



Indiana Department of Environmental Management Office of Water Quality Wetlands Section

Publication Date:
June 7, 2024

IDEM ID Number:
2024-359-2-EJW-A

Closing Date:
July 7, 2024

Corps of Engineers ID Number:
Not Applicable

PUBLIC NOTICE

To all interested parties: This letter shall serve as a formal notice of the receipt of an application for a **State Isolated Wetland Individual Permit** by the Indiana Department of Environmental Management (IDEM). The purpose of the notice is to inform the public of active applications submitted for permits required under IC 13-18-22 and to solicit comments and information on any impacts to water quality related to the proposed project. IDEM will evaluate whether the project complies with Indiana's water quality standards as set forth at 327 IAC 2 and all applicable provisions of IC 13-18-22.

1. Applicant: Miguel Crespo
Hatchworks LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

2. Agent: Heather Dardinger
EMH&T
5500 New Albany Road
Columbus, OH 43054

3. Project location: Latitude: 41.026924 Longitude: -85.042193
The 851 acres East of Adams Center Road, West and South of Pa Railroad, and North of E Tillman Road. Approximate center location is 0.45 miles Southeast of E Paulding Rd and Adams Center Rd intersection.

4. Affected waterbody: Forested, Class 2 Isolated Wetlands 32, 34, and 55. Totaling 3.61 acres of isolated wetland impacts.

5. Project Description: To construct an 8-building data center campus, this project will be completed in phases. This application details the first phase of the project on 455 acres of land to construct one data center building, an office building, electrical switching station facilities, electrical transmission line corridors, parking lots, roadways, stormwater facilities and associated utilities. To mitigate for isolated wetland impacts, the applicant proposes to purchase 7.22 acres of forested wetland credit from The Openings Mitigation Bank Phase 2.

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 of the project on water quality can be considered by IDEM in the state isolated wetland permit 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 Evan White, Project Manager, at 317-671-6698 or by email at evwhite@idem.in.gov. 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 -

Indiana Department of Environmental Management
100 North Senate Avenue
MC65-42 WQS IGCN 1255
Indianapolis, Indiana 46204-2251
FAX: 317/232-8406



APPLICATION FOR AUTHORIZATION TO DISCHARGE DREDGED OR FILL MATERIAL TO ISOLATED WETLANDS AND/OR WATERS OF THE STATE

State Form 51821 (R2 / 11-15)

Indiana Department of Environmental Management

- INSTRUCTIONS:** 1. Read the instruction sheet before filling out this form.
2. You must complete all applicable sections of this form

1. Applicant Information		2. Agent Information	
Name of Applicant Hatchworks LLC		Name of Agent EMH&T	
Mailing address (<i>Street/ PO Box/ Rural Route, City, State, ZIP Code</i>) 1600 Amphitheatre Parkway Mountain View, CA 94043		Mailing address (<i>Street/ PO Box/ Rural Route, City, State, ZIP Code</i>) 5500 New Albany Road Columbus, Ohio 43054	
Daytime Telephone Number 203-929-4196		Daytime Telephone Number 614-775-4523	
Fax Number		Fax Number	
E-mail address (<i>optional</i>) legal-notices@google.com		E-mail address (<i>optional</i>) hdardinger@emht.com	
Contact person (<i>required</i>) Miguel Crespo		Contact person Heather Dardinger, Senior Environmental Scientist	
3. Project / Tract Location			
County Allen		Nearest city or town Fort Wayne	
U.S.G.S. Quadrangle map name (<i>Topographic map</i>) Fort Wayne East, Indiana		Project street address (<i>if applicable</i>) Intersection of East Pauling Road and Adams Center Road	
Quarter	Section 22, 26, 27	Township 30 North	Range 13 East
Type of aquatic resource(s) to be impacted (<i>Attach Worksheet One.</i>) See attached worksheet.		Project name or title (<i>if applicable</i>) Project Zodiac	
Other location descriptions or driving directions			
4. Project Purpose and Description (<i>Use additional sheet(s) if required.</i>)			
Has any construction been started? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Anticipated start date (<i>month, day, year</i>) Upon permit issuance	
If yes, how much work is completed? Mass excavation commenced in upland areas in February 2024			
Purpose of project and overview of activities See attached permit application report.			

5. Avoidance, Minimization, and Mitigation Information: Applicants must answer all of the following questions

(Use additional sheet(s) if necessary - provide a detailed response to all applicable questions.)

A. For projects with Class II isolated wetlands –

1. Is there a reasonable alternative to the proposed activity?
See attached permit application report.

2. Is the proposed activity reasonably necessary or appropriate?
See attached permit application report.

B. For projects with Class III wetlands, adjacent wetlands, and/or streams, rivers, lakes or other water bodies –

1. Is there a practicable alternative to the proposed activity?
See attached permit application report.

2. Have practicable and appropriate steps to minimize impacts to water resources been taken?
See attached permit application report.

Describe all compensatory mitigation required for unavoidable impacts.

Purchase of 7.22 acres of forested wetland credit from the Openings Mitigation Bank. See attached permit application report.

6. Drawing / Plan Requirements (Applicants must provide the following.)

- a. Top/aerial/overhead views of the project site showing existing conditions and proposed construction.
- b. Cross sectional view of areas of fill or alterations to streams and other waters.
- c. North arrow, scale, property boundaries.
- d. Include wetland delineation boundary *(if applicable)*. Label all wetlands (jurisdictional, isolated and exempt) as I-1, I-2, I-3, etc. and the mitigation areas as M-1, M-2, etc.
- e. Location of all surface waters, including wetlands, erosion control measures, existing and proposed structures, fill and excavation locations, disposal area for excavated material, including quantities, and wetland mitigation site *(if applicable)*.
- f. Approximate water depths and bottom configurations *(if applicable)*.

7. Supplemental Application Materials (Applicants must provide the following.)

- a. A wetland delineation of all wetlands on the project site *(for projects with wetland impacts)*.
- b. At least three photographs of the project site. Indicate the photo locations on the project plans.
- c. If isolated wetlands are present, a letter from the Corps of Engineers verifying this statement.
- d. Wetland mitigation plan and monitoring report.
- e. Classification of all isolated wetlands on the tract *(if isolated wetlands are present onsite)*.
- f. Copies of all applicable local permits and/or resolutions pertaining to the project or tract.
- g. Tract history *(see instructions)*.

8. Additional information that MAY be required (IDEM will notify you if needed.)

- a. Erosion control and/or storm water management plans.
- b. Sediment analysis.
- c. Species surveys for fish, mussels, plants and threatened or endangered species.
- d. Stream habitat assessment.
- e. Any other information IDEM deems necessary to review the proposed project.

9. Permitting Requirements

a. Does this project require the issuance of a Department of the Army Section 404 Permit from the US Army Corps of Engineers? Yes No

If no, you do not need to answer Part b.

b. Have you applied for an Army Corps of Engineers Section 404 permit? Yes No

If yes, please supply the Corps of Engineers ID Number, the Corps of Engineers District, the project manager, and a copy of any correspondence with the Corps. **If no, contact** the Army Corps of Engineers regarding the possible need for a permit application.

c. Have you applied for, received, or been denied a permit from the Department of Natural Resources for this project? Yes No

Please give the permit name, permit number, and date of application, issuance or denial.

d. Have you applied for, received, or been denied any other federal, state, or local permits, variances, licenses, or certifications for this project?

Yes No

Please give the permit name, agency from which it was obtained, permit number, and date of issuance or denial.

See attached list.

10. Adjoining Property Owners and Addresses

List the names and addresses of landowners adjacent to the property on which your project is located and the names and addresses of other persons (or entities) potentially affected by your project. Use additional sheet(s) if required.

<p>Name See attached sheet. Address (number and street)</p> <p>City State ZIP Code</p>	<p>Name Address (number and street)</p> <p>City State ZIP Code</p>
<p>Name Address (number and street)</p> <p>City State ZIP Code</p>	<p>Name Address (number and street)</p> <p>City State ZIP Code</p>
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<p>Name Address (number and street)</p> <p>City State ZIP Code</p>	<p>Name Address (number and street)</p> <p>City State ZIP Code</p>

11. Signature - Statement of Affirmation

I certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true and accurate. I certify that I have the authority to undertake and will undertake the activities as described in this application. I am aware that there are penalties for submitting false information. I understand that any changes in project design subsequent to IDEM's granting of authorization to discharge to a water of the state are not authorized and I may be subject to civil and criminal penalties for proceeding without proper authorization. I agree to allow representatives of the IDEM to enter and inspect the project site. I understand that the granting of other permits by local, state, or federal agencies does not release me from the requirement of obtaining the authorization requested herein before commencing the project.

