NOTICE OF APPLICATION FOR FEDERAL CONSISTENCY REVIEW
LAKE MICHIGAN COASTAL ZONE PROGRAM

Project Number:  ER-17744

Name of Applicant:  Col. Christopher T. Drew
Address of Applicant:
Chicago District, US Army Corps of Engineers
231 South LaSalle Street, Suite 1500
Chicago, IL  60604

Project Description:
Restoration project of natural plant communities, topography, hydrology, and public access and
recreation in the current floodway; also riparian corridor enhancement through the light re-grading of
river banks and native planting along Burns Ditch and the Little Calumet River, City of Portage

Location of Project:  Porter Co., Indiana

Send comments to the following no later than August 10, 2014:
  Federal Consistency Review Coordinator, Environmental Unit
  Division of Fish and Wildlife
  Department of Natural Resources
  402 West Washington Street, Room W273
  Indianapolis, IN 46204
  Electronic mail:  environmentalreview@dnr.in.gov

Copies of the request, accompanying information and data are available for inspection at the
following location:
  Environmental Unit
  Division of Fish and Wildlife
  Department of Natural Resources
  402 West Washington Street, Room W273
  Indianapolis, IN 46204
Dear Mr. Miller:

The United States Army Corps of Engineers (USACE), Chicago District will be undertaking a restoration project along Burns Ditch and the Little Calumet River. Restoration of the project area was included in the City of Portage Parks and Recreation Department’s 2007-2011 Master Plan. The project plan calls for the restoration of natural plant communities, topography, hydrology, and public access and recreation in the current floodway. There is to be enhancement of the riparian corridor through the light re-grading of river banks and native planting along Burns Ditch and the Little Calumet River.

The proposed activity complies with Indiana’s approved coastal management program and will be conducted in a manner consistent with such program.

Under the principles of sovereign immunity, we believe the United States is not required to obtain a floodway permit from the Indiana Department of Natural Resources (IDNR). The Supremacy Clause precludes application of local codes to federal projects where such laws attempt to regulate the plans and specifications of the federal project. See e.g., United States v Montana, 699 F Supp 835 (1955, DC Mont). We are not aware of the existence of a waiver of sovereign immunity that would apply to this permit.

A copy of this letter has been sent to IDNR Environmental Unit for Federal Consistency.

Please let us know if IDNR has any concerns or questions about the Corps’ decision to not apply for a permit, and we can arrange a meeting to discuss any issues. If IDNR believes that the permit applies to the Corps, please provide us with a detailed jurisdictional analysis for our consideration. We are submitting the enclosed project documents as a matter of comity and for information purposes only. We will continue to forward updates and plan changes to your department as they occur.
Please feel free to contact Ms. Kim Sabo, District Counsel, at (312) 846-5350 or Mrs. Mo Bak-Pylinski, Hydraulics, at (312) 846-5572 with questions about the project. We are looking forward to working with you on advancing our mutual understanding of applicable requirements for the project.

Sincerely,

Christopher T. Drew
Colonel, U.S. Army
District Commander

Enclosure
PORTAGE PARK SECTION 125
ECOSYSTEM RESTORATION
PORTAGE, INDIANA

LOCATION MAP
(N.T.S.)

VICINITY MAP
(N.T.S.)

Preliminary Submittal - 100% ATR/BCOE REVIEW
Solicitation:
Contract: W912P6-XX-X-XXXX
JUNE 2014
### GENERAL NOTES

1. ALL DETAILS AND NOTES, RELATIVE TO EXISTING SURFACE AND UNDERGROUND UTILITIES_shown and located on the plans, are NOT GUARANTEED ACCURATE.

2. THE CONTRACTOR SHALL MAINTAIN IN SERVICE ALL EXISTING POWER POLES AND LINES, SEWER, CULVERTS, DITCHES, GRANIES, MAINTKALES AND ALL OTHER UTILITIES DURING THE COURSE OF THE CONSTRUCTION. NO RESPONSIBILITY FOR DAMAGES TO CONSTRUCTION UNDER THIS CONTRACT, SHALL BE AT THE CONTRACTOR'S EXPENSE. DAMAGE TO UTILITIES DURING CONSTRUCTION SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.

