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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 11, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Detroit District Office, New Porte Landing Phase 2, LRE-2007-00022-146-J17

C. PROJECT LOCATION AND BACKGROUND INFORMATION: JD includes Wetland 4 (2.35 acres) and Wetland 5 (5.96 acres), and Wetland 6 (20.77 acres).

State: Indiana County/parish/borough: LaPorte City: LaPorte
Center coordinates of site (lat/long in degree decimal format): Lat. 41.61839° **N**, Long. -86.72614° **W**.
Universal Transverse Mercator: NA
Name of nearest waterbody: Clear Lake

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Kankakee River
Name of watershed or Hydrologic Unit Code (HUC): 07120001

☒ 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: July 3, 2017
☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** *"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: .

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 waters[2] (RPWs) that flow directly or indirectly into TNWs
☒ Non-RPWs that flow directly or indirectly into TNWs
☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
☒ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
☐ Impoundments of jurisdictional waters
☐ Isolated (interstate or intrastate) waters, including isolated wetlands

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: 30 acres.

c. Limits (boundaries) of jurisdiction based on: **1987 Delineation Manual**
Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):[3]

[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).
[3] Supporting documentation is presented in Section III.F.

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: .

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: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:
Watershed size: 41595 **acres**
Drainage area: 41595 **acres**
Average annual rainfall: 40.83 inches
Average annual snowfall: 63.2 inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **2** tributaries before entering TNW.

Project waters are **10-15** river miles from TNW.
Project waters are **2-5** river miles from RPW.
Project waters are **10-15** aerial (straight) miles from TNW.
Project waters are **2-5** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW[5]: Storm sewer network, UNT to Travis Ditch, Travis Ditch, Long Ditch, Kankakee River (navigable water of the U.S.).

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: 1st order.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☒ Manipulated (man-altered). Explain: The UNT Tributary to Travis Ditch begins as an underground storm sewer network which appears on the Purdue University HYMAPS Watershed Delineator tool and USGS NHD maps. The UNT/drainage network flows to Travis Ditch from Clear Lake/Wetlands 4, 5 and 6.

Tributary properties with respect to top of bank (estimate):

Average width: (Open/daylight portion of Travis Ditch): Google Earth Pro 2016 aerial imagery, varies between 15-30 feet

Average depth: 1/2 feet

Average side slopes: **2:1.**

Primary tributary substrate composition (check all that apply):

☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☒ Other. Explain: Unconsolidated bottom (R3UB). Muck composition of sideslopes in some portions due to presence of drained hydric soil in the area (see LaPorte County Soil Survey).

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: The unnamed tributary to Travis Ditch begins in an urban setting (within LaPorte as an underground storm sewer network) and flows south through agricultural areas just outside of city limits before becoming an open ditch near the LaPorte Municiple Sewer Plant. The system receives storm water flow from both the City of LaPorte and surrounding agricultural landscape causing moderate to high erodability of side slopes. The tributary system would be considered "flashy" in nature due to the high volume of storm water and agricultural inputs entering the system during storm events from unbuffered streets and parking areas in LaPorte.

Presence of run/riffle/pool complexes. Explain: see aerial aerial photos (2016 Google Earth Pro) shows meandering channel with forested corridor.

Tributary geometry: **Meandering**

Tributary gradient (approximate average slope): According to Terrain Navigator Pro, approximately 3 %

(c) Flow:

Tributary provides for: **Ephemeral flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: Perennial in nature due to the size of the watershed, high volume urban and agricultural inputs (Purdue HYMAPS watershed info. and Corps File No. LRE-2007-00022-146-J08) and phone log for County Surveyor's Office, which substantiates that flow is likely year round due to the size of the watershed which drains a large part of the City of LaPorte towards Travis Ditch.

Other information on duration and volume: .

Surface flow is: **Discrete and confined.** Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

☐ Dye (or other) test performed: .

Tributary has (check all that apply):

☒ Bed and banks

☒ OHWM[6] (check all indicators that apply):

☒ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☒ multiple observed or predicted flow events
☐ water staining ☒ abrupt change in plant community
☐ other (list): The ordinary high water mark for the unnamed tributary to Travis Ditch is contained in a storm water pipe at the head water (non-rpw portion of tributary connecting to subject wetlands). Travis Ditch itself has a defined bed and bank/OHWM (2016 Google Earth Pro image)

☐ Discontinuous OHWM.[7] Explain: .