Applicant's Signature: Donald E Williams

Date: 4/5/2024
(mm/dd/yyyy)

Print Name: Donald E. Williams

Title: Authorized Signatory

Applicant's signature

(mm/dd/yyyy)

Applicant's signature

(mm/dd/yyyy)

Applicant's signature

(mm/dd/yyyy)

Worksheet – Summary of Onsite Water Resources and Project Impacts

A. Jurisdictional Wetlands (Existing Conditions)			Jurisdictional Wetlands (Proposed Impacts)		
Wetland Type	Size of wetland (acreage)	To be Impacted?	Acreage	Fill quantity (cys)	ATF
<input type="checkbox"/> EM <input type="checkbox"/> SS <input checked="" type="checkbox"/> FO	Wetland 58 - 0.60 AC	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input checked="" type="checkbox"/> FO	Wetland 59 - 7.47 AC	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> EM <input type="checkbox"/> SS <input type="checkbox"/> FO		<input type="checkbox"/> Yes <input type="checkbox"/> No			

Describe the type and composition of fill material to be placed in wetlands on the project site:

Describe the type and composition and quantity (*cubic yards*) of material proposed to be dredged or excavated from wetlands on the project site:

B. Isolated Wetlands (Existing Conditions)			Isolated Wetlands (Proposed Impacts)			
Wetland Class	Type	Size of wetland (acreage)	To be Impacted?	Acreage	Fill quantity (cys)	ATF
<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input checked="" type="checkbox"/> F	Wetland 32 - 2.28 AC	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2.28 AC	3,678 CY	N
<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input checked="" type="checkbox"/> F	Wetland 34 - 0.07 AC	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	0.07 AC	113 CY	N
<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input checked="" type="checkbox"/> F	Wetland 55 - 1.26 AC	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1.26 AC	2,033 CY	N
<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input checked="" type="checkbox"/> F	Wetland 60 - 0.10 AC	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	0.10 AC	---	N
<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input checked="" type="checkbox"/> F	Wetland 61 - 0.03 AC	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	0.03 AC	---	N
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> NF <input type="checkbox"/> F		<input type="checkbox"/> Yes <input type="checkbox"/> No			

Describe the type and composition of fill material to be placed in isolated wetlands on the project site:
The wetlands will be filled in association with mass excavation of the project site. Fill will include clean soil fill.

Describe the type and composition and quantity (*cubic yards*) of material proposed to be dredged or excavated from isolated wetlands on the project site:
N/A

C. Bridges and Stream Crossings - provide the following information for EACH structure (Use additional sheet(s) if required.)

Stream name
N/A

Description of impacts

Length of upstream bank impacts:

Left side:

Right side:

Length of downstream bank impacts:

Left side:

Right side:

Bank protection fill placed below the Ordinary High Water Mark:

Volume per running foot:

Bank protection fill placed below the Ordinary High Water Mark:

Area of coverage:

D. Bank Stabilization – provide the following information for EACH segment (Use additional sheet(s) if required.)

Water body name N/A
Description of impacts
Length of shoreline or bank protection
Volume (<i>cubic yards</i>) of bank protection fill placed below the Ordinary High Water Mark per running foot
Area (<i>square feet</i>) of bank protection fill placed below the Ordinary High Water Mark

E. Stream Relocation

Water body name N/A	
Description of impacts	
Length of existing channel to be relocated (<i>linear feet</i>)	
Length of new channel to be constructed (<i>linear feet</i>)	
Existing channel to be backfilled? <input type="checkbox"/> Yes <input type="checkbox"/> No	Type of relocation <input type="checkbox"/> Piping <input type="checkbox"/> Open <input type="checkbox"/> Channel <input type="checkbox"/> Other: _____
Type of fill and volume (<i>cubic yards</i>)	

F. Open Water Fill

Water body name N/A
Description of impacts
Area of water body to be filled (<i>acres</i>)
Type of fill and volume (<i>cubic yards</i>)

SUMMARY OF PERMITS

Primary Development Plan

- Agency: City of Fort Wayne
- Permit Approval: November 16, 2023
- Permit Number: REZ-2023-0052

Paulding Road Vacation

- Agency: City of Fort Wayne
- Permit Approval: December 01, 2023
- Recordation: January 10, 2024

County Surveyor Regulated Drain Vacation (Marhenke)

- Agency: Allen County Surveyor's Office
- Permit Approval: January 19, 2024
- Permit Number: Drainage Board File – 24-026 (Drain #13-23-300)

Secondary Development Plan

- Agency: City of Fort Wayne
- Permit Approval: January 22, 2024
- Permit Number: SDP-2024-001

County Surveyor Regulated Drain Encroachment (Adams Ditch)

- Agency: Allen County Surveyor's Office
- Permit Approval: January 25, 2024
- Permit Number: Drainage Board File – 24-025 (Drain #13-23-300)

Initial Mass Grading

- Agency: City of Fort Wayne
- Permit Approval: February 1, 2024 (Grading and Basin Outfalls Only)
- Permit Number: 2024-SWP-002

Notice of Intent (NOI)

- Agency: Indiana Department of Environmental Management (IDEM)
- Notice of Sufficiency Issued: February 13, 2024
- Permit Number: INRA13229 v1.0

State of Indiana Homeland Security Building Permit

- Agency: State of Indiana Department of Homeland Security
- Permit Approval: February 13, 2024
- Updated Permit Approval: March 26, 2024
 - o Released full vertical building permit

- Permit Number: CDR-443702

Initial Temporary Construction Trailers

- Agency: City of Fort Wayne
- Permit Approval: February 16, 2024
- Permit Number: SITE-2024-0038

Title V New Source Construction (Minor PSD/EO)

- Agency: Indiana Department of Environmental Management (IDEM)
- Permit Approval: Pending
- Permit Submittal: December 27, 2023
- Permit Number: 003-47378-00530

Civil Site Building Permit – Fire Tank & Pumphouse – Foundation & Underslab Only

- Agency: City of Fort Wayne & Allen County Building Department
- Permit Approval: February 22, 2024
- DPS Permit Number: SITE-2024-0039
- County Permit Number: BLD-C-24-004212

Civil Site Infrastructure Permit

- Agency: City of Fort Wayne & Allen County Building Department
- Permit Approval: February 20, 2024
- Permit Number: SITE-2024-0040

Civil Site Building Permit – Data Center – Foundation & Underslab Only

- Agency: City of Fort Wayne & Allen County Building Department
- Permit Approval: February 22, 2024
- Permit Number: SITE-2024-0041
- County Permit Number: BLD-C-24-004205

Civil Site Building Permit – Security Entrance – Foundation & Underslab Only

- Agency: City of Fort Wayne & Allen County Building Department
- Permit Approval: February 22, 2024
- Permit Number: SITE-2024-0042
- County Permit Number: BLD-C-24-004219

