owners are notified of permit applications and provided with an opportunity to present their views to the Department of Natural Resources prior to action.

According to IC 14-11-4-5, the applicant must notify at least one of the owners of each parcel of real property reasonably known to be adjacent to the affected real property. "Adjacent to the affected real property", defined in 312 IAC 2-3-2, means real property owned by a person, other than the applicant, that is both of the following: (1) located within one-fourth (1/4) mile of the site where the licensed activity would take place, AND (2) has a border or point in common with the exterior boundary of the property where the licensed activity would take place. Included is property that would share a common border if not for the separation caused by a right-of-way, an easement, or a railroad.

Your property has been identified to be adjacent to the project site. This public notice is being provided to you in conformance with the provisions of IC 14-11-4 and 312 IAC 2-3.

Waterbody Name White River

Project Description:  
 See attached description and location maps.

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Project Location:  
 See attached description and location maps.

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- Check relevant Statute or Rule:
- Flood Control Act, IC 14-28-1
  - Lake Preservation Act, IC 14-26-2
  - Lowering of Ten Acre Lake Act, IC 14-26-5
  - Construction of Channels Act, IC 14-29-4
  - Sand and Gravel Permits Act, IC 14-29-3
  - Navigable Waterways Act, IC 14-29-1

Applicant's Name, Address, and Telephone  
City of Indianapolis, Rachel Wilson, P.E.  
1200 Madison Avenue, Suite 200  
Indianapolis, IN 46225 (317) 327-2304

Agent's Name, Address, and Telephone  
U.S. Army Corps of Engineers, Louisville District  
PO Box 59 - PM-P-E (RM 708)  
Louisville, KY 40201-0059 (502) 315-6794

Questions relating to the project should be directed to:  Applicant or  Agent (check one or both)

Pursuant to 312 IAC 2-3-4, an informal public hearing, pre-AOPA (Administrative Orders and Procedures Act) hearing, on this application may be requested by filing a petition with the Division of Water. The petition must conform to administrative rule 312 IAC 2-3-4 as follows:

- (a) This section establishes the requirements for a petition to request a public hearing under IC 14-11-4-8(a)(2).
- (b) The petition shall include the signatures of at least twenty-five (25) individuals who are at least eighteen (18) years of age and who reside in the county where the licensed activity would take place or who own real property within one (1) mile of the site of the proposed or existing licensed activity.
- (c) The complete mailing addresses of the petitioners shall be typed or printed legibly on the petition.
- (d) Each individual who signs the petition shall affirm that the individual qualifies under subsection (b).
- (e) The petition shall identify the application for which a public hearing is sought, either by division docket number (application number) or by the name of the applicant and the location of the project.

A pre-AOPA public hearing on the application will be limited to the Department's authority under the permitting statutes. Only the issues relevant to the Department's jurisdiction directly related to the application will be addressed. The Department has no regulatory authority on property zoning, local drainage, burning, nuisances, road traffic, etc.; therefore, topics beyond the Department's jurisdiction will not be discussed during the public hearing.

A petition for a pre-AOPA public hearing or a request to be notified of the Department's approval, denial, or termination of the permit application should be mailed to:

Indiana Department of Natural Resources  
Division of Water, Technical Services  
402 West Washington Street, Room W264  
Indianapolis, Indiana 46204-2641  
Telephone: (877) 928-3755 or (317) 232-4160

The Department's jurisdiction under the Flood Control Act, IC 14-28-1, is limited to a project in the floodway of a waterway that includes, but is not limited to, rivers, streams, ditches, and creeks. To be approvable a project must demonstrate that the project will not:

- (a) adversely affect the efficiency of or unduly restrict the capacity of the floodway,
  - (b) constitute an unreasonable hazard to the safety of life or property; defined as, will not result in either of the following during the regulatory flood: (1) the loss of human life, (2) damage to public or private property to which the applicant has neither ownership nor a flood easement,
  - (c) result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.
- Additionally, the Department must consider the cumulative effects of the above items.