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- ☐ High Tide Line indicated by:
  - ☐ oil or scum line along shore objects
  - ☐ fine shell or debris deposits (foreshore)
  - ☐ physical markings/characteristics
  - ☐ tidal gauges
  - ☐ other (list):
- ☐ Mean High Water Mark indicated by:
  - ☐ survey to available datum;
  - ☐ physical markings;
  - ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: The water color in the subject waterway likely has a turbid appearance during high flow events due to the presence of urban and agricultural runoff. During low flow periods the water color would be clear with minimal suspended sediment. The overall water quality would probably be poor due to the presence of petroleum hydrocarbons found in runoff from parking lots and streats (urban inputs), and the presence of agricultural chemicals (nitrate/phosphate) due to agricultural inputs.

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Identify specific pollutants, if known: .

(iv) Biological Characteristics. Channel supports (check all that apply):

☒ Riparian corridor. Characteristics (type, average width): According to Google Earth Pro 2016 aerial imagery, approximately 75-150 feet in downstream portions of Travis Ditch located beyond the waste water treatment plant (WWTP) for LaPorte.

☒ Wetland fringe. Characteristics: Travis Ditch flows through treatment wetlands after the WWTP.

☐ Habitat for:

☐ Federally Listed species. Explain findings: .

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☐ Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size:Wetland 4- 2.35 Wetland 5- 5.96 and Wetland 6- 20.77 acres

Wetland type. Explain: primarliy emergent with open water component.

Wetland quality. Explain:poor/low quality due to industrial pollution.

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Perennial flow**. Explain: Wetlands 4, 5 and 6 were once part of a larger historical wetland complex which includes the lakes within the City of LaPorte proper. Photos from the site visit show a hydrological connection from the subject wetland complex to Clear Lake (outfall structure at SE corner of wetland 5 flows to Clear Lake via another outfall structure). Clear Lake has historical connectivity to Travis Ditch via the City of LaPorte storm water system (7/18/08 phone log for City Utilities, and supporting documents sent via e-mail on 7/18/08 LRE-2007-00022-146). The city storm water system receives substantial volume/flow (see 7/18/08 phone log for City Utilities, flooding issues) due to the size of the watershed, large urban and agricultural inputs (Purdue HYMAPS watershed info) and phone log for County Surveyor's Office which documents perennial flow.

Surface flow is**: Discrete and confined**

Characteristics: meandering channel with defined bed and bank visible via Google Earth Pro 2016 aerial .

Subsurface flow: **Unknown**. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☒ Directly abutting

☐ Not directly abutting

☒ Discrete wetland hydrologic connection. Explain: Wetlands 4, 5 and 6 are contiguous with Clear Lake minus the presence of an existing road. Based upon review of 2016 aerial photography from Google Earth Pro, Purdue University HYMAPs, USGS NHD information, field observations and phone conversations with the City Utility Department and County Surveryor Office, Wetlands 4, 5, and 6 were deemed to be hydrologic connected to the UNT Unnamed Tributary to Travis Ditch via an underground storm water pipe/network which flows south to Travis Ditch and eventually the Kankakee River.

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **10-15** river miles from TNW.

Project waters are **10-15** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **100 - 500-year** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

The subject wetlands receive water from rain events which likely has a turbid appearance due to the presence of roads and impervious surface area in a primarily urban and industrial setting. The overall water quality is generally poor due to the presence of petroleum hydrocarbons found in runoff from parking lots and streets (urban inputs) and past/current inputs from industrial area runoff (2005 aerial photography from Google Earth Pro, information provided by Purdue University HYMAPs and USGS NHD information), which substantiates impervious area percentage and location of the wetlands in a primarliy urban/industrial environment. The City of LaPorte wastewater facility outfall is also located at Travis Ditch which further contributes to degredation of the tributary network (chemical and biological contaminants).