**PROJECT ZODIAC
ADJOINING PROPERTY OWNERS AND ADDRESSES**

PARCEL NO.	OWNER NAME	PROPERTY ADDRESS 1	CITY, ST ZIP	MAILING ADDRESS 1	CITY, ST ZIP
02-13-21-451-001.003-077	Board of Commissioners of the County of Allen	6227 E Paulding Rd	Fort Wayne, IN 46816	200 E Berry St Ste 410	Fort Wayne, IN 46802
02-13-21-451-002.000-077	Board of Commissioners of the County of Allen, c/o Allen Co Sheriffs Dep	5617 E Paulding Rd	Fort Wayne, IN 46816	715 S Calhoun St Rm 101	Fort Wayne, IN 46802
02-13-22-300-001.001-077	Fedex National Ltl Inc	4901 Adams Center Rd	Fort Wayne, IN 46806	3336 East 32nd St. # 217	Tulsa, OK 74135
02-13-22-400-010.000-041	Bradtmueller Lynn S & Barbara J	E Paulding Rd	Fort Wayne, IN 46816	8727 Paulding Rd	New Haven, IN 46774
02-13-22-501-001.000-039	CSX Transportation Inc	Paulding Rd	Fort Wayne, IN 46816	500 Water St (J910)	Jacksonville, FL 32202
02-13-22-501-002.000-041	CSX Transportation Inc	Paulding Rd	Fort Wayne, IN 46806	4701 Cox Rd Ste 301	Glen Allen, VA 23060
02-13-26-100-002.000-039	Miskotten Carl	7812 E Paulding Rd	Fort Wayne, IN 46816		
02-13-26-300-001.000-077	Indiana Michigan Power Company	Tillman Rd	Fort Wayne, IN 46816	PO Box 16428	Columbus, OH 43216
02-13-27-326-001.000-077					
02-13-27-401-001.000-077					
02-13-27-426-001.000-077					
02-13-26-300-003.000-039	Trabel Paul E & Geri M	Tillman Rd	Fort Wayne, IN 46816	6404 Hartzell Rd	Fort Wayne, IN 46816
02-13-27-100-001.000-077	Bulmahn Ronald A & Janet K	6015 Adams Center Rd	Fort Wayne, IN 46816	9720 Paulding Rd	New Haven, IN 46774
02-13-27-301-001.000-077	Indiana Michigan Power Company	Adams Center Rd	Fort Wayne, IN 46816	PO Box 16428	Columbus, OH 43216
02-13-27-301-010.000-077					
02-13-27-301-003.000-039	Wilcher Bonnie L	6715 Adams Center Rd	Fort Wayne, IN 46816		
02-13-27-451-001.000-077	Gerardot Gary M	Tillman Rd	Fort Wayne, IN 46816	6129 US 30 East	Fort Wayne, IN 46803
02-13-27-451-001.003-039	Mckee Jack A & Traci L	7101 E Tillman Rd	Fort Wayne, IN 46816		
02-13-27-451-001.004-039	Klemm Lyle A & Barbara J	7127 E Tillman Rd	Fort Wayne, IN 46816		
02-13-28-200-010.000-039	Hansel James L & Christie L	5832 Adams Center Rd	Fort Wayne, IN 46816		
02-13-28-200-016.000-039	Alexander Mark A & Livia A	6022 Adams Center Rd	Fort Wayne, IN 46816		
02-13-28-200-016.001-039					
02-13-28-200-016.002-039	MBN Properties LLC	6076 Adams Center Rd	Fort Wayne, IN 46816	7563 E Lincolnway	Columbia City, IN 46725
02-13-28-200-019.000-039	Eisenacher Matthew A & Erica M	6118 Adams Center Rd	Fort Wayne, IN 46816		
02-13-28-200-020.000-039	Kolkman Michele M & Bruce W	6204 Adams Center Rd	Fort Wayne, IN 46816		
02-13-28-200-021.000-039	Yoder Roland J	6216 Adams Center Rd	Fort Wayne, IN 46816		
02-13-28-200-022.000-039	Krueger Nancy L	6226 Adams Center Rd	Fort Wayne, IN 46816		
02-13-28-200-023.000-039	Dye Michael Edward	6430 Adams Center Rd	Fort Wayne, IN 46816		
02-13-28-200-025.000-039					
02-13-28-200-028.000-039	Beatrice Dennis L & Tina A	6508 Adams Center Rd	Fort Wayne, IN 46816		
02-13-28-200-029.000-039	Zurbuch Paul A	6524 Adams Center Rd	Fort Wayne, IN 46816		

2.0 SITE DESCRIPTION

As shown on Exhibit 1, the 455-acre permit area is located east of Adams Center Road, north of East Tillman Road, west of the Chicago, Fort Wayne & Eastern (CFE) Railroad and south of Logistics Drive in the City of Fort Wayne, Allen County, Indiana. The approximate center coordinates of the site are 41.029481°, -85.048069°. The permit area is located in the Trier Ditch subwatershed of the Upper Maumee River subbasin (HUC: 04100005-01-01).

As shown on Exhibit 2, the permit area lies between approximately 790 feet and 800 feet in elevation (National Geodetic Vertical Datum) according to the United States Geological Survey (USGS) 7.5' Series *Fort Wayne East, Indiana* quadrangle (USGS, 1982). A stream is mapped beginning in the southeast portion of the permit area, which flows generally north before flowing offsite to the northwest. Marsh symbols are mapped in the vicinity of the stream. Wetlands were delineated in the general location of these marsh symbols during the field evaluation. The results of the field evaluation of the site are discussed in Section 3.0 of this report.

The permit area is bisected east-west by East Paulding Road and an electric transmission line. The majority of the first phase of construction will occur in the area bound by Adams Center Road to the west, East Paulding Road to the north, the CFE Railroad to the east and the electric transmission line to the south. Some associated disturbance (storage/laydown areas and construction access) will occur to the north and south of this area. The permit area currently consists of cultivated agricultural fields, several farmsteads, and fragmented woodlots. An aerial photograph of the project area is provided on Exhibit 3.

3.0 WETLAND DELINEATION & CLASSIFICATION

A delineation to determine the location and extent of potential surface waters within the permit area was conducted by EMH&T on August 7-16 and October 2-3, 2023. The delineation covered a total of ±858 acres, a larger area than is currently proposed as the permit area. Two (2) delineation reports were submitted to the U.S. Army Corps of Engineers (USACE) on September 27, 2023 and October 26, 2023 for review and verification. Preliminary & Approved Jurisdictional Determinations (PJD/AJD) were issued by the USACE for a 497-acre portion of the site containing the 455-acre permit area on February 7, 2024 (Appendix A). The delineation reports were previously provided to IDEM under separate cover.

3.1 Delineation Results

Within the 455-acre permit area, EMH&T identified 12 non-jurisdictional, isolated wetlands (or portions thereof). Two (2) jurisdictional wetlands and two (2) jurisdictional streams were also identified; the jurisdictional features will not be impacted by the initial phase of the project. The location and extent of waters identified during the delineation are shown on Exhibit 3. The isolated wetlands and jurisdictional resources identified are summarized in Tables 1 and 2, respectively.

TABLE 1: Extent and Classification of Onsite Isolated Wetlands

Name	Cowardin Classification	Isolated Wetland (acres)
Wetland 7	PEM	0.05
Wetland 14	PEM	0.03
Wetland 15	PEM	0.13
Wetland 31	PFO	0.19
Wetland 32	PFO	2.28*
Wetland 33	PFO	0.05*
Wetland 34	PFO	0.07*
Wetland 52	PEM	0.02
Wetland 54	PEM	0.05
Wetland 55	PFO	1.26*
Wetland 60	PFO	0.10
Wetland 61	PFO	0.03*
TOTAL	--	4.26

* Wetland extends offsite; represents portion of the wetland located within the permit area.

TABLE 2: Extent and Classification of Onsite Jurisdictional Waters

Name	Cowardin Classification	Jurisdictional Wetland (ac)	Jurisdictional Stream (lf)
Wetland 58	PFO	0.60	--
Wetland 59	PFO	7.47*	--
Stream 5	R6	--	3,813
Stream 6	R6	--	181
TOTAL	--	8.07	3,994

* Wetland extends offsite; represents portion of the wetland located within the permit area.

3.2 Wetland Habitat Assessment

The isolated wetlands within the permit area were classified using the IDEM State Regulated Wetland (SRW) Class Determination Worksheet. In addition, the wetlands were scored using the Ohio Rapid Assessment Method (ORAM) for Wetlands. The SRW Class Determination Worksheets and ORAM forms were previously provided to IDEM under separate cover. The results of the assessments are summarized in Table 3.

Following the changes to Indiana’s Isolated Wetlands Laws enacted via Public Law 1-2024, which becomes effective July 1, 2024, all of the onsite isolated wetlands are determined to be SRW Class I or II wetlands by IDEM. This is discussed further below.

