



Indiana Department of Environmental Management Office of Water Quality Wetlands Section

Publication Date:
April 5, 2024

IDEM ID Number:
2024-130-17-EJW-A

Closing Date:
April 26, 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: Ora S. (Joe) Downs, III
Auburn Retail, LLC
6440 Westfield Boulevard
Indianapolis, IN 46220

2. Agent: Chadwick Appleman
nuInventa, LLC
1564 Tallavana Trail
Havana, FL 32333

3. Project location: Latitude: 41.370685 Longitude: -85.078517
Approximately 0.46 miles Northwest of W 7th Street and N Grandstaff Drive intersection in Auburn, Indiana.

4. Affected waterbody: 1.755 acres of Forested, Class 2 Isolated Wetland C.

5. Project Description: Applying for an After-the-Fact permit for clearing and grading 1.755 acres of Wetland C for the construction of a multi-purpose retail, hospitality, commercial, and professional services development. Associated roadways and utilities will be installed for this development. Previous project impacts have been permitted in phases (2022-895-17-EJW-A and 2022-464-17-WLR-A).

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



January 29, 2024

Mr. Evan White
Indiana Department of Environmental Management
Office of Water Quality, Wetlands and Stormwater Section
Section 401 WQC/Isolated Wetlands Program
100 North Senate Avenue, IGCN, Room 1255
Indianapolis, Indiana 46204-2251

**RE: Isolated Wetland Individual Permit Application for
Auburn Crossing – Phase 3
W. Seventh Street, Auburn, DeKalb County, Indiana
nuI Project No. 211045**

Dear Mr. White:

Auburn Retail, LLC (Applicant) has been in the process of constructing “Auburn Crossing”, a mixed-use commercial development project located at the northeast corner of the intersection of W. Seventh Street and Interstate 69 in Auburn, DeKalb County, Indiana, which is hereinafter referred to as the “Project Site”. Applicant intends to proceed with a third permitting phase for the project; “Phase 3” is located north of Phases “1” and “2”.

The Indiana Department of Environmental Management (IDEM) issued an Isolated Wetland Individual Permit (IWIP) on August, 4, 2022 (Permit No. 2022-464-17-WLR-A), which authorized 0.045 acre of isolated wetland impact to Wetland C (a non-exempt, Class II isolated wetland) within Phase 1. IDEM then issued a second IWIP (IWIP 2022-905-17-EJW) for Phase 2 that authorized an additional 3.426 acres of impact to Wetland C.

When construction of Phase 2 began, land grubbing activity (removal of woody vegetation and stumps) occurred northward beyond Phase 2, resulting in an additional 1.755 acres of impact to Wetland C, which was not authorized under the aforementioned IWIPs. Applicant requests “after-the-fact” (ATF) authorization for the unauthorized impact to Wetland C. During the land grubbing, isolated, exempt Wetlands A and B were also impacted.

nuInventa is submitting the enclosed application on behalf of Applicant who is requesting ATF authorization for 1.755 acre of impact to Wetland C; and, attached to the application you will find the following two maps, listed below, that graphically show the location of Phase 3. This third permitting phase and the north one-third portion of permitting Phase 2 are together referred to as the “Project Site - Lot 7”; the wetland impact area for which ATF authorization is requested is shown in **Figure A**, attached. The purpose of this permitting phase is to create a building pad suitable to construct a multi-story hotel on Lot 7

**111 W. Berry Street, Suite 211 | Fort Wayne, Indiana 46802
260-222-7710**

- **Figure 1, Project Site Location Map**, which depicts the location of the Project Site within the northeast Indiana Region and the City of Auburn.
- Under the Public Land Survey System, the Project Site is located in parts of the following quarter-sections, townships, and ranges, which are also shown in **Figure 2, USGS 7.5-Minute Topographic Map, Auburn & Waterloo Quadrangles**:
 - E ½; SE ¼; SE ¼; Section 25; Township 34 North; Range 12 East
 - SW ¼; SW ¼; Section 30; Township 34 North; Range 13 East

A wetland delineation was completed in October 2019 and January 2021. The boundaries of delineated wetlands were modified during a site visit with the U.S. Army Corps of Engineers (USACE); and subsequently, the USACE issued an Approved Jurisdictional Determination (AJD) dated May 3, 2021 that states all wetlands identified on the Project Site are non-jurisdictional. The IDEM issued a Water of the State (WOTS) Determination letter dated December 2, 2021. Because nuInventa submitted copies of the original wetland delineation report and the AJD and WOTS Determination letters in the IWIP application submission for Phase 1, they are not included with this submittal; however, if your office no longer has these materials, please let me know and I will forward copies to you electronically, via email.

