

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): September 19, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Chicago District, City of Portage, LRC-2016-660

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Burns Parkway Extension

State: Indiana County/parish/borough: **Porter** City: Portage

Center coordinates of site (lat/long in degree decimal format): Lat. 41.60973°N, Long. -87.18729° W.

Universal Transverse Mercator: Zone 16

Name of nearest waterbody: Burns Ditch

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Burns Ditch/Waterway**

Name of watershed or Hydrologic Unit Code (HUC): **Lake Michigan (04040001)**

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: September 19, 2016

Field Determination. Date(s): September 16, 2016

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: Burns Ditch flows directly into Lake Michigan, and has a history of local navigation.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply): ¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: 0.2 acres.

c. Limits (boundaries) of jurisdiction based on: **1987 Delineation Manual**

Elevation of established OHWM (if known): .

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: **Burns Ditch/Waterway**.

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Wetlands 1 & 2 are ditches cut to accept drain tile and other local flow which are fed continuously throughout the year, and are piped directly into Burns Ditch.
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **500** linear feet **5** width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **The tributary ditches have wetland vegetation along both banks.**
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: **0.2** acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Wetland Delineation Report dated July 27, 2016 by Soils Solutions, Inc..
 Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 Office concurs with data sheets/delineation report.
 Office does not concur with data sheets/delineation report.
 Data sheets prepared by the Corps:
 Corps navigable waters' study:
 U.S. Geological Survey Hydrologic Atlas; Pick List,
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name: , , .
 USDA Natural Resources Conservation Service Soil Survey. Citation: **Pick List**.
 National wetlands inventory map(s). Cite name: .
 State/Local wetland inventory map(s): .
 FEMA/FIRM maps:
 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
 Photographs: Aerial (Name & Date): 2005, 2008, 2012.
or Other (Name & Date): .
 Previous determination(s). File no. and date of response letter: .
 Applicable/supporting case law:
 Applicable/supporting scientific literature:
 Other information (please specify): .

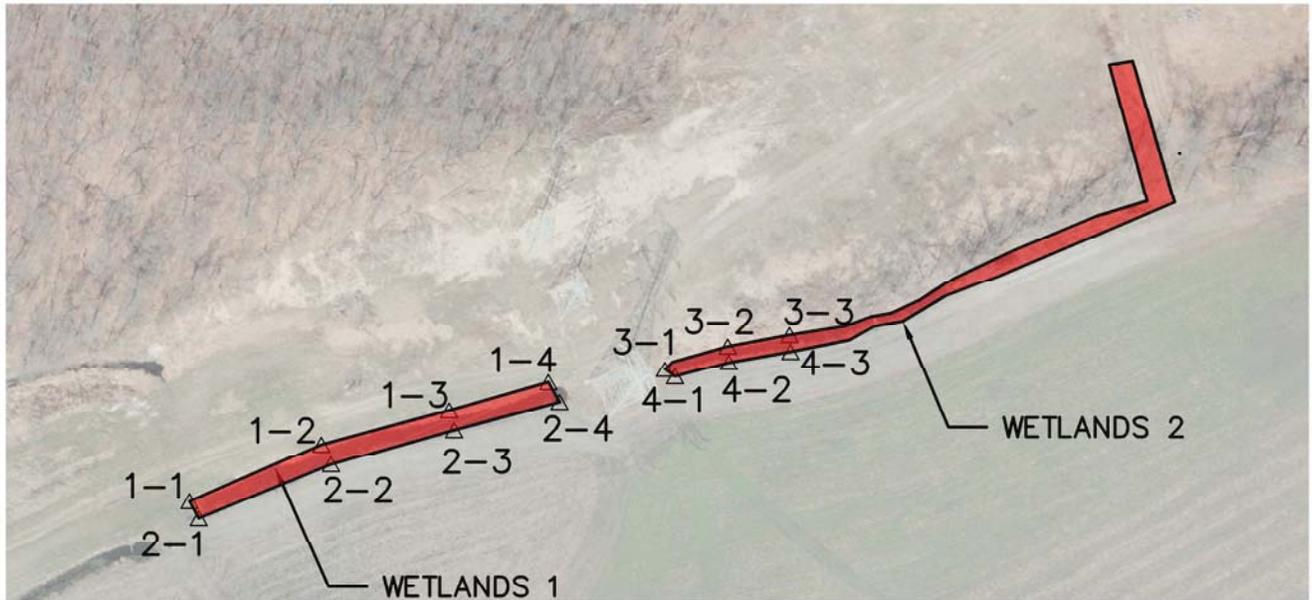
B. ADDITIONAL COMMENTS TO SUPPORT JD: Site visit on September 16, 2016 with Kaitlin Rogers of Soil Solutions, Inc. to view both areas and observe flow and drop inlet structures for Wetlands 1 & 2.