TABLE 3: Isolated Wetlands Habitat Assessment Summary

Name	Cowardin Classification	Area (acres)	ORAM Score	ORAM Category ²	SRW Class ³
Wetland 7	PEM	0.05	18	1	I
Wetland 14	PEM	0.03	17	1	I
Wetland 15	PEM	0.13	19	1	I
Wetland 31	PFO	0.19	44.5	Mod 2	II
Wetland 32	PFO	2.28 ¹	62	2 or 3	II
Wetland 33	PFO	0.05 ¹	44	Mod 2	II
Wetland 34	PFO	0.07 ¹	40	Mod 2	II
Wetland 52	PEM	0.02	9	1	I
Wetland 54	PEM	0.05	14	1	II
Wetland 55	PFO	1.26 ¹	38	Mod 2	II
Wetland 60	PFO	0.10	54.5	2	II
Wetland 61	PFO	0.03 ¹	46	2	II
TOTAL	--	4.03	--	--	--

1. Wetland extends offsite; represents portion of the wetland located within the permit area.
2. ORAM Category 1 (1), Modified Category 2 (Mod 2), Category 2 (2), Category 2 or 3 (2 or 3)
3. Reflects the SRW Class determination effective July 1, 2024.

3.3 Wetland Exemptions and Classifications

Public Law 1-2024 made changes to Indiana’s Isolated Wetland Laws. Under these changes, which are effective July 1, 2024, Wetlands 7, 14, 15 and 52 are exempt as Class I wetlands under IC 13-11-2-74.5(a)(5). These wetlands are not subject to permitting per IC 13-18-22-1(b)(5) (effective 7/1/2024).

Additionally, after July 1, 2024, Wetland 31 (0.19 acre), Wetland 33 (0.05 acre), Wetland 34 (0.07 acre), Wetland 54 (0.05 acre), Wetland 60 (0.10 acre) and Wetland 61 (0.03 acre) will be considered Class 2 isolated wetlands, which are under 3/4 (0.75) acre and located within the boundaries of a municipality. As such, these wetlands meet the IC 13-11-2-74.5(a)(6)(B) exemption. This applicant intends to claim this exemption for Wetlands 31, 33, and 54 (0.29 acre total), which collectively do not exceed 60% of the area of wetlands that qualify for the exemption (0.294 acre) in accordance with IC 13-11-2-74.5(c) (effective 7/1/2024).

Accordingly, effective July 1, 2024, Wetlands 7, 14, 15, 31, 33, 52, and 54 are considered exempt and not subject to permitting per IC 13-18-22-1(b)(5). These wetlands are not discussed



further herein. The Water of the State Determination documenting these exemptions, including those that become effective July 1, 2024, is provided in Appendix B.

3.4 Tract History

The permit area has been agricultural in use dating back to the early 1900s. Historical aerial photographs of the site from 1938 to 2021 are provided in Appendix C. As shown on these aerial photographs, the land use has been fairly consistent since 1938, consisting primarily of agricultural fields and rural residences with three forested woodlots present. Clearing of the electric transmission line easement occurs sometime between 1973 and 1981 through the woodlots containing Wetlands 31-34, 55 and 59-61 to the south. No other activities within the onsite wetlands are notable from the aerial photographs.

4.0 PROJECT PURPOSE & DESCRIPTION

4.1 Project Purpose

The purpose of the proposed project is to construct a state-of-the-art, 8-building data center campus. The initial phase of development, which is the subject of this permit application, will include the construction of one (1) data center building, an office/support building, electrical switching station facilities, electrical transmission line corridors, parking lots, site entrances and drives, stormwater facilities and associated infrastructure.

4.2 Anticipated Project Schedule

Mass excavation in upland areas of the site commenced in February 2024. No fill in wetlands will occur until permit approval is obtained. Mass excavation activities for the first phase of construction are expected to continue onsite through June of 2025, at which time all requested wetland fills will be completed. Facility construction will continue into 2026.

4.2 Proposed Isolated Wetland Impacts

The proposed initial phase of development is expected to support one (1) data center building and associated facilities, and conforms to certain layout and building size requirements specified by the end use. The development plan is depicted on Exhibit 4. As shown on Exhibit 4, the development plan requires impacts to six (6) isolated wetlands (3.61 acres), as described below:

- Impacts to Wetlands 32 and 34 include 2.35 acres of forested, Class II wetland. These wetlands will be filled to accommodate the construction of the proposed data center building and associated electrical switching station pad.
- Wetland 55 is a 1.26-acre forested, Class II wetland, which will be filled to accommodate construction of an electrical switching station pad.

The proposed isolated wetland impacts are summarized in Table 4. As shown, the overall impacts to isolated wetlands include 3.6 acres of Class II forested wetlands.

TABLE 4: Proposed Isolated Wetland Impacts

Name	Cowardin Classification	SRW Class	Area (acres)	Proposed Impact (acres)	Area Avoided (acres)
Wetland 32	PFO	II	2.28*	2.28	--
Wetland 34	PFO	II	0.07*	0.07	--
Wetland 55	PFO	II	1.26*	1.26	--
Wetland 60	PFO	II	0.10	--	0.10
Wetland 61	PFO	II	0.03*	--	0.03
TOTAL	--	--	3.74	3.61	0.13
Forested	--	--	3.74	3.61	0.13
Non-Forested	--	--	0	0	0

* Wetland extends offsite; represents portion of the wetland located within the permit area.

5.0 AVOIDANCE & MINIMIZATION

The development plan went through an iterative process to reduce impacts to surface water resources to the extent practicable. However, it was determined that both meeting the project purpose and completely avoiding water resources was not feasible. Due to their location on the site, it is not possible to implement the project without impacts to isolated wetlands. Complete avoidance of the isolated wetlands would reduce the development footprint to the extent that the project is no longer viable.

As part of the iterative plan process, impacts were reduced by avoiding jurisdictional Wetland 59 and isolated Wetlands 60 and 61. This was accomplished by shifting future phases of development in the western portion of the permit area to the north and east. As shown on Exhibit 4, this results in the avoidance of 7.60 acres of forested wetland (0.13 acres of isolated wetlands and 7.47 acres of jurisdictional wetlands) in the woodlot in the western portion of the permit area.

For activities in Class II and Class III isolated wetlands, the activity is considered to be without reasonable alternative and is considered to be reasonably necessary or appropriate if: (1) the executive of the county or local municipality issues a resolution or (2) a local government entity issues a permit or other approval, which states that the wetland activity is without reasonable alternative and is reasonably necessary or appropriate to achieve a legitimate use proposed by the applicant on the property on which the wetland is located (327 IAC 17-4-8 and 327 IAC 17-4-9). Such resolution or approval substitutes for the information required on avoidance and minimization.

The Primary Development Plan (PDP) for Project Zodiac was approved by the Allen County Plan Commission on November 16, 2023 and the City of Fort Wayne Plan Commission on November 30, 2023. Copies of these approvals and the PDP are provided in Appendix D. Note that the PDP was approved prior to the annexation of a portion of the site that was located in Allen County; the site is now entirely located in the City of Fort Wayne.

6.0 MITIGATION

In order to proceed with the proposed project, authorization for the fill of 3.61 acres of isolated Class II wetland is requested. To compensate for this impact, the purchase of off-site mitigation bank credit from the Openings Mitigation Bank is proposed. Based on the mitigation requirements described in IC 13-18-22-6 (effective 7/1/2024), mitigation for impacts to Class II forested wetlands shall be provided at a 2:1 ratio. Accordingly, the mitigation to be provided is shown in Table 5.