A request was submitted to the Indiana Department of Natural Resources (IDNR) to review the Natural Heritage Database (NHD) for records of state-listed threatened or endangered species, high-quality natural communities, and natural areas within a one-half mile radius of the Project Site. A response dated November 12, 2021 was received and is enclosed for your review. One record, which is that for the American badger (*Taxidea taxus*), a “state species of special concern”. Over the course of completing fieldwork at the Project Site, nuInventa has not encountered this species. The species prefers areas such as prairie regions with sandy loam soils where it can dig more easily for its prey. While some open grassy areas are present on the Project Site, the grass consists of monotypic stands of reed canary grass (*Phalaris arundinacea*) growing in wetlands with heavy clayey soils. Because the preferred habitat of American badger is not present at the Project Site, the project is not expected to adversely affect the species.

The potential impacts the project may have on Indiana bat (*Myotis sodalis*) and northern-eared bat (*Myotis septentrionalis*) were evaluated. Trees within the limits of Phase 3 of Auburn Crossing were predominantly young to middle-aged eastern cottonwood (*Populus deltoides*), devoid of exfoliating bark. Older cottonwood trees may have deep bark furrows that could potentially harbor these bat species. To avoid impacting these species, trees were removed from the Project Site after September 30 and before April 1.

To compensate for the loss of wetland functions and values, Applicant proposes to purchase 3.51 acres of forested wetland credits from the Indiana In-Lieu Fee Mitigation Program. This is a proposed mitigation ratio of 2:1.

IWIP Application for Auburn Crossing, Phase 3
W. Seventh Street, Auburn, DeKalb County, Indiana
January 29, 2024
Page 3 of 3

On behalf of Auburn Retail, LLC, we appreciate the time you will be taking to review this application. Should you have any questions or comments regarding this application or need additional information in order to complete your review, please do not hesitate to call me at 260-222-7710 or via email me at cappleman@nuinvent.com.

Sincerely,



Chadwick Appleman, Member

Cc: Ora S. "Joe" Downs, III, Auburn Retail, LLC
Randy Braun, Section Chief, Wetlands and Storm Water, IDEM

Enclosed: Isolated Wetland Permit Application
Figure 1, Project Site Location Map
Figure 2, USGS 7.5-Minute Topographic Map, Auburn & Waterloo Quadrangles
Figure A, Wetland Impact – Plan View & Profile Drawing
IDNR NHD Review Response
Tract History Information



**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 Auburn Retail, LLC		Name of Agent nuInventa, LLC	
Mailing address (<i>Street/ PO Box/ Rural Route, City, State, ZIP Code</i>) 6440 Westfield Boulevard Indianapolis, Indiana 46220		Mailing address (<i>Street/ PO Box/ Rural Route, City, State, ZIP Code</i>) 1564 Tallavana Trail Havana, Florida 32333	
Daytime Telephone Number 317-986-7035		Daytime Telephone Number 260-222-7710	
Fax Number none		Fax Number none	
E-mail address (<i>optional</i>) joe@veritasrealty.com		E-mail address (<i>optional</i>) cappleman@nuinventa.com	
Contact person (<i>required</i>) Ora S. (Joe) Downs, III		Contact person Chadwick Appleman	
3. Project / Tract Location			
County DeKalb		Nearest city or town Auburn	
U.S.G.S. Quadrangle map name (<i>Topographic map</i>) Auburn & Waterloo		Project street address (<i>if applicable</i>) 1124 W. Seventh Street	
Quarter (see application cover letter)	Section (see application cover letter)	Township (see application cover letter)	Range (see application cover letter)
Type of aquatic resource(s) to be impacted (<i>Attach Worksheet One.</i>) Forested wetlands (isolated, non-jurisdictional)		Project name or title (<i>if applicable</i>) Auburn Crossing	
Other location descriptions or driving directions From Indianapolis, travel north on I-69 to Exit 329. At the bottom of the ramp, turn right and then immediately left into the parking lot of Taco Bell. The site is located behind the restaurant.			
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>) n/a	
If yes, how much work is completed? The project site has been grubbed.			
Purpose of project and overview of activities This is the third permitting phase following two previous permitting phases of this multi-purpose retail, hospitality, commercial, and professional services development project. The area that would be permitted under this third phase as well as the north one-third portion of the area permitted under Phase 2 cover an area known as "Lot 7", or "Project Site - Lot 7". Water, sewer, storm water, gas, electric, and communication utilities as well as Veritas Drive and several commercial buildings have been constructed in the area permitted as Phases 1 and 2. Work conducted this far within the Project Site - Lot 7 is limited to clearing and grubbing. The aforementioned utilities will be extended northward in to the area of permitting Phase 3, and then Lot 7 will be graded in preparation for the construction of a multi-story hotel.			