The Department's jurisdiction under the Lake Preservation Act, IC 14-26-2, is limited to certain projects that are below the legal or normal water level, and are located along the shoreline, lakeward of the shoreline, or landward of the shoreline within 10 feet. The project will be reviewed on the basis of its impacts on:

- (a) the shoreline, water line, or bed of the public freshwater lake,
  - (b) the fish, wildlife, or botanical resources,
  - (c) the public rights for the natural resources, the natural scenic beauty, and the recreational purpose of the lake,
  - (d) the management of watercraft operations under IC 14-15,
  - (e) the interests of a landowner having property rights abutting the public freshwater lake or rights to access the public freshwater lake.
- Additionally, the Department must consider the cumulative effects of the above items.

The Department's jurisdiction under the Lowering of Ten Acre Lake Act, also referred to as the "Ditch Act", IC 14-26-5, applies to ditch and / or drain work within one-half (1/2) mile of a freshwater lake, ten acres or greater in size, where the ditch and / or drain work has a bottom depth lower than the legal or normal water level of the lake. To be approvable, the Department must find that the project will not:

- (a) endanger the legally established water level of the lake, or
  - (b) endanger the normal water level of the lake, if the water level has not been legally established,
  - (c) result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.
- Additionally, the Department must consider the cumulative effects of the above items.

All of the statutory regulations can be found on our webpage [www.in.gov/dnr/water](http://www.in.gov/dnr/water).

After an approval, denial, or termination is issued by the Department, you may appeal the Department action by requesting an administrative review by the Natural Resources Commission under IC 4-21.5 and 312 IAC 3-1. The appeal request should be addressed to:

Division of Hearings  
Natural Resources Commission  
Indiana Government Center North, Room N501A  
100 North Senate Avenue  
Indianapolis, IN 46204  
Telephone: (317) 232-4699

## Description and Location Maps

In order for the project to receive a positive levee safety evaluation, all vegetation within 15 feet of the face of the wall or toe of the levee must be removed along the Phase 3A/Warfleigh and Phase 3C/Monon-Broad Ripple Sections of the *White River, Indianapolis North Flood Damage Reduction Project*. In three locations along Phase 3A, for a distance measuring approximately 1,140 linear feet (LF) (or 15% of its total length), the vegetation clearing will go to the edge of the White River. These areas will be protected with erosion control blankets and the ends of the blankets will be anchored in trenches in the riverbank. An undetermined number of trees will also be removed along various locations for Phase 3C, as some are located too close to the floodwall and levee. If necessary, a relatively small amount of fill material may be placed as needed to fill depressions resulting from the removal of the tree root wads. The final activity will be the permanent seeding and mulching, placing erosion control matting, or placing sod.

Approximately 6.82 acres for Phase 3A and 0.61 acres for Phase 3C will require clearing and grubbing for the project. Generally, these areas are described as a mature bottomland hardwood forest. Phase 3A also falls within a riparian zone along the White River. The Engineering Technical Letter (ETL) also recommends the removal of all roots 0.5 inches or greater in diameter. This will be accomplished for vegetation within 15 feet of the toe of the levee or face of the floodwall.

As described above, the need for the proposed action is to ensure the levee and flood wall meet all of the requirements stated in ETL 1110-2-571 and allow for the project's inclusion into the Corps' Rehabilitation and Inspection Program (RIP). It would also meet all of the technical requirements for issuance of a Letter of Map Revision (LOMR) by the Federal Emergency Management Agency (FEMA).

Until Phase A and C meet the standards mentioned above, they cannot receive a positive levee safety evaluation by the Corps' Levee Safety Officer. Without a positive levee safety evaluation, FEMA cannot issue a LOMR which may eliminate or reduce flood insurance rates for those residences situated along the project alignment. A map of the general project area is included.