3. THE CONTRACTOR SHALL NOTIFY ALL CONSTRUCTION ELEVATIONS SHOWN ON THE DRAWINGS PRIOR TO START OF WORK AT ANY SITE. IF DISCREPANCIES BECOME APPARENT, THE CONTRACTOR SHALL NOTIFY THE DESIGNER PRIOR TO START OF WORK.

4. ACCESS TO SITE, SITE SHEET CAV 1 TO CAV 4.

5. UTILITIES AND OTHER SITE FEATURES ARE APPROXIMATE.

6. BERMS AND CROPS, OTHER SITE FEATURES ARE APPROXIMATE AND SHALL BE VERIFIED BY THE CONTRACTOR IN THE FIELD. THE CONTRACTOR SHALL IMMEDIATELY REPORT ANY DISCREPANCIES TO THE CONTRACTING OFFICER/HIGHWAY.

7. THE CONTRACTOR SHALL INVESTIGATE THE SITE IN ACCORDANCE WITH THE CONTRACT CLAUSE 33-34-3-1, SITE INVESTIGATIONS AND CONDITIONS AFFECTING THE WORK.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FLOOD PROTECTION FACILITIES WITHIN LIMITS OF CONSTRUCTION.

9. TEMPORARY EROSION CONTROL, BEST MANAGEMENT PRACTICES (BMP) CONTRACTOR SHALL INSTALL 10,000 FEET OF SEED BANDING AND BEAP IMPLANT 3,700 FEET OF STRONG EROSION CONTROL BLANKETS ON THE SITE AT THE TOP OF THE PORTAGE, AND 3,700 FEET UPSTREAM TO THE TOP OF THE PORTAGE. ADDITIONAL BMP, AS NEEDED, TO CONTROL SEPTUM PERS AND EROSION ON SITE DURING CONSTRUCTION.

### PROJECT CONTROL:

HORIZONTAL DATUM: INDIANA STATE PLATE WEST 83

VERTICAL DATUM: ALL ELEVATIONS SHOWN ON THE PLANS REFER TO NAVD 88 FOR HORIZONTAL AND VERTICAL CONTROL POINTS. SEE CONTROL DATA INFORMATION SHOWN ON SHEET V 001.

SOURCE DATA:

TOPOGRAPHY WAS GATHERED FROM THE INDIANA 2005 DIGITAL ELEVATION MODEL THAT WAS CREATED FROM THE 2005 ORTHOPHOTOGRAPHY OF INDIANA. HORIZONTAL ACCURACY IS BETTER THAN 3' AT THE 95% CONFIDENCE LEVEL. 4' FOR 95% CONFIDENCE LEVEL, 6" FOR 95% CONFIDENCE LEVEL.

### GENERAL NOTES FOR TRAFFIC CONTROL:

1. ALL TRAFFIC CONTROL DEVICES USED ON THIS PROJECT SHALL CONFORM TO THE SPECIAL PROVISIONS, TRAFFIC CONTROL STANDARDS, TRAFFIC SPECIFICATIONS AND THE "INSTRUCTION MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS" (MFCD). NO MODIFICATION OF THESE REQUIREMENTS WILL BE ALLOWED WITHOUT PRIOR WRITTEN APPROVAL OF THE ENGINEER.

2. THE CONTRACTOR WILL MIND COMMON ACCESS ROADS WITH OTHER CONTRACTORS OPERATING AT THE SITE OF THE PROJECT. THE CONTRACTOR SHALL COORDINATE WITH TRAFFIC BARRIERS, PLACARDS, SPEED LIMITS, YIELD AND OTHER REQUIREMENTS ON THE JOB SITE. REQUIREMENTS OF THE CITY OF PORTAGE.