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?
There is minimal non-wetland area within the Phase 3 project area. There is no feasible alternative to avoid proposed wetland impacts.

2. Is the proposed activity reasonably necessary or appropriate?
The proposed project will serve a public need for commercial service providers. Public utilities are available adjacent of the project site

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?
n/a

2. Have practicable and appropriate steps to minimize impacts to water resources been taken?
n/a

Describe all compensatory mitigation required for unavoidable impacts.
Applicant proposes to purchase 3.55 credits (2:1 ratio) from The Openings Mitigation Bank.

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.

IDEM: Isolated Wetland Permit for Phase 1 (August 4, 2022; Permit No. 2022-464-17-WLR-A).

IDEM: Isolated Wetland Permit for Phase 2 (November 28, 2022; Permit No. 2022-905-17-EJW-A).

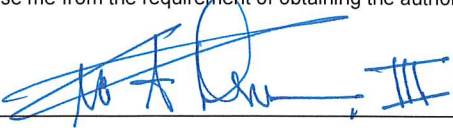
10. Adjoining Property Owners and Addresses

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 State of Indiana Address (number and street) 5333 Hatfield Road City Fort Wayne</p> <p style="text-align: right;">State IN</p> <p style="text-align: right;">ZIP Code 46808</p>	<p>Name Address (number and street) City State ZIP Code</p>
<p>Name Auburn Retail, LLC Address (number and street) 6440 E. Westfield Boulevard City Indianapolis</p> <p style="text-align: right;">State IN</p> <p style="text-align: right;">ZIP Code 46220</p>	<p>Name Address (number and street) City State ZIP Code</p>
<p>Name Auburn Crossing, LLC Address (number and street) 6440 E. Westfield Boulevard City Indianapolis</p> <p style="text-align: right;">State IN</p> <p style="text-align: right;">ZIP Code 46220</p>	<p>Name Address (number and street) City State ZIP Code</p>
<p>Name Address (number and street) City State ZIP Code</p>	<p>Name Address (number and street) City State ZIP Code</p>
<p>Name Address (number and street) City State ZIP Code</p>	<p>Name Address (number and street) City State ZIP Code</p>
<p>Name Address (number and street) City State ZIP Code</p>	<p>Name Address (number and street) 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: 

Date: 1/26/2024
(mm/dd/yyyy)

Print Name: ZERA S. DOWNS, III

Title: MANAGER

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 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			
<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 (<i>cubic yards</i>) 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	1.755	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1.755	3,803 (estimated)	Yes
<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			
<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			
<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			
<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			
<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: Fill consists of clean, clayey soil cut from upland areas elsewhere on the project site. Any additional fill material needed will be obtained from upland area(s) within close proximity to the the project site.						
Describe the type and composition and quantity (<i>cubic yards</i>) of material proposed to be dredged or excavated from isolated wetlands on the project site: No material to be excavated.						

C. Bridges and Stream Crossings - provide the following information for EACH structure (Use additional sheet(s) if required.)	
Stream name	This section not applicable
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	This section not applicable
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	This section not applicable
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	This section not applicable
Description of impacts	
Area of water body to be filled (<i>acres</i>)	
Type of fill and volume (<i>cubic yards</i>)	

Notes and Instructions for Authorization to Discharge Dredged or Fill Material to a State Regulated Wetland and/or Waters of the State Permit Application Form and Worksheet

Note to applicants:

This form is to be used by all persons who intend to discharge dredged or fill materials into wetlands, isolated wetlands, or any other water body regulated under state and federal law. Specifically, this form is to be used for the following:

1. Application for Section 401 Water Quality Certification for any project not covered by the Indiana Regional General Permit
2. Application for a State Regulated Wetland Permit authorized under HEA 1798 and HEA 1277, excluding any activities authorized under any of the State Regulated Wetland General Permits

Consult the Office of Water Quality Web site for information on the types of authorizations and requirements for projects regulated under these laws.

<http://www.in.gov/idem/wetlands/index.htm>

Do not submit this form until you are familiar with the various authorizations and proper forms for obtaining these authorizations. An application submitted on the incorrect form may result in delays in processing.