City Of Portage, Indiana Burns Parkway Extension Wetland Location Plan

Figure 6. Wetland Survey



VICINITY MAP



SURVEYOR'S CERTIFICATE

STATE OF INDIANA)
COUNTY OF LAKE) SS:

I, RICHARD P. OMAN, HEREBY CERTIFY THAT ON THE DATE SHOWN I CONDUCTED A SURVEY OF THE HEREIN SHOWN WETLAND FLAGS AND TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE PLAT HEREON DRAWN IS A TRUE AND ACCURATE REPRESENTATION OF SAID WETLAND DELINEATION PERFORMED BY SOIL SOLUTIONS, INC. ON JULY 15, 2016. I FURTHER CERTIFY THAT SAID SURVEY WAS PERFORMED WHOLLY UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF WAS EXECUTED IN ACCORDANCE WITH SURVEY REQUIREMENTS IN IAC 865.

FIELD SURVEY BY SEH OF INDIANA: 07/21/16

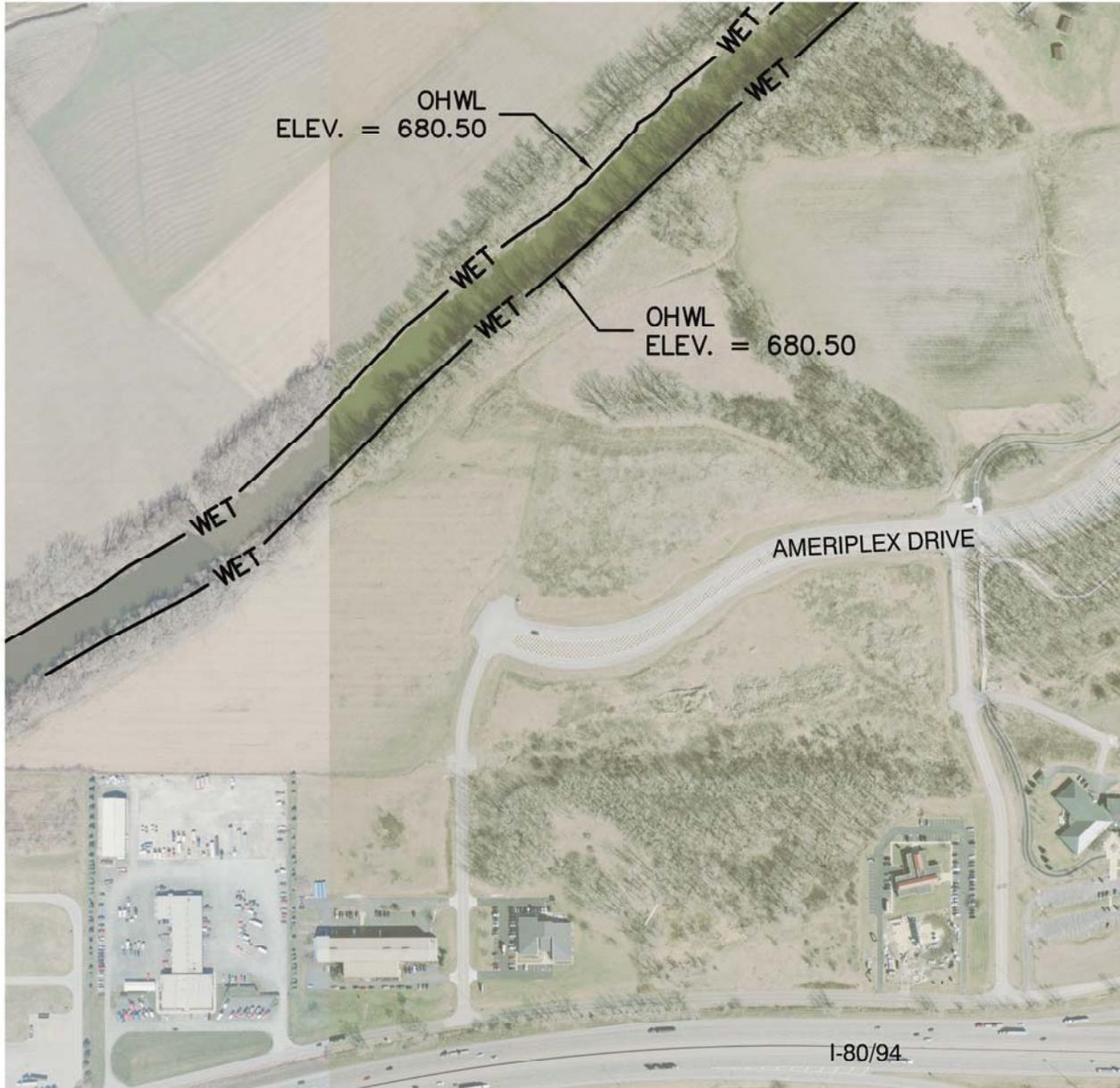
DATED THIS 22ND DAY OF JULY, 2016.

Wetlands 1: 0.12 ACRES
Wetlands 2: 0.17 ACRES


RICHARD P. OMAN LS 20800110



City Of Portage, Indiana Burns Parkway Extension Wetland Location Plan



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FIELD SURVEY BY SEH OF INDIANA: 07/21/16

DATED THIS 22ND DAY OF JULY, 2016.



Richard P. Oman
RICHARD P. OMAN LS 20800110

