

# Indiana Department of Environmental Management Office of Water Quality Wetlands Section

**Publication Date:** July 10, 2025

**PUBLIC NOTICE** 

**IDEM ID Number:** 2025-243-46-MTM-WOC

**Corps of Engineers ID Number:** 

Closing Date: July 31. 2025

#### To all interested parties:

This letter shall serve as a formal notice of the receipt of an application for **Section 401 Water Quality Certification** by the Indiana Department of Environmental Management (IDEM). The purpose of the notice is to inform the public of active applications submitted for water quality certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) 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.

**1. Applicant**: D & T Investment5s

107 Westside Drive Michigan City, IN 46360 **2. Agent:** Soil Solutions, Inc.

6 Michigan Avenue, Suite A Valparaiso, IN 46383

**3. Project location:** LaPorte County

Latitude: 41.668676, Longitude: -86.892892

Northeast quadrant of the intersection US 421 / Franklin Street and the entrance to Walmart

**4. Affected waterbody:** Wetlands associated with an unnamed tributary of Trail Creek

**5. Project Description:** The applicant proposes to discharge fill material into 0.94 acre of a 1.41-acre forested wetland to facilitate

commercial development. It is proposed to mitigate for impacts to aquatic resources by preserving a 7.5-acre flatwood forest. According to the applicant, the preservation area is the boreal flatwoods forest community type which the Indiana DNR has listed as an imperiled ecosystem and contains a state threatened species. It also

proposed to enhance the 7.5-acre parcel by controlling invasive wood species across the parcel.

**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 water quality certification 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 Marty Maupin, Project Manager, by phone at 317-233-2471or by

e-mail at mmaupin@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



#### Soil Solutions, Inc

Specializing in Soil and Environmental Consulting Services 6 Michigan Avenue, Suite A P.O. Box 229 Valparaiso, Indiana 46384

Phone: 219-465-5885

June 17, 2025

Marty Maupin
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-42 IGCN 1255
Indianapolis, Indiana 46204-2251

RE: Fadi Daoud Project, Franklin Street, Michigan City, Indiana

Dear Mr. Maupin,

Mr. Fadi Daoud has a 1.72-acre parcel on Franklin Street in Michigan City, LaPorte County, Indiana that he would like to develop with a small commercial building (Appendix B, Figures 1 – 2). Soil Solutions, Inc. delineated the parcel in 2022 and identified one, 1.41-acre jurisdictional emergent/forested wetland on site. The parcel is surrounded by development on three sides while the wetland complex extends off site to the east and drains to a tributary of Trail Creek and eventually to Lake Michigan.

Mr. Daoud proposes to impact 0.24 acres of emergent wetland and 0.70 acres of forested wetland at the site (Figures 3-4). Both wetland communities are degraded with low species diversity and are dominated by non native and invasive species. He proposes to mitigate the emergent wetland at a 1.5:1 ratio and the forested wetland at a 3:1 ratio for a total of 2.46 acres of mitigation required for the project (see Table 1 below).

He proposes to mitigate the impact through preservation by purchasing a 7.5 acre parcel of flatwoods forest within Michigan City and donating the land to a land trust. Mitigation would consist of preservation and enhancement. The parcel is in the boreal flatwoods community type which the Indiana Department of Natural Resources has listed as an imperiled ecosystem. The preservation area is under threat of development. If the area was not used for mitigation, the property owner had plans to develop a parking lot in the upland area on site (Appendix B, Figure 5) which would have destroyed the largest population of a state listed species on site.

Soil Solutions, Inc. completed a wetland delineation and vegetation survey at the proposed mitigation parcel. Five forested wetlands were identified within a flatwoods forest wetland complex (1.42 acres). The area is dominated by pin oak, swamp white oak, tulip poplar, red maple, spice bush, and sedges and has a mean Coefficient of Conservatism (C value) of 4.09 for all species and a Floristic Quality Assessment Index (FQAI) of 43.09 (all species). Several populations of the state threatened species paper birch (*Betula papyrifera*), were mapped on site.

Because the proposed mitigation site is considered an imperiled ecosystem, has a high FQAI, mean C, and a state threatened species is found on site, we would propose a 25% mitigation credit for preservation. This would provide 1.875 acres of mitigation credit. This is not sufficient mitigation so we

# MICHIGAN CITY ANNEX PROJECT

would also propose enhancement of the property through the removal of invasive, woody species. We would propose a 10% mitigation ratio for enhancement which would provide 0.75 acres of mitigation credit for a total of 2.625 acres of mitigation credit for the project (see Table 2 below) which is slightly more than is needed to mitigate for the proposed 0.94 acre impact. See tables 1 and 2 below for a summary of the impacts, mitigation ratios, and proposed mitigation measures.