Applicants should also contact the Indiana Department of Natural Resources (DNR) regarding potential permit requirements associated with construction in a floodway or a public freshwater lake. You can reach the DNR Division of Water at (317) 232-4160 or toll free at (877) WATER-55.

Instructions for Completing the Application and Worksheet

Address all applications or questions to:

Indiana Department of Environmental Management
Office of Water Quality
Section 401 Water Quality Certification/State Isolated Wetlands Program
100 North Senate Ave.
Indianapolis, Indiana 46204

Telephone: (800) 451-6027 or (317) 233-8488

Print clearly or type.

Attach additional 8.5" x 11" sheets as necessary.

APPLICATION

Note: Some wetland activities may impact both U.S. navigable waters and state regulated isolated wetlands. In those situations, the project will require a Section 401 Water Quality Certification and Section 404 U.S. Corps of Engineers permit AND approval under the new State Isolated Wetland Regulatory Program. When IDEM receives an application that involves an activity that may impact both intrastate navigable waters and a state regulated wetland, current state law requires that we evaluate each activity using different authorities. IDEM will, at the request of an applicant, evaluate a project with multi-jurisdictional wetlands under the Section 401 certification framework and will provide one authorization for the project, applying the state regulated isolated wetlands law and federal Clean Water Act Section 401 authorities. If an applicant prefers that all IDEM approvals occur within one streamlined review process, a separate letter specifically requesting a combined review of the entire project should be submitted concurrently with the application.

Block 1 - Applicant Information

Provide your name, address, and telephone number. You MUST provide a contact name. For complex projects or projects with multiple contractors and responsible parties, designation of a single point of contact will speed up the review process and enable more timely responses to requests for information.

Block 2 - Agent Information

If you choose to be represented by an agent, provide the agent's address and telephone information. You are not required to have an agent.

Block 3 - Project Location

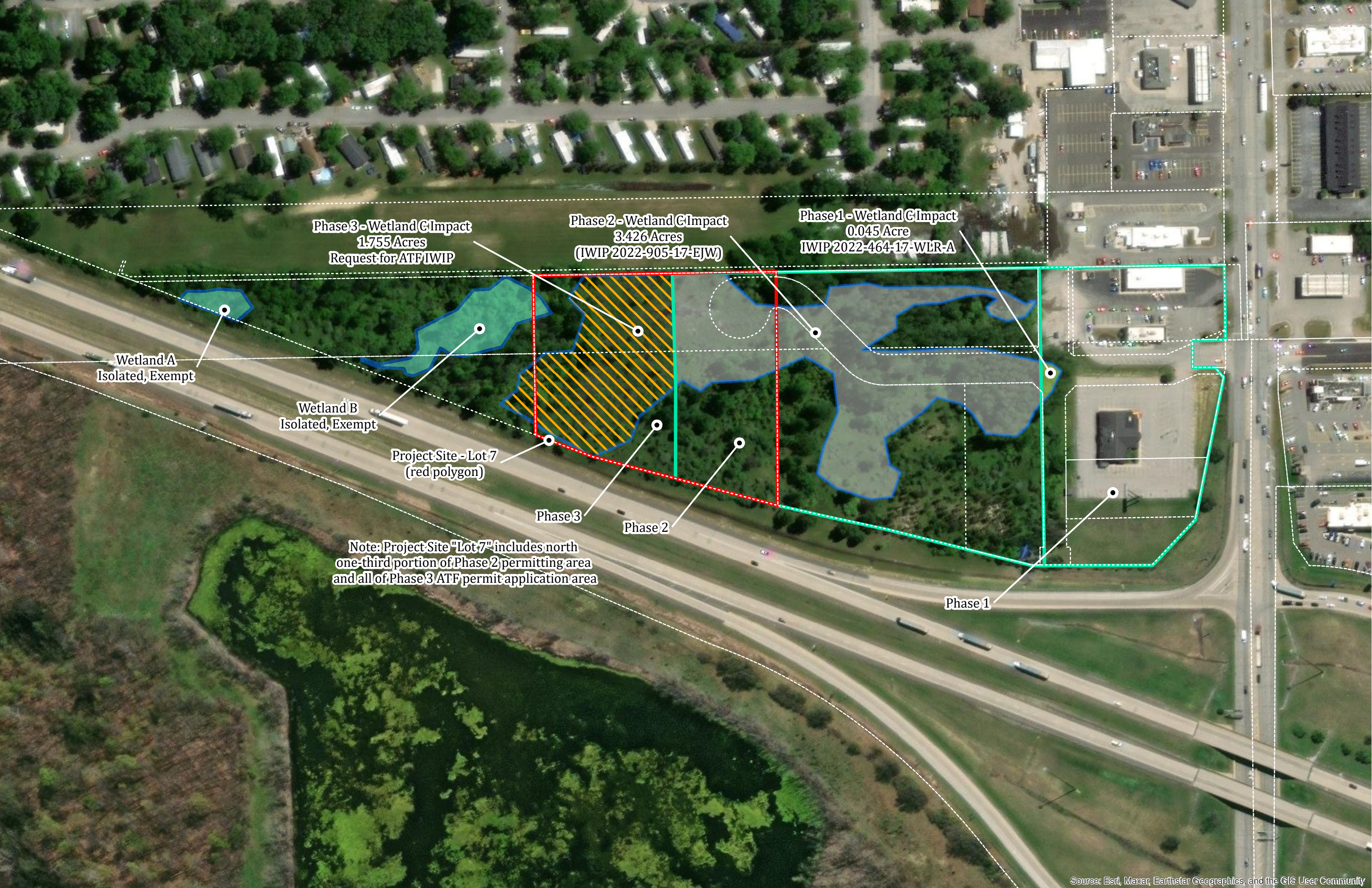
Provide specific information relating to the location of your proposed project. Provide accurate maps depicting the project location. Try to keep detail on maps to a minimum, focusing instead on the location of structures and associated water bodies. Consult the USGS Quadrangle maps for information on the quarter, section, township and range of the project. IDEM may require that you submit full size plans to supplement the 8 1/2" by 11" map sheets if the project is large or complex.