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☒ Vegetation type/percent cover. Explain:98% emergent, 2% scrub shrub/forested.
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☒ Aquatic/wildlife diversity. Explain findings: Wood Ducks, amphibians and fish were present in the wetlands during the time of the original inspection in March 2007.

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: 3

Approximately (30) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Wetland 4 (2.35 acres)		Y	
Wetland 5 (5.96 acres)		Y	
Wetland 6 (20.77 acres)		Y	

Summarize overall biological, chemical and physical functions being performed: The wetlands in question were historically connected to a large wetland complex that has been largely reduced in size due to historic fill from surrounding industry and ubran infrastructure. The estimated 41,595 acre watershed for Travis Ditch contains a primarily commercial, urban and agricultural land use with approximately 10,000 acres of commercial and residential development in the upper reaches of the watershed and in the area of the subject wetlands, which substantiates the vital role these wetlands provide for flood stroage capacity/attenuation for storm water before it enters the watershed. Further, these wetlands provide storage for seasonal high water inputs of water and sediments and serve to buffer urban/commercial runoff that would otherwise immediately drain into the the Travis Ditch/Long Ditch watershed and eventually the Kankakee River, which is a navigable water of the United States. Further, the City of LaPorte wastewater facility outfall is also located at Travis Ditch which contributes to degredation of the tributary network (chemical and biological contaminants); the subject wetlands provide an important buffer in an already degraded system which receives substantial flow for the City of Laporte and surrounding agricultural areas. In summary, these wetlands are essential buffers for contaminants and are important for wildlife habitat given their position in the upper reaches of an urban watersted (Town of LaPorte).

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C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Historically, the subject tributary/storm water network provides drainage for a large portion of the City of LaPorte, and contributes to the ongoing draining of large tracts of wetland indicitive of the area pre-settlement. The NWI (National Wetland Inventory) and 2016 aerials from Google Earth Pro show wetlands and wetland signitures adjacent to the subject waterway throughout its course to the Kankakee River (a navigable water of the U.S). The subject wetlands were part of a much larger wetland system before being largely filled during the advent of the industrial era and introduction of