Table 1. Wetland impacts, ratios, and mitigation required.

Community	Acres	Mitigation ratio	Mitigation multiplier	Acres of mitigation required
Forested wetland	0.70	3:1	3	2.10
Emergent wetland	0.24	1.5:1	1.5	0.36
Total	0.94			2.46

Table 2. Proposed mitigation ratios and credits.

Mitigation site	Acres	Mitigation ratio	Mitigation multiplier	Acres of mitigation credit
Parcel on HW 20 - Preservation	7.5	25%	0.25	1.875
Enhancement credit	7.5	10%	0.1	0.75
Total				2.625

Enclosed is a permit application for a Section 401 Individual Permit for the Fadi Daoud project in Michigan City, Indiana. Please find enclosed the following attachments:

Appendix A IDEM Application to Discharge Material Permit Form

Appendix B Location Maps and Existing Conditions

Appendix C Wetland Impact Drawing and Cross Sections

Appendix D Floristic Quality Assessment
Appendix E Wetland Delineation Report

Appendix F Mitigation Plan

Appendix G Natural Heritage Database results

Thank you for your review of this submittal. If you have any questions or would like to discuss this submittal, please call me at (219) 465-5885.

Thank you,

Lydia Miramontes Loyd Soil Solutions, Inc.

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# APPLICATION TO DISCHARGE DREDGED OR FILL MATERIAL TO WATERS OF THE STATE

State Form 51821 (R3 / 2-25)

Indiana Department of Environmental Management

1. Read the instruction sheet before filling out this form.

INSTRUCTIONS: 2. You must complete all applicable sections of this form

1. Applicant Information	2. Agent Information				
Name of Applicant	Name of Agent				
Fadi Daoud, D&T Investments	Lydia Miramontes Loyd, Soil Solutions, Inc.				
Mailing address (Street/ PO Box/ Rural Route, City, State, ZIP Code)	Mailing address (Street/ PO Box/ Rural Route, City, State, ZIP Code)				
107 Woodside Drive	6 Michigan Avenue, Suite A				
Michigan City, Indiana 46360	Valparaiso, IN 46383				
Daytime Telephone Number	Daytime Telephone Number				
219-344-3055	219-465-5885				
Fax Number	Fax Number				
E-mail address (optional)	E-mail address (optional)				
daoudfadi@yahoo.com	Imloyd@soilsolutions-inc.com				
Contact person (required)	Contact person				
Fadi Daoud	Lydia Miramontes Loyd				
	Tract Location				
County	Nearest city or town				
LaPorte	Michigan City				
Project street address (if applicable)					
Franklin Street, Michigan City, IN 46360					
Decimal Latitude:	Decimal Longitude:				
41.668676	-86.892892				
Type of aquatic resource(s) to be impacted (Attach Worksheet One.)	Project name or title (if applicable)				
forested and emergent wetland	Commercial Development on Franklin Street for Fadi Daoud				
3					
Descriptive project location information including directions from the nearest					
From I-94 in LaPorte County, take exit 34 B for US 421 N/ Franklin	Street. Travel for 0.7 miles. The parcel is on the east side of the				
road just north of a Denny's restaurant					
4. Project Purpose and Descriptio	n (Use additional sheet(s) if required.)				
Has any construction been started?	Anticipated start date (month, day, year)				
☐ Yes ⊠ No	August 30, 2025				
If yes, how much work is completed?					
Purpose of project and overview of activities					
	uilding on the parcel to meet growing demand for retail and service-				
oriented space within Michigan City's primary commercial corridor.	ty of undeveloped land in this area, vacant parcels such as this are				
increasingly scarce and in high demand for commercial use. The p	roposed development will support economic growth, enhance local				
services, and contribute to the revitalization of the city's commercia	al core. To achieve this, a portion of a jurisdictional wetland on the				
property will be impacted.					
Mr. Daoud plans to develop a commercial building on the parcel. T	he parcel is lower in elevation than the surrounding area by 3 - 4				
Mr. Daoud plans to develop a commercial building on the parcel. The parcel is lower in elevation than the surrounding area by 3 - 4 feet. Clean earthen fill will be used to fill the site. A total of 0.94 acres of the 1.41 acre wetland will be impacted. A commercial building,					
parking lot, and detention basin will be constructed on site.					