Block 4 - Project Purpose and Description

Provide the proposed or actual start date and the anticipated completion date. If you have started your project before obtaining authorization, you may be in violation of federal and/or state law. Give a narrative description of the proposed project. You should include any supplemental environmental reports, assessments, or other documents that explain or justify the proposed configuration of the project. Describe the purpose of the project (that is, what goal or outcome will be met by the construction of the project).

Block 5 - Avoidance, Minimization, and Mitigation Information

You must describe possible alternatives to the proposed project that would avoid impacts to the aquatic resource that were considered during the project planning process. You must also describe ways to minimize impacts considered during the project planning process, including a description of how you plan to contain any dredged/excavated material to prevent re-entry into waterways or wetlands. Examples of alternatives include construction on the upland portions of the property; rerouting a roadway to avoid a wetland; or alternate design plans. Minimization of the impacts may decrease any mitigation requirements that might otherwise apply. Minimization may include reduction of the amount of dredging, filling, or vegetative clearing. For isolated wetlands only, enclosure of a copy of (1) a resolution of the executive of the county or municipality in which the wetland is located or (2) a permit or other approval from a local government entity having authority over the proposed use of the property on which the wetland is located; that includes a specific finding that the wetland activity is part of a



Phase 3 - Wetland C Impact
1.755 Acres
Request for ATF IWIP

Phase 2 - Wetland C Impact
3.426 Acres
(IWIP 2022-905-17-EJW)

Phase 1 - Wetland C Impact
0.045 Acre
IWIP 2022-464-17-WLR-A

Wetland A
Isolated, Exempt

Wetland B
Isolated, Exempt

Project Site - Lot 7
(red polygon)

Phase 3

Phase 2

Phase 1

Note: Project Site "Lot 7" includes north
one-third portion of Phase 2 permitting area
and all of Phase 3 ATF permit application area



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

Bruno L. Pigott
Commissioner

WATER OF THE STATE DETERMINATION

PROJECT NO.: 2021-915-17-WLR-Q
PROJECT NAME: W. Seventh Street, Auburn WOSD
AUTHORITY: 327 IAC 17-1-3(13), 327 IAC 17-1-3(17)
DATE OF ISSUANCE: December 2, 2021
DATE OF EXPIRATION: May 3, 2026

APPROVED: _____

Brian Wolff, Branch Chief
Surface Water and Operations
Office of Water Quality

RESPONSIBLE PARTIES: MDI Real Estate Services
Jeffery M. Hurand
4100 Pier North Blvd., Suite C
Flint, Michigan 48504

DELINEATOR(S): Inventa
Attn: Rebecca Newkirk
111 W. Berry Street Suite 211
Fort Wayne, Indiana 46802

