



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
CHICAGO DISTRICT, CORPS OF ENGINEERS  
231 SOUTH LASALLE STREET  
CHICAGO, ILLINOIS 60604-1437

June 18, 2015

Technical Services Division  
Regulatory Branch  
LRC-2014-378

SUBJECT: Regional General Permit Authorization for the Singleton Quarry Project in Lowell, Lake County, Indiana (DHPA #17448)

Singleton Stone, LLC  
Attn: Mr. Gene Yarkie  
PO Box 506  
Goshen, IN 46527

Dear Mr. Yarkie:

The U.S. Army Corps of Engineers, Chicago District, has completed its review of your notification for authorization under the Regional General Permit (RGP), submitted on your behalf by Cardno. Under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, the Chicago, Louisville and Detroit Districts reissued Regional General Permit 1 on December 15th, 2014 for certain activities having minimal impacts in Indiana. We have verified that your proposed work shown on the submitted plans and described below is authorized under the RGP.

This verification covers only your activity as described in your notification and as shown on the plans entitled "Grading Plan – Quarry Pit Area" dated July 3, 2014, prepared by DVG Inc. This verification expires three (3) years from the date indicated above. The following work is authorized under Section 404:

Construct a rock and stone quarry to produce materials for various developments across the region. The quarry will consist of access roads, an administrative building, parking areas, stormwater basins, and utilities. The project will impact 6,039 linear feet of ditch that will be excavated and widened. Permanent impacts consist of the installation of a pipe into approximately 25 linear feet of ditch. All work is to be completed as shown on the drawings submitted to and accepted by our office.

This authorization is contingent upon abiding by the "Memorandum of Agreement" signed by our office, the State Historic Preservation Office and yourself (see attached). Please continue to coordinate with the State Historic Preservation Office to address the historic property issues at the site. In addition you must maintain soil erosion and sediment control measures in a serviceable condition throughout the duration of the project. Any construction activity other than that shown on the plans may not qualify for the Regional Permit.

Please note this authorization is without force and effect until all other permits or authorizations from local, state, or other Federal agencies are secured. Specifically, this authorization is not valid until you have received Section 401 Water Quality Certification from the Indiana Department of Environmental Management (IDEM). For any additional information on the RGP, please access our website: <http://www.lrc.usace.army.mil/Missions/Regulatory.aspx>. If you have any questions, please contact Mr. Paul Leffler of my staff by telephone at 312-846-5529 or email at Paul.M.Leffler@usace.army.mil.

Sincerely,

Diedra Willis  
Indiana Team Leader  
Regulatory Branch

Copies Furnished:

IDEM (Mr. Maupin)  
DVG (Mr. Ban)  
Cardno (Mr. Quartucci)

**MEMORANDUM OF AGREEMENT**  
**BETWEEN THE UNITED STATES ARMY CORPS OF ENGINEERS AND**  
**THE INDIANA STATE HISTORIC PRESERVATION OFFICER**  
**SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
**PURSUANT TO 36 C.F.R. § 800.6(b)(iv)**  
**REGARDING THE SINGLETON STONE QUARRY PROJECT**  
**IN LOWELL, EAGLE CREEK TOWNSHIP, LAKE COUNTY, INDIANA**

**WHEREAS** the United States Army Corps of Engineers (“U.S. Army Corps”) proposes to issue a permit under Section 404 of the Clean Water Act for the Singleton Stone Quarry Project in Lowell, Eagle Creek Township, Lake County, Indiana; and

**WHEREAS** the U.S. Army Corps, in consultation with the Indiana State Historic Preservation Officer (“Indiana SHPO”), has defined this Singleton Stone Quarry Project’s area of potential effects, as the term is defined in 36 C.F.R. § 800.16(d), to be a 200 foot buffer around the 398 acre project area that is bounded by Singleton Ditch to the south, Clay Street to the east, 189<sup>th</sup> Avenue to the north, and Interstate-65 and an agricultural parcel boundary to the west; and

**WHEREAS** the U.S. Army Corps, in consultation with the Indiana SHPO, has found that archaeological sites 12-La-0084, 12-La-0091, 12-La-0092, 12-La-0522, and 12-La-0526 are within the area of potential effects; and