# 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 -
  - Is there a reasonable alternative to the proposed activity?
     N/A
  - Is the proposed activity reasonably necessary or appropriate?
- B. For projects with Class III wetlands, adjacent wetlands, and/or streams, rivers, lakes or other water bodies -
  - Is there a practicable alternative to the proposed activity?
     There is no practicable way to develop the parcel without wetland impacts. The parcel is small and the impact has been kept as far west adjacent to Franklin Street as possible to minimize impacts.
  - 2. Have practicable and appropriate steps to minimize impacts to water resources been taken? Impacts to the wetland were kept to less than an acre and are concentrated in the west end of the parcel which is the most degraded and disturbed area. The east end of the wetland is adjacent to other forested wetland located off site which is part of a larger wetland complex that extends eastward to the next roadway, Cleveland Ave. Though not high quality, the east end of the wetland is less degraded and disturbed and impacts to this area were avoided. Impacts to the wetland will be mitigated by purchasing, preserving, and enhancing a 7.5 acre flatwoods forest complex in the same Trail Creek watershed. See the attached cover letter for proposed mitigation ratios and the mitigation plan for additional details.

Describe all compensatory mitigation required for unavoidable impacts.

A 7.5 acre parcel of flatwoods forest complex will be purchased, enhanced through invasive shrub removal, and donated to a land trust for long term preservation and protection. An endowment for long term maintenance and monitoring will also be given to the land trust. The preservation area is the boreal flatwoods forest community type which the Indiana DNR has listed as an imperiled ecosystem. The property contains a population of a state threatened species and permanently preserving the parcel will protect not only this species but the community as well as wetlands that drain to the main branch of Trail Creek. See the attached mitigation plan for details.

#### 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. All correspondence from the Indiana Department of Natural Resources, Division of Nature Preserves including the Heritage Data Review (required)
- 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. If applying for a State Regulated Wetland Permit and IDEM cannot determine the wetlands are non-jurisdictional, isolated wetlands, then correspondence from the USACE on the jurisdictional status of the wetland is necessary.
- f. 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.  LRC-2022-542; Chicago District, Andrew Blackburn
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.

Name			Name Walmart				
Address (number and street) 27750 STANSBURY BLVD	, Suite 200		Address (number and street) PO Box 8050 MS 0555				
City FARMINGTON HILLS	State MI	ZIP Code 48334	City Bentonville	State AR	ZIP Code 72716		
Name			Name	Name			
Address (number and street) 3131 MCKINNEY AVE, SU	ITE L-10		Address (number and street) 2339 11TH Street				
City Dallas	State TX	ZIP Code 75204	City Encinitas	State CA	ZIP Code 92024		
Name			Name				
Address (number and street)			Address (number and street)				
City	State	ZIP Code	City	State	ZIP Code		
Name			Name				
Address (number and street)			Address (number and street)				
City	State	ZIP Code	City	State	ZIP Code		
Name			Name				
Address (number and street)			Address (number and street)				
City	State	ZIP Code	City	State	ZIP Code		
Name			Name				
Address (number and street)			Address (number and street)				
City	State	ZIP Code	City	State	ZIP Code		

# 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: Fad' Zao yol

Date: 66-13, 2025

# Worksheet – Summary of Onsite Water Resources and Project Impacts

A. Jurisdiction	A. Jurisdictional Wetlands (Existing Conditions)  Jurisdictional Wetlands (Proposed Impacts)					
Wetland Type	e S	Size of wetland (acreage)	To be Impacted?	Acreage	Fill quantity (cys)	ATF
⊠EM □SS	⊠ FO \	Wetland 1; 1.41 Acres	⊠ Yes □ No	0.94	4,900 cyds	
□EM □SS [	] FO		☐ Yes ☐ No			
□EM □SS [	] FO		☐ Yes ☐ No			
□EM □SS [	] FO		☐ Yes ☐ No			
□EM □SS [	] FO		☐ Yes ☐ No			
□EM □SS [	] FO		☐ Yes ☐ No			
□EM □SS [	] FO	-	☐ Yes ☐ No			
Clean earthen fill	will be placed in	fill material to be placed in wetland the wetland to bring the area of the wetland to be well as	up to the adjacent	grade	d from wetlands on the project si	te:
B. Isolate	d Wetlands (E	xisting Conditions)		ted Wetlands	(Proposed Impacts)	
Wetland Class	Туре	Size of wetland (acreage)	To be Impacted?	Acreage	Fill quantity (cys)	ATF
□1 □2 □3	□NF □F		☐ Yes ☐ No			
□1 □2 □3	□NF □F		☐ Yes ☐ No			
□1 □2 □3	□NF □F		☐ Yes ☐ No			
□1 □2 □3	□NF □F		☐ Yes ☐ No			
□1 □2 □3	□NF □F		☐ Yes ☐ No			
□1 □2 □3	□NF □F		☐ Yes ☐ No			
N/A  Describe the type and	d composition and	fill material to be placed in isolated quantity (cubic yards) of material pro	roposed to be dredged	d or excavated fron	, ,	
C. Bridges and Stream name N/A Description of impac		ngs - provide the following i	nformation for E	ACH structure (	(Use additional sheet(s) if red	quired.)
Length of upstream I	oank impacts:	Left side:		Right sic	de:	
Length of downstrea	m bank impacts:	Left side:		Right sic	de:	
Bank protection fill p	laced below the O	rdinary High Water Mark:	Volume per runn			
Bank protection fill p	laced below the O	rdinary High Water Mark:	Area of coverage			