commerce via railroads in the area in the late 1800's (Michigan City Public Library resources included in the file and related historic information). The entire review area contains primarily Hh (Histosols) according to the local LaPorte County Soil Survey, which are poorly drained deep nearly level soils indicitive of low lying areas, lake plains, outwash plains, till plains and moraines. The presence of these soils substantiates the existance of a much larger historically connected wetland and lake complex. Further, the subject wetlands, which are contiguous with the above mentioned waterway and Clear Lake, are located near the top of the immediate watershed and provide an important buffer in a predominately residential area/urban/industrial environment. The present day configuration of lakes in LaPorte is much different than the historical wetland/lake complex, which consisted of one interconnected system of lakes with adjoining wetlands that flowed to the Kankakee River watershed (see historical map in file showing one large wetland/lake complex in the area of the subject wetlands). The current I 80/90 Toll Road roughly serves as a continental divide with waterways south of the Toll Road flowing south towards the Kankakee River and eventually the gulf of Mexico and waterways north of the Toll Road flowing to Lake Michigan and eventually to the Saint Lawrence Seaway. Again, the subject wetlands and surrounding lakes in LaPorte are south of the I80/90 Toll Road and flow entirely to the Kankakee River. Historically, the lakes located in the City of LaPorte including the subject wetlands were vital to commerce and the area is currently used for recreation (lake resorts, birding, boating and fishing). The ice industry was also prevelant in LaPorte as evident by historical accounts of ice harvest in LaPorte's lake systems, to be used in Chicago in the meat packing industry (an industry importat to local commerce). Today, the IDNR Indiana Department of Natural Resources maintains public access ramps to facilitate usage of the larger lake complex and Clear Lake, which is a draw to boaters, wildlife enthuisiasts, vacationers and lake residents. Regarding the physical, chemical and biological benefits of the subject wetlands and tributary network; the wetlands and tributary likely receive substantial runoff due to their position on the landscape in a predominantly urban/commercial/industrial setting and provide a direct buffer for storm water runoff containing petroleum product from automotive pollutants, and fertilizers from residential yards. Therefore, these wetlands and associated tributary network provide natural buffer/pretreatment for surface runoff before it enters nearby storm water systems and eventually the Kankakee River, a navigable water of the United States. Also, the wetland in conjunction with nearby lakes and wetland complexes (indicated on the NWI) provide a network of habitat essential for plant and animial life in a highly developed setting, and connectivity to the nearby Kingbury Fish and Wildlife Area, which is within the Travis Ditch/Long Ditch watersheds. According to the LaPorte County Surveyor's Office (7/18/08 phone log) the subject waterway and wetlands flow in the general direction of Travis Ditch. Downstream of the subject wetlands, the tributary network serves to provide drainage for the City of LaPorte and in general, needs minimal maintenance, suggesting the waterway is fairly free of obstruction and provides important drianage function to the local community and agricultural areas as a maintained legal drain. Due to the position of the subject wetlands adjacent to/at the headwaters to Travis Ditch, these wetlands provide an important buffer/flood attenuation function for both residential/commercial areas and other urban inputs. The wetlands also allow for the settling of contaminants before they enter the tributary network of Travis Ditch, Long Ditch and finally the Kankakee River, a navigable water of the United States. According to Purdue University's watershed mapping tool (HYMAPS), the current watershed from the outlet of Long Ditch to the site, contains approximately 486 acres of impervious area (4.1% of the immediate watershed). Further, the larger Kankakee River Watershed has substantial contamination with high levels of PCB and Mercury as depicted in the EPA 303d list of imparied waterbodies. In addition, the City of LaPorte wastewater treatment plant (WWTP) and 20 acre storm water treatment wetland exists approximately 2 miles south of the subject site near the official headwater to Travis Ditch. The introduction of contaminants from the WWTP substantiates the importance/need for buffers in this watershed to include the subject wetlands (see schematic from City of LaPorte City Utilities). The subject wetlands and tributary network in combination with the adjacent lakes/adjacent wetlands in the area provide more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of the downstream waters (Travis Ditch/Long Ditch and Kankakee River Watersheds) by providing flood storage capacity/attenuation (in a highly impervious watershed) and valuable buffer to the above mentioned storm water inputs and their associated contaminants before entering the Kankakee River, a navigable water of the U.S..

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

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: Travis Ditch is a perennial stream/County Legal Drain which receives flow from the southern half of LaPorte (storm sewer drainage network and surface runoff) and the LaPorte Municple Sewage Treatment Plant.
   - ☐ 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: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
☒ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
☒ Tributary waters: **3,675** linear feet 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: **.**

☐ 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: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

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

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
☒ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: **6.9**acres.

7. **Impoundments of jurisdictional waters.[9]**
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

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[8]See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: 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: .
☒ 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: .
☐ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name:LaPorte East, Indiana Quad.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation:LaPorte County, Indiana Soil Survey.
☒ National wetlands inventory map(s). Cite name:LaPorte East, Indiana Quad.
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps: .
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date):Microsoft Virtual Earth 2005 aerial.
or ☒ Other (Name & Date):Provided by consultant.
☒ Previous determination(s). File no. and date of response letter: LRE-2007-22-146-3 (PJD) and 2007-00022-146 J08 August 22, 2008 (AJD) and 2007-00022-146 J15 (AJD) June 4, 2015 (related file).
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☒ Other information (please specify):EPA TMDL information, EPA know your watershed info, National Watershed Network, IDEM Water Quality Atlas, Purdue University HYMAPS, USGS NHD, USGS Drainage Areas of Indiana Streams, USGS Annual Maximum and Minimum, Lake Levels for Indiana 1942-1985, USGS Low-Flow Characteristics of Indiana Streams, Supporting documents associated with Corps ID # LRE 98-146-044-0 JD, Michigan City Public Library "portable LaPorte County Intro.", northwest indiana.com, Watershed Connections-LaPorte County Streams and Watersheds, LaPorte County Historical Society-Hilt Ice House on Pine Lake; IDNR Water Resource Availability.

B. ADDITIONAL COMMENTS TO SUPPORT JD: March 22, 2007 initial site visit and Preliminary Jurisdictional Determination; Corps Approved Jurisdictional Determinations completed August 22, 2008 and June 4, 2015 (related file).