AGENT(S): Inventa
Attn: Chadwick Appleman
111 W. Berry Street Suite 211
Fort Wayne, Indiana 46802

DELINEATION DATE: May 3, 2021

DATE REPORT RECEIVED: November 30, 2021

TRACT LOCATION: DeKalb County

The project tract is approximately 16.34 acres in size and is located at 1124 W. Seventh Street, Auburn, Indiana in DeKalb County
Latitude: 41.369190, Longitude: -85.078923

USACE ID: LRE-2021-00231-117

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	PERMIT REQUIRED	INDIANA CODE
Wetland A	0.12	2	Yes	No	IC 13-18-22-1(b)(7)
Wetland B	0.580	2	Yes	No	IC 13-18-22-1(b)(7)
Wetland C	5.226	2	Yes	Yes	IC 13-18-22

COMMENTS:

Wetlands A, B, and C are Class 2 wetlands with moderate aquatic habitat and hydrology which lie in a disturbed setting. Each wetland is forested with over 30% canopy coverage. Wetlands A and B are Class 2 wetlands in a municipality under $\frac{3}{4}$

acre and thus do not require a permit for dredge and fill activities under IC 13-18-22-1(b)(7). Wetland C is a class 2 wetland greater than $\frac{3}{4}$ acre and will require a permit under IC 13-18-22.

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 327 IAC 15-5 (Rule 5). Rule 5 specifically addresses storm water run-off and the pollutants associated with all land disturbing activities of one acre or more. If applicable, this permit must be obtained prior to the initiation of land disturbing activities. Please contact the IDEM Storm Water Program at 317-233-1864 concerning permitting for 327 IAC 15-5 (Rule 5). 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 William Robinson by phone at 317-460-6530 or by e-mail at Wrobinso@IDEM.IN.gov.

cc: Chadwick Appleman, Inventa

Division of Nature Preserves
402 W. Washington St., Rm W267
Indianapolis, IN 46204-2739

November 12, 2021

Chadwick Appleman
nuInventa, LLC
111 W. Berry Street, Suite 211
Fort Wayne, IN 46802

Dear Chadwick Appleman:

I am responding to your request for information on the threatened or endangered (T&E) species, high quality natural communities, and natural areas for the Auburn Retail Lots Development Project located within DeKalb County, Indiana. The Indiana Natural Heritage Data Center has been checked and included you will find a datasheet with information on the T&E species documented within 0.5 mile of the project area.

If you need a review of the impacts to the animal species mentioned or a general environmental review, you can submit the project information to Christie Stanifer, DNR Environmental Coordinator, at environmentalreview@dnr.in.gov (preferred), or send to the street address below. For more help or guidance contact Christie Stanifer at cstanifer@dnr.in.gov.

Department of Natural Resources
Environmental Review
Division of Fish and Wildlife
402 W. Washington Street, Room W273
Indianapolis, IN 46204

The information I am providing does not preclude the requirement for further consultation with the U.S. Fish and Wildlife Service as required under Section 7 of the Endangered Species Act of 1973. If you have concerns about potential Endangered Species Act issues you should contact the Service at their Bloomington, Indiana office.

U.S. Fish and Wildlife Service
620 South Walker St.
Bloomington, Indiana 47403-2121
812-334-4261

Please note that the Indiana Natural Heritage Data Center relies on the observations of many individuals for our data. In most cases, the information is not the result of comprehensive field surveys conducted at particular sites. Therefore, our statement that there are no documented significant natural features at a site should not be interpreted to mean that the site does not support special plants or animals.

Due to the dynamic nature and sensitivity of the data, this information should not be used for any project other than that for which it was originally intended. It may be necessary for you to request updated material from us in order to base your planning decisions on the most current information.

Thank you for contacting the Indiana Natural Heritage Data Center. You may reach me at (317)233-2558 if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Taylor Davis". The signature is written in black ink on a white background.

Taylor Davis
Indiana Natural Heritage Data Center

Enclosure: invoice
 datasheet

November 12, 2021

INDIANA HERITAGE DATA WITHIN 0.5 MILE OF: Auburn Retail Lots Development Project, DeKalb County

Sci. Name	Com. Name	State	Fed.	Date	Site
Mammal					
<i>Taxidea taxus</i>	American Badger	SSC		1994	WEST OF AUBURN

Fed: E = Federal endangered; T = Federal threatened; C = Federal candidate species

State: SE = State endangered; ST= State threatened; SR = State rare; SSC = State species of special concern; SG = State significant; WL = watch list; no rank - not ranked but tracked to monitor status