D. Bank Stabilization – provide the following inform	nation for EACH segment (Use additional sheet(s) if required.)
Water body name	
N/A	
Description of impacts	
Length of shoreline or bank protection	
Volume (cubic yards) of bank protection fill placed below the Ordinary F	ligh Water Mark per running foot
Area (square feet) of bank protection fill placed below the Ordinary High	n Water Mark
E. Stre	am Relocation
Water body name	
N/A	
Description of impacts	
Length of existing channel to be relocated (linear feet)	
Length of new channel to be constructed (linear feet)	
Existing channel to be backfilled?	Type of relocation
☐ Yes ☐ No	☐ Piping ☐ Open ☐ Channel ☐ Other:
Type of fill and volume (cubic yards)	
- 1, pro - 1 m = 1 = 1 = 1 = 1 = 1 = 1 = 1 = 1 = 1	
F. On	en Water Fill
Water body name	
N/A	
Description of impacts	
Area of water body to be filled (acres)	
7.104 3. Hator body to be filled (40/66)	
Type of fill and volume (cubic yards)	
Trype of the and volume (cubic yards)	

# MICHIGAN CITY ANNEX PROJECT

#### 7. SUPPLEMENTAL APPLICATION MATERIALS

#### A. Wetland Delineation

See attached in E.

#### **B. Site Photos**

See photos below

#### **C. USACE Correspondence**

See attached in Appendix E

#### D. Wetland Mitigation Plan and Monitoring Report

A 7.5 acre parcel of flatwoods forest complex will be purchased, enhanced through invasive shrub removal, and donated to a land trust for long term preservation and protection. An endowment for long term maintenance and monitoring will also be given to the land trust. The preservation area is the boreal flatwoods forest community type which the Indiana DNR has listed as an imperiled ecosystem. The property contains a population of a state threatened species and permanently preserving the parcel will protect not only this species but the community as well as wetlands that drain to the main branch of Trail Creek.

Enhancement work will begin in the winter of 2025 – 2026 and monitoring will begin in the 2026 growing season. The site will be monitored for a period of two years to confirm that cover of invasive shrub and vine species has been reduced to less than 20% across the site.

#### **Monitoring and Performance Criteria**

SSI will conduct a pre-restoration vegetation survey at 7 plots across the site (one per acre) to document cover of invasive woody shrub species prior to restoration activities. Cover in each 30 foot radius plot will be measured during two site visits per year and the data will be averaged and compiled in a yearly compliance report.

The 7.5 acre mitigation area will be monitored for a period of 2 consecutive growing seasons starting in 2026. The mitigation area will meet the following success criteria by the end of the second year (2027).

- 1) The total area of preservation area must meet or exceed 7.5 acres.
- 2) Ownership of the preservation area shall be transferred to a land trust within two years of issuance of USACE and IDEM permits.
- 3) The combined surface area coverage of invasive woody shrub species is less than 20% across the 7.5 acre site. The species targeted for removal are: Japanese barberry (*Berberis thunbergii*), Asian bittersweet (*Celastrus orbiculatus*), Autumn olive (*Elaeagnus umbellata*), Winged euonymus (*Euonymus alatus*), Wintercreeper

# MICHIGAN CITY ANNEX PROJECT

(Euonymus fortunei) European privet (Ligustrum vulgare), and Multiflora rose (Rosa multiflora).

#### E. Classification of All Isolated Wetlands on the Tract

There is a single jurisdictional wetland at the impact site.