TABLE 5: Wetland Impacts and Required Mitigation Acreage

Wetland	Cowardin Classification	SRW Class	Proposed Impact (acres)	Mitigation Ratio	Mitigation Acreage
Wetland 32	PFO	II	2.28	2:1	4.56
Wetland 34	PFO	II	0.07	2:1	0.14
Wetland 55	PFO	II	1.26	2:1	2.52
Wetland 60	PFO	II	--	--	--
Wetland 61	PFO	II	--	--	--
Total	--	--	3.61	--	7.22
Forested	--	--	3.61	--	7.22
Non-Forested	--	--	0	--	0

In accordance with IC 13-18-22-6 (effective 7/1/2024), compensatory mitigation for state regulated isolated wetlands must occur within the same:

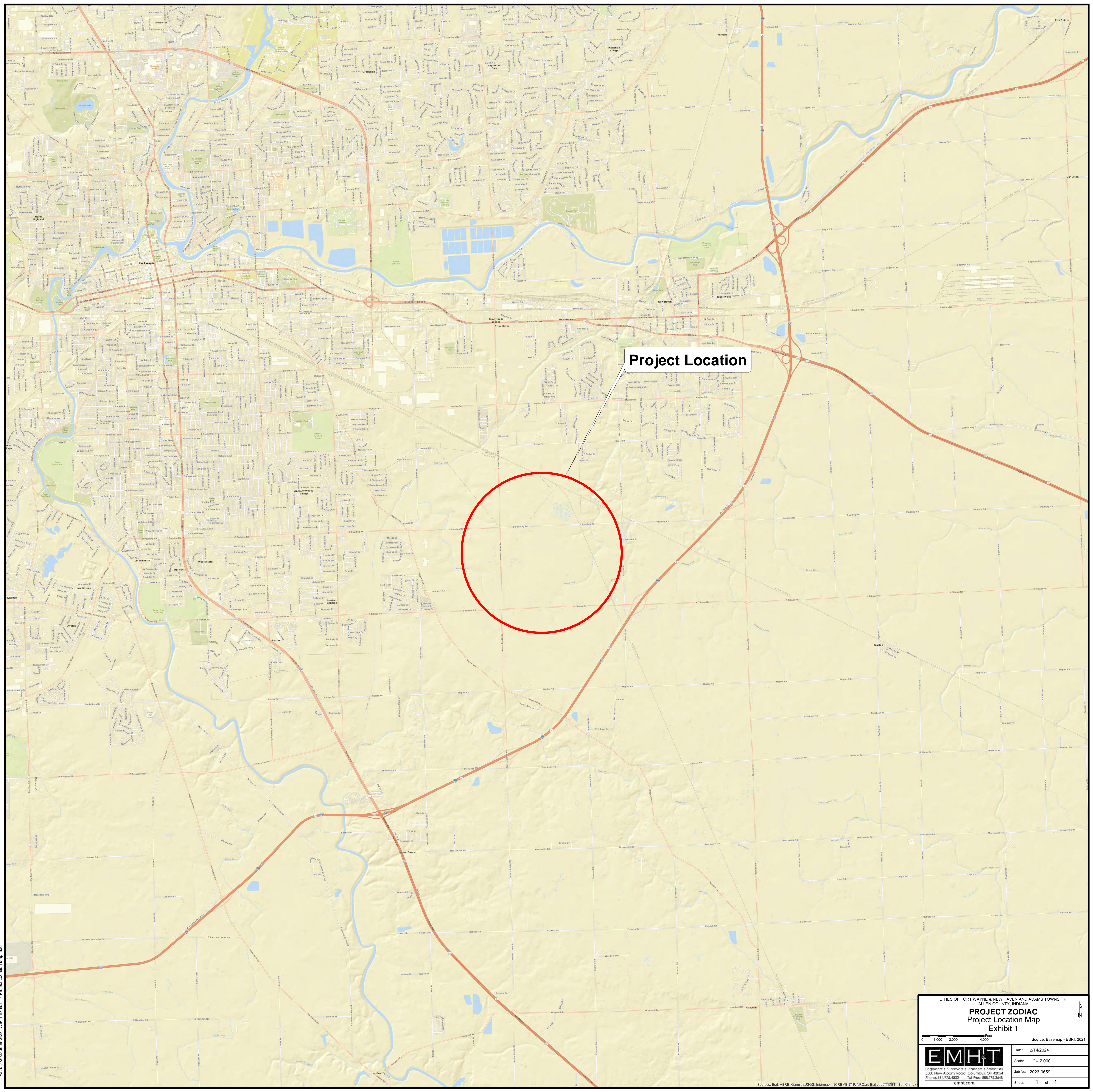
- 1) eight-digit U.S. Geological Service hydrologic unit code; or
- 2) county, as the isolated wetlands subject to the authorized wetland activity; or
- 3) within a designated service area established in an in lieu fee mitigation program approved by the department.

The applicant is proposing to purchase 7.22 acres of mitigation bank credit for the proposed project from the Openings Mitigation Bank. The Openings Mitigation Bank is located in Eel River Township, Allen County, Indiana on the border between the Eel and St. Joseph River watersheds (HUC 05120104 and 04100003). For impacts to isolated wetlands, the primary service area of the bank includes the portion of the Upper Maumee watershed (HUC 04100005) within Allen County. A copy of the mitigation purchase agreement is included in Appendix E.

7.0 CONCLUSIONS

Hatchworks LLC requests authorization to impact 3.61 acres of isolated wetland on a ±455-acre permit area located in the City of Fort Wayne, Allen County, Indiana. This document was prepared by EMH&T to provide information to address permit application requirements for an Isolated Wetland Individual Permit from IDEM. The wetlands to be filled will allow for the construction of the first phase of a data center campus, including one (1) data center building and supporting facilities and infrastructure.

Due to the location of the onsite isolated wetlands and the required minimum size of the development, it is not possible to construct the data center facility on the site without isolated wetland impacts. Under the site development plan, the project requires impacts to 3.61 acres of forested, Class II wetlands. To mitigate for these impacts, the applicant is proposing to purchase 7.22 acres of wetland mitigation credit at the Openings Mitigation Bank, located in Eel River Township, Allen County, Indiana.



Project Location

CITIES OF FORT WAYNE & NEW HAVEN AND ADAMS TOWNSHIP,
ALLEN COUNTY, INDIANA

PROJECT ZODIAC
Project Location Map
Exhibit 1

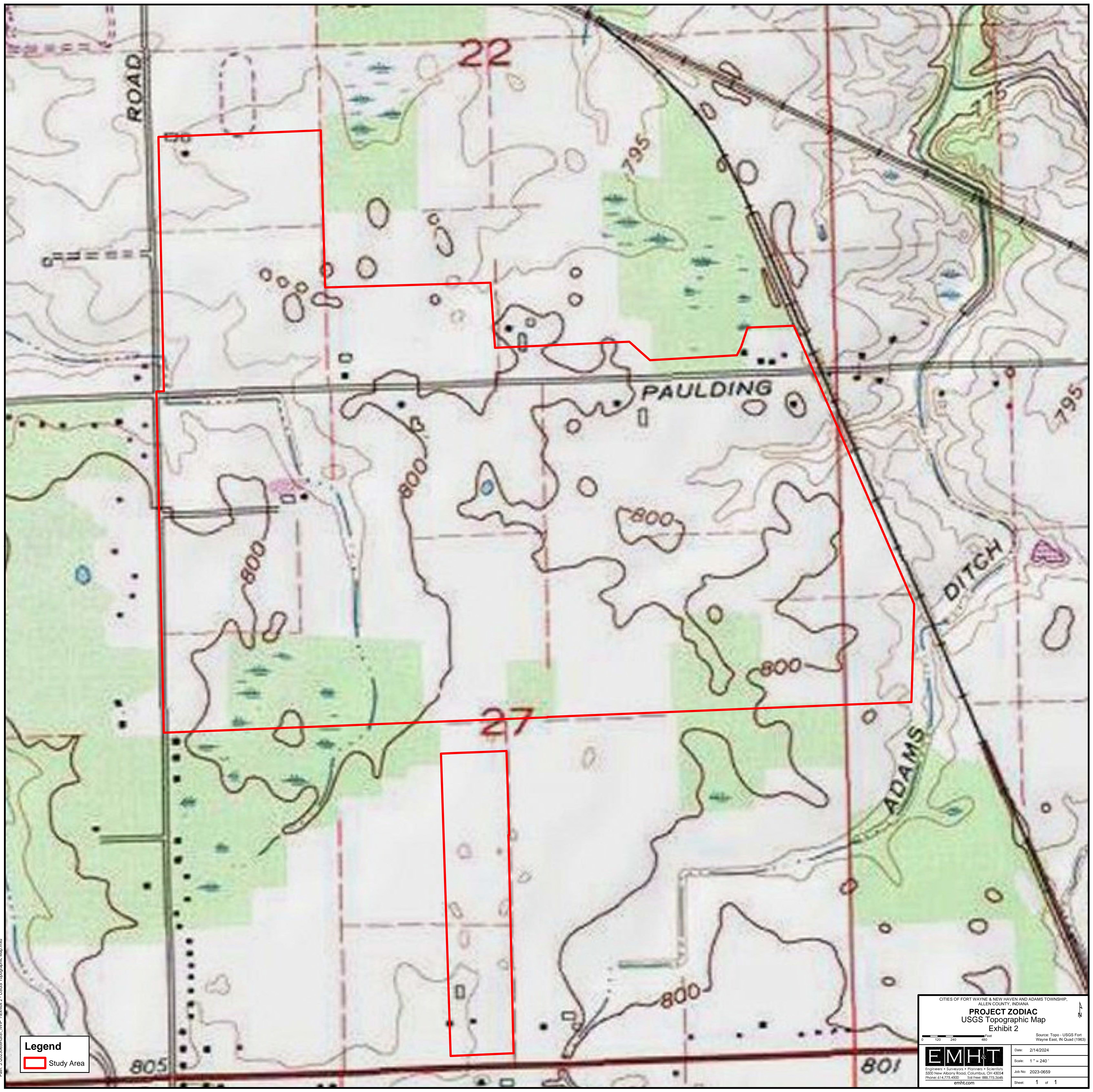
0 1,000 2,000 4,000 Feet
Source: Basemap - ESRI, 2021