**WHEREAS** the U.S. Army Corps, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. § 800.4(c), that archaeological sites 12-La-0084, 12-La-0091, 12-La-0092, 12-La-0522, and 12-La-0526 are eligible for inclusion in the National Register of Historic Places; and

**WHEREAS** the U.S. Army Corps, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. § 800.5(a), that the Singleton Stone Quarry Project will have an adverse effect on 12-La-0084, 12-La-0091, 12-La-0092, 12-La-0522, and 12-La-0526; and

**WHEREAS** the U.S. Army Corps, has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and its implementing regulations (36 C.F.R. Part 800) to resolve the adverse effects on archaeological sites 12-La-0084, 12-La-0091, 12-La-0092, 12-La-0522, and 12-La-0526; and

**WHEREAS** the U.S. Army Corps, in consultation with the Indiana SHPO, has invited Rieth-Riley Construction Company, Inc. (Rieth-Riley) to participate in the consultation and to become a signatory to this memorandum of agreement; and

**WHEREAS** the U.S. Army Corps, in consultation with the Indiana SHPO, has invited Development Visions Group Inc. (DVG) to participate in the consultation and to become a signatory to this memorandum of agreement; and

**WHEREAS** the U.S. Army Corps has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S. C. § 470f) and its implementing regulations (36 C.F.R. Part 800) concerning the scope of work as presented in the application materials and plans dated February 4<sup>th</sup>, 2015, prepared by Cardno and agreed to proceed with the project as proposed after the Phase III mitigation plan is reviewed by SHPO and they are given the opportunity to comment; and

**NOW, THEREFORE**, the U.S. Army Corps and the Indiana SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. § 800.11(e) and (f), to the Advisory Council on Historic Preservation (“Council” pursuant to 36 C.F.R. § 800.6[b][1][iv]) and upon the U.S. Army Corp’s approval of the Singleton Stone Quarry Section 404 permit, the U.S. Army Corps shall ensure that the following stipulations are implemented in order to take into account the effect of the Singleton Stone Quarry Project on historic properties.

#### Stipulations

##### I. SITE AVOIDANCE

Archaeological Sites 12-La-0084, 12-La-0092, 12-La-0522, and 12-La-0526 will be avoided by all project activities. A stipulation will be added to the project plans stating all project activities, including temporary activities, be restricted in these areas, and no direct or indirect ground disturbance shall be permitted within the site boundaries. Exclusion fencing or a similar barrier should also be placed around the site boundaries to ensure avoidance of the site locations.

##### II. ARCHAEOLOGICAL DATA RECOVERY PLAN

Archaeological Site 12-La-0091 cannot be avoided by project activities. As a result, the appended Archeological Data Recovery Plan will be implemented within one year of the

execution of this agreement and with adequate resources in compliance with the National Historic Preservation Act of 1966 (16 U.S.C. 470).

### III. PUBLIC OUTREACH

Public outreach as outlined in the appended Archaeological Data Recovery Plan will be implemented in a timely manner following the completion of the Phase III Data Recovery Report.

### IV. STANDARDS

All work carried out pursuant to this Agreement shall meet the Secretary of the Interior's Standards for Archaeology and Historic Preservation (SOI's Standards; [http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)).

### V. CHANGES IN PROJECT SCOPE

In the event of any changes to the Singleton Stone Quarry Project scope, the following measures shall be implemented in consultation with the signatories:

- A. Rieth-Riley, DVG, and the U.S. Army Corps shall assess and revise the Project APE as needed to incorporate any additional areas that have the potential to affect historic properties.
- B. Rieth-Riley, DVG, and the U.S. Army Corps shall carry out additional investigations to identify historic architectural and archaeological properties that may be affected.
- C. Rieth-Riley, DVG, and the U.S. Army Corps shall assess the Project's effect on any new historic properties and explore measures to avoid, minimize, or mitigate effects on these properties.
- D. Rieth-Riley, DVG, and the U.S. Army Corps shall ensure the preparation of appropriate reports and documents, notify Section 106 consulting parties, including Indian tribes, of any changes in the Project's effect on historic properties, and provide an opportunity for review and comment.
- E. If a change in project scope results in additional adverse effects to historic properties, the U.S. Army Corps shall consult with all consulting parties to amend the MOA in accordance with Stipulation VIII.