#### **G.** Tract history

This parcel is located in a heavily developed commercial area of Michigan City. The area was likely historically a flatwoods forest complex that was then cleared, ditched, and farmed likely in the late 1800s to early 1900s. Based on a review of past aerial photos, farming ceased sometime in the 1970s. In the 1980s, commercial development began along the U.S. 421/Franklin Street corridor. By the late 1990s, much of the land along Franklin Street had been developed. This parcel regrew in forested wetland but as the adjacent area was fragmented and developed, the wetland on site became increasingly degraded. Glossy buckthorn, an invasive species, is dominant within the wetland and trash and debris are found throughout the parcel.

#### WETLAND IMPACT

A single wetland was identified on site, Wetland 1. Table 1 summarizes the wetland impact by community type.

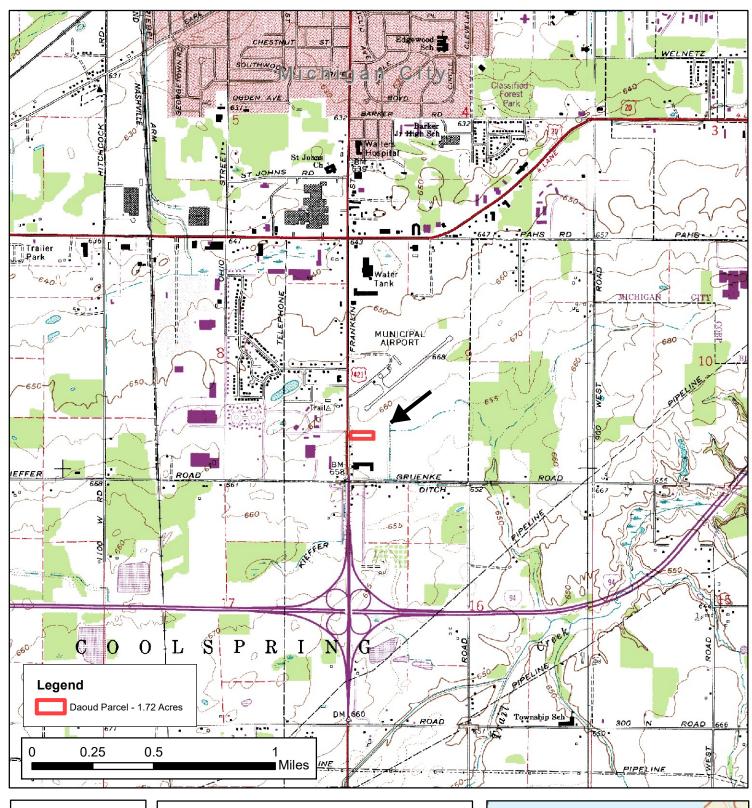
**Table 1.** Summary of jurisdictional wetland impacts by community type.

	Jurisdictional Wetlands					
Wetland ID	Emergent Wetland Acreage	Forested Wetland Acreage	Total Acreage	Emergent Impact	Forested Impact	Fill CYDS
Wetland 1	0.24	1.17	1.41	0.24	0.70	4,900

#### Impact 1 in Wetland 1 – **0.94 Acres**

Wetland 1 is a 1.41-acre forested/emergent wetland on the east side of Franklin Street. This wetland complex has a mixture of wetland species and upland species growing on low hummocks within the wetland. NWI maps this wetland as a palustrine, scrub-shrub, broadleaved deciduous, emergent, persistent, seasonally flooded wetland (PSS1/EM1C). The dominant plant species consist of green ash (*Fraxinus pennsylvanica*, FACW), American elm (*Ulmus americana*, FACW), glossy buckthorn (*Frangula alnus*, FAC), common buckthorn

Figure 1. Project Location





360 Indiana Avenue P.O. Box 229 Valparaiso, Indiana 46384 phone: (219) 465-5885 fax: (219) 531-5438 **Project Info** 

Lat 41.668676 Long -86.892892

SW 1/4 of SW 1/4, Sec 9, T37N, R4W

Coolspring Township, LaPorte County, Indiana

#### Project Info

Created: May 21, 2025

SSI Project #: 38-13C(24)P2



Figure 3. Wetland and Proposed Wetland Impact





360 Indiana Avenue P.O. Box 229 Valparaiso, Indiana 46384 phone: (219) 465-5885 fax: (219) 531-5438

#### Project Info

Lat 41.668676 Long -86.892892

SW 1/4 of SW 1/4, Sec 9, T37N, R4W

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