3. REFER TO SECTION 01 52 02:00-03, TEMPORARY CONSTRUCTION FACILITIES, FOR FURTHER TRAFFIC REQUIREMENTS.

### STANDARD ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>CJ</td>
<td>CONSTRUCTION JUMP</td>
</tr>
<tr>
<td>EU</td>
<td>EXPANSION JUMP</td>
</tr>
<tr>
<td>NTS</td>
<td>NOT TO SCALE</td>
</tr>
<tr>
<td>MIN</td>
<td>MINIMUM</td>
</tr>
<tr>
<td>V</td>
<td>VERTICAL</td>
</tr>
<tr>
<td>S</td>
<td>PIPE SLICE</td>
</tr>
<tr>
<td>VIF</td>
<td>VERIFY IN FIELD</td>
</tr>
<tr>
<td>MIH</td>
<td>MANHOLE</td>
</tr>
<tr>
<td>COR</td>
<td>CONTRACTORS OFFICERS REPRESENTATIVE</td>
</tr>
<tr>
<td>EKB</td>
<td>EROSION CONTROL BLANKETS</td>
</tr>
<tr>
<td>SSP</td>
<td>STEEL SHEET PILE</td>
</tr>
<tr>
<td>RCP</td>
<td>REINFORCED CONCRETE PILE</td>
</tr>
<tr>
<td>CMP</td>
<td>CORRUGATED METAL PIPE</td>
</tr>
<tr>
<td>DTM</td>
<td>DIGITAL TERRAIN MODEL</td>
</tr>
<tr>
<td>AEC</td>
<td>ARMY CORPS OF ENGINEERS</td>
</tr>
<tr>
<td>COE</td>
<td>CORPS OF ENGINEERS</td>
</tr>
<tr>
<td>MOVD</td>
<td>NATIONAL GEOGRAPHIC DATUM</td>
</tr>
<tr>
<td>HN</td>
<td>FLOOD HYDRAULIC</td>
</tr>
<tr>
<td>CL</td>
<td>CENTERLINE</td>
</tr>
<tr>
<td>NCG</td>
<td>NATIONAL WATER LINE</td>
</tr>
<tr>
<td>NGS</td>
<td>NATIONAL GEOGRAPHIC SURVEY</td>
</tr>
</tbody>
</table>

### LEGEND

- **INDEX CONTOUR:**
  - INTERIM CONTOUR:
  - WORKALLS:
- **CONTRACTORS ACCESS ROUTE:**
  - BORROW LOG:
  - DURIES:
  - WOODLAND WET OPEN:
  - WOODLAND WET SHADED:
  - OAK WOODLAND MEIS:
  - OAK WOODLAND WOOD OPEN:
  - OAK WOODLAND WOOD SHAD:
  - OAK SAHARA OPEN:
  - OAK SAHARA SHAD:
  - OAK SAHARA -B:
  - OAK SAHARA -A:

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**Sheet Number:** 001 52 00 01 02 2003

**Sheets:** 2

**Drawing Date:** JUL 2003

**Scale:** 1" = 100'
### HORIZONTAL & VERTICAL CONTROL POINTS

<table>
<thead>
<tr>
<th>POINT</th>
<th>X Coord. (E)</th>
<th>Y Coord. (N)</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>MXS 1</td>
<td>2223047.69</td>
<td>2280986.89</td>
<td>W/S TVGS IN W/P END WALL</td>
</tr>
<tr>
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</tbody>
</table>

### GENERAL NOTES

1. THE SURVEY CONDITION BEING IN THIS DRAWING ARE PERFORMED USING GPS GEODE TIC CONTROL POINTS BY THE U.S. ARMY CORPS OF ENGINEERS (USACE). THE DATA SHOWN IN THIS DRAWING IS BASED ON THE DRAINAGE CONTROL POINTS. THE SURVEYING WORK IS PERFORMED BY THE CONTRACTOR USING WHAT IS CONSIDERED TO BE THE CURRENT LEVING OF DESIGN AND INCLUDING COST INCERISITIONS IN THE MBD.