EMHT
Engineers • Surveyors • Planners • Scientists
5502 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

Date: 2/14/2024
Scale: 1" = 2,000'
Job No: 2023-0659
Sheet: 1 of 1

Print: J:\20230659\GIS_IWP_1\Exhibit 1 - Project Location Map.mxd

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri/Japan, VE11, Esri China



Plan: J:\20230659\GIS_VWP_1\Exhibit 2 - USGS Topographic Map.mxd

Legend

Study Area

CITIES OF FORT WAYNE & NEW HAVEN AND ADAMS TOWNSHIP,
ALLEN COUNTY, INDIANA

PROJECT ZODIAC
USGS Topographic Map
Exhibit 2

Source: Topo - USGS Fort Wayne East, IN Quad (1983)

0 120 240 Feet
480

Date: 2/14/2024

Scale: 1" = 240'

Job No: 2023-0659

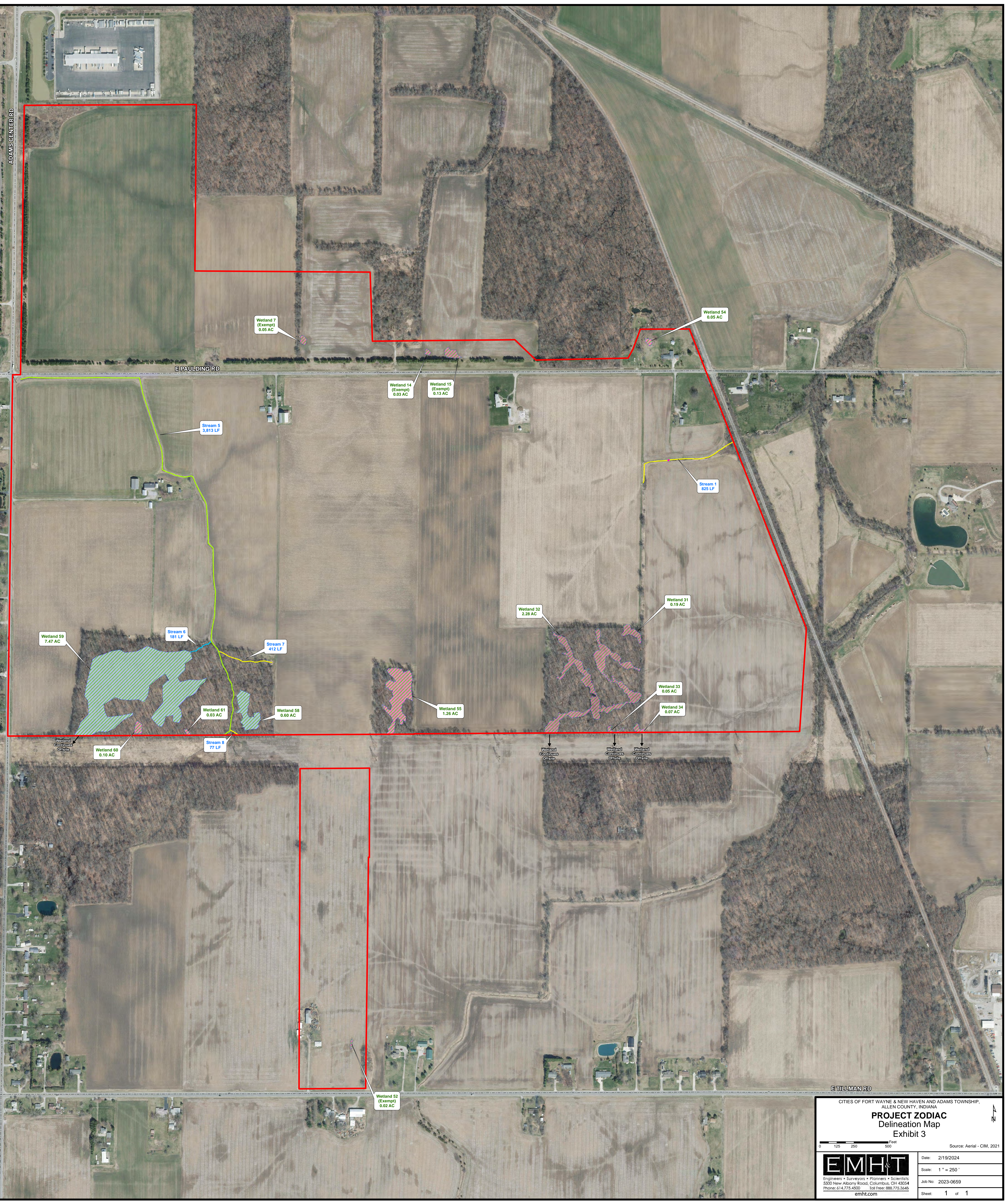
Sheet: 1 of 1

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500 New Adams Road, Columbus, OH 43054
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emht.com

Print: J:\20230659\GIS_IWIP_1\Exhibit 6 - Delineation Map - IWIP_1.mxd

Legend

- Study Area
- Jurisdictional Wetland
- Non-Jurisdictional (Isolated) Wetland
- Jurisdictional Ephemeral Stream
- Jurisdictional Intermittent Stream
- Non-Jurisdictional Ephemeral Stream
- Non Jurisdictional Ditch
- Culvert