### VI. OBJECTION RESOLUTION PROVISION

Disagreements and misunderstanding about how this memorandum of agreement is or is not being implemented shall be resolved in the following manner:

- A. If the Indiana SHPO or any invited signatory to this memorandum of agreement should object in writing to the U.S. Army Corps regarding any action carried out or proposed with respect to the Singleton Stone Quarry Project or implementation of this memorandum of agreement, then the U.S. Army Corps shall consult with the objecting party to resolve the objection. If after initiating such consultation the U.S. Army Corps determines that the objection cannot be resolved through consultation, then the U.S. Army Corps shall forward all documentation relevant to the objection to the Council, including the U.S. Army Corp's proposed response to the objection. Within 45 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:
- i. Provide the U.S. Army Corps with a staff-level recommendation, which the U.S. Army Corps shall take into account in reaching a final decision regarding its response to the objection; or
  - ii. Notify the U.S. Army Corps that the objection will be referred for formal comment pursuant to 36 C.F.R. § 800.7(c), and proceed to refer the object and comment. The U.S. Army Corps shall take into account the Council's comments in reaching a final decision regarding its response to the objection.
- B. If comments from the Council are provided in accordance with stipulation VI (A) of this memorandum of agreement, then the U.S. Army Corps shall take into account any Council comment provided in accordance with 36 C.F.R. § 800.7(a)(4) with reference only to the subject of the objection. The U.S. Army Corp's responsibility to carry out all actions under this memorandum of agreement that are not the subjects of the objection shall remain unchanged.

## VII. POST REVIEW DISCOVERY

If any unanticipated discoveries of historic properties, sites, artifacts, objects, or human remains are encountered, the U.S. Army Corps shall comply with 36 CFR 800.13(b), (c) and/or (d), and IC 14-21-1-27 and IC 14-21-1-29, by stopping work in the immediate area and informing the SHPO (and the applicable tribes based upon the nature of the discovery) within two (2) business days. Any necessary archaeological investigations will be conducted according to the provisions of IC 14-21-1, 312 IAC 21, 312 IAC 22, the current Guidebook for the Indiana Historic Sites and Structures Inventory—Archaeological Sites, and all other appropriate federal and state guidelines, statutes, rules, and regulations.

## VIII. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended,

whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. § 800.6(c)(7) shall govern the execution of any such amendment.

IX. TERMINATION

- A. If the terms of this memorandum of agreement have not been implemented by December 31, 2015, then this memorandum of agreement shall be considered null and void. In such an event, the U.S. Army Corps shall so notify the parties to this memorandum of agreement and, if it chooses to continue with the Singleton Stone Quarry Project, then it shall reinitiate review of the Singleton Stone Quarry Project in accordance with 36 C.F.R. §§ 800.3 through 800.7.
- B. Any signatory to the memorandum of agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the U.S. Army Corps shall comply with 36 C.F.R. §§ 800.3 through 800.7 with regard to the review of the Singleton Stone Quarry Project.
- C. In the event that the U.S. Army Corps does not carry out the terms of this memorandum of agreement, the U.S. Army Corps shall comply with 36 C.F.R. §§ 800.3 through 800.7 with regard to the review of the Singleton Stone Quarry Project.

The execution of this memorandum of agreement by the U.S. Army Corps, Rieth-Riley, DVG, and the Indiana SHPO, the submission of a copy of it to the Council with the appropriate documentation specified in 36 C.F.R. § 800.11(e) and (f), and the implementation of its terms evidence that the U.S. Army Corps has afforded the Council an opportunity to comment on the Singleton Stone Quarry Project and its effects on historic properties and that the U.S. Army Corps has taken into account the effects of the Singleton Stone Quarry Project on historic properties.

**SIGNATORIES:**

UNITED STATES ARMY CORPS OF ENGINEERS, REGULATORY BRANCH

Signed by: \_\_\_\_\_ *Diedra L. Willis* \_\_\_\_\_ Date: \_\_\_\_\_ 5/14/15 \_\_\_\_\_

Name and title: Diedra Willis, Indiana Team Leader

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INDIANA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF HISTORIC  
PRESERVATION & ARCHAEOLOGY

Signed by: Mitchell K. Zoll Date: 5-19-2015

Name and title: Mitchell K. Zoll, Deputy State Historic Preservation Officer

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SINGLETON STONE, LLC

Signed by:  Date: MAY 15, 2015

Name and title: Gene Yarkie, Vice President of Operations Indiana