2. ALL COORDINATES SHOWN ARE REFERENCES TO THE MIDDLED STONE PEACE COMMUNITY BOUNDARY NORTHERN AMERICAN DATA.

3. ALL COORDINATES SHOWN ARE REFERENCES TO THE MIDDLED STONE PEACE COMMUNITY BOUNDARY NORTHERN AMERICAN DATA.

4. ALL HORIZONTAL AND VERTICAL COORDINATES SHOWN ARE REFERENCED TO THE MIDDLED STONE PEACE COMMUNITY BOUNDARY NORTHERN AMERICAN DATA.

- **RECEIVED**
  - AB DIVISION
  - OF WATER

- **RECEIVED**
  - AB DIVISION
  - OF WATER
NOTES:
1. CLEAR AND DREDGE SITE 5 PRIOR TO DRAINS AT BANKS. OTHER AREAS WITHIN THE WORK AREA SHALL BE CLEARANCED. DREDGED SAND BARK WILL BE LEFT AT THE WORK SITE AT SITE 5 FOR USE WITHIN THE WORK AREA. WORK MACHINERY WILL BE CLEARED AT SITE 5 FOR USE WITHIN THE WORK AREA. WORK MACHINERY WILL BE LEFT AT THE WORK SITE AT SITE 5 FOR USE WITHIN THE WORK AREA.
2. WOODY MATERIALS SLOPPED PRIOR TO DREDGING AND DREDGING ACTIVITY SHALL BE CLEARED IN ACCORDANCE WITH THE PROVISIONS OF WBC 5.1.(9) IN CLASHING AND DREDGING ACTIVITY.
3. SITE 5 IS A DRAINING POTENTIAL HABITAT. THE CONTRACTOR MAY EXPAND THE DRAIN TO THIS HABITAT. THE CONTRACTOR MUST REMOVE ALL HABITAT MATERIALS AND INSTALL DRAINAGE DURING DRAINING IN ACCORDANCE TO SECTION 5.1.9.
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6. ALL AREAS FOR PLANTING SHALL RECEIVE BURN TREATMENTS IN ACCORDANCE TO SECTION 5.1.9. PRESCRIBED BURNING.

SITE HABITAT AREAS

<table>
<thead>
<tr>
<th>SITE</th>
<th>HABITAT</th>
<th>(ACRES)</th>
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<tbody>
<tr>
<td>2 &amp; 3</td>
<td>WETLAND SHELF</td>
<td>0.2</td>
</tr>
<tr>
<td>2 &amp; 3</td>
<td>WOODLAND WET SEDGE</td>
<td>0.3</td>
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SITE HABITAT AREAS

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<tr>
<th>SITE</th>
<th>HABITAT</th>
<th>ACRES</th>
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<tbody>
<tr>
<td>1</td>
<td>WOODLAND WET Open</td>
<td>6.3</td>
</tr>
<tr>
<td>6</td>
<td>OAK WOODLAND ASTRINGIC</td>
<td>11.7</td>
</tr>
<tr>
<td>7</td>
<td>OAK WOODLAND WRT MEISIC</td>
<td>10.3</td>
</tr>
</tbody>
</table>

NOTES:

1. CLEAR SITE 5, 6 AND 7. MATERIALS REMOVED FROM CLEARING ARE DURING ACTIVITIES SHALL NOT BE DISPOSED OF IN A MANNER THAT IS HARMFUL TO THE WILDLIFE. ANY MATERIALS ARE DURING ACTIVITIES SHALL NOT BE DISPOSED OF IN A MANNER THAT IS HARMFUL TO THE WILDLIFE.