CITIES OF FORT WAYNE & NEW HAVEN AND ADAMS TOWNSHIP,
ALLEN COUNTY, INDIANA

PROJECT ZODIAC
Delineation Map
Exhibit 3

0 125 250 500 Feet

Source: Aerial - CIM, 2021

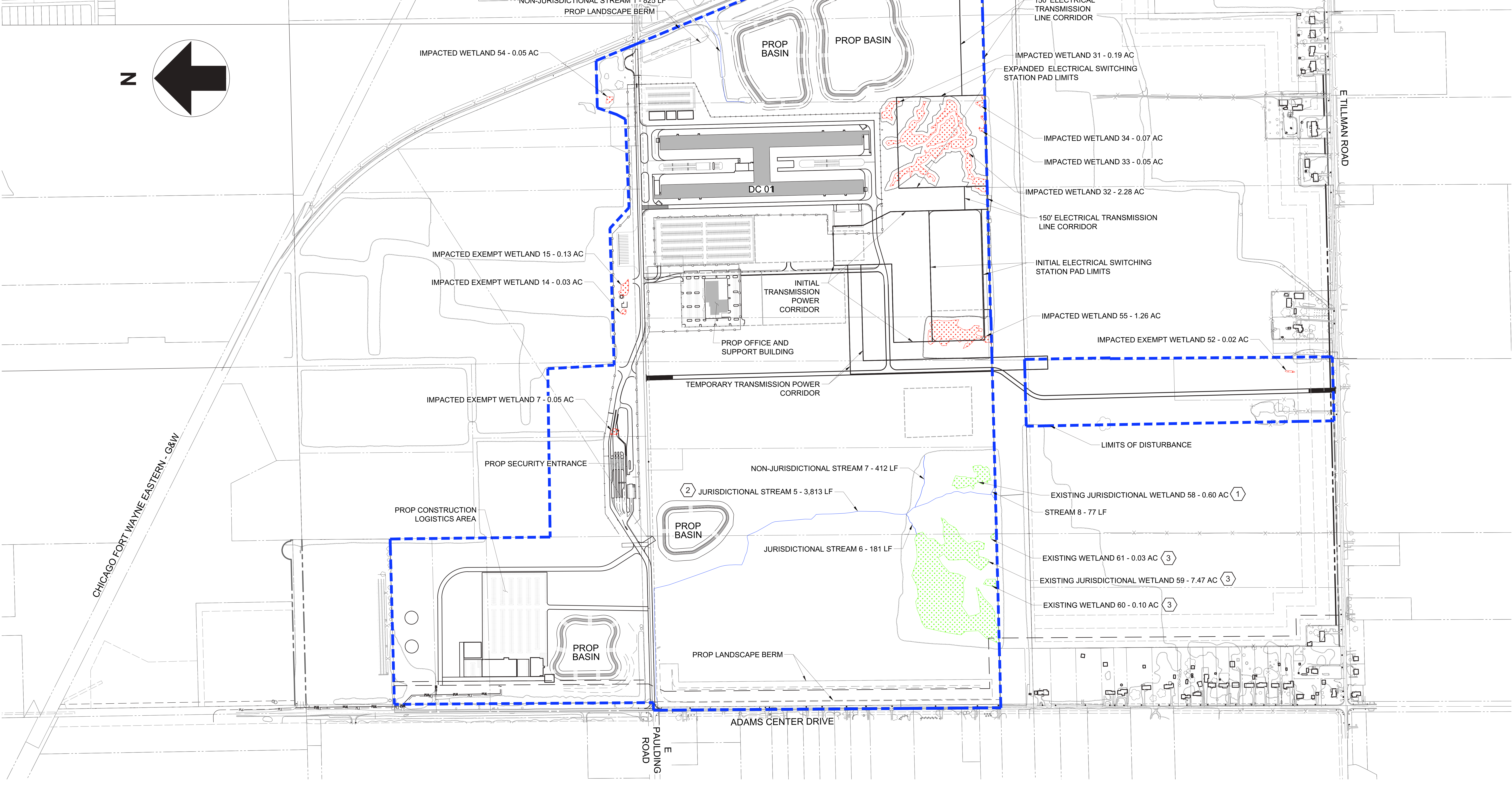
EMHT	<p>Date: 2/19/2024</p> <p>Scale: 1" = 250'</p> <p>Job No: 2023-0659</p> <p>Sheet: 1 of 1</p>
<p>Engineers • Surveyors • Planners • Scientists 5000 New Albany Road, Columbus, OH 43054 Phone: 614.775.4500 Toll Free: 888.775.3648 emht.com</p>	

LEGEND

- IMPACTED ISOLATED WETLAND
- EXISTING WETLAND
- PERMIT AREA (TOTAL AREA = 455 AC)
- EXISTING STREAM

- CODED NOTES**
- ① JURISDICTIONAL WETLAND 58 WILL BE AVOIDED BY THE FIRST PHASE OF CONSTRUCTION, BUT MAY BE IMPACTED AS FUTURE PHASES ARE DEVELOPED. A SECTION 404 PERMIT / SECTION 401 WATER QUALITY CERTIFICATION WILL BE REQUESTED, AS APPLICABLE, TO PERMIT THESE IMPACTS IF AND WHEN THEY ARE DETERMINED TO BE NECESSARY.
 - ② JURISDICTIONAL STREAM 5 WILL BE AVOIDED BY THE FIRST PHASE OF CONSTRUCTION, BUT MAY BE IMPACTED AS FUTURE PHASES ARE DEVELOPED. A SECTION 404 PERMIT / SECTION 401 WATER QUALITY CERTIFICATION WILL BE REQUESTED, AS APPLICABLE, TO PERMIT THESE IMPACTS IF AND WHEN THEY ARE DETERMINED TO BE NECESSARY.
 - ③ JURISDICTIONAL WETLAND 59 AND ISOLATED WETLANDS 60 AND 61 WILL BE AVOIDED BY THE FIRST PHASE OF CONSTRUCTION, AND ALL FUTURE PHASES OF CONSTRUCTION.

GENERAL NOTES
 1. JURISDICTIONAL WETLANDS AND STREAMS AND EXEMPT WETLANDS LOCATED WITHIN THE PROJECT ZODIAC PERMIT AREA ARE DEPICTED FOR CONTEXT. THESE FEATURES ARE NOT SUBJECT TO THE REQUESTED ISOLATED WETLAND INDIVIDUAL PERMIT APPLICATION.

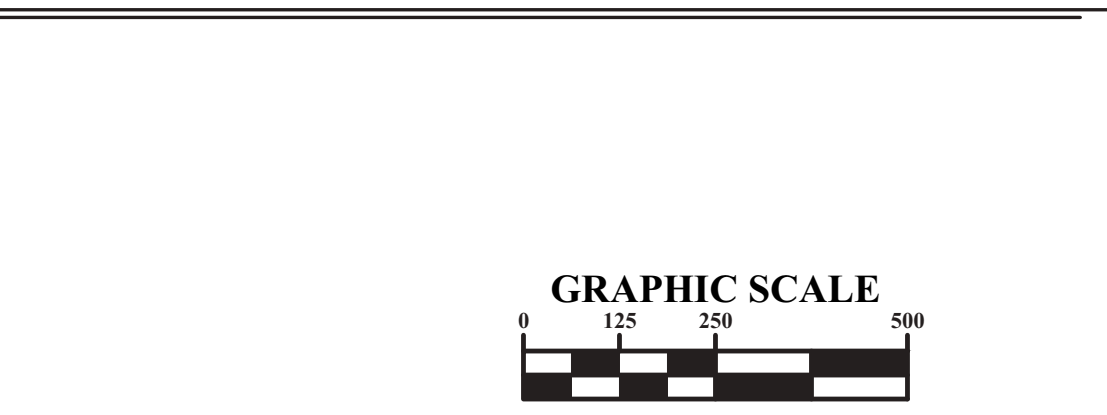


ARCHITECTURE:	STRUCTURE:	MEP:	CIVIL:
			EMH&T ENGINEERS, SURVEYORS, PLANNERS, SCIENTISTS 15500 NEW ALBANY ROAD COLUMBUS, OH 43054 PH: (614) 775-4500 FX: (614) 775-4800

**PROJECT ZODIAC
 ISOLATED WETLAND IMPACT EXHIBIT
 2024-02-15**

REVISIONS	
NO.	DESCRIPTION

DRAWN: PROJECT ZODIAC
APPR'D: ADAMS CENTER DRIVE SITE
 FORT WAYNE, IN 46806
 PROJ. NO. XXXXX.00



SHEET NUMBER:
EXHIBIT 4
 PAPER SIZE: E (36"x48")
 PHASE: DD1



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

WATER OF THE STATE DETERMINATION

VIA ELECTRONIC MAIL:

PROJECT NO.: 2024-137-2-EJW-Q
PROJECT NAME: Project Zodiac
AUTHORITY: 327 IAC 17-1-3(13), 327 IAC 17-1-3(17)
DATE OF ISSUANCE: April 3, 2024
DATE OF EXPIRATION: February 7, 2029

APPROVED: _____

James Turner, Wetlands Section Chief
Surface Water and Operations
Office of Water Quality

RESPONSIBLE PARTIES: Donald E. Williams
Hatchworks LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

DELINEATOR(S): Eric Nagy
EMH&T
5500 New Albany Road
Columbus, OH 43054

AGENT(S): Heather Dardinger
EMH&T
5500 New Albany Road
Columbus, OH 43054

DELINEATION DATES: August 7, 2023
August 8, 2023
August 9, 2023
August 10, 2023

August 14, 2023
 August 15, 2023
 August 16, 2023
 October 2, 2023
 October 3, 2023

DATE REPORT RECEIVED: February 14, 2024

TRACT LOCATION: Allen County

The project tract is approximately 455 acres in size and is located approximately 0.70 miles Southeast from E Paulding Road and Adams Center Road intersection near Fort Wayne.

USACE ID: LRE-2023-00646-102-J23

IDEM FIELD DATE: November 29, 2023

PROPOSED ACTIVITY: Construct a data center on approximately 851 acres of property with accompanying roads and utilities infrastructure.

