



CERTIFICATE OF APPROVAL

Application #: FW-32284-0

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: TMK Development, LLC, Thomas Kretz, 9335 Forgotten Creek Drive, Indianapolis, IN 46260

Approval Issued By:

Mail Date: 12/5/2023

Katelyn Salzer, Division of Water

Permit Effective Date: 12/23/2023

Permit Expiration Date: 12/04/2025

Pursuant to IC 4-21.5-3-5(f), 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: Williams Creek

County: Marion

Project Description Narrative: A recreational pond will be excavated west of Williams Creek, approximately 30' from the top of bank. It will be approximately 383' long, 20' deep and the excavated material will be removed off-site. Approximately 164,000 cubic yards will be excavated. There will be two outfalls that extend from the pond to Williams Creek and both will include a riprap end section. One outfall will consist of 61' of 12" diameter pipe and the second outfall consist of 76' of 12" diameter pipe. Approximately 70' of eroded streambank will be stabilized with 18" to 24" riprap to protect the bank from further erosion. The riprap will be keyed into the streambed at its base and will conform to the existing bank at the project limits. It will have a maximum height of 3', a maximum streamward projection of 17' beyond the existing bank, and 2:1 sideslopes. There will be an 8' wide pedestrian path that will be constructed at-grade, will consist of either mulch or soil, and will extend approximately 900' around the pond. In addition, there will be a temporary construction entrance that will be approximately 150' long, 20' wide, 8" in depth, and constructed at grade.

Project Location: 1000 West 96th Street near Indianapolis

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) The replacement trees must have a minimum survival of 100% of planted material at the end of the warranty period or additional trees must be installed to meet the minimum survival. A report must be submitted to the Central Region Environmental Biologist at the Division of Water, 402 W. Washington St., RM W264, Indianapolis, IN 46204-2641 (water_inquiry@dnr.in.gov) at the end of the warranty period (minimum of 1 full growing season) to monitor the success of the mitigation site; the report must include appropriate pictures of vegetative plantings; a narrative must describe the activity accomplished to date, number planted, list of species planted on site, and estimated survival; if the mitigation site is not successful after completion of the warranty period, additional trees must be planted to bring the site back up to 100% survival and no further monitoring will be required.
- 2) Revegetate all bare and disturbed areas that are not currently 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 currently mowed areas only. A native herbaceous seed mixture must include at least 5 species of grasses and sedges and 5 species of wildflowers.
- 3) Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
- 4) Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
- 5) Do not cut any trees suitable for Indiana Bat or Northern Long-eared Bat roosting (3 inches or greater diameter-at-breast height, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
- 6) Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds.
- 7) Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
- 8) Do not use broken concrete as riprap.
- 9) Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap.
- 10) Minimize the movement of resuspended bottom sediment from the immediate project area.
- 11) Do not deposit or allow construction/demolition materials or debris to fall or otherwise enter the waterway. Any incidental fallen material or debris in the waterway must be removed within 24 hours using best management practices, particularly lifting material out of the waterway and not dragging it across the streambed whenever possible.
- 12) Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the waterbody or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
- 13) 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.
- 14) Plant five trees, 1 inch to 2 inches in diameter-at-breast height, for each tree which is removed that is 10 inches or greater in diameter-at-breast height.
- 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) Do not leave felled trees, brush, or other debris in the floodway*.
- 17) Upon completion of the project, remove all construction debris from the floodway*.
- 18) All outfall structures and riprap placed for bank stabilization must conform to the bank.
- 19) Completely remove the temporary access drive and any related appurtenances from the floodway* upon completion of the project.
- 20) The pedestrian path should not exceed 6" above existing grade.
- 21) * 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 prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (IC 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days.
- 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: FW-32284_FloodplainMap_BestAvailable.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):

TMK Development, LLC, Thomas Kretz, 9335 Forgotten Creek Drive, Indianapolis, IN 46260

Agent(s):

V3 Companies Ltd, Michael Raun, 619 North Pennsylvania Street, Indianapolis, IN 46204

Adjacent Landowners and Interested Parties:

Marion County SWCD, 1200 South Madison Avenue, Suite 200, Indianapolis, IN 46225

US Army Corps of Engineers, Louisville District, PO Box 59, Louisville, KY 40201

Indiana Department of Natural Resources, Division of Law Enforcement District 6 Headquarters PO Box 282, Nineveh, IN 46164

TMK Design LLC, 861 West 96th Street, Indianapolis, IN 46260

Devin Patrick Claerbout, 833 West 96th Street, Indianapolis, IN 46260

Eric Zamudio, 857 West 96th Street, Indianapolis, IN 46260

Gary and Kristen Sherman, 9586 Copley Drive, Indianapolis, IN 46260

Michael and Margaret Boldt, 722 Pine Drive, Indianapolis, IN 46260

Matthew and Heather McLaughlin, 734 Pine Street, Indianapolis, IN 46260

Kroot Caroline Trustee of the Caroline Kroot Revocable Trust DTD924-01, 743 Pine Street, Indianapolis, IN 46260

Dianne Decoursey, 540 West 93 Road Street, Indianapolis, IN 46260

Tamarack Condominium Recreational Corporation, 9536 Cedar Springs Drive, Indianapolis, IN 46260

Mary Miller Butler and Wi Butler, 9309 Spring Forest Drive, Indianapolis, IN 46260

Mealey Nancy, Trustee of the Nancy Mealey Revocable Trust, 9315 Spring Forest Drive, Indianapolis, IN 46260
Whale Charles and Curtis L Trustee of Anne W Cline Family Trust, 9321 Spring Forest Drive, Indianapolis, IN 46260
James and Jane Merritt, 9329 Spring Forest Drive, Indianapolis, IN 46260
Charles and Teresa Sue Rutledge, 9345 Spring Forest Drive, Indianapolis, IN 46260
Bearing Kathy S Trustee Kathy S Dearing Revocable Trust, 9337 Spring Forest Drive, Indianapolis, IN 46260
Martha Whiteman, 9355 Spring Forest Drive, Indianapolis, IN 46260
Libby Judith S As Trustee of the Judith S Libby Trust, 9365 Spring Forest Drive, Indianapolis, IN 46260
Judith Palmer, 9440 Tamarack Drive, Indianapolis, IN 46260
Worley Grace M Trustees of the Grace M Worley Living Trust, 9436 Tamarack Drive, Indianapolis, IN 46260
Margaret Jay Kitterman, 0578 Chatham Court, Carmel, IN 46032
Matthew and Heather McLaughlin, 734 Pine Drive, Indianapolis, IN 46260
Indianapolis Department of Public Works, Dustin Thurston, 200 East Washington Street, Suite 1401, Indianapolis, IN 46204
Amy Wunder, Department of Business and Neighborhood Services 200 East Washington Street, Suite 107, Indianapolis, IN 46204

ADDITIONAL PERMITTING AGENCIES:

This is not a waiver of any local ordinance or other state or federal law and does not 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 commissions.