2. UPON COMPLETION AND ACCEPTANCE OF CLEARING ACTIVITIES, PLANTINGS SHALL BE

3. ALL AREAS PLANTED SHALL RECEIVE BURN TREATMENTS IN ACCORDANCE TO SECTION 51st 15:00 PRETREATMENT GUIDELINES.
NOTES:

1. MATERIAL FOR DUNE FILL SHALL COME FROM THE DRY-BEACH DUNE CUT.

2. CONTRACTOR SHALL CLEAR AND DREDGE SITE 1 PRIOR TO WORKING. WOODY MATERIALS REMOVED FROM CLEARING AND DREDGING ACTIVITIES SHALL BE CHIPPED AND USED FOR TRAIL AT SITE 1. EXCESS WOOD WIPES SHALL BE STORED WITHIN THE WORK LIMITS OF SITE 1, 2 AND 3 IN ACCORDANCE WITH SECTION 31 (11) (C) CLEANING AND DREDGING. OTHER DEBRIS INCLUDING GRAVEL, CONCRETE, OR ASPHALT SHALL BE DEPOSED OFF SITE IN ACCORDANCE TO SECTION 31 (11) (B) (V) PROXIMITY OF PROTECTIVE CLEARING SHALL BE PERFORMED IN ACCORDANCE TO SECTION 31 (11) (E) CLEANING AND DREDGING.

3. CONTRACTOR SHALL GRADE SITE 2 TO THE LINES AND SPACING SHOWN ON PLAN ALIGNMENT AND GUIDE DATA AND PLACED ON SHEET CO-101 AND CO-103. ALL DREDGING SHALL BEGIN AT CL H-6 AT THE WATER LINE.

4. WETLAND SHELFS PLANTING SHALL BE PLACED ALONG THE WATER LINE AND BETWEEN EL. 65 TO EL. 70.

5. ROADWAY IS PROPOSED OVER THE CREST OF THE DUNES. REFER TO SHEET CO-101 FOR THE ROADWAY ALIGNMENT AND STRUCTURAL DETAILS. SEE SHEET CO-01 FOR DETAILS.

6. CONTRACTOR MUST PLACE DUCE GR DRAIN TO DRAIN FROM ROAD DUME TO DITCH. REFER TO SHEET CG-01 FOR DRAIN TYPICAL SECTION.
SITE 1 STONE DRAINAGE TYPICAL SECTION

1. COMPACTED SUBGRADE
2. 6" INCH CONCRETE GRADE BE STONES AND MUST REST THE PAVEMENTS OF MOST IMPOSSIBLE STONE PLANTATION
   SECTION 3A.4S.
3. GEOTECHNICAL ENGINEERS MUST MEET THE REQUIREMENTS OF
   MATERIAL SPECIFICATION OR DEPTH REQUIREMENT AS
   APPLICABLE AS THE DESIGN IS BASED ON COMPACTED SUBGRADE.

TRAIL TYPICAL SECTION

1. PLACE WOOD CHIPS TO A MINIMUM OF 6 INCHES
   AEROSOL TEMP SLIDS 57.5
2. COMPACTED UNDER SUB GRADE
NOTES:
1. REFER TO STRUCTURAL DRAWINGS FOR BOARDWALK DETAILS.
NOTES:

1. ALL DIMENSIONAL TIMBER SHALL BE PRESSURE-TREATED SOUTHERN YELLOW PINE, GRADE NO. 1, SEE SPECIFICATION 00 10 00 - ROUGH CARPENTRY.

2. COMPOSITE DECKING MATERIAL SHALL BE AS SPECIFIED IN SECTION 06 21 50 00 - COMPOSITE DECKING SYSTEM.

3. DECKING TO BE ATTACHED AT EVERY INTERSECTION WITH A JOINT AS SHOWN ON SHEET S-502.

4. BOARDS OVERALL DIMENSIONS VARY IN SIZE BASED ON OUTDOOR TEMPERATURE, CONSULT MANUFACTURER FOR TYPICAL BOARD SPACING ADJUSTMENTS ACCORDING TO TEMPERATURE AT TIME OF INSTALLATION. LAYOUT SHOWN IS A BOARD SPACING OF 1/4".