CONCLUSIONS:

The Indiana Department of Environmental Management (IDEM) has reached the following conclusions about whether any Waters, as defined in 327 IAC 17-1-3(13), exist on the property. In accordance with 327 IAC 17-1-3(17) the department makes all isolated wetland determinations consistent with the Wetland Delineation Manual, Technical Report Y-87-1 of the United States Army Corps of Engineers.

SITE ID	ACRES	CLASS	FORESTED	EXEMPT	PERMIT NEEDED FOR PROPOSED ACTIVITY	AUTHORITY
Wetland 7	0.05	N/A	No	Yes	No	IC 13-18-22-1(d)

Wetland 14	0.03	N/A	No	Yes	No	IC 13-18-22-1(d)
Wetland 15	0.13	N/A	No	Yes	No	IC 13-18-22-1(d)
Wetland 31	0.19	3	Yes	No	Yes	IC 13-18-22
Wetland 32	2.28	3	Yes	No	Yes	IC 13-18-22
Wetland 33	0.05	3	Yes	No	Yes	IC 13-18-22
Wetland 34	0.07	3	Yes	No	Yes	IC 13-18-22
Wetland 52	0.02	N/A	No	Yes	No	IC 13-18-22-1(d)
Wetland 54	0.05	2	No	Yes	No	IC 13-18-22-1(b)(7)
Wetland 55	1.26	3	Yes	No	Yes	IC 13-18-22
Wetland 60	0.10	3	Yes	No	Yes	IC 13-18-22

Wetland 61	0.03	3	Yes	No	Yes	IC 13-18-22
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COMMENTS:

Wetlands 7, 14, 15, and 52 are isolated cropland wetlands. Per IC-13-18-22-1(d), isolated cropland wetlands do not require a permit.

Wetland 54 is an unforested, Class 2 isolated wetland that meets an isolated wetland exemption, as it is under 3/4ths of an acre and within a municipality. Per IC 13-18-22-1(b)(7), this wetland is exempt from permitting.

Wetlands 31, 32, 33, 34, 55, 60, and 61 are forested, Class 3 isolated wetlands and support moderate habitat and hydrology. These wetlands are regulated wetlands under IC-13-18-22. Please be aware that to obtain permits to impact this wetland, the impacts must comply with IC 13-18-22-5(B) and be without practical alternative and be accompanied by taking steps that are practicable and appropriate to minimize potential adverse impact on the aquatic ecosystem of the wetlands.

Public Law 1-2024 made changes to Indiana’s Isolated Wetlands Laws. These changes become effective on July 1, 2024, and will result in the following classification for the wetlands listed below:

SITE ID	ACRES	CLASS	FORESTED	EXEMPT	PERMIT NEEDED FOR PROPOSED ACTIVITY	AUTHORITY
Wetland 7	0.05	1	No	Yes	No	IC 13-11-2-74.5(a)(5)
Wetland 14	0.03	1	No	Yes	No	IC 13-11-2-74.5(a)(5)

Wetland 15	0.13	1	No	Yes	No	IC 13-11-2-74.5(a)(5)
Wetland 31	0.19	2	Yes	Yes	No	IC 13-11-2-74.5(a)(6)(B)
Wetland 32	2.28	2	Yes	No	Yes	IC 13-18-22
Wetland 33	0.05	2	Yes	Yes	No	IC 13-11-2-74.5(a)(6)(B)
Wetland 34	0.07	2	Yes	Yes	No	IC 13-11-2-74.5(a)(6)(B)
Wetland 52	0.02	1	No	Yes	No	IC 13-11-2-74.5(a)(5)
Wetland 54	0.05	2	No	Yes	No	IC 13-11-2-74.5(a)(6)(B)
Wetland 55	1.26	2	Yes	No	Yes	IC 13-18-22
Wetland 60	0.10	2	Yes	Yes	No	IC 13-11-2-74.5(a)(6)(B)
Wetland 61	0.03	2	Yes	Yes	No	IC 13-11-2-74.5(a)(6)(B)

Wetlands 7, 14, 15, and 52 are unforested, Class 1 isolated wetlands. Per Public Law 1-2024 IC 13-11-2-74.5(a)(5), Class 1 isolated wetlands are exempt from permitting.

Wetlands 31, 33, 34, 54, 60, and 61 are Class 2 isolated wetlands that are each less than $\frac{3}{4}$ acres in size and are within a municipality. Per Public Law 1-2024 IC 13-11-2-74.5(a)(6)(B), these wetlands are exempt from permitting.

Public Law 1-2024 also changed the language in the exemption listed in IC 13-11-2-74.5(a)(6)(B). After these changes become effective on July 1, 2024, only 60% of the area of wetlands that qualify for the IC 13-11-2-74.5(a)(6)(B) exemption listed above will be eligible.

Wetlands 32 and 55 are forested, Class 2 isolated wetlands. These wetlands are regulated under IC 13-18-22 and a Water Quality Certification will be required prior to wetland impacts.

Please note that prior to July 1, 2024, Wetlands 31, 32, 33, 34, 54, 55, 60, and 61 remain a Class 3 isolated wetland as detailed above.

The Indiana Code regulates some activities differently within isolated wetlands. This determination was made based on the activity as proposed in the materials submitted to IDEM. If the proposed activity changes, the determination above may no longer be accurate.

DISCLAIMER:

This determination is based upon the information provided in the above referenced delineation report and/or the above referenced field evaluation. This determination does not relieve the recipient from the responsibility of obtaining any permits or authorizations that may be required for this project or related activities from IDEM or any other agency or person. The project site and the associated construction may be subject to the Construction Stormwater General Permit (CSGP). The CSGP specifically addresses stormwater run-off and the pollutants associated with all land-disturbing activities of one acre or more. If applicable, permit coverage must be obtained prior to the initiation of land-disturbing activities. Please contact the IDEM Stormwater Program at Stormwat@idem.IN.gov or 317-233-1864 concerning obtaining permit coverage under the CSGP. You may also wish to contact the Indiana Department of Natural Resources at 317-232-4160, or toll free at 877-928-3755, concerning the possible requirement of a Natural Freshwater Lake or Construction in a Floodway Permit.

This determination does not:

- (1) authorize impacts or activities;
- (2) authorize any injury to persons or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations;
- (3) convey any property rights of any sort, or any exclusive privileges;
- (4) preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities; or
- (5) authorize changes in the plan design detailed in the application.

APPEALS PROCEDURES:

This decision may be appealed in accordance with IC 4-21.5, the Administrative Orders and Procedures Act. The steps that must be followed to qualify for review are:

1. You must petition for review in writing that states facts demonstrating that you are either the person to whom this decision is directed, a person who is aggrieved or adversely affected by the decision, or a person entitled to review under any law.
2. You must file the petition for review with the Office of Environmental Adjudication (OEA) at the following address:

Office of Environmental Adjudication
100 North Senate Avenue
IGCN Room N103
Indianapolis, IN 46204

3. You must file the petition within eighteen (18) days of the mailing date of this decision. If the eighteenth day falls on a Saturday, Sunday, legal holiday, or other day that the OEA offices are closed during regular business hours, you may file the petition the next day that the OEA offices are open during regular business hours. The petition is deemed filed on the earliest of the following dates: the date it is personally delivered to OEA; the date that the envelope containing the petition is postmarked if it is mailed by United States mail; or, the date it is shown to have been deposited with a private carrier on the private carrier's receipt, if sent by private carrier.

Identifying the permit, decision, or other order for which you seek review by number, name of the responsible, location, or date of this notice will expedite review of the petition.

Note that if a petition for review is granted pursuant to IC 4-21.5-3-7, the petitioner will, and any other person may, obtain notice of any prehearing conferences,

preliminary hearings, hearings, stays, and any orders disposing of the proceedings by requesting copies of such notices from OEA.

If you have procedural or scheduling questions regarding your Petition for Administrative Review, additional information on the review process is available at the website of the Office of Environmental Adjudication at <http://www.in.gov/oea>.

If you have any questions about this determination, contact Evan White by phone at 317-671-6698 or by e-mail at EVWhite@idem.in.gov.

cc: Heather Dardinger